

LEGISLATIVE ASSEMBLY

Wednesday 26 November 2008

The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

DANGEROUS GOODS (ROAD AND RAIL TRANSPORT) BILL 2008

TRANSPORT ADMINISTRATION AMENDMENT (RAIL AND FERRY TRANSPORT AUTHORITIES) BILL 2008

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

AUDITOR-GENERAL'S REPORT

The Speaker tabled, pursuant to the Public Finance and Audit Act 1983, the report entitled "Auditor-General's Report—Financial Audits—Volume Five 2008", dated November 2008.

Ordered to be printed.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

LIQUOR LEGISLATION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 13 November 2008.

Mr GEORGE SOURIS (Upper Hunter) [10.08 a.m.]: I have pleasure in leading for the Liberal-Nationals Opposition on the Liquor Legislation Amendment Bill 2008. At the outset, I make a general comment about legislation and the processes of government, media, public policy and legislation. In fact, the sequence I have just given is probably the better way to proceed than the sequence we have witnessed with this bill, which was virtually the opposite. It involved a media report, followed by an urgent media release issued by the Premier in his infant days as Premier, and we all know how inexperienced he is. He issued a press release that dealt with very complex matters that would become legislation, much of it regulation, without undergoing the proper processes of development of good public policy. After all, it was only on 1 July 2008 that the rewritten Liquor Act commenced. After a few months of the great omnibus rewriting of the Act, the greatest reform of the liquor industry ever, and the greatest rewriting of an Act we have ever seen resulting in a very large piece of legislation, the Premier regarded it as appropriate to make public comments, issue a press release, and proceed to introduce a whole series of amendments.

As we approach summer, our very active Police Media Unit—which seems to specialise in issuing dramatic statements at 5.00 a.m. each day—broadcasts virtually isolated, single incidents that become major news that members of Parliament digest as we listen in the early part of the morning. With Christmas parties and the Christmas Season's festivities underway, our inexperienced Premier will see fit to issue another media release to make a hero of himself in some meaningless way and commit everyone to proceeding down the path of legislation by media release, which is never a good idea. I make that point in the interests of good government and good policy. Having been the shadow Minister for this portfolio for a number of years, I believe we have reached saturation point with overregulation and over legislation in the general industry that involves hotels and clubs.

In the licensing area, which includes liquor licences, poker machine licences and gambling licences, I fear over legislation and overregulation will go too far. Although I do not know what constitutes too far, I feel we are heading towards it. This approach can only result in creating a black market, sending liquor trading underground. We will be creating a backstreet, underground black market. The obvious example of that type of result was prohibition in the United States, but we have similar examples in New South Wales. Do we not all remember the boutique illegal casinos that flourished throughout Sydney? Do we not remember the 33 club, the Forbes club, the 222 club and the Double Bay Bridge Club? Of course, I did not go to any of those, but I know they all existed.

Mr Kevin Greene: You read about them?

Mr GEORGE SOURIS: I read about them. There used to be queues, and I was curious about why people were queuing. In the end result, high volumes of regulation and legislation are counter-productive. We must be very careful with Liquor Act amendments to ensure that new provisions do not force patrons to resort to the black market and underground or illegal venues and outlets. After all, considering all the effort we have contributed to fighting illicit drugs, do we really think that continuous prohibition being applied to liquor trading and legislation will resolve the problem, or do we recognise that it will result in sending liquor trading underground? I cannot make the point strongly enough.

We cannot walk away from the problem, but increasing prohibition does not get us very far. I will deal with the point I am about to make in more detail later, but I believe that education and personal responsibility, although a difficult and imprecise area, should be considered and followed through to see whether such an approach can be applied to this area. That approach achieved a significant reduction in tobacco consumption without imposing prohibitions and fines for smoking. Some exclusions apply to licensed venues, but that is just one small area. Generally I believe that education, which includes advertising and public information campaigns, has been more effective in creating benefits. The same could be said about campaigns for motor vehicle safety, such as seat belt and drink driving campaigns, which led to successful outcomes. It is true that information campaigns must be renewed because people forget, but nobody could deny that they are successful campaigns, especially coupled with sanctions and prohibitions. The point I make is that prohibition alone may not achieve the outcomes the Government wants.

The Government has been heavily reliant upon statistical information in formulating this bill and the regulations associated with it. The statistics are controversial. I am not an expert but, generally speaking, I believe they present raw data only. It does not surprise me that on the Premier's recklessly produced list of 50 venues, high-volume very large venues appear, such as the Penrith Panthers, the Campbelltown Catholic Club, and similar places. I understand that Penrith Panthers has 40,000 visitors a day. Millions of people go to that venue every year, so it does not surprise me that a number of incidents occur. Compared with a small hotel elsewhere, those incidents look bad because comparative statistics present the information in a certain way. However, the reality is that a very large venue will be penalised purely because of its size: no account is taken of the tremendous measures that many of the large venues invoke in adopting a responsible approach and in coming to grips with problems that present themselves at their very front door.

Before I deal in detail with the bill, I point out that the new Liquor Act that commenced on 1 July provides significant new powers. I believe we have not had sufficient time to assess the implementation of those powers. There has not been sufficient time to analyse the statistics, and it is probable that the department has not been given appropriate resources to ensure that there are enough inspectors at the right times who are actively policing its provisions. I understand that more than 20 new inspectors have been trained. Apparently they have been assigned to duties other than the liquor trading area. I do not know whether the information I have received is true, but I ask the Minister to address the issue in his reply. Generally speaking, I am convinced that the department has not been provided with sufficient resources to undertake the tasks created by the commencement of the Liquor Act on 1 July.

Recent experience in Melbourne, Victoria, provides an example of the application of a blanket prohibition by the imposition of a 2.00 a.m. lockout throughout the city. In a way I am pleased that the Government has not adopted that approach. A month or more ago I issued a media release urging the Government to consider individual cases rather than adopt a blanket approach. For the sake of completeness, I note that the blanket approach was deemed to be a failure in Melbourne. I take this opportunity to read part of a report by the Australian Associated Press published on 13 November:

The NSW government will implement tough new laws to combat alcohol-related violence despite similar measures being scrapped after a controversial trial in Melbourne earlier this year.

Further on the document reads:

The laws are expected to be introduced on December 1, just one month after the Victorian government scrapped its 2 am lock-out policy for Melbourne's bars. The controversial policy was trialled earlier this year amid growing late-night drunken violence in the Victorian capital, but an evaluation of the trial by consultants KPMG is believed to have found it a failure.

This was mainly because many clubs and bars were getting exemptions from the Victorian Civil and Administrative Tribunal to avoid locking out patrons.

The latter point I believe is a possible problem in this legislation. Whilst we have to be flexible, nonetheless a provision in the bill permits the director to give exemptions and modify conditions. I do not oppose that, but I offer the warning that as time goes by and as exemptions proceed, it will not be long before we do not have a venues list at all again. In any event the list is in great need of serious renovation and consideration of realities. I believe that each and every one of the venues on the list deserves and ought to be afforded an opportunity to present its arguments. Indeed, some months have gone by since the list was produced.

I would like to know whether the list reflects exactly what the Government feels now, today, about the 48 venues on the list. The historical statistics go back earlier than that, of course. Given the fullness of these couple of months of analysis and consideration, does the Government say that that list was correct, that it remains perfect, and that today, 26 November, the 48 venues remain recalcitrant and need to be considered violent hot spots, as the Government considered them to be when it included them on the list some months ago? I ask the Minister to address that aspect in his reply.

This legislation essentially has three items. Behind the legislation, however, are very comprehensive regulations. Once again I complain, as I have always complained every time we come to this sort of situation, that the regulations that are to be tabled in the Parliament are not exposed for public consideration. There has only been an information memorandum published on the Internet last Friday. I do not believe that is good enough. I believe this is rushing legislation through the Parliament. It is legislation by media; it is regulation by media, by press release. These regulations need to be considered. Indeed, I still have not seen the regulations. I can only base my comments on a single sheet of paper printed from the Internet, which attempts to inform people about the proposed regulations.

I understand the process, but there is no reason why the regulations should not by now have been drafted in their final form and exposed for public consideration, the Government having invited consultation and comment on them. Surely the Government would want that. Surely the Government would not want these regulations to be erroneous, contradictory, or impossible. But this is where we are going. We are heading down this path of contradiction again. I will return to this aspect. I point out a couple of recent examples whereby regulations had not been previously exposed and then, when the regulations were finally implemented, problems arose. I predict that when these regulations finally appear and the legislation starts to be implemented, because of the lack of public exposure and public cross-examination the Government will find it has made mistakes yet again. This is too important. We cannot implement legislation and regulation by this method. We cannot keep going along this path; it is not the best way to go.

As I said, the bill contains some measures. Firstly, it imposes a restriction on new licences beyond 18-hour trading. I understand what that says, but it does not address the problem area. It may well stop new venues becoming problems, but it really only addresses the issue at the margin. Tip-out powers are included, and this is an area I believe we need to consider. We need to consider whether problems will arise from this. Tip-out powers refer to the ability of police and local government officers designated by the police—for example, council rangers that have had this accreditation or designation—to approach members of the public in alcohol-free zones, or near them. That poses a problem. The person will say, "I am not in an alcohol-free zone. The sign is 100 metres away, and I am on this side of the sign. What is the point of the sign?" Such designated officers will have the power to apprehend these people, confiscate whatever alcohol they might have, and then tip the alcohol into the gutter. This is an extremely provocative act. If it does not lead to trouble, I would be very surprised.

I appreciate and understand the difficulty that has been experienced with the issuing of penalty notices. I know that in some areas the streets are littered with penalty notices, which obviously have been issued a short while earlier and simply thrown onto the street. I understand the problems about following through, getting correct addresses, and all of that. I simply wonder whether this extremely aggressive activity, which would be conducted by people such as council rangers, will really address the problem or whether it will cause many more incidents to occur.

The third item in the legislation I want to address is provisional drivers' licences. Extending a provisional licence by up to six months is a measure that the Government obviously feels is appropriate. My concern is that a provisional licence would be extended only by the issuance of a penalty notice. I am worried about avenues of protection, ensuring safeguards, and so on. What if a stolen provisional licence were used as a fake identity and a penalty notice has already been issued? The person may not even know about this until they finally realise one day, by correspondence, that their provisional licence has been extended by six months. They would then have to try to undo all of this, which could be six months later.

Also, of course, many young people do not have the resources, do not have access to the process, and so on, and I believe could be unfairly disadvantaged. None of the Act's provisions provide me with much comfort with regard to this aspect. I believe we need to consider this matter. A practice manual or rules governing the implementation of the regulations need to be drafted and exposed, and also publicly cross-examined, before the regulations are implemented. If implementation of the regulations is to be rushed in on 1 December, we could face a lot of problems. I have not even seen the regulations for this Act, let alone something like a standard code of practice that would apply to provisional licences.

I turn to the regulations. I repeat: It is difficult to debate this legislation not having seen the draft of regulations that are intended to become the regulations. As I said, looking at the information sheet published on the Internet, I can see difficulty in understanding some of the items; I can see contradictions and so on. I will go through a few of those items. First, I understand that the measure will relate only to violence hot spots. I will go through a number of issues. The 2.00 a.m. lockout could be counterproductive. I appreciate that clubs have been excluded from the 2.00 a.m. lockout provisions, which reverses a previous policy. The exclusion recognises that clubs have come a long way and have demonstrated a responsibility in this area. Obviously, Sydney is an international city and some of its precincts attract international tourism: it has the maturity of a world-class city. It is not unexpected that tourists might enjoy a drink at 2.00 a.m. when it is 8.00 p.m. where they came from. The 2.00 a.m. lockout will rope in all potential patrons and businesses in an attempt to prevent a problem that has been created by only a few people.

To point out how ridiculous things can become, I understand that the 2.00 a.m. lockout in California has resulted in a circus outside venues. People arrive just minutes before 2.00 a.m. and scramble for entry, only to be confronted by one of the security staff who cannot deal or cope with the situation. The legislation could create a similar problem for us. We must be careful to avoid the consequences—obviously unintended—that could become a feature of the regulation. The proposed regulation also provides for the cessation of the service of alcohol for a 30-minute period prior to closing time and the use of plastic drink containers for all drinks served after midnight. That proves something. The initial media release—this is another case of government by media release—referred only to beer containers. Straightaway there is an error and a contradiction and the Government had to act immediately. Luckily it was slow in producing even an information sheet on the proposed regulations. But lo and behold, on Friday, or was it Monday?

Mr Kevin Greene: Wednesday.

Mr GEORGE SOURIS: The Government did not send me a copy of the proposed regulations. Indeed, it did not send anyone a copy. People had to get the information from the Internet. On Friday we realised that the Government had woken up and realised that the proposed regulation by media release from the heroic Premier in his infant premierships had incorporated the error. The information sheet has now been amended to include all drink service. At least that shows that the Government realised it had made fundamental errors. However, the errors would have been exposed if the Government had engaged in proper consultation with the community and industry—proper consultation in advance and not after the media release had gone out. The Government should have got it right before it started this process. This matter is too difficult and complicated to have amateurs mucking around with press releases and a nice Minister trying to follow through and implement through legislation what some media staffer in the Premier's office thought was a pretty good way to get through talkback today. But that is what it has turned out to be.

The proposed regulation will create a big problem. For example, I understand it will cost Panthers rugby league club \$30,000 to retool its operation so that all glass containers are replaced with plastic containers. I am not aware of all the items involved, but the proposed regulation will cost Panthers \$30,000, apart from the operational aspect and additional labour. One consequence is that the proposed regulation will cost the industry a fair bit of money. I do not know whether that is an intended consequence. One potential difficulty relates to

the reference to four drinks or a bottle of wine. I can only assume that it is not four schooners but four standard drinks. Does the Government realise that four standard beers contain a lot less alcohol than a bottle of wine, which is equivalent to about 5½ standard drinks? Are four drinks and a bottle of wine supposed to be the same? They are not the same; there is a significant difference.

The Minister has made a big error in thinking that four drinks, which are not specified in the information sheet—we assume they are middies of beer—are the same as a bottle of wine. The Government has not explained this to anyone, but somehow it has accepted the anomaly that four standard drinks of beer are equal to a 750-millilitre bottle of wine, which contains 14.5 per cent or 15 per cent alcohol. The Minister has got that wrong. The regulation will specify also that drinks will be limited to 5 per cent alcohol or 30 millilitres of spirit, and that drinks will be no more than 50 per cent spirit to other liquid. I suggest that a drink with a 30-millilitre alcohol component and water is quite strong compared to a low-alcohol drink. All this will do is push people into drinking more powerful drinks prior to the midnight change. Will that be productive or counterproductive?

The Government is seeking to prevent patrons from having rapid drinks or shots. However, people will move to the speedy consumption of rapid drinks just prior to midnight, which could be counterproductive. Has the Minister thought that through? The 10-minute ban on alcohol service per hour will mean that 50 minutes of every hour will be associated with purchasing drinks and people will be unable to buy drinks for 10 minutes every hour. Does the Minister know what will happen during the five minutes before the 10-minute ban begins? It used to be called the 6.00 o'clock swill. This will be called the 10-minute swill or the hourly swill. It is ridiculous. If the Minister thinks that somehow people engaging in this activity inside a busy hotel will solve the problems we see in the streets we have a problem. Stressed hotel staff who must stay alert for people who might be getting a little intoxicated will have difficulty keeping count of the number of drinks patrons are consuming.

The arguments that might start five or six minutes before the 10-minute ban on alcohol service, not to mention the swill itself, is another problem. The 10-minute ban in the proposed regulation is unfair to, and will create problems for, staff members who are trying to do their job as responsibly as they possibly can. They will have to endure a torrent of abuse and cope with an utterly impossible situation for 10 minutes every hour. The Government has to look at this better than it has. Who came up with all this? Did the Government do the research? Whom did it consult? The Government could have asked the shadow Minister but, no, the Government would not do that.

Together with more than 800 people I attended the Awards for Excellence hosted by the Australian Hotels Association (NSW) at the Westin Hotel—the Minister did not attend—at which six of the hotels on the Government's list won awards for excellence. Those venues must be doing something good, but the Government does not seem to know about it because they have been included in a list of shame based on a raw statistical basis. No doubt we will see more and more of these extraordinary contradictions. I was pleased to see that only four clubs, and they are the very large clubs, are included on the list—size alone will get a club on the list, almost for sure. It is time the industry was given a fair go. I sympathise with some of the points made recently by leaders in the industry, such as ClubsNSW, the Australian Hotels Association (NSW) and others. I quote from a statement made by ClubsNSW in response to the Premier's media release:

The Premier's decision to re-allow club members after 2.00 a.m. is recognition of the security and safety provided by the clubs sign-in procedure. When people come to a club, they voluntarily reveal their identity when they show their membership card or sign-in. There can be no stronger deterrent to troublemakers.

That is a good response to a good decision. No patron of Penrith Panthers has ever been the victim of glassing, despite several million people passing through its front door each year. The number of assaults at the Campbelltown Catholic Club has reduced by almost 50 per cent this year—with one assault in the past month that was not alcohol related. Was the statistical information collected during that period to qualify the nominated venues for a place on the violent hot-spot list? Is the statistical information current? If so, how current is it? Will those statistics be reviewed monthly? If so, will they be statistics for the immediate preceding month or will it take months to consider information from months ago? People want answers.

