

ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013.....	24699
ANTI-CORRUPTION AGENCIES	24740
ARMIDALE DUMARESQ LIONS CLUB	24768
ARNCLIFFE AURORA FOOTBALL CLUB	24779
AUTISM ADVISORY AND SUPPORT SERVICE.....	24767
BARWON ELECTORATE CARERS AWARD RECIPIENTS.....	24773
BIKEAST	24764
BOATING SAFETY OFFICER FIONA THOMSON	24765
BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2013	24755
BUSHFIRE RELIEF ASSISTANCE	24735
BUSINESS OF THE HOUSE	24699, 24731
CARINGBAH GARDEN CLUB	24762
CASTLE HILL RSL AND TELSTRA TRANSMISSION TOWER	24769, 24770
CEMETERIES AND CREMATORIA BILL 2013	24749
CENTRAL COAST RAIL SERVICES.....	24736
CESSNOCK RELAY FOR LIFE.....	24765
CHALLONER HOUSE, MITTAGONG.....	24708
COMMITTEE ON CHILDREN AND YOUNG PEOPLE	24743
COMMITTEE ON LAW AND SAFETY	24725
COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION.....	24743
COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION.....	24729
COMMUNITY RECOGNITION STATEMENTS	24762
CRIMES AMENDMENT (ZOE'S LAW) BILL 2013 (NO 2)	24699
DAVIDSON ELECTORATE POLICE.....	24765
DAVIDSON ELECTORATE RURAL FIRE SERVICE	24773
EAST AFRICA DAIRY DEVELOPMENT.....	24767
EASTERN SYDNEY SUICIDE PREVENTION NETWORK.....	24774
EXPLOSIVES AMENDMENT BILL 2013.....	24699
FAIRFIELD NITE UNDER THE STARS	24763
FALUN DAFA	24782
FERAL ANIMAL ERADICATION	24771
FINES AMENDMENT BILL 2013	24699
FUNDRAISER MITCHEL OLSEN.....	24762
GRAYS POINT RURAL FIRE SERVICE	24765
HUNTER CRIME	24716
KIAMA JUNIOR RUGBY LEAGUE FOOTBALL CLUB	24713
LEGISLATION REVIEW COMMITTEE.....	24729
LIONS DISTRICT CONVENTION	24764
LIVERPOOL AND DISTRICT HISTORICAL SOCIETY	24768
LIVERPOOL PUBLIC SCHOOL 150TH ANNIVERSARY	24768
LOCAL GOVERNMENT CODE OF CONDUCT	24772
MACARTHUR ZONE RURAL FIRE SERVICE AWARDS	24766
MARYLAND-WALLSEND NETBALL CLUB	24763
MASTERS HOCKEY WORLD CUP.....	24766
MOTOR DEALERS AND REPAIRERS BILL 2013	24744
MRS VIETNAM AUSTRALIA BEAUTY PAGEANT WINNER THI NGOC KIEU LE	24762
MURU MITTIGAR COMMUNITY FINANCE PROGRAMS.....	24775
NATIONAL DISABILITY INSURANCE SCHEME	24741
NONNI CLUB GRANDPARENTS DAY	24766
PETITIONS.....	24743
PLATTSBURG-MARYLAND FOOTBALL CLUB	24766
PRESCHOOL FUNDING	24738
PRIVATE MEMBERS' STATEMENTS	24768
PUBLIC ACCOUNTS COMMITTEE.....	24731
QUESTION TIME	24732
REPARATIVE THERAPY	24722
REVESBY TRAIN TIMETABLE	24739
ROTARACT CLUB OF CESSNOCK	24767

RUN FOR THE HILLS	24764
SCHOOL FUNDING	24732, 24734
SHOALHAVEN BUSINESS EXCELLENCE AWARDS	24766
SOUTHERN HIGHLANDS BUSHFIRES	24771
ST THERESE CATHOLIC PARISH GOLDEN JUBILEE.....	24763
STATE BUSHFIRES	24733, 24743, 24780
STATE FINANCES	24742
STATE SWIMMING REPRESENTATIVE HAYLEY LAWOTHER	24764
STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013	
.....	24699
SUTHERLAND AND ST GEORGE HOSPITALS.....	24777
SWANSEA ELECTORATE BUSHFIRES	24778
TRIBUTE TO ADAM STRATTON	24768
TRIBUTE TO CONNOR STEWART	24765
TRIBUTE TO FRANK WALLBANK.....	24776
TRIBUTE TO GAVIN RHODES	24764
TRIBUTE TO HAYDEN SEATON.....	24768
TRIBUTE TO KISHA DAVID	24767
TRIBUTE TO VINCE BULGER, OAM.....	24780
UNIVERSITY OF NEW ENGLAND ENACTUS TEAM	24763
WOLLONDILLY COUNTRY WOMEN'S ASSOCIATION	24763
YOUNG PEOPLE WITH DISABILITIES SUPPORT SERVICES	24759

LEGISLATIVE ASSEMBLY

Thursday 24 October 2013

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

ADOPTION LEGISLATION AMENDMENT (OVERSEAS ADOPTION) BILL 2013

EXPLOSIVES AMENDMENT BILL 2013

FINES AMENDMENT BILL 2013

STRATA SCHEMES MANAGEMENT AMENDMENT (CHILD WINDOW SAFETY DEVICES) BILL 2013

Messages received from the Legislative Council returning the bills without amendment.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CRIMES AMENDMENT (ZOE'S LAW) BILL 2013 (NO 2)

Second Reading

Debate resumed from 19 September 2013.

Mrs BARBARA PERRY (Auburn) [10.05 a.m.]: Bills such as the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) are never easy to deal with. They raise issues that are as complex as they are emotive. I have wrestled with this bill more than any other bill I have dealt with in my 12 years in this place. I have tried to listen to the views of as many people as possible relating to the bill and more than anything I have spoken with women about the bill—with Brodie Donegan, women who have had abortions, women who are mothers of children with disabilities, women who are professors of law, doctors, social workers, activists, feminists, mothers—women from all walks of life. When I have spoken with women about this proposed law there is almost always a deep intake of breath when I have asked them what they think. For me that pause is important; it is an acknowledgement of the difficult issues raised in the bill. It is an acknowledgement that this bill should be debated in a hushed, sombre and respectful manner—in the words of President Obama, with "Open hearts. Open minds. Fair-minded words".

Many of the people to whom I have spoken about the bill have said to me, "This is really hard. I'm so glad it's you, not me." This debate should not be reduced to either slogans or put downs. It is too important for that. I will be quite honest about this. As I listened to the views of many people about this bill and as I moved all over the place I lost a lot of sleep over it. Sadly, I realise that whichever way I vote I risk being stereotyped into two polar positions. Bills like this can quickly divide people and close their hearts to each other. So no matter on which side I sit, I will be with a stereotype with whom I may not even agree. I am very uncomfortable about that. I am incredibly sad that I face the possibility of losing some of my friends as a result of this bill. I have chosen to speak now because of the complexity of the bill in the hope that I may be able to explain my struggle over the bill to those who may not understand my vote. I turn to the bill and I ask these questions: Does this bill improve current law? What are the social benefits and what are the social costs?

I turn now to the purpose of the bill which has as its stated objective to amend the Crimes Act 1900 to recognise the separate existence of the foetus of a pregnant woman that is of at least 20 weeks gestation as a living person so that proceedings for certain offences relating to grievous bodily harm may be brought against an offender who causes the unlawful destruction of or harm to any foetus as proceedings for grievous bodily

harm to the foetus rather than proceedings for grievous bodily harm to the pregnant woman. As Cameron Stewart stated in the law report, at its heart this bill is about attempting to reconcile women's rights with respect for the unborn. This is clearly not an issue around sentencing, as Brodie Donegan reiterated to me recently, as the penalties do not change from the current law. It is about recognising life that was lost—wrongfully lost. Brodie Donegan stated:

We believe there's a gap in the law. That it's inconsistent that certain parts of government recognise the existence of the baby whilst the Crimes Act does not. Why do we have to wait for the baby to breathe to be able to acknowledge something caused it harm prior to its birth?

It is important to remember what has led us to this point today. This is not a new issue and the law has been adapting to deal with its complexity. Zoe is not the only case at stake here. Renee Shields was the victim of a hit-and-run road rage incident in 2002 which killed her unborn son, Byron. The child's loss was not at that time recognised as an offence. Renee Shields said at the time, "It is like Byron's life is a wasted life." Seventeen-year-old Kylie Flick was 23 weeks pregnant when her unborn child's father punched and stomped on her stomach repeatedly after she refused to have an abortion. She was rushed to hospital where her son, Jonathon, was delivered stillborn three days later.

A child in utero does not have a legal identity for the purposes of the current criminal law, unless it is subsequently born alive. The born alive rule means that killing or harming an unborn child is not an offence to that child. Did Spigelman's ruling on appeal in *Regina v King*, Kylie Flick's case—enshrined in statute in 2005—deal with the issues? Spigelman tried to address it, as did the 2005 changes, by saying that it was an offence to the woman. This proposal has been characterised by some of its critics as simply about making a woman in pain feel better, at the expense of a law that attempts to strike a difficult balance and is working well.

Professor Cameron Stewart points out that the law as it now stands values the foetus and respects it by linking it to the mother, and that its wrongful death is recognised as a loss. If a foetus dies or miscarries at 20 weeks it is recognised through the issue of a death certificate. This is the gap—the driver in Zoe's case was prosecuted for grievous bodily harm to Brodie Donegan, but could not be charged with manslaughter for Zoe's death because the law does not recognise a child who is not born alive as a person. If Zoe had taken even one breath, the lack of recognition of her life would not be an issue. The gap for Brodie was that one breath. This bill attempts to allow a separate charge to be laid for grievous bodily harm to the foetus in cases such as that of Brodie Donegan.

For people in Brodie's situation, having a separate charge is important. In dealing with the police, it would have meant the case having to be treated as a wrongful death, and the perpetrator would have had to face up to the magnitude of the loss for which she was responsible. This is what the pause, the deep breath, is all about when I ask women about the bill. Helen Pringle from the University of New South Wales in her excellent piece in *The Conversation* sums this up well:

What this patchwork of recognition does is to acknowledge and respect that something of value has been wrongfully lost when the unborn are subject to unlawful harm or destruction, that is, something of more value than a clump of cells.

Opinion polls consistently show that a majority of Australians support wide access to abortion, while often being uncertain or ambivalent about the status of the foetus. They seem to be concerned about the value of the foetus without seeing this as a danger to wide access to abortion. Clearly, we are capable of complex moral reasoning about difficult problems of life and death. Concern for the status of the foetus has been identified almost exclusively with pro-life positions on abortion, but there are other legitimate voices and stories that need to be heard in this discussion.

Most public defences of abortion ignore the question of the relation between the autonomy of the pregnant woman and the position of the late term foetus. We need not be afraid of having this discussion; we might even come out of this with a moral sensitivity more attuned to the complexity and nuance of the vulnerabilities of day to day life.

Messrs Tobin, QC, Dawe, QC, Sully, QC, and Smith, QC, also note that the bill:

... moves the focus of the debate to the victims and not the offenders, the growing community awareness of the need for the criminal law to recognise and give weight to the interests and to the suffering of victims supports the necessity for change. This is not new. It has been part of the public debate for many years.

This is about who counts in the eyes of the criminal law. [*Extension of time agreed to.*]

I have been persuaded that there is a gap in the law and that the law is not sufficient in the area of who counts. I turn now to whether the law achieves the reconciliation of interests, lives and values to which Cameron Stewart alludes. My biggest concern about this bill is the ramifications of its recognition of a foetus that is of at

least 20 weeks gestation as a living person. The law has never recognised a foetus in utero as a living person for what I think are good reasons—the rights of the mother are thereby pitted against the rights of her unborn child. And that is not how most women regard their pregnancies, even when unwanted.

To recognise the foetus as a living person is a big step that creates a legal difficulty. This is not just a concern for women wishing to access abortions; it also raises concerns that mothers might be prosecuted for unwittingly damaging their fetuses, or that they might not be able to exercise their choice throughout their pregnancies and the delivery of their babies. I note that its proponents say that the three caveats of the bill will ensure that it will not pit the rights of the mother against the rights of her unborn child—that it "does not apply to anything done in the course of a medical procedure, or medical treatment, or anything done by, or with the consent of, the pregnant woman".

The proponents point to the fact that the bill restricts the application of this definition to only certain sections of the Crimes Act such as offences relating to grievous bodily harm. But the bigger question for me—is it is for the critics of the bill—is the precedent that might be established in common law. I have spent a lot of time talking with people in the legal profession about this critical issue—the Bar Association, barristers, lawyers and academics. There are a number of factors to take into account. As Helen Pringle notes, similar laws in other jurisdictions have not had the effect of encroaching on women's reproductive rights. For example, the Lippiatt case in Queensland where a man kicked his pregnant girlfriend because he did not want the child, led to changes in the Queensland criminal code that uses the words "the child" when referring to the foetus. Section 313 states:

313 Killing unborn child

- (1) Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and had then died, the person would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.
- (2) Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime.

I have spoken to many people in the legal profession who believe it is extremely unlikely that this concept of associating the foetus with personhood would be accepted into common law. I do not have a crystal ball but I believe only a maverick judge would do that. Given that the principle is clearly contained in that section, there are clear exemptions. If I am wrong I will introduce legislation to undo the damage. I make it clear that if a principle in this bill had such unintended consequences I would not support it. Given the concerns that have been raised, I have thought a lot about how this bill could be improved, for example, by putting back to 24 weeks the period within which fetuses are viable. At some point we have to draw what is inevitably an arbitrary line, as we do with the 20-week registration of births and deaths. However, this bill attempts to keep it in line with the concept of recognition—in particular, recognition of the lives, hearts and bodies of women.

Do the benefits in this bill outweigh the risks? After much internal debate and after talking with women from all walks of life I believe that it achieves a balance. It is not perfect law by any means—we have to take into account competing needs. It fills a gap in the law and it respects the rights of women in this incredibly complex world in which we live. As Brodie said to me, "Women should be supported whatever path their pregnancy takes." I conclude by inviting everyone who will be participating in this discussion to set aside tired stereotypes, to walk towards one another and to talk about difficult things while acknowledging that even if they come to different conclusions most people are coming from a place of deep compassion—compassion for the vulnerable, both women and their children. I acknowledge all those who are here today and all those who have been present over the months while this discussion has been taking place. I know how important this debate is to all people and in particular to women. I hope that as a result of what I have said today people understand why I will be supporting this bill.

Mr CHRIS HOLSTEIN (Gosford) [10.18 a.m.]: In any conscience vote people should be required to explain their reasons for voting for or against any issue. Mid-morning on Christmas Day in 2009 my family and I were enjoying a traditional Christmas brunch after exchanging presents. Our merriment was impacted by the sound of sirens on the nearby main road. I live only a couple of kilometres from the scene of the accident that is the focus of this debate. The accident that ended Zoe's life impacted the lives of Brodie Donegan and Nick Ball in a way that many people could not imagine—and I pray that they will never have to do so. The member for The Entrance outlined the circumstances of that day clearly, factually and succinctly in the second reading speech. I will not revisit the gut-wrenching, heartbreaking details for no reason other than I want to maintain my composure. As a father of five and a grandfather of six, nothing I have done and nothing I will do in my life has

given nor will give me greater pride than my two sons, three daughters and six grandchildren. It is said that a baby will make love stronger, days shorter, nights longer, bankrolls smaller, homes happier, clothes shabbier, the past forgotten and the future worth living. Zoe, Brodie and Nick have been denied that.

The media generated by this bill has been substantial and at times ignorant of its intent. Groups have been polarised based on their fears of unintended consequences and the belief that it represents a slippery slope. I will address some of the concerns that have been raised. Some say that the bill has unintended consequences. That is false. In fact, it is worded precisely to exempt abortion, including the doctors, nurses and other medical professionals involved in the procedure, and any act undertaken by the mother or by another person with the mother's consent, which includes all medical procedures. To provide further surety and to put an end to any concerns within the medical fraternity, an amendment will be moved to include medical treatment. This bill does not represent a slippery slope and it does not have unintended consequences. Its scope is confined to the serious criminal act of an offender who deprives a woman of the right to go full term in a pregnancy.

There is concern that a medical practitioner carrying out a late-term, post 20-week gestation abortion could face charges because of the personhood status of the foetus bestowed by this bill. That concern is unfounded. This bill explicitly exempts all medical procedures. It could not be any clearer. If it is a medical procedure carried out by a medical professional, it is exempt. Concerns have also been raised about a woman who drinks and drives a vehicle and is involved in an accident that ultimately causes the death of her unborn child being charged under this legislation. That will not happen. A woman is exempt from being charged in those circumstances. New section 8A (4) (b) refers to "anything done by or with the consent of the pregnant woman concerned". I reiterate: The bill does not apply to anything done by or with the consent of the pregnant woman. In that scenario, the death of an unborn child is a result of actions taken by the mother and she cannot and will not be charged under this legislation.

Two inquiries that have been conducted into changes to legislation relating to grievous bodily harm done to a foetus have produced the Finlay report of 2003 and the Campbell report of 2010. It is said that both reports suggested that no action be taken. That is incorrect. The Hon. Mervyn Finlay, QC, handed down a report entitled "The Review of the Law of Manslaughter in New South Wales". This bill is not about manslaughter. The Finlay report recommended that the Crimes Act 1900 provisions concerning manslaughter should not be amended. However, it did recommend that New South Wales legislate to introduce the offence of "child destruction" relating to a criminal act causing a child capable of being born alive to die before it had an existence independent of its mother; that the pregnant woman be excluded as a possible offender; and that New South Wales legislate to provide for this offence of dangerous driving or navigation occasioning the death of a child capable of being born alive by appropriate amendment to sections 52A and 52B.

Finlay also stated that, in line with these recommendations, because this bill includes new sections 52A (3) and (4) and 53B (3) and (4) in its applicable offences, it does not affect the manslaughter provisions in the Crimes Act 1900, and also excludes the mother. The Finlay report was specifically aimed at investigating manslaughter charges. It did not investigate, nor make any suggestion about, the unique and common-sense approach taken in this bill. The Campbell inquiry simply investigated laws and penalties surrounding the death of an unborn child in criminal circumstances. Campbell was unable to comment on or address the current law's ability to assist in the grieving process in circumstances of a criminal act. In respect of the provisions of the Birth, Deaths and Marriages Act, Campbell stated:

It would seem that the steps taken to assist the grieving process for some, may have a different effect for others. This is not a matter about which I can make any useful recommendations.

Like the Finlay inquiry, the Campbell inquiry did not investigate or make any suggestions about the unique or common-sense approach taken in the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2). Many of my constituents have talked to me about this matter and I have taken every opportunity to listen to their views. However, apart from those people who have spoken to me, I have also asked five key women in my life for their opinion: my wife of 32 years, my three daughters and my mother—three generations of women. They are all very strong, independent and opinionated women. They have a wide diversity of views, which often differ from mine. They all saw the need to right a wrong and the need to protect a woman's right to choose. They all fully support this bill. I conclude by acknowledging the courage demonstrated by Brodie Donegan and her partner, Nick Ball. I also commend the member for The Entrance for treading such contentious ground in representing Brodie and Nick's wishes. I ask all members to remember the words of Martin Luther King, who said:

There comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because conscience tells him it is right

I commend the bill to the House.

The SPEAKER: Order! I advise members that in line with standing orders the debate will continue for one hour and not proceed beyond 11.05 a.m. I was in error when I told the member for Canterbury that the debate would conclude at 11.30 a.m. I have the speakers list but if members wish to discuss the order they may do so.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [10.26 a.m.]: I have spent a great deal of time deliberating on the implications of the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) and listening very carefully to both sides of the debate. I have also done a large amount of research and have met with the member for The Entrance to discuss it. He has explained his reasons for introducing the bill, and I believe that his motivation and its impacts are reasonable. I have supported women's rights and women's movements all my life and, as the mother of two children, I can sympathise with the rationale behind this legislation. I therefore support it.

The member for Gosford has dealt with the concerns that have been raised with me and other members by a number of civil liberties lobby groups since the bill was introduced. He pointed out that it is worded precisely to exempt abortion and any doctors, nurses and other medical professionals involved and all medical procedures. The bill also exempts a woman from being charged under new section 8A (4) (b) for anything done by or with the consent of the pregnant woman concerned. The legislation does not apply to anything done by or with the consent of the pregnant woman that causes the death of an unborn child. The member for Gosford thoroughly addressed the concerns that have been raised, so I will not repeat what he said.

Following a letter from the Bar Association, I was very interested to receive a letter from T. K. Tobin, QC, of St James Hall, Sydney co-signed by B. T. Sully, QC, W. Dawe, QC, and R. M. Smith, SC. They disagree with the Bar Association and support the bill introduced by the member for The Entrance and the facts he set out in his second reading speech. In this speech, the member talked about the grief of Brodie Donegan who was 32 weeks pregnant when hit by the offender's car, resulting in her baby being delivered stillborn. They note that Ms Donegan saw the incident differently and felt "from a victim's perspective there should be a separate charge for the loss of the baby". The letter states:

What this meant for her is not found in the present law. It can be seen in her moving description of holding her deceased child at the hospital in a passage quoted by Mr Spence.

This passage is:

She was still warm and she looked and felt and smelt like any other newborn, and she was just not breathing. It was surreal. I wanted to turn back time. I remember looking at her face and seeing the mark on her lip from the resuscitation attempts and noticed one of her eyes partly open. She was absolutely gorgeous and so soft and I just wanted her to wake up so badly. I was completely distraught.

The letter goes on:

In support of the bill, the parents Nick Ball and Brodie Donegan believe that an offender should be charged for the loss of their baby: any baby lost in any horrific or violent way due to someone committing a criminal act should count, should be included ... and should be recognised.

In this bill, the Parliament can recognise that Zoe and many others do count in the eyes of the law. I agree with that. I have consulted with my electorate and thank Pastor Tim Kay of the Yass Baptist Church for his correspondence. He said he wanted to let me know that as a member of my electorate he supports Zoe's law. He thinks that in cases such as this the situation should be acknowledged and that babies at this stage of their development should be acknowledged as real people and protected by real laws.

I received correspondence from outside my electorate, which I normally would not refer to but this is a debate on a bill with a conscience vote. I mention a letter from Mr W. B. Larkin of Lindfield because he went to the trouble of writing to me. He asked that I support Zoe's bill and I will do so. I also received a letter from Joanne Dilorenzo who said she was writing an email "in the hope that everyone would support this bill so that the unborn will receive justice". I had letters from Julie Ruston of Blacktown and Margaret Tighe asking me to support the bill. Every member of Parliament has received a lot of correspondence from both sides of the debate. This bill will come down to a conscience vote. On this occasion I am going to vote in support of the bill. I thank the member for The Entrance for bringing it to the attention of the House.

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [10.33 a.m.]: As a mother and a grandmother my heart goes out to Brodie Donegan and Nick Ball.

I can only begin to imagine the sense of loss they felt and still feel in the wake of their personal tragedy. I admire their courage and persistence. I know this bill has strong and genuine supporters on both sides of this House and some equally vocal opponents. Over the past couple of months I have spoken with many different people on all sides of the debate to inform my position. I have taken the time to engage with a number of organisations with an interest in the issues raised by the bill, including Karen Willis, Executive Officer of the Rape and Domestic Violence Services Australia. I asked her if the provisions in the bill would be welcomed. She sympathised with Ms Donegan's position, as do all of us, but expressed concern about the way the bill is drafted and questioned whether it would have the desired effect.

I understand how strongly Ms Donegan and Mr Ball feel the legal system and court processes did not live up to their expectations, and that is a disappointment for many people. However, I am reluctant to support a bill that makes changes to long-held legal definitions and in so doing may result in unintended consequences. Our legal system is constantly evolving to respond to new challenges and is based very firmly on case law. I certainly welcome a discussion about whether or not the law needs to be strengthened in this particular area. If this bill passes, the consequences—whether unintended or otherwise—may not become apparent in the next month or even year, but sooner or later the courts will seek consistency of definition between Acts as they must. It is that seeking of consistency that could well precipitate the unintended consequences that I know many supporters of the bill do not wish to see. For that reason, while my deepest sympathies are with Ms Donegan and Mr Ball as I have expressed to them—I can only imagine their grief and loss—and I understand the effort by the member for The Entrance and others to bring in this bill, I am unable to support the bill in its current form.

Ms SONIA HORNER (Wallsend) [10.36 a.m.]: I oppose the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) because I agree with Family Planning NSW spokeswoman Ann Brassil that the crux of this issue is "the unintended consequences of legislation that isn't required". I am not a legal expert. I am, however, a woman and I passionately believe in the rights of women, reproductive and otherwise. I believe on this front there are reasons for serious concern with this legislation. I want to make it clear that I cannot begin to imagine Ms Donegan's pain. She has suffered an unimaginable loss and has been the victim of a heinous crime. On behalf of the Wallsend electorate, I extend my compassion and my sorrow to her and her family for their pain and suffering. I understand and sympathise with their desire for justice. However, I believe, as does Ms Brassil and many others including the New South Wales Bar Association, that this bill has the potential to establish a dangerous precedent, which may curtail the reproductive rights of the State's women. This bill is a fundamental shift in policy and legislation that will change the way we approach unborn children from a legal standpoint. I refer specifically to classifying an unborn foetus over 20 weeks as a living person.

The Attorney General has dismissed the concerns of the New South Wales Bar Association, the Australian Medical Association and others as fear-mongering. I find his efforts to stymie and derail this debate very troubling, as legitimate concerns are being raised by experts in their fields. The delay in bringing this bill to the Chamber for debate has been blamed on those of us opposing the bill. We have been framed by media commentary as vicious, but this is far from the truth. The bill was delayed because many in our community, including the Women's Electoral Lobby, Family Planning NSW and others, were calling for more transparency and a chance to lobby members of Parliament. They were calling for consultation, desperate for a chance to air their concerns prior to the bill being brought to the Chamber. To his credit, the member for The Entrance agreed to a delay and met representatives of these stakeholder groups. The Hunter Region Working Women's Group said:

This is how [we] believe our laws should stay, where the destruction of a foetus constitutes grievous bodily harm against a pregnant woman, whether or not she suffers any other harm. Offences of this nature can carry sentences up to 25 years. This seems enough to bring home how serious assaults against pregnant women are and that you will be punished if you commit such an assault.

The Working Women's Group is a renowned and reputable group in the Hunter region and it is well respected by many women. The group was also quick to point out that similar laws have been used in the United States of America on the pretext of limiting access to or banning safe and legal abortions. As a result of this the group says:

Women risk their health and their families to access unsafe abortions, and are sometimes prosecuted for failing in their "legal duty" to a "living person" they are carrying.

The Working Women's Group went on to say:

This has costs for their jobs, their families and their communities. Doctors may be prosecuted for doing their jobs, and women may die because of a lack of access to safe care. [We] do not want to see this happen in NSW.

We simply do not know what ramifications this bill may have for the common law. I echo the concerns of the organisations I have named today: I fear that this bill, despite the best intentions of its sponsors and supporters, may become a springboard for anti-choice legislative efforts in the future. I fear that it may come to encroach on the hard-won rights of women. For those reasons, I add my voice to those opposing the bill.

Mr CHRIS HARTCHER (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [10.40 a.m.]: I would like to acknowledge the presence in the gallery today of Brodie Donegan and her partner, Nick Ball. As Minister for the Central Coast I would like to express the concern and compassion I have for them as fellow residents of the Central Coast for the personal agony that they have endured. I commend them for the enormous strength of character they have shown in not only expressing their private grief but in their determination to ensure that other women who wish to carry their pregnancy to its full term are granted that right. I salute both of them for being people of great spirit and great compassion.

I also acknowledge the efforts of the member for The Entrance who, as a responsible member of Parliament, met with them as his constituents, understood their concerns and brought forward, in conjunction with them, this bill, the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2), for presentation to this House. Members will be allowed a conscience vote on this bill: each member of the House will determine his or her position according to his or her conscience. The bill has aroused a degree of community debate, and that is appropriate in a democratic society. It has been, regrettably, in some ways divisive, but that is often a factor in legislation which seeks to bring forth concepts that challenge certain held views in the community.

As a lawyer I believe that some of the lobbying, especially, unfortunately, the lobbying from the Bar Association, has misrepresented the purpose of the bill. That has been disappointing both for the member for The Entrance, who is the sponsor for the bill, but even more so for Brodie Donegan and for her partner, Nick Ball. The subject of the bill is a difficult area and, as I said, every member is entitled to his or her opinion. But I ask all members before they exercise their vote to read the legislation, to read the second reading speech of the member for The Entrance and to consider the many public comments that Brodie Donegan has made in which she has shared her heartbreaking story—and heartbreaking it certainly is.

The object of the bill is to amend the Crimes Act 1900 to recognise the separate existence of the foetus of a pregnant woman that is of at least 20 weeks gestation as a living person. The purpose of that recognition is to allow proceedings for certain offences relating to grievous bodily harm to be brought against an offender who causes the unlawful destruction of, or harm to, any such foetus, rather than any proceeding being limited to grievous bodily harm to only the pregnant woman. Some people have framed this debate as being about the rights of a woman to choose. Brodie Donegan has made it very clear that she supports and advocates the right of a woman to choose. This legislation is not about the right of a woman to choose; it is about recognising the right of a woman to carry her pregnancy, which she has chosen to have, to its full term without criminal interruption by a third party. The legislation explicitly exempts medical procedures and it explicitly exempts any action or conduct by or with the consent of the pregnant woman.

As a lawyer I will address some of the concerns that were expressed in the letter from the New South Wales Bar Association. The New South Wales Bar Association represents more than 1,200 practising barristers. On a contentious social issue such as this the Bar Association did not seek to ascertain the views of its wider membership, it simply represented the views of its executive. I find that quite unconscionable because I know that many barristers—senior barristers—have written letters deploring the view of the New South Wales Bar Association. The Bar Association did not speak for barristers; it spoke for the small coterie that represents its present executive and I believe that what it said was unrepresentative and unsubstantiated.

Extraordinarily for lawyers, the Bar Association stated that the proposed legislation made the definition of an unborn child arbitrary. Yet the definition simply reflects a definition that has already been at law for many years. Was the Bar Association ignorant of the Births, Deaths and Marriages Registration Act 1995—a law which has, since 1995, already said that an unborn child is recognised at 20 weeks gestation or at 400 grams? Was the Bar Association unable to read Acts of Parliament? The Bar Association ignored the fact that that law gives a name to an unborn child, it gives it a birth certificate and a death certificate, and if it is killed in a motor vehicle accident it counts that unborn child at 20 weeks gestation as a separate person in the road statistics.

Further, the Bar Association spoke about it not being consulted. It produced its letter without any consultation with Brodie or Nick or with the member for The Entrance within two days of the bill being presented to this House. A reply was sent on 16 September. It is now 24 October and the Bar Association has

not acknowledged that reply. Five Queen's Counsel have deplored and constructively dissected the argument of the Bar Association and the Bar Association has gone silent on that dissection. The Bar Association stands embarrassed by a quick and poorly thought-out reaction to this legislation.

The Bar Association, ignorant of the fact that any change to this law would require a further Act of Parliament—that any change which denied the right of a woman to choose would require further legislation from this Parliament—argues on the broadest argument of "unintended consequences". It cannot even stipulate what those unintended consequences would be or could be. Unfortunately, as a lawyer, I can only say that the Bar Association has done itself no favours. This bill is clear in its intent, it is clear in its purpose, it is clear in its exemptions and it makes manifest that the unborn child is only to be treated as a living person for the purpose of the applicable offence and for no other reason. [*Extension of time agreed to.*]

The next point in the Bar Association's letter that needs to be addressed is the fact that the Bar Association referred only in passing to the 2010 Campbell review, but failed to make any reference to the 2003 review by the Hon. Mervyn Finlay, QC. How extraordinary. One would think a poorly researched person might see one report on this issue but not the other, but this is the Bar Association of New South Wales. The most eminent group of lawyers with its own secretariat and research ignored the Finlay report. It ignored the fact that the Finlay report recommended that a specific offence of killing an unborn child should be enacted. That is there. The Finlay report was commissioned by the former Attorney General, Mr Robert Debus, in the previous Government, and related to the decision of the Court of Criminal Appeal in *R v King* in 2003.

One can only express disappointment at the Bar Association's failure. It would seem that the Bar Association has an unexpressed agenda, that is, it believes that there is no need for a change to the law as the existing law is satisfactory. The existing law is not satisfactory to people in the situation of Brodie Donegan. Who are the people in that situation? They are women who choose to conceive a child, who wish to have that child, who wish to have the right to take that child to birth and who wish to have that right not disturbed or destroyed by the criminal action of another person. That is the failure of the existing law. That issue was addressed in the Finlay report.

While I acknowledge the concerns expressed by many speakers, I failed to hear substantive argument from those who oppose this bill. Several members have said, "Read my speech", "I understand", "I am compassionate", "I feel but I cannot oppose the law full stop", and "I cannot support the bill full stop". However, there was no reasoned, constructive argument as to what the unintended consequences and the slippery slope might be. It is disappointing that they advanced that argument without cogent reasoning behind it. It is disappointing that the Bar Association has adopted an ill-thought-out consideration, not addressed the issue of the Finlay report, not addressed the letter from the five Queen's Counsel but has simply gone silent as to where it was formerly. There is no solution to the problem posed by Brodie Donegan's case other than this legislation. The letter from the four Queen's Counsel states:

As to the Bar Association concern for wider implications if this bill were passed, it is sufficient to point out that the bill expressly excludes any implication affecting doctors or mothers under the existing law. In brief, the Bar Association's argument that the present law is satisfactory overlooks the human need to recognise who counts in the eyes of the criminal law. There is always a ready audience for the view that all is well and the law is satisfactory and there is no necessity for change. However, as Attorney General Bob Debus recognised in the wake of Byron's case:

"We have to think again about whether the settled law is appropriate in contemporary circumstances, whether it reflects either community opinion or indeed the possibilities of today's technology."

Modern science has been able to observe the development of unborn children. Surgical intervention and blood transfusions are often carried out to cure ailments which have been diagnosed. The Bar Association's opposition to change has not kept pace with these developments. It ignores the substantial public interest in providing healing for unfortunate women who lose much-wanted babies in circumstance of violence.

That is, in circumstance where violence is inflicted upon an innocent woman, leading to the death of the child she chose to conceive and wishes to bring forward to birth. I respect the conscience of those who oppose this bill and their right to do so. However, in opposing the bill they are simply saying: You may be the mother of an unborn child; that unborn child may be killed by the criminal violence of a third party, yet I do not believe there should be any recognition given to the unborn child you have chosen to conceive, and I do not believe there should be any recognition for your right to bring that unborn child through to a successful birth.

Mr BRUCE NOTLEY-SMITH (Coogee) [10.55 a.m.]: I speak on the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2). When considering this amendment, I read the compelling article by Brodie Donegan, the mother of Zoe, that she wrote for the online news site *mamamia.com.au*. It was truly heartbreaking to read.

Losing an unborn child who is so desperately wanted and loved is one of the most devastating things that can ever happen to a person. I am truly sorry for Brodie and Nick's loss. In trying to understand the gravity of the situation that confronted them, I am brought back to my own past. My mother suffered a similar devastating loss. While not the same, her son, my brother, was just six years of age when he ran into the street and was struck by a car and died from his injuries. Words cannot express the pain that my mother felt and still feels about losing her youngest child, even almost 40 years on.

His death levelled my family for many years and was the cause of much angst for many more years to come for my mum. However, as a member of Parliament I must set aside emotions and personal experiences to truly consider the implications of legislation. I have seen first-hand the impact, and I see the potential impact, of unintended consequences. On this specific amendment, I considered not only the emotional devastation caused by losing an unborn child but also the consequences on women's reproductive rights. I have received advice and counsel on this difficult matter from legal experts including the New South Wales Bar Association and the Australian Medical Association. Both have indicated that this is not a law that should be supported. Both of those legal and medical bodies have stressed the negative implications of expanding the legal framework to recognise unborn foetuses as living, separate persons.

The law as it stands in New South Wales states that a foetus becomes a separate body/person when a child is able to take its first breath of air. Legislating that an unborn child has the same status as that of a fully birthed child would simply add confusion to the legal structure and would have unintended consequences, most importantly by potentially attacking the reproductive rights of women. The amendment would give the courts legal scope to interpret and potentially criminalise the termination of a foetus after 20 weeks of gestation. Any woman seeking termination outside the 20-week period would then be subjected to a lengthy court challenge on the basis that she cannot consent to the destruction of a person. It could criminalise a woman's right to terminate a pregnancy after 20 weeks. In her online article Mrs Donegan wrote:

I couldn't reconcile that the child I had applied for a still birth certificate for, held a funeral for, received the baby bonus for, received paid parental leave from work for, wasn't recognised separately to me.

Mrs Donegan's experience is nothing short of devastating. The bill before the House may seem like an honourable action to take in light of Mrs Donegan's horrific incident but as an elected member of this Chamber it is my duty to assess the legislative effects of this bill on all female constituents in my electorate. To pass the crimes amendment bill would potentially disempower and endanger women's reproductive rights. The legal confusion that could arise from this bill would be overwhelmingly negative. The Minister for Family and Community Services, the Hon. Pru Goward, put it perfectly when she said that some day in the future our criminal justice system will "seek consistency of definition". Unintended or not, this bill will, if passed into law, one day criminalise abortion. I know that ultimately only one legal opinion matters: that of a judge interpreting this law in the future. Those who drafted this law may no longer be alive when that unintended consequence finally takes effect. Based on my scrutiny of the proposed amendments and that of others, I cannot support the bill.

Mr RICHARD AMERY (Mount Druitt) [11.00 a.m.]: I make a relatively brief contribution to debate on the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2). Like all members, I extend my sympathies to Brodie and Nick for their loss in the incident that resulted in the introduction of this bill. We express our deep feelings to people we do not know, but Brodie and Nick, and others involved in this matter, are asking the Parliament to do a little more than simply express sympathy. That is what is behind this private member's bill. I mostly find it easy to understand the background and the issues involved in the matters about which I exercise a conscience vote in this place, for example, stem cell research and same-sex adoption. If there is a conscience vote on same-sex marriage sometime in the future most people know how I will vote. However, this legislation is more complicated and difficult to understand. In the past few weeks my opinion has swayed from opposing or supporting the bill.

I acknowledge the numerous representations from both sides of the debate, particularly by organisations in my electorate. For example, the W.A.S.H. House, a woman's organisation that I respect greatly, has requested that I oppose the bill. The argument that the bill could lead to the outlawing of terminations was made a couple of minutes ago, yet the bill excludes medical procedures. It has also been argued that the bill gives recognition to an unborn child and will extend the right to life from conception. However, the bill does not provide for that. There is a fear about what lawyers might do in the future; that is not for Parliament to sort out. It is a woman's right to choose to terminate a pregnancy, and I support that right. Most people who talk about abortion and similar issues are, for some reason, older men; yet it is predominantly a woman's issue.

I am concerned about the 20 weeks definition in the bill. I recognise that Zoe was aged eight months when she died, which is completely different. Perhaps the age should be approximately 30 weeks—an age at which most babies born prematurely can be saved by advances in medical science. I know many women whose babies were born at eight months gestation—and they are babies, people. Yet the court ruled that the death of an eight-month-old child was an injury to the mother. That is not good enough. Governments should deal with this issue; it should not be addressed via a private member's bill. I think 20 weeks is too young and if we dealt with this legislation clause by clause I would oppose that part of the bill. But if the bill is defeated it will prevent government, law reformers and Attorneys General from having to address what I consider to be a very difficult area of law. If this legislation is passed I believe it will put pressure on lawmakers, the Attorney General and the Law Reform Commission to address this very difficult, grey area. I note that the time for debate is limited. I have formed the view that I will support the bill for the reasons I have outlined and for the many other reasons that have been put to the House by other members who also support the bill.

Pursuant to sessional orders business interrupted and set down as an order of the day for a future day.

ACTING-SPEAKER (Mr Gareth Ward): Order! It being after 11.00 a.m., the House will now consider General Business Notices of Motions (General Notices).

CHALLONER HOUSE, MITTAGONG

Mrs BARBARA PERRY (Auburn) [11.05 a.m.]: I move:

That this House:

- (1) Notes the heritage and social significance of Challoner House in Mittagong to the 30,000 Wards of the State who lived there between 1885 and 1994.
- (2) Commends the Joint Regional Planning Panel for recognising the significance of Challoner House by rejecting the Department of Family and Community Services application to demolish the home.
- (3) Notes the tireless work of Leeallison Downie and the Renwick Association of former wards to ensure that Challoner House is saved from demolition and used as a place of remembrance and healing for vulnerable children both past and present.
- (4) Calls on the Minister for Family and Community Services to recognise the importance of preserving Challoner House as a practical way of giving effect to the Australian Government's apology to the 'Forgotten Australians'.
- (5) Calls on the Minister for Planning and Infrastructure to recognise that UrbanGrowth has made significant money on the sale and development of land around Challoner House and to begin negotiations with the Renwick Association to secure its future.

The future of Challoner House at Mittagong hangs in the balance and members in this place will soon decide its fate. I acknowledge the presence in the public gallery of Leeallison Downie, Bill Anson and Keith Weir, who only found out late yesterday afternoon that this motion was to be debated today and travelled from Young; Larry Whipper, a representative of Wingecarribee Shire Council; Malcolm Doyle and Tina Meharg from the Renwick Association; Anne Field from Heritage Watch; and all the other visitors who have come to the House at short notice. First, I thank the Government for agreeing to debate this motion. I acknowledge the goodwill of Ministers Hazzard, Goward and Parker in engaging with the issues around Challoner House. In particular, in my capacity as shadow Minister for Heritage, I single out Minister Parker's office and her media advisor, Michael Duffy, who has worked hard to secure a State Heritage listing for Challoner House.

There is good reason to give Challoner House a State Heritage listing. It has similar significance to Cootamundra girls home and is a major part of Mittagong's history. Challoner House is part of the former Renwick Children's Home in which 30,000 State wards lived between 1885 and 1994. It is still owned by the Department of Family and Community Services but is being managed by UrbanGrowth, which is redeveloping the land and building a large housing estate there. The house was built in 1941 and marked a major change in the type of accommodation for a children's home. It was the first building designed entirely by the Government Architects Branch. Also of significance is that much of the house was constructed by the former wards who lived there. The children were taught trades. The bricks were made on the estate, the timber was felled on the property and the children were taught to lay the bricks and put up the timber frames. This remains a source of great pride for many former residents of Challoner.

Many members of this House and the Legislative Council have met Leeallison Downie, who is President of the Renwick Association and is spearheading the campaign to save Challoner. She represents

approximately 1,200 former State wards who lived at Mittagong. I was with her at the meeting on 29 August this year when she met Minister Hazzard and Minister Goward and some of their staff members and told us her story. I think we all agree it was a very unusual but special meeting. I like to think we would all agree that we all knew then the right thing to do, and I acknowledge that in many ways it is not the simplest thing to do. Lee is a most extraordinary person. She was sent to Challoner at the age of seven, having spent nine months in hospital in a coma after she was beaten by a family member. Lee has told me Challoner was the only place that ever felt like home, where other wards became her brothers and sisters and they all looked after each other.

Like all who lived there, Lee has good and bad memories. She will testify at the royal commission in a couple of weeks about the abuse she suffered there. For me, she represents all the reasons that we should save Challoner: the possibility of healing, the hope of a home, the links of family and community that allow people like Lee not to be defined by her past trauma and abuse but to overcome it. I have her permission to read an email sent to her by a former resident of Challoner, which explains the complexity of this issue. She stated:

Sadly, as you may have heard the rumours, Challoner for me was a time of mixed emotions. On one hand I had ... stability, but on the other hand I suffered from the abuse of one particular houseparent. Abuse too appalling to mention in this email. What made this abuse more hurtful and deplorable was the fact that others, including senior Administration staff knew of the abuse and did nothing.

There is much more in her email but time is limited. However, she ends her email by saying:

In revealing that, I still maintain my affection for Renwick, I also believe we as adults are all the result of our upbringing for better or for worse. Our experiences as children form who we are and what we make of ourselves as we mature.

Sadly though, some of us struggle and/or don't have the skills to deal with the past so we still live it every day—and I mean every day.

I will say that every time I revisit Renwick in my mind, visit the website, see a name from the past, I feel the turmoil within me start to rage, but I also have admiration and thanks for the institution providing me with stability during those critical early years of one's life.

After all, Challoner as a cottage didn't abuse me—one person did.

She thanks all the people involved. Keith Weir, who lived at Challoner House in the mid-1950s, is here today and has written certain things that I shall read when I reply to the debate. Challoner House was one of the many residential institutions that at the time were the standard form of out-of-home care run by government and non-government organisations until the 1970s. Those who lived in these institutions were referred to as the "Forgotten Australians". When Nathan Rees was Premier, he apologised to the Forgotten Australians at a ceremony in the Botanic Gardens on 19 September 2009. Leeallison was there and so was the member for Canterbury, Linda Burney. Two months later, the Australian Government led by Kevin Rudd apologised to the more than 500,000 Australians who suffered abuse and neglect in out-of-home care during the last century.

These apologies are not just about acknowledging the pain caused by government policies and they are not just a reminder that governments must put in place every protection possible to reduce the risk of mistreatment for those in out-of-home care. For us to give effect to our apologies we need to continue to follow through with practical policies that undo past harms and facilitate healing. I cannot think of a more practical way to do this than to save Challoner House. Today I ask the Ministers involved to work together to secure its future and to give certainty to the hundreds and hundreds of State wards for whom Challoner represents the only home they ever knew.

These people have been told many things: that the decision will be made any day now by the Minister for Family and Community Services, that it is a decision for UrbanGrowth NSW via Minister Hazzard, and that it will come down to money and the Treasurer. They are sitting on the edge of their seats awaiting the Government's decision, which makes every day a long one for them. They thought they had saved Challoner House when the joint regional planning panel overturned the Department of Family and Community Services application to have the building demolished. I believe that should have been the end of the matter. In many ways the decision will come down to financial calculations but I believe we must consider the broad benefits derived from keeping this place.

ACTING-SPEAKER (Mr Gareth Ward): Order! I acknowledge the presence in the Speaker's Gallery of the Deputy Mayor of Wingecarribee Shire, Mr Larry Whipper. He is here for this important debate. On behalf of all members it is my great pleasure to welcome him to Parliament. I hope that he enjoys the debate.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [11.12 a.m.]: First, I acknowledge the work of Leeallison Downie, who is in the public gallery, and her colleagues from the Renwick Association. I place on record a couple of issues. This is an interesting and challenging motion. The member for Auburn placed this motion in support of Leeallison and the association on the *Business Paper* shortly before the estimates committee hearing and before I, as Minister for Planning, became aware that it was in fact an issue. One of the joys of being Minister for Planning is that I have a million and one issues on my desk and I was not aware of this matter until I had the privilege of meeting Leeallison during the estimates committee hearing when I was asked a question about it.

The member for Auburn, who gave notice of her motion some time earlier, has raised issues that I assume reflect what is being sought. Public servants get a little excited about motions such as this; they interpret things very technically and precisely. They would like me to amend the motion completely, particularly as it was drafted before I became aware of the issues and before the Government had started to address the concerns. However, as Minister, I take a slightly different view. I agree that some statements in the motion are not precisely correct. For example, paragraph (1) notes that 30,000 wards lived in Challoner House between 1885 and 1994, whereas the public servants have pointed out that that is incorrect because Challoner House was not established until 1941. That is right, but there is a broader issue involved and if we were having a chat in my office I am sure I would be told that there were 30,000 wards over a longer period in other parts of the same general location.

The motion also calls on the Minister for Family and Community Services to recognise the importance of preserving Challoner House and calls on me as Minister for Planning to recognise certain other things. The public servants have urged me to amend the motion to delete all those provisions, and technically they are right. It is probably not usual for a Minister from a government of either political persuasion not to take their advice but I am going to allow the statements to remain because I think there is a commonality of purpose here. I do not seek to be disrespectful to those from the Renwick Association but because this is a parliamentary debate and to give the history rather than it being just a matter for the Coalition, I will move to amend the motion, as recommended by the public servants, to add new paragraph (6). Paragraphs (1) to (5) will remain but I will add another paragraph. It is a little political and I apologise for that, but hopefully the Parliament will support the motion broadly. Members on both sides of the House understand that more work could have been done by both the Labor Party and the Coalition in government. We seek to strike a balance. Therefore, I move:

That the motion be amended by the addition of the following paragraph:

- (6) Notes that the decision to divest ownership of Challoner House was made by the previous Government.

Leeallison is in the public gallery and indicates that that is correct. It is good that the member for Auburn has moved this motion. Leeallison knows that since the matter was brought to my attention we have been keen to work with the various agencies involved, and I have had an extensive meeting with her. The Government is considering what can be done. This involves working with Wingecarribee Shire Council, which considered the issue at a meeting on 9 October and resolved not to acquire the building.

I am not aware of the formal outcome but I would guess that the council is sympathetic to trying to retain Challoner House because of its significance for so many young people who were placed in out-of-home care either at Challoner House or in the surrounding areas. As I said, it is a matter of money and we have to sort through that issue. The Government will not oppose the motion because it shares the view that the department and taxpayers can strike a balance to preserve Challoner House if there is some way to do that while ensuring urban growth. I have asked the department to consider all sorts of innovative options. Officers are a little excited about where the subdivision lines are on the maps but I have said that we can surely work something out. The Government will not oppose the motion, as amended. I am more than happy to continue to work with Leeallison and the Renwick Association to see what we can achieve.

Governments of all persuasions are not particularly good at being innovative when agencies identify ways of using taxpayers' money for other purposes. As I have told Leeallison, I can give no guarantees at this point but we will continue to work on the matter and see whether we can find some way to balance the issues regarding what is a very significant building, and site more broadly, for people in out-of-home care. Members on both sides of the House understand that over the years—and indeed right now—many people come to out-of-home care from difficult circumstances and the right things occur. We must not add to past burdens and worries by getting this decision wrong. I do not give any guarantees, but we will try to do what we can.

Dr ANDREW McDONALD (Macquarie Fields) [11.19 a.m.]: Challoner House play a major part in the history of Wingecarribee. It was built in the 1940s by residents of the Mittagong Farmhome for Boys. They used

bricks made by the boys and timber from the farm home timber mill. The idea was to teach the resident boys a trade that would enable them to enter the workforce. Challoner House means many things to many people. For those who have been there, it is a place of mixed emotions. From the Government's point of view, far too many of these children were out of sight and out of mind. The long-term outlook for people who were removed from their families is they often struggle with it for the rest of their lives. In the 1960s and 1970s, when many of these children were removed from their families, no-one gave adequate consideration to their emotional needs.

In the late 1970s and early 1980s I was working at Bowral hospital and I recall a 14-year-old boy attending the hospital with a minor illness. Bowral hospital was the hospital where the Renwick children would be treated when they were ill. I remember the nurse saying, "It's one of the Renwick kids". The child attended with a worker. He was treated with compassion but nothing could replace what that little boy needed, which was a family. He was treated with professional courtesy and kindness. I am sure that one of the reasons the nurses were so kind is that they had families of their own and they empathised with a 14-year-old boy from rural New South Wales who had been removed from his family. Thirty-three years later I remember it like it was yesterday, and I had only a brief connection with this young boy in a 30-minute meeting one morning. I cannot imagine the pain that that boy, now a middle-aged man, must feel about his time at Renwick.

That is precisely why this building should not be demolished. People elect politicians for only one reason: to put a human face on bureaucracy. The Minister is well known in this place as a decent and reasonable human being, and members must ensure that there is human decency on both sides of this House. Leeallison Downie's quest to ensure that this building is maintained in perpetuity as a memorial to what occurred will also serve to remind governments of what should never be repeated. It is a matter of great distress that 1 per cent of children in the State remain in care, and a large number of those children are from the Aboriginal population. We need to remember the failings of the past so we can improve the future of children in care and not allow history to repeat itself.

The Opposition will support the amendment. It is important to differentiate between "divest" and "demolish". This building needs to be maintained in perpetuity. It should never be demolished because that would remove a physical reminder for the Renwick Association that is vital to the future of child care. I meet lots of members of the Stolen Generation—many are now grandparents—and if you do not know them well they are often reluctant to speak about their childhood because it causes them pain, even 60 years down the track. It has affected them, their parenting and their grandchildren. Challoner House is an important physical reminder of what occurred, and it must remain intact.

Ms MELANIE GIBBONS (Menai) [11.24 a.m.]: This motion is interesting and important to many people. I note that the Minister for Planning and Infrastructure was shadow Minister for Community Services. That experience gives the Minister insight and compassion, and understanding of the motivation behind this motion. This motion comes from the heart. The Minister spoke of the bureaucratic response versus the personal response. That reveals why we have the members and Ministers we do in this place—the personal approach is important. I express my gratitude to each person in the public gallery who is here today for themselves but also representing their communities. I hope they will return to those communities and share what happened today and the impact it will have on them and their futures.

I had an uncle who was placed on Peat Island for many years. He would not speak of his childhood experiences until he was aged in his fifties and sixties. For some, being placed in care was a positive experience; for others, it was not. People take various experiences from their childhoods. Many want to see Challoner House preserved for the community. I say to those in the public gallery: Lobbying for Challoner House takes heart and I thank you for your persistence and for attending today. I also thank the member for Auburn for moving this motion and commend the Government for supporting it.

The Minister announced that he has deferred determination of the Crown development application by UrbanGrowth NSW to demolish Challoner House and subdivide the site, which will enable the Office of Environment and Heritage to assess its heritage significance. That needs to be done so we know what is involved. We need to slow down a little and allow more time to talk and consult with council and the Renwick Association in order to work out what needs to happen. By placing the plan on public exhibition individuals will have an opportunity to voice their opinions and have them recorded. There is also potential for the site to be declared State significant or to have heritage significance, and that option must be investigated.

I respect that the motion by the member for Auburn comes from a good place. Funding will be a challenge but the community's concerns must be heard, respected and placed on record in Parliament. That is

important. I am aware that Wingecarribee Shire Council has indicated it will not purchase the site. Plans for development of the site must be placed on public exhibition and the views of the community and the Government considered. There are many stakeholder views to be heard. I thank Leeallison Downie for speaking up on behalf of so many others.

Ms LINDA BURNEY (Canterbury) [11.28 a.m.]: I join previous members in recognising the visitors in the public gallery. I acknowledge the effort by the Deputy Mayor of Wingecarribee Shire to be present today despite the fires in his district this week. I thank the member for Auburn for moving this motion and I acknowledge each member who has contributed to the debate, specifically the member for Wakehurst. This is a fairly simple argument: It is money or memory. That does not reflect on any particular government; governments of all persuasions are often put to the test about whether they sell off an asset that has enormous value and significance. In this case, Challoner House is valued by and has significance to not only those who lived there but also to this State and country, and it is part of our history.

The challenge is whether we put more value on that history and that memory or on its economic value. Some would say that it is just an old house built with bricks and mortar. However, I believe that it has great significance for us as a State and to the individuals who have that connection with it. Obviously, members and those in the gallery and their brothers and sisters who also went through that place hope that memory, history and significance prevail over money. Hopefully, its significance is more important to the narrative than the money and the houses that could be built on the site. While the house has special and deep significance because of its history, it is not unusual that we are faced with such a decision. As I said, I am not playing politics; issues like this confront all governments.

I was keen to speak in this debate—and I thank members for granting me leave to do so—because I was the Minister for Community Services when then Premier Rees offered the apology on that beautiful sunny day in the Royal Botanic Gardens. That day will live with all of us forever. Hundreds of people were there to hear the words that they had waited to hear for their entire lives. Many people did not make it to the ceremony because they lost the battle. As the member for Auburn said, that apology was followed by the historic apology offered by Prime Minister Julia Gillard some months later in Federal Parliament. That is an important part of the truth-telling that has been a challenge for Australia as a country and for us, its people. The truth was told that day and those affected and their stories were vindicated and respected and will be in our memories forever. Challoner House is part of that story and that is why it must be preserved and kept for the healing that has been part of the former residents' journey, our journey and the continuing journey.

Mrs BARBARA PERRY (Auburn) [11.33 a.m.], in reply: I thank members representing the electorates of Wakehurst, Menai, Macquarie Fields and Canterbury for their contributions to this debate and for the respect and goodwill that has been demonstrated. The Opposition will accept the amendment moved by the member for Wakehurst. I may not have all the records but, if the Government sought to divest the property, there is certainly no application to demolish it. We all know what must be done—we must work with Renwick's former residents. The Minister for Family and Community Services, the Hon. Pru Goward, has offered to fundraise, and I commend her for that. Challoner House has great potential as a tourism and heritage site, a museum, and as a venue for programs designed to assist vulnerable children. I note the support offered by Ross Bowey, the principal of Highland School, and many others in the Mittagong community who understand the need for services for vulnerable children in the highlands. Keith Weir, who is in the gallery and who lived at Challoner House in the mid-1950s, writes:

I feel I have to write and add my voice to the pleas of others to somehow keep the Challoner building and allow a museum to be installed as a memorial to the thousands of boys and girls who passed through the many doors that made up "Renwick". All of us feel forgotten and victimised to some degree and if this is the only way to give each of us a thread to our difficult childhoods, then surely it cannot be too much to ask that the re-development be reconsidered to include this proposal, as Challoner is the last remaining building of any significance to their memories.

A reunion of former wards will be held in Mittagong in two weeks. We hope that a decision to save Challoner House will be made before then. The reunion is having a profound effect on many residents. Many of them realise for the first time that they are part of a family and that they are not alone in having to battle the impact of their traumatic childhood. The former residents want certainty and they hope that an announcement that it is safe can be made at the reunion. They want to be assured that Challoner House is safe and that it will be a place of healing and remembrance. I ask on behalf of the many wards who lived at Challoner House or on the Renwick site that the Government provide certainty. I know that two weeks is not a long time in which to resolve this issue.

Mr Brad Hazzard: It will be almost impossible. We will do it as soon as possible.

Mrs BARBARA PERRY: I thank the Minister for that reassurance. We look to the Government to provide some certainty. The Renwick site is now being subdivided and will be sold by UrbanGrowth. However, with the greatest respect, a great deal of money will be earned from the new developments and saving Challoner House, which was built in 1941 and has historic significance, is the very least that we can do.

ACTING-SPEAKER (Mr Gareth Ward): Order! I acknowledge Mayor Juliet Arkwright and Councillor Campbell from Wingecarribee Shire Council, who are in the gallery and who have made representations to me about this issue. Deputy Mayor Larry Whipper is also in the gallery.

Question—That the amendment be agreed to—put and resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

KIAMA JUNIOR RUGBY LEAGUE FOOTBALL CLUB

Debate resumed from 17 October 2013.

Mr GARETH WARD (Kiama) [11.38 a.m.]: When debate on this motion was adjourned I was talking about the importance of junior rugby league in my part of the world. I am involved not only in the competition but also as a patron of the Shoalhaven Jets and a supporter of the Berry Magpies. The Kiama Junior Rugby League Football Club has been successful in obtaining a grant to upgrade the facilities it requires at Chittick Oval. I am pleased that funds were provided through the Community Building Partnership program—a program that I am sure all members acknowledge is fantastic. My friend and colleague the member for Toongabbie, who is seated on the opposition frontbench, is nodding his head in agreement. All members appreciate the great contributions made by the Community Building Partnership program. Sport plays a large part in the allocation of funds by the Community Building Partnership program, as it should. The member for Northern Tablelands, who agrees with that statement, has a strong history in sport, having been a sports journalist for the *Namoi Valley Independent*.

Ms Katrina Hodgkinson: You are a font of information.

Mr GARETH WARD: I am. I thank members for their support for this motion. Many of us have sports of choice, and encouraging junior-level rugby league is important to me. In Kiama and across my electorate junior rugby league plays an important part in the lives of younger people and families. I hope that continues. The Kiama junior rugby league has been pursuing this goal for some time. As Community Building Partnership funding becomes available, members can have a say in how to allocate valuable funds on the ground. Often we have to go on bended knee to Ministers to seek funds to deliver projects that are important to our electorates. Providing the facilities that Kiama junior rugby league needed was one such project.

I have no doubt more sporting organisations will come forward to seek these Community Building Partnership funds during my time in Parliament. I sincerely hope that the Government continues with a program that has done great things for my electorate. I look forward to returning to the Chittick Oval shortly to inspect these new facilities. Of the \$200,000 I get to allocate, \$40,000 is a lot. It was one of the larger grants I have given. The member for Northern Tablelands indicated that it was a very generous contribution. I was happy to provide it because, as the member for Coojee knows, when one invests in voluntary organisations those dollars are returned over and over again. Sport is a great investment. I commend the motion to the House. I commend Kiama junior rugby league and I ask members to endorse the motion.

Mr RICHARD AMERY (Mount Druitt) [11.41 a.m.]: I acknowledge the motion moved by the member for Kiama relating to the Kiama Junior Rugby League Football Club receiving \$40,000 from the Community Building Partnership program. The member for Kiama succeeded in securing support for the program from the Premier and the previous Minister for Sport and Recreation. Opposition members have indicated that they will support this motion. We have no objections to any of the wording as politics is not involved. Some of the comments by the member for Kiama are appropriate: the Community Building Partnership program is an excellent program that was implemented by the former Labor Government. Whilst it had a shaky start under the current Government, members such as the member for Kiama and other backbenchers joined the community and the Opposition in persuading the Government not to end this program. I acknowledge that it received a budget cut, but it is still in existence.

The Community Building Partnership program receives great support from the community. My electorate office spends a great deal of time going through various applications. As the member for Kiama pointed out, junior sport and sport in general are the big recipients of funds from the scheme. There is a requirement of job creation and the building of projects which is happening in my electorate where junior rugby league put in an application that I hope is successful. Soccer is a strong and growing sport in Western Sydney with teams making the premier league and various higher grades. Pressure is put on those clubs to upgrade their facilities, seating arrangements and so on. The Community Building Partnership program provides sporting groups with an opportunity to obtain funds to upgrade their sporting facilities which in turn helps them qualify to play in higher grades. Overall, the motion of the member for Kiama is to be commended. Treasury and the Government's budget committees should be advised that the Community Building Partnership program has universal support. I thank the member for Kiama and I commend the motion to the House.

Mr ADAM MARSHALL (Northern Tablelands) [11.44 a.m.]: I support the motion moved by my colleague the member for Kiama and acknowledge his comments and the comments of the member for Northern Tablelands relating to the importance of the Community Building Partnership program. I also acknowledge the \$40,000 grant that the member for Kiama secured for Kiama rugby league club. As a result, a new amenities block will be built which will provide greater facilities for junior players. In the long term that will result in more people taking part in sports at that club.

This motion is timely because there is great support for sport in country areas. Currently we are in the summer sports season which means that many winter sports facilities are being refurbished. Last weekend I was with the North Armidale United Football Club inspecting the new Phil Wheaton grounds. That club received a similar amount of money to remove an old cricket pitch and lay turf on the ground to ensure that its 305 junior players enjoy the best facilities. There are also new tennis courts at Tenterfield. President Christian Foster is doing a great job of investing funds from the Community Building Partnership program into new facilities at Tenterfield. Already nearly 100 people have signed up to play tennis. I commend the member for Kiama for moving this motion which highlights the work of the Kiama rugby league club and the importance of the Community Building Partnership program. The member for Kiama, who is a hardworking member, is doing great things for his local community. This is yet another example of his hard work.

Mr STUART AYRES (Penrith—Parliamentary Secretary) [11.47 a.m.]: I support the motion moved by the member for Kiama relating to the Kiama Junior Rugby League Football Club. The contribution from the Community Building Partnership program will make a significant difference to the upgrade work required at Chittick Oval for the Kiama Knights, one of a number of junior rugby league clubs in New South Wales. These clubs play a fantastic role in local communities. There would not be a member of this Parliament who does not have a junior rugby league club or association in his or her electorate. I encourage all members to take the lead from the member for Kiama and to get out and meet members of those clubs. They can get to know the people on the committees and those participating in those clubs.

Members can support those clubs by utilising the funding arrangements available to them through the Community Building Partnership program. Many clubs need assistance in finding their way through grant programs and engaging with the Government. Members can help them by finding out who is the local president or chairman and meeting with committee members. They can watch kids playing footy on weekend and find ways to support clubs. Rugby league is doing a fantastic job of getting back to its grassroots. As we come to the end of another National Rugby League season, I acknowledge some of its work, in particular, the work done under the One Community banner. Much work is being done to ensure that many people have access to rugby league clubs.

By way of an extension of this topic it is important that the House acknowledges the work of Terry Campese from the Canberra Raiders who received the top award in the One Community Awards this year for his community-based work. He demonstrates where a pathway from somewhere like the Kiama Knights can lead. He is one of the elite players in the National Rugby League competition but he is not just a footballer, he is contributing to his community. The work that he has done in Canberra that led to him receiving the top award was about supporting charity work. He has set up his own foundation that raises money for food supplies for underprivileged people. He did not just give his name to the foundation; he is out there doing the hard yards—gathering the food, creating the baskets—and a number of other people have become partners with him in the foundation.

Today we are recognising the work of the Kiama Knights and the work of the member for Kiama in securing funds for Chittick Oval, which is critical for that local footy club. But I take the opportunity to point

out that local football clubs such as the Kiama Knights are the beginning of a pathway that people can take to contribute to their communities, whether through individual sporting clubs or rugby league clubs and right through to the elite level of sports. A person can be an elite level National Rugby League player but still contribute to his or her community. That has been well demonstrated by the work of Terry Campese and the One Community organisation this year.

Ms GABRIELLE UPTON (Vaucluse—Minister for Sport and Recreation) [11.50 a.m.]: It is my pleasure to speak to the motion moved by my colleague the member for Kiama. It is with great pleasure that today I acknowledge the significant difference that Community Building Partnership grants make to local communities. The impact of this grant to the Kiama electorate goes far beyond simply the bricks and mortar of the club's canteen and amenities block. The grant will help the Kiama Junior Rugby League Football Club connect with and strengthen its local community.

Rugby league, and sport more broadly, would not function without the dedication and commitment of volunteers like the president of the Kiama Junior Rugby League Football Club Greg Norris, secretary Leah Roberts, and treasurer Emma Timbs, who was acknowledged by the member for Kiama during notices of motions last Thursday. It is volunteers like those who make our communities strong, diverse and vibrant. Indeed, sport volunteers comprise nearly 30 per cent of all New South Wales volunteers. Volunteer roles include very simple things that make a big difference: manning the canteen at sport events, organising barbeques, cooking sausages, adding the tomato sauce to fresh bread rolls, preparing the fields for play, coaching and refereeing as well as being the back-of-house administration—the unsung heroes and heroines who help local sporting clubs make the wonderful contribution to communities that they do.

As Minister for Sport and Recreation I am passionate about promoting healthy lifestyles. I want to encourage more people of all ages and from all walks of life to participate in sport and recreation on a regular basis and to be physically and mentally fit and healthy. I am pleased to say that the New South Wales Government is a strong supporter of grassroots sport through grants such as the Participation and Facility Program that is run through Sport and Recreation. This program assists grassroots organisations in improving local sporting facilities as well as encouraging people to get involved in recreational activities. Applications for the first round of the program are now open and close on 30 October. I encourage all members to invite their local sporting groups planning new sports facilities or programs to make their applications for the first round of the program. I look forward to visiting the electorate of Kiama very soon and visiting the local sporting facilities. I commend both the member for Kiama and the Kiama Junior Rugby League Football Club for their tremendous efforts in boosting participation in sport and strengthening their local community.

Mr GARETH WARD (Kiama) [11.54 a.m.], in reply: I thank the member for Mount Druitt, the member for Penrith, the member for Northern Tablelands and the Minister for Sport and Recreation for their contributions to this debate. I thank the member for Mount Druitt for his comments about the Community Building Partnership program—a program that all members, in particular backbench members, wholeheartedly support. I hope that the program continues. I thank the member for Northern Tablelands for his ongoing contributions to sport, particularly in his community. I know that he is very passionate about sport; I believe he still umpires cricket matches and is a cricket tragic. I am sure he will be looking forward to the upcoming tests in Sydney and beyond. I also thank my friend and colleague the member for Penrith, who is heavily involved with and who instigated the Parliamentary Friends of Rugby League. I know how passionate he is in his contributions to rugby league. One has only to walk into his office to see that he is certainly one hell of a rugby league tragic. I thank him for being a part of this debate and for his contribution to and support of sport, particularly rugby league.

I wholeheartedly congratulate my friend and colleague the Minister for Sport and Recreation on her recent elevation in the Government and I thank her for her very apt comments, not just about the players and the supporters but about the back-of-house people who make an enormous contribution to ensuring that sporting clubs stay afloat. Providing grants such as this means one less raffle ticket or one less sausage that needs to be sold in order to ensure that people can get on with providing the sporting infrastructure that they need. In the time that I have been the local member the Kiama electorate has seen enormous contributions to sport—far more than the former member would have seen: the upgrading of the tennis club at Gerringong, which has been an ongoing issue; improvements to lighting at the Kiama AFL Oval and grants for improvements to lighting at Jamberoo; improvements to security fencing at Bomaderry football oval and \$60,000 to assist the club to participate in semifinal and above rounds.

Because the football club did not have fencing prior to this money being made available it could not host group 7 semifinals. Now it can and I am looking forward to seeing that club being in the semifinals, not

only as a supporter of the Bomaderry Swamp Rat Juniors but also the Shoalhaven Jets. The Kiama electorate has also received grants for surf lifesaving and grants for the fishing club to improve the slips at Kiama. Sport has certainly been an important part of country living and it is certainly an important part of what happens in rural and regional New South Wales. I know that local members regard sport as very important for their regions. I thank all the members who made a contribution to the debate, particularly the Minister, who continues to advocate strongly for sport not just in my region but right around the State. I commend the motion to the House.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

HUNTER CRIME

Ms SONIA HORNER (Wallsend) [11.57 a.m.]: I move:

That this House:

- (1) Notes that NSW Bureau of Crime Statistics and Research figures show that robberies with a weapon, other than a firearm, increased by 79 per cent in the Hunter region in 2012.
- (2) Notes that rates of crime in the Hunter region were above the State average in 12 out of 17 categories.
- (3) Notes that the rates of break and enter, non-dwelling, and motor vehicle theft in the Hunter region are nearly twice the State average.
- (4) Urges the Premier and the Minister for Police to employ more police officers and build more police stations in growing regions such as the Hunter.

The Hunter region is struggling with a crime epidemic and it is doing so without much-needed support from this Government. There is no denying the severity of this situation; the facts are in black and white. According to the latest data from the NSW Bureau of Crime Statistics and Research, there were 656 more break and enters across the Hunter region in the year to March 2013 compared with the same period to March 2012. Newcastle topped the region with 1,357 burglaries—up from 1,280 in the year to March 2012. Robbery with a weapon that was not a firearm rose 79 per cent in 2012.

Detectives in Newcastle City and the Central Hunter have been flat out dealing with the plague of violent crimes that have been occurring at a rate of one in every 2½ days since 1 January this year. Yet the northern region, which includes the Hunter, received the fewest number of probationary constables out of 202 who began work in May this year. In case the police Minister is unaware of the reality facing Hunter residents, here is a brief snapshot of what this year has been like for members of my community. On 3 May, three youths tried to steal alcohol from a Jesmond hotel, pushing a staff member to the ground. Staff tried to restrain one of the attackers but the youth became violent and damaged a door during his escape. It took police almost two hours to arrive at the scene.

On 27 May two men armed with knives robbed a West Wallsend service station. On 14 June a screwdriver-wielding, balaclava-wearing thief robbed a Wallsend pub, threatened the manager and escaped with cash. On 2 September a 50-year-old Woodrising bottle shop attendant was stabbed in the stomach, back and shoulder after refusing to hand over cash to an armed bandit who stormed his family's business. On 14 September a teenager threatened three strangers in a Wallsend supermarket car park with a sawn-off .22 calibre rifle. On 28 September a man threatened a service station attendant with a machete during another robbery in Muswellbrook. On 29 September a 40-year-old man entered a New Lambton supermarket armed with a knife and threatened an 18-year-old female staff member with it while demanding cash.

Also on 29 September a Mayfield East woman was pushed to the ground by a group of attackers outside her home during an attempted boat theft. On 30 September a man stormed a Muswellbrook bottle shop armed with a knife and threatened an attendant before escaping with a significant amount of money. On 3 October a bandit armed with a knife walked into the Georgetown newsagency and threatened the female employee. On 15 October an 18-year-old man shot a 23-year-old woman in the leg in a house in Jesmond. On 19 October a man entered a Bruncker Road newsagency in Adamstown, brandishing a gun at staff. These are just a small sample of the violent crimes that have been committed in the Hunter region this year. And the Government believes that we do not need more police stations in the Hunter. The situation is unacceptable for both the victims and police. Incidents like these reinforce why I am calling, on behalf of my constituents and the Hunter community, for a police station to be built in the Wallsend electorate and for more police officers to be trained and deployed to fight crime in our towns and suburbs.

Mr Tim Owen: Not again.

Ms SONIA HORNER: I note the interjection from the member for Newcastle. Yes, I will keep fighting for a police station in the electorate, given that we are unique in that we do not have a police station in the electorate. Armed robberies and break and enters are not the only issues facing Hunter residents. This year saw a 17 per cent spike in domestic violence across the Hunter.

Mr Tim Owen: Didn't your Government close it?

Ms SONIA HORNER: Mr Assistant-Speaker, will you ask the member for Newcastle to show some manners? There were 2,974 incidents of domestic violence in the region during the 12 months to June this year, up from 2,538 in the previous 12 months, according to the latest quarterly crime report released by the NSW Bureau of Crime Statistics and Research. The Hunter also continues to generate the highest number of child abuse cases in the State. The Newcastle child abuse squad office accepted 530 child abuse cases between 1 August 2012 and 13 July this year. The figures showed that 147 of those cases were deemed to be high risk, requiring a response within 24 hours. The Hunter region has consistently been the top area for child abuse for years.

With statistics like that, one would think that the Government would be prioritising the Hunter region for resourcing in this area. Unfortunately that is not the case. A review of child abuse squads in January this year found that the State average caseload for officers was 29, when it should have been 15. At that time in Newcastle officers were dealing with an average of 32 cases each. Once again, the Hunter struggles under the burden of chronic underfunding and neglect from this Government. My community is crying out for help. A petition calling for the opening of a police station at Wallsend has garnered more than 8,000 signatures. The research shows Hunter crime rates are above the State average in 12 out of 17 categories. Police in the Newcastle Local Area Command are stretched much too thinly.

The situation is not good enough. Hunter residents should not be treated as second-class citizens. The Hunter gives back a huge amount of revenue to the State. We deserve, at the very least, to feel safe in our homes, and to have a police presence in the towns in which we live. That is why the Minister for Police and Emergency Services needs to address immediately the funding and staffing shortages in the Hunter region and to commit to building more police stations in our outer suburbs, starting with the one that my constituents are desperate for, in Wallsend or at least in the Wallsend electorate.

Mr ANDREW CORNWELL (Charlestown) [12.04 p.m.]: I note that in this motion the member for Wallsend is once again cherry-picking crimes figures and is pleading with the Government to throw more police and police stations into the Wallsend electorate. Police in the Hunter and across New South Wales are committed to driving down crime through targeted investigations, strong proactive policing that involves getting out on the street and providing a visible deterrent to crime, and working with the community to develop effective crime prevention initiatives. Police operations are targeted and intelligence led. Policing is not a matter of simply having more boots on the ground. Increased police numbers and more police stations do not, of themselves, result in reductions in crime.

However, we will not mention that the Government, since coming to power in 2011, has increased by 18 the authorised strength of police in Hunter region local area commands. Also I will not mention, lest members opposite notice, that over the same period this Government has deployed 144 new police to local area commands in the Hunter. It is through smarter policing—better use of resources, new technology, enhanced powers and clever investigative techniques—that we see the most success. The Government has a proven record of providing the NSW Police Force with the resources, technology and enhanced legislation it needs to get the job done—to drive down crime and keep it down.

A case in point is the arrest of a criminal who was, at the time, Australia's most wanted man, Malcolm Naden. Strike Force Durkin, the police investigation to bring Naden to justice, was ultimately successful because of clever, intelligence-led police work and effective deployment of technology. Naden had been on the run since 2005, but just after midnight on 22 March 2012 a team of police from the Tactical Operations Unit and the Police Dog Unit surrounded and arrested Naden near Gloucester in the Upper Hunter. Police had received intelligence that Naden had broken into a property in the area previously. Believing that he might return, the police laid a trap, setting up high-tech surveillance, including infrared sensors and movement detectors. When the surveillance showed that Naden had arrived, officers pounced.

Through clever use of technology and quality intelligence, police were able to capture the State's most wanted man, one of New South Wales' most dangerous criminals, without firing a shot. But what of the crime in the Hunter that the member for Wallsend has mentioned in her motion? The figures she has referenced are now out of date. The latest figures released by the Bureau of Crime Statistics and Research for the Hunter for the 24 months from July 2011 to June 2013 show that robbery with a weapon that is not a firearm is stable, motor vehicle theft is stable and break and enter non-dwelling is stable. During the same period steal from motor vehicle declined by 4.7 per cent and malicious damage to property is down a whopping 13.8 per cent. I congratulate the NSW Police Force for all it is doing to reduce crime in the Hunter. Clearly, it is working hard and making full use of the resources and enhanced powers the Government has provided. I suspect it will not be long until we see further reductions in the crime rates.

It would be remiss of me to fail to mention that the Government is rebuilding the three police stations in the Lake Macquarie Local Area Command: Belmont, Morisset and Toronto. This is in line with what the police want. They do not want extra police stations where police resources are tied up at the front counter. Modern policing is about having police in cars on the road ensuring that they meet their targets as part of their first response agreements with their area commander. Policing is about ensuring that police are not tied up in stations and buried in paperwork. It is about ensuring that they can get out and do what they do best: catch crooks.

[Interruption]

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Members who continue to interject will be placed on calls to order under Standing Order 52.

Mr ANDREW CORNWELL: The reforms that this Government has put in place since it has been in government enable police to do that. The number of police that are off work on long-term sick leave has decreased, which has meant that commands that were operating with reduced strength due to officers being off sick now have them all back on the job and they have far greater capacity to use their resources and the additional resources that the Government has provided them.

In New South Wales police numbers total more than 16,000, which is a record authorised strength. This Government can be very proud of its record in policing because police have been provided with additional resources. Morale within the Police Force is up. Police are able to do their jobs without the constricts of the red tape and legislative burdens that they have had in the past. This Government is planning more reforms. I think it has a good news story to tell about policing. I thank the member for Wallsend for raising this important issue for the community; it is something about which people are passionate. This Government does have a good news story to tell, especially in the Hunter. Whilst I appreciate the sentiment of the motion, the Government will oppose it.

Mr CLAYTON BARR (Cessnock) [12.11 p.m.]: I support the motion of the member for Wallsend about crimes rates in the Hunter. This debate provides the opportunity to bandy about a whole bunch of numbers, to which I will contribute, but we need to consider the broader sentiment of the community and how it feels at the moment. Frankly, people in the electorate of Cessnock and right across the State do not feel as safe as they have in the past, according to the New South Wales budget statistics, which plays out in a number of different ways.

Members of Parliament often talk to the police in their electorates and we know that crime rates spike when certain criminals are not locked up. When they are released from prison the crime rate increases in our electorates and it is not too long before they are locked up again and then the crime rate decreases. I note that the Liberal-Nationals Government says that there are fewer people in jail. The reason is that offenders are granted bail because of the Government's determination to drive down the number of people who are locked up.