If the industry is asking me questions it must mean that the Government has not consulted the industry or provided answers. It may also mean that statistical procedures have not been upgraded to provide the fast response that is required. The industry is being unfairly punished and penalised—no wonder it is calling for a fair go. The Australian Hotels Association (NSW) issued a statement titled "A fair go for New South Wales

Hotels". The statement is a plea from one of the most significant industries covered by the Minister's portfolio, yet it had to be done by way of a public statement. The Government is preventing the industry from receiving assistance. The statement reads:

- An incident is classified as alcohol related automatically if a victim OR offender say they have had ONE drink, regardless of affectation.
- Whereas the NSW Auditor General alleges that so-called "alcohol related crime" has doubled in the last 10 years. In 2004 police altered their method of reporting and that is directly responsible for this statistical rise, a fact known to the Auditor General but not acknowledged in the media release.

Some 200,000 people work in the hotel industry. The current debate over antisocial behaviour in the media fails to identify real causal links to the emergence of more aggressive consumer behaviour. The statement continues to refer to a lack of personal responsibility. This morning I read a report in both the *Sydney Morning Herald* and the *Daily Telegraph* that on this very day in Sydney a major drug conference is to be conducted. I quote from today's *Daily Telegraph*:

Most teenagers have had their first stiff drink before their 14th birthday, research has found.

And girls no longer lag behind boys in their enthusiasm to get acquainted with alcohol.

The changing trends promoted addiction experts to urge parents to be more vigilant in delaying the age their child tries alcohol.

Research to be presented at a drug conference in Sydney today shows the average age to start drinking has fallen more than five years over the past three decades.

"By the time most Australian teenagers reach 14 years of age more than half, about 55 per cent, have already had a full drink," said Dr Toby Freeman from Flinders University in Adelaide.

In comparison, a 60-year old—

I can nearly relate to that. Minister Greene has a little way to go yet.

Mr Alan Ashton: You are okay.

Mr GEORGE SOURIS: The article continues:

In comparison, a 60-year old typically started drinking between the ages of 19 and 23.

"There is also no longer a gender difference in the age of alcohol initiation in Australia. Females have been catching up with males and are almost equal in the age at which they first try alcohol," Dr Freeman said.

Heavy commercialisation of alcohol, more products and wider availability, coupled with greater youth independence and more money in kids' pockets were driving the trend.

These are the causes and we must come to grips with them. The area of personal responsibility is left unattended by the Government. The article continues:

There was also an increase in levels of risky drinking.

The findings from the 2004 National Drug Strategy Household Survey found almost half of 18-year-olds were risky drinkers, downing more than five standard drinks in a day if they were female and more than seven for males.

Dr Freeman said the age teenagers started drinking was a critical factor for parents to watch for, as it can predict who will go on to develop other drug use and mental health problems.

I dare say that comment by Dr Freeman refers to some of the problems that we are observing outside some venues. I return to the statistical information. The Australian Hotels Association (NSW) wrote to Minister Kelly—I am sure Minister Greene will have received a copy of this letter, as I have—about the use of the statistics. I quote from that letter:

The cornerstone of the Government policy direction is the provision of a list of the so-called 50 worst licensed premises in NSW for violence. This list was drawn solely from NSW Bureau of Crime Statistics and Research raw data in relation to reported incidents of non-domestic violence related assaults occurring on licensed premises. That data has been sourced directly from the NSW Police Force Computerised Operational Policing System [COPS] database from information entered by police officers based on incidents they have attended, or have been reported to them by members of the public. The location and circumstances surrounding the incident is depended upon the information supplied, and police correctly recording the incident location.

The AHA (New South Wales) disputes the use of raw BOCSAR data for the following reasons:

1. The data relates to two reported assaults on the NSW Computerised Operational Policing System [COPS] database. Although some relate to actually incidents, some comprise only a version provided to police that may or may not be supported by evidence or may not involve any injury.
2. A large number of the "reported" assaults occur at the entrance to licensed premises when security and other staff prevent intoxicated or aggressive persons gaining entry, in compliance with the relevant law.

Departing from the script for a moment, surely the Minister knows that security staff at a venue refusing entry to someone who might be displaying signs of intoxication probably will result in a statistic being recorded against the hotel when its staff did the right thing. Where is the incentive? Security staff know that responsibly refusing entry to a flood of people seeking admission to a venue approaching the 2.00 a.m. lockout, which is what we want them to do, will be recorded as a bad statistic against that venue. The venue will stay on the list of shame and the problem will continue. The incentive to admit patrons is great. I am not casting any aspersions but the Minister must consider the regulation to determine whether the desired outcomes will be achieved or whether the statistics are skewed towards bad outcomes and more trouble, not less, outside venues. The AHA continues:

3. A further number of "reported" assaults involve assaults occasioned upon staff when requiring persons approaching intoxication or behaving in an aggressive manner to leave the premises.

We do not want to go down the path of placing intoxicated patrons in designated hotel areas to cool off, as they have done in California. New South Wales laws would prevent such involuntary detention, but in California intoxicated patrons are put in the cooler in a sectioned off area of the hotel, probably somewhere downstairs in the basement. It may be better to leave them in such an area for a couple of hours with a drink of water than to kick them out of the venue and to have them cause trouble that will be reflected in the hotel's statistics. We have to know what the consequences are. The Minister should look at the California experience—the stupidity of such a regulation—and see what it has led to. Australians would think it is laughable, but as the Government piles more and more regulation on the industry and the public we will see more evidence of this type of irrational behaviour. Such behaviour is not the intended consequence of industry. One can only hope it is the unintended consequence that members of the public will be engaged in. The letter continues:

5. The AHA (NSW) has obtained further information from BOCSAR regarding those reported assaults the Premier's directive relied upon. This has confirmed a significant number of those reports did not involve any police action. In fact, in the case of the Mean Fiddler Hotel 73 "reported" assaults, only 10 resulted in further police action.
6. All licensed premises that met with licensing police were able to refute a large number of assaults as not occurring on their venues, or occurring at the door against their staff prior to entry. In one case, 25 reported assaults became 8 actual incidents—7 of which involved assaults against staff at the door BEFORE the person gained entry.

Has the Minister studied this aspect of the statistical information that he has relied upon entirely to produce his list? The relevant matters are: did the venues have any opportunity to tell the Minister something like that before they were added to the list? Did the Minister know Scruffy Murphy's has been using plastic drink containers for many months, maybe a year, or did he just put it on the list because statistics indicated a high volume of incidents? Scruffy Murphy's is a very attractive hotel for overseas backpackers and young tourists. Does Scruffy Murphy's already know what the Minister's unpublished regulations will contain from 1 December? Good thinking, Government! It really is on the ball!

Relying upon raw data for the number of assaults will result in a number of licensees failing to report assault allegations of a minor nature on their premises, due mainly to the negative publicity of naming the premises publicly, and the concomitant consequence of ending up on the Minister's list and being penalised even further—it is counterproductive. The AHA proposes an alternative to this raw-data approach, which I will not go through now. It is worth consulting with industry to ascertain whether everybody can agree on a better approach to get good information rather than rely on flawed raw statistical data on which the Minister has based almost everything he has said.

The Opposition will not oppose this legislation. Members of the Opposition have no choice but to take a lot of this material on trust. I hope the Minister is now aware of our frustration when law is made in this place on information that is hard to interpret and on which the Minister relies to make changes, particularly law that will affect many people and the industry and which is to come into place very soon. The legislation contains contradictions, which will make it difficult for members of the public—me included—to interpret where truth and reality lie. We will have to wait to see whether the consequences of the legislation are what we are all hoping for and what its unintended consequences will be. I do not think the Minister has given this legislation anywhere near the time he should have. I do not think he has engaged in sufficient meaningful consultation with

industry. Unfortunately, this very immature Premier sees the legislation as a good way to bang out a press release, respond to talk and let someone else mop up the consequences. That is what we are trying to come to grips with today.

Ms MARIE ANDREWS (Gosford) [10.56 a.m.]: I support the Liquor Legislation Amendment Bill 2008. This bill demonstrates this Government's determination to tackle alcohol-related violence and antisocial drinking. Sadly, despite the best efforts of our courageous and dedicated local police officers who work to protect the community from alcohol-related violence, my electorate of Gosford is not immune from such problems. Our beautiful coastlines, our open spaces and our thriving hospitality industry combine to make the Central Coast a wonderful place to live and one of the State's most popular tourist destinations. It is important that we do everything we can to ensure the safety and future of one of the State's treasures, and that is why I am pleased to support the legislation before the House today.

We know that one of the key drivers of alcohol-related violence is late trading, and that is what makes the Premier's commitment to end new 24-hour licences so important. I am therefore pleased that this bill gives effect to this commitment and amends the Liquor Act so that all new licences are limited to 18-hour trading. With almost one in four residents in my electorate aged under 18, under-age drinking presents as a serious concern and comes at a substantial cost to the Central Coast community. This legislation ensures that we are protecting our young people by effectively discouraging dangerous drinking habits. The transition from P-plates to full licences is an important rite of passage in the lives of many young people. The proposal to extend the probationary licence period by six months for young people caught using false identification sends a direct and loud message that under-age drinking will not be tolerated. Six months is an eternity for a teenager.

Under-age drinking and the consumption of alcohol in beachfront areas have been a significant concern in the local community, and have resulted in broken glass and litter, vandalism and assaults at our scenic waterfront areas. I am pleased that the Premier's new measures will help to address those issues. Antisocial drinking and consuming alcohol in beachfront areas, such as Umina and Ettalong within my electorate of Gosford, and also in the waterfront areas of Woy Woy, Gosford and other locations, will now be targeted by the new powers, enabling police and council rangers to confiscate alcohol being consumed in declared alcohol-free zones and tip it out on the spot.

The practicality and immediacy of these amendments demonstrate the commitment of local police commands, local councils and all arms of government to work together to overcome this problem. Not only does under-age drinking cost the local community; it involves a serious health issue—the health of our young people. These new restrictions aim to reduce intoxication and the associated impacts on the community while increasing safety, particularly in my electorate of Gosford where local residents and businesses have had enough. They are fed up with alcohol-related crime. Brisbane Water and Tuggerah Lakes local area command police officers have made considerable efforts over the years to reduce alcohol-related crime in local communities.

I take the opportunity to commend the police officers, in particular the licensing police who have gone to tremendous effort to curtail intoxicated-related crime in our area. Their efforts have involved lockouts at a few nightclubs on the Central Coast. Unfortunately, the owners of some of the nightclubs have not co-operated with police to help combat this problem. The R3 squad has been established to focus on the trouble spots at known danger times over the summer period. These new measures will greatly assist police in targeting under-age drinkers, public drinking and drunken louts who engage in antisocial behaviour and violence. I congratulate the Premier, the Minister for Gaming and Racing and the Government on introducing the bill to the House. I am convinced that this legislation will go a long way in addressing antisocial behaviour and vandalism, which, unfortunately, in many instances goes hand in hand with the excessive consumption of alcohol. I take pleasure in commending the bill to the House.

Mr THOMAS GEORGE (Lismore) [11.01 a.m.]: In speaking to the Liquor Legislation Amendment Bill 2008 I declare at the outset that I have an interest in a hotel and have been a previous hotel licensee. I compliment the shadow Minister for Gaming and Racing, the member for Upper Hunter, on his dedication to this issue and his contribution to this debate. I want to put a few matters on record from an experienced point of view. As I have already said personally to the Minister for Gaming and Racing, liquor accords are a very important mechanism in the liquor industry. However, I do not believe they have been used to their full extent. I believe, and I will continue to advocate, that licensees should be required to be members of a local liquor accord. Generally only hotels take part in liquor accords. Licensees of other outlets that open early hours of the morning, such as bottle shops, do not consider that they have a responsibility to take part in a liquor accord. I believe that any licensee of any liquor premises should be required, as part of a licence, to be a member of a liquor accord.

The shadow Minister referred to matters recorded against a hotel. For example, a gentleman who is intoxicated, in the opinion of security staff at a hotel, comes to the front door of the hotel and wants to gain entry. The security staff immediately refuse entry. Because of problems associated with the person wanting to gain entry into the hotel the police are called to deal with him. The matter is recorded against that hotel. The next morning the licensee of that hotel talks to licensees of other hotels in the area and finds out that this person had been evicted from two other pubs. Yet when the intoxicated person turns up at this pub and the security staff do the right thing by refusing him entry the conviction of the intoxicated person is recorded against the hotel that refused entry, not the two hotels that he was evicted from. Under the liquor accord at Casino hotels inform other hotels when a person is evicted. That measure could work in country areas but may be difficult to implement in city areas. At times intoxicated persons can be smuggled into a hotel amongst their mates and staff do not realise they are intoxicated until they are inside the hotel. I reinforce the shadow Minister's comment: the hotel that does the right thing and refuses entry has the charge recorded against it.

I also compliment the shadow Minister on comments he made about the amount of traffic through hotels. He said that no consideration is given on a pro rata basis to the amount of traffic that passes through hotels. A hotel with 2,000 patrons a day—such as hotels in the electorate of the Minister—may deal with more problems than a hotel with 20 patrons a day does. But on a pro rata basis, the number of problems dealt with by the hotel with 2,000 patrons may be no worse than the number dealt with by the smaller hotels. Based on the number of customer visits, the larger hotels probably are running as good or better a pub or licensed venue as some of the smaller hotels. However, no credit is given to the larger organisations for the number of customers or the number of kegs put through a day. People are critical of big venues but, as the shadow Minister said, on a pro rata basis—for example, the number of patrons per day at Penrith Leagues Club—they may have a very good record. Sadly, the statistics do not reveal that good record.

The best measure to implement in the running of a hotel, from a licensee's point of view, is to use plastic cups for large crowds. Most pubs, when they get large crowds, will convert to plastic cups. A lot of people complain, especially beer drinkers who do not want to drink beer out of a plastic cup. Probably no-one likes to drink from a plastic cup, but on a big day converting to plastic cups is the easiest way to deal with large crowds. As I said, a lot of people hate drinking out of plastic cups and it can cause arguments if people are given a beer, a spirit or a soft drink in a plastic cup.

Mr Kevin Greene: Polycarbonates.

Mr THOMAS GEORGE: Polycarbonates, yes. As I said, I wanted to put on record some practical ideas in support of the shadow Minister, who covered every aspect of the bill. As the shadow Minister said, at this stage the Opposition does not oppose the bill. Although the Government has the responsibility to introduce laws in this State, we must bear in mind that licensed venues, whether they are pubs, clubs or bottle shops, try to carry out their requirements in a professional manner.

Mrs DAWN FARDELL (Dubbo) [11.08 a.m.]: I do not oppose the Liquor Legislation Amendment Bill 2008. However, I want to speak about concerns that have been raised with me in relation to the Dubbo Liquor Accord, one of the first liquor accords in New South Wales. I recently received a letter stating that the operation of the new Act is causing considerable concerns to the members of the Dubbo Liquor Accord. All industries under the banner of hospitality, including clubs, hotels, restaurants, bottle shops and motels, have expressed concerns.

I will go through those concerns: The powers of the Director of Liquor and Gaming are wide reaching and do not have the fairness of a court-based system. Businesses are seriously concerned that any complaint made against them will be acted upon without any evidence being required and that the complainant is not required to substantiate his or her claim. Action may be taken against a whole community rather than just targeting the premises that are responsible for the misconduct. That does not reward the vast majority that are doing the right thing. Action could also be taken to address the lack of Government resources rather than a premises' misconduct—for example, reducing trading hours because of lack of police. Giving all this power to one person is a breakdown of natural justice and proper protocol.

The guidelines issued were far too restrictive according to members of the Dubbo Liquor Accord and subject to individual interpretation. Just about any promotion that they are currently holding or have held in the past may be deemed prohibited under the guidelines. They should be allowed to promote their businesses provided they adhere to responsible service of alcohol [RSA] practices. In regard to trading hours, there have been many rumours circulating about the reduction of trading hours as a blanket solution to reducing

alcohol-related incidents. Once again, responsible service of alcohol practices should be targeted, not just blanket trading hours. The blanket reduction of trading hours may cause more activity in public places, such as parks and private homes, where there is not the supervision from a licensee and staff trained in responsible service of alcohol, or the added assistance of security staff. This will give ready access to alcohol to minors and will result in more neighbourhood disturbances.

We heard from the member for Upper Hunter. In my area at the moment at the weekends minors are raiding their fathers' bars. Sometimes their mums and dads are at home but because it is happening on their premises no charges are laid. This happens every weekend in Dubbo. Minors are vandalising street signs and letterboxes. Those involved are not the indigenous youth that everyone seems to target when we have issues in Dubbo, they are from homes of the well-heeled. We need laws to deal with this increasing problem.

Members of the Dubbo Liquor Accord also mentioned that a reduction of trading hours will not necessarily reduce assaults. Statistics show that there are more incidents of assault happening in public places or private homes than on licensed premises. All premises are judged on the worst operator with no reward for good operators. The law does not take into account responsible service of alcohol practices, staff training and well-managed operations being good corporate citizens, as most clubs and hotels are. It discriminates against those whose regular working hours are different from 9.00 a.m. to 5.00 p.m., assumes that any person in a licensed premises after midnight is there for the purpose of excessive consumption, binge drinking or alcohol abuse and assumes that all problems in the street are a direct result of licensed premises trading.