When the former Labor Government left government, 16 out of the 17 categories of crime across the State were either steady or decreasing, in no small part because criminals were locked up. We are experiencing a changing of the guard at the moment under the Coalition Government because its view is that locking up criminals costs too much money. The Government allows criminals to run around the streets, which, in essence, is contrary to the community sentiment.

Mr Kevin Conolly: Come on, you can do better than that. That's silly.

Mr CLAYTON BARR: If the member for Riverstone is not happy with that he should check the statistics on how many people are locked up and read the speeches of his Attorney General. More to the point,

the budget shows clearly that less money is being allocated to court processes and there is less of a determination to utilise court processes for charges brought against individuals. The budget reveals there is a determined effort to make sure that fewer matters proceed to court and even fingerprinting has decreased at crime scenes. I have taken those figures from the budget, which the member for Riverstone should read.

The Bureau of Crime Statistics gives a general State overview and in relation to the Hunter its headline issues are: Domestic violence-related assault was up 14.7 per cent and robbery with a weapon not a firearm was up 79 per cent across the Hunter. In particular the figures highlighted that in Newcastle domestic violence related assault was up 15.9 per cent and robbery with a weapon not a firearm was up 89.7 per cent. I note the contribution of the member for Charlestown and I note that the member for Newcastle will also make a contribution and I ask them if they will say that everything is okay and nothing else needs to be done?

Politicians in this State, regardless of their colour, should aspire to do better. We should challenge situations and strive for improvement. We need to go forwards, not backwards. I am not arguing about the result achieved by police in the Hunter; it is a fantastic result, but the reality is that the budget figures indicate that people feel less safe in their communities and that needs to be addressed, particularly in the Hunter.

Mr TIM OWEN (Newcastle) [12.15 p.m.]: I support the comments of my colleague the member for Charlestown about how the police in the Hunter and across New South Wales are working harder and smarter with their resources. I have no doubt that we would all love to have 35,000 or 40,000 police on the street. This Government is doing all it can within the obvious constraints to get police cadets through the academy and onto the streets. As I have said in this House a number of times in relation to similar motions, by the end of 2015 this Government will have an additional 829 police on the streets, totalling 16,665 police in New South Wales, which numbers are greater than we have ever seen.

The member for Wallsend said that Wallsend needs a police station. I have also said on a number of occasions that the Waratah command is 3.2 kilometres down the road. If members speak to key officers who run the NSW Police Force in the Newcastle local government area, that is, the Superintendent of Police and head of crime, they say it is not about police stations; it is about the number of police on the streets. This Government has far more police on the streets in the Newcastle local government area than we have ever had before. If a police station is built in the Wallsend area it will do nothing to assist in stopping crime in the Newcastle local government area.

The member for Wallsend should talk directly to the key operational people who run the police force in Newcastle. This Government is reacting to what the police say about their requirements. This Government is feeding police into the organisation. They say they do not need or require another police station at Wallsend. I advise the member for Wallsend to talk directly to the Superintendent of Police in the Newcastle local government area and get it straight from the horse's mouth.

I take this opportunity to mention Assistant Commissioner Jeff Loy who was appointed to the Northern Region Command in May 2013. He is a good man, highly skilled and a competent police officer. Prior to commencing his tenure in the northern region, he worked in numerous police commands across the State. I have no doubt that this Government is working very closely with Jeff. We should be addressing this matter in a bipartisan manner. All members of Parliament would like huge numbers of more police on our streets in their communities but this Government is putting as many onto the streets as possible, given the training throughput from the academy, and as many as possible within its operating budget.

I am sure that members of the Opposition would agree that this Government is increasing police numbers. This Government has instigated a number of local investigations of which Jeff Loy has been a key part. Strike Force Monterra resulted in two offenders being arrested and charged with seven armed robbery offences in the past couple of months. Strike Force Bulmer, set up by the State Crime Command, in the Northern Region resulted in arrests for offences at Hungry Jack's in Beresfield and McDonald's in Cessnock. Central Hunter detectives have charged offenders for an armed robbery at East Maitland Bowling Club, a car-jacking at Teralba and an armed robbery at the Rutherford Caltex service station.

At a regional command level the Northern Region Command's operations unit is collating and analysing data on all robbery incidents in the region in an effort to identify patterns and common offences and then feeding that information to local area commands. For the benefit of the member for Cessnock and the member for Wallsend we are all working together to try to get an outcome for the Hunter region. I reiterate that the advice from the police in that area is that crime in the Newcastle local government area has stabilised or is trending down, not increasing.

Mr JOHN WILLIAMS (Murray-Darling) [12.19 p.m.]: I thank the House for the opportunity to speak on the motion. Once again the member for Wallsend has brought a motion to the House that she would not have moved when Labor was in government when certainly we had issues with the level of crime across the State.

Mr Greg Piper: She just would not be popular.

Mr JOHN WILLIAMS: That is exactly right. She would not be popular. Unfortunately the truth was not allowed to prevail at that time. From my conversation with the Minister for Police at the time, David Campbell, his stated policy was that police were not to be sitting in police stations; they needed to be on the streets. The former Labor Government had that policy and in any argument or debate about police facilities that policy was explicit. Obviously it was not David Campbell's thought bubble that created the policy. It was devised primarily by the people who managed police resources in the State. They made the decision that fewer police stations represent more police on the roads and that is exactly what we have. The member for Wallsend now wants to reverse the situation created by the former Labor Government and seeks to suggest that a facility in her specific area will provide better law and order results, and she has given some evidence in support of that. I do not think any member of this House would be happy with the state of law and order at any one time within their electorates. The electorate of Murray-Darling has experienced severe spikes in certain categories of crime, especially where socioeconomic situations prevail that create the perfect opportunity for crime.

The member for Wallsend has given some evidence to the House at a particular point in time. The member for Charlestown stated that she has cherry-picked, and she probably has. This Government has continued the policy that Labor supported. I did not hear Labor speak out against the policy when it was in government; it certainly did not take that stand. Labor accepted the policy and this Government has continued that policy. The policy is based on strong support from people who run the police resources in New South Wales. It is disappointing that the member for Wallsend asserts that everything changed from the day the Coalition came to office. That is not the case. Law and order continues to be an issue across every electorate in New South Wales, it continues to be an issue across the entire Commonwealth and indeed is an issue world-wide.

Ms SONIA HORNERY (Wallsend) [12.33 p.m.], in reply: I thank the member for Charlestown, the member for Cessnock, the member for Newcastle and the member for Murray-Darling for their contributions to this debate. I will reply first to the contribution of the member for Murray-Darling. Unfortunately, the Wallsend and Hunter communities will find his general response embarrassing as he did not attempt to address the motion. It is sad when a matter such as this is debated and the member can only give a general response to such an important issue.

The member for Murray-Darling accused me of not lobbying for better resources when Labor was in government. Wrong, wrong, wrong! The member for Lake Macquarie knows that I shook my fist many times at Assistant Commissioner Carlene York because the police sat on the \$1 million allocated for building a police station at Glendale. That has now been taken away from my electorate and spent elsewhere. I argued and thumped the desk. The Minister for Police at the time, Michael Daley, used to run away from me during divisions because I would lobby him about getting funding for the police station. The member for Murray-Darling should never dare to say to me that I am scared to lobby and put my electorate first, whether Labor is in government or in opposition. That is one of the reasons I was re-elected. He should never insult my electorate by saying that.

I ask the member for Charlestown: which bureaucrat wrote his speech again? I agree with him that the NSW Police Force is committed to driving down crime but it is about resources, availability of police patrol cars and response times. I ask the member for Charlestown: does he find it acceptable that it took 2½ hours for the police to respond to the 3 May violent crime at Jesmond Hotel because there was no police car available? The member for Charlestown spoke about rebuilding police stations that we do not need, police stations in the area, and the member for Newcastle referred to that also. That is not what the community perceives. The community wants a police presence. Lake Macquarie Local Area Commander Alan Clarke fully supported the building of a police station at Glendale.

Mr Tim Owen: Have you spoken to the superintendent of police?

Ms SONIA HORNER: Yes, thank you, and I have met the Commissioner of Police too.

Mr Tim Owen: What did he say?

Ms SONIA HORNER: I told the assistant commissioner that the police presence in my community was not good enough. I told the police commissioner in the last term of government that the police presence in my community was not good enough. I spoke from the same song sheet. Just because we are in government does not mean that we all crawl to our Government Ministers. I never did and I never will. The member for Cessnock spoke of the broader sentiment of our community and how they are feeling. I do not think the Government understands that. When people do not feel safe and do not see police regularly, they become disconnected from police, and that is really important.

The member for Cessnock posed the question: Will they say that everything is fine in the community? The budget figures speak for themselves; they show that the police presence needs to be improved. The member for Newcastle commented on the excellence of policing and I agree. However, why was the police academy closed for six months last year and new police were not appointed at the time? Having a police station in the Wallsend electorate would go a long way towards supporting the community's connectivity to the police, and that is important.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 24

Mr Barr	Ms Hornery	Mr Robertson
Ms Burney	Mr Lynch	Ms Tebbutt
Ms Burton	Dr McDonald	Ms Watson
Mr Collier	Ms Mihailuk	Mr Zangari
Mr Daley	Mr Park	
Mr Furolo	Mr Parker	
Mr Greenwich	Mrs Perry	<i>Tellers,</i>
Ms Hay	Mr Piper	Mr Amery
Mr Hoenig	Mr Rees	Mr Lalich

Noes, 54

Mr Anderson	Mr Evans	Mr Perrottet
Mr Aplin	Mr Flowers	Mr Provest
Mr Ayres	Mr George	Mr Roberts
Mr Baird	Ms Gibbons	Mr Rohan
Mr Barilaro	Ms Goward	Mrs Skinner
Mr Bassett	Mr Gulaptis	Mr Smith
Mr Baumann	Mr Hartcher	Mr Souris
Ms Berejiklian	Mr Hazzard	Mr Speakman
Mr Bromhead	Ms Hodgkinson	Mr Spence
Mr Brookes	Mr Holstein	Mr Stokes
Mr Conolly	Mr Humphries	Ms Upton
Mr Constance	Mr Kean	Mr Ward
Mr Cornwell	Mr Marshall	Mr Webber
Mr Coure	Mr Notley-Smith	Mr R. C. Williams
Mrs Davies	Mr O'Farrell	
Mr Dominello	Mr Owen	
Mr Doyle	Mr Page	<i>Tellers,</i>
Mr Edwards	Ms Parker	Mr Maguire
Mr Elliott	Mr Patterson	Mr J. D. Williams

Question resolved in the negative.

Motion negatived.

REPARATIVE THERAPY

ACTING-SPEAKER (Mr Lee Evans): Order! Before I call the member for Sydney, I inform the House that, in accordance with Standing Order 139, he will be moving an amended motion.

Mr ALEX GREENWICH (Sydney) [12.38 p.m.]: I move:

That this House:

- (1) Notes that the Australian Psychological Society has referred to so-called "reparative therapy" treatment as harmful.
- (2) Notes that there is no scientific research to substantiate the claims that medical and psychological treatment can change a person's sexual orientation.

Reparative therapy seeks to use counselling, psychotherapy, prayer and group sessions to attempt to turn a gay or lesbian person straight, or to help them manage their homosexuality so they can live a straight or celibate life. In the past electroconvulsive therapy has been used. Embedded in this theory is the notion that homosexuality is a disorder that can be changed and an immorality that must be healed. Like most Australians, I strongly disagree with this premise. I understand that at least 10 organisations practise reparative therapy in Australia, all of which claim to be Christian based. Stories from people who have undergone reparative therapy refer to counsellors delving into their past in a neo-Freudian attempt to uncover an absent or distant father, an overbearing mother or child sex abuse and being told that these are the reasons they are homosexual. People undergoing reparative therapy are not referred to as gay or lesbian; they are told that they suffer from same-sex attraction or unwanted homosexual desires.

I understand that none of the programs offered in Australia are run by accredited psychologists or psychiatrists. Reparative therapy has absolutely no scientific merit whatsoever and no peer-reviewed study has shown that it works or that sexuality can be changed. In fact, psychology experts condemn the therapy as not only futile but also inherently damaging to mental health. The Australian Psychological Society holds the position that homosexuality is not a diagnosable mental disorder and recommends against practitioners attempting to change someone's sexual orientation. The American Psychiatric Association removed homosexuality from the *Diagnostic and Statistics Manual of Mental Disorders* in 1973 and the World Health Organization removed it from its *International Classification of Diseases* in 1990. In May, the Pan American Health Organization released a statement referring to reparative therapy as a "serious threat to the health and wellbeing of affected people".

Some people who have undergone reparative therapy have developed obsessive addictive behaviours, depression, suicidal ideation and suicides. Brisbane psychologist Paul Martin, who underwent two years of ex-gay therapy in the early 1990s, refers to the former reparative therapy participants he now treats as "some of the most psychologically damaged people" he has seen in his life. He says that it has the potential to psychologically damage innocent people and contribute to suicidal behaviour. Participants are pressured to reject who they are and their natural orientation. They often experience feelings of failure, hopelessness and shame, and of being condemned by God. Vulnerable people who have been told that their sexuality is a sin are given false hope through reparative therapy because it will ultimately fail.

When former Assemblies of God minister Anthony Venn-Brown released his autobiography, which described his experience with ex-gay therapy, he was contacted by thousands of lesbian, gay, bisexual, transgender and intersex Christians, whom he says revealed enormous suffering. Anthony Venn-Brown co-established a support group for gay and lesbian Christians called Freedom2b and established the organisation Ambassadors and Bridge Builders International, which has been monitoring ex-gay therapies in Australia. Ambassadors and Bridge Builders International says that reparative therapy attempts to do the impossible and highlights the damage it does not only to participants but also to the families they attempt to create. It reports that often ex-gay therapy heterosexual marriages fail in the long term, leaving the husband or wife feeling betrayed or inadequate because they failed to convert their spouse. Children are also hurt by broken families and when a parent comes out in an environment where homosexuality has been stigmatised.

Defenders of reparative therapy say that they are helping people who want to change and who do not want to be homosexual. This denies the fact that participants have been raised within a community that tells them that homosexuality is a sin and that they cannot be Christian and gay. In such an environment, gay men and lesbians can be tormented by their sexuality and will latch on to any hope of change. However, that is impossible: We cannot pray the gay away! Disturbingly, on Saturday *Canberra Times* journalist Lisa Cox reported that students from a Christian school were required to undergo counselling for their homosexuality, during which they were told they were not actually gay and could change.

When I introduced my Anti-Discrimination Amendment (Private Educational Authorities) Bill 2013 I shared with the House stories from students who attended Christian schools and were made to undergo

counselling to deal with their sexuality. According to Anthony Venn-Brown, reparative therapy is on the decline, but it is still happening. In the United States the leading ex-gay therapy organisation recently denounced its practices, and in July the Californian Government passed a bill co-sponsored by Senator Ricardo Lara banning reparative therapy on anyone under 18 years of age. I believe we should move to protect vulnerable people coming to terms with their sexuality, promote real support and acceptance within faith communities and schools, and outlaw this futile and damaging practice. I commend the motion to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [12.43 p.m.]: I support the motion moved by the member for Sydney noting the harmful effects of reparative therapy, referring to the practice of attempting to cure people of homosexuality. I note the recent change in position of the Christian organisation Exodus International, which since 1976 has worked with gay Christians to assist them with so-called therapy to cure them of their sexual orientation, including here in Australia. Exodus International recently renounced its position that homosexuality can be cured. The fact is that today, and for many decades prior and despite a lack of social acceptance for homosexuality in the past, all major mental health associations agree that homosexuality is not a disease. In May this year, the Pan American Health Organization released a statement saying that reparative or conversion therapies "represent a serious threat to the health and wellbeing of affected people".

It is the official position of the Royal Australian and New Zealand College of Psychiatrists that homosexuality is not an illness, and any therapy that purports to change someone's sexual orientation is simply erroneous. Furthermore, no peer-reviewed study has found that these conversion therapies work. In fact, the Exodus International president, Alan Chambers, who identifies as ex-gay and who is married with two children, has revealed that he continues to have what he refers to as "same-sex desires". Exodus International's repudiation of its aims and agenda is encouraging. However, movements still exist that promote the practice of reparatory therapy and claim to cure homosexuality rather than encourage and promote social and self-acceptance. It appears that after decades of attempting to convert gay people to heterosexuality, Exodus International realised this is not possible.

Instead of encouraging homosexual people to accept and embrace who they are and feel comfortable in their own communities, there exists the underlying belief in some groups that homosexuality is wrong, which is an inherently dangerous view to espouse, particularly for the younger generation of lesbian, gay, bisexual, transgender and intersex people. The problem is the view of conversion therapy proponents and anti-homosexual organisations that dissociate homosexuality from romantic love and family. They take the view that homosexuality is a choice that is exclusively associated with sex and sexual desire. For a young man or woman coming to terms with their sexuality, the promotion of this kind of belief fuels stigmas in society about homosexuality and marginalises homosexual people. Any attempt at intervention that contributes further to the marginalisation of homosexual people also has the great potential to undermine existing public health responses and create barriers to much-needed health services.

The love that I share with my partner of 22 years, Paul Western, is no different from the romantic love between a man and a woman. Homosexual relationships, like heterosexual relationships, are based on more than simple desires. We share a loving, committed and supportive relationship. I thank the member for Sydney for moving this important motion before the House, reaffirming that New South Wales will not stand for the fringe views of fringe groups that contribute to the marginalisation of lesbian, gay, bisexual, transgender and intersex people in our community.

Mr GREG PIPER (Lake Macquarie) [12.48 p.m.]: I support the motion moved by the member for Sydney, not only because there is no evidence to support the effectiveness of reparative therapy but also because there is no need for such offensive processes. I also acknowledge the comments made by the member for Coogee. From my experience, there is no illness associated with homosexuality. I have many friends and family members who are openly gay. They are not ill. The only illness that is evident is that afflicting those who cannot accept that those with a different sexual orientation are normal. Homosexuality is not a condition that needs treatment, and the use of pseudo-scientific therapy to allegedly cure it can only undermine a person's wellbeing. Religious organisations that advocate reparative therapy would do better to practise the tolerance and understanding they preach and accept that we live in a diverse society.

The Australian Psychological Society has a clear disregard for therapies that approach sexual orientation other than heterosexuality as a mental illness and purport to offer a remedy. Its position statement says that psychotherapeutic modalities to convert or "repair" homosexuality are based on developmental theories of questionable validity. It says that anecdotal reports of cures are counterbalanced by anecdotal claims of psychological harm and makes the point that reparative therapy literature, as well as being scientifically

unreliable, "actively stigmatises homosexuality". Something that perhaps underscores the tenuous scientific basis of conversion or reparative therapy is the existence of an app I discovered this morning called *Door of Hope*, which professes to give the user "freedom from the bondage of homosexuality within 60 days or less". That is not a bad deal for what they charge for it—I think it is 99¢. Even Apple saw the error of its ways and took down the app some years ago.

The American Psychiatric Association is similarly dismissive of the efficacy of reparative therapies. Like its Australian counterpart, it does not recognise homosexuality as a mental disorder and describes the potential health risks of reparative therapy as great and include depression, anxiety and self-destructive behaviour. If there is an illness it is brought on by the pressure from fringe groups and nutters who cannot face up to other people's sexual preferences. It is disappointing that some religious and far right organisations, particularly those claiming to be advocates of family, continue to actively discriminate and encourage stigmatisation by peddling the theory that sexual preference other than heterosexuality is harmful and should be treated using dubious therapies.

These views are not shared by the majority of fair-minded people I know, many of whom have religious orientations and value family. They are the views of a vocal and misguided minority. I am proud of the way that people of different sexual orientation I know and those in my family carry themselves. I am proud to be associated with people like the member for Coogee and the member for Sydney in their advocacy for like-minded people and the gay and lesbian community. These therapies are aberrant, and they should be stamped out. I support the motion.

Mr JAMIE PARKER (Balmain) [12.52 p.m.]: On behalf of The Greens I address this amended motion, which I fully support. I acknowledge that this is not an attack on Christian communities or the Christian Church. It is not an attack on those with strong religious beliefs. We know that proponents of this type of approach are in the minority. Many organisations such as Hillsong Church—a Pentecostal church regarded as very conservative on moral issues, which is in the outer north-west and has a very large congregation—will no longer support anti-gay ministries. The Pentecostal Church is traditionally more conservative, and yet it does not support these therapies. It should not, because we know that this approach is hurtful and harmful and it breeds stigma, shame and marginalisation. We also know that these therapies are pointless because all evidence from credible medical organisation shows that homosexuality is not an illness.

I have had a lot of contact with the homosexual community because of Senator Bob Brown who was the first openly gay member of the Australian Parliament. He is a former school captain of Blacktown Boys High School in Western Sydney. He said he would be in favour of criminal charges being considered against advocacy aimed at gay students in our schools. As a teenager, Bob Brown was very conflicted by his sexuality and his Christian faith. He spoke to the *Australian* about his experience, saying that when he was at medical school at the University of Sydney he often cried himself to sleep and even saw a psychiatrist who tried electric shock aversion therapy to cure him of his aversion to men. He said, "I wasn't going to tell anyone I was gay. I was talking a lot with Jesus about it, but he didn't come good."

This type of therapy is marginal in our communities and in faith-based organisations because we know it does not work. It is based on flawed logic and seeks to shame, stigmatise and marginalise same-sex attracted people. We should view people's sexuality as a reason for celebration and not electroshock treatment. We need to accept and celebrate people's different sexual orientations. Any attempt to change homosexuality is homophobia. This House should note that point because it goes to the heart of a just and honest society, a society that recognises difference, celebrates diversity and acknowledges the value that every person in society contributes not only to make this State great but also to make communities and families the loving and nurturing places they should be. I congratulate the member for Sydney on raising this matter and I support the motion.

Dr ANDREW McDONALD (Macquarie Fields) [12.55 p.m.]: The medical profession is quite clear about the basic tenets of practice. The first is to do no harm and the second is always to use evidence-based therapy. When it comes to sexual orientation therapy the evidence is quite clear: There is no benefit. Some 83 studies conducted between 1960 and 2007 found that there is absolutely no scientific evidence of any sort that sexual orientation can be changed. In fact, all major medical organisations oppose the use of this therapy because it causes harm to individuals and it misrepresents homosexuality as a mental disorder. This is harmful therapy and there is no justification for it. That is why the American Psychiatric Association removed it from the diagnostic glossary in 1973 and the World Health Organization removed it from the *International Classification of Diseases* in 1992.

The Royal Australian and New Zealand College of Psychiatrists has a position paper from 2010. It is similar to that of the College of Physicians of the United Kingdom. It says that lesbian, gay and bisexual people are valued members of society who have exactly the same rights as all other citizens. Those rights include equal access to health care, responsibilities involved in procreation and bringing up children, freedom to practise religion, and freedom from harassment and discrimination. These apply to everybody in the community as they do to lesbian, gay and bisexual people. The college is clear about not supporting the use of sexual orientation change efforts of any kind. It says that mental health workers should avoid misrepresenting the efficacy of sexual orientation change efforts when providing assistance to people who are distressed by their own or others' sexual orientation.

It goes on to say that mental health workers should assist people distressed by their sexual orientation with care and treatment approaches that involve acceptance, support and identity exploration. They should aim to reduce the stigma associated with homosexuality and respect the person's religious beliefs. It is quite clear that any practitioner practising a form of therapy for which there is no evidence of benefit and clear evidence of harm should come to the notice of the regulation authorities. This is dangerous therapy that does far more harm than good. Authorities monitoring treatment provided to community members by professionals should be aware if this therapy is being provided. It is harmful, and everybody in the community should be aware of the damage that such therapies cause.

Mr ALEX GREENWICH (Sydney) [12.58 p.m.], in reply: I thank the member for Balmain, the member for Lake Macquarie, the member for Macquarie Fields and especially the member for Coogee for their contributions to the debate on this motion. It is significant that we are having this discussion the day after the Gay and Lesbian Rights Lobby celebrated its twenty-fifth anniversary, with the Governor of New South Wales, her Excellency Marie Bashir, speaking about the importance of respect and equality for gay and lesbian people of all ages. The motion is important for many of my lesbian, gay, bisexual and transgender constituents but it is even more important for gay and lesbian people in rural and regional Australia. This motion says there is nothing wrong with being gay and it is certainly not an illness that can be cured. Indeed, one can be proud of being gay and be a proud Christian at the same time.

I commend the work of the many current and previous members and advocacy groups, including the Gay and Lesbian Rights Lobby and people like Rodney Croome, who work towards decriminalising homosexuality. It is now time that harmful and torturous practices against the gay and lesbian community like reparative therapy are banned. I thank members who have contributed to this debate. I will submit the *Hansard* record of this debate to the Health Care Complaints Committee inquiry into the promotion of false or misleading health-related information or practices. I commend the motion to the House.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

Pursuant to sessional orders committee reports proceeded with.

COMMITTEE ON LAW AND SAFETY

Report: Managing Donor Conception Information

Question—That the House take note of the report—proposed.

Mr JOHN BARILARO (Monaro) [1.00 p.m.]: Today I speak in debate on the report of the Committee on Law and Safety entitled, "Managing Donor Conception Information", which was tabled on 17 October 2013. First, I acknowledge the work of all members of the committee on what was a very tough and emotional rollercoaster ride, as those who know a little bit about the history of the inquiry would know. The inquiry follows the committee's first inquiry relating to the way in which we deal with details on birth certificates. The inquiry has opened up a Pandora's box in the way we manage, store and facilitate information for those individuals who are donor conceived.

During the first inquiry the committee found that a number of issues had been raised that were outside the scope of that inquiry. These were complex issues that the committee agreed warranted further investigation. This inquiry into managing donor conception information examined three main areas: which agency should collect and maintain donor conception information, whether access to donor conception information should be allowed retrospectively, and what type of support is needed for people seeking donor conception information.

Currently, donor conception records for people conceived before 1 January 2010 are held by the doctor or clinic that provided the assisted reproductive technology treatment. Accessing these records can become very challenging when clinics close down or doctors retire. Protocols for accessing information vary between clinics, meaning that the information available to people is inconsistent and dependent on the clinic at which they were conceived. The committee was also very concerned to hear of the deliberate damage or destruction of donor conception records.

For those reasons the committee has made several recommendations to improve the management of donor conception records, including the key recommendation to establish a new agency to manage all donor conception information regardless of when that information was created. The committee has also recommended that the Assisted Reproductive Technology Act be amended to make it an offence to destroy, tamper or falsify donor conception records. The committee examined the sensitive issue of retrospective access to donor conception information—a very emotional issue for many donor-conceived people and their families. In coming to a decision regarding retrospective access the committee sought to consider the perspective of all parties—that is, donors, donor-conceived people and their families.

The committee has made six recommendations around accessing donor conception information, based on the belief that access to identifying donor conception information should be possible when all parties to donor conception consent. For this reason the committee recommends that the agency established to manage donor conception records should also facilitate the exchange of donor conception information, with the consent of all parties. I believe that these recommendations strike the appropriate balance between fulfilling the needs of donor-conceived people to know their genetic heritage and respecting the wishes of donors, who donated in an era of anonymity, to maintain their privacy if they wish.

Lastly, the committee looked at the issue of support for people seeking donor conception information. Accessing donor conception information can be an intensely emotional experience for all involved and specialist skills are needed to help navigate this process successfully. Donor-conceived people, donors and their families may need different forms of support at different stages of their lives. Presently there is limited support available and it can be difficult to access. The committee has made three recommendations relating to support for those people seeking access to donor conception information. The main recommendation is that the agency established to manage donor conception information will also provide a comprehensive suite of education and support services, including community education, public awareness campaigns, counselling, intermediary support and DNA testing. Having a single agency to manage donor conception information and to provide education and associated support services will provide a one-stop shop and improve the experience of all those seeking donor conception information.

In closing, I thank all those who took part in this inquiry. The committee was overwhelmed by the personal accounts and stories, and I thank those people who took the time to share their views and experiences with us. In particular, the submission and evidence of Dr Sonia Allan were highly valued by the committee. Dr Allan contacted us after the committee's report was tabled last week and said:

Dear Mr Barilaro, members of the Committee, and staff,

I would like to thank Mr Barilaro, the members of the Law and Safety Committee, and staff, for the report on the Law and Safety Committee's inquiry into managing donor conception information.

I have read it closely, and am heartened by the recommendations the Committee has made.

They are well thought out and balanced, and I do believe that implementing the system you recommend would be a very significant move forward for all involved. A really good move forward.

Kind regards,

Sonia
Dr Sonia Allan
Senior Lecturer,
School of Law, Deakin University,

Her submission and evidence were very important and persuasive in the decisions of the committee. I also thank my fellow committee members for their contribution: the member for Swansea, the member for Cabramatta, the member for Fairfield, the member for The Entrance, and the former deputy chair, the member for Wollondilly. Each committee member embraced this sensitive and complex issue and was determined to make recommendations that strike a balance for all parties. I also thank the hardworking committee staff for all the work and support they gave each and every one of us.

Mr NICK LALICH (Cabramatta) [1.06 p.m.]: I speak in debate on the report tabled by the Law and Safety Committee, of which I am a member, relating to the committee's inquiry into managing donor conception information. My views on this issue stem heavily from the point of view of not causing undue grief to anyone involved—the donors, the donor-conceived children, the families or the biological families. This emotive issue involves something that all of us in this Chamber hold close to our hearts: our loved ones and our families.

As would be expected, there are conflicting views on how to handle this issue without causing unnecessary pain to anyone. There are those who believe that the truth is the most important thing and that letting a donor-conceived person know that further information is available is the right thing to do, and there are those who believe that undue stress and family problems may arise if donor-conceived people are involuntarily fed this information. This is a fine line to tread and I am confident that the report manages to negotiate this path with the appropriate respect that this important issue deserves.

Apart from the emotive issues there are logistical hurdles that need to be overcome. Poor record keeping by clinics is a real issue. The committee was astonished to learn that some donor conception records may have been lost or destroyed—sometimes deliberately destroyed. Nothing could be more painful to a person in search of his or her biological parents than finding out that the records no longer exist. The report also notes the increased need for improvement in community education on this issue, public awareness campaigns, counselling, intermediary support and DNA testing. The report recommends that a single agency handle these services and issues, establishing a streamlined system that will provide help more easily to all involved in donor conception as well as the general public.

Last year I visited the Human Fertilisation and Embryology Authority [HFEA] at Finsbury Tower, London, and spoke to its chief executive officer, Mr Peter Thompson, on this issue. The authority licenses and accredits clinics, which then report directly to the authority. It is government-funded yet at arm's length from government. Its belief is that the family unit that raises the donor-conceived person is best placed to inform the person of the means of conception. As the information could potentially be devastating and, at a minimum, shocking to a person that he or she is donor-conceived, the authority believes that it is inappropriate for it to disclose this information.

The Human Fertilisation and Embryology Authority counsels prospective parents on their responsibilities to the child and indicates the benefits of informing the child of his or her means of birth. Any persons over the age of 18 years who believe that they were donor conceived can go to the authority for information and assistance in finding out whether in fact they were donor conceived. This is an extremely difficult issue morally and ethically. I congratulate the committee chairman, the member for Monaro, as well as my fellow committee members from the electorates of Fairfield, Swansea and Wollondilly on their hard work and thank them for their cooperation. I also thank the Law and Safety Committee secretariat and staff for their great work and cooperation on this issue. Without them we would never have been able to finish this report. I commend this report and its recommendations to the House.

Mr GUY ZANGARI (Fairfield) [1.10 p.m.]: I speak in debate on the report tabled by the Law and Safety Committee, of which I am a member. The report relates to the committee's inquiry into managing donor conception information. The report is a culmination of months of hearings and meetings on what is a highly sensitive issue for all stakeholders concerned. The inquiry into the management of donor conception information was born out of supplementary issues raised at an earlier inquiry into donor conception. The inquiry into the inclusion of donor details on the Register of Births, Deaths and Marriages began in 2011 and continued well into 2012, with the tabling of the committee's report in November 2012.

The initial 2011 inquiry was the result of ambiguities to the current state of the law covering disclosures of donor details, currently regulated under the Assisted Reproductive Technology Act 2007. A recent District Court judgement ordering the details of a New South Wales sperm donor to be removed from a person's details in the Register of Births, Deaths and Marriages. Currently, laws implement a threshold as to the level of information a person born out of a donated sperm may receive. If people were conceived before 1 January 2010 they would have to approach the clinic where their mother's fertility procedure was performed to see whether they are able to obtain some non-identifying information. As such, the success of that inquiry is largely dependent upon the quantity and quality of the information held by the clinic.

Another avenue would be to see whether the donor information is available voluntarily under the Assisted Reproductive Technology Act 2007 and the accompanying 2009 regulations. As such, obtaining information would depend upon the details being volunteered in the first place. Conversely, if a person was born on or after 1 January 2010 the Assisted Reproductive Technology Act 2007 required an assisted reproductive technology clinic to provide relevant details to the central register. The information on the central register would then be available to relevant persons when they reach the age of 18 years. This automatically raised issues of fairness. People born after 1 January 2010 have a central repository to which to turn to help them determine

their biological ancestry whilst people born after 1 January 2010 would have to see what information, if any, is available. In its deliberations during the preceding inquiry, a series of issues were raised, which became the focus of the inquiry that has recently concluded.

Amongst others, the supplementary issues arising out of the earlier inquiry included the right to gain retrospective access to records relating to donor conceptions prior to January 2010 and the need for support services for people seeking donor conception information. The inquiry called for submissions, with the submission date set for 15 February 2013, and held two public hearings at Parliament House on 29 April and 6 May 2013. The committee received 40 submissions from stakeholders and individuals covering a broad cross-section of the community representing both sides of the debate. During the public hearings we heard evidence from 22 witnesses. I thank each individual and stakeholder group that tendered a submission and/or made time to share their experiences, hopes and even concerns with committee members during the two public hearings. [*Extension of time agreed to.*]

This inquiry, like the previous one, focused on the issue of access to information relating to people who have been conceived from donated sperm. The sensitivity of this issue speaks for itself. For instance, persons who had made a donation at one point in their lives, with or without full comprehension of the consequences of the decision, may suddenly receive contact from a person claiming to be their biological off-spring. Such a revelation will have an impact upon their lives and the lives of family members. On the flip side, persons conceived out of a donated sperm may one day seek answers regarding their biological heritage, as a means of understanding their biological identity or to uncover their full medical history. The ethical questions surrounding these issues are profound. However, for some, they may view the committee's findings as placing the rights of one party above, and to the detriment of, the rights of another. That is not the committee's intention.

The committee sought to look at the issues and its consequences not only to individuals but also to the community as a whole. It is this approach that has resulted in the recommendations that are found within this report. The first and third recommendations call for the establishment of a central repository, under the office of the Attorney General, to manage donor conception information. The fourth recommendation calls for immediate amendment to the Assisted Reproductive Technology Act 2007 to protect donor conception records that currently exist and are held by private clinics and other bodies. This recommendation seeks to make it an offence to destroy, tamper or falsify any donor conception record. As a matter of urgency, the second recommendation in the report calls for the Ministry of Health to engage specialists who could liaise between donors and donor-conceived people and recipient parents to facilitate access to identifying information with the consent of all parties.

Recommendations 5 and 6, from my perception, were the most contentious issues before the committee. Essentially, both recommendations had to determine what sort of retrospective duties were to be imposed upon donors of donor-conceived children who were born before 1 January 2010. During the hearings it became clear that a number of donors had made sperm donations without a full comprehension of the decision they were making or their decision may have been influenced by factors such as duress, misrepresentation or other factors that would question their intention to have made a donation for the purposes for which the donated sperm had been used. As such, the release of information, particular self-identifying information, would have profound consequences to them and their family—consequences that many who donated may not have fathomed. As such, in light of retrospectivity and its consequences, recommendation 5 allows for donor-conceived individuals conceived before 1 January 2010 a right to access non self-identifying information without the consent of the donor.

Recommendation 6 will allow access to self-identifying information to donor-conceived individuals prior to 1 January 2010 only where the donor has consented. Further, recommendation 7 will extend the access privilege in recommendation 5 to the parents of donor-conceived individuals until their child reaches the age of 18 years. I will not go through the other recommendations, recommendations 8 to 13. However, I reiterate my point that this inquiry required the members of the Law and Safety Committee to make recommendations which, if accepted by the Government, will impact on the lives and aspirations of each and every party who is touched by this issue. I again thank all the individuals and stakeholders who took the time to participate and to share their perspective on the issues at hand and especially those individuals brave enough to share their experiences. I commend this report and its recommendations.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

**COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE
CRIME COMMISSION**

Report: 2013 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the NSW Crime Commission, the Information and Privacy Commission, the NSW Ombudsman, the Child Death Review Team

Question—That the House take note of the report—proposed.

Pursuant to standing orders debate postponed and set down as an order of the day for a future day.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 46/55

Question—That the House take note of the report—proposed.

Mr STEPHEN BROMHEAD (Myall Lakes) [1.18 p.m.]: I appreciate the opportunity to update the House on the comments made by the Legislation Review Committee in digest No. 46, which was tabled on 22 October 2013. The committee considered eight bills introduced into Parliament in the sitting week that commenced on 13 October 2013. Of those eight bills, the committee made no comment on three: the Adoption Legislation Amendment (Overseas Adoption) Bill, the Coal Seam Gas Prohibition (Sydney Water Catchment Special Areas) Bill 2013 and the Snowy Hydro Corporation Amendment (Snowy Advisory Committee) Bill 2013.

I turn now to the bills on which the committee provided comment. The first is the Companion Animals Amendment Bill 2013 which makes a number of amendments concerning the registration of companion animals and the control of dogs. The committee noted that the bill increases the maximum penalties applicable for urging a dangerous or restricted dog to attack as well as creating new penalties for when an owner's dog charges or attacks any person or animal. Despite the possible severity of the penalties, the committee noted that these provisions were part of an overall scheme to encourage responsible pet ownership and increase community safety. The committee also noted that the bill excludes a judicial review for when an authorised official declares a dog to be a menacing dog. The committee made no further comment, given that the right of appeal lies with respect to a dog being declared a dangerous dog, and it again had regard to the community safety principles that underpin the bill.

I turn now to the Explosives Amendment Bill 2013. One of the proposed amendments enables a police officer, without a warrant, to search and detain a person if the police officer suspects on reasonable grounds that the person is in possession or control of anything used or intended to be used in the commission of a particular offence. Permitting the police to search without a warrant and then seize and detain items found could impact on a person's right to be free from unreasonable search. However, the committee noted that the public safety considerations of this amendment, together with the requirement that the police officer has a reasonable suspicion, meant that no further comment from the committee was required.

When considering the Fines Amendment Bill 2013 the committee noted certain matters that may be considered an inappropriate delegation of legislative power. In particular, the committee considered that the new trial for the enforcement of restitution orders established by this bill, including that the class of persons to whom the new system is to apply, is to be set by regulation. The fact that the regulation could be disallowed under the Subordinate Legislation Act, and the fact that the new system is only a trial, meant that the committee found no further need to comment. The committee also noted that the bill provides that the regulations may make further provision for the enforcement of victims restitution orders, including by modifying provisions of the Fines Act itself. In the committee's view, this may be an inappropriate delegation of legislative power. Amendments to primary legislation should be effected by Parliament, not by the Executive making amendments to regulations. The committee referred this matter to Parliament for its further consideration.

The Industrial Relations Amendment (Industrial Court) Bill 2013 provides that certain types of matters that are currently required to be heard before a Full Bench, usually comprising three members, will now be heard before a single judge. This may impact on the outcomes of various cases and be considered unfair to the defendant in certain criminal matters. However, the committee also noted that single-judge hearings are commonplace for the types of matters earmarked in the bill and as such the committee made no further comment. Lastly, the Work

Health and Safety Amendment Bill 2013 provides for several important amendments, one of which is to place beyond doubt the jurisdiction of the District Court in certain proceedings as well as the ability of an Australian legal practitioner to institute certain proceedings. The committee considered whether this amendment would be a legislative fettering of the judicial process, the effect of which may be prejudicial to one party over another. However, the intent of the bill is to clarify the initial intent of the Act and not to unfairly influence any judicial matters. In those circumstances the committee did not consider the amendments to be unreasonable.

The bill also provides that certain proceedings for an offence that were terminated because they were not validly instituted may recommence. This may be considered to have a retrospective effect, as well as exposing individuals to a second prosecution, despite the initial prosecution having been stayed, dismissed or withdrawn. Given that the amendment merely seeks to correct a possible technical error, rather than to effect a major policy shift, and given the overall public interest considerations in workplace health and safety, the committee made no further comment. As always, the digest is drafted and compiled for members as a reference tool to discuss matters of importance to the people of New South Wales. I thank the members of the committee and I commend the review staff for their diligence. I commend the digest to the House.

Ms TANIA MIHAILUK (Bankstown) [1.24 p.m.]: In speaking in debate on Legislation Review Digest No. 46/55 I acknowledge, as always, my fellow committee members from the Legislative Council and the Legislative Assembly. I also commend committee staff who diligently and thoroughly compiled the digest for the second week straight. On this occasion I was pleased to be able to attend the meeting as it was held at 1.30 p.m. I take this opportunity to thank Mr David Shoebridge and the Hon. Amanda Fazio for raising a number of concerns when report No. 46 was tabled in the Legislative Council last Tuesday afternoon. I have attended only one of every three meetings that are held by the Legislation Review Committee as I am continually denied an opportunity to attend meetings that are deliberately held at 8.30 a.m. The chair and other committee members are aware that it is impossible for me to attend at that time due to care arrangements involving my three children under the age of eight.

I have asked for a notation to that effect to be included in the digest because at the end of this Government's four-year term in office a report will be tabled that refers to the attendances of committee members. I should not be denied an opportunity to include a notation to explain why I have been unable to attend those meetings. I will continue to raise this issue in the House as it has become something of a game for the chair and for the Hon. Dr Peter Phelps. Ironically, a number of Coalition members have indicated to me privately that they would prefer the meeting times to be amended to give me, the only female member on the committee, an opportunity to attend them.

I remind the House that each committee meeting lasts on average for two to five minutes. Committee secretariat staff have indicated that if the meeting commences at 1.30 p.m. on Tuesday that will not make it difficult for them to prepare the digest or the minutes for adoption later that day. This week the committee considered eight bills, including the Fines Amendment Bill 2013. The committee considered a number of issues relating to the Fines Amendment Bill, including a possible infringement to confidentiality and the right to privacy with the sharing of personal information between jurisdictions. Debate on that bill took place in this House yesterday. The digest states:

The Committee notes fine defaulters' privacy rights are protected by confidentiality requirements of the *Fines Act 1996*, it is unclear if their privacy rights will be protected in the same way once their personal information is disclosed to officers in other jurisdictions who may be bound by different requirements. Nonetheless, the provision facilitates a beneficial scheme to allow other States and Territories to enforce NSW fines in other jurisdictions and vice versa.

New section 116 (2) states:

The Commissioner may engage consultants or contractors to assist the Commissioner in the exercise of his or her functions.

This will effectively result in the privatisation of debt collection. Not enough consideration has been given to the practical impact of this provision. I thank staff for preparing the digest and I look forward to speaking about the digest next week, even though I will not be able to attend the meeting.

Question—That the House take note of the report—put and resolved in the affirmative.

Report noted.

ACTING-SPEAKER (Mr Lee Evans): Order! With the leave of the House, the House will sit past 1.30 p.m. to conclude consideration of committee reports.

PUBLIC ACCOUNTS COMMITTEE**Report: Examination of the Auditor-General's Performance Audits October 2011-March 2012****Question—That the House take note of the report—proposed.**

Mr JONATHAN O'DEA (Davidson) [1.28 p.m.]: It is my privilege to present the twelfth report of the Public Accounts Committee of the Fifty-fifth Parliament entitled, "Examination of the Auditor-General's Performance Audits October 2011-March 2012." This report focuses on the vital role of following up the performance audits of the New South Wales Auditor-General and follows up four of the Auditor-General's audit reports: improving road safety, young drivers; responding to domestic and family violence; managing information technology services contracts; and visiting medical officers and staff specialists. This report makes nine recommendations designed to improve the performance of government agencies.

The purpose of the committee's performance audit reviews is to follow up on action taken by agencies in response to recommendations in Audit Office performance audits. As part of the follow-up, the committee questions agencies on their response to the recommendations and, if required, conducts public hearings to examine witnesses. The committee's examination is designed to test action taken on all performance audits in order to maintain a high level of scrutiny of the agencies under review. Concrete outcomes of this process have demonstrated the value of following up the Auditor-General's report recommendations.

While most recommendations have been addressed and implemented by agencies, the committee had concerns particularly about the limited action taken to address the Auditor-General's recommendations on responding to domestic and family violence. I stress the importance of action in this area as domestic and family violence is a profoundly destructive social issue and the New South Wales Government needs to do everything in its power to tackle this devastating problem, which affects the very heart of our communities—our families and our children. The committee heard that the Government is developing a whole-of-government domestic and family violence framework that aims to address a number of issues surrounding domestic and family violence.

The committee has recommended that agencies re-address the Auditor-General's recommendations to ensure they are fully implemented in the context of that framework, as action to date has been inadequate. Regarding other performance audits examinations, the committee found that Transport for NSW and Roads and Maritime Services have progressed many of the Auditor-General's recommendations to improve the safety of young drivers. The committee recommends that these agencies ensure that their driver safety and repeat offender programs are implemented in a timely way, and encourages Roads and Maritime Services to increase public access to road safety data.

Other committee recommendations of note are that the Government establish a standardised approach to risk-based contract management plans for information technology services contracts, and that NSW Health completes the statewide rollout of the VMoney system, conducts clinical audits to detect inconsistencies in visiting medical officer claims, and works with the Australian Medical Association concerning proposed amendments to visiting medical officer contracts. Finally, I record my appreciation for the assistance provided by the Auditor-General and the Audit Office staff. I thank also all my fellow committee members and the secretariat staff for their assistance in the inquiry process and the preparation of this report.

Question—That the House take note of the report—put and resolved in the affirmative.**Report noted.**

[Acting-Speaker (Mr Lee Evans) left the chair at 1.32 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE**Notices of Motions****Government Business Notices of Motions (for Bills) given.**

QUESTION TIME

[Question time commenced at 2.18 p.m.]

SCHOOL FUNDING

Mr JOHN ROBERTSON: My question is addressed to the Premier. Why does the Government's new needs-based school funding model rip \$40,000 in much-needed funding out of eight schools for children with special needs?

Mr BARRY O'FARRELL: I say again, as I said yesterday, that under the Gonski agreement, which depending on which minute it is in the answer the State Opposition either supports or does not support, the new funding model was based on need.

Dr Andrew McDonald: Rubbish, Barry.

The SPEAKER: Order! The member for Macquarie Fields will cease interjecting. The Premier has just started his answer and will be heard in silence. If the member for Shellharbour continues to interject she will be removed from the Chamber.

Mr BARRY O'FARRELL: I ask the member for Macquarie Fields to give me some credit on this. After all, I am the bloke who signed the contract with the Federal Labor Government.

Ms Noreen Hay: Just apologise, Barry.

Mr BARRY O'FARRELL: Not until the member for Wollongong apologises for her repeated oversight of donations.

Ms Noreen Hay: Just apologise, Barry.

The SPEAKER: Order! The member for Wollongong will come to order. The member for Kogarah will come to order.

Mr BARRY O'FARRELL: What is clear is that every student gets a certain allocation of funding and then there are additional allocations of funding based on need, not on where your school is located—

The SPEAKER: Order! The member for Macquarie Fields will cease interjecting.

Mr BARRY O'FARRELL: —not on how flash your school is, but based on individual student needs. Yesterday, the Minister for Education made the point, which was not missed by anyone in the Chamber, that it took a Liberal-Nationals Government to ensure that every Aboriginal student in the State gets funding based on their Aboriginality. If we are serious about closing the gap, which those opposite lectured us about for 16 years, one of the ways to do so is to close the education gap between Indigenous students and the rest of the community.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

Mr BARRY O'FARRELL: Indigenous students have a significantly lower rate of completing school and entering traineeships than the rest of community. The resource allocation model this Government has announced, in line with the Gonski agreement, is about putting more money and power in the hands of the school communities and allocating that money on the basis of the needs of students in those schools—

The SPEAKER: Order! I call the member for Macquarie Fields to order for the first time.

Mr BARRY O'FARRELL: —and the profiles of students in those schools. It means that every parent in New South Wales can now be confident that their child's school is getting its rightful share of funding under an agreement that, across both systems of education, ensures greater fairness than previously existed. In 2014 the Government will invest \$256 million in a new loading that takes account of socioeconomic background, \$166 million more than was previously allocated.

Dr Andrew McDonald: Does not.

Mr BARRY O'FARRELL: The member for Macquarie Fields can continue to interject but these are the facts: 390,000 students will now receive funding because of this loading, compared with just 120,000 students who were supported under the previous, so-called, State equity program—not much of a State equity program where only one-third of the students had access.

Mr John Robertson: Point of order—

The SPEAKER: Order! What is the standing order?

Mr John Robertson: It is Standing Order 129, relevance. There are schools that are getting more funding, but that is not in debate. The question is why are these eight schools with special needs losing funding?

The SPEAKER: Order! There is no point of order. The Premier is being relevant to the question asked. The Leader of the Opposition will resume his seat. Government members will come to order. The Premier has the call.

Mr BARRY O'FARRELL: The approach to funding of special schools does not change but what the Government has done, whether for special schools or for other students with disadvantage across the State, is put on top of the funding that loading that relates to disadvantage. Previously 120,000 students were funded under State equity programs and now almost 400,000 will be funded. The majority of schools will be better off: 1,941 schools will receive increased funding. Under the resource allocation model funding is also allocated in a fairer and, to take up the point made by the Minister for Education yesterday, more transparent fashion. The reason the Opposition is able to ask these questions is because the Government has been up-front and open about an agreement entered into earlier this year—proposed by the former Labor Government and that will be implemented by a Federal Coalition Government—which injects an additional \$100 million into the public school system next year.

STATE BUSHFIRES

Mr RAY WILLIAMS: I address a question to the Premier. How are government agencies working together in response to the bushfire crisis?

Mr BARRY O'FARRELL: I thank the member for Hawkesbury for his question. Before I answer that I draw to the attention of the House a matter that I imagine most members are aware of: Emergency services are responding to the crash of a plane conducting firefighting activities in the Shoalhaven region. Police received reports just after 10 o'clock this morning that a plane had crashed in remote bushland about 36 kilometres west of Ulladulla. The pilot was the only person aboard. I understand the 802 water-bombing plane had been adapted from an agricultural plane for use in Rural Fire Service activities. It belongs to a Rural Fire Service contractor and was engaged in firefighting work.

Given the difficult terrain and prevailing weather conditions rescuers have so far been unable to reach the crash site. Other firefighting aircraft were called to the site to extinguish a fire caused by the crash. The fire has engulfed 3,600 hectares. I know I speak for all members and residents of the State in offering our prayers and thoughts as we hope for good news. We are seeking more details, but this is a further reminder that our firefighting teams, whether on the ground or in the air, put their safety at risk to protect the lives and properties of others. Today I pay tribute to the professionalism of everyone involved in responding to these fires over the past weeks. Thanks to milder than expected conditions yesterday, and some rain on the fire ground the previous night, we averted what the Rural Fire Service Commissioner thought could be a catastrophe. We must not forget that in part it was averted due to the enormous amount of back-burning and hazard reduction work to ensure we were as prepared as possible for a fire storm.

I remind people that while the immediate threat has passed there are still approximately 60 fires burning across the State and more than 20 of these are uncontained. It will literally take weeks of work from firefighters, and hopefully heavy rain, to bring the situation under control and extinguish the fires. Over the past week I visited the Rural Fire Service headquarters on numerous occasions to be briefed on the fires and I have seen firsthand the planning, implementation and results of the magnificent firefighting efforts that are going on across fire grounds in New South Wales. It has been, from top to bottom, a superb team effort. Government

agencies have been working side by side to ensure the response is strategic and coordinated. Sadly, we are getting very good at this because we have had far too many natural disasters in New South Wales and they are being responded to admirably by our emergency services.

Working out of the Rural Fire Service headquarters over the past week—as they did in January—have been representatives from the Rural Fire Service, Fire and Rescue NSW, National Parks and Wildlife Service, NSW Police, NSW Ambulance Service, the State Emergency Service, Roads and Maritime Services, Transport for NSW, the Department of Primary Industries, the Department of Education, along with the army and other Federal and State agencies. They are not only coordinating responses to emergencies on the ground, but ensuring the public received regular and up-to-date information on the unfolding situation, and that is critical in a fire crisis.

The Rural Fire Service website received almost one million hits yesterday. That speaks volumes about the way in which digital media and the internet are so important in fire crises. New South Wales fire crews were supported by almost 1,000 firefighters from interstate: 511, more than half, from Victoria, 238 from South Australia and 115 from Queensland. I thank the Premiers and Chief Ministers of those States for their invaluable support. The bushfire crisis caused upheaval for residents and businesses, especially in the Blue Mountains. As the member for Blue Mountains said today, residents heeded the warnings and responded calmly in what were clearly difficult and emotional circumstances. Evacuation centres were admirably staffed by Family and Community Services and Federal agencies. People who had lost everything were saying, "Don't worry about me, go to the next person who is worse off", demonstrating again the Australian culture in times like this.

Parents in bushfire-affected areas were informed of school closures through the Rural Fire Service and the education department's website. Regrettably for our Higher School Certificate students these bushfires coincided with their exams. I have been told by one principal that at least 12 students in her school are from families that have lost their homes. [*Extension of time granted.*]

Those students were getting on with life and, to some extent, their focus on their exams may have distracted them from the destruction and devastation happening around them. I also thank the employers who granted time off to their staff volunteering on the front line. As the Treasurer reminded the House again today, those employers who are liable for payroll tax are eligible for exemption for the period during which their staff were fighting fires. That mirrors the practical assistance that the Minister for Finance and Services announced yesterday in respect of workers compensation, the practical assistance that the Minister for the Environment announced earlier this week in respect of tip fees, and the announcement by Hunter Water and Sydney Water that they would waive excess water charges for families who have used excess water while fighting fires.

Attention is now turning to the task of rebuilding, which is clearly both heartbreaking and daunting. I have been in regular contact with the Prime Minister during the crisis, and he and I are determined that help will be provided as soon as possible to people in need. The first place to go for assistance is the recovery centre in the Blue Mountains, where Phil Koperberg, the former Rural Fire Service commissioner, is in charge, or the recovery centre in Wyong, where Dick Adams is in charge. This has been a traumatic time for many people. However, the one thing we can all take from it is the superb effort that has been put in by the State Emergency Service, the Rural Fire Service and the other agencies, including Federal agencies, that have been assisting with operations on the ground. Above all, I say again, in addition to the paid firefighters, the real heroes of this crisis are the volunteer firefighters who put their lives at risk to save property and lives.

SCHOOL FUNDING

Mr NATHAN REES: I direct my question to the Minister for Education. Why is the Minister cutting funding for the William Rose School in Seven Hills, which teaches some of the neediest children in New South Wales, including students who are visually and hearing impaired, and who have severe intellectual disabilities?

Mr ADRIAN PICCOLI: That question and the question asked by the Leader of the Opposition highlight the Opposition's lack of understanding of the way in which public schools are funded.

Ms Linda Burney: No, it doesn't.

Mr ADRIAN PICCOLI: It does. Special schools are funded based on the complex needs of the students they serve. Most members would have one or more of those schools in their electorate. They would

have seen that they have much smaller classes and provide additional assistance. They have facilities that would not be found in a mainstream primary or high school. They also have different wet areas and bathrooms—particularly those new facilities that the Government is constructing with the left over Building the Education Revolution funds. I was at the Caroline Chisholm School recently with the member for East Hills. The facilities that the Department of Education and Communities provides in these schools are much more expensive than those provided in mainstream schools because the students' needs are much more complex. Many more resources are provided at special schools on a per-student basis and that has not changed.

The Government has examined the needs of students in every mainstream and special school. Special schools cater for students from disadvantaged and Aboriginal backgrounds, and the Government has examined how additional resources can be allocated. As I said, the process is completely transparent. To suggest that funding support for students with disabilities has been slashed is completely wrong. The Government has made it very clear that it is changing the way in which it supports students from Aboriginal and disadvantaged backgrounds. It has also clarified the methodology it uses, and it applies to every school in the State. The problem with the education sector in this State is the decisions that members opposite made when they were, unfortunately, in government.

Mr John Robertson: This is about your decisions.

The SPEAKER: Order! The Leader of the Opposition will come to order. The member for Marrickville will come to order. I call the member for Marrickville to order for the first time. I call the member for Wollongong to order for the first time.

Mr ADRIAN PICCOLI: The Labor Government's decisions were not based on the best interests of students; they were based on what was in the best interests of the Labor Party.

The SPEAKER: Order! I call the member for Marrickville to order for the second time. I call the member for Macquarie Fields to order for the second time. If they continue to interject they will be removed from the Chamber, as will the member for Toongabbie. The Minister has the call and will be heard in silence.

Mr ADRIAN PICCOLI: I presume I will be asked questions about the way the Government funds preschools. Those funding arrangements were not touched during the 16 years that members opposite were in government. Some services in metropolitan Sydney were receiving remote area loadings. That was an historical anomaly that this Government addressed because members opposite refused to do so.

Dr Andrew McDonald: Point of order: The Minister's answer has nothing to do with funding for special schools. He is talking about funding for remote area schools.

The SPEAKER: Order! The Minister has contextualised his remarks. His answer is relevant to the question asked. There is no point of order.

Mr ADRIAN PICCOLI: I made it clear that, like mainstream schools, the base funding for special schools remains unchanged. The equity loadings for aboriginality and disadvantage have been changed—that is, 91 per cent have increased and 9 per cent have decreased.

Mr Nathan Rees: This is Orwellian.

Mr ADRIAN PICCOLI: If it is Orwellian, the next time members opposite see David Gonski they can tell him so. Members opposite had the opportunity to fund every Aboriginal student in New South Wales, whether they attend a mainstream school or a special school, but they never took it.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

Mr ADRIAN PICCOLI: It took a Liberal-Nationals Government to do it.

BUSHFIRE RELIEF ASSISTANCE

Mr GARRY EDWARDS: I address my question to the Minister for Finance and Services. How is the Government supporting residents and businesses impacted by the bushfire crisis?

Mr ANDREW CONSTANCE: We all share the sentiments expressed by the Premier in his answer to the question asked by the member for Hawkesbury. While acknowledging the events of the past week, the Government also recognises the long-term consequences of the crisis for businesses and residents. It will take some of those affected by the fire emergency years to recover. They must rebuild their lives, their homes and their businesses. The Government has worked hard over the past week to develop initiatives that will provide longer-term practical assistance in addition to the safety nets provided as natural disaster relief. Of course, it is also ensuring that people are assisted to focus on recovering rather than potentially being distracted by some of the costs, fees and charges that are applied across the community.

Earlier this week the Minister for the Environment and the Premier announced that tip fees would be waived for those affected by the fires. The Government has announced a number of initiatives designed to assist those affected and the wider community, including deferring payment of workers compensation insurance premiums for businesses directly affected by the emergency. Those business operators whose premises have been damaged or destroyed, those who have been affected because staff have not been available to work because they have volunteered or because their properties have been threatened, and those whose trade has been restricted will have their premiums deferred. Those whose premiums are due to be paid between 14 October 2013 and 31 March 2014 will have that payment period extended until 30 June 2014. The Government is conscious that businesses other than those in the immediate area may also have been affected. They will also be eligible to apply to WorkCover for deferral of premium payments. We are talking about some 15,000 businesses in the Blue Mountains and the Hawkesbury, and 24,000 businesses statewide.

Sydney Water and Hunter Water will waive the bills for water used in defending homes and businesses in a number of suburbs. It is important to list those suburbs for the benefit of the House: Mount Victoria, Springwood, Faulconbridge, Hawkesbury Heights, Winmalee, Yellow Rock, Mount Riverview, Emu Heights, Nords Wharf, Caves Beach, Murrays Beach, Cams Wharf, Raymond Terrace, Tomago, Williamstown, Medowie, Salt Ash, Campvale, Heatherbrae, Fingal Bay, Yanderra, Bargo, Buxton and Wilton. Homes in these suburbs will receive the benefit of their water bills being waived. Some 1,500 customers will benefit from this, but we are not ruling out more customers receiving benefits. Sydney Water and Hunter Water will look at an affected customer's water consumption record from the same period last year and compare that with this year's water consumption. Those customers who have used far more water will automatically be credited. Businesses will need to get in contact with Sydney Water and Hunter Water to discuss excess water charges.

There is no doubt that the recovery efforts are going to be difficult. It will be hard on those who have lost properties and those who have lost businesses. We will continue to look for ways to make sure that the State Government provides assistance where possible. As the Premier said, many agencies of the Commonwealth and State are working with local government to provide vital assistance. We are looking at initiatives and longer-term strategic support for those recovering from the past week's fire emergency.

CENTRAL COAST RAIL SERVICES

Ms SONIA HORNER: My question is directed to the Minister for Transport. Have the members for Wyong, for The Entrance and for Gosford made any representations to the Minister regarding the Government's broken election promise to provide a direct service from the Central Coast to Macquarie University in the new train timetable?

The SPEAKER: Order! Members will come to order. The member for Keira will come to order. The Minister has the call and will be heard in silence.

Ms GLADYS BEREJIKLIAN: One thing I will give the Labor Party is they have front, because during its 16 years in government all it did was cut services, slow down the network and subject customers to many bad experiences. I thank the member for Wallsend for the question, because it allows me to highlight the benefits that members on the Central Coast have received. If we count the number of extra services—

Mr John Robertson: Have they been to see you?

Ms GLADYS BEREJIKLIAN: I know the Leader of the Opposition is a bit touchy about this but he should at least let me answer the question.

Mr Michael Daley: Point of order: Before the Minister highlights the benefits, we want her to highlight the conversations.

The SPEAKER: Order! There is no point of order.

Ms GLADYS BEREJIKLIAN: I thank the member for her question because for the first time I have received a question about an issue for which we have exceeded our commitment in relation to the number of express services. I will reiterate the results for those hardworking members of the Central Coast. I thank them for the strong representations they have made to me. The day after we announced the new timetable I caught a train to Gosford and I stood on the platform with the member for Gosford and the member for Wyong.

The SPEAKER: Order! The member for Canterbury and the Leader of the Opposition will cease interjecting.

Ms GLADYS BEREJIKLIAN: I know those opposite do not want to admit this, but I was overwhelmed by the support we got from customers and people on those platforms. I stress that the Hunter, Newcastle and Central Coast lines will have 105 extra connections between Newcastle and Sydney every week. Could those opposite promise that when they were in government?

The SPEAKER: Order! I call the member for Maroubra to order for the first time. The member for Mount Druitt will come to order. There is too much audible conversation in the Chamber.

Ms GLADYS BEREJIKLIAN: There are 10 extra weekly peak services between the Central Coast and Sydney.

[Interruption]

Opposition members do not want to listen to this, because they are embarrassed.

The SPEAKER: Order! Opposition members will come to order. Members who wish to have private conversations will do so outside the Chamber.

Ms Sonia Hornery: Point of order: I refer to relevance.

The SPEAKER: Order! The Minister is being relevant to the question asked. There is no point of order.

Ms GLADYS BEREJIKLIAN: I do not know what they tell their communities, but there are 70 new weekly express services between Newcastle and Sydney and this benefits our customers on the Central Coast.

The SPEAKER: Order! I call the member for Canterbury to order for the first time. She will cease interjecting. I call the member for Maroubra to order for the second time.

Ms GLADYS BEREJIKLIAN: We have not only met our promises in relation to services but exceeded them.

The SPEAKER: Order! I call the Leader of the Opposition to order for the first time.

Ms GLADYS BEREJIKLIAN: Central Coast customers get not only extra peak services and extra express services but also—

Mr John Robertson: Pity if you are at Lisarow and you don't have a direct service.

Ms GLADYS BEREJIKLIAN: The Leader of the Opposition interjects because he was a hopeless transport Minister. He interjects because all he did in transport was cut, cut, cut.

The SPEAKER: Order! I call the member for Keira to order for the first time.

Ms GLADYS BEREJIKLIAN: That is what his colleagues want him to do now—but that is another issue. I stress that there are 70 new weekly express services between Newcastle and Sydney, which include Central Coast customers. I have been positively received every time I have gone to the Central Coast in relation to these issues. I thank all the Central Coast communities who have made representations. I am proud that this

Government has increased express services to the Central Coast and the Hunter. Let us not forget that in 2004 and 2005 the Labor Government slashed hundreds of daily rail services. This week we have put in an extra 1,000, and I am very proud of our record. [*Time expired.*]

PRESCHOOL FUNDING

Mr GREG APLIN: My question is addressed to the Minister for Education. How will the Government's preschool funding model benefit community preschools?

Mr ADRIAN PICCOLI: I thank the member for his question. I acknowledge the presence in the gallery of students from the following schools: Glenwood Public School, which coincidentally benefits to the tune of \$20,000 from Tuesday's announcement; Macquarie Fields High School, which benefits to the tune of \$63,000; and St Andrews Public School, which previously got \$1,000 and now gets \$76,000. The member for Macquarie Fields was cheeky yesterday because he asked questions about schools that are not in his current electorate but will be in his new electorate. He has already given up on schools in his existing electorate.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The Minister will be heard in silence.

Mr ADRIAN PICCOLI: On behalf of the Government I had the opportunity to make yet another great announcement regarding a significant reform to the way we fund community-based preschools, together with an announcement of a 20 per cent increase in the funding available for preschools as of next year. The Chief Executive Officer of the largest non-government preschool provider, KU Children's Services, Christine Legg said:

The government's announcement today ensures that preschool funding will be delivered to those families who need it most while continuing to provide accessible preschools for all.

These reforms mean that 95 per cent of preschools will see an increase in their base rates, with the highest increases going to those preschools serving the most disadvantaged communities. The minimum per child base rate will increase 44 per cent, from \$1,250 to more than \$1,800. The maximum per child base rate will increase by 75 per cent, from almost \$3,000 to more than \$5,000. We are providing significantly higher subsidies—up to a 75 per cent increase—for low-income families and for Aboriginal children aged three and above, with an increase from \$3,000 to \$5,270. We are also directly addressing the higher costs experienced by preschools in remote communities by providing an increase in the operational loading for these services by more than 45 per cent.

I thank Professor Deborah Brennan, who conducted a review into early childhood a year or so ago. The announcements today are consistent with her recommendations. As I said, the existing model was broken—at least one service in the metropolitan area was still receiving a remote location loading—and we are fixing it. For example, under our fairer funding model, a preschool in Northern Tablelands that currently receives a per child base rate of \$2,688 is now eligible for a base rate of almost \$5,000—an increase of almost 50 per cent. With this additional funding particularly targeting four- and five-year-olds, we want to see preschool fees reduce because that is obviously the biggest factor in getting children into preschool. I make it clear that long day care is unaffected; this is community-based preschool funding.

Too many children turn up to kindergarten on day one having never held a pen or who have a book put in their hands and do not hold it the right way up. We cannot accept that in a First World country like Australia. That is why we are deliberately targeting our funding and the subsidies that we give to preschool services on the year before children start school. A three-year-old child from a disadvantaged or an Aboriginal background will also attract a subsidy because we know that disadvantaged children who attend preschool for two years have the biggest advantage when they start school. We are providing the incentive for services to find those four- and five-year-olds who are not enrolled in preschool. We hope services go doorknocking for those children—

Mr Troy Grant: I'll go with them.

Mr ADRIAN PICCOLI: The member for Dubbo has already offered to join a few of the preschools in his electorate in looking for them. There are disadvantaged children in Dubbo, in Murrumbidgee, in Charlestown—they are everywhere. We need to target taxpayers' dollars and provide the incentives to ensure that we get every student into a preschool so that they can have that high-quality experience, because we know that is the best way to give them the best chance in life.

REVESBY TRAIN TIMETABLE

Ms TANIA MIHAILUK: My question is directed to the Minister for Transport. What does the Minister say to the commuters and students who use Revesby station and have had nine daily peak-hour services cut under the Government's new timetable?

The SPEAKER: Order! The Leader of the House will come to order.

Ms GLADYS BEREJIKLIAN: I congratulate the member for Bankstown because the Bankstown line has 63 extra weekly services and 35 extra weekly peak services. We on this side of the House have delivered what the former Government could not do.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order.

Ms GLADYS BEREJIKLIAN: It is already day four of the new timetable and the member for Bankstown has not realised that her constituents get 63 extra weekly services on the Bankstown line and 35 extra weekly peak services. I also mention the Airport and East Hills line, which relates to the question. I am very pleased to say that on the Airport and East Hills line, as the very hardworking member for East Hills knows, there will be 94 extra weekly services and 120 new weekly express services, with reduced journey times from Macarthur to the city during both peak and off-peak times. There will also be extra services providing at least eight trains an hour between Sydney Airport and City Circle stations between 7.00 a.m. and 9.00 p.m. Opposition members should read the timetable before they ask me questions in this House because the facts show that we are providing extra services and reduced travel times. Opposition members are talking amongst themselves now because they are embarrassed that they asked me this question; they are embarrassed that the Government has increased services on every line.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Opposition members will come to order. Members who do not want to listen to the Minister will leave the Chamber.

Ms GLADYS BEREJIKLIAN: I have been very pleased with the response to the new timetable, especially from Western Sydney commuters. I appreciated all the questions I got this morning from the students from Campbelltown who are in the gallery, and who I acknowledge are guests of the member for Campbelltown.

The SPEAKER: Order! The students in the gallery will be having difficulty hearing the Minister. Opposition members will come to order. The Minister has the call.

Ms GLADYS BEREJIKLIAN: The quality of the questions I received from the students from Campbelltown demonstrated that they can read the new timetable. The same cannot be said for Labor members. Now that I have outlined the extra services on the Bankstown and the Airport and East Hills lines I will go through some of the other lines and list how many extra services they have. I am sure that everybody wants to know. On the Western line, commuters are receiving an extra 184 weekly services and 35 new weekly express services. On the Cumberland line, customers are receiving 220 extra weekly services, which is critical because the line links Campbelltown, Liverpool, Parramatta, Westmead and Blacktown.

I have already spoken about the Bankstown line but I will repeat what I said for the benefit of the member for Bankstown. The Bankstown line is getting 63 extra weekly services and 35 extra weekly peak services. The South line has 30 extra weekly peak services, which will also ensure reduced travel times. On the Northern line—the member for Epping, the member for Ryde, the member for Drummoyne and the member for Strathfield will be interested in this—there are 140 extra weekly services between Macquarie Park and the city. On the Inner West line all stations will now have trains running in both directions every 15 minutes between 6.00 a.m. and 10.00 p.m. On the Olympic Park line there is now a consistent turn up and go. In conclusion, Opposition members can ask me as many questions about the timetable as they like; the reality is that this Government has provided an extra 1,000 weekly rail services. What did the Labor Party do when it was in government? Cut, cut, cut. This week alone there are 1,700 extra bus services. I suggest Opposition members keep reading the timetable because there is more good news for all of them.

The SPEAKER: Order! I realise it is Thursday but members will come to order.

ANTI-CORRUPTION AGENCIES

Mr DARYL MAGUIRE: My question is addressed to the Premier. How is the Government strengthening our watchdogs?

Mr BARRY O'FARRELL: I thank the member for Wagga Wagga for his question. It is an important question because one of the critical tasks this Government had was to restore the trust and confidence in government that had been so destroyed by those opposite after 16 years in government. The public's patience was sorely tested by the former Labor Government and the procession of Ministers and members of Parliament making a trek down to the Independent Commission Against Corruption.

The SPEAKER: Order! I call the member for Canterbury to order for the second time.

Mr BARRY O'FARRELL: Like everyone else, I was absolutely appalled and horrified by the revelations in the Independent Commission Against Corruption about the actions of Eddie Obeid and Ian Macdonald. One gets an insight into the Labor way of operating when Eddie Obeid's son says, "You got us wrong. It wasn't \$100 million we stood to gain; it was only \$70 million". Is it any wonder, with that sort of mentality, that a \$3 million bribe is not noticed by the Leader of the Opposition? Nothing was done about a criminal act involving \$3 million because it was not enough. I note that next week the Parliament will receive the corruption prevention report of the Independent Commission Against Corruption into matters arising from Operation Jasper and Operation Acacia which I await with interest and on which we will take action.

Those Independent Commission Against Corruption investigations have served to highlight the value and importance of the State's watchdogs. Whether it is the Independent Commission Against Corruption—an achievement of a Liberal-Nationals government—the Auditor-General, the Office of the Ombudsman, which is another achievement of a Liberal-Nationals government, or the Police Integrity Commission, they are all important insurance for the public to ensure that governments do the right thing, and if governments do not do the right thing they will be caught out. Not only has the Government provided increased and strengthened powers to many of the watchdogs, including the Independent Commission Against Corruption; it has also increased the budget for the watchdogs—\$122 million alone, which is an increase of about 20 per cent over Labor's last budget.

That demonstrates our commitment to openness, transparency and ensuring that the public can have confidence in the way the Government, or indeed the Opposition, operates in New South Wales. I inform the House that the Commissioner of the Independent Commission Against Corruption, David Ipp, has advised me that he intends to retire on 24 January next year. When in opposition I repeatedly expressed my concern that the inner spring of the Independent Commission Against Corruption had wound down. No doubt Commissioner Ipp has reinvigorated the organisation and, through his efforts and leadership alone, restored public confidence in the commission and reminded all those thinking of doing the wrong thing that they will be found out.

I thank David Ipp for his extraordinary efforts as the Commissioner of the Independent Commission Against Corruption. He departs with the undying gratitude of this Parliament and of our State, and we wish him a long and healthy retirement. Only a year or two ago members opposite told me that the appointment of David Ipp was the last mistake of the member for Toongabbie when he was Premier. They argued that the then Premier thought he was appointing someone who was winding down in the twilight of his judicial career. I am delighted that David Ipp proved that critic wrong. I prefer to take the more generous approach of suggesting that David Ipp's appointment to the Independent Commission Against Corruption was probably one of the best decisions, if not the best decision, that the then Premier made. I am sure he agrees with me.

I can inform the House that I am proposing the appointment of Supreme Court Judge Megan Latham as Commissioner Ipp's replacement. Today I have written to the chairman of the Committee on the Independent Commission Against Corruption to ask it to fulfil its statutory obligation to review the nominee for the position of Commissioner of the Independent Commission Against Corruption. Prior to her elevation to the Supreme Court in 2005, Justice Latham served in the District Court, as well as being a Crown prosecutor and Crown advocate. She is highly respected across the legal community as a distinguished judge with extensive experience in both public and criminal law. I am confident that she will pursue corruption with the same vigour, without fear or favour, as Commissioner David Ipp. If approved, the Governor will be asked to appoint Justice Latham for five years from 28 January 2014. The nomination reflects my Government's continued commitment to accountability, strong public watchdogs and integrity in government.

NATIONAL DISABILITY INSURANCE SCHEME

Mr GREG PIPER: My question without notice is directed to the Premier. Given the Government's intention to transfer disability services to the non-government sector by 2018, how will the Government ensure that the interest and diverse needs of those in residential care are protected and the mistakes of the Richmond report deinstitutionalisation process are not repeated?

Mr BARRY O'FARRELL: The member for Lake Macquarie has asked a good question because whenever the Richmond report is discussed people remember certain parts of it that saw deinstitutionalisation, which was certainly welcomed, and the movement of people with disabilities into the wider community, as well as the failure of previous governments to follow through on the Richmond report's equally sensible but long neglected recommendations to support those people in the community with the services they need. I pay tribute again to the Minister for Finance and Services for his advocacy in this place over many years in arguing that we needed to move to an approach that focused on the needs of people with disabilities. Then, instead of expecting them to fit in with the bureaucracy, whether that bureaucracy was in the government sector or a non-government organisation, services should meet their needs individually.

The needs of people with disabilities can be varied and different; at times no two people have exactly the same needs. That was one reason we were pleased to sign up to the former Federal Government's National Disability Insurance Scheme. This Government is proud that, whether in education, where people with disabilities will also benefit, or the National Disability Insurance Scheme, New South Wales was the first State in the nation to sign up to agreements that seek to deal more fairly with two of the most critical areas in our society: first, education, which unlocks the potential of so many people; and, secondly, disabilities. Not only are we obligated to unlock the potential of people with disabilities; we are also obligated to ensure that those people of whatever age get the care that they deserve.

There has been another milestone on the journey towards people with disabilities, their families and carers taking control of their lives and making their own decisions in the way the Minister for Finance and Services long argued when in opposition. Last night the Minister for Disability Services in the other place tabled the National Disability Insurance Scheme (NSW Enabling) Bill 2013. It is a significant development as New South Wales prepares for the full introduction of the National Disability Insurance Scheme in 2018. The draft bill considers a range of possible scenarios for the future transition of State-run disability services, including accommodation, to non-government organisations. The bill lays a platform for the next five years to support people with disabilities to lead rich and meaningful lives as they make decisions about how they wish to spend their time and who they want to spend that time with. It encourages skilled people to continue their careers in the disability sector by protecting continuity of employment, pay and industrial conditions when they transfer to non-government organisations.

Mr John Robertson: For how long?

Mr BARRY O'FARRELL: I hear criticism from members opposite. Once again they are criticising an agreement, although we did not hear a peep out of them when we had a Federal Labor Government. If we establish a National Disability Insurance Scheme, if we boost funding in the sector by billions of dollars, as both the State and Federal governments are doing, and if the scheme is designed around the delivery of services by the non-government sector, it follows that employees are transferred from the government sector to the non-government sector. That was always part of the scheme's design. Members opposite should ask their former Federal leader and her former Minister for Disability Services. The bill also seeks to build the capacity of the disability services sector by making it possible to transfer buildings, equipment and other assets to the sector.

As I said, I am proud that New South Wales was the first State to sign up to the agreement. The legislation introduced last night represents that historic milestone because too many people have struggled to access services and too many parents have worried about what will happen to their children when they die and when services or accommodation that are being provided no longer exist. This legislation and the scheme seek to guarantee to relieve those concerns, not only for people with disabilities but particularly for their families and carers. The National Disability Insurance Scheme more than doubles funding for disability services in New South Wales to more than \$6 billion per annum from 2018, with \$3.1 billion provided by the State Government and \$3.3 billion provided by the Commonwealth. By 2018 the number of people receiving support will grow to 140,000, up from 90,000 now, and 25,000 additional jobs in the sector will be created. We will work through the ambit of this legislation to ensure that the people are there to continue to provide the services that are so desperately needed across the State.

STATE FINANCES

Mr CHRIS HOLSTEIN: My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the Government delivering on its commitment to manage the State's finances within the triple-A credit rating?

Mr MIKE BAIRD: I thank the member for Gosford for this interest in responsible financial management, the hallmark of the O'Farrell Government. I am pleased to inform the House that today, following a report by Standard and Poor's, New South Wales has had its triple-A rating affirmed—a significant achievement that will provide benefits across New South Wales.

The SPEAKER: Order! Opposition Members will not respond to the Treasurer.

Mr MIKE BAIRD: That has been achieved despite the legacy left to us by those opposite, and despite GST revenues falling by close to \$2.5 billion a year. Members would be aware of the fiscal mountain that the former Government left for the Coalition to climb. However, the good news is that we have started to climb it and we are on the way to achieving a sustainable position. We are committed to keeping the triple-A rating as it is important to keep down the costs of our debt, which TCorp has estimated as being \$3.75 billion over the next 10 years. It is important also for generating confidence and accessing capital.