After a cricket grand final at Dubbo one team was in the Milestone Hotel. At 10.45 p.m. the team members saw members of the opposing cricket team coming down the street, very inebriated and taking up the whole of the main street and looking to cause problems with the other team. The hotel had the commonsense to close the hotel doors and call the police. But where is that sort of statistic recorded?

Members of the Dubbo Liquor Accord were given a document containing examples of activities or promotions likely to cause people to drink excessively. Included were promotional cards, external advertising of a complimentary drink and promotions, events or festivals. These are already covered under responsible service of alcohol guidelines. Any type of promotion, however run or described, is already subject to responsible service of alcohol practices, which should be enforced. Also included are competitions, games of skill, challenges, lotteries, games of chance and where entry, participation or outcomes depend on the consumption of alcoholic beverages on the licensed premises. If entry is gained by the purchase or supply of alcoholic beverages, the awarding of prizes of alcoholic beverages and the consumption of the alcoholic beverage prize on the licensed premises in such cases are included. Examples given were skolling games, boat races, beer pong, flip and win, schooner draws and joker poker.

The accord claims that all businesses that run a promotion expect to sell their product. A licensed premises would expect its promotion to result in the consumption of alcohol. This does not suggest that any or every promotion will lead to the excessive consumption of or abuse of alcohol. Again, the message should involve responsible service of alcohol practices, not the banning of ordinary promotions such as toss the boss, schooner draws, buy a drink for a ticket on the chocolate wheel and buy a drink and receive a ticket in the draw for anything—hats, T-shirts, Christmas hampers. All these activities are widely known in rural and regional New South Wales and probably in areas in Sydney as well.

Concerning the labelling or titling of promotions, examples were given of laybacks, beat the clock, and drink like a fish. The term "shot" has been widely used for a neat nip of spirit or liqueur. If a person wants to drink a straight nip of anything—for example, a fine malt whisky or Bailey's—they should be able to do so, provided responsible service of alcohol guidelines are not breached. A person should not be forced to consume it with ice or a soft drink mixer. Examples were given of drink cards that provide multiple free drinks, extreme discounts or discounts of limited duration. Drink cards encourage loyalty to a premises: they offer discounts for pre-purchase or vouchers for a specific purpose. There is nothing to suggest that these will cause excessive or rapid consumption of alcohol. The way alcohol is consumed is already covered by responsible service of alcohol guidelines.

A pensioner may buy a book of 10 schooners for the price of eight, but it does not mean that they will consume more than normal or at a rapid rate. Premises keep a list of patrons' birthdays and send patrons a voucher to use within a month of their birthday. I regularly receive them. A venue could not give away a raffle prize of five schooners. Examples of non-standard containers included a yard glass, multiple supply of shooters, laybacks and jugs of mixed spirit. Members of the Dubbo accord state:

Non-standard containers is a broad statement. We have many different types of glassware apart from 7oz, middy, schooner we have hi-ball, pints, different size wine glasses and champagne flutes, promotional glasses for different products e.g. becks, steinlager etc. The Guideline goes on to say jugs of mixed spirit are prohibited but does not mention jugs of beer. Drugs are commonly used by groups of people sharing either beer or mixed spirit. Again this should be fine subject to RSA.

In regard to the amendment about happy hours, the examples are that the time frame for the promotion is more than two hours and the timeframe for promotion occurs after 9.00 p.m. and separation between each happy hour is less than four hours. The liquor accord response was:

Happy hours are traditionally held in quiet periods or on quiet days. This would prevent doing cheaper prices from say 9am to 4pm which is mostly used by senior citizens. It would also prevent cheap Tuesday, currently being used by many other industries, petrol stations, movie theatres, pizza stores. It does not mean that people will consume alcohol excessively and is still subject to RSA practices. It also does not take into consideration of a premises normal price, eg happy hour price in a restaurant may still be dearer than normal price at a club. To say this promotion is OK before 9pm but not after is discriminatory against workers whose regular work hours are not 9am to 5pm. Nightclub style operations use this type of promotion to encourage people to come out earlier rather than later which is what the police want.

The policy on extremely discounted drinks gives no consideration to a premises' normal price and does not allow the premises to discount a discontinued line. Buy one get one free is normally used by two people and does not mean one person will consume twice as much. The service or consumption of alcohol is already addressed by the responsible service of alcohol guidelines. Examples of more than one free drink included free drinks until first points scored, gender-based discounts and free drinks for two hours. Liquor accord members claim:

This doesn't even allow us to give away a bottle of wine as a trivia prize. It doesn't even allow 2 schooners as a chocolate wheel prize, and certainly not a carton of beer as a raffle prize. Free drinks until first points scored has been a popular promotion on Grand Final Day it is still subject to RSA practices as is the rest of the day after the points have been scored. This is far too restrictive.

In regard to undercover or stealth marketing and viral marketing, the draft gave examples of persons engaged to talk up alcoholic beverages to patrons they befriend or persons engaged to spontaneously and enthusiastically talk up consumption of alcoholic beverages. Members of the Dubbo Liquor Accord claim that this could mean staff are no longer allowed to wear promotional shirts or recommend a product. A customer who asks, "I don't know what I want, what do you suggest?" would have to be told, "I'm sorry, sir, I'm not permitted to suggest anything".

In regard to holding a patron's financial institution card or providing alcohol on a credit card pay later basis, the accord says that the most serious of the guidelines would prevent running a tab for a work party where an employer hands over a credit card for a few staff he has brought to the pub and pays at the end. It would prevent running a tab for any reason—for a group of family or friends or for a function. It would prevent restaurants from billing you for alcohol at the end of the night. It would prevent the use of mini-bars in motels. Examples of promotions in conjunction with competitions that could potentially result in harassment of patrons and staff include sexually provocative activities, dangerous or unsafe behaviour, and lewd and indecent behaviour. Members of the Dubbo Liquor Accord claim:

Not sure what this is getting at. Would it make the competition for the search for a "Crusty Babe" (held when the Crusty Demons visited town) illegal? Competitions for the Gold Coast Indy girls? (once held in Port Macquarie) Does it ban lingerie waitresses? How will this affect bars in Kings Cross (strip clubs) will they now be illegal?

The language of this legislation is of concern as it says "Liquor Activities and promotions that will be subject to a notice under section 102". It does not say "may". It further says "Common examples include but not limited to" which leaves it wide open to be breached for anything.

In conclusion this legislation suggests even further that people cannot think for themselves and are not responsible for themselves. It also treats the entire community as 18 year old "binge drinkers". The message should be the "Responsible Service of Alcohol" and all promotions should be subject to this one easy message. The whole point of the new Liquor Act was to make the law more simple.

As I said, I will not oppose this legislation. Whether the problem relates to domestic violence or alcohol, the police are always called in last and are expected to clean up the mess. I listened to their concerns about that. The intent of the bill is commendable and I will not oppose it. However, it must be regularly reviewed to ensure that the regulations are achieving what they are intended to achieve. The lines of communication should also be kept open between everyone involved in the process, particularly the police. I am concerned that someone involved in the industry might not like a competitor and could make a baseless complaint to the licensing sergeant and the competitor's premises would be closed down without a good, sound reason.

Ms CLOVER MOORE (Sydney) [11.21 a.m.]: I commend the Premier for taking action on the impact of alcohol-related violence in our communities when others have failed to in the past. Alcohol-related violence has been a very serious problem in our city, and for many other areas, particularly Manly and Newcastle. I also

commend the former Minister, the Hon. Graham West, for responding to the community call for a more civilised drinking regime, including small bars, in his liquor reform bill. That was done eight years after Bob Carr committed to do it.

I support the Liquor Legislation Amendment bill, and I do so not as a wowser but as a very strong promoter of an exciting and dynamic city with a vibrant night-time economy. The bill will put a freeze on new 24-hour licensed premises. The bill also allows the police commissioner to give council officers ongoing powers in alcohol-free zones. The current fine system will be removed and powers will be focused on confiscation of alcohol. Alcohol-free zones will need to be reviewed every four years rather than three years. The bill also provides for a six-month extension on probationary licences for minors caught using or faking an ID to obtain liquor or to get in to a licensed venue.

Having a vibrant late night economy is essential to Sydney's status as a global city. Residents, visitors and tourists, particularly young people, need to have places to go out for a drink and dance, see live music and socialise late at night. A thriving night-time culture adds to the character and liveability of a city. While it is important to have a vibrant going-out scene, it is also important that we ensure safety for patrons and protect amenity for residents. In some areas alcohol-related violence and other impacts are beyond what our communities are prepared to, or should have to, tolerate. Action is needed.

The Sydney electorate is home to major late-night trading districts, including Kings Cross, Oxford Street-Taylor Square, George Street and the Entertainment Quarter. My office often receives complaints from residents concerned about the impacts of excessive liquor consumption in these areas, which also have the highest concentration of population in Australia. Glassings, homophobic violence and vilification, public urinations, vomit on the side of the road and patrons passed out on our streets the morning after reflect poorly on our entertainment scene, instil fear in the parents of patrons and require government action.

In 2007 one in every eight assaults in New South Wales took place in the city of Sydney, and at least half were alcohol related. Crime and policing evidence demonstrates a strong link between the number and density of late night and 24-hour trading licensed premises and alcohol-related crime and antisocial behaviour, with higher levels of alcohol-related crime in areas where extended-hour licensed premises are concentrated. In the city binge-drinking, antisocial behaviour and conflict with local residents are particularly associated with areas that have a concentration of large venues. Council staff estimate that the city last year spent more than \$7 million to address the impacts of alcohol through safety programs, compliance, cleansing and policy development.

While most people behave responsibly when they go out to have something to drink and to socialise, the situation can become unmanageable where there is a high concentration of venues bringing hundreds of thousands of people to a small area, combined with a growing trend of youth binge-drinking. I do not believe the answer is to create a nanny State and to shut down all venues. Well-managed late-night premises contribute to making Sydney an exciting place. That is why I support the Government's decision to work with and impose conditions on the 48 venues with the highest number of assaults on premises. As of 1 December the new conditions for these venues include a mandatory 2.00 a.m. lockout. Contrary to what many people think, that does not mean the venue will be required to close. It means that no new patrons will be allowed entry. From midnight there will be glass and shot bans, drink purchase limits and 10-minute breaks in alcohol sales, and no alcohol sales will be permitted in the half hour before closing.

The Government has said it will also review security arrangements in each of the venues and work with licensees to provide increased security and additional transport options. Additional neighbouring venues may also be added to the 2.00 a.m. lockout ban if police observe a local spill-over effect. The list includes venues in the CBD, Kings Cross and Oxford Street, where my office regularly receives reports of serious problems and violence. Some of the venues on this list of 48 are concerned about the impact that these restrictions will have on their business. There are also concerns about there not being a right of appeal for venues and about restrictions encouraging licensees not to report violence and other impacts caused by patrons not being able to get back in to venues. The Government says that these venues were independently identified by the Bureau of Crime Statistics and Research as premises with frequent violence. I also understand that the restrictions can be lifted where there are improvements. I hope that this will occur.

Some people in the gay, lesbian, bisexual and transgender communities are concerned that their venues have been unfairly targeted on this list because the violence associated with their premises is not caused by

patrons or poor management but, instead, by homophobic patrons of other venues who attack their patrons in the front of the venue. Some venues that have a reasonable reputation have also been included on the list, potentially because they take the responsible approach of reporting violence on premises.

The community has also raised concerns about unintended consequences that could worsen problems as venues try to avoid or exploit the new restrictions. I am particularly disturbed by a rumour that some venues in the Oxford Street precinct intend to stop reporting assaults on premises so that they can be taken off the list. Local residents have also reported that some venues currently not on the list are rushing through expansion plans in order to capitalise on possible increases in early morning drinkers. Some of these are venues about which I receive regular complaints and which have a reputation for problems. These concerns need to be addressed and I ask the Minister to respond to them in his reply. I also ask the Minister to maintain ongoing communication with City of Sydney officers to resolve these issues. I ask that the Government closely monitor the progress of these restrictions to ensure that there are benefits and that the outcomes are reported back to Parliament.

The statistics used include only reported assaults on premises, while many problems go unreported or occur in surrounding streets—and the violence spilling over onto our streets is a major problem. The violence in our public domain is the most important problem. I understand that additional venues can be added to the list and subject to these new restrictions. I ask that the State Government work with councils and police in this process. I support the freeze on new 24-hour licences with provisions to approve different closing times to meet different community needs. I point out that 24-hour trading has been a particular concern to residents in my electorate. While there is a place for 24-hour trading in Sydney, when it is located in residential areas conflicts will always arise. The City of Sydney adopted a new Late Night Trading Premises Development Control Plan last year to improve planning for late-trading licensed premises. The plan made extended operating hours a privilege based on a proven record of good management.

In areas such as Kings Cross, Oxford Street and Taylor Square there is strong argument, indeed evidence, that 24-hour trading has reached saturation. However, past attempts by the city to refuse development applications for late-night trading on the basis of cumulative impact or saturation have not held up in the Land and Environment Court. The city began research in early 2007 on the concepts of cumulative impact, stress areas and saturation level to determine how a saturation point could be determined for Kings Cross, Oxford Street and Taylor Square. Based on the draft findings from this research, indicators of cumulative impacts include crime levels. Rates of alcohol-related crime in entertainment precincts compared with the capacity of policing resources to manage crime levels are a very serious concern to the police commanders in both Kings Cross and Surry Hills.

Transport capacity is also an issue because of the number of patrons within a precinct compared with the capacity of transport services to respond at appropriate times. That is a very serious issue that leads to a great deal of violence, particularly in the Darlinghurst Road and Oxford Street areas. In addition, the holding capacity of premises creates problems because of the total number of patrons approved for premises within a precinct compared with the likely maximum capacity of the precinct. Community perception of the impacts of late night alcohol trading and the level of satisfaction/dissatisfaction with the environment created is also an issue. Alcohol-related health and social data and the costs of these impacts, including the costs to councils, should also be considered.

How these criteria can be incorporated into our planning controls will be reported to council at our next meeting. However, I believe that these principles may best be incorporated into the licensing process, requiring cooperation with the State. I support removal of the fine system in alcohol-free zones so that powers of confiscation are used, removing the risk of homeless or young people getting caught up in a cycle of secondary charges related to unpaid fines. However, I have serious concerns about council rangers getting powers of confiscation in alcohol-free zones. Council rangers do not have the same powers, training, resources or support as police officers to deal with situations of potential violence. I am concerned that council rangers could find themselves in difficult and even threatening situations that they are not equipped to handle if they attempt to confiscate alcohol from people in alcohol-free zones. Illegal drinking is a matter for the police.

In order to resolve the range of other immediate and long-term impacts from late-night trading premises, I believe the State Government must also increase frequency of public transport for late-night patrons to reduce impacts on residents and businesses in late-night trading precincts; urgently act to ensure taxis are available in late-night trading precincts, including an overhaul of the 3.00 a.m. taxi changeover time and provision of secure taxi ranks; make participation in liquor accords compulsory for all premises with liquor licences; pursue action following the proposed high-visibility policing campaign in alcohol violence hot spots to

remove extended trading hours from the worst managed licensed premises; impose a temporary freeze on new and expanded large venues in identified problem areas while a framework to assess cumulative impact and determine saturation is enacted in law; adopt in State legislation the principle that extended trading hours are a privilege, not a right, with all extended hours on permanent trial and review; and introduce mandatory controls on alcohol advertising, similar to those for tobacco.

I understand that the new measures in this bill are short-term, interim solutions and I support plans to develop a safety star-rating system to reward safe practices and good records and establish statewide sanctions for high-risk venues. We need a new civilised drinking culture, with sophisticated management of licensed premises. That is why I supported the small bars legislation and the recent reform of licensing laws. Late-night venues have a role in our cultural and social life, but they need to be well managed in appropriate locations to ensure a vibrant and liveable city. The first small bar is expected to get a licence under the new system this week and I am really hopeful that it marks a change in our drinking culture.

I understand also that the need to prepare community impact statements is discouraging some potential small bar operators as there are additional costs and the process can require expertise. While this impact assessment is vital, the current process includes unnecessary and costly duplication and is hampering the intended aims of the licensing reform. Councils are required to look at community impacts as part of the development application process and have expertise in this area. Therefore, it is logical for councils to carry out the assessment of community impacts for new licensed premises, efficiently combining the two assessment processes. [*Extension of time agreed to.*]

To help stimulate a much-needed change in drinking culture, I call on the Government to make the community impact assessment of licensed premises part of the development application process, rather than a separate process carried out by the applicant. I do not endorse prohibition and it is important that we support youth culture including bands, the music industry, business entrepreneurs and artists. But we must ensure that night entertainment areas are civilised and safe, and police and hospital resources are not clogged responding to incidents caused by excessive alcohol drinking. Binge drinking in our youth is a cultural issue and it needs to be addressed at the cause. What makes our youth choose to drink to such extremes? While we are looking at addressing the causes, I support this bill's proposal to manage some of the immediate impacts of alcohol-related violence and antisocial behaviour, without destroying the vibrant cultural and social life of our city.