The Government is delighted that today Standard and Poor's confirmed this State's triple-A rating. It has not been easy. Other States are facing challenges but they have not been able to meet them. Last week Western Australia, which was facing a challenge, was unable to hang on despite making every effort to do so. I am sure that all members would be interested to know Standard and Poor's said this morning in its report concerning the progress being made by the O'Farrell Government.

Mr John Robertson: What did Moody's say?

Mr MIKE BAIRD: Moody's is to come.

[Interruption]

The Leader of the Opposition is confused; he has his facts wrong.

The SPEAKER: Order! Members will not have conversations across the Chamber.

Mr MIKE BAIRD: This morning Standard and Poor's said:

We consider NSW's financial management as positive ... supported by the ... state's tightened management of its operating expenditure.

In recent times, economic growth has lagged the national average but recent signs indicate that it is improving.

NSW has demonstrated balance-sheet flexibility, such as the long-term lease of some port operations, and has allocated the funds to address its infrastructure backlog.

I remind members that our credit rating is on a negative outlook and that more work needs to be done. However, to date this Government has met the challenge and it will continue to do so. This Government found more than \$19 billion in savings which is not an easy or a popular thing to do. However, this Government believes it is the responsible thing to do. At the same time as making responsible decisions, this Government allocated the money to those areas where it was needed most. More than \$800 million has been allocated for health services this year and in the area of transport thousands of additional services have been delivered. The Premier and the Minister for Education have allocated \$1.7 billion to implement the Gonski reforms. Money has been allocated to trial the National Disability Insurance Scheme in the Hunter. Long overdue salary increases have been negotiated for community sector workers and there are 4,000 extra nurses, 400 extra police and 500 extra teachers.

This Government is delivering for this State, which is what anyone would expect from a responsible government. I note that the member for Miranda has just been re-elected. I think the voters in the Miranda electorate said, "If you like Barry, you might as well give another one a go." In my opinion that is the luckiest name in the history of the State. I congratulate the member for Miranda on his re-election. Opposition members dance through the tulips, throw confetti and get on their moral high horses, but they have no fiscal plan for this

State. It should be remembered that Opposition members have opposed every savings measure and asset transaction that has been put forward by this Government. What will that do to the budget? [*Extension of time granted.*]

Those Opposition members who have looked at the budget papers would know what our budget position would be without savings. In 2013-14 we had a deficit of \$3.5 billion. The member for Miranda will have to inform his constituents that the Opposition is unable to fund any of its policy commitments because it has opposed every saving measure put forward by this Government. One would have thought that the architect of Opposition policy—the member for Maroubra and the hero of middle managers—would have been closely following the budget. However, since the budget was brought down the hero of middle managers has not asked one question.

As a few reshuffles have been occurring on the Opposition benches, who knows what will happen? I am sure that the member for Miranda has a chance. However, I put my money on the member for Cessnock. The member for Maroubra has asked no questions about the budget but the member for Cessnock has asked 18 questions. Hallelujah! At least one Opposition member cares about the budget. It is about time. Thank goodness that the O'Farrell Government is making responsible decisions and is investing in services and infrastructure. It means that New South Wales is moving forward and, as confirmed today by Standard and Poor's, we have retained our triple-A rating.

Question time concluded at 3.16 p.m.

STATE BUSHFIRES

Ministerial Statement

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [3.16 p.m.]: Earlier in question time, the member for Hawkesbury asked me a question about bushfires. I regret to inform the House that rescuers have got to the crash site and that a short time ago the body of the pilot was located. The 43-year-old man was from Trangie, near Dubbo. His next of kin have been advised.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report

Mr Andrew Cornwell, as Chair, tabled the report entitled "Review of the 2011-2012 Annual Report of the Commission for Children and Young People", report 2/55, dated October 2013.

Ordered to be printed on motion by Mr Andrew Cornwell.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

Mrs Leslie Williams, as Chair, tabled the report entitled "Review of the 2011-2012 Annual Report of the Health Care Complaints Commission", report 3/55, dated October 2013.

Ordered to be printed on motion by Mrs Leslie Williams.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Oxford Street Traffic Arrangements

Petition requesting the removal of the clearway and introduction of a 40 kilometre per hour speed limit in Oxford Street, received from **Mr Alex Greenwich**.

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Mr Alex Greenwich**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Pig-dog Hunting Ban

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

Duck Hunting

Petition requesting retention of the longstanding ban on duck hunting, received from **Mr Alex Greenwich**.

Same-sex Marriage

Petition opposing same-sex marriage, received from **Mr Stuart Ayres**.

Inner-city Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

MOTOR DEALERS AND REPAIRERS BILL 2013

Bill introduced on motion by Mr Anthony Roberts, read a first time and printed.

Second Reading

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [3.19 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Motor Dealers and Repairers Bill 2013. This bill reforms the regulation of motor dealers and motor vehicle repairers and will ensure greater consumer protection for anyone buying a motor car or getting his or her motor car repaired. The bill consolidates the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 into a single piece of legislation, recognising the connections which exist between these two important sectors of the industry.

The bill will ensure that the requirements of the legislation are applied consistently to both motor dealers and motor vehicle repairers, which will assist those businesses which operate on both sides of the industry. The bill will modernise the laws and encourage and recognise a stronger, more up-to-date marketplace. Industry will benefit from cuts to red tape and the bill will support good businesses getting on with their job of selling and repairing cars. Importantly, the bill also creates a dispute resolution system, which will enable motor dealers to resolve a dispute about unfair contract terms in their contracts with motor vehicle manufacturers or suppliers.

The industry of selling and repairing cars is a vital sector of the New South Wales economy. There are almost six million cars registered in New South Wales. In 2012-13 more than 380,000 new vehicles were sold and more than 1.4 million used vehicles were sold, worth more than \$30 billion in total. It is estimated that the smash repairs and automotive services and maintenance sectors of the New South Wales economy are valued at more than \$5.5 billion. It is estimated the sector employs more than 140,000 people and there are over 12,000 licensed repairers and almost 4,000 motor dealers in New South Wales.

This bill is the culmination of a comprehensive consultation process which began in late 2011 when I asked Fair Trading to commence a review of the legislation. In May 2012 an issues paper was released

seeking stakeholder feedback on the operation of the laws. Following the release of the issues paper there was an extensive period of consultation with stakeholders, including roundtable discussions with key industry groups. The review found that while the Acts generally worked well and are understood by industry, there were opportunities to consolidate them into a single Act, improve consumer protection and cut red tape for business.

I now turn to the detail of the Motor Dealers and Repairers Bill 2013. The bill consolidates the Motor Dealers Act 1974 and the Motor Vehicle Repairs Act 1980 into a single piece of legislation which will regulate both motor dealers and motor vehicle repairers. For the first time it establishes up-front objectives of the Act, which will make clear the purpose and aims of the legislation to all stakeholders, including industry and consumers. These are: to provide consumer protection and remedies for consumers who purchase motor vehicles from motor dealers or obtain motor vehicle repair services; to establish appropriate standards of conduct and transparency for motor dealers, motor vehicle repairers and motor vehicle recyclers; to provide enforcement mechanisms to prevent misleading or dishonest conduct and illegal dealings with motor vehicles and parts; and to provide protection for motor dealers against unfair contract dealings by motor vehicle manufacturers.

The O'Farrell-Stoner Government will introduce a transparent and simple business licensing system, consolidating 16 motor vehicle repair licences and six motor dealer licences into only three licence types, namely, a motor dealer, a motor vehicle recycler and a motor vehicle repairer. The bill will also remove the licensing requirements for car market operators and motor vehicle consultants. Car market operators do not actually sell motor vehicles. Instead, they act as a landlord for a space or market in which private sellers come to sell their vehicles. The internet has mostly replaced this method of selling and these businesses are more often than not run by charities or rotary clubs. They will welcome the removal of the red tape they currently operate within. Motor vehicle consultants do not sell vehicles either. Instead, they advise and assist consumers or businesses of where they can purchase a vehicle. It is not necessary to license this business type as ultimately the consumer must deal with a motor dealer, which means they will be safeguarded by the consumer protections within this bill.

To ensure consumers know they are getting a good deal, those in the industry who broker motor vehicle sales will be subject to specific obligations, which I will explain later. For the first time businesses will be offered the choice of a one-year or a three-year licence. Businesses which choose a three-year licence will see cost savings and major time savings in dealing with government paperwork. For a three-year licence the fee will be lower as the licensee will avoid the government processing fees for the second two years. They will also save time by not having to complete a renewal form for government every year. While a three-year licence will be a larger up-front payment, I expect many established businesses to take up this option to save money.

Businesses will of course have a choice of a one-year licence and this may benefit smaller businesses that wish to set up and establish themselves before they choose a three-year licence term. During consultation on the bill, the option of allowing a three-year licence was strongly supported by the industry and stakeholders involved in the review. I can advise that the occupational licensing system for motor vehicle repairers will also be simplified and made more transparent. The 13 classes of business licensing will also be consolidated into classes more in keeping with modern repair methods. The details of these classes of repair for licensing will be developed in the regulation to accompany this bill and will be examined in consultation with industry following this parliamentary process.

As part of the new occupational licensing system for tradesperson certificate licensing, tradespeople will be required to renew their certificates every three years. The cost of renewal for the tradesperson will be minimal and is expected to be between \$10 and \$20 per year over the three years. A tradesperson certificate is the industry paper which is required to be employed in the industry. If it is no longer valid, or if persons have not kept their skills current through training or working in the industry, they will no longer be able to properly repair new vehicles. A regular licence renewal every three years will ensure the licence is valid and employers can be assured the person they are employing is a skilled worker with recent work experience.

A regular renewal process and an up-to-date register of tradespeople will return legitimacy to the licensing system for employees and government alike. The new bill will ensure the Licensing and Registration (Uniform Procedures) Act 2002 applies to the licensing requirements. This will ensure that all licence types under the bill have standardised procedures for applications, renewals and refunds and importantly for businesses will provide fee discounting for any online transactions. The bill has a modern definition of "motor vehicle" which is based on the primary legislation for motor vehicles, the Road Transport Act 2013, which governs all road transport laws.

The current definition of "motor vehicle" in the repairers Act is old fashioned with references to a "motor carriage propelled by any volatile spirit or steam" and is clearly in need of an update. The bill will amend the definition of "repair work" to make it clear certain basic work on a vehicle does not require a person to have a licence. Repair work that is not a repair class prescribed by the regulations will not require a licence. This clarification will allow certain work on a motor vehicle to be done without a licence, including basic repairs or accessory fitting such as fitting windscreen wipers, changing light bulbs, fitting roof racks or other basic accessories which can be bolted onto a vehicle.

Consumers will always have the protections of the Australian Consumer Law regardless of whether or not the persons replacing their windscreen wiper blade or attaching a roof rack to their vehicles has a licence. One major issue raised as part of the review of the regulation of motor vehicles relates to the contractual relationship between small motor dealers and the manufacturer or supplier of the vehicles they sell. Stakeholders representing dealers raised concerns that the relationship between dealers and manufacturers is characterised by a power imbalance to the detriment of small motor dealers. Some of the very unfair practices which were reported to me as part of the review can either end a motor dealers business or destroy the goodwill that has existed between them and the manufacturer for decades. Such practices include being arbitrarily told to refit or redesign a business premise at the cost of millions of dollars shortly before their contract ends or having unrealistic sales requirements placed on them without any agreement or understanding of their business or the economic circumstances.

Stakeholders representing dealers argued that court action is prohibitively expensive and that mediation through the Commonwealth Franchising Code of Conduct does not resolve disputes and cannot be enforced. The bill will assist to resolve any power imbalance by introducing new provisions to establish a simple, cheap and effective mechanism for reviewing the fairness of manufacturers' contracts with motor dealers. The bill also extends this protection to motor dealers where manufacturers have engaged in unfair conduct. These dispute resolution provisions aim to resolve any disputes through mediation in the first instance—mediation usually resolves over 80 per cent of all disputes when both parties come to the table and discuss their issues.

Mediation is also critically important because if the problem cannot be resolved early on, before the dispute escalates, the business relationship could be significantly damaged. The bill requires any dealer in a dispute over an unfair term in their contract or unjust conduct to first approach the NSW Small Business Commissioner for assistance in dealing with the dispute. The Small Business Commissioner provides a low-cost dispute resolution service for business-to-business disputes. This service provides procedural and strategic information to help parties resolve their issues at the earliest possible point. It also provides assistance with negotiation plus informal and formal mediation to parties in dispute.

If the informal processes do not resolve the dispute, the parties will be required to go through the formal mediation process where mediation costs are kept low and are shared equally by parties. Should formal mediation fail, the Small Business Commissioner will certify each party's participation in the process which will allow the parties to apply to the Consumer, Trader and Tenancy Tribunal for the matter to be determined. The tribunal would be able to determine whether a contract or behaviour in relation to the contract is unjust. The test for what is considered an "unfair" contract term is based on the accepted three-part test for unfairness established in the Australian Consumer Law for unfair consumer contract terms. This law has been in existence since 2010 and is understood by the courts and businesses. The tribunal can make enforceable orders including orders declaring the contract or part of the contract to be void.

The tribunal can also vary the contract, or make directions to parties not to take specified actions relating to the contract and will be able to make orders for monetary compensation. The tribunal will not have a monetary jurisdictional limit to hear applications, which means any motor dealer experiencing an unfair contract or unjust conduct can use this dispute resolution system regardless of the value of the dispute they are involved in. This makes the system affordable and provides protections for mum-and-dad dealers who sign up to expensive contracts but cannot afford lawyers to fight multibillion-dollar manufacturers through the courts. During the review motor dealers stressed they do not, and will not, take action in relation to unfair contract terms due to the fear that this will lead to reprisals, including the loss of their business.

To counter this problem, the bill also allows a motor industry group to apply to the Small Business Commissioner on behalf of a dealer or dealers about an unfair term in a contract or class of contracts. The industry or manufacturer will therefore not be able to directly identify the dealer thereby removing the fear of reprisal. The new dispute resolution mechanism for dealers will, for the first time, provide a balanced, effective

and low-cost means of resolution. This will address any significant imbalance in financial and legal power between motor dealer franchisees and global vehicle manufacturers. It will also encourage competition and the growth of this important industry in New South Wales.

Motor vehicle brokers are an emerging sector of the market who negotiate on a person's behalf for the purchase of motor vehicles. This bill will place new obligations on brokers to ensure they disclose to customers any financial or business relationship with the supplier or if they receive any fee or consideration from the supplier arising from the service. These obligations are not onerous but will help to provide brokers' customers with information to help them assess whether they are receiving a good deal or not. The obligations are similar to requirements brokers face in other industries such as financial services and should be well understood.

This bill reforms the warranty provisions to ensure they are consistent with the Australian Consumer Law and the national consumer protection framework. The current Motor Dealers Act 1974 contains a set of statutory warranties which apply to motor vehicles sold by licensed dealers. These warranties were based on the previous Trade Practices Act 1974 implied warranty provisions and assisted to exempt certain vehicles and define concepts such as "merchantable quality", especially in relation to used vehicles. The provisions are now outdated and need to be modernised by reference to the consumer guarantees definitions in the Australian Consumer Law, which replaced these parts of the Trade Practices Act 1974. The warranties require dealers to fix a motor vehicle if it is found to be defective within the warranty period.

These warranties are well known and understood by consumers and the industry and will remain in the bill, but the definition of what constitutes a defective vehicle will be based on whether the vehicle would breach a consumer guarantee under the Australian Consumer Law. When the Australian Consumer Law commenced, the New South Wales Government agreed to review all laws which may be inconsistent with the provisions of the law and as much as possible remove any inconsistencies. The bill will support that requirement by keeping the well-understood and accepted requirements for vehicle warranties but ensuring that unnecessary exemptions are removed and the definitions for what can be claimed match the national consumer protection framework.

To provide additional protections for consumers the jurisdictional limit for used car claims in the Consumer, Trader and Tenancy Tribunal will be increased from \$30,000 to \$40,000 to keep up to date with the cost of used cars. This will provide consumers with better redress for more expensive used vehicles. The increase in jurisdictional limit does not form part of this bill and will be made through a regulation change on commencement of the legislation. To ensure consumers are protected against "lemon" vehicles, the laws will continue to provide for an unlimited jurisdictional limit in the tribunal for new cars.

The Motor Dealers Act 1974 and Motor Vehicle Repairs Act 1980 both provided for compensation to pay consumers in the event of a loss. The new bill will combine these compensation funds into a new Motor Dealers and Repairers Compensation Fund. Funding will come from a percentage of the licence application and renewal fees dealers and repairers pay. In a major new benefit for consumers the maximum amount of money that a consumer can claim through the compensation fund will increase from \$30,000 to \$40,000. The bill will provide a new protection for consumers by allowing Fair Trading inspectors to issue rectification orders in clear examples of when repair work on a vehicle is incomplete or defective, or if a dealer guarantee has not been completed or is defective. Rectification orders are effectively enforceable documents which can be used as evidence before a court or tribunal. Failure to follow an order can result in disciplinary action by Fair Trading.

Rectification orders will advise the dealer or repairer exactly what work must be completed to fix the issue under dispute in order to abide by the requirements of the law. Rectification orders are already used in Fair Trading home building disputes and are an effective method of resolving disputes quickly and efficiently in a fair and transparent manner. They also keep disputes out of courts or tribunals and are often a relief to both parties because they resolve the problem fairly and equally allowing the consumer and the trader to get on with their business. The new laws will require a motor dealer who intends to sell vehicles on consignment to notify Fair Trading up-front in their licence application. Small business motor dealers often start by selling most of their vehicle stock on consignment to keep up-front costs to a minimum.

However, these businesses often fail, leaving consumers out of pocket with unrecoverable vehicles and no payment. There is a compensation fund which generally assists consumers to recover their losses. Over the last several years consignment-related business failures account for approximately 80 per cent of all compensation claims made on Fair Trading's Motor Dealers Compensation Fund. Currently dealers only need to notify Fair Trading annually of any consignment sales and this may well be after the event. Requiring up-front

notification of the intention to sell on consignment will allow Fair Trading to proactively inspect and ensure compliance with the strict consignment obligations. It may also assist Fair Trading to identify businesses that are in trouble at an early stage thereby minimising consumer detriment.

This bill will increase Fair Trading's ability to enforce the law against dodgy people in the motor industry. We read about too many stories of odometer tampering and see examples of business phoenixing where a dealer or repairer closes their business to avoid any action by Fair Trading and then reopens under a different name or company. Odometer readings are one of the major factors consumers look at when buying a used car. As members would be aware the value of the vehicle can be dramatically increased by unscrupulous people winding back the clock. This bill will double the maximum offence for odometer interference to 200 penalty units or \$22,000, making the cost of the penalty a better fit to the severity of the crime.

The bill will also introduce a requirement that a licence holder, or any employee, must report any suspected odometer reading or tampering to Fair Trading without delay. This will allow Fair Trading to properly examine and investigate the history of the vehicle and take any compliance action that may be necessary. The bill includes two new mechanisms to assist Fair Trading to reduce business phoenixing and ensure effective enforcement of the Act. Phoenixing is where a licensee surrenders their licence to Fair Trading before any disciplinary action can be taken and then later reapplies for a licence under the same name, a different company name or through a close associate or family member to avoid their licence application being refused.

The bill will permit Fair Trading to take disciplinary action against a former licensee within 12 months of the surrender of the licence. This will stop operators from surrendering a licence to avoid regulatory sanctions. Disciplinary action would only be taken in serious cases where the breaches of the law are likely to lead to a licence suspension or cancellation for a period of time. This will prevent the former licensee from being able to reapply for a licence, as Fair Trading will have a concrete reason to reject a licence application. In addition to this, the bill will provide Fair Trading with the power to reject a licence application on the grounds that a close associate of the licensee who has significant influence over the operation and management of the business is not a fit and proper person. This would prevent a family member or close business associate taking over the business with the previous licensee being the silent partner running the business on a day-to-day basis. These two measures will give Fair Trading a clear power to prevent former motor dealers or repairers who have broken the law in a serious way from getting another licence and reoffending or ripping off consumers all over again.

If a repairer does not complete work to the appropriate standard Fair Trading has always been able to take disciplinary action against the licensee. The trigger for disciplinary action in the Motor Vehicle Repairs Act was based on old and unclear terminology of "below usual trade standards". As part of the review, stakeholders supported updating this terminology to modern terms and language. This bill does that by requiring repair work to meet the Australian Consumer Law standards for the supply of goods and services. These basic consumer protections and trader obligations are requirements that all businesses have to abide by regardless of the industry. This new definition modernises the requirements for repairers and dealers and will ensure that consumers get essential and basic guarantees of goods and services when they enter into a contract to repair or buy a vehicle. For repairers, this will mean that they must repair a vehicle with due care and skill, ensure that the service or repair is fit for the specified purpose, and ensure that the repairs are done within a reasonable time.

The bill will also ensure that dealers must disclose all relevant material facts to a consumer prior to the sale of the vehicle. Consumer complaints about motor vehicle purchases often relate to matters about which they had not been properly informed. The sort of information required to be disclosed will be in the regulations to accompany the new legislation and industry will be involved in the development of this through the consultation process for the regulations. However, matters to be considered as part of the disclosure of material facts include such things consumers would consider vital to know before they make their decision to buy including: whether the vehicle has suffered hail or flood damage; whether the vehicle had ever been written off; whether there is any indication of odometer interference; and whether the vehicle had major modifications which might affect the future registration or insurance of the vehicle.

The bill will also modernise the enforcement and inspection powers of NSW Fair Trading officers, police officers and Roads and Maritime Services officers, who all use this legislation to ensure dealers and repairers do not break the law. The law now makes it clear that authorised officers under the Act can exercise their powers of entry and inspection to ascertain whether any provisions of this Act are being complied with or contravened, determine whether any laws relating to written-off vehicles are being complied with or

contravened, investigate complaints under the Act, and obtain evidence, records or information in relation to a contravention of the Act or regulations. The powers of entry have also been modernised and written clearly to ensure industry and government know exactly what powers can be exercised.

The two current laws are old fashioned and were not written to utilise everyday technology such as cameras or memory sticks to record events or take records. That has been addressed in this bill. Finally, many provisions of this bill will not commence immediately. As I said, some detail of how this bill will work will be completed through the regulations. The regulations will be developed after this parliamentary process in consultation with all key stakeholders and interested parties. The current regulations contain the classes of repair for repairer occupational licensing, the records dealers, repairers and recyclers must keep, the disclosure requirements for dealers when they sell vehicles and fees for such things as license applications.

I believe this reform package ushers the legislation into the twenty-first century and will set up the motor vehicle legislation to effectively and efficiently regulate the industry well into the future. The simplified and consistent legislation will bring great benefits to the industry and will maintain and improve the critical elements of protection for consumers buying or repairing a vehicle. I acknowledge in the gallery James McCall, the former chief executive officer of the Motor Traders Association, who has played an instrumental role in the development of this legislation. I also acknowledge Geoff Corrigan, who is a director of the Motor Traders Association. I thank them for the work that they have done on behalf of the industry. I commend the bill to the House.

Debate adjourned on motion by Ms Tania Mihailuk and set down as an order of the day for a future day.

DISTINGUISHED VISITORS

The DEPUTY-SPEAKER (Mr Thomas George): I welcome the former member for Camden, Mr Geoff Corrigan. It is great to see him in the gallery.

CEMETERIES AND CREMATORIA BILL 2013

Bill introduced on motion by Ms Katrina Hodgkinson, read a first time and printed.

Second Reading

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [3.44 p.m.]: I move:

That this bill be now read second time.

New South Wales has a long history of setting aside significant areas of land for public cemeteries to ensure that the right to a dignified burial is afforded to all members of the community. Today, as in the past, cemeteries across the State provide services to help all religious and cultural groups honour and farewell their loved ones. Over the past two decades, New South Wales has become increasingly at risk of jeopardising this proud tradition. Our ability to provide for the wishes of our citizens regarding the treatment of their remains has become less and less certain.

Cemetery and crematorium reform has a chequered history in this State, particularly since the mid-1990s. During that time it has become increasingly apparent that a coordinated, strategic approach to management of the interment industry is required in order to address the critical shortage of burial space and to ensure the full range of interment options is accessible and affordable to everyone. The response of the previous Government to these challenges was characterised by reactive policy and short-term fixes. Little has been done in the face of mounting evidence pointing to the dire need for sector-wide reform and planning, until now. The Liberals-Nationals Government knew that if it did not act boldly and decisively now, in another two decades New South Wales would face the very real prospect of having completely exhausted existing burial space. This is the most pressing issue driving these reforms.

Projections indicate that available burial sites across the greater metropolitan Sydney area will reach capacity within 30 to 40 years, and much sooner in some of our oldest cemeteries. Land acquisition for cemeteries and crematoria, especially in development corridors, is an essential part of avoiding this predicament. This must be accompanied by more sustainable burial practices to extend the life of our existing cemeteries. New South Wales is unique among Australian jurisdictions with its mix of Crown, local government and private

cemetery sectors. Our myriad cemeteries and crematoria are independently managed by State agencies, local government, public and religious trusts, community and other organisations, and private companies. Management of some public cemeteries is further divided based on denominational portions.

These complex and varied arrangements make it difficult to compile accurate information on burial rates and the number of available burial sites, along with the difficulty in determining the best use of available cemetery space. To develop and implement a comprehensive, coherent and cohesive evidence-based strategy for the State's interment industry, we must have access to accurate, reliable and consistent data from all three industry sectors. This legislation is the centrepiece of the Liberals-Nationals Government's reform agenda in this area and represents the most significant changes to the interment industry in more than 100 years, since the creation of the Rookwood Necropolis in 1868.

The Government is putting in place a new industry-wide framework within which cemetery operators will be encouraged to act proactively and cooperatively to ensure that the State's burial needs are met now and into the future. This is being done by establishing a new statutory body, Cemeteries and Crematoria NSW. Cemeteries and Crematoria NSW, referred to in the bill as the "Cemeteries Agency", will be led by an independent board appointed by the Minister. The Cemeteries Agency will have the power to collect information about cemetery capacity and usage, future cemetery needs, and cemetery and crematorium performance, to use the evidence to identify planning and policy issues and develop collaborative, sustainable solutions, and to implement and enforce solutions through consensus-building and, if necessary, binding legislative mechanisms.

More importantly, the bill delivers on the Government's commitment to recognise and take account of the right of all individuals to a dignified interment and the treatment of their remains with respect. This includes ensuring that the beliefs of all community groups are respected and equitable and affordable access to interment services is adequately provided, irrespective of religious or cultural heritage. Amazingly, this is the first time this has been reflected in legislation. The bill has three key elements that I will address. They are reform of the Crown cemetery sector, strategic oversight and regulation of the interment industry, and sustainable burial practices. I will first deal with the Government's reforms to the Crown cemetery sector. The first stage of these historic reforms commenced well over a year ago and involved the wholesale restructure of 17 Crown cemetery trusts. The 17 trusts were consolidated to four trusts, including the existing Catholic Metropolitan Cemeteries Trust, and three new trusts: Rookwood General Cemeteries Trust; Northern Metropolitan Cemeteries Trust; and Southern Metropolitan Cemeteries Trust.

The four Crown cemetery trusts are of sufficient size and financial capacity with skilled professional boards, and we have implemented new governance and business protocols that put the Crown cemetery sector on a more efficient and effective commercial footing. These arrangements are enshrined in the bill, including a range of provisions that regulate and standardise the governance and management of Crown cemetery trusts across the State. The bill re-enacts many provisions from the Crown lands legislation framework and makes clear that cemeteries and crematoria on Crown land will continue to be managed in accordance with the principles of Crown land management.

Importantly, establishing a Crown reserve trust and designating its purpose remains the responsibility of the Minister responsible for Crown lands. However, where a trust is established for the purpose of a cemetery, the Minister administering the cemeteries legislation will be responsible for appointing the trust board, or other entity to manage the trust. The Cemeteries Agency will be responsible for regulating the trust in accordance with the enhanced governance framework established in part 5 of the bill. Transparency and accountability are cornerstones of this enhanced framework. Accordingly, trust board members will have duties and liabilities similar to those for State-owned corporations. They will also be remunerated in accordance with Public Service Commission guidelines.

All Crown cemetery trusts will be required to prepare a strategic plan, to be approved by the Cemeteries Agency. The bill also requires trust boards to establish a finance committee, an audit and risk committee and a community advisory committee. Where necessary, the bill enables Government to direct a Crown cemetery trust to prepare a plan of management for a particular cemetery or crematorium to ensure that individual facilities are being run appropriately and delivering the best possible outcomes for the people of New South Wales. Part of the new governance approach also includes annual reporting requirements for all Crown cemetery trusts, including independently audited financial statements. Annual reports must include a report on trust operations with reference to its strategic plan and any plans of management. Additional matters may be

stipulated by regulation. Together these new governance and business protocols are increasing transparency and accountability within the Crown cemetery sector and ensuring that cemeteries on public land are managed in accordance with best practice and in a way that ensures their long-term sustainability.

All Crown cemetery trusts are continuing to work cooperatively to further develop these strong and accountable governance arrangements and to implement common policies and systems. I would like to draw the attention of the House to the provisions of the bill that provide for strategic oversight and regulation of the interment industry in New South Wales for the first time. This function will be performed by the Cemeteries Agency, Cemeteries and Crematoria New South Wales. The Cemeteries Agency will sit across all three cemetery sectors—the Crown, local government and private cemeteries—and have the power to require managers and operators to act in the best interests of the people of New South Wales.

The Cemeteries Agency will exercise advisory, policy, regulatory and administrative functions to assist the Government to deliver its vision for a sustainable, equitable and transparent interment industry. The Cemeteries Agency will guide management, maintenance and planning within all cemeteries and crematoria across the State. This will result in more streamlined, cost-effective and accountable operations, and provide for better coordination and cooperation across the interment industry. The Cemeteries Agency will have the following specific functions: to assess interment needs and develop planning strategies; to advise Government on the sustainable use of cemetery space; to develop, approve and promote codes of practice for the interment industry; to advise on the establishment of regulatory interment industry schemes; to regulate the provision of services covered by interment industry schemes; to keep under review the policies, operating procedures and activities of the interment industry; and to collect information and carry out research necessary to the fulfilment of these functions.

The Cemeteries Agency will be the centre of proactive policy development for the interment industry and will ensure that sufficient land is acquired and allocated to meet the burial needs of all communities. The remit of the Cemeteries Agency will extend to the development of policy solutions to the important issues facing the industry, including pricing policies for interment services that ensure adequate provision of funds for future liabilities and perpetual maintenance. Importantly, the agency's functions and powers will be scalable to enable its remit to evolve over time to address potential emerging issues, such as the increasing vertical integration of interment services. Of paramount importance, the Cemeteries Agency will ensure that no faith is disadvantaged, and that equitable access to cemeteries and crematoria is provided to all religious and cultural groups in a way that respects and upholds their various beliefs and practices.

The Cemeteries Agency will be responsible for maintaining an accurate and up-to-date register of all cemeteries and crematoria in New South Wales. The register, which replaces and extends the existing register kept by health authorities, will ensure that the agency can keep track of interment industry participants and develop effective and sensible regulation. The register will be accessible by the public, which may assist members of the community to better understand, evaluate and compare the range of interment options available to them. The Cemeteries Agency will collect necessary data on cemetery and crematorium operations, including interment rates and available burial space, from all three sectors of the industry. This will inform the development of comprehensive industry-wide strategies to address the challenges we face in this area, in particular the issue of diminishing cemetery capacity. This information will also help to improve the industry's transparency and accountability. To facilitate this, the Cemeteries Agency will have the power to require cemetery or crematorium operators to provide information and reports on their performance.

The Cemeteries Agency will develop strong linkages with the New South Wales planning system to ensure that the critical nature of cemetery and crematorium needs is taken into account at all levels of future strategic land use planning. The agency will provide expert, centrally coordinated input to planning processes. This will include establishing benchmarks for cemetery space that take into account factors such as population density and population growth, mortality rates and burial and cremation rates, and giving guidance to planning authorities on determining future cemetery needs and identifying land suitable for use as a cemetery or crematorium. Where this fails to deliver sufficient cemetery space for one or more religious or cultural groups or for the community generally, the Cemeteries Agency can exercise last-resort powers either to direct a Crown cemetery operator to purchase land for cemetery purposes, with the approval of the Minister, or to purchase the land itself.

The Cemeteries Agency would only direct a Crown cemetery operator to acquire land after full consideration of the impact on a Crown cemetery trust's financial reserves and future liabilities, including for perpetual maintenance of interment sites or the cemetery generally. In practice the Cemeteries Agency will work

closely with Crown cemetery trusts on land acquisition matters. Where the Cemeteries Agency makes a decision to acquire land itself, an internal government loan would be sought to secure the purchase. In most cases, the land would then be sold by tender or other contestable process to a cemetery operator, and the sale's proceeds would be applied to repay the internal loan. Where this results in a significant shortfall that could not be met from Cemeteries Agency reserves, the bill enables a special temporary levy to be imposed by regulation to raise the required funds.

The Cemeteries Agency will be led by an independent board appointed by the Minister. The board of the Cemeteries Agency will comprise an independent chair and three members with relevant professional expertise, qualifications or experience. The board will also include seven non-voting members, being representatives of five key government agencies, one local government representative and the chief executive officer of the Cemeteries Agency. To ensure the independence of the board of the Cemeteries Agency, and to avoid structural conflicts of interest, interment industry participants are disqualified from appointment as voting members. That said, the board will work closely with industry experts and other key stakeholders to ensure the development of collaborative, evidence-based solutions to identified challenges. To this end, the legislation enables the board to establish formal committees whose members may be drawn from the industry and the community.

The bill provides that all decisions relating to the functions of the Cemeteries Agency are to be made by or under the authority of the board. This establishes a framework for sensible delegation of responsibility to management. Importantly, the bill provides that critical decision-making power relating to acquiring land, making short-term orders and approving cemetery renewal schemes must be exercised by the board and cannot be delegated. The bill establishes a scalable regulatory framework with the necessary flexibility to respond to new interment industry practices and emerging and evolving challenges. To begin with, the Cemeteries Agency will have the power to develop, approve and promote codes of practice for the interment industry. In developing a code of practice, the agency may also adopt, with or without modification, an existing standard or industry code. Codes of practices will initially be voluntary, but they may be made mandatory by regulation if voluntary approaches prove ineffective.

Codes of practice will provide direction and guidance to the industry and may cover any matters related to cemetery and crematorium management, or other matters encompassed by the objects of the Act. Codes must be developed in consultation with all relevant stakeholders, in particular those to whom the code would apply. The concurrence of other portfolio Ministers will also be required in certain circumstances. The Cemeteries Agency will be responsible for ensuring public access to approved codes and reporting on their adoption by the industry. The Cemeteries Agency will work closely with the interment industry to build industry-wide consensus and support for voluntary solutions to identified problems. If voluntary approaches do not achieve the intended outcomes, the legislation enables the agency to develop and implement mandatory measures known as interment industry schemes, to be introduced by regulation.

Interment industry schemes may be tailored to apply to a specified sector or class within the interment industry, and may address issues by, for example, requiring compliance with a code of practice, setting licensing conditions for the provision of interment services or requiring provision for the perpetual care of interment sites and cemeteries. A regulatory impact statement and full consultation with the relevant industry sectors will be required as part of the development of a scheme, as well as the concurrence of other portfolio Ministers in certain circumstances. Where an operator's performance falls below community expectations or compromises the ability of Government to deliver its objectives, the Cemeteries Agency must have the power to make orders and to penalise contraventions. To that end, the bill includes a regime of civil penalty provisions for contraventions of obligations imposed by the legislation or directions issued by the agency.

The New South Wales Liberals-Nationals Government shares the significant concern expressed by the community and religious and cultural groups in relation to acts of desecration and harassment in cemeteries. The Government is committed to minimising these acts and penalising perpetrators as well as, importantly, educating individuals in recognising the symbolic value of gravesites. The integrity of the regulatory framework set out in the bill will be underpinned by the investigation and enforcement powers of the Cemeteries Agency, which will be exercisable through authorised officers. Similar to the powers conferred on the authorised officers of other regulatory agencies, Cemeteries Agency authorised officers will be able to enter and search premises, to require the production of information, to seize documents and other material, and to issue improvement and infringement notices. The work of the Cemeteries Agency will be funded initially by a levy identical to the current Crown Cemetery Levy.

Among the first priorities for the board of the Cemeteries Agency will be to develop strategic and business plans that identify the resources required to implement the Government's vision for the interment industry as set out in this bill. From these, a proposal for a more broadly based levy will be developed, enabling appropriate contribution from all three sectors of the interment industry. The general levy provisions in the bill allow a policy-based approach to levy design, taking into account the nature of funded activities and their intended outcomes and beneficiaries. The levy will be designed such that the contribution of each sector of the industry will be broadly referable to the work carried out by the Cemeteries Agency. In any event, as the levy can only be imposed by regulation, a regulatory impact statement will provide transparency and policy justification. Importantly, money received from a general levy cannot be used to cross-subsidise the expenses of the Cemeteries Agency in carrying out functions that are not related to cemeteries and crematoria.

Finally, I will outline the New South Wales Liberal-Nationals Government's approach to sustainable burial practices. Unsurprisingly, research shows that people wish to bury family and friends within a reasonable distance from their homes to enable regular visits. The New South Wales Liberal-Nationals Government is committed to ensuring that future generations have affordable access to a range of options for honouring the memories of their loved ones. This includes the option of a traditional burial in a cemetery close to their communities. Better land use planning and land acquisition for cemeteries and crematoria is essential to achieving this, and this bill provides the necessary framework and tools for so doing. However, given the scarcity of new land and increasing competition over land use priorities, particularly in major metropolitan centres, better use of existing cemetery space is crucial to meeting the Government's objectives.

Burial practices that extend the life of cemeteries are used extensively in a number of jurisdictions around Australia and overseas, but they are not generally employed in New South Wales. We need to educate the community urgently about sustainable burial practices and make implementing these practices easier and less costly for the interment industry. The bill paves the way for two long-overdue developments in this regard. First, the bill extends the scope and application of current cemetery renewal provisions to all cemetery sectors. Secondly, the bill enables renewable interment rights to be offered on an optional basis across New South Wales. Cemetery renewal enables cemetery operators to remodel areas within a cemetery to free up additional burial space. Space between interment sites or space taken up by access ways may be used, or a layer of fill may be placed over the top of existing interment sites to create additional interment sites. Currently, the cemetery renewal process is only available to Crown cemetery operators. The bill extends this option to local government and private cemeteries.

Under the bill, the operator of any cemetery may submit a proposal for a cemetery renewal scheme to the Cemeteries Agency for approval. The scheme may include moving or disposing of monuments but must not involve disturbing remains. Notice must be given to all individuals who have an interest in the area of the cemetery subject to the proposed scheme and comprehensive consultation must be conducted with relevant stakeholders, including the Heritage Council where appropriate. Interested parties will be encouraged to make submissions in support of a proposed cemetery renewal scheme or detailing any objections. Schemes cannot be approved by the Cemeteries Agency unless objections by affected interment right holders have been addressed or withdrawn. Guidelines are being developed to assist cemetery operators to develop cemetery renewal proposals.

The need to take advantage of burial practices that provide for more sustainable use of our diminishing burial space is clear. Renewable interment rights are perhaps the most important of these practices. Renewable interment involves the purchase of a right to inter human remains, and for those remains to be left undisturbed, for an initial period with the option of renewing the right for additional periods. If an interment right is not renewed, the interment site that is the subject of the right may be re-used after certain requirements have been met. Renewable interment rights are used extensively in South Australia and Western Australia, and the practice has a long history in many overseas jurisdictions. Renewable rights are currently offered in two cemeteries in New South Wales but they are not permitted in Crown cemeteries. As far as possible the renewable interment rights scheme set out in the bill allows existing New South Wales practices to be maintained. Importantly, while the scheme establishes a series of rules and conditions for the operation of renewable interment rights it provides sufficient flexibility for operators to market renewable rights competitively in a largely perpetual market.

The bill enables renewable interment rights to be offered on a consistent basis across all three cemetery sectors in New South Wales. This will be based on the important principles of choice and non-retrospectivity—that is, perpetual interment will continue to be available to everyone and there will be no impact on existing perpetual rights. However, renewable interment rights will be encouraged in new cemeteries and areas made available in existing cemeteries by cemetery renewal. Importantly, renewable interment rights will not be

allowed in cemetery portions where perpetual interment is required on religious or cultural grounds. Under the provisions of the bill, a renewable interment right may be granted for an initial term of 25 years for bodily remains and may be renewed for additional periods of at least five years and up to a maximum of 99 years. A cemetery operator must renew a right, upon application and payment of the applicable fee, within six months of any interment and when a renewable right expires.

To ensure clarity and certainty for both holders of a right and operators, the manner in which the fee will be calculated in each of these instances must be disclosed before a right is granted or renewed. Cemetery operators will be required to keep a register of all burials and cremations, memorials and interment rights. This expands existing requirements carried over from public health legislation and will help to ensure the protection of individual rights. Consistent with existing machinery, all interment rights, including renewable rights, may be bequeathed or transferred provided these details are recorded in the cemetery operator's register. When a renewable interment right expires and is not renewed, the cemetery operator may re-use the related interment site by offering a new right. This can be done only after a two-year grace period has expired, reasonable efforts have been made to contact persons listed in the register, and the intention to re-use the site has been published. Importantly, a site cannot be reused until all bodily remains interred at the site have been interred for a minimum of 10 years.

Cemetery operators intending to re-use burial sites are required to treat human remains with dignity and respect and in accordance with any applicable religious or cultural practices. Before an interment site is re-used the cemetery operator must ensure that any bodily remains found at the site are placed in an ossuary box and re-interred or placed in an ossuary house. Cremated remains must be returned to the holder of the right or scattered in the cemetery. Monuments and memorials may be reclaimed, and any unclaimed monuments or memorials must be dealt with in accordance with advice from a committee with specialist heritage expertise. As the State's population grows, ages and becomes more densely concentrated in major metropolitan centres, sustainable burial practices such as cemetery renewal and renewable interment rights will be essential elements in ensuring equitable access to the full range of interment options for all New South Wales citizens. With the introduction of this legislation, the interment industry will be able to plan strategically, sustainably and collaboratively for the needs of all local communities.

In addition to cemetery renewal and renewable interment rights, the New South Wales Liberal-Nationals Government is promoting other sustainable options, such as natural or green burial and family graves, and encouraging the industry to make these more available to the community. The reforms set out in this bill will fundamentally change the way cemeteries and crematoria are managed in this State. This bill is the result of broad and extensive consultation with the community, industry and all levels of government. The participation of key stakeholders at each stage in the reform process has ensured the development of collaborative approaches to the challenges confronting the interment industry and the community of New South Wales. In particular, the contribution of the major religious faiths has been essential and I thank the faith leaders who have come together to find a mutually sustainable way of meeting the burial needs of their communities.

I extend my genuine and sincere thanks to the members of the Interim Cemeteries and Crematoria Board and all the committees that provided essential expertise and policy input throughout the process. I also take this opportunity to convey my sincere thanks to Mr David Harley, AM, whose assistance I personally requested for these reforms. David Harley has been of fantastic assistance. He epitomises the principles underpinning these reforms: respect, tolerance, and a desire for equity and fairness. The diversity of participation in these reforms reflects the absolute necessity of cemetery and crematoria infrastructure for the New South Wales community. I look forward to continuing to work closely with all stakeholders as we move to the next phase of implementation. Currently, several legislative instruments, or parts thereof, regulate various aspects of the interment industry in New South Wales. It is a complex, convoluted and cumbersome system that is in desperate need of reform. We have surveyed the approach to cemetery regulation in other jurisdictions, both within Australia and overseas, we have consolidated the relevant provisions from other New South Wales legislative instruments, and today I am proud to say that we are introducing a single piece of legislation for the management of all cemeteries and crematoria across the State.

We are establishing a framework that will provide more efficient, sustainable and accountable interment operations and will enable strategic oversight of the industry to facilitate better information sharing, cooperation and coordination. The New South Wales Liberal-Nationals Government is taking decisive steps to ensure that the burial needs of all individuals are met now and into the future. This bill deals with an issue that will affect every member of this House, all our families and loved ones, and every citizen of this State, irrespective of their financial capacity, cultural or religious beliefs. The substance of this bill seeks to afford

fundamental legislative recognition and protections to what this Government believes are basic rights: the right to choose how our remains are disposed of and the right to have that done and commemorated in a dignified manner. These rights are so basic and universal that they transcend political, cultural and religious differences and social inequality.

In conclusion, I would like to quote Yair Miller, president of the Jewish Board of Deputies, at the recent opening of Lot 10 at Rookwood Cemetery, which is now providing immediate relief for the Jewish and Muslim communities requiring perpetual burial. He said at the opening:

The broader cemetery reforms and Lot 10 are an important symbol—Jewish and Muslims working together in life on a common challenge and, laying side by side in eternity—I hope we can carry this good will and sense of purpose to our broader communities and our daily lives.

I commend the bill to the House.

Debate adjourned on motion by Mr Barry Collier and set down as an order of the day for a future day.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2013

Bill introduced on motion by Mr Andrew Constance, read a first time and printed.

Second Reading

Mr ANDREW CONSTANCE (Bega—Minister for Finance and Services) [4.10 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Building and Construction Industry Security of Payment Amendment Bill 2013. The purpose of the bill is to introduce reforms that will provide greater protection for subcontractors and promote cash flow and transparency in the contracting chain. Over the three financial years to 2011-12 insolvencies in the New South Wales construction industry have accounted for at least 50 per cent of insolvencies across all States and Territories. Over the past two financial years more than 1,000 construction companies have entered into external administration in New South Wales. The effects and impact of insolvency in the construction industry are not confined to the failed company; the effects are felt by a score of other parties, in particular unsecured creditors further along the contract chain. More often than not, these unsecured creditors are small businesses ill-equipped to deal with a delay in payment, let alone non-payment of money owed.

When a building company is placed into administration it typically leaves unpaid debts to a significant number of subcontractors and other creditors. The Australian Securities and Investments Commission estimates that each year insolvencies result in the loss of hundreds of millions of dollars to unsecured creditors in the form of unpaid debts. In turn, these unpaid debts place other businesses at risk, with often devastating results throughout the contracting chain, particularly at the subcontractor level. These statistics include the failure of contractors engaged by government agencies to construct housing, roads and other significant capital works. In an industry that provides employment for more than 300,000 people and generates wealth and opportunities for many more in other sectors of the New South Wales economy, the Government recognises that the impact of insolvency, particularly on small business, needs to be addressed.

In August 2012 the New South Wales Government established the Independent Inquiry into Construction Industry Insolvency, chaired by Bruce Collins, QC. The final report of the inquiry acknowledged that the issues are complex and have been considered by all States and Territories over many years. The Government's reform package and response to the inquiry addresses issues relating to the causes and impacts of insolvency through, first, strengthening the existing legislative framework; secondly, establishing a retention trust scheme for subcontractors; thirdly, reforms to government construction procurement, including empowering the New South Wales Procurement Board as the peak policymaking body for all government construction projects from 1 July 2013 onwards; and, finally, an education campaign to improve the business and financial management skills of small business operators.

The reforms have been developed with a clear understanding of the contribution of the building and construction industry to employment and growth, and that the industry has only relatively recently shown some

signs of recovery. The New South Wales Government's response strikes a balance between providing greater protection for subcontractors and ensuring that additional regulatory and administrative costs to business are minimised. This bill represents the first phase of the reforms announced by the Government. The Building and Construction Industry Security of Payment Amendment Bill 2013 maintains this focus on fairness and promoting cash flow within the contracting chain. The proposed amendments will work to reduce the financial stress that delayed payment places on builders, particularly subcontractors. The Government acknowledges that the majority of the industry does the right thing. However, the inquiry found:

Subcontractor payment cycles are unacceptably long, and that the common practice is late, delayed or reduced payments to subcontractors which are pushing increased financial pressure down the contracting chain and contributing to the financial stress upon subcontractors and increasing the risk of insolvency.

The inquiry found that, while some subcontractors that provided labour-intensive services may be able to negotiate a payment cycle of 14 days, this was clearly an exception. Payment of subcontractors could extend to 90 or more days after the work was completed, with the inquiry estimating that the average payment term was somewhere between 45 and 60 days. Some of the worst examples of delayed payment practices heard by the inquiry involved standard payment terms of between 90 and 120 days after the work was completed by the subcontractor. Clearly, that is unacceptable and it is at this end of the market where the prompt payment provisions of this bill are particularly targeted and will have the greatest effect. The inquiry also identified a critical need for effective financial disclosures between parties to a construction contract, in particular the disclosure of payments to subcontractors.

Allegations of head contractors swearing false statutory declarations in relation to their payment obligations to subcontractors are longstanding. Indeed, in Moruya in my electorate of Bega there was an instance of that when subcontractors were left out of pocket despite claims being made about the signing of a false statutory declaration. This bill, through the supporting statement provisions, will bring new accountability to the sector. New enforcement powers and substantial penalties for non-compliance send a clear message to those in the industry who provide false or misleading information in relation to payments owed to subcontractors. Throughout the inquiry and following the release of the Government's response to its recommendations, industry has been engaged and consulted on all the key issues. Each of the peak organisations that formed part of the inquiry's industry reference group was consulted directly on the draft bill throughout June and July.

In response to concerns about the potential impact of the reforms in this bill on small business in the residential sector, upon becoming Minister for Finance and Services in August this year I undertook to conduct additional consultation with the industry. As a result of this consultation, the bill provides a limited exemption targeting small businesses operating in the residential sector. The Act has always excluded construction contracts for residential building work, as defined in the Home Building Act 1989, where the principal—in this case, a consumer—resides or proposes to reside in the premises where the work is undertaken. However, contracts between the head contractor and subcontractors working on those premises have always been covered by the Act. The exemption under the Act that currently applies to a residential contract between a head contractor and consumer is extended for the purposes of new section 11 of the bill.

This means that the amendments will not apply to a residential contract that is connected to the contract between the consumer and head contractor—referred to in the bill as the "main contract". This limited exemption does not apply to other work that may be described as residential such as high-rise apartments and other commercial developments in the sector. Due to the existing exemption under the Act, the supporting statement provisions do not apply to a residential contract between a head contractor and consumer. The Housing Industry Association and the Master Builders Association support this exemption, and I thank both organisations for their constructive support. I am mindful, however, that the residential sector continues to experience a high number of insolvencies. The exemption will be assessed as part of the scheduled review of the Act in 2015, or earlier should the need arise.

I turn now to the prompt payment provisions set out in section 11 of the Act. New section 11 (1) of the bill provides that subject to this section and any other law, a progress payment to be made under a construction contract is payable in accordance with the applicable terms of the contract. This ensures that parties to a contract may continue to negotiate terms that apply to the process of assessing a payment claim made under a construction contract. New section 11 (1A) of the bill stipulates that a progress payment to be made by a principal to a head contractor becomes due and payable on the date occurring 15 business days after a payment claim is made under part 3 of the Act. New section 11 (1B) of the bill stipulates that a progress payment to be

made to a subcontractor becomes due and payable on the date occurring 30 business days after a payment claim is made under part 3 of the Act. This provision applies to contracts between a head contractor and subcontractor as well as contracts between subcontractors, and subcontractors and suppliers.

These maximum payment periods are the safety net for both head contractors and subcontractors. A construction contract may of course provide for payment on an earlier date than these maximum payment periods. These prompt payment provisions are designed to start the faster flow of cash from the top of the contracting chain. Consistent with the exemption I have already described, new section 11 (1C) of the bill retains the existing due and payable provisions for construction contracts connected to an exempt residential contract. There are no changes in this bill to part 3 of the Act, which sets out the procedure for recovering progress payments, including how a payment claim is to be made. New section 11 (8) of the bill voids any provision in a construction contract that provides for payment of a progress payment later than the maximum payment periods set out in subsections (1A) and (1B).

In response to questions as to what impact or cost these changes may have on the capacity of parties to a construction contract to verify payment claims and related administrative practices, I draw attention to similar provisions that have been operating in Queensland since 2004 under that State's security of payment legislation, without adverse effect. The bill also removes the existing requirement under section 13 (2) (c) that a payment claim include a statement that it is a claim being made under the Act. The inquiry found that this requirement was one of the factors that had led to an under-utilisation of the Act by subcontractors and should be abolished. Many subcontractors are reluctant to include such a statement in their payment claims to head contractors as it may be viewed as a signal of a possible dispute. The statement was made a requirement under the principal Act to ensure that respondents to claims were made aware of their obligations should a dispute arise. However, the Act is now in its fourteenth year of operation and is generally well understood by industry. An education campaign will communicate the reforms to industry.

In its final report, the Collins inquiry noted the almost universal support from those that provided evidence for the introduction of prompt payment provisions and the removal of the wording requirement for a payment claim. Proposed section 13 (7) introduces a new requirement for head contractors. A payment claim submitted by a head contractor to a principal must be accompanied by a supporting statement that includes a declaration that all subcontractors and suppliers, if any, have been paid all amounts that have become due and payable in relation to the construction work concerned. This legal requirement will in effect replace the standard contractual requirement for a statutory declaration that includes a statement that all subcontractors have been paid what is due and owing to them to be provided by the head contractor to the principal with a payment claim. The provision addresses a key finding of the inquiry that statutory declarations made by head contractors under the Oaths Act for the purpose of securing a progress payment from a client are often false, not enforced and frequently amended to convey the appearance that what was due and owing to a subcontractor was no longer an amount owed by the head contractor.

Authorised officers from agencies such as the Department of Finance and Services will have powers to investigate and prosecute breaches of the provisions relating to supporting statements. There will be a maximum penalty of \$22,000 for not complying with proposed section 13 (7). Proposed section 13 (8) creates a separate offence for knowingly providing a supporting statement that is false or misleading. A maximum penalty of \$22,000 or three months imprisonment or both will apply. These provisions introduce an element of transparency into payment practices that operate in the industry and provide a clear incentive for head contractors to pay subcontractors what is due and payable. The supporting statement requirement simply provides that a head contractor declare they have paid subcontractors what they are owed under contract. The requirement does not bring forward or create a new obligation to pay subcontractors. If at the time a head contractor makes a payment claim to a principal under a construction contract an amount is owed to a subcontractor or supplier then the provisions require the head contractor to confirm that these payments have been made.

Proposed sections 36 to 36B set out matters relating to the investigation of compliance with supporting statement provisions, dealing with documents produced in an investigation and ensuring that any information provided is handled appropriately by authorised officers. The director general may appoint a public service employee to investigate compliance with the supporting statement provisions. An authorised officer may request in writing that a head contractor or someone who is or was employed or engaged by a head contractor provide information and all documents relating to the payment of subcontractors by or on behalf of the head contractor. It will be an offence to refuse or fail to comply with a request for information from an authorised officer or knowingly provide false material or information. A maximum penalty of \$22,000 or three months imprisonment or both will apply. I also draw the attention of the House to the fraud provisions in the Crimes Act.

The regulations will provide the detail of what information is required to be provided by the head contractor in that supporting statement and will be subject to further industry consultation. Consideration will be given to how to capture information relating to any instances of non-payment of subcontractors not directly engaged by the head contractor. The regulations may also consider the need to consolidate supporting statement requirements with existing legal obligations relating to payroll tax, workers compensation and employee remuneration. I can also foreshadow that the Department of Finance and Services, which is committed to encouraging voluntary compliance with this bill, will work with industry groups to focus its compliance efforts towards the "bad apples" in the construction industry. The department will publish guidance about how to comply with these provisions and give examples of what it, as the regulator, considers breaches the law and what practices comply with the law. As part of the second phase of reforms I will soon release a consultation paper on the proposed model for a statutory retention trust to protect subcontractors' cash retention—another key reform for the building and construction industry.

The amendments contained in this bill are part of the broader reform agenda outlined earlier and have been the subject of considerable industry consultation. As I advised members earlier, since being sworn in as the Minister I have undertaken to consult further with industry. Minor changes were made to the early consultation draft of the bill in response to feedback on the definitions in the original draft bill. These changes provide greater clarity, particularly in relation to the definition of a head contractor. As I said, the exemption targeting small businesses operating in the residential sector will be reviewed within 18 months. There have been calls to exclude all residential work from this bill; however, to do so would leave the thousands of small business subcontractors operating in this sector without the protection afforded to other parts of the industry. The Government is acting through this bill and other reform measures to protect small businesses across the industry.

The provisions of this bill are supported by a broad cross-section of the industry and have the strong backing of subcontractors, the Master Builders Association and the largest peak organisation representing small business, the NSW Business Chamber. I acknowledge that there are parts of the industry that have expressed their disappointment at being portrayed as rogues in the media. I am sure that all members of the House appreciate the outstanding contributions made by the vast majority of men and women employed in the industry. It is a hard industry to succeed in, and those that do have contributed in a lasting way to our built environment. We know that the continuing difficult economic environment in which the industry continues to operate has played a role in the failure of many businesses. In this respect, the Government's approach to reform is measured and balanced, recognising that heavy-handed regulation would in many respects simply add further cost to doing business in this sector.

The O'Farrell-Stoner Government remains committed to providing a better deal for small businesses in the construction sector. Our reforms are comprehensive and balanced and focused on those areas where we can and should influence behaviour. However, there is only so much a State government can do in this area. Corporations law, insolvency and bankruptcy are matters regulated by the Federal Government. The final report of the independent inquiry noted that there is more that can and should be done at the Federal level. The inquiry heard from too many builders about the problem of phoenixing—the deliberate liquidation of a company to avoid liabilities such as tax, employee wages and debts to other businesses and continuation of trade under another trading entity. Existing laws on matters relating to illegal phoenixing, insolvent trading and the legal obligations of directors under the Corporations Act must be better enforced by the Federal regulators.

The Government recognises the need to ensure that industry is informed as to the nature and scope of the changes and has sufficient time to make the necessary arrangements to ensure compliance with the new requirements. As part of the overall response to the recommendations of the Collins inquiry, an industry advisory group has been established to ensure continued effective industry engagement. Comprising key industry peak organisations including the Housing Industry Association, the Master Builders Association, the Australian Constructors Association, the Construction Forestry Mining and Energy Union as well as the Small Business Commissioner, the advisory group will assist in communicating the changes and reforms to industry and also develop an education campaign focusing on the financial and business management skills of small business. The Department of Finance and Services will develop information and compliance fact sheets and online resources to assist industry in this regard.

In summary, this bill provides for fairer payment terms for subcontractors, it will hold head contractors to account for the statements they make about payments to subcontractors and will make it simpler and easier for subcontractors to utilise the Act. I commend the bill to the House.

Debate adjourned on motion by Mrs Barbara Perry and set down as an order of the day for a future day.

YOUNG PEOPLE WITH DISABILITIES SUPPORT SERVICES**Discussion on Petition Signed by 10,000 or More Persons**

Mr ANDREW CONSTANCE (Bega—Minister for Finance and Services) [4.31 p.m.]: I acknowledge the representatives of the Brain Injury Association who are in the gallery today and thank the association for the enormous contribution it makes to raising awareness about brain injury in our community. In particular, I recognise the organisation that collected well over 10,000 signatures on this petition. I note that the shadow Minister, Barbara Perry, is in the Chamber this afternoon. The bottom line is that some issues are well and truly above and beyond politics. This is without doubt one of those issues. For too long both sides of politics have failed. They have failed to invest in the necessary pathways for people with acquired brain injury and failed to deal with the challenge presented by the interface between the disability and health sectors. We must recognise that many people who have brain injuries are faced with accommodation options that, unfortunately, will never be acceptable for their needs.

It would not matter if it involved a nursing home or a rehabilitation bed in a hospital setting; the bottom line is that it is time for change. This has a profound impact on the daily lives and rehabilitation of those individuals who are forced to live in these types of accommodation. We have to have change. The reforms in the enabling legislation that is before the New South Wales Parliament to facilitate a transition to the National Disability Insurance Scheme must be rolled out carefully, in particular, the health and disability provisions for those with a brain injury. An enormous amount of work still has to be done in relation to the Council of Australian Governments interface principles—a matter about which I am concerned. We do not want people falling through the cracks—which is what is occurring under the current system—simply because they had an argument with an official in the health department, someone providing services in a health setting, or staff working in the disability sector.

With the advent of the National Disability Insurance Scheme we must ensure that there is no cost shifting in the provision of medical and clinical support to someone with brain injury. Importantly, we must make sure that we put in place the appropriate pathways. This will require an enormous amount of public policy work—something that has been clearly demonstrated in this petition. The crisis being faced by people with brain injury is unacceptable, in particular, as it relates to their accommodation needs, clinical and rehabilitation support and ongoing disability support. Under Stronger Together 2 the funding tap has been turned on. I acknowledge the work of the Australian Labor Party that was commenced in 2006 under John Della Bosca. As a new Government we continued that work but more has to be done. I implore the State and Federal governments that are doing much of this work to look closely at these issues. The advent of the National Disability Insurance Scheme is critical but these issues must not be put to one side.

I am only allowed five minutes to speak in debate on this petition but I could talk for hours. This petition is testament to the great work of the Brain Injury Association. I thank those members in the public gallery today, and my mate Paul, for their advocacy and their contributions. This wonderful National Disability Insurance Scheme will result in enormous changes to individualised planning and support. I know that the member for Auburn agrees with me that the assessment process, which is based on functionality, will ensure that people's fundamental human rights are protected. I thank all those in the gallery for the work that they have done in presenting this petition. I am privileged to have been able to make a contribution to debate on the petition.

Mrs BARBARA PERRY (Auburn) [4.36 p.m.]: I welcome the people in the public gallery and thank them for this petition. I acknowledge the work done by the Minister for Finance and Services, a former Minister for Ageing and Disability Services, for people with a disability in this State. The Minister referred to our strong bipartisan approach to disability. It is fair to say that we have had good leadership and that this incredible sector has passionate advocates, as demonstrated by the Brain Injury Association and the petition that has been presented in this House. Extraordinary people work in this sector. The extraordinary people that the Minister and I serve and with whom we work are some of the most vulnerable people in our community. Everyone is aware of the statistics. New South Wales has more than 2,000 young people with disabilities living in residential aged care facilities and there are more than 6,000 in the rest of Australia. We are aware of the statistics but they are not well known by the wider community, which is a disgrace. Earlier the Minister correctly said that we have a shared responsibility to provide more information.

Clearly young people should not be living in residential aged care facilities, but unfortunately that is where many people with brain injuries—people with high-end needs—are placed. I agree with the Minister's statement earlier today relating to the interface between people with a disability and the health sector. We have

much to do on that count. Even with the Stronger Together 2 initiative there is a need for appropriate accommodation options for people with a disability. The Productivity Commission's report on Government Services 2012 shows that New South Wales is lagging behind other States in the provision of accommodation and support services for people with a disability. There is clear, immediate and long-term unmet need.

Table 14.68 in that report contains an analysis of the Young People in Residential Aged Care Program, which is mentioned in the petition. That program is still operational but no longer reported on. I have asked a number of questions about that program at the estimates committee hearings. That analysis also shows that New South Wales is lagging behind other States in getting people with disabilities out of nursing homes. Its focus has been on improving the conditions of people in nursing homes, not finding them alternative, more appropriate accommodation. Specific programs are required to move young people with disabilities out of nursing homes and boarding houses.

People in the public gallery may have read an article in today's *Sydney Morning Herald* by Di Winkler under the headline, "Why housing is an enormous challenge for DisabilityCare." How timely is that article? The article refers to the release of the Summer Foundation's report and indicates that even with the introduction of DisabilityCare, the National Disability Insurance Scheme will not reduce the number of young people in nursing homes because of the shortfall in accessible housing. That is the critical issue. Put simply, what people in the public gallery are on about is how we, together with partnerships, address the critical issue of a shortfall in housing. The report states:

DisabilityCare alone cannot resolve that issue. Unless the community begins to act now, we may find that when the scheme is fully implemented, young people in nursing homes and tens of thousands of other people with disability will have funding for support - but no housing.

That is true. Let me assure members of the public that the bipartisan approach will continue. In relation to the introduction of the National Disability Insurance Scheme, the most important things to my mind are ensuring there is a pathway forward and that the need of young people who are in inappropriate placements is resolved. Will we resolve it totally? I am not sure, but I agree that we must go a lot further than we have currently gone. I again thank our visitors in the public gallery for everything they do. I also thank them for presenting this petition to this House. It is the most important topic that we have discussed today.

Ms MELANIE GIBBONS (Menai) [4.41 p.m.]: I commence my contribution to this discussion by acknowledging the visitors in the public gallery, who have come to hear this petition discussed. The disability sector and the need for greater support for people with disabilities is a cause that is very close to my heart. I know it is the same for the member for Auburn and particularly for the Minister for Finance and Services, who preceded me in this discussion and who was formerly the Minister for Disability Services. When he held the Disability Services portfolio, his sincerity came across very strongly. I am proud to be part of a Government that has made funding for the disability sector a priority and of this State for being one of the first to sign up to the National Disability Insurance Scheme. Today we are discussing the overwhelming need for appropriate accommodation and support services for young people with disability.

I have worked for two different disability organisations. I have seen the challenges faced by my Uncle Bourke. He told part of his story in a book with a bit of an inappropriate title, *Fantastic Spastic: The Story of Bourke Gibbons OAM*. He spoke about his life as a person with cerebral palsy but for the first time he spoke about his life as someone with cerebral palsy who was put into a facility for people with mental illnesses and problems, which was totally inappropriate for a young boy of just 10 years of age. I do know where visitors in the public gallery come from, and this is a cause that is particularly close to my heart. We know that there continue to be younger members of our community who live in residential aged care facilities due to a lack of alternative options. I understand that the Brain Injury Association of NSW has gathered more than 14,000 signatures in a petition, which is why we are all here to discuss this matter today.

I urge everyone in the House—and I notice the Chamber is rapidly filling up—to take a moment to consider how at any time disability could affect them, a family member of theirs or a friend of theirs, particularly how it would affect someone who is a younger person being put into inappropriate care. Through the Younger People in Residential Aged Care Program, New South Wales is providing more age-appropriate support accommodation to 121 younger people, who are either in or at risk of entry to residential aged care. It is still not enough: We understand that. We are working on it as I speak. I have met with representatives of Youngcare, who have developed an innovative solution to supported accommodation for young people to keep them out of aged care facilities. I know Youngcare's solution is established in Queensland but a similar apartment development in Sydney is still in the planning stages.

Mrs Barbara Perry: In Auburn, actually.

Ms MELANIE GIBBONS: It is in Auburn. That is right. It is hoped that residents will be able to move into their new homes in 2014. It is definitely encouraging to see that steps are being taken to address this issue with real housing alternatives being provided for young people with disabilities. Ultimately the fact that their loved one is in a safe and secure home gives family, friends and carers peace of mind, but how good is it that we can offer a future for people with disability in which they exercise their own options of coming and going; and have their own opportunities to contribute to and benefit from community life and be valued as equal members of society. As I stated in my inaugural speech, I hope that if we leave government, we leave people with disability with a better standard of living than they had when we began. I believe this will all come to fruition with not only the full availability of the National Disability Insurance Scheme but also our attention and support as well. I thank visitors in the public gallery for their efforts.

Ms SONIA HORNERY (Wallsend) [4.44 p.m.]: I also pay my respects to the Brain Injury Association. I worked at the coalface as a community support worker with Hunter Brain Injury Respite Options before I was elected to Parliament, so I am quite familiar with the Brain Injury Association and its good deeds, for which I thank our visitors in the public gallery. Today I lend my voice to the chorus calling for action on the issue of young people with disabilities who are living in aged care facilities. I urge the Government to develop a sustainable and integrated approach to achieving the best possible outcomes for young people with disabilities and to recommit to the Younger People in Residential Care Program. That includes employing highly qualified permanent and dedicated staff.

Across the State there are more than 2,000 permanent residents in aged care facilities who are under the age of 65 years, 128 of whom live in facilities in the Hunter. Of those people, 27 are under 50 years of age. There are 10 people with disabilities under the age of 50 at a place that is very close to my heart, the Wallsend Aged Care Facility. As pointed out by Angelena Fixter, who is the chief executive officer of the Brain Injury Association of NSW, the current system is not ideal for those 10 residents or the Eveleigh residents, as I know. Other people with disabilities are living in hospital wards awaiting placement, and thousands who require a great deal of care are at home, being cared for by families who are understandably struggling, as I also know, to meet the needs of their loved one. One of the residents at the Wallsend Aged Care Facility, young Ben Brodie, was critically injured in a car accident when he was 29 years of age and he remains totally dependent. He has been at the Wallsend Aged Care Facility for five years.

Ben's father, Colin Brodie, was instrumental in bringing this important issue to my attention, for which I thank him. I applaud him for his hard work. He is a really decent man. Mr Brodie wrote to me about his belief that the Government's current solution to this issue is "all about accommodation and nothing about care—there is a great need for re-direction of this issue". He writes also that the current situation is a "travesty". That is something that we really worry about. I conclude my remarks by saying that we must keep in mind that there is no one-size-fits-all solution to this issue. I do not believe that privatising well-run public facilities, such as the Wallsend Aged Care Facility which offers high-quality care to people with disabilities, is the solution. There is no easy fix for this problem. I call on the Government to make all the necessary commitments to provide a variety of solutions and to meet the needs of the State's disabled citizens and all young people in care.

Mr JAMIE PARKER (Balmain) [4.47 p.m.], by leave: My contribution to this discussion on behalf of The Greens will be brief. I firstly acknowledge the incredible work that has produced more than 14,000 signatures from members of the community and has resulted in this petition being brought to this House. That is testament to all those involved in the sector of the fantastic work of the Brain Injury Association of NSW in particular. I acknowledge the work of the former Minister, Mr Andrew Constance, and the former Government for their collaborative work in relation to the National Disability Insurance Scheme. I recognise the important role that scheme will play in the future of support for young people in residential aged care. However, it is important to recognise that the National Disability Insurance Scheme is not the total solution and that very important measures must be implemented to ensure that everyone has a right to live in his or her own home and, whenever possible, everyone has the opportunity to exercise choice and control over his or her life.

It is important to acknowledge the commitment that the Government and the Federal Government have made. The Younger People in Residential Care Program is a very positive and commendable program. Obviously no-one is claiming that that program will solve all the problems and deal with all the young people who are in inappropriate housing. Of course it is important to recognise that this is not just a disability issue but actually a housing issue, a disability issue, a young people's issue, and an issue that requires bringing various parts of government together to try to address it. Members would be aware that housing is a major problem in

my electorate; prices are incredibly high. Many parents of children with disability look forward to the National Disability Insurance Scheme. They fear for their children's future and are concerned about the situation facing young people. Their concerns make this petition even more pressing. I take this opportunity to encourage the Government to work with the Department of Housing and other providers to address, positively and constructively, this matter to ensure that in future no young people are housed inappropriately in residential aged care facilities and they can live fulfilled lives in their own homes. I conclude by thanking all those present in the Chamber today. I acknowledge the support across the political spectrum for this issue. I encourage more decisive and continuing action to address this matter.

ACTING-SPEAKER (Mr Lee Evans): I thank the member for Balmain and all participants in the 10,000 signature petition for their work on the petition.

Discussion concluded.

ACTING-SPEAKER (Mr Lee Evans): Order! It being after 4.30 p.m., community recognition statements will now be proceeded with.

COMMUNITY RECOGNITION STATEMENTS

FUNDRAISER MITCHEL OLSEN

Ms MELANIE GIBBONS (Menai) [4.50 p.m.]: Ever since Mitchel Olsen received his "Freedom Wheels" modified bike from TAD Disability Services he has not stopped riding. Mitchel, from Bangor, has cerebral palsy and mostly uses a wheelchair to get around, but when he is on his bike nothing can stop him. He even competes in the school cross-country on his TAD bike. He and his brother, Andy, are members of the Southern Cross Bike Club and ride every weekend. This year Mitchel set his sights on completing the 15 kilometre Spring Cycle Ride. He wanted not only to complete the race, but also to raise enough money for TAD to buy 10 bikes for kids just like him. As their former fundraiser, I am thrilled with that idea.

I am pleased to report that Mitchel completed the ride in an hour, alongside his dad and brother, and was the top fundraiser for the whole event. Mitchel hit a top speed of 39.4 kilometres per hour. He also reached his fundraising goal, raising \$10,561 for TAD Disability Services. He has been tracking his kilometres since his eighth birthday and is currently up to 1,888 kilometres on his Freedom Wheels bike since the Spring Cycle. I pass on my congratulations to Mitchel on the Spring Cycle Ride and cannot wait to see what his next riding challenge will be.

MRS VIETNAM AUSTRALIA BEAUTY PAGEANT WINNER THI NGOC KIEU LE

Mr NICK LALICH (Cabramatta) [4.51 p.m.]: I congratulate Ms Thi Ngoc Kieu Le of Cabramatta west, who won the Mrs Vietnam Australia Beauty Pageant Grand Final held on Friday 19 July 2013 at Mekong Mounties Club. Ms Le, who arrived in Australia in 2007, is a single mum who took out the award against a strong field of beautiful Vietnamese women. Ms Le was judged for her beauty, intelligence, talent, wisdom and charitable work. She has helped fundraise for the building of a Buddhist temple and for Vietnam's air force veterans in Australia. She is also involved with the Vietnamese Artists Association. The competition was not all about beauty, it was also about compassion, generosity and being a good mum. She said she faced many challenges in her life, such as her transition from living in Vietnam to living in Australia without any family. Ms Le believes entering this competition will instil and maintain Vietnamese culture and traditions in her son and her community. I congratulate Ms Le on her win and the Mekong Mounties Club for running such a fantastic pageant.

CARINGBAH GARDEN CLUB

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [4.52 p.m.]: On 21 September I attended Caringbah Garden Club annual spring floral art and garden show at Caringbah High School gymnasium. I commend the exhibitors for their beautiful horticultural displays, floral art, cut flowers, pot plants, fruit and vegetable displays and more. The show included a craft and book stall, and afternoon tea was served. Caringbah Garden Club was founded in 1953. It is a local affiliate of the Garden Clubs of Australia Incorporated. Its objectives include promoting and encouraging various aspects of community-based gardening and horticulture, educating the public in the protection and conservation of our natural resources, promoting areas of floral art, and organising and supporting community garden projects and events. I congratulate the club executive and committee members on their outstanding and tireless work in organising the show.

MARYLAND-WALLSEND NETBALL CLUB

Ms SONIA HORNER (Wallsend) [4.53 p.m.]: I take this opportunity to congratulate Maryland-Wallsend Netball Club on its many successes in 2013, including six teams reaching the Newcastle Netball Association finals and five teams being grand final winners. Special thanks go to the executive members—president Gail Bussell, vice president Doreen Revett, secretary Margaret McGuire, and treasurer Theresa Day—for their tireless work, which has resulted in Maryland's wonderful achievements. Special thanks also go to Tanya Bussell for her ongoing efforts throughout the year taking on numerous roles to assist across the board, as well as number one supporter and volunteer Jessie Cox.

WOLLONDILLY COUNTRY WOMEN'S ASSOCIATION

Mr GARETH WARD (Kiama) [4.53 p.m.]: I recognise the work of the Country Women's Association of New South Wales Wollondilly group. I was fortunate to attend the seventy-seventh annual conference on Monday 22 October 2013 at Osborne Park Hall, Kangaroo Valley. I ask the House to recognise the work of president Mary McDonald; group representative Rhonda Jefferson; honorary secretary Velma Walker; honorary treasurer Miss Yvonne McNamara; vice presidents Marie De La Torre, Sandra Fowlie, Jacqui Longhurst, Cheryl Pearce, Sylvia Smith and Denise Williams; and office bearers Lorraine van de Lubbe, Robin Toohey, AM, Ann Schavemaker, Lynette Grady, Glenice Richardson, Jennifer Bowe and Marian Smith. Also present at the conference were Councillor Lynette Kearney, Reverend Andrew Paterson, Federal member for Gilmore Ann Sudmalis, and State President of the Country Women's Association Ms Tanya Cameron. The Country Women's Association makes a tremendous contribution to the community and I am sure all members of the House will continue to do all they can to support this organisation in the future.

ST THERESE CATHOLIC PARISH GOLDEN JUBILEE

Mr PAUL LYNCH (Liverpool) [4.54 p.m.]: I acknowledge the golden jubilee of St Therese Catholic parish community in my electorate. The St Therese community has a Catholic primary school and Catholic Church in Cartwright Avenue in my electorate. The golden jubilee was celebrated at the Liverpool Catholic Club on Friday 11 October 2013, which I attended. The celebration involved other events over the ensuing weekend. Organisers of the event should be congratulated, especially Nancye Morrissey. Fathers Paulino Tui Kolio and Tietie Siatulau from St Therese, together with neighbouring and previous priests and parishioners, were present, together with Bishop Terry Brady. Some of the original teachers of the school from the Sisters of the Sacred Heart were also in attendance, together with many parishioners and former students of their school. The history of the school from its origins, which coincided with the urban development of the suburb of Green Valley, was featured on the night. The golden jubilee came with an understandable and deserved sense of achievement and celebration. It was a pleasure to be invited and to be able to attend the event.

UNIVERSITY OF NEW ENGLAND ENACTUS TEAM

Mr ADAM MARSHALL (Northern Tablelands) [4.55 p.m.]: I commend the University of New England's Enactus Team which took out the title of Australian Champions in July and has now just returned from the Enactus World Cup in Cancun, Mexico. Enactus is an international non-profit organisation that brings together the brightest students, academics and business leaders from around the world to show how the power of entrepreneurial action can transform lives and shape a better, more sustainable world. This year's World Cup brought together 36 teams from around the world, which qualified from a field of 1,600 universities. Each team presented projects, developed in the spirit of entrepreneurialism, that address societal needs and create opportunities in communities. The University of New England team presented three projects at the World Cup that had previously taken the team to victory to claim the national championship in Australia. I congratulate University of New England Enactus president Rachel Price, who led her team through an extremely competitive program with distinction, as well as Will Winter and all the other Enactus team members. Well done.

FAIRFIELD NITE UNDER THE STARS

Mr GUY ZANGARI (Fairfield) [4.56 p.m.]: Nite Under the Stars was held Friday 9 August 2013 at Fairfield High School. The night of sleeping rough was organised to raise money and awareness of homelessness in the Fairfield local government area. The night comprised folk and cultural entertainment, live and silent auctions, interactive games and personal stories regarding homelessness. Participants at the event spent the night sleeping rough on the bitumen ground of the main quadrangle of Fairfield High School. The mobile soup kitchen gave participants the warmth needed on the cold night and \$12,000 was raised from the Nite Under the Stars.

I extend congratulations to Hume Community Housing, Lotus House, Lions, Catholic Care, Community First Step, Clothes Line, TAFE South West Sydney Institute, Inspire, Bonnie Women's Refuge, Fairfield Housing Task Force, Dobson's and local State and Federal government agencies on supporting the event.

TRIBUTE TO GAVIN RHODES

Mr ANDREW ROHAN (Smithfield) [4.57 p.m.]: Today I pay tribute to a great individual and a man who loved his family but who was taken from us too early in a tragic accident. Gavin Rhodes, 39 years, his wife, Phoumalaysy-Lea, 35 years, and their children, Manfred, 17 months, and Jadesuda, three years, were among the six Australians killed after a plane crashed recently in Laos during a violent storm. I understand that all 49 people on board were killed. Gavin, who lived in Bonnyrigg, was a committed volunteer with my team in the Cabramatta-Fairfield area and helped tremendously during the Cabramatta by-election in 2008 and the State election assisting Dai Le, our candidate for Cabramatta. He was a man of conviction and wanted so much to make a difference to the area. I am saddened by the news of this tragedy and I know my team are saddened also. Gavin was a tax consultant and worked in his business Etlanda Taxation and Accounting Services in Lansvale. I express my sincere condolences to the broader Rhodes family on this very sad occasion.