Mr RUSSELL TURNER (Orange) [11.33 a.m.]: While the Opposition has some concerns about the Liquor Legislation Amendment Bill 2008 we will not be opposing it. The bill will amend the Liquor Act 2007 to restrict the trading hours of licensed premises, to amend the Local Government Act 1993 in relation to alcohol-free zones and for other purposes. The bill will give police and local government enforcement officers new powers to confiscate and tip out alcohol in alcohol-free zones. That could lead to some confrontation. There is a difference between tipping out a half empty can of beer and emptying a full bottle of bourbon that might be worth \$30 or \$40. It will be interesting to see how that provision works. A couple of years ago there was a problem with illegal drinking in Robinson Park, which is just near my office and is encircled by a number of hotels.

When that was reported, the licensing sergeant would simply walk through the park. Invariably, by the time he reached the group of people who were drinking the alcohol had been secreted in a rubbish bin. He would merely go to the rubbish bin, take out the alcohol and ask the people nearby whether anyone owned it. Of course, no-one owned up to it so he tipped it out. That worked fairly well without this new legislation, but not all licensing sergeants were prepared to go to that extreme. There is a lack of incentive for local councils to issue infringement notices for drinking in alcohol-free zones simply because the previous \$20 fines were often not paid and were not followed up. On occasions we would notice dropped in Robinson Park infringement notices that had been issued the day before in another town. Obviously, the person who had been given the infringement notice had no intention of paying that fine. Under this bill infringement notices will no longer be issued. Time will tell how effective this bill will be.

The bill also amends the Liquor Act 2007, the Local Government Act 1993 and the Road Transport (Driver Licensing) Act 1998 to, amongst other things, introduce regulations requiring young people who use fake identities to stay on their provisional drivers licences for an additional six months. The regulations will provide that where the offender is not a current licence holder the Roads and Traffic Authority will impose the additional six-month period when the licence application is made. Those regulations will provide that the Roads and Traffic Authority will not take any action if the licence application is made more than five years after the

offence. This sanction will apply to offenders who are 14 years or older when committing the offence. I am sure a number of young people will not be aware that an extra six months has been imposed until they go for their P-plate licence. Again, time will tell how effective that provision will be.

The bill will require a six-hour closure each day as a condition to be included in all new liquor licences granted after 30 October 2008, the day on which the Premier made the announcement of the freeze. The six-hour closure will also apply to all existing liquor licences that have been granted extended trading after 30 October 2008. The majority of the general public would agree with the six-hour closure because they would not be in the habit of going to hotels and staying until the early hours of the morning. Most people would not have the capacity to drink for 24 hours. Some people may on rare occasions drink into the early hours of the morning if they are celebrating something and they may find this legislation inconvenient. However, they should have had sufficient to drink by 4.00 a.m. and should not want to start drinking again until 10.00 a.m.

I note that the bill allows exceptions to the six-hour closure period to be prescribed by regulation. It also allows hotels and motels to continue to sell liquor to patrons for consumption in private rooms during the six-hour closure. That is commonsense because these venues have mini-bars in every room and it would be impossible to enforce. Most people drink responsibly and the majority of problems with alcohol-related violence do not occur in hotels or clubs but in private homes. The introduction of the responsible service of alcohol has assisted to reduce alcohol-related violence, although I accept that the current trend of glassing is very disturbing. I am pleased that the bill restricts the use of glass containers and stipulates that plastic containers must be used after a certain time.

No matter what laws we pass to improve the responsible service of alcohol in licensed premises, alcohol-related violence in the home will continue. Nothing we can do will stop that, other than to educate people about their rights and informing women that they do not have to tolerate that abuse. Above all else, violence sets a terrible example for children in those homes. A recent advertisement on television depicts a father asking a child to get him another beer. That teaches that child that relaxing and having a beer is a normal part of daily life. I hope these television advertisements can have an educative effect on our children. I know that is outside the leave of the bill, but it relates to the excess consumption of alcohol and the violence that flows from it.

Orange does not have the same problems that the member for Sydney referred to with respect to Kings Cross, but a number of hotels in Orange continually come to the attention of the police and the media. On a number of occasions one hotel was forced to close its doors for two or three days. A number of other hotels in the central business district have taken active steps to limit excess alcohol within the hotel, club or nearby with alcohol-free zones. They have organised with the taxis to spread out taxi ranks on Friday and Saturday nights to avoid large numbers of patrons from different hotels converging into the one area. That has been beneficial. Indeed, many hotels in Orange choose not to have extended trading hours and even on Saturday nights some close at 10.00 p.m. or 11.00 p.m. Most of the hotels in our small towns and villages work out what is a reasonable closing time. Only a small number of hotels in the city or country towns seek to have extended trading hours, which the Opposition and the Government have been tackling for some time.

There is considerable debate about increased binge drinking. I do not know whether that is factual. When we were young on occasion we had too much to drink, but we were quiet drunks rather than abusive drunks. This bill is aimed more at the abusive drunks, who cannot handle alcohol, not the guy or girl who sits quietly in the corner and then goes home—whether or not they drive is another issue. The vast majority of patrons who are celebrating or having a quiet drink do not want to become involved with the small number of people who insist on being violent. We certainly abhor the use of a glass to injure another person, especially a female who is not party to excessive alcohol.

The Opposition supports the thrust of the bill. I accept that further amendments will be required to take into account emerging trends. We must constantly monitor the situation to see what we can do to reduce alcohol-related violence in our towns, villages and cities, given that the vast majority of people are responsible when they are having a quiet celebration at the end of a week. Alcohol will never be removed from society, and I would not support that because I like a drink now and again. However, I will support any measure that will reduce alcohol-related violence in our hotels and clubs and within the home environment. Therefore, I support the bill.

Mr MIKE BAIRD (Manly) [11.48 a.m.]: Although the Opposition supports the Liquor Legislation Amendment Bill 2008, I am concerned about the way policy is being developed in this area and that the

Government is looking for headlines rather than outcomes. I relate that back to the local liquor accords that have made a number of positive steps recently, particular in Manly. Alcohol-related violence is widespread throughout the State and is the scourge of many communities. It has troubled the Manly community for the past decade, if not longer. There is a culture in our society of drinking to excess. That is to be condemned and we must look for proactive measures to change that culture and behaviour so that a night out will be not one of fear of assaults while trying to get home but one of enjoyment.

I would happily agree with any measure that would improve the problem. If clear evidence were presented for any such measure, I would be 110 per cent for it. I certainly believe the former Minister for Gaming and Racing, Graham West, did a good job in relation to the previous liquor bill. A number of strong initiatives in that bill have already started to take effect, and I believe we are on the right track. In Manly we have seen changes in the culture. Significant gains are being made in Manly, not just in relation to curbing alcohol-related violence but in the way the whole precinct is managed. It is important to share these with the House. My concern remains, however, that all the good local work could be undone by a culture of policy by media release, which was well articulated by the shadow Minister for Gaming and Racing. We are fortunate to have the member for Upper Hunter as our shadow Minister for Gaming and Racing. His experience and overall expertise in this area has been of benefit not only to our side of the House but, I believe, to the entire House.

The Liquor Legislation Amendment Bill seeks to introduce a freeze on new 24-hour licences, give police powers to tip out drinks in alcohol-free zones, and extend the provisional licences of young people caught using false identification. There are also several regulations contained in the bill, which will come into effect on 1 December. However, as yet the detail of the regulations remain unseen by the very venues they affect. The regulations have not been formally presented to the local liquor accords, which is one of the major concerns I have with the legislation. It is a shame that the Government has not considered it worthwhile to consult in a broad and real way with the industry and the local liquor accord to seek their input as to whether the proposed regulations will work.

The proposed regulations include mandatory 2.00 a.m. lock-outs; no alcohol served 30 minutes before closing time; no glass use for beers served after midnight; limits on drinks purchased after midnight; and 10-minute time-outs in service every hour after midnight. All those measures, in isolation, seem potentially reasonable, but we need scientific evidence to show that they will work. As an example, with regard to the 10-minute time-outs in service every hour after midnight, how will that work? Will it not create congestion around bars? Will there be a green light when drinks start to be served again? This is just a commonsense approach. How will the measure help? If we are to introduce initiatives such as this, we should be able to point to scientific examples showing that they work and why they work. Is it simply a case of the Government saying, "Let's have a go at this; it may well work"? If that is the case, the Government should be transparent about the matter. It should explain to us, "This is the idea we put forward, and this is the basis of it." The Government should also explain who it consulted on the matter. It should not simply introduce legislation and say everyone will have to comply with it, without providing support for it. That is our main concern with this legislation.

Overall the Coalition does not oppose the bill, but we urge the Government to recognise the importance of consultation and cooperation in achieving meaningful reform of the liquor industry and, most importantly, achieving outcomes. Indeed, we should be focused on the outcomes. It is only through genuine cooperation between the licensees, police, council and the local business precinct that Manly has started to have significant success in reducing alcohol-related violence. Without such cooperation, the dangerous drinking culture will return. My concern relates to whether we understand some of these outcomes being achieved in our communities and what are the impacts of some of these changes in terms of the existing arrangements. I believe that over the last three or four months Manly has been leading the State in proactive measures to tackle alcohol-related crime. Six months ago pubs on Manly's Corso voluntarily agreed to trial a 2.30 a.m. closure. That came at a financial cost to the licensees. Everyone said it was about time we did something.

The licensees put their hand on the till, shut it and said, "Let's get on with it; we'll give it a go." Last year the Steyne Hotel banned Jager bombs because the licensee saw that they were being consumed at dangerously high levels. I worked with the Manly Liquor Accord to tighten the code of conduct to further clamp down on antisocial behaviour. Manly council's upgrade of The Corso, including lighting and CCTV cameras, has also improved security for patrons. In August this year the after-hours venue management plan was implemented, with further measures to improve safety for patrons. The architect of that plan was Superintendent Dave Darcy. The concept involves the whole precinct of Manly being managed as a whole, rather than isolated points being managed. The success of the concept was achieved by everyone agreeing to it, controlled and coordinated measures being implemented across the precinct, including security and transport, and all venues operating in that context.

One might ask: Have these measures been working over the last three months since the plan was implemented? Indeed, they have. As at 31 October this year there were 79 non-domestic assaults in Manly. Over the same period in 2007, there were 91 such assaults. This represents a reduction of 13 or 14 per cent in non-domestic assaults. The Steyne Hotel, in particular, has been targeted and is on the venue list. Prior to the implementation of Manly's after-hours venue management plan in August, there were three malicious woundings. However, since the plan was implemented there have been none. From 15 August to 25 November last year there were 14 assaults at the Steyne Hotel. This year, over the same period, the figure has dropped to four assaults.

A lot of work still needs to be done, but in the Manly community the after-hours venue management plan is working. It is one thing to introduce an overarching "let's change the world and let's clamp down" measure, without the scientific evidence to show that it will work. We need to understand the implications it will have on a community that is starting to achieve outcomes. That is the challenge I give to the Minister. If we chain one hotel in a whole group of hotels that are starting to achieve outcomes, does that jeopardise that hotel? I pose that question to the Minister, without necessarily having the solution to it. When we are looking at this, we need to understand that.

I asked the Manly Liquor Accord what has been its experience in the last three or four months. Doug Booker and Dave Darcy have done a significant amount of work in relation to this. Doug said that in the six years he has been a member of the Manly Liquor Accord there has not been the genuine cooperation and open communication between all players that there is now, and that that is the reason assaults are down across the board. Doug praised Dave Darcy's approach as Manly's chief police commander, which is to "coach people into change, rather than penalise, penalise, penalise", and the consultative style that has come into the accord. I have seen it first hand, and I believe it is starting to work. I do not suggest that all the measures that have been proposed should not be introduced. I believe that all of them seem to have merit in an intuitive sense, but I am concerned about the implications of implementing them without a scientific reference and what that will do to the advances of the Manly Liquor Accord.

Despite the gains in Manly, there are issues that still need to be addressed by the Government. Late-night transport remains a problem. I am pleased that Sydney Buses answered our call for extra bus services to deal with a surge of patrons that arose when venues agreed to the 2.30 a.m. lock-out. However, there is still a shortage of taxis. As a result, crowds continue to congregate and this is often when violence occurs. The local licensees have started to engage a shuttle bus company to drive patrons home. I am aware that the licensees are in discussion with the Ministry of Transport. I am pleased that the Ministry of Transport is constructively trying to achieve a solution whereby, if taxis are not providing a service, shuttle buses can be introduced. It demonstrates that the local community is working very hard to achieve results in relation to these problems. However, according to licensees and patrons, there are not enough taxis to deal with the surge, so we need to find a way to get more taxis, particularly if the shuttle bus solution cannot be implemented as a priority. The Government should be open to options to ensure that the community can get home safely late at night.

I am sure everyone would agree that over the past 10 years there has been a warranted approach to attacking licensees who have recklessly abandoned rules to suit their own purposes and have charged ahead not heeding community concerns and advice, completely disrupting local communities because of their disdain for any rules other than those that suit their purposes. I think there has been a change. I think licensees have started to understand that community concern and have started to respond to it. I certainly understand the community's concern and agree that licensees who continue their disdain for the rules should be put on the list of shame and that onerous restrictions should be placed on them. However, at the same time, a number of licensees are starting to address the concerns, and I believe we need to positively identify them and give them some latitude as they begin to bring about some positive outcomes. What are the measurable outcomes? Certainly violence through assaults is a very good measure to achieve. There are a whole range of measures we could achieve, but whatever they are we should stick to them.

Industry reform and the cultural shift required need cooperation and consultation with all stakeholders—that process failed in the lead-up to the introduction of this bill. I expected the Manly Liquor Licensing Accord, as one of the largest precincts, to be consulted. It is not hard to go to one of the biggest liquor accords and say, "Here are some of the measures we are going to introduce for those hotels or licensees that are not meeting the required measures." I am sure the Government would have received a constructive response. The Opposition wants transparency as to who is included on the list. How long will they stay on the list? By what parameters are they being measured? It is difficult to determine what the parameters are. There appears to

be some correlation to violence, but it is difficult to defend something if there is no transparency. What are the incentives to come off the list? As licensees start to reach some of the benchmarks will they be taken off the list? Will the parameters be applied to every licensee across the State?

The Opposition urges the Government to look at local solutions that are working and list these examples—Manly is a good case study. There have been dramatic improvements in the Manly precinct and good lessons learned for use by other State accords. Support should be given to achieve the trend that is evident in Manly. Government should be about significant improvement. I appreciate the need to be seen as being tough against violence, and alcohol-induced violence in particular, but if outcomes are achieved in a particular region they should be supported and the solutions promoted. I do not wish to stand in the way of any positive progress in Manly or across the State in relation to this problem. I commend the Government for tackling the issue, which has been hidden for too long. The member for Sydney said we have been waiting eight years for the legislation brought forward by Minister West—a good step forward. The legislation is an attempt to start to do more. My concern is to not just look as though we are doing something, but to aim for the outcome. If we are achieving the things that we are trying to achieve then that should be commended, not the press release that went before it.

Mr ANTHONY ROBERTS (Lane Cove) [12.02 p.m.]: I speak to the Liquor Legislation Amendment Bill 2008. The Coalition fully supports the need for something to be done but raise a number of concerns about the regulations. I commend the shadow Minister, Mr George Souris, for his remarkable work on behalf of the community in his support for the legislation but also for raising concern about the regulations. The bill seeks to address the measures the Government is intent on introducing that are not covered by the existing legislation. These include a freeze on any new 24-hour licences, limiting them to 18-hour trading; giving the police "tip-out" powers, to immediately tip out alcoholic drinks held by a person who is either drinking or has been drinking in an alcohol-free zone, or is in the immediate possession of alcoholic drinks and there is reasonable cause to believe the person intends to drink in an alcohol-free zone or in the vicinity of an alcohol-free zone; and granting the power to extend the period of a provisional licence of a young person who is caught using false identification documents—the period can be extended by up to six months.

The bill is the type of legislation we need, and the major industry bodies support its principals, but this is policy by press release. In a knee-jerk reaction the Government issued a press release and then thought, "What should we do now?" A policy has now been created around that press release, which seems to be the practice of the State Government. The Liquor Legislation Amendment Bill 2008 is a perfect example of that practice: legislation based almost entirely on a press release put out by the Premier, with little actual detail about the bill, and seemingly very little consultation on the regulations. Before I continue, I repeat that the Opposition does not oppose the legislation. We agree that the legislation in principle is needed and we welcome it. We are all in favour of reducing violence, alcohol-related or otherwise, and making this State safer for our citizens. However, policy on the run is not a solution.

I will highlight areas of the bill with which the Opposition has some serious concerns. First and foremost, the regulations are to commence on 1 December 2008—only a couple of days from now. The full measures are yet unseen by the affected venues and the Australian Hotels Association, New South Wales branch. The affected venues and organisations do not have much time to comply with the measures. One example is the replacement of all glassware after midnight with polycarbonate or similar drink containers. Will a couple of days be long enough to source all the necessary wares to comply with the regulation? The regulation also includes wine bottles and ready-mixed drinks which, while understandable, may become a problem for premises wishing to sell patrons a bottle of fine wine or champagne. What will the policy be in regards to enforcing this from day one? For example, if venues have special drink containers on order, will they be exempt from penalty until they arrive?