BIKEAST

Mr ALEX GREENWICH (Sydney) [4.58 p.m.]: I commend the work of cycling group BIKEast. This volunteer group works on behalf of people who ride bicycles and live and work around the eastern suburbs, including parts of my electorate. BIKEast is affiliated with the statewide group Bicycle NSW and liaises with other local bike groups such as BIKESydney to link up safe bicycle routes across the wider region. Group members work with local councils on safer cycling routes, alert road managers to black spots and help identify solutions where there is conflict between different road users. Other BIKEast activities include leading recreational bike rides, cycling skills workshops and taking part in community events where they provide bike check-ups and distribute bike maps, bike bells and information about routes and safety. These volunteers contribute to a safer road environment and better relations between different road users. I acknowledge these volunteers and their contribution to the inner-city and eastern suburbs.

LIONS DISTRICT CONVENTION

Mrs SHELLEY HANCOCK (South Coast—The Speaker) [4.59 p.m.]: I wish to speak briefly on the Lions MD 201 N2 District Convention held at Ulladulla, on the south coast, between Friday 18 October and Sunday 20 October 2013. I was pleased to attend the mayoral reception and opening ceremony on Friday evening at Ulladulla High School with Shoalhaven City mayor, Councillor Joanna Gash, and Federal member for Gilmore Ann Sudmalis. I congratulate the hardworking Lions and Lionesses from across the 201 N2 district on their continued work in the community. The MD 201 N2 Lions district encompasses south-east New South Wales and the Australian Capital Territory, comprising 64 Lions clubs, eight Leo clubs, and six Lioness clubs serving their communities in the south-west suburbs of Sydney, the Southern Highlands, the Goulburn, Yass, Bowning and Canberra areas, the Monaro and Snowy Mountains, the far South Coast, Eurobodalla, Shoalhaven, Kiama and Illawarra. I extend my appreciation to District Governor, Lion Allan McDonald from Ulladulla-Milton; First Vice District Governor, Lion Lorraine Mairinger, OAM, from Kangaroo Valley; and Second Vice District Governor, Lion Sally Wilton, from Nowra

STATE SWIMMING REPRESENTATIVE HAYLEY LAWThER

Mr RICHARD AMERY (Mount Druitt) [5.00 p.m.]: I am pleased to advise the Parliament that on Monday this week I attended the school assembly at the Good Shepherd Primary School. The assembly was the venue for the school and the community to recognise Hayley Lawther, a student of the school who represented New South Wales at the 2013 School Sport Australia Swimming Championships. It gave me great pleasure in front of a well-attended school community and Hayley's parents to present Hayley with the New South Wales State Representative certificate. This certificate is not about coming first, second or third; it is about recognising those in our electorates who have achieved the honour of representing the State of New South Wales in national events. Congratulations to Hayley Lawther and good luck for her continued success in the future.

RUN FOR THE HILLS

Mr DAVID ELLIOTT (Baulkham Hills) [5.01 p.m.]: I advise the House that on Sunday in The Hills district more than 500 people competed in the eight kilometre Run for The Hills. Run for The Hills raised

money for Lifestart, a local charity that aims to ensure early intervention services for babies and preschoolers with disabilities. The event raised \$27,000, which will help bring an early intervention centre, the first of its kind, to The Hills district. This fundraising zeal and desire to help others is one of the defining features of The Hills. I commend and congratulate the coordinators of Run for The Hills and Councillor Yvonne Keane on holding another successful fundraising event. I also thank everyone who partnered with, donated to or participated in the event.

GRAYS POINT RURAL FIRE SERVICE

Mr BARRY COLLIER (Miranda) [5.02 p.m.]: I ask the House to acknowledge the unselfish and tireless commitment of the men and women of the Grays Point Rural Fire Service in the Miranda electorate. These dedicated volunteers of Rural Fire Service Station 26, on the edge of the Royal National Park, have a proud history of firefighting and fire control, not just in the shire but across the State and even interstate. They have just spent three days at Wilton during the current bushfire emergency and are now on standby, ready to respond at a moment's notice to calls from headquarters. I am sure all constituents of Miranda and members of the House will join me in paying special tribute to Captain Wayne Roberts. This year marks 25 consecutive years of Wayne's outstanding leadership of the Grays Point Rural Fire Service. I thank Wayne and the brave men and women of the Grays Point Rural Fire Service, who are ever willing to put their lives on the line for our safety and protection across the shire and the State.

BOATING SAFETY OFFICER FIONA THOMSON

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [5.03 p.m.]: I commend Roads and Maritime Services boating safety officer and Cronulla local Fiona Thomson. When 39-year-old Cory Harding badly hurt his left hand while pulling up the anchor on his long-line fishing boat at Bate Bay on 25 September, Ms Thomson came to his aid within five minutes of receiving the 000 call through marine radio. Ms Thomson provided first aid to his serious hand injury while transferring Mr Harding to shore on her patrol boat, where he was then taken to hospital for treatment. I commend Ms Thomson on her quick response and thank her for her service to Roads and Maritime Services. Ms Thomson has worked as a boating safety officer and river keeper in Port Hacking since 2001. She is one of nine female boating safety officers, making up more than 60 boating safety officers who patrol waterways throughout New South Wales, including dams and offshore.

CESSNOCK RELAY FOR LIFE

Mr CLAYTON BARR (Cessnock) [5.03 p.m.]: I acknowledge the Cessnock Relay for Life event, which was held over the weekend of 12 and 13 October 2013. I was deeply humbled to be the patron. The relay has raised \$118,000 for Cancer Council NSW this year alone, with the hope that the target of \$150,000 can be achieved. I acknowledge and thank this year's hardworking committee, which consisted of the chairman, Ben Woolley, together with Lauren Woolley, Krystal Sellars, Kerry Short, Caroline Short, Bruce Wilson, Anne Scott, Michelle Wiehe, Ricki Hickey, Kate Stuart, Nell Thompson, Pat McCarthy, Rebecca Gillon, Sheila Turnbull and Raylene Jackson. Before this year's event, the Cessnock community has raised more than \$500,000 for the Cancer Council since Relay for Life came to town in 2008.

TRIBUTE TO CONNOR STEWART

Mr MATT KEAN (Hornsby) [5.04 p.m.]: I acknowledge the quick thinking of Connor Stewart in his contribution to saving the lives of his mother, Kelli Stewart, her partner, Arn Bresler, and his sister, Serena. Connor woke to the sound of crackling in his house at Thornleigh. With the house filled with smoke, Connor quickly alerted everyone in his home. The family managed to escape the blaze, which was believed to have been started by an electrical fault. I commend Connor for his actions. In addition, I acknowledge the generosity and support of the community in their offers of assistance to the family. I wish his family all the best as they rebuild their home and their lives, and I want them to know that if they need any help from my office it will be gladly made available.

DAVIDSON ELECTORATE POLICE

Mr JONATHAN O'DEA (Davidson) [5.05 p.m.]: I acknowledge the great work that all of the police in my local electorate do for the community. I particularly acknowledge the appointment of Superintendent Dave Darcy as the new commander of the Northern Beaches Local Area Command and I am pleased that Doreen Cruickshank has been appointed as the Superintendent of the North Shore Local Area Command. I am

sure that they will both do an outstanding job in the service of my community and surrounding areas. I appreciate all the work that they have done over many years and that all police in the local area do for my constituents.

SHOALHAVEN BUSINESS EXCELLENCE AWARDS

Mr GARETH WARD (Kiama) [5.06 p.m.]: I recognise the achievements of businesses in the Shoalhaven and congratulate the winners of the 2013 Shoalhaven Business Excellence Awards. I was fortunate to attend the awards night on 11 October 2013 at the Shoalhaven Entertainment Centre. The deserving winners were: Red Car Driving Service for outstanding home-based business; Coast Allied Health and Travelscene Nowra, who were joint winners for outstanding new Shoalhaven business; CareSouth for excellence in the community service sector; Bomaderry Commercial Laundrette for service excellence; G. J. Gardener Homes for excellence in small business and excellence in building and construction; Walking on Water for excellence in tourism and hospitality; Integrity Real Estate for excellence in property and finance; Rambor Pty Limited for excellence in export and excellence in innovation; Hanlon Windows for excellence in resources and manufacturing; Nowra Chemicals as the employer of choice; IT Basecamp for outstanding e-business; Marriott Oliver Solicitors for excellence in professional and commercial services; Soilco for excellence in sustainability; Jamie Kochaniewicz as the young business leader of the year; John Lamont as the business leader of the year; and the Treat Factory for retail and personal service excellence and as the business of the year. I congratulate all of the winners, as well as the participants, on their excellence in business and thank them for their contribution to the Shoalhaven community.

Community recognition statements, by leave, extended for a further period of 10 minutes.

MASTERS HOCKEY WORLD CUP

Mr ADAM MARSHALL (Northern Tablelands) [5.07 p.m.]: I commend Cyndy Slade and Angela Dean of Armidale who, after being members of the New South Wales medal-winning side at the recent Masters National Hockey Championships, have been selected to represent Australia in the Masters Hockey World Cup in 2014. Cyndy and Angela will head to the Netherlands in June 2014 as part of the over-50s side. This is the second time Cyndy has represented Australia, and the first time Angela has represented Australia. Congratulations to these two members of the Australian team. I wish them all the best in their preparation for next year. Well done.

PLATTSBURG-MARYLAND FOOTBALL CLUB

Ms SONIA HORNER (Wallsend) [5.07 p.m.]: I recognise Plattsburg-Maryland Football Club for a fantastic 2013 season. Special congratulations go to Ros Carter, who was awarded life membership at this year's presentation. Ros has worked tirelessly for many years in a voluntary capacity in most positions on the executive. Warren Beckett was awarded club person of the year and his services to the club are very worthy of this recognition. Warren's dedication and hours of service to the club each week is an asset to the club. This year Plattsburg-Maryland had two girls-only under-6 teams. I look forward to seeing future Matildas who have developed skills in this worthy club.

NONNI CLUB GRANDPARENTS DAY

Mr ANDREW ROHAN (Smithfield) [5.08 p.m.]: I was privileged to represent the Premier at the Nonni Club's Grandparents Day celebration held at Club Marconi, in my electorate of Smithfield, on Sunday 20 October, along with representatives from all three levels of government and both sides of politics. The New South Wales Government gazetted this day of celebration upon taking office in March 2011 to acknowledge the great contribution grandparents make to family and society. The Nonni Club has been championing this day for eight years; however, it was the second celebration held since the official recognition. Grandparents, parents and grandchildren, mainly from the Italian-Australian community, gathered to celebrate this very special and family-oriented day. I congratulate Joe Commisso and his family on hosting yet another successful Nonni Club Grandparents Day.

MACARTHUR ZONE RURAL FIRE SERVICE AWARDS

Mr PAUL LYNCH (Liverpool) [5.09 p.m.]: I acknowledge the fourth annual MacArthur zone awards night of the Rural Fire Service held at Liverpool Catholic Club on 12 October this year. I was pleased to attend

the event at the invitation of Superintendent Kerry Parkinson. Curiously, I was the only member of Parliament present. The ceremony saw more than 20 volunteer members acknowledged for their many years of service. Two volunteers had extremely lengthy periods of service: Peter Rabbidge of Cobbitty Rural Fire Brigade was acknowledged for 44 years of service and Ian Wyatt of Wedderburn Rural Fire Brigade was acknowledged for 45 years of service. The Rural Fire Service does remarkably impressive work and the contributions of volunteers deserve to be properly recognised. It was particularly poignant, in retrospect, to be there on this night as it was the Saturday night prior to the commencement of the fires that have transfixed the State for the past week. It is a reminder of the work that the Rural Fire Service does over a lengthy period of time. It is not just during a crisis that they do valuable work; they are there all the time.

TRIBUTE TO KISHA DAVID

Mr MATT KEAN (Hornsby) [5.10 p.m.]: I commend the excellent work of Kisha David and her contribution to Meals on Wheels. Kisha is in the last year of her pharmacy degree and volunteers for the Hornsby Meals on Wheels, delivering food and offering company to locals from Pennant Hills to Epping. Kisha is one of the many volunteers who offer company to people, most of whom live alone. It is these small acts of kindness that make a big difference in people's lives. I thank Kisha and wish her all the best in her future endeavours. I thank the Hornsby Meals on Wheels service for the valuable work they do and the outstanding contribution they make to the community and the lives of so many vulnerable people.

AUTISM ADVISORY AND SUPPORT SERVICE

Mr GUY ZANGARI (Fairfield) [5.11 p.m.]: The Autism Advisory and Support Service, in conjunction with the Sydney Symphony Orchestra, held the Music 4 Health concert on Thursday 1 August 2013. The event was well attended by local schools in south-west Sydney. Maestro Stan Kornel engaged the crowd as well as conducting six members from the Sydney Symphony. The children with additional needs were encouraged to participate by playing the triangles, tambourines, bell shakers and clackers that were provided. Teachers and carers as well as the member for Cabramatta, Nick Lalich, and the Federal member for Fowler, Chris Hayes, joined in playing an instrument or two along with the Sydney Symphony. The Sydney Symphony played the *Toy Symphony*, the theme to *Star Wars*, *Bananas in Pyjamas*, *Pizzicato Polka* and Abba's *Thank you for the Music*. A storytelling session comprised part of the hour-long concert. Congratulations to the Autism Advisory and Support Service and the Sydney Symphony Orchestra for hosting an entertaining concert.

EAST AFRICA DAIRY DEVELOPMENT

Mr ADAM MARSHALL (Northern Tablelands) [5.12 p.m.]: An Australian team is working to give some of the world's poorest farmers the tools needed to climb out of poverty by establishing a sustainable smallholder dairy industry in East Africa. The project, led by researchers at the University of New England, Armidale, is working with local teams to develop the ideal dairy cow for use in the harsh African conditions. I commend Professor John Gibson, who heads the University of New England's centre for genetic analysis and applications, for working very hard on the project with his team. It has the potential to dramatically transform the lives of East African farmers. They will do this by combining a number of breeds and selecting animals based on the very best genetics. All of that research is occurring at the University of New England in the heart of the Northern Tablelands electorate. I congratulate Professor Gibson on his work and wish him and his team of researchers luck in solving some very real problems for East Africa.

ROTARACT CLUB OF CESSNOCK

Mr CLAYTON BARR (Cessnock) [5.13 p.m.]: I pay tribute to the Rotaract Club of Cessnock. They are a non-profit, non-religious, apolitical group of young adults who participate in a wide range of social and community service activities. This year the inaugural Cessnock Rotaract Ball raised \$9,700 for Carrie's Place, a domestic violence refuge which is located in Maitland. Members worked very hard to ensure the ball was a success. Current president Hayley Doherty and fellow members Claudia Koncz, Kendall Towers, Emma Kirk, Christiana McDonald-Spicer, Ellie Goodyer and Taylah Turner, to name but a few, work continuously to make a difference in the local community. The Rotaract Club of Cessnock includes five former Miss Cessnock winners. This month the club also helped at the Cessnock Relay for Life by selling merchandise, taking care of game and trivia entries, helping to create a memory banner of painted hands for all relay participants and putting safety gear on the kids for the rock climbing wall. The Rotaract Club of Cessnock will help wherever needed.

TRIBUTE TO ADAM STRATTON

Mr MATT KEAN (Hornsby) [5.14 p.m.]: I congratulate the owner of Tender Value Gourmet Butchery, Adam Stratton, on his selection to be one of five Australian butchers to be on the Australian squad for the tri-nations butchery competition. Adam is a great bloke, a great friend of mine and an outstanding butcher. The aim of the competition is to produce a special work in two hours with only knives, beef and a whole lamb. Last year Adam made the Sydney Harbour Bridge with steaks. Adam finds that the competition is a creative way for family butchers to maintain a competitive edge against supermarkets. I wish him and the Australian team all the best as they compete in Yorkshire, United Kingdom, in July 2014. Hopefully Adam will exact some revenge and redeem Australia's loss in the cricket earlier this year.

TRIBUTE TO HAYDEN SEATON

Ms SONIA HORNERY (Wallsend) [5.15 p.m.]: I congratulate a local boy with the world at his feet. Jesmond Public School student Hayden Seaton is a keen and talented soccer player who recently enjoyed a taste of international competition. Hayden, as part of the under-12 Emerging Jets team, earned a place in the New South Wales squad to play in Japan against teams from Russia, Mexico and Japan. He says the experience was amazing and his game has improved as a result—I wish the Jets well. I congratulate Hayden on his success to date and wish him well in his goal to play soccer professionally for Australia.

ARMIDALE DUMARESQ LIONS CLUB

Mr ADAM MARSHALL (Northern Tablelands) [5.16 p.m.]: I congratulate the Armidale Dumaresq Lions Club on their successful hosting of the district 201N1 Lions convention in Armidale at the weekend. The convention brought hundreds of visitors to Armidale. They enjoyed the Armidale City Bowling Club and numerous other attractions and venues around the Armidale area. I pay special tribute to Lion Colin Gadd, convention chairman, and all the members of the Armidale Dumaresq Lions Club, who put their shoulders to the wheel to make sure there was a lot to do and the program ran smoothly. I want to congratulate all the Lions clubs throughout my electorate for working so hard for their communities to build the towns in which they live and uphold the true traditions of Lions.

LIVERPOOL AND DISTRICT HISTORICAL SOCIETY

Mr PAUL LYNCH (Liverpool) [5.17 p.m.]: I acknowledge the City of Liverpool and District Historical Society, which held its forty-seventh annual lecture on Saturday 31 August. This lecture is known as the Ward and Olive Havard Memorial Lecture. It is named after two residents of Liverpool who were quite important in the development and writing of Australian history, through not just the Liverpool Historical Society but also the Royal Australian Historical Society. This year's lecturer was Paul Brunton, emeritus senior curator at the Mitchell State Library. Mr Brunton has previously spoken at the society's events. This year the topic of his lecture was, "The great what-if of Australian history: James Cook and the charting of Australia's East Coast". The president and chief organiser of the society is Judy Pack. The society plays an important role in Liverpool. Beyond the annual lecture it has a collection of artefacts, pictures, and the like, that help preserve the colonial and later history of the City of Liverpool. It was a pleasure to be invited and to attend the lecture.

Community recognition statements concluded.

PRIVATE MEMBERS' STATEMENTS**LIVERPOOL PUBLIC SCHOOL 150TH ANNIVERSARY**

Mr PAUL LYNCH (Liverpool) [5.18 p.m.]: On Saturday 19 October Liverpool Public School celebrated its 150th anniversary with an open day. The open day featured classrooms demonstrating how the school had changed over time and what contemporary classrooms looked like. There were community performances throughout the day, market stalls selling a variety of food and drink, children's toys, show bags, cards, trash and treasure and other activities one would associate with that sort of event. There was an official assembly at 11.00 a.m. that included addresses by the current school principal, Susan Walkerden, previous principals Lyn McShane and John Thorpe, and also Mr Pat Mahoney from the department. There were also performances by students, ex-students and friends of the school.

Liverpool Public School opened on its current site on Railway Street, Liverpool, in October 1863. Its current site is located within Liverpool central business district. That has occasionally provoked proposals and speculation that the school be relocated so that the current site can be utilised for purposes that are allegedly more valuable. That approach has always seemed to me fundamentally misconceived. At a practical level, almost all the students are within walking distance of the school and relocating the school would generate a substantial amount of unnecessary traffic. More broadly, having a school in the central business district adds to the central business district and says the central business district is about more than commerce. It adds to the education precinct which includes nearby boys' and girls' high schools, the TAFE and a teaching hospital. The school has helpfully provided a thumbnail sketch of its history:

The school opened in October 1863 on the site that it now occupies. The original enrolment was 32 students who came from local farming communities. Throughout its history Liverpool Public School has been a primary school, a superior school and a secondary school. It educated children from primary to the intermediate certificate, including courses in agriculture, agricultural botany and manual training instruction with students travelling from Bargo and Appin to attend. In 1951 enrolments peaked at 2,200 students. The secondary sections of the school moved to new premises in 1954 and 1955. Since then the school has continued to educate primary aged children.

The school opened at an interesting time in Liverpool's history. The railway arrived in Liverpool in 1856 increasing access to the town and improving the potential for economic development. It was an interesting time in Australian history as well. Following the gold rushes, comparatively large numbers of immigrants were coming to the colonies increasing the pace of transition from penal colony to civil society. That story has resonance with the contemporary reality of Liverpool Public School. The school currently has 720 students organised into 29 classes, of which 95 per cent of students have a language background other than English. Approximately 60 different language groups are represented at the school; 30 per cent of the student population are refugees. The cultural diversity of the school is acknowledged and celebrated.

Those responsible for organising the event should be congratulated. Many ex-students attended the event, the oldest being 92 years of age. The City of Liverpool and District Historical Society also contributed to the event. The anniversary celebrated 150 years of learning at Liverpool. It celebrated also the importance of public education—the provision of education for children regardless of parental background or wealth. Of course, that also is at the core of any democratic society, and has been central to the development of Liverpool Public School over 150 years.

CASTLE HILL RSL AND TELSTRA TRANSMISSION TOWER

Mr DAVID ELLIOTT (Baulkham Hills) [5.20 p.m.]: I update the House on the concerning and continuing disgraceful developments regarding Telstra's controversial plan to place a telecommunications antenna on the roof of Castle Hill RSL Club. At this point I have to disclose that I am a director of the club, but I am speaking about this issue in my capacity as the member for Baulkham Hills representing very concerned parents associated with the eight schools in the locality of the proposed antenna installation. Members will doubtless recall the significant community anxiety about Telstra's plan due to the proximity of the proposed antenna to local schools and child care facilities, particularly to Castle Hill High School.

Understandably, many of my constituents have become concerned about Telstra's proposal as their children attend these schools. The member for Castle Hill and I have been inundated with complaints from the local community, as has the Federal member for Mitchell, the mayor of the Hills district and, indeed, the member for Hawkesbury. These complaints have included representations from the board of Castle Hill RSL Club, from Castle Hill High School staff and parents and citizens association, and representatives from many other venues. There also has been widespread dissatisfaction—in fact, total dissatisfaction—with Telstra's inadequate community consultation.

Recently the member for Castle Hill and I joined local school representatives to meet with Telstra. Unfortunately the meeting failed to deliver any tangible results due to the attitude and conduct of Telstra representatives. The blatant contempt shown by Telstra for our local schools was, quite frankly, shocking. It is scandalous that a company such as Telstra, a former public service instrumentality, could hold the legitimate concerns of the community in such disregard. Clearly, Telstra has no intention of engaging in constructive dialogue with the local community over its plans. Telstra's behaviour throughout this process has been simply disgraceful; its abortive attempts at community consultation have been purely tokenistic at best. Telstra opened its meagre community consultation process only after it had already used its authority under the Commonwealth Telecommunications Act 1997 to extract a reluctant lease out of the RSL club. Despite serious opposition from the local community, the club's board and local schools, Telstra has shown no intention of even considering an alternative location for the antenna. If this is how Telstra treats local communities, it is amazing it still has any customers.

Most concerning of all is that Telstra showed no regard whatsoever for the Department of Education and Communities' longstanding policy on mobile telecommunications facilities. The department's policy clearly recommends that, in the interests of prudent avoidance, such telecommunications antennas are not placed within 500 metres of any school. Telstra's current proposed site on the roof of the Castle Hill RSL Club is approximately 200 metres from Castle Hill High School. Telstra continues to ignore the anxieties of the local community despite the proposed location being in violation of this Government, this Parliament and the Department of Education and Communities' recommendations. Due to Telstra's intransigence and flagrant disregard for the concerns of the local community, we request that the Government examine the possibility of enshrining legislatively the Department of Education and Communities policy on mobile telecommunications facilities. We believe that such legislative action will ensure that telecommunications carriers give due deference to community concerns when considering placing an antenna in the vicinity of any school, TAFE college or, indeed, preschool in this State. The member for Castle Hill and I have written to the Minister for Education urging him to examine the possibility of enshrining the current policy in legislation.

We understand that the telecommunications policy falls within the jurisdiction of the Commonwealth and have also made representations to the Prime Minister requesting that the Commonwealth respect the New South Wales Department of Education and Communities' policy. I firmly believe that Telstra should not be able to hide behind the Commonwealth Telecommunications Act 1997 to the detriment of parents and residents in The Hills shire. No community in New South Wales should have to endure the disrespect and contempt the residents of The Hills have suffered from Telstra. The member for Castle Hill and I will continue to work with the local Hills community until this antenna is moved to a more appropriate location in accordance with the New South Wales Department of Education and Communities' policy.

CASTLE HILL RSL AND TELSTRA TRANSMISSION TOWER

Mr DOMINIC PERROTTET (Castle Hill) [5.24 p.m.]: I share the sentiments of the member for Baulkham Hills about the behaviour and approach of Telstra regarding the installation of a telecommunications antenna on the roof of Castle Hill RSL Club. Telstra has used its authority under the Commonwealth Telecommunications Act 1997 to obtain a lease from the club. I draw the House's attention to the Department of Education and Communities' longstanding policy on mobile telecommunication facilities. The Government adopts a policy of prudent avoidance for the installation of mobile telecommunication facilities near school grounds and the Department of Education and Communities has a preference for a distance of at least 500 metres from the boundary of a school or TAFE campus. No fewer than five schools fall within the vicinity of the proposed antenna installation at the Castle Hill RSL Club.

My view from reading the Mobile Phone Networks Code and the department's policy is that installing this telecommunication facility at the RSL club would need to be a last resort in the absence of any appropriate alternative. Like the member for Baulkham Hills, this matter came to my attention a few months ago when I was inundated with emails from members of the Castle Hill High School community and a number of child care facilities within the same vicinity who were concerned about the installation of this telecommunications facility and its harmful effects. Regardless of my personal views on the matter, Telstra's treatment of families in The Hills district regarding the matter is disgraceful.

Generally, sensitive matters, such as the installation of a telecommunications antenna, should be the subject of genuine community consultation or at least an attempt to alleviate concerns. That consultation did not occur. Telstra, as it is entitled to do, compelled the club to enter into the lease in the first instance and then decided to carry out what it considered was community consultation after the event. That decision was met by community members with the cynicism it deserved. Surely any community consultation should occur prior to entering into the lease, not after. We were inundated with concerns from families. The member for Baulkham Hills and I met with Telstra representatives and urged them to abandon the lease agreement and enter into genuine community consultation. Telstra decided against that, but agreed to conduct a genuine community consultation process with the schools and parent groups within the affected area. As the member for Baulkham Hills stated, we attended the meeting. I have never seen such contempt from an organisation towards local community members.

The Telstra representatives were arrogant and dismissed so disrespectfully the views of many mothers and teachers who have at heart the genuine care and concern for their children and students. The Telstra representatives displayed apathy or no consideration for alternative views and showed a distinct disdain for different views; they behaved more like a "Dodgy Joe's" telecommunications company than Telstra. The Hills community was treated with complete contempt, to echo the words of the member for Baulkham Hills. If Telstra

is serious about installing this antenna as a last resort, as it says it is, it should at least enunciate that and take the time to consult properly with the community. Telstra did not do that in these circumstances. Its behaviour was abysmal and a disgrace. I will not stand by and let a company like Telstra treat my community with disdain and contempt. As the member for Baulkham Hills said, we have written to the Minister for Education asking for the department's policy to be enshrined in law. We have also written to the Prime Minister in an attempt to ensure that Telstra does not proceed with the installation of the tower.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [5.29 p.m.]: I support my colleagues the member for Baulkham Hills and the member for Castle Hill, who have raised compelling arguments about the telecommunications facility proposed to be installed at Castle Hill RSL Club. I have enjoyed a sound relationship with Telstra for the past 6½ years and it has served my electorate well. I plead with Telstra to listen to the community's concerns and the compelling arguments put by my learned colleagues. My constituents have children at Castle Hill High School and we have grave concerns about this tower. Telstra should work with the community and the local members to reach a compromise and install the tower at another location.

FERAL ANIMAL ERADICATION

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [5.30 p.m.]: I draw the attention of the House to feral animals in national parks not only in my electorate but also across New South Wales. Over the past few months I have noted with interest the screams from those with a green tinge about people reducing the feral animal population in national parks by shooting. I point out that it was the Labor Government that first allowed hunters to shoot feral animals in State forests. I recently attended the Gunnedah AgQuip Field Day and stayed with Cam McKellar, who has farmed and lived in the area all his life. In fact, he farmed a property on the Liverpool Plains that was owned by his father, Graham McKellar. Cam has just purchased two properties, one west of Murrurundi and another a little further west, and has spent hundreds of thousands of dollars improving them.

After attending the field day we drove across a recently harvested sorghum paddock that covered a couple of hundred acres. It was about 4.30 p.m. and the light was fading, but we still saw more than 50 pigs. The damage the pigs are doing to crops in that area is unbelievable. Cam told me that one of his neighbours had hired a helicopter the week before to do aerial shooting and in just one day they killed 600 pigs. Despite that, a week or 10 days later we saw 50 pigs in a nearby paddock. The pigs are coming from Coolah Tops National Park. We chased some of them back up a ridge and they headed straight for the park. I challenge all members, regardless of their political persuasion, to inform themselves about the National Parks and Wildlife Service preferred method of eradicating pests such as cats, pigs, deer and goats in national parks. I will save them some time: It is shooting.

It is hypocrisy at its worst for employees of the Office of Environment and Heritage to launch a campaign against the Premier and the Government about shooting feral animals in national parks. Their own management plans state that shooting is the preferred eradication method. Allowing farmers and licensed shooters to shoot feral pigs on private property is the most effective way to eradicate them. However, it must be acknowledged that they are coming from national parks. I commend the Minister for Primary Industries for setting up a task force in the Tamworth area to oversee the eradication of feral pigs. The task force should include Cam McKellar or his father, and it should examine the feasibility of allowing pet food companies to use the pig meat. They could also use culled kangaroo meat. Of course, that would require the provision of chillers.

Those animals should not simply be shot and left to rot; they could be well utilised by the pet food industry. It would be a form of bounty, but it would allow professional and amateur shooters to cover the cost of their ammunition. At the same time, it would reduce the hundreds of millions of dollars of damage that is being done to crops in the food bowl of New South Wales and Australia. I am sure that all members would agree that the Liverpool Plains is probably one of the most productive agricultural areas in Australia, if not the world. I implore the Minister for the Environment, the Minister for Primary Industries and the member for Tamworth to ensure that a sensible policy is implemented to eradicate these pests and at the same time protect the native flora and fauna in New South Wales.

SOUTHERN HIGHLANDS BUSHFIRES

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [5.35 p.m.]: Over the past week the northern villages of my electorate of Goulburn have confronted a series of bushfires. Today, fires continue to burn in the Southern Highlands near the villages of Yerrinbool,

Balmoral, Bargo, Buxton, Hill Top, Alpine and Aylmerton. The bushfire has already burnt out nearly 16,000 hectares of land in the northern part of my electorate and into the southern part of Wollondilly. This number may rise in coming days. However, because of the fantastic work of the Rural Fire Service, the fire remains within the established containment lines. At the height of the bushfire crisis, more than 300 firefighters were on the ground battling blazes and spot fires, supported by aerial water bombardment.

I express my thanks to the Rural Fire Service for its sterling work, which has kept property damage to a minimum and, more importantly, no human lives have been lost in the Southern Highlands. The Hall Road fire has been overseen by incident controller, Inspector Ashley Frank. I commend Inspector Frank for the excellent work that he and his team have done on the ground thus far. He is tough, experienced and practised, and he has shown wonderful leadership. In times of emergency, such as bushfires, getting information to residents is crucial. We have seen incredible improvement in communications in the past 20 years. The Rural Fire Service community liaison, Inspector David Stimson, has been an integral source of information for the wider community and media, and I thank him for that. I have seen him in action firsthand at Yerrinbool. All fire fighters who have helped contain this fire should know that they are much admired and valued by the entire Southern Highlands community.

I understand that the Rural Fire Service has been inundated with messages of support from the local community, with many making generous offers of food and supplies for fire crews. It is in times of tragedy and natural disaster that we see communities band together. On Sunday morning I was joined by the member for Wollondilly, Jai Rowell, at the Yerrinbool community meeting, where some 400 locals gathered to hear firsthand from the emergency services about the bushfire situation. While the response of our brave Rural Fire Service crews and other emergency services has been exceptional, I note the reaction and support of the communities. The already tight-knit town of Balmoral is an example to us all of how a community can band together in times of crisis. The residents stayed, fought and saved their community.

The coming days undoubtedly will be tough, and we are by no means out of the woods. We must not fall into the trap of complacency. The coming summer and fire season will be ferocious throughout the Goulburn electorate if conditions do not change. However, our people are strong and resilient people who are protected by an outstanding and stoic Rural Fire Service and other emergency services. Fighting fires is as much a part of the history of Australia as is the Anzac tradition. I particularly commend the community of Hill Top, which is the focus of our thoughts because of its location and the surrounding vegetation. I know that everyone is ready and that they have worked hard to prepare for this summer. My thoughts and prayers are with those members of this House whose electorates are still battling fires.

LOCAL GOVERNMENT CODE OF CONDUCT

Mr RON HOENIG (Heffron) [5.38 p.m.]: I bring to the attention of the House the code of conduct provisions in the Local Government Act that have been impacting on councillors in the four councils—soon to be five—that span my electorate. Councils across New South Wales are facing huge difficulties when dealing with code of conduct complaints. Shortly after my election to this House, I contributed to the Government's then Local Government Amendment (Conduct) Bill 2012. I was extremely critical of the concept of codes of conduct for local councillors and indicated that the standards imposed on local councils were far more severe on voluntary councillors than they are on members of this House. I was opposed to the provisions in 1993 when the Act was enabled and I was extremely critical of those responsible for preparing the codes of conduct, critical of the Division of Local Government that prepared some of them, and critical of those in the Independent Commission Against Corruption. I maintain my criticism because one can also include in the code of conduct the Ten Commandments. Having a particular code for unlawful conduct is absurd.

The real problem with the code of conduct is that a vehicle has been created to allow vexatious or silly political complaints that drain the resources of everybody. I am consulted across the political spectrum by a number of councillors from time to time about local government issues, but I am regularly consulted about code of conduct complaints, and they are absurd. When this bill was debated on 23 October 2012, the Minister thought that referring the determination of complaints to outside mediators—away from the general manager—might solve the problems and cause vexatious complaints to be dismissed. Unfortunately, an industry has been created by mediators on regional council panels who have a vested interest in investigating these complaints, and their decisions are inconsistent.

One complaint in particular was so ridiculous that I have discussed it with the Director General of the Division of Local Government. He understands the issue and has undertaken to look into it. A person has made

a complaint that someone was wearing a council vest handing out "How to Vote" pamphlets for the party opposite. They were found to be technically guilty, but no action was taken. Someone else in a similar case on another council was found not to have breached the code of conduct. The most absurd and serious complaint related to a councillor who took out an ad in a metropolitan newspaper, which he paid for, advocating people vote in a particular way in the last Federal election. The reality of the situation is this: In the Commonwealth Constitution by virtue of the High Court's decision in *Australian Capital Television Pty Limited v Commonwealth* (1992) at 45, there is implied a freedom of political communication.

There can be no code or law enacted by this House that is inconsistent with that particular provision that is implied. It is a great impost on our constitutional right to freedom of speech and freedom of political communication when it is asserted that a councillor—who is exercising that right—is in breach of a code enacted by regulation under an Act passed by this House when he has paid for an ad describing himself as a councillor and is asking people to vote in a particular way. What is worse is that those who are dealing with codes of conduct fail to understand that right, yet they are deriving an income from writing these reports. It is a serious issue. The concept of code of conduct complaints in local government is going to cost local government a huge amount of time, effort and resources. It must be resolved.

BARWON ELECTORATE CARERS AWARD RECIPIENTS

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [5.43 p.m.]: I take this opportunity to thank the carers in my electorate of Barwon for the work that they do. In particular, I congratulate three carers who were recognised last week on the excellent and tireless work they do in their communities. As every member of this House can attest, carers are the unsung heroes of our community, dedicated to the wellbeing of loved ones. They often receive little thanks or recognition. More than 850,000 people in New South Wales provide unpaid care for a family member, relative or friend with a disability, chronic health condition or frail aged. Although it is often not acknowledged, carers are found across our community and come from all walks of life. They can range from school-aged children to the elderly. Often carers provide care in addition to other full-time or part-time commitments such as work or study.

A study by Access Economics estimates that carers contribute more than 1.32 billion hours of unpaid work, saving the Australian taxpayer more than \$40 billion each year. Last week carers across the State were given the attention they deserve through Carers Week and NSW Carers Awards 2013. Boggabilla's Bernadette Duncan and Bourke's Patricia Mann were recipients of the NSW Carer Awards 2013, which is a recognition of their contribution to caring, while Moree's Kerry Andrews was also nominated and received a Certificate of Recognition. I had the pleasure of presenting Mrs Andrews and Ms Duncan with their awards in Moree. Ms Duncan is a proud member of the Gamilaraay people and, until recently, cared for her elderly mother who was in need of constant care after a series of mini strokes. Sadly, her mum passed away two weeks before the awards were announced, but I have no doubt she would be very proud of her selfless and loving daughter. Kerry Andrews has cared for her father for 23 years while bringing up her own family with her husband and working full time. Her compassion extends to anyone who needs a place to stay and she still manages to contribute to the community through the Moree Brass Band.

Patricia Mann cares for her adult son who was left with a disability after a motor vehicle accident 20 years ago. She also cared for her husband, John, who had leukaemia, until he passed recently. Living in the Far West, Mrs Mann travelled great distances to assist with her husband's medical treatment in Sydney and is tireless in her dedication to her family. Incredibly, she still finds time to volunteer at St Vincent de Paul in Bourke, revealing the full extent of her giving nature. I look forward to presenting Mrs Mann with her award when I am in Bourke next month. These women are true achievers, and deserve our full recognition and praise. These awards encourage all of us to recognise the valuable contribution that carers make to our local community. They allow us to acknowledge carers within Barwon and identify ways in which we can provide them with support and assistance. I congratulate those three wonderful ladies.

DAVIDSON ELECTORATE RURAL FIRE SERVICE

Mr JONATHAN O'DEA (Davidson) [5.48 p.m.]: Residents in my electorate of Davidson are blessed to live in close proximity to some of the most beautiful national parks and waterways in the State. It never ceases to amaze me that within a short 30 minute drive from Sydney's central business district we can be transported to a landscape of pristine bushland with views to the horizon. However, as beautiful as our bushland is, it is not benign. In the bushfire season, high temperatures, hot westerly winds and the faint smell of wood smoke can lead to an anxious time for our residents, especially those with memories of previous bushfire threats.

It is at these times that we welcome the reassuring presence of the Rural Fire Service volunteers, particularly given the firefighting efforts of the past fortnight. It is almost impossible to understate the vital and significant role that the volunteers play in protecting lives and property throughout the State. With 70,000 members statewide, the NSW Rural Fire Service is arguably the largest volunteer firefighting organisation in the world. In my electorate alone, hundreds of unpaid volunteers in two local government areas devote much of their time and energy to protect their communities. In many cases, this time is taken in lieu of holidays and time with families and friends, or as unpaid leave from employers. While some employers are sympathetic and able to accommodate Rural Fire Service demands upon their employees, many volunteers work for small businesses or are self-employed. When this occurs, many volunteers either take leave without pay or close their businesses temporally. Either way, volunteers can experience a substantial loss of income or disruption to their businesses.