The 10-minute alcohol time-outs may lead to alcohol stockpiling and swarming the bar—we will return to the old 6 o'clock swills but at a much later hour—and possible incidents of bar rage in the time preceding and following the time-out, which could lead to further violence. How will this be policed? The time-outs have no fixed time frame apart from 10 minutes per hour. The list of premises is another area for concern. How long will a venue be on the list? What will it take to be removed from the list? Will there be any reward or incentive for venues on the list to improve safety measures? Furthermore, the list is comprised of venues that perform poorly according to the Bureau of Crime Statistics and Research [BOCSAR], which has been challenged as unreliable since it consists of basic raw data. In one case 25 raw data incidents became eight actual incidents, seven of which were assaults on staff at the door by people who had not been granted entry. Local liquor accords were stressed in the Liquor Act 2007; however, what incentives do venues have to stick with them, rather than withdraw and comply simply with the regulations? A one-size-fits-all solution may not necessarily be the best way to go. I ask the Government to consider that.

The Opposition does not oppose the bill but the legitimate concerns we have raised are the result of a rushed policy. In its haste to look proactive and busy, the State Government has not sufficiently thought out some elements of the bill. Members opposite should reflect on some of the concerns and provide the people of New South Wales with the well thought out legislation they need and deserve. I commend the Australian Hotels Association and ClubsNSW. All of the hotel publicans whom I know, together with the clubs, work very hard to provide a service to ensure their patrons are protected and well looked after. They are responsible individuals trying to do their best in a changing society. Rather than introducing ill thought out regulations, the Government should take a step back and consult with the affected organisations to make the legislation work.

Mr ROB STOKES (Pittwater) [12.08 p.m.]: I speak to the Liquor Legislation Amendment Bill 2008 and note that this is the second set of liquor laws to be debated in this place this year. The first set of liquor laws was introduced to overhaul the licensing system; the current legislation seeks to address the real problem of alcohol-related violence in our community.

ACTING-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the House. Members should listen to the member for Pittwater in silence.

Mr ROB STOKES: It seems odd that these two issues were not addressed simultaneously, since there is a clear causal link between the two. The scourge of alcohol-related violence must be addressed in the planning and licensing regime for the establishment of new licensed premises or variations to existing licensed premises. The main problem with the Government's approach is that the bill reacts to the problem of alcohol-related violence. Rather, it should seek to establish a system of planning for the location and operation of premises that sell liquor, which would minimise the potential for alcohol-fuelled violence.

In the context of the current debate, I draw the attention of the House to the efforts of Pittwater Council to address the problem of alcohol-fuelled violence at the earliest possible stage, that is, at the assessment of applications for liquor licences. While council does not have a direct role in the assessment of licence applications, it does have a role in advocating on behalf of the community to the Office of Liquor, Racing and Gaming. To assist in ensuring a clear and consistent policy in the making of community impact statements, Pittwater Council has developed a framework for assessing the impacts that a proposed liquor licence will have on the community. According to Pittwater Council's policy, it will assess the community impact of a proposed liquor licence by reference to a number of factors, including location, hours of operation, land tenure and licence category.

I also commend Pittwater Council for its initiative under Mayor David James to establish a Mona Vale CBD working party—which includes licensees, police, business owners, elected officials, council staff and transport providers—to develop strategies to deal with alcohol-related violence in Mona Vale, our hot spot in Pittwater. It is interesting to note that while local governments take a strategic approach to address alcohol-related violence before licences are granted, the State Government takes a far more reactive approach by trying to fix up problems that have already occurred. Nonetheless, the measures in this bill are generally sensible and deserve support. In particular, the tip-out powers to be provided to police officers are manifestly sensible and overdue. It is farcical that at present police officers are empowered to only warn people not to drink or to stop drinking in an alcohol-free zone and can act only when such instruction is ignored. The maximum penalty for this offence under the Local Government Act is only a \$22 fine, probably less than the value of the alcohol being consumed.

Even alcohol-free zones are a bit of a farce. Councils can make alcohol-free zones only on a road, reserve or car park and not on a public reserve or Crown reserve. In my community of Pittwater the main problems with alcohol-related violence occur not on roads but in the parks next to roads. Alcohol-free zones are operative only if the dates of operation are clearly displayed. As the alcohol-free zone signs are graffiti targets, the dates on which alcohol-free zones operate often are obscured. Further, the maximum penalty for a young person drinking in an alcohol-free zone is just one dollar more than the penalty for under-age drinking under the Summary Offences Act, which may take place on the other side of the street not in an alcohol-free zone. While the tip-out laws are sensible and the extension to the period of a provisional licence seems a good idea, I do not believe they go anywhere near far enough. In particular, the problems with the proposed new penalty of an extended period of a provisional licence are manifold.

First, many under-age drinkers may not have a provisional licence, so the prospect of having an extended provisional licence may not have much effect on them. Although it is not explicit in the bill, I understand it is proposed that if offenders do not have a licence and subsequently apply for one, they will

commence their provisional licence in the knowledge that they will have a six months extension. I do not know how that will operate legally. Nevertheless, I understand that is the aim of the policy. Secondly, it is difficult to see the link between a penalty that places controls on the freedom of a young person to operate a motor vehicle and the offence of using false identification documents. Surely the nature of the penalty should be linked to the nature of the offence.

Further, if the false identification document is a false driver's licence, it follows that the young person is unlikely to have a provisional driver's licence that can be extended. Also, I believe the new penalty for using false identification documents completely fails to address the main discrepancy in the law, that is, the penalty for using a false identification [ID] is far less than the penalty for using a falsified or altered driver's licence. For example, if a young person is caught with a fake ID, the fine under the Liquor Act is in the order of \$55. The penalty for using a falsified or altered driver's licence is several hundred dollars. There seems to be a clear discrepancy in this area.

The problem of alcohol-fuelled violence, particularly in my electorate of Pittwater, has become so widespread, so regular and so damaging and the response so inadequate that I do not believe the problem can be left to rest. Therefore, while I believe that the initiatives in this bill do not go far enough, I welcome them. The risks of drug use, particularly alcohol, for young people are very clear and well documented. Inhibited cognitive and social development, increased risk of assault, including sexual assault, malicious damage to property and broken families are just some of the consequences. About one in five 17-year-olds drink at dangerous levels once a week. The rates of harmful drinking are increasing in 12- to 15-year-olds and nearly 15 per cent of 16- to 17-year-olds recently have used cannabis. The problems of alcohol and drug use cost the New South Wales economy millions of dollars in extra policing requirements and healthcare.

For example, in Pittwater for the second time in as many months the riot squad was called to disperse hundreds of drunken youths. This time it was at the Avalon Family Market Day. Requiring the riot squad at a family market day is emblematic of the seriousness of the problem, the reactive and inadequate Government response and the critical need for an integrated response. The Government must react not only to the problems that are occurring but also examine the licensing and planning levels to ensure that these problems are, at least, less likely to develop. Such changes can help public authorities reclaim the public spaces for community events such as the Avalon Family Market Day and raise the probability that where young people are drinking, it is clearly and effectively prescribed by our laws.

However, unless this is combined with more resources for the families of students and adolescents, councils and police may succeed only in displacing the problem. Families are the single most important conduit for values and information on alcohol abuse. They are the force that balances the ambiguous and insidious messages of commercial media and the pressure of peer groups. Yet policy does not reflect their fundamental role in prevention. We must increase and strengthen the capacity of families to inform children about and deal with the effects of substance abuse, such as alcohol abuse. The ambiguity and confusion that families often experience can be addressed through initiatives such as the one undertaken last week by St Marks Anglican Church in Avalon. My thanks go to Jaime Dixon, the assistant minister, and Stu Holman, the minister, for organising, catering and addressing a community seminar titled "Drug Proofing your Kids", which was aimed directly at giving parents the tools to reduce the risks their children face from the abuse of drugs, such as alcohol.

The program emphasises that strong intra-family relationships, in concert with well-informed parents and children, are an effective and bottom-up method for preventing substance and alcohol abuse. The New South Wales Government should encourage these types of preventative community initiatives by making funding available to support them or assisting local councils to hold similar events. Investment in the short term may help to reduce the massive burden upon the New South Wales health and law enforcement systems, and equip our young people with the ability to respond independently to the allure of dangerous drugs and dangerous levels of alcohol consumption. It is our responsibility as parents and legislators to protect our children and adolescents from dependency and harm at this exciting and vulnerable point in their lives. Put simply, by empowering families we empower our young people to make choices about their future and to be free from the shackles of the abuse of substances such as alcohol.

Mr MALCOLM KERR (Cronulla) [12.18 p.m.]: The Liquor Legislation Amendment Bill 2008 is policy by press release. Sufficient consultation has not taken place on this very serious problem, one that most members of this House would encounter in their community. A comprehensive and consultative approach must be taken to the whole matter. It would be interesting to hear the member for Miranda on how the liquor accord

operates in our electorates. The member has been active in that liquor accord. It would be interesting to know the views of the liquor outlets in the Sutherland shire, as well as in the St George area and every other area of the State, but they were not given time to look at and consider the merits or otherwise of the bill. As the shadow Minister, the member for Upper Hunter said, a report on the impact of alcohol outlet density that was commissioned by the Government has not been completed. Had that report been completed it would have been of great assistance to the House.

The consumption of alcohol is a matter of great concern to each of our local communities. The member for Pittwater and the member for Manly have raised problems that share a commonality with the Sutherland shire: their electorates are also peninsulas. I have visited Cronulla mall on Saturday and Sunday mornings and I have seen the results of some of the offences that occur there. We must reform the liquor industry to address the number of outlets and alcohol consumption by people of all ages. It is wrong simply to blame young people; it is a problem right across the whole spectrum and it affects people of all ages.

I have raised a number of times in this House, as have other members, the issue of alcohol-free zones and the ridiculous fine of \$20 for consuming alcohol in an alcohol-free zone. Now police will have tip-out powers and will be able to confiscate the alcohol straightaway. But there must also be a sanction, a penalty, for breaching the regulation and drinking in an alcohol-free zone. During the term of the previous Government—going back more than two decades ago—I well remember there was often a riot on Christmas Eve outside the Caringbah Hotel. The area outside the hotel was made an alcohol-free zone so that as soon as an individual started drinking in that area the police were free to act: consequently a crowd stopped congregating in that area.

Mr Kevin Greene: That is De La Salle College.

Mr MALCOLM KERR: No, it is not the De La Salle College; that is around the corner. There was no suggestion that there was any involvement by the college. I can inform the Minister that these were people were not involved in any way with the De La Salle College. The police took preventative action that ensured a riot did not occur. Alcohol-free zones are very important: They enable people to go about their business and go about their leisure pursuits without being accosted by drunken hooligans, who deserve more than simply having their alcohol confiscated; they deserve penalties for their behaviour, which often results in assaults and, at the very least, they often subject ordinary citizens to very unpleasant behaviour. They should face the consequences of their actions. I am very pleased that Councillor Kevin Schreiber will put a motion before Sutherland Shire Council proposing a forum on binge drinking.

Mr Paul McLeay: Good on him. He's a very good councillor.

Mr MALCOLM KERR: The member for Heathcote says he is a very good councillor—an unsolicited character reference, which I am sure he will appreciate. The member for Heathcote said that that is a good initiative by Councillor Schreiber. I hope that all Federal and State members will be invited to that forum. I note that the Federal Government will spend tens of millions of dollars on trying to combat binge drinking. It is important that all the stakeholders attend the proposed forum. The Mayor of Sutherland Shire has put on record her concerns about binge drinking, and this is an opportunity to at least have consultation on the subject.

I believe a number of constructive proposals will come out of the proposed forum, I hope as a result of this bill, which will not be opposed because they are positive initiatives. However, I do not think that even the Minister would boldly proclaim that this is the solution to an enormous social problem. There will be future legislation in relation to this matter, no matter who is in government, because this is not a solution. However, it brings together what are conceded to be some improvements. Nevertheless, once consultation has taken place and once this bill is enacted and proclaimed we will see what the consequences are. No doubt there will be unintended consequences that will have to be addressed and certainly there will be problems not tackled in this bill that will need to be addressed. On that basis, I think this will be a continuing saga. I am hopeful that Councillor Schreiber's actions will lead to constructive suggestions that will further improve the situation.

Mr GREG APLIN (Albury) [12.27 p.m.]: I make a contribution to the Liquor Legislation Amendment Bill 2008. To give a graphic illustration of the results of alcohol-related violence, which can so dramatically change somebody's life, I refer to an article on the front page of the *Border Mail* of Friday 7 November. The headline stated, "This is what a glass can do" and a photo depicted a 19-year-old young man who had lost the sight of his left eye as a result of what is called a glassing attack. His victim impact statement, which he read out in the District Court, made for chilling reading, and for those who were present in court at the time chilling listening. An extremely intoxicated man had attacked him in an unprovoked attack. The offender had no

memory of the offence after previously being ejected from other licensed premises in Albury. The victim, Mr Philip Pille, told the court that doctors "had managed to reconstruct the jigsaw puzzle that was my eye to this cosmetically almost correct state". He said an attempt was made to reconstruct his eyeball by sewing it together but that whenever he moved his good eye it forced his damaged eye to drag stitches. Mr Pille stated:

Imagine having a ball of barbed wire moving around in your eye socket.

There is also a risk to Mr Pille's other eye. Doctors told him that if his injured eye became infected he could go blind in the other eye. It is little consolation that the offender was jailed for this offence. At the time the judge said that glasses are seriously dangerous instruments and that the offender had acted in a spontaneous manner, but that others must be deterred from committing similar offences. The judge stated that young people who consume alcohol or drugs to the point of being unconscious run the risk of doing serious harm to others. This was clearly a case in point. Understandably, this led the mother of the victim to have very strong feelings about glasses being used as weapons.

So strong was her feeling that she approached Albury's Mayor, Councillor Patricia Gould, pushing for the introduction of plastic cups at all licensed premises in the city. It should be noted that most venues in the city have already started using plastic cups, but obviously this legislation will ensure that those not doing so will take up that practice. We have discussed that move in the past and we certainly endorse it. I commend the Albury Liquor Accord on the work undertaken over the past few years. In 2004 I convened a meeting to counter alcohol-fuelled violence and the vandalism and damage occurring in our main street. I brought together all the related parties, including taxi drivers, the proprietors of the liquor outlets—the hotels, clubs and restaurants—the police, security services and, of course, the council. Much work was undertaken to try to attack at source the problems ravaging the city.

Albury City Council's work in alcohol management was recognised with a national award this year. It received a commendation in the Excellence in Alcohol Management category in the awards given to local government announced by the Minister for Local Government. Albury City Council has introduced a number of alcohol management initiatives and has worked to develop a strong relationship with the Albury Liquor Accord and the local police. Projects that have been developed over past years in Albury have included the introduction of a 1.30 a.m. lockout. Extremely controversial and unpopular as it was at first, it has proved to be an effective control mechanism and people now time their socialising around the lockout. It did not result in a rush onto the streets by people trying to avoid the lockout and transferring to their preferred venue. The fear was that as the lockout loomed people unable to join the queue at one venue would rush to another and cause major strife. That did not occur and one of the reasons is that pubs introduced a nightrider bus. The licensees of the Albury CBD voluntarily contribute to the cost of running the bus, which is available at minimal cost to take patrons home from the time of the lockout onwards. That initiative has proved to be particularly successful.

A no shots after midnight policy has also been introduced by Albury pubs and clubs to target binge drinking. The successful Socialising with Safety campaign was launched in September 2003 to increase patron responsibilities in and around licensed premises, to reduce and prevent the incidence of alcohol-related crime, to increase the public's awareness of Albury's alcohol-free zones and to improve communication between venues, security services and taxi providers. That initiative has been commended as part of the city's overall campaign. Responsible service of alcohol training has also been beefed up and is vital in the work undertaken by the liquor accord. Hopefully, the nightrider bus service will be continued, particularly in the warmer months when more people tend to descend upon venues providing late-night activity and entertainment. As we move beyond the schoolies season into the sports season and the summer holidays these problems tend to proliferate in venues offering live entertainment and serving alcohol.

The Albury Liquor Accord's No Excuses initiative is particularly important. It involves local police addressing the intoxication of patrons in conjunction with the accord. The program was so successful that it was picked by other liquor accords throughout the State. The Albury Liquor Accord developed the innovative fail-to-leave patron education program No Excuse and it was executed through television, radio and in-house advertising telling customers of the penalties if they failed to leave when asked. That program has been adopted by at least eight other liquor accords in the State. The initiative raises awareness of the new laws relating to ejected patrons and was a product of the Liquor Act 2007. It was updated in July this year and redesigned so that it can be used by other liquor accords to reflect changes in liquor laws.

The campaign points out that patrons will be refused entry or will be asked to leave a venue if they are drunk, violent, argumentative, disorderly, smoking on the premises or suspected of possessing drugs. If patrons are asked to leave by the licensee they must leave the venue and the vicinity of the premises by more than

50 metres, not re-enter or attempt to re-enter the premises within 24 hours and not re-enter the vicinity of the premises for six hours. If patrons do not comply with these regulations they are in fact committing an offence. One of the other Albury City Council initiatives that received commendation was security at taxi ranks. The council approached the Ministry of Transport to provide funding for security at the Dean Street taxi rank. That will now be extended to the Olive Street taxi rank and shelter will be provided for patrons waiting for taxis.

Obviously, we are delighted about the work that has been undertaken. However, it is clearly not sufficient to solve the problems of alcohol-fuelled violence that ravage our State. The pubs and clubs in the city centre where people congregate—which also creates problems as people migrate from one venue to another—will find that closing times vary from 1.30 a.m. to 5.00 a.m., with the majority shutting at about 2.00 a.m. The problems continue as young people tend to go out later and later, having consumed alcohol before they descend on the various entertainment venues. I will make a final comment about the consumption of alcohol by youths, which tends to run unabated. Other members who have contributed to this debate have also mentioned this problem. The issues that arise far too frequently on weekends are focused on public parks, where numbers of youths gather to consume alcohol and move around the shopping centres and residential areas creating havoc and indulging in offensive and extreme antisocial behaviour, usually resulting in vandalism and attacks on individuals who happen to pass by either in vehicles or on foot. Gangs also engage in bitter battles.

I would like to see alcohol-free zones extended to public parks, particularly at night, given that some sportsgrounds have clubs where alcohol may be consumed legitimately during certain hours. Declaring alcohol-free zones in some public parks would enable police and council rangers to take action under this bill. However, enforcement in that situation would be very difficult. It is all very well to give people the power to enforce legislation; we must also give them the ability and resources to do so. It is probably impossible for a lone police officer—whether male or female—or a council ranger to take action against a group of 15 or 16 intoxicated youths by tipping out their alcohol. It is likely to result in major confrontation and intimidation. It is probably impractical and it needs further examination. The police also need more resources to take on that responsibility. The measure is well intentioned and I commend its inclusion in the bill. However, further consideration should be given to its enforcement. I look forward to the legislation's implementation in and around the Albury electorate.

Ms KATRINA HODGKINSON (Burrinjuck) [12.34 p.m.]: In speaking to the Liquor Licensing Amendment Bill 2008 I recognise the very valuable and comprehensive contribution made by the shadow Minister, the Hon George Souris. The Opposition has several concerns about the bill but, as has already been stated, we will not oppose it. The bill seeks to address several measures, including a freeze on any new 24-hour licences, limiting them to 18 hours trading; giving the police tip-out powers, which we have already heard about; and granting the power to extend provisional licences for young people caught using false identities by up to six months.

As the shadow Minister highlighted, the regulations that are due to come into force on 1 December this year are yet to be seen. We have seen an information page on the Internet, but they are not regulations. I understand that even the industry—the Australian Hotels Association and ClubsNSW, both of which will be affected—is yet to see the regulations. This is of great concern. The Government has acted in haste in trying to implement the scheme from 1 December, and it indicates a lack of proper consultation and preparation. I heard the Minister speaking with Adam Spencer on ABC 702 during his wonderful breakfast program. I compliment Adam Spencer on the wonderful program he provides.

Mr Kevin Greene: And the quality of his guests?

Ms KATRINA HODGKINSON: Not necessarily the quality of his guests. I heard the Minister talk about this bill. At the time 50 hotels, clubs or nightclubs were going to be impacted. I now understand that number is 48. Three of them are used by young people living in the electorate of Burrinjuck, although no hotels or clubs in the electorate of Burrinjuck are on this list. My electorate comes very close to the city of Goulburn. Flamingos Nightclub is frequented by the good citizens of Gunning and Crookwell. Similarly, my electorate borders Wagga Wagga, where the Capital Nightclub is frequented, and Orange, where the Standard Hotel is impacted. That is one reason I speak today.

Before the last election, when the city of Goulburn was in the electorate of Burrinjuck, there were concerns about Flamingos Nightclub. Many incidents where police were called to various events were reported in the local newspaper. The newspaper reported concerns about drugs at that nightclub and violence, particularly as people were leaving the nightclub late, and assaults were occurring on the streets of Goulburn. I am not

saying improvements should not be made to the system where clubs and hotels have been the obvious cause of the problem by supplying liquor, which has led to these people causing grief in the community. Improvements can always be made. However, under this legislation regulations will come out within a matter of days—in four days—and we still have not seen them. How are hoteliers supposed to respond? If they have to supply plastic glasses for all drinks served after midnight—not only for beer but also wine, and all other alcoholic drinks—how can they be prepared by 1 December? That is a genuine concern and it has been raised by several members in this place.

There are also concerns about the removal of fines for consuming alcohol illegally. That may become vital to the success of the scheme, because the deterrent of the tip-out power might not be as effective as a fine, especially to repeat offenders. That is a real concern. The freeze on 24-hour liquor licences is a transitional measure aimed at curtailing successful applications for more 24-hour licences. Meanwhile the Casino, Liquor and Gaming Control Authority reviews current licences and has the power to change licence conditions. It is intended that that power will be exercised to phase out 24-hour licences. The 10-minute time-out scheme has been reported as successful in slowing alcohol consumption.

The time-out is designed so that venues can have discretion as to how and when to use the measure but it raises concerns about a rush of purchases in the preceding 5 to 10 minutes for stockpiling, and bar rage. Those concerns are shared by ClubsNSW and the Australian Hotels Association. That scheme will be impossible to monitor. The time-outs can be enforced by the venues at random or at scheduled times, but how will that really be enforced? The report by Tony Chikryzh on the impact of alcohol outlet density, commissioned by the Labor Government, has not yet been completed. The Australian Hotels Association has recommended that all new licence applications should be frozen until that report has been finalised. I think that is fair enough.

The Opposition does not oppose this legislation. We recognise the impact that glassing and other offences can have on the lives of those who are subject to those horrific crimes. My thoughts go to the young Australian lady who was recently involved in a glassing incident in an upmarket members bar in London. An aspiring young Australian singer, who had a wonderful future before her, was the victim of a very vicious glassing, and her world fell apart overnight. Many domestic violence attacks occur as a result of the stimulus of alcohol. Thisis White Ribbon Week and yesterday was White Ribbon Day so we are all very conscious of the impact of domestic violence on women and children. The number of women and children murdered in domestic violence incidents is at a 10-year high, as we heard in media reports this week. *Sydney Morning Herald* journalist Ruth Pollard and other journalists contributed to this debate this week. Ruth Pollard wrote:

The number of women and children murdered in domestic violence is at a 10 year high, prompting calls for an urgent review of the state's fractured legal, police and community service systems.

At least 74 women and dozens of children die in Australia each year at the hands of violent men, making up the majority of all murders committed.

But experts warn the real death rates are even higher because of serious weaknesses in the way homicide data is collected.

We know that many domestic violence attacks occur under the stimulus of alcohol, which is becoming more and more available in our community as more liquor barns open up, whether in the western suburbs, the northern or southern suburbs or in rural and regional New South Wales, which is where I come from. The sheer volume of harm—more than 27,000 domestic violence related assaults in New South Wales last year, making up 30 per cent of all assaults reported to police and about 35 per cent of all police work—is simply overwhelming. Police will be trying to monitor these new laws at the same time as having to work continuously with their domestic violence cases.

Then there are other deaths, peaking in New South Wales at a 10-year high of 29 domestic violence related murders from July last year to June this year. I met just this morning with Nirimba TAFE students, and they are extremely concerned about the level of domestic violence. They are studying to be Department of Community Services workers and I commend them for the work they do for their community at this time and for the future work they will do. They will be joining us for question time today.

They are a bright and talented group and they will be successful. They are concerned about the lack of women's refuges, the alcohol abuse that occurs in our community and various other issues, not necessarily pertinent and relevant to this debate, but I compliment them on what they have done and what they will contribute to community services in this State. The Opposition does not oppose this legislation but we remain

extremely concerned that regulations will be pushed on to an industry that is terribly heavily burdened by regulation and legislation without the industry having a chance to preview those regulations before they come into operation in four days time.

Mr DARYL MAGUIRE (Wagga Wagga) [12.49 p.m.]: I speak on the Liquor Legislation Amendment Bill 2008. I thank the member for Upper Hunter and shadow Minister for leading on the debate and for putting succinctly the Opposition's position on the bill. The Premier mentioned the Capital Nightclub in Wagga Wagga when he originally announced the legislation so it is important that I put the views of the club's operators on the record for the Minister to respond to. On Friday 31 October 2008 an article in the *Daily Advertiser* by Ben Higgins under the heading "Singled-out Club" stated:

Wagga's Capital Nightclub has been singled out as an alcohol-fuelled violence hotspot in a new State Government crackdown.

However, the local nightspot has been defended as a leader in the city's fight against violence on Bayliss Street.

The club was listed as one of 48 clubs statewide, announced yesterday by Premier Nathan Rees, and just one of two in the Riverina to have the new conditions forced upon them.

From December 1 the Capital will have a mandatory 2am lockout, service of alcohol will be stopped 30 minutes before closure, plastic or polycarbonate beer cups after midnight, no shots and a 10-minute alcohol sale time-out every hour after midnight.

Capital's part owner Alec Alabakis was unable to be contacted for comment yesterday but the venue was defended as "proactive".

Wagga crime manager Detective Inspector Rod Smith said the club had made many changes under its own initiative.

"The Capital has been pro-active in the fight against unsocial behaviour and we have seen a noticeable difference regarding alcohol-related incidents," Det Insp Smith said.

"They have been leaders among Wagga's licensed premises to implement responsible strategies.

"Initiatives have already been put to the Wagga Liquor Accord and accepted. I think those strategies introduced by the NSW Government would be more effective if implemented across the board."

Det Insp Smith also said the police had increased patrols around known late-night violence hotspots with positive results.

Wagga Liquor Accord chairman Nic Barnett from the Koorringal Hotel said it was better to work as an industry than to single out one venue.

"We already have a 1.30 am lockout and bans on shots, and that has had a positive impact on businesses," Mr Barnett said.

"I think this shows that the Wagga accord is ahead of the game and we are looking at several other ways we can reduce alcohol-fuelled incidents."

The article says it all. Since the change in ownership of the Capital Nightclub a proactive approach has been taken to managing alcohol and the problems associated with it. Many venues provide entertainment and alcohol in cities and towns across New South Wales and Australia and no-one would agree with the unsavoury behaviour or violence that erupts in the streets. No person would condone or support those activities. It should be about accepting responsibility for one's actions and about people's attitude to the consumption of alcohol. I place on record the correspondence I have received from the Capital Nightclub because it has been proactive, and was named on statistics generated in 2004. Mr Alabakis wrote to me as follows:

Dear Daryl,

As you would be aware via a News Release last week ... the 'CAPITAL' Wagga was included and mentioned in an unfavourable manner.

It is to question this very inclusion that I submit a sincere request ...

Indeed the many months of effort and actions taken during this year to address the concerns of 'anti-social' and 'drink related' behaviour in a joint and collective approach from Local Police, Liquor Accord, Wagga Safe Committee, AHA Members Wagga and Capital seem to have gone without notice or appreciation by Offices in Sydney.

The response comment made to this adverse News Release from Detective Inspector Rod Smith on Friday Oct 31st 2008, in the *Daily Advertiser* Newspaper ... certainly has been the consistent and collective view expressed to us at Capital by various interested parties involved in addressing these issues in Wagga ... 'ill-informed condemnation'.

- We are left wondering ... 'by what measure was the inclusion of Capital justified?'
- What was the criteria used to brand Capital as a 'Hot Spot' of anti-social behaviour?
- What exactly was the benchmark ... and is this relevant today?

- We submit the criteria used to include Capital is outdated, incorrect & not relevant.
- This is even the view expressed to Management at Capital by our local Police Office.
- The view held to justify the inclusion of Capital is not an insight into what is 'actually' happening today!
- A review is to occur today by OLGR of actual state of events, that was to seek the opinion expressed to Local Police, Wagga Liquor Accord, and Wagga Safe Committee would reveal a truthful, fair and balanced representation.

To this we would be most agreeable. However, this has yet to occur.

Not only has Capital not received any correspondence from OLGR in regard to this matter seeking comment or invitation to a possible avenue of review, the Wagga Licensing Police Office have also indicated their surprise at the lack of consultation ...

With the support of Police and the Liquor Accord, in a pro-active manner Capital has helped create and instigate programs including:

- Assisting African & Sudanese new citizens with the education of appropriate behaviour at Licensed Venues ... with the co-operation of the Wagga Multicultural Council. A Letter of acknowledgement is attached.
- Openly supporting the 'Respect Community Campaign' Committee for each Respect Program. As the largest venue in Wagga the awareness made possible through Capital has been appreciated by the Committee. A Letter of acknowledgement is attached.
- With the co-operation of Police, trialed a detailed Drink Structure Policy (voluntarily) to assess its effectiveness. After months of seeing positive results of reduced 'anti-social' & 'drink related' behaviour was presented to the Wagga Liquor Accord. The Policy was accepted by the Liquor accord and has been implemented by all Licensed venues within Wagga. A Letter of acknowledgement is attached.

I want to read that letter of acknowledgement onto the record. It states:

To Daryl,

It has been brought to my attention through the media that the Premier Nation Rees has chosen to make reference to the Capital Nightclub, as one of many nightspots to have restrictions placed upon them due to his opinion that certain nightspots in NSW need to clean their establishments up.

To clarify a few points in the Capital Nightclub's defence, I am a member of the Wagga Liquor Accord & approximately four months ago I called an informal meeting with the operators of the Capital Nightclub, Mr Alec Alabakis & Mr Reg Qemal, we met and discussed our concerns how certain operators of licensed premises were not necessarily in our opinion responsibly conducting business in accordance with RSA policy and we feel a united front with all hotels in the CBD of Wagga was needed. At the initial meeting Alec had a lot of suggestions such as, "no shots after a certain time, no multiple purchasing of RTD drinks close to closing times", and many more programs that other councils were conducting to stem the amount of violence and alcohol fuelled antisocial behaviour that occurs.

It seemed to me at the time that these two gentlemen had the community at heart and were genuine in their suggestions and that they were enthusiastic to work with the local police, council and Wagga Liquor Accord. I invited them to a local meeting with CBD licensed premises and positive support from their suggestions were met.

We then in turn put their suggestions to the Wagga Wagga Liquor Accord with overwhelming support, as a group we all agreed at that meeting to support the following ...

Drinks Policy—
Poly Carb Policy—
Courtesy Bus—
Improved Security Staff structure on street—
Multi Cultural Information for African/Sudanese Community.

I also sit on the Wagga Wagga City Council "StaySafe" Committee, all of the implementation has met with total support from the committee and I believe without the Capital Nightclub's willingness to participate and lead by example which they are doing certain licensed premises would still be complacent in their RSA obligations.

Wagga Wagga is lucky to have nightclub operators of the calibre of Reg and Alex, the way they conduct their business with such a large following of young revellers and they have tremendous support and respect from many industry leaders, police and councils that I have witnessed.

On behalf of the Wagga Wagga Liquor Accord I ask that you give them your full support.

Rob Norris
Wagga Wagga Liquor Accord.

It is quite clear that since the time that the statistics were used, between when the Premier made his announcements and now, much has changed with the service of alcohol, and I support that. I am encouraged by policies that are implemented in one place and adopted by the accord. If there is a drawback in relation to this legislation it is the fact that transport is an issue when these establishments close. Transport is a major issue for

regional and rural communities. Indeed, the Staysafe committee recently conducted an inquiry into young driver safety and education. One of the issues raised was accessing safe, affordable transport in regional areas. If ever there was an area where the Government could help to implement shared responsibility agreements and ensure that nightclubs meet their obligations, it is transport. I believe Griffith has a transport option called a Jolly Trolley, which publicans and others fund. Wagga Wagga has a similar transport option. However, more needs to be done in that regard, and I believe the Government has a responsibility to act.

Mr Alabakis came to see me and gave me a complete presentation of his establishment's implementation of the guidelines. I have to say that I was impressed by the positive steps that the organisation has taken. I put to the Minister a number of questions that I urge him to respond to. First, I put to him that the organisation has agreed to meet with the Office of Liquor, Gaming and Racing to participate in a new assessment, and would like the Minister's agreement for this to occur. The organisation would also like to know from the Minister what information he used to put the establishment on the list. Importantly, it wants to know how it should go about being taken off the list. Businesses that work hard to clean up their image and be responsible in their communities should have the opportunity, sooner rather than later, to be taken off the list. I think that is a fair and reasonable request.

I think the Minister will find that in the areas I represent, including the towns of Tumut, Batlow, Lockhart and others where there are responsible operators, people are concerned about the way in which a licensed premises can suddenly find itself on the list, and about the process involved in the premises having its name removed from the list. The process needs to be transparent and professional, and when concerns are raised they must be responded to. In the document that I will make available to the Minister the industry has made requests. Regrettably, it has not received a response to those requests in the professional manner that one would expect from a government department. If the Minister wants the industry to comply with the legislation, he needs to ensure that his office responds professionally to its concerns.

Mr ANDREW FRASER (Coffs Harbour) [1.02 p.m.]: Firstly I place on record the great regard I have for people involved in the Coffs Harbour Liquor Accord. They do a great job. Most restaurants, clubs and pubs in the area are part and parcel of the liquor accord. I commend the bill's provisions to the Parliament, especially those that relate to young people using false identification to gain access to licensed premises. As shadow Minister for Road Safety, I believe this sends a very strong message to young people not just that this falsified documentation will not be accepted but that safe driving techniques, and especially the zero alcohol limit, should be adhered to from the time they get their licence.

I want to raise a few matters. First, the Coffs Harbour Liquor Accord has raised a number of issues in relation to pubs and clubs providing security. Many pubs and clubs in Coffs Harbour already have plastic cups because of the dangers posed by glass. But they have a problem with the cost of security, especially when police turn up at their premises and say, for example, "On Saturday night there is a major concert on at the showground. People will probably have alcohol prior to going there, and perhaps on the way back. As a licensed premises, you need to provide more security at your venue because of something that is happening up the road. When the event is over, those people will head back to your licensed premises." Somewhere along the line there has to be recognition that police need to cover those venues, rather than the onus being put back on the licensee of the registered premises.