Volunteers are not only involved in fighting bushfires but also often called to motor vehicle accidents, structure fires, storm damage, and search and rescue operations. Sometimes they work as a stand-alone service, but in many cases they work in concert with other emergency services. In many cases, volunteers exhibit great courage in dangerous and unpredictable circumstances. Whilst most members downplay this aspect of their commitment, we as a community should have no such reservations. Volunteers can be called out at any time and in any weather. They may be deployed over extended periods both in New South Wales and interstate. A sizeable contingent of New South Wales rural firefighters from my electorate were sent to the disastrous Victorian fires in January 2009. To make this commitment to the community requires volunteers to respond to emergencies and to undertake a vigorous training and education regime. Volunteers can train as heavy vehicle response drivers, in first aid and resuscitation, as breathing apparatus operators and as aircraft refuelling crews. In the process they add to their general firefighting skills as they progress through the ranks.

It is pertinent to note that the current Rural Fire Service Commissioner, Shane Fitzsimmons, and Deputy Commissioner, Rob Rogers, started their careers as firefighters in the Duffy's Forest and Belrose brigades respectively. Volunteers come from various backgrounds. In my electorate, in the Belrose brigade alone, you can find men and women who are high school teachers, university students, lawyers, truck drivers, sales reps, information technology professionals, plumbers, mechanics, police officers and pilots. They are led by Captain Mark Stevenson, who on attaining this position nine years ago became one of the youngest captains in the State. On the weekend of 24 and 25 September Mark was the senior incident controller at the Barrenjoey Headland fire. His efforts directing the response to this serious fire resulted in no loss of life or injury to tourists trapped on the headland and the saving of the lighthouse and associated historical buildings.

In the past fortnight, with fires raging throughout New South Wales, the Belrose brigade has been fully committed to the fight to protect life and property. Crews from Belrose have been dispatched to fires in the Southern Highlands and Tablelands, Springwood in the Blue Mountains and Bilpin. These crews have manned appliances over a seven-day roster, 24 hours a day, with most of Belrose's active members involved in the effort. Closer to home, Belrose was one of the first units to respond to a bushfire in Davidson a week before the New South Wales fires. It also played a highly commended role in the fatal fuel tanker accident in Warriewood. In the past I have spoken of other brigades in my electorate that have similar stories to tell. Whatever the individual's background in this egalitarian mix, the binding and overriding philosophy behind the Rural Fire Service is selfless devotion to serving the community. We owe them all a great debt of gratitude.

EASTERN SYDNEY SUICIDE PREVENTION NETWORK

Ms GABRIELLE UPTON (Vaucluse—Minister for Sport and Recreation) [5.53 p.m.]: On Sunday 15 September I was proud to take part in the Eastern Sydney Suicide Prevention Network's Suicide Prevention Walk at Rose Bay in my electorate of Vaucluse. The walk helped raise community awareness of suicide and encouraged important prevention efforts in our local area. I acknowledge the important work of the Eastern Sydney Suicide Prevention Network and thank it for its ongoing work in raising community awareness of suicide and the associated support services and assistance available in the eastern suburbs of Sydney. According to recent statistics from the Australian Bureau of Statistics, each year more than 2,300 Australians die by suicide. Lifeline estimates that around 240 people make a suicide plan every day. This is an overwhelming distressing reality. People considering suicide often feel isolated and alone. They may feel that no-one can help them or understands them. Likewise, it is distressing to realise that someone close to you may be considering suicide and you feel powerless to change that. Most people who consider suicide get through the crisis.

Family, friends, professionals and organisations such as the Eastern Sydney Suicide Prevention Network can make a big difference in helping people to stay safe and choose life. A major aim of the Eastern

Sydney Suicide Prevention Network is to help improve recognition of those who are at risk of suicide, and also to provide community education to reduce the stigma of suicide. It provides the support and help that people may need in their time of crisis. The network's membership is made up of community volunteers, as well as representatives of a variety of community and faith organisations. I pay particular tribute to: Reverend Michael Palmer, the chair of Eastern Sydney Suicide Prevention Network; Rose Bay Local Area Command; Rotary Rose Bay members, including Hugh Clarke, John Lennox and Phillip Snider, who provided a terrific barbecue lunch after the walk; Isabelle Shapiro, OAM, member of Eastern Sydney Suicide Prevention Network and former councillor and Mayor of Woollahra; Leon Goltsman, Waverley councillor and member of Eastern Sydney Suicide Prevention Network; and Mrs Paula Storey, Treasurer of the Eastern Sydney Suicide Prevention Network. There are many others, including community volunteer Bruce Bland from the Rose Bay Good Neighbour Group.

I also pay tribute to Dianne Gaddin. Dianne has been a tireless advocate for suicide prevention after experiencing the personal loss of a loved one. In particular, Dianne has taken an active lead on initiatives to prevent suicide at South Head and at the Gap Park. On the walk, Dianne represented the Black Dog Institute, which is a leader in the diagnosis, treatment and prevention of mood disorders such as depression and bipolar disorder. The Black Dog Institute, Woollahra Municipal Council and Lifeline have also played a major role in the ongoing improvements and upgrades at Gap Park. In June last year I was pleased to announce \$76,500 in New South Wales Government funding under the Metropolitan Greenspace Program for the Gap Park coastal pathway to improve the safety and amenity of the area. We know that making Gap Park more open, accessible and attractive complements the self-harm minimisation measures already in place.

When talking about local suicide prevention efforts in my electorate, it is fitting to take a moment to remember and pay tribute to the late Donald Taylor Ritchie, OAM, who passed away last year. Mr Ritchie became known to many as the "Angel of The Gap" for keeping watch and reaching out to people attempting suicide at the cliff at Gap Park, which was opposite his home of more than 50 years on Old South Head Road. Mr Ritchie was a guardian angel to many people. He reached out to the most vulnerable in our community and coaxed them to safety by inviting them back to his home for a cup of tea and chat. Let us never forget what Mr Ritchie so graciously taught us, and lived every day: a smile and a greeting can make all the difference to someone in need. In June this year the Don Ritchie Grove was opened in Watsons Bay. It is a fitting and moving memorial to Mr Ritchie.

I compliment Woollahra councillors and staff for their commitment to delivering this wonderful space. The New South Wales Government remains committed to providing ongoing support and assistance to local authorities, organisations and Woollahra Municipal Council to help maintain and improve the safety of Gap Park. Once again, I thank the Eastern Sydney Suicide Prevention Network and congratulate it on the ongoing and significant role that it is playing in our community.

MURU MITTIGAR COMMUNITY FINANCE PROGRAMS

Mr STUART AYRES (Penrith—Parliamentary Secretary) [5.58 p.m.]: Tonight I inform the House about an organisation in my electorate called Muru Mittigar. It is an Aboriginal organisation that operates in Penrith. It does a fantastic job promoting many programs, including rehabilitation of the Penrith Lakes precinct and Aboriginal cultural programs. However, I will focus on an area not often attributed to organisations like Muru Mittigar, and that is community finance. Muru Mittigar formed an association with the National Australia Bank in 2009 to establish an Indigenous Money Mentor Program. The program is designed to address issues of financial capacity and education for Aboriginal and Torres Strait Islander people in Western Sydney. Workers at the Indigenous Money Mentor Program provide a support and referral role, liaising with credit, debt and utility account providers on behalf of the program's clients. As the community finance role evolved, Muru Mittigar successfully applied to the NSW Office of Fair Trading for funding to deliver an Aboriginal-specific financial counselling program. The funding enabled Muru Mittigar to expand the program and employ suitable staff to become qualified Aboriginal financial counsellors. In 2012-13 its staff increased from one to five.

Muru Mittigar has expanded into a number of other financial areas, building relationships with other Aboriginal organisations in Western Sydney and developing a specific no interest loans scheme [NILS] called Boomerang Money. The program has made some fantastic achievements in the past 12 months. It has dealt with 1,061 client issues, offering a holistic approach to client needs. The National Australia Bank carried out a return on investment assessment and its evaluation forecasts that for every dollar that is invested in the Indigenous Money Mentor Program \$4.20 in social value is credited. That dollar figure can be attributed directly to the

fantastic work of Muru Mittigar and its community finance team on the ground in Western Sydney. The program has improved its clients' standards of living and family relationships and, most importantly, it has improved their social outcomes.

The community finance hub model is unique in its delivery of financial capacity to Aboriginal clients. It is the only Aboriginal organisation in New South Wales I am aware of that has trained Aboriginal financial counsellors delivering these financial support services to the Aboriginal community. Whilst the bulk of its work relates to the no interest loans scheme, Muru Mittigar has provided me with details of some of the other financial issues it deals with. About 54 per cent of its issues are no interest loans scheme orientated, 15 per cent of its work is budgeting, 6 per cent is dealing with rent-based issues, 9 per cent is dealing with credit-related issues, only 1 per cent is dealing with gambling-related issues—that is a pretty good indicator of where the community sits currently—5 per cent is dealing with utility debt, and 4 per cent is dealing with debt recovery.

It would be remiss of me not to acknowledge the workers at Muru Mittigar. They are incredibly passionate about supporting people through financial counselling, ensuring that people are empowered to make the right decisions. They are very interested in taking the fight directly to payday lenders, which can be a scourge for people who live from pay cheque to pay cheque. The workers have expressed a strong interest to me about setting up in a Penrith central business district location and taking the fight to payday lenders from their own shopfront. They are out working with other financial institutions, including the National Australia Bank, and consulting with a number of other players in this field to try to garner support. I will be making representations to the Minister for Fair Trading, who has already met with representatives of the organisation to hear about its model.

In conclusion, I acknowledge the team at the Muru Mittigar Community Finance Hub: Graham Smith, the community finance manager; Nicola Brown, a financial counsellor; Danielle Johnson, another community financial counsellor; and Susan Edwards, the administration officer. To show that it is about continually improving outcomes, the organisation has taken on Michelle Miles as a trainee financial counsellor. This is exactly what we need to do in the Aboriginal community and in our community in Western Sydney: empower people to look after themselves.

TRIBUTE TO FRANK WALLBANK

Mrs BARBARA PERRY (Auburn) [6.03 p.m.]: Today I pay tribute to Frank Wallbank, who passed away on 20 January 2013. Frank's contribution to the manufacturing industry was enormous, but it was his generosity that touched the lives of many. By providing employment opportunities for so many local men, especially migrants, he changed their lives. One of those men was my dad, Ralph Abood, who was given an opportunity that changed the direction of his life. Frank was born in Perth on 16 December 1924 and his family moved to New South Wales, where Frank experienced a somewhat isolated upbringing during the tough times of the Great Depression. At eight years of age Frank's parents left him, with few comforts, to provide company for his widowed grandmother on a small farm in the suburb of Vineyard. He would walk to and from Vineyard school. Like so many of his generation, Frank's work ethic was instilled from an early age when he had to do his fair share of work around the home, milking the house cow, collecting eggs and helping on the farm.

In April 1932 his father, William Wallbank, in partnership with Mr J. Nicholson, commenced an engine reconditioning business in the family's backyard in Auburn—William Wallbank and Sons Pty Ltd. In 1934 the business purchased a block of land on Parramatta Road, Auburn, on which to build a small saw-tooth type factory, which still stands there. Over the years the business expanded and in 1964 construction of the present modern brick building facing Parramatta Road was commenced. Frank was never far away from the family business. As early as eight years of age he recognised his ability to make things when he would build crystal radios from Wireless Willy's at Northmead. Around the same time he started helping his father with his business, re-metalling bearings using asbestos, and at 14 years of age, on the same day that World War II broke out—3 September 1939—he started his apprenticeship at William Wallbank and Sons Pty Ltd. During the war Frank spent a lot of time at work building the smoothbore guns for the Australian Army's tanks.

In 1941 Frank's father bought a farm in Pitt Town. During the week Frank and his father would stay at the pub in Auburn while they were working and go home to the farm on weekends where Frank would hunt rabbits and play pranks on his older brother, Geoff. Frank's sister, Mavis, brought her friend Elaine from teachers college to stay at the farm during the school holidays. Elaine would become Frank's beloved bride on 10 May 1947. Frank and his best mate, Jim St John, took great delight in roaming around the farm in cars. At one time they bought a car and loosened the roof so that it flew off and scared the crazies out of any passengers.

Frank and Jim would take great delight in picking up hitchhikers and having the roof fly off suddenly while they were driving. Frank loved to muck around with anything with an engine, from motor boats to racing cars. His name is in the National Maritime Museum for building the engine for Bruce Barry-Cotter's boat that set a world water speed record in the 1950s. Frank's inventiveness helped to project William Wallbank's success throughout the decades.

Shortly after the war Frank developed the star post—an affordable fence post that helped farmers across the country but also helped save the family business during the difficult post-war years. At this time William Wallbank purchased the firm of C. Elliott of Annandale. The company's name was changed to Annandale Engineering Co. Pty Ltd and today operates adjacent to the Auburn plant. A further development was the acquisition of the G. Foster and Sons brick-making plant and equipment in 1978. Frank was particularly keen on this new aspect of the business and conceived, invented and developed an automatic brick-making machine in the 1980s. Frank's interest in bricks saw him develop a method for using fly-ash in brick construction. He travelled to many developing countries, including Iran, Uganda, China, India and Pakistan, where he successfully marketed the Wallbank machine. Frank's inventiveness and vision have benefited many developing economies.

In his later years Frank volunteered with Meals on Wheels and the Salvation Army. He was an active Rotarian, serving as president of the Auburn club and then moving to the Silverwater club. His contribution to Rotary was recognised when he became a Paul Harris Fellow. Frank's generous nature was at no time more clearly displayed than when he and another engineer from Rotary took pity on a girl who would regularly stop breathing in the middle of the night due to a chronic sleep problem that could develop into brain damage if not managed properly. Together these wonderful men devised and constructed a bed that would move when it detected that the young girl had stopped breathing. It was developed from scratch and Frank contributed the mechanical engineering and fabrication to the project.

My family also benefited from Frank's generosity. When my father, Ralph Abood, arrived in Australia from Lebanon he was 16 years old. He walked the length of Parramatta Road asking businesses for a job. It was Frank Wallbank who gave dad his first job in the foundry at Auburn. After working there for several years my father moved on, but at the age of 65 he met up with Frank, who remembered my dad and that he had given him his first job back in 1950. As a result of that meeting my dad returned to work at William Wallbank until he retired at 74 years of age. My family owes a great deal to Frank Wallbank for giving my dad a start in this wonderful country.

Frank gradually drifted away over the past seven or so years of his life, suffering from dementia. His loving wife, Elaine, and daughter cared for him right to the end. Frank was old school—his handshake was as good as a signed contract. He was a man of principles who would stop to help the underdog and who was never envious of another person's success. He once told his son that there was nobody on earth he hated. Frank Wallbank was a man who could teach humility and respect without even trying, and it was these qualities that made him such a valued member of our community.

SUTHERLAND AND ST GEORGE HOSPITALS

Mr MARK SPEAKMAN (Cronulla—Parliamentary Secretary) [6.08 p.m.]: I recently joined the Premier, the Minister for Health and the members for the electorates of Heathcote, Menai, Oatley and Rockdale at Sutherland Hospital for the announcement of major milestones for the Sutherland and St George hospitals. Firstly, the New South Wales Government will spend \$400,000 this year planning for a major redevelopment of Sutherland Hospital, which will include up to 60 new inpatient beds and a refurbishment of the emergency department. Secondly, the Government will spend \$800,000 this year planning for the redevelopment of St George Hospital, including an expansion of high-priority clinical services such as intensive care, high-dependency and cardiac care, as well as new operating theatres and a significant enhancement of inpatient wards.

Patients and hospital staff across New South Wales are seeing more investment and a greater commitment to the Health portfolio by the O'Farrell Government than at any time under Labor. This is despite inheriting a \$55 billion net debt and \$30 billion infrastructure backlog from Labor. This year's budget saw a record increase of around 5.2 per cent in Health, to \$17.9 billion. This included a 4.5 per cent increase for the South Eastern Sydney Local Health District, which covers Sutherland and St George hospitals. This year \$1.2 billion is being spent in hospital rebuild projects across the State. That is a 10 per cent increase on last year's capital works spend.

Labor failed to adequately plan for rapidly increasing hospital activity at Sutherland despite the fact that: this activity has been outstripping population growth since 2006; by 2026 an extra 14,000 people in the Sutherland Shire Local Government Area will be aged over 65; and the closure of the adjacent private hospital emergency department at Kareena in 2010 would inevitably result in increased presentations at Sutherland. Make no mistake: The O'Farrell Government has inherited enormous challenges as a result of the failure of Labor to plan strategically for growth across Sydney and New South Wales, and the Sutherland Shire in particular.

While new models of care and rapid improvements in medical technology have enabled Sutherland Hospital to reduce the average length of stay for patients, there remains a shortage of general ward beds that has created a "funnel effect" whereby people might be processed relatively quickly through the emergency department but then have to wait for a bed. This strongly supports the case for increasing the bed capacity at Sutherland Hospital, in addition to the reconfiguration of the emergency department. The local health district board has identified the expansion of Sutherland Hospital as its highest priority capital works project.

Indeed, the Minister for Health noted in question time last week that the Premier is confident that funds will begin to flow for the work before the next election, provided the scoping work is done. That is a terrific outcome; one I have been persistently lobbying for. The planning for St George Hospital is the next step after the \$39 million new emergency department, which was promised and is being delivered by the O'Farrell Government. Labor built not one new clinical building at St George Hospital during 16 years of government.

Minister Skinner also recently announced ADCO Constructions as the successful tenderer for the design and construction of the Sutherland Hospital car park. It will increase the total number of staff and public car parking spaces on site from around 700 to more than 1,000. Nearly every patient survey identifies lack of parking as a major issue. The Government is acting to fix this problem at Sutherland Hospital. Around 40 per cent of the new spaces will be at ground level, and the remainder will be part of a multi-deck car park. The four-level structure will be designed to accommodate additional levels in the future.

Construction will be a staged process, and impact on existing parking availability will be kept to a minimum. The detailed design and documentation for the ground-level car park has commenced and will be completed in time for construction to start by the end of 2013. Construction of the multi-deck car park is scheduled to commence by mid-2014, following completion of the ground-level car park. The project is scheduled for completion by the end of 2014. Our highly skilled and dedicated hospital staff deserve to work in the best possible environment. Those on this side of the House are committed to delivering state-of-the-art hospitals for New South Wales, and for the St George and Sutherland areas in particular.

SWANSEA ELECTORATE BUSHFIRES

Mr GARRY EDWARDS (Swansea) [6.12 p.m.]: Today I present part two of the private member's statement I commenced yesterday about the bushfires that consumed large tracts of land within my electorate of Swansea last week. On the evening of Thursday 17 October, my wife, Pat, eldest daughter, Julia, who was visiting from Melbourne, son-in-law Alejandro, who was on a work stopover from Brisbane, and I were able to assist in a very small way at the evacuation centre at Swansea RSL Club. We assisted with food sourcing and preparation. My wife, who is a registered nurse, also assisted with some of the elderly evacuees and isolated travellers unable to reach their homes because of road closures. Within a period of about 36 hours, some 300 unexpected guests, and in some cases their pets, took refuge at the Swansea RSL Club. Whilst this situation was far from ideal, a real sense of community was soon evident.

Local butchers Matthew Vos and Dean Charlish of Caves Beach Butchery, and the butchers in Swansea, donated and delivered some 800 sausages, and Caves Beach Bakehouse donated countless sausage rolls and cheese and bacon rolls to feed our unexpected guests, as well as the constant rotation of personnel from Fire and Rescue NSW and the NSW Rural Fire Service. Woolworths at Belmont and Swansea, as well as Coles at Swansea, provided an enormous amount of food and other supplies such as toothpaste and toothbrushes. These goods were made available immediately upon request.

Early on the morning of Friday 18 October club director Tony Jones and I were at the Woolworths supermarket at Swansea loading the club's courtesy bus with all manner of grocery items when we had a chance meeting with a fantastic Tip Top Bakery merchandising lady. Tip Top Bakery then delivered 300 loaves of bread directly to the club. This illustrates the outstanding support of local businesses. Yesterday I also

mentioned the fire relief fund that had been set up by Swansea RSL by midday on that Friday. I am compelled once again to refer to the phone calls that I received that morning—one from Mr Sam Maresh of Rio Tinto and one from Mr Geoffrey Rock of Coal and Allied. Shortly after midday that day we received a cheque in the amount of \$5,000. I thank Rio Tinto and Coal and Allied for their support.

The Doyalson-Wyee RSL club also established an evacuation centre at the southern end of my electorate. Sadly, due to the Pacific Highway being cut at Swansea, I was unable to visit this centre until the Saturday morning, following the worst of the fires. I understand that the scene at Doyalson-Wyee RSL club was similar to that at Swansea RSL club. Doyalson-Wyee RSL club also accommodated some 300 evacuees and isolated travellers. I thank general manager Darren Thornton and the directors and staff of the Doyalson-Wyee RSL. Swansea Workers Club was also established as an evacuation centre. I was only able to visit that centre on the Friday morning to check on the situation. The club's manager advised me that some 50 evacuees had been transferred to Swansea RSL club and that they would refer any future evacuees to that club. I thank the management and staff of the Swansea Workers Club for their participation in the relief effort.

Tragically, there has been one confirmed death from the fires in my electorate. Lake Munmorah resident Walter Linder is suspected to have suffered a heart attack whilst defending his property from fire. My thoughts and sympathies go to his family and friends for their loss. I will seek permission from the Government Whip to finalise this private member's statement when Parliament sits next week. I still have a lot more to say about the community effort in my electorate during the recent fires.

ARNCLIFFE AURORA FOOTBALL CLUB

Mr JOHN FLOWERS (Rockdale) [6.17 p.m.]: It was with much pleasure that I represented the Premier at the annual dinner of the Arncliffe Aurora Football Club on 15 September 2013. It was an honour to meet the executive management of the club: Ali Jomaa, Mohamad Hammoud and Sam Hassan, along with committee members, coaches, referees, volunteers, sponsors, players and supporters who raise funds to keep this valuable community club operating. The aim of the dinner is to recognise the support given by local businesses, sponsors and the local community and to thank them for their continuing commitment to the club.

The Arncliffe Aurora Football Club was established in Australia in 1991, but its origins date back much further than that. The word "aurora" in the club's name reflects the history of many parents and grandparents in the community, and their ancestors whose origins are in Lebanon. With the large influx of migrants from the 1960s and 1970s came a large contingent of families from south Lebanon, and they brought the fajr spirit with them; "fajr" is an Arabic word defined as "the rising of the sun"—that is, aurora. This word has also been used to describe the youth who are growing up as the shining lights of the future.

The fajr spirit was part of their lives as they, too, had a sporting club fostering and nurturing youth. The fajr spirit is still alive in the Arncliffe Aurora, where the club's commitment to its youth is as strong today as it was in south Lebanon in the early 1960s. Today the club is fortunate to welcome players of different backgrounds who share the aurora spirit. Arncliffe Aurora Football Club is run solely by volunteers who devote countless hours to maintaining all aspects of the club, such as running the canteen, organising uniforms, setting up grounds, and the many and varied other responsibilities needed to make a football club a reality. The dedicated committee members, coaches, managers and game-day volunteers contribute their valuable time for the good of the club and the community.

Sport is important to our society. It is part of our culture and plays a role in enhancing the lives of countless Australians who connect through participating in a team, building supportive social networks that provide help in times of need and sharing the rewards of participation, success and achievement. Many young people have grown up and been nurtured in the Aurora Football Club and I believe the commitment to the club's youth is as strong today as it was for the forebears. The club caters for girls up to the age of 14 and boys and men of all ages. A sport and recreation participation and facility grant of \$10,000 was made to the Arncliffe Aurora Football Club to increase participation for age and gender disadvantaged groups.

Volunteering is one of the most valuable contributions people can make to the functioning of communities, and without the generous support of the hardworking volunteers, this club could not exist. I ask that the House acknowledge the dedication of all members, sponsors and supporters of the Aurora Football Club, who aspire to participation opportunities in sport, recreation and structured physical activity in a team-building environment.

TRIBUTE TO VINCE BULGER, OAM

Mr DARYL MAGUIRE (Wagga Wagga) [6.22 p.m.]: Today the Tumut community came together to pay their last respects and mourn the loss of Wiradjuri Elder Vince Bulger, OAM, who passed away peacefully at his home last Thursday. Uncle Vince had long been a passionate advocate for the Indigenous community, campaigning on its behalf on environmental, health and housing issues. He had also been instrumental in setting up education campaigns to teach non-Indigenous people about environmental issues and Aboriginal lore. His unstinting efforts in fostering reconciliation, as well as his tireless efforts in promoting the understanding of Indigenous culture and heritage, saw him awarded the Medal of the Order of Australia in 2007.

The Tumut and Brungle communities were blessed to have Uncle Vince to claim as their own—a father, grandfather, citizen, historian, storyteller and keeper of the dream. At every opportunity Uncle Vince retold the stories of the difficult times in which he lived and raised his family. He spoke also of the good times, when he swam and fished in the rivers and streams, and how the country was important. He was a teacher and mentor to many. Uncle Vince was humble, respectful and wise, and commanded respect in any situation. He was a proud Indigenous man, an icon of our region.

Vince Bulger was born in Yass in 1929 at the Hollywood Mission for Aborigines. He lived there until the death of his father, at which time Vince was 10 years old. He then moved with the family to Oak Hill near Yass. From an early age he sought work in a variety of fields, and at age 14 worked at the *Yass Tribune*. Soon after, the family moved to Brungle, where his grandparents lived. Vince was there for eight years. Then he moved to Gilmore for a further 10 years, before finally settling in Tumut, where he would forge an undeniable bond with the community. Much of his working life was spent on the railway; for more than 32 years he worked as a ganger. Vince and his wife, Marjorie, had 11 children, all of whom have followed in their father's footsteps in making significant contributions to the community, all sharing their father's willingness to bridge cultural differences and accept people for who they are.

Vince always took a keen interest in his children's endeavours, and indeed those of his grandchildren—be it their vocational pursuits or sporting achievements. He was an accomplished sportsman. He was a seemingly ever-present figure at the Wyangle cricket matches, and was a great supporter of the Tumut Blues and Gundagai Tigers. He was involved in various capacities with local charities and clubs, and he conducted discovery walks through national parks, taking groups of children into the bush to teach them to appreciate biodiversity. He was renowned for his smoking ceremonies and welcomes, which were always entertaining and always contained history and some facts about Brungle and the reasons we pay respect to country. Uncle Vince always said, "Look after the land and water and it will look after you."

Vince was an Aboriginal and Torres Strait Islander Commission councillor for the Binal Billa region and a member of the Elders group. He organised housing for the elderly people of Tumut, as well as a bus to bring the elderly from Brungle to Tumut, providing opportunities for residents to attend appointments as well as allowing them to do their shopping and keep in touch with relatives and friends in town. He was a foundation member of the Tumut Shire Council Aboriginal Liaison Committee, and participated in ecotourism ventures in the shire, promoting awareness of the local Aboriginal community and its culture. He was a key figure in the development of Tumut's River Walk project that provided a path along the river's banks. One of his favourite pastimes was dangling a fishing line, either at the Tumut River or Blowering Dam, though in his younger days he preferred more active sport. He was a rugby league player, playing for Gundagai as well as competing in the Maher Cup for Brungle.

During one of my last conversations with Uncle Vince he said that he wanted to see a memorial built at Gundagai to Yarri Yarri and Jacki Jacki, who saved people during the floods. I am pleased that we have granted Uncle Vince's wish and we are working towards that goal. I have lost a dear friend; the Tumut and Brungle communities have lost a great man. He was small in stature but he was head and shoulders above men.

STATE BUSHFIRES

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [6.27 p.m.]: Tonight I place on record the events of the past week where several areas of New South Wales have been threatened by the ravages of bushfire. We have seen an extraordinary effort by an extraordinary group of people in protecting the community from bushfire, and it requires an extraordinary response. Last Sunday afternoon the Premier called me to advise that he was about to declare a state of emergency for bushfire-affected areas across New South Wales. The Premier told me that communities in my electorate would be advised to evacuate, given the

impending threat of the State Mine fire, which had started in Lithgow a week earlier and was now putting the lives of people in my communities at risk. The communities of Bilpin and Mount Lagoon were requested to attend meetings where they would be advised that if they were not well prepared for the onslaught of the worst expected bushfire in almost 20 years they should make plans to move their families east along Bells Line of Road to safer areas closer to Richmond, where an evacuation centre was established in the North Richmond Community Centre.

Following this advice from the Premier, I immediately set out on the hour-long drive from Rouse Hill to Bilpin to join my community at these meetings, unfortunately arriving just at the end of the Bilpin meeting but in time to meet Chris, a Rural Fire Service employee, who was on his way to Mount Lagoon to attend the community meeting there. Approximately 50 or 60 residents of the Mount Lagoon community were in attendance at the brigade shed and listened intently to both the Captain of Mount Lagoon Rural Fire Service, Tim Bourne, and senior member of the Rural Fire Service, Matt, as they advised us of the current situation. Tim Bourne said, "Well, this is the one we have been waiting for." His comments were compelling since many in the crowd, if not all those present, held vivid memories of the 1994 bushfire that had also placed their homes at significant risk.

Following an overview of the threat of the above-average temperatures in the following days and the fierce winds expected on Wednesday, the meeting ended with several in the community deciding to leave. Others decided to stay to continue with the planned back-burning operations and containment lines along the western side of Mountain Lagoon Road and Bells Line of Road in an effort to contain the State Mine fire and protect their homes. I left the meeting and travelled along the 10 kilometres of Mountain Lagoon Road that had been purposely set alight in a massive back-burning operation that continued over the next three days and nights. When Wednesday arrived, the work undertaken in the Mountain Lagoon and Bilpin area prevented the State Mine fire from encroaching any further towards the communities on the lower side of the mountains despite hot and windy conditions. The containment line and the effort it took were nothing short of phenomenal.

On the previous Monday when the State Mine fire commenced I received an email from Alan McCartney, another member of the Mountain Lagoon Rural Fire Service. Alan reminded me that the brigade had only recently completed two significant hazard-reduction burns in Sunnyvale and Cora Creek. He said that may be the saving grace for the community if the State Mine fire threatened them later in the week. Alan's words proved prophetic, given that the responsible hazard-reduction work they had completed only weeks earlier had indeed provided the buffer that complemented the back-burning operation and containment line that saved many homes in Mountain Lagoon and Bilpin.

However, it should also be noted that this hazard-reduction work and containment line may well have stopped the State Mine fire from spreading further east to the communities of Kurrajong Heights, the Gross Valley, Kurrajong and Yarramundi. On the Tuesday morning following the Wednesday on which we had experienced those conditions, Rural Fire Service members doorknocked in the communities I mentioned and prepared the residents for the worst. On the Sunday morning, while I was at a function at Dural Public School, Chris Woellner, the captain of the Round Corner Rural Fire Service, advised me that his members had been in Bilpin and Mountain Lagoon the previous day where they worked alongside Prime Minister Tony Abbott, who had joined his brigade in the back-burning effort in these areas.

On the Monday evening I joined my colleagues Bart Bassett, the member for Londonderry, and the Mayor of Hawkesbury, Kim Ford, at the Hawkesbury Fire Control Headquarters at Wilberforce for a briefing on actions for the coming week. Led by Karen Hodges, the local fire control officer, and experienced fire-planning personnel such as Ken Pullen, the strategic plans were unveiled to us. I can say they were nothing short of spectacular and they cemented in my mind the massive effort at hand. State Emergency Service local commander and Rural Fire Service member Kevin Jones was also present, once again proving the volunteers in our area are not only multiskilled but exceptionally dedicated.

Special mention must be made of Rural Fire Service captain Bill Shields, who featured in a video on the *Sydney Morning Herald* website praising his colleagues—which was typical of that bloke's character. As I said, this was an extraordinary effort. For the almost 1,000 members of the Rural Fire Service, State Emergency Service, New South Wales Fire Brigades, the police, Red Cross, the Animal Welfare League and the many clubs, pubs and businesses who supported the fire effort and the protection of life and property, on behalf of my community I say a huge thank you. They embody every decent quality and value of great Australians, who are always prepared to lend a hand to those who need it most.

FALUN DAFA

Mr JAMIE PARKER (Balmain) [6.32 p.m.]: Falun Dafa, also called Falun Gong, is a traditional Chinese meditation discipline. I have been honoured to have been in regular contact with practitioners of Falun Dafa from my local electorate and elsewhere for many years. Although I am not a practitioner, I have been continually impressed by their hard work, dedication and inherent kindness. I have spoken in this place about organ harvesting and human rights abuses that Falun Dafa practitioners have suffered at the hands of the Chinese Communist Party. I have also highlighted my concerns about the way in which the Chinese Government exercises soft power around the world, including its efforts against Falun Dafa practitioners who have fled persecution in China.

One example of the Chinese Government's soft power is in the teaching of so-called Confucius classes. Concerns have been raised by teachers, parents and the community over the quality and impartiality of these classes. I am fully supportive of the teaching and encouragement of Chinese culture and language in Australia and around the world. I am strongly supportive of engaging with the people of China and have a strong connection with the country, having visited it several times. What I am strongly opposed to is the intervention of any government or State apparatus in the free and open discussion and voicing of opinions and expressions of culture, art or history.

I will highlight another concerning example of soft power being exercised by the Chinese Government in Australia. This has been brought to my attention a number of times, most recently in relation to a Labor and Liberal majority on Leichhardt council. The Falun Dafa Association of Australia recently submitted an application for a fee waiver to Leichhardt council in order to hold a display of artworks aiming to "inform, educate and inspire the community". The event was to be open to the public and free to local community members. Furthermore, the event would have contributed to objectives outlined in Leichhardt council's community and cultural plan by connecting people to each other, developing community strengths and capabilities, enlivening arts and cultural life, and promoting health and wellbeing. The waiver of the fees therefore complied fully with council policy.

The application was addressed at the August meeting of the Balmain Town Hall Management Committee. The committee determined that the application met the eligibility and selection criteria to receive a fee waiver. Council staff recommended that the fee waiver be granted. Despite this, Labor councillor Simon Emsley this week moved to vote against the council staff proposal, which was supported by the town hall management committee, and instead reject the fee waiver. Councillor Emsley was supported by Labor Mayor Darcy Byrne and other Labor and Liberal councillors, who all voted against the fee waiver. Only The Greens councillors stood up to vote in favour of the staff recommendation that Falun Dafa be granted a fee waiver.

When it became clear that the waiver would be defeated, The Greens councillors attempted to move an amendment that would have granted Falun Dafa a community rate, yet this was also voted down by Labor and Liberal councillors including the mayor. The exhibition will now not proceed because the community organisation will be required to pay full commercial rates. It is disgraceful that a peaceful community organisation has been rejected and disrespected in this way. I am standing up against this unjust treatment and I will continue to stand up for the rights of Falun Dafa, all the people in the Chinese-Australian community and any community organisation that in my view has been unfairly treated.

There are other incidents of venues refusing to take bookings from Falun Dafa or taking bookings and later cancelling them and citing concerns about "potentially contentious" issues that may include "the policies/associations of foreign government or religious differences". What are these contentious issues? They are issues such as promoting basic human rights in China and defending the rights of freedom of association and freedom of assembly. On more than one occasion the Chinese Consulate has directly intervened to lobby and ensure that people, organisations and particularly venues do not associate with Falun Dafa. This is simply unjust and unfair, and I will continue to speak out against it.

I recognise the excellent work of Dr Lucy Zhao, Caroline Dobson, John Deller and the many other Falun Dafa practitioners and community members who dedicate so much of their time to showcasing their art, culture and practice. I have been inspired by their ability to come together as a community and achieve great things, including the collection of thousands of signatures in support of upholding human rights and protecting people from persecution. I will continue to stand alongside them in their work on these issues. I also note that the Parliament of New South Wales was the venue for a Falun Dafa art exhibition. If it is good enough for the New South Wales Parliament, we should not allow local councils or other venues to be bullied so that Falun

Dafa is not able to exhibit in a fair, free and open way. That is the least we expect as Australians. Especially because many Falun Dafa practitioners have fled persecution in China, it is important that we respect their rights to express their views in this country.

OE SOPHAGEAL CANCER AWARENESS

Dr ANDREW McDONALD (Macquarie Fields) [6.37 p.m.]: On 21 September I attended the charity ball for the Mark Grundy Oesophageal Cancer Awareness Group Inc., also known as OCAGI. Mark Grundy died in May 2012 at the age of 48. Mark had a three-year history of indigestion; however, in February 2012 he developed difficulty swallowing. His difficulty swallowing was found to be due to an advanced tumour in his oesophagus, which had spread to his lungs. He died 12 weeks later. Mark's wife, Polly, set up the Oesophageal Cancer Awareness Group Inc. after she found there was little support for oesophageal cancer in Australia. She said:

When we meet real tragedy in life we can react in 2 ways, either by losing hope and falling into self-destructiveness or by using the challenge to find our inner strength ... Supported by my 2 wonderful sons Cejay and Addison I chose to find my strength and use it to create the Mark Grundy Oesophageal Cancer Awareness Group Incorporated ... or as we prefer to call it ... OCAGI.

She went on to share some of their achievements so far. She said that 18 months ago there were no support groups for oesophageal cancer but now, with the help of Janice Low from the NSW Cancer Council, they co-facilitate a support group for upper gastrointestinal cancer at the Casula Community Centre on the last Tuesday of every month. She also told us that the Oesophageal Cancer Awareness Group Inc. has developed the first Australian website dedicated solely to oesophageal cancer, which supplies information and awareness across all stages of the disease as well as an online support forum. The website at www.ocagi.org is extremely good. Polly went on to say that they now run awareness seminars that are presented at community events and club meetings and that the Oesophageal Cancer Awareness Group Inc. is now recognised with the Australian Taxation Office as a deductible gift recipient, which means that all donations over \$2 are tax deductible.

In Australia 1,000 lives per year are lost due to oesophageal cancer. The risk factors for oesophageal cancer include age; it is more common in people over the age of 50. Smoking increases the risk 18-fold, and smoking and drinking together increase the risk 44-fold. Obesity is also a risk as is an unhealthy diet. Barrett's oesophagus increases the risk of developing cancer 25-fold. Barrett's oesophagus is a condition where chronic gastro-oesophageal reflux causes inflammatory changes to the lining of the oesophagus that can then develop malignancy. Unfortunately 85 per cent of oesophageal cancer is inoperable when it is discovered. If picked up early, oesophageal cancer has a 90 per cent to 95 per cent cure rate. Oesophageal cancer is the fastest growing cancer in the Western world with a 600 per cent growth rate since 1975.

Professor Shan Rajendra from the University of New South Wales also spoke. He is a world-leading expert on oesophageal cancer and is doing research into its causes, such as viruses. He is the Director of the Gastro-Intestinal Viral Oncology Group based in the Ingham Institute, Liverpool, and was the first in the world to discover a strong association between human papilloma virus and oesophageal glandular cancer—adenocarcinoma. The study, which was recently published in the *American Journal of Gastroenterology*—and in another follow-on study from the group was again published in the same journal—shows a significant association between an increasing viral load and disease severity in the pathway to developing Barrett's associated cancer.

They have also demonstrated for the first time that the viral DNA is integrated into the human oesophageal cell nucleus. These studies are real game-changers in the world of oesophageal cancer and come from south-west Sydney. The results from the new studies put the group in good stead to achieving its goal of eradicating at least half of the new cases of oesophageal cancer in Australia, while also paving the way for further research and clinical trials. Unfortunately, 85 per cent of oesophageal cancer is inoperable when it is discovered. The only way to diagnose Barrett's oesophageal cancer is with an endoscopy. We need to ensure that we continue to do research into oesophageal cancer and to support those whose family members develop cancer. That is why this wonderful group, set up by Polly Grundy, is so great for south-west Sydney. We are extremely lucky to have Professor Rajendra who is such a dedicated and skilled clinician in preventing tragedies in the future.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 6.42 p.m. until
Tuesday 29 October 2013 at 12 noon**