I know many people who own licensed premises in Sydney, and they have real concerns about the legislation. A lot of these places, such as Scruffy Murphy's, have plastic glasses and try to comply with the liquor accords and other regulations. However, at the same time as they are providing security and using other measures they are being named in police reports and other documents together with places where incidents have occurred. I want to provide the House with some simple statistics that were given to me by a publican in Sydney. On any given weekend, 350,000 people come into the Sydney central business district [CBD] on Friday and Saturday nights.

The area is covered by two police stations: The Rocks and City Central. Each of those police stations has two cars and eight police officers rostered on duty. When such a huge number of people come into the city, it is the publicans who raise the ire of the police. The publicans want to keep their premises orderly but they attract the ire of what I believe is a hugely underresourced police force, there being only two cars and eight police officers in each station. If a major incident occurs, the police stations still have to be manned adequately. The cars can be sent out. But if a major incident occurs at a licensed venue, the licensed venue cops the flak for it.

Policing in the CBD is nowhere near as heavy as the policing in Kings Cross. The City of Sydney council provides buses to empty people out of Kings Cross and into Haymarket and other areas. To cope with this lack of policing, we have a free bus service that takes people out of Kings Cross and perhaps down to Scruffy Murphy's—I mention Scruffy Murphy's because it is probably the only pub I know of in the Haymarket area. At that end of town policing is paper thin, to say the least. I believe there is an imbalance in policing. I was in Bathurst on the weekend of the car races. Around 53,000 people were in Bathurst that weekend, and we all know that up on the hill at Bathurst it gets pretty unruly at times.

[Interruption]

I was not on the hill. But they did know you, Minister. I ask members to consider this imbalance in policing: four cars and 16 police to cover the whole of the Sydney CBD on any given weekend, with 350,000 people there on Friday and Saturday nights; whereas in Bathurst, with 53,000 people over a weekend, there were 600 police. The Minister needs to talk to his Cabinet colleagues, including Minister Kelly in the other place, and suggest that a greater level of policing in the CBD might resolve a lot of these problems. It would also remove a lot of the blame from the licensed premises and give you, me or anyone else who wants to have a drink in some of those premises an opportunity to do so without being faced with the obvious antisocial behaviour that goes on there. Once again I commend my local liquor accord. I commend to the House the information I have given to the Minister with regard to policing levels in the Sydney CBD. I ask the Government to address these issues and to ensure that publicans of licensed premises are not seen as the demons—which often they are.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [1.08 p.m.], in reply: The Rees Government is committed to tackling alcohol-related violence and antisocial behaviour head on. The Liquor Legislation Amendment Bill 2008 is an important part of the Government's response to the problems that flow from irresponsible drinking. I wish to respond to issues raised by honourable members during this debate. Mr Acting-Speaker, I hope you appreciate that I will try not to double-dip in seeking to cover the issues raised. The debate has been going on for just over three hours now and I have been making notes on the various issues raised by members. So I will seek to cover all those issues. I will seek also to ensure that I do not cover them two or three times. While I may not attribute each issue directly to the member who raised it, I hope that members will be able to find a response to their concerns in my overall response. I will try to be specific where possible.

I thank members representing the electorates of Upper Hunter, Gosford, Dubbo, Sydney, Orange, Manly, Lane Cove, Pittwater, Cronulla, Albury, Burrinjuck, Wagga Wagga and Coffs Harbour for their contributions to this debate. The shadow Minister, and member for Upper Hunter seems to be very popular today with his Coalition colleagues. A number of them sought to boost his ego by congratulating him, which is fair and reasonable I suppose. No-one commented on the Leader of the Opposition, but in some cases they were effusive about the member for Upper Hunter. The member suggested that the Government is overregulating and over-legislating the liquor industry.

We need to be clear about this: Alcohol-related assaults, unlike most other categories of crime, are increasing. Everyone has a role to play in reducing the number of assaults—including the horrible business of glassing to which a number of Coalition members referred. The member for Albury gave some very graphic details about glassing. He commented on his concerns and his strong support for the actions that the Government is taking. Both the Government and the liquor industry make no apologies for taking positive steps to deal with this serious, growing problem. The member for Upper Hunter commented on the number of Office of Liquor, Gaming and Racing [OLGR] inspectors. I inform him that there has been an increase in the number of inspectors, and there are further increases to come.

Mr George Souris: Have they been deployed?

Mr KEVIN GREENE: They have been deployed across the State. The member for Upper Hunter also expressed concern about the basis for choosing the venues to which the new conditions to stop alcohol-related violence will apply. The Government's decision was based on advice from the Commissioner of Police, who relied on data about alcohol-related assaults provided by the Bureau of Crime Statistics and Research [BOCSAR]. Everyone knows that no statistical data is 100 per cent perfect but the Bureau of Crime Statistics and Research is a professional and independent organisation and its work is well respected. The Government relies on data from the Bureau of Crime Statistics and Research, as does the Opposition, for a variety of purposes. The data related to the period from 1 July 2007 to 30 June 2008, and the Government will continue to be guided by the evidence that is presented.

That should also answer the query raised by the member for Wagga Wagga in relation to the Capital Nightclub to which he referred—I am trying to remember which information applies to which member. Similarly, the member for Manly asked about the evidence to support our approach. The initiatives are based on an approach that is working in Newcastle and Wollongong. The member for Manly then proceeded to cite the results of various programs that had been undertaken in the Manly electorate. He indicated how a number of the measures in this package had been applied and were working in the Manly area. I will not go into the details—even though I have them—on the effect of these initiatives in Newcastle and Wollongong. I repeat that our approach is based on evidence gained from the implementation of those initiatives, with some variations.

The member for Wagga Wagga and the member for Albury referred to the success of the 1.30 a.m. lockouts in their areas, but under the legislation lockouts will now occur at 2.00 a.m. Although there will be variations, the underlying principles remain exactly the same. Those principles also take into account the measures—they have been outlined clearly in recent weeks in the context of the extensive list—that have been trialled, such as the 10-minute drink-free period and the use of plastic and polycarbonate glasses. The member for Manly has raised these issues and I join him in congratulating the venues in Manly that have taken positive steps to deal with alcohol-related violence. Even though Opposition members have made some interesting comments in and around today's debate, I believe the great majority of the contributions have broadly supported the Government's initiatives to tackle the problem of alcohol-related violence. I inform the member for Manly and others concerned about voluntary accords that the new regulations will override any conditions already in place.

The member for Upper Hunter suggested that the Liquor Act already contained sufficient powers for the Government to act in this area. The amendments in the bill will be used to implement part of the Government's package of measures to tackle alcohol-related violence. The Premier has already announced that conditions will be imposed on specific high-risk licensed venues—I emphasise that point—and we will use the Liquor Act 2007 to make that happen. Regulators will use the Act to respond to alcohol-related problems and to venue management and operations issues in order to prevent problems occurring in the first place. Improvements are being made by working cooperatively with licensees. The liquor law measures in the bill focus on preventing new 24-hour licences from being approved, and setting the standard for new licensees that trading for a maximum of 18 hours each day is appropriate. This standard will send a clear message to new licensees about extended trading venues. It is consistent with the objects of the Liquor Act to regulate and control the sale, supply and consumption of liquor in a way that reflects the expectations, needs and aspirations of the community.

The member for Upper Hunter also raised concerns about the consultation surrounding the measures. There can be no claim that the industry was unaware of these types of measures. Regulators have been talking directly to high-risk venues for some time about the types of restrictions and controls that need to be implemented to reduce the risk of alcohol-related violence. The Government also regularly discusses measures to tackle alcohol-related violence with industry groups and individual businesses. As I have said, the measures are based largely on those introduced in Newcastle and Wollongong following lengthy periods of negotiation between regulators and the industry. Ongoing dialogue that brings together industry, government and the community has also guided the crafting of the amendments.

A high-level implementation group will oversee the new arrangements. The group will monitor the operation of the measures in consultation with police and industry to ensure that the objectives are met. It is important to highlight the fact that a very strong implementation group will oversee the regulations. The group will meet each week to monitor the progress of the regulations—particularly the progress of the venues to which the regulations apply. As to consulting and working with the industry, representatives of the venues on the list will be invited to attend a meeting next week with the Office of Liquor, Gaming and Racing. It is important for the Government to continue to work with those groups.

The member for Upper Hunter asked how the new "tip-out" powers in alcohol-free zones will apply, and how police and council enforcement officers will use those powers. The member for Cronulla also referred to this issue. In circumstances where a person does not cooperate with a police officer or council enforcement officer, he or she can be charged with obstruction under section 660 of the Local Government Act 1993, which carries a maximum penalty of \$2,200. Police officers also have strong powers available to them under the Law Enforcement (Powers and Responsibilities) Act 2002 to deal with public safety issues.

Existing complaints handling mechanisms in councils can be used in situations where a person has concerns about the actions of a council enforcement officer. This generally includes making a complaint to the

council's general manager, who is responsible for the conduct of council officers. Council officers, as public officials, are also subject to oversight by the Ombudsman and the Independent Commission Against Corruption, as appropriate. If those bodies were concerned about a council enforcement officer's use of these powers, the Commissioner of Police can withdraw the written authorisation for a council enforcement officer to enforce alcohol-free zones.

The Government is providing the power for a council officer to be authorised by the Commissioner of Police as an enforcement officer for alcohol-free zones. The council and the Commissioner of Police will have to be satisfied that the council officer has the capacity to enforce alcohol-free zones. I believe the member for Sydney raised this issue. This proposal recognises that situations may arise where a council officer should not attempt to enforce these provisions without the assistance and support of police officers. Councils will be encouraged to work closely with their police local area command—which most do already, as was highlighted by the member for Sydney—to establish clear guidelines and partnerships to promote the effective enforcement of alcohol-free zones and other public safety initiatives.

The member for Pittwater was mistaken when he talked about the existing punishment provided for a breach of an alcohol-free zone. The primary punishment always has been, and will continue to be, the permanent forfeiture of the alcohol in the drinker's possession. The member was also mistaken about the penalties for drinking in a park under the council's control. Where a council has signposted a park or reserve to limit or prohibit alcohol consumption, a breach attracts a penalty of up to \$1,100 under the Local Government Act. The member for Sydney was concerned about the need for more transport. Getting people off the streets late at night and getting them home is a key way of stopping alcohol-related violence.

With our new 2.00 a.m. lockdown at targeted venues, drinkers must be aware that they could be locked out of a club or a pub and will need to plan ahead and work out how they intend to get home. However, as part of our package we will sit down and work with licensed venues in high-density drinking precincts on providing secure taxi ranks and additional transport, such as late-night buses. This measure could include placing a levy on groups of licensed venues within a certain precinct. Many members, particularly those representing the electorates of Albury, Cronulla, Wagga Wagga and Coffs Harbour, referred to existing arrangements where transport is provided by venues. Certainly those arrangements will be followed up.

The member for Upper Hunter raised a concern about safeguards surrounding the new provisions in the bill for when young people use false identification. Most offences under section 129 of the Liquor Act 2007—which is about when a person under 18 years uses a false identification document in order to gain entry to, remain in or obtain liquor from a licensed premises—are dealt with by the service of a penalty notice. If persons under 18 pay the penalty notice, they will not have a right to appeal the imposition of an additional six months on their P-plate licence period. If they choose not to pay the penalty notice and have the matter heard in the Local Court and if the court convicts and finds the alleged offender guilty, an imposition of an additional six months on their provisional licence period will apply unless they appeal to the District Court.

If an alleged offender appeals the decision of the Local Court in the District Court and the court finds the alleged offender guilty, they will not have a further right to appeal the imposition of an additional six months on their provisional licence. I note that the member for Upper Hunter rightly raised concerns about making sure that we are able to enforce this provision, and referred to the five-year period. If persons under the age of 18 are found guilty and do not have a provisional licence, they will have their name recorded for five years. If they apply for a provisional licence within that five-year period, the recorded penalty will be enacted. I hope that addresses the member's concerns. I believe the member for Pittwater raised that concern also.

Mr Barry O'Farrell: He is often asked for his ID.

Mr KEVIN GREENE: That is why he is not participating in Movember—perhaps the member for Lane Cove should not have either. The member for Upper Hunter also raised concerns about the 10-minute alcohol time-out. The time-out is designed to reduce excessive alcohol consumption late at night, which, as we know, is a dangerous recipe for alcohol-related violence. These time-outs are based on new initiatives being put into place in Newcastle. This is a new idea and will be monitored by the implementation group. It is very much part of the package. Another member made a comment about Schoolies. Schoolies basically commenced last weekend—I see a nod of agreement from the Leader of the Opposition, who has a son close to that age. Other groups will head off to Schoolies this week. Last week I issued a media release and went on radio to remind

young people of their responsibilities. I reminded them of provisions in the Liquor Act, such as the responsible use of alcohol and age conditions, and the need to recognise that licensees also have responsibilities in relation to the use of alcohol, which they will enforce. It is important to keep reminding people of that message.

A number of members referred to parents' responsibilities. It is important to remind parents that they have a significant responsibility in educating their adolescents about the use of alcohol and making sure that they reinforce to young people the responsible use of alcohol and legal requirements. I hark back to the use of fake identification. Parents must remind their children of their responsibilities in this area. It is not easy for parents because of enormous peer pressure and the drinking culture. There is no doubt that there needs to be attitudinal change and a recognition that when using alcohol one must be responsible. But the Government is sending a strong message that we will not accept bad behaviour and we will not accept violence within our community, particularly alcohol-fuelled violence. We expect people who go out to enjoy themselves to have respect for their personal safety as well as the safety of other patrons—either inside or outside licensed venues—and we expect them to respect the safety of staff who work in those venues.

I thank the Opposition for supporting the legislation. This package of measures is important. The community has expectations as to how people should behave, whether inside or outside licensed venues, and this package of measures is very much part of working to meet those expectations. The shadow Minister said—and I highlight this point—that in imposing these regulations on the 50 listed establishments we look forward to the day when there are no establishments on the list. That will be a measure not just of the success of this legislation and the regulations but of how community attitudes have changed. It will also be a measure of the cooperation between my department, the police, licensed venues, councils and the whole community as we work to decrease the number of establishments on the list and, most importantly, to decrease the amount of alcohol-fuelled violence within our community. We do not want it, we do not need it and, as a Government, we will continue to work to stop it occurring. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle

Passing of the Bill

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

[The Acting-Speaker (Mr Wayne Merton) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: I welcome to the gallery Terry Rumble, the former member for Illawarra. I am sure the former member will see that not much has changed. I also acknowledge a delegation of members of the Tasmanian Parliamentary Joint Select Committee on Ethical Conduct. The committee is obviously consulting with our committees. The delegation has been drawn to my attention by the Sergeant-at-Arms. Welcome to the New South Wales Parliament.

DEATH OF ERNEST GEORGE KEEGAN, FORMER MEMBER FOR NEWCASTLE

The SPEAKER: It is with regret that I have to announce to the House the death on 25 November 2008 of Ernest George Keegan, a former member of the Legislative Assembly who served as the member for Newcastle from 19 March 1988 to 3 May 1991. On behalf of the House I extend to his family the deep sympathy of the Legislative Assembly in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

BUSINESS OF THE HOUSE

Notice of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

CANTERBURY CITY COUNCIL GRANT

Mr BARRY O'FARRELL: My question is directed to the Premier. Now that the Auditor-General has found that a \$7 million grant to Canterbury City Council was approved without normal departmental advice and analysis, was not properly assessed and was approved before the application was even provided to the department, what action is the Premier taking against the former housing Minister, the member for Kogarah, and the Mayor of Canterbury, the member for Lakemba?

Mr NATHAN REES: I am advised that Housing New South Wales cooperated fully with the Audit Office during its review. Housing New South Wales is reviewing its processes and policies with regard to grants in light of the procedures developed by the grants administration review. Housing New South Wales will continue to monitor the projects to ensure that the grant will benefit social housing tenants in Riverwood and surrounding areas which, no-one can deny, are some of the most disadvantaged areas in greater metropolitan Sydney.

SCHOOL AND STUDENT PERFORMANCE INFORMATION

Mr BARRY COLLIER: My question is to the Premier. What is the latest information on how the Government informs parents about the performance of schools in New South Wales?

Mr NATHAN REES: I thank the member for his longstanding interest in these matters. Leaving a child at the school gate for the first time is one of the most important acts of trust a parent ever faces. All parents want their children to be successful at school. Most of us can remember a particular teacher who made a huge difference to our lives. Parents understand that education is the pathway to success in life. School choice has never been more important or more talked about. It is the modern-day barbecue stopper. This discussion is gaining even more life with the national debate about transparency in education and this week's visit by New York City's Education Chancellor Joel Klein. It is the responsibility of governments and schooling systems to make sure that parents have the full range of information about what is happening in schools.

In New South Wales we have been providing extensive and rich information for more than a decade. New South Wales was one of the first jurisdictions in Australia to introduce statewide assessment programs. Our students in years 3, 5 and 7 have sat statewide literacy and numeracy tests since 1990. Of course, we are now part of the Commonwealth's national literacy and numeracy tests. Results from the first year of these tests showed New South Wales students are above the national average in every subject at every year level tested. The New South Wales school certificate is a rigorous external exam and a significant exit credential for those who wish to leave school before year 12. Of course, the higher school certificate is nationally and internationally recognised as an assessment of the highest quality.

Information from the suite of New South Wales assessments is provided to students, their parents, teachers, schools and the school system. But this is not testing for testing sake or to accumulate a set of raw scores to rank children or schools. We analyse this information to find out where students need more help and to better target our educational efforts. To do this the New South Wales Department of Education and Training has developed the cutting edge information technology SMART pack—the Student Measurement and Reporting Toolkit. This is a world-class program, developed here in New South Wales by our in-house experts.

The SPEAKER: Order! There is too much audible conversation in the Chamber, including in the gallery behind me.

Mr NATHAN REES: I was given an extensive demonstration of this software program by a fellow who happens to be my former English teacher, Mr David Wasson, who is now among the educational experts driving this astonishingly powerful diagnostic tool. The program allows us to identify the strengths and weaknesses of students, classes, schools and the wider system. It allows teachers to integrate the test result data to find out not only which questions students have got wrong in tests but what patterns and trends are emerging, and, most importantly, provides ideas for lessons to improve student performance. It is extraordinarily impressive and I am told teachers love it because it gives them a proven path on which to focus their efforts for individual children.

Along with the Minister for Education and Training, I had the privilege of meeting Chancellor Klein this morning at Blackwattle Bay campus of Sydney Secondary College located in Glebe. As members would be aware, Mr Klein has achieved significant improvements in his overhaul of the New York City school system. As well as asking Chancellor Klein about his reform ideas and experiences in New York, I had the opportunity to discuss the New South Wales reform model with him and show him our SMART system. I am pleased to say that he was impressed with the system and had this to say:

I have travelled halfway around the world to find a group of people on the same page as me in using data to inform the instructional mission.

We will continue our discussions with Chancellor Klein and continue to share ideas about the use of data to improve teaching methods. Joel Klein's reforms centre on transparency, choice and rewarding quality. These elements of reform have been at the centre of New South Wales education reform for a decade. We have done a great deal of work in this area. As well as the results and trend data from tests that are provided to schools, parents receive individual reports that allow them to see how their child is going in relation to State averages.

Every school also provides an annual school report, which contains a wealth of material about every aspect of their child's school, including comparisons with other similar schools and against the State average. The annual school reports also include information about teacher qualifications, student attendance, attendance at parent-teacher nights, and information about drama, dance, music and sport. This is the information that parents want. There are many aspects of the New York system that New South Wales can learn from but I make the point that reform must be relevant to local conditions, to the systems we have here in Australia and in New South Wales.

Like the Deputy Prime Minister, we do not believe in simplistic league tables. However, we are always looking at ways to improve how we can make information available to parents and we are happy to work with the Commonwealth as part of that effort. We have an educational system of which we can be proud. The results show it. Australia is currently ranked highly on international OECD comparisons. Our teachers do a wonderful job, day in, day out, making a real difference to the lives of students right across the State. We will continue to find ways to keep New South Wales at the forefront of educational excellence.

NORTH COAST AREA HEALTH SERVICE JOB CUTS

KEMPSEY DISTRICT HOSPITAL OCCUPATIONAL HEALTH AND SAFETY

Mr ANDREW STONER: My question is directed to the Premier. Given that this leaked document shows that a recent nurses' occupational health and safety inspection of Kempsey District Hospital found it "no longer meets the health care needs of the community; does not come close to meeting current accepted health facility design guidelines and building standards; and clinical and office areas are no longer suitable for the purposes they are being used", how can the Premier's cuts of 400 jobs from North Coast Health, including cleaners and nurses, not come at the expense of patient care?

Mr NATHAN REES: If the Leader of The Nationals has a report that he wishes to furnish to my office we will take the appropriate action.

The SPEAKER: Order! The Leader of The Nationals will resume his seat.

Mr NATHAN REES: He can make a cheap political point or he can furnish my office with the information and we will take any appropriate action.

HOMELESS AND DISADVANTAGED PEOPLE FINES DEBT

Mrs KARYN PALUZZANO: My question is directed to the Minister for Housing. What action is the Government taking to reform the way we fine disadvantaged people, including the homeless and people with mental illness?

Mr DAVID BORGER: I thank the member for her question and interest in this important issue. When the Premier was elected just 11½ weeks ago he made a commitment to tackle the problem of homelessness.

The SPEAKER: Order! Members will cease interjecting. The House will come to order. I call the member for Hawkesbury to order. I call the Leader of The Nationals to order.

Mr DAVID BORGER: In fact, one of his first official public functions was the Common Ground function that I attended with him in the inner city, a great project to help people across the city who become homeless return to work.

The SPEAKER: Order! I call the member for Murrumbidgee to order.

Mr DAVID BORGER: There is no doubt that a society as prosperous as ours can do much more to help homeless people. As the Premier made clear, the New South Wales Government can and will do more to confront the problems causing people to fall through the cracks and to help those people get back on their feet. While the fines system works well in punishing people with stable incomes for minor infractions, it can cause vulnerable people unintended harm. Many of our most disadvantaged citizens, such as the homeless and people with a mental illness, accrue unpayable fine debts. Often they do not have the capacity to pay, either because they do not understand or they simply do not have the money.

Currently in those situations they automatically progress through the strict hierarchy of sanctions and their debt increases. It is appropriate to take action to address this situation. Two years ago the Homeless Persons Legal Service and the Public Interest Advocacy Centre released a report into the fines system entitled "Not Such a Fine Thing". The report highlighted the plight of a man named Ed, who, after years living homeless, accrued more than \$15,000 in unpaid fines and enforcement fees. With a crushing debt like this, what hope do people like Ed have to ever get back on their feet? Members will have had similar experiences in their own electorates. Unfortunately, these problems can lead disadvantaged people into a vicious cycle.

In a review of the operation of the fines system the New South Wales Sentencing Council highlighted the issue of secondary offending. This happens when people who have had their licence or vehicle registration suspended or cancelled because of fine default continue to drive, committing a serious offence that can ultimately lead to imprisonment. There is clearly no one-size-fits-all approach when it comes to fines. Both the Homeless Persons Legal Service and the Sentencing Council have highlighted areas where improvements are needed to make the system fairer. The Government takes these concerns very seriously because ultimately homeless people are our mums and dads, our brothers and sisters, our relatives and friends. We are all in some way connected to homeless people. The Government has accepted these challenges.

The Local Court and the State Debt Recovery Office have recently made significant administrative improvements to their systems in response to the issues raised in the reports. They have developed clearer and more accessible information about procedures. They have simplified methods for applying for time to pay, and they had introduced better and more flexible payment options. However, the reports have made it clear that broader changes are needed to improve our systems. That is why today the Government is delivering a raft of further reforms to improve the flexibility of the fines system.

Under the new system fine recipients experiencing acute hardship will be able to apply for a work and development order from the State Debt Recovery Office. The order may require a person to undertake work for approved charity organisations such as the Salvation Army or the St Vincent de Paul Society. Alternatively, they could be required to complete educational, vocational or life skills courses, counselling, or drug and alcohol treatment. These orders will help disadvantaged people get back on their feet while enabling them to make positive contributions to society. People suffering financial hardship will also have increased options to pay their fines in instalments.

The State Debt Recovery Office will offer increased access to facilities such as Centrepay, which enables fines to be paid through periodic deductions from Centrelink entitlements. Centrepay has already recovered around \$1.8 million in fines since it was introduced last year. Other changes to the Fines Act will include giving the State Debt Recovery Office discretion to write off an outstanding fine partially where a full write-off may not be appropriate, confirming the power of officers to issue cautions if fines are inappropriate, and confirming the power of issuing agencies to review penalty notices. These reforms have already received strong endorsement from groups that work on the ground in our neighbourhood and in our electorates. For example, John Picot, New South Wales Chief Executive Officer of the St Vincent de Paul Society, stated:

These are innovative measures that will ensure those people who can't afford to pay their fines are able to give back to the community in a meaningful way.

Robin Banks from the Public Interest Advocacy Centre stated:

We think the reforms will make a very real and positive difference for individuals and the community.

People who do the wrong thing have to suffer the consequences. That is how our society functions, but the sanctions need to be fair. A minor indiscretion should not cause a disadvantaged person to plunge deeper into trouble. The current system clearly does not work for everyone and that is why we are changing it. While the fines system is effective in punishing most people for minor infractions, it can leave the disadvantaged further behind. As I said earlier, the New South Wales Government is determined to tackle homelessness and give people who have fallen on hard times the opportunity to get back on their feet. By fixing the fines system to make it fairer and more flexible these reforms are a vital first step in helping us to meet this important responsibility.

HEALTH SYSTEM

Mrs JILLIAN SKINNER: My question is directed to the Premier. How can families have any hope that the Premier will improve the hospital system when just a month after it was revealed a hospital had to borrow bandages from a vet this leaked memo shows the Government is now telling nurses to bring their own pens and post-it notes? Does his policy turn New South Wales hospitals into a BYO system?

Mr NATHAN REES: What a sterling contribution to health policy in the State of New South Wales, Jillian! We will jump on that. Look, at the same time that you are whinging about those sorts of memos here are some facts about the New South Wales health system: \$13.2 billion—the biggest health budget of any jurisdiction in Australian history. Whilst the Opposition is seeking to make cheap political points, this is what is going on across New South Wales in our health system. Royal Prince Alfred Hospital has a device called the Pillcam, which takes photos up to 14 times per second to diagnose gut and liver disease.

The SPEAKER: Order! I call the member for North Shore to order.

Mr NATHAN REES: The device is publicly available free of charge to the people of New South Wales. A 64-slice CT scanner is in use at Concord, Royal Prince Alfred, Liverpool, and Westmead hospitals. The scanner is able to capture pictures of the human heartbeat and is able to diagnose muscle and valve disease. The scanner is available in four hospitals in greater metropolitan Sydney and is free of charge to the people of New South Wales. Split liver transplantation is available at Westmead Children's Hospital, where adult livers are being used for children in the most sophisticated surgical techniques you see anywhere in the world.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: Westmead Children's Hospital also has deep brain stimulation—which should be used on some members opposite—for severe epilepsy in children and adults. We have positron emission tomography, a medical imaging procedure that provides unique information about how an organ or system in the body is working. We have pancreas transplantations happening—a highly specialised procedure that is undertaken at only two sites in Australia. We have interventional neuroradiology, which involves the treatment of conditions such as stroke, aneurysms and brain tumours, which would otherwise require surgery. This amazing technology replaces the need for surgery on the brain, thus avoiding more invasive surgery and longer hospital stays and recovery. We have heart and lung transplantations—

Mrs Jillian Skinner: Point of order—

The SPEAKER: Order! I call the Minister for Transport to order. Government members will remain silent.

Mrs Jillian Skinner: My point of order relates to Standing Order 129, which deals with relevance. This is a memo from nurses who are telling us there is no money for pens and post-it notes. We are not talking about equipment—

The SPEAKER: Order! The member for North Shore will resume her seat. I am confident that the Premier is well aware of the question.

Mr NATHAN REES: The fact of the matter is that the New South Wales health system and the Australian health system in general are among the very, very best in the world, providing world-class care to the two million people each year who walk through the doors of emergency departments, to the hundreds of thousands of people who receive surgical interventions and have to stay in hospital, and to the many thousands of people who receive surgical procedures such as hip replacements, knee replacements, interventional angioplasty, and so on. It is a world-class system. Where there is a legitimate issue—if indeed that is the case as the Deputy Leader of the Opposition outlined—then we will jump on it.

BUILDING SUSTAINABILITY INDEX SCHEME

Mr NINOS KHOSHABA: My question is addressed to the Minister for Planning. What is the latest information on the Building Sustainability Index [BASIX] scheme?

Ms KRISTINA KENEALLY: I thank the member for Smithfield for his question. Driven by the need to deal with the effects of climate change, in June 2004 the Government introduced a new code covering the environmental efficiency of new housing. That new code is the Building Sustainability Index, or BASIX, which mandates targets for a reduction in water and energy use for a BASIX-compliant house compared with a pre-BASIX dwelling. For most of New South Wales these targets are a 40 per cent reduction in annual water and energy use, plus improvements in a house's thermal efficiency.

The BASIX scheme allows the public to mix and match a range of options to achieve these targets, and many houses built under BASIX achieve savings well in excess of these targets. The mix-and-match system allows prospective homeowners and their builders to select from a range of options that best match their circumstances, location and budget. It is a major contributor to the success of the scheme. The result has been, by any measure, an outstanding success, for both the house owner and the environment. More than 42,000 BASIX-compliant dwelling houses have been approved in the last three years, resulting in savings of some 5.7 billion litres of water. To put that in context, that is enough water to fill 2,275 swimming pools—a figure that continues to grow with each new BASIX-compliant house completed.

The SPEAKER: Order! The strong advocacy of the member for Murray-Darling for the member for Rockdale is noted. I ask him to cease interjecting.

[Interruption]

The SPEAKER: Order! I call the member for Murray-Darling to order. The Minister has the call.

Ms KRISTINA KENEALLY: Water savings are achieved by using water-efficient appliances, recycled water, rainwater tanks, and a range of other options. BASIX has accelerated the widespread adoption of rainwater tanks, with 96 per cent of new BASIX houses selecting a rainwater tank. I might add that it is something I can speak about personally because I live in one of the 42,000 BASIX dwellings—

Mr Andrew Fraser: Which one?

Ms KRISTINA KENEALLY: The one in Pagewood. I have a 10,000-litre rainwater tank in my front yard. In total, some 290 million litres of new water storage has been created by the use of these water tanks. Tanks provide water for plants, toilets and laundry use, taking a significant load off the State's hard-pressed drinking water sources during a period of prolonged drought across much of the State.

Mr Adrian Piccoli: Do you have one at home?

Ms KRISTINA KENEALLY: Yes, I do.

The SPEAKER: Order! Members will cease interjecting. The Minister has the call.

Ms KRISTINA KENEALLY: The member for Murrumbidgee asked whether I have a rainwater tank at home, even though I just said I do. I hope he also has a rainwater tank.

The SPEAKER: Order! The member for Parramatta will come to order. The Minister will continue with her answer.

Ms KRISTINA KENEALLY: The member for Parramatta points out that the water saving of the member for Murrumbidgee is done on his laundry. The reduction in energy use by these BASIX-compliant houses has resulted in a significant reduction in the carbon footprint of these houses. A range of options, such as the use of gas and solar hot water heaters, and the use of window shading, photovoltaic cell systems and improved insulation all improve the thermal comfort of a house and reduce the electricity required to run the house. The result is that a BASIX house produces 1,270 kilograms less carbon emissions per person per year than a typical pre-BASIX house, which is equivalent to each resident of a BASIX house planting eight trees a year, every year.

The BASIX scheme has helped cut 173 million kilograms of greenhouse gasses in the period 2005-08, which is equivalent to taking 39,000 cars off the road. BASIX-compliant homes are also helping stimulate the green energy industry in New South Wales, creating jobs across the State. BlueScope Steel, a major employer in the Illawarra, manufactures a wide range of rainwater tanks. That is driven in part by demand for new, BASIX-compliant homes. This is helping to provide much-needed jobs for the people of the Illawarra region and is a prime example of the flow-on benefits generated by the BASIX scheme. BASIX is good policy, and it is delivering outstanding results for the homeowner, the environment, and New South Wales.

KEELONG JUVENILE JUSTICE CENTRE CLOSURE

The SPEAKER: I call the member for Lane Cove.

[Interruption]

Ms Linda Burney: Where's that moustache?

The SPEAKER: It is still Movember. That interjection is not appropriate at this time. In December, it is game on!

Mr ANTHONY ROBERTS: It is irritating, unwarranted and ugly, but at least I do not have to wait until 2011 to get rid of it!

The SPEAKER: Order! I appreciate that it is nearly Christmas, but the member for Lane Cove will ask his question.

Mr ANTHONY ROBERTS: My question is directed to the Minister for Juvenile Justice. How can the Minister justify closing Keelong Juvenile Justice Centre given the current overcrowding of the State's juvenile justice centres, resulting in increased costs to taxpayers because young offenders are spending nights locked up in police cells?

Mr GRAHAM WEST: There has been a significant increase in the number of detainees sent to juvenile justice centres owing to changes to bail laws and new policing methods and that has meant that the capacity of juvenile justice enters fluctuates on a daily basis. There are eight centres across New South Wales and sometimes they are full, which requires young people to remain in police custody. The claims in the newspaper that \$150,000 has been spent on this are simply not true as \$17,060 this financial year has been spent in accommodating young people.

Between 1 July 2008 to 24 October 2008, 131 young people were detained. Of those, 90 spent less than one day in a police cell—they spent hours; 33 spent one night; 6 spent two nights; and 2 spent three nights. In the last financial year, however, 5,290 young people in New South Wales came into contact with juvenile justice. Of these, 58 per cent entered custody and 42 per cent did not. The majority of those who entered custody were on remand and half of them stayed for 48 hours or less. As of the other day, 57 per cent of the young people in our centres were on remand, and 1,149 young people were provided with community supervision orders while on bail to better ensure their compliance with their bail conditions.

The Government is making a number of efficiency savings, one of which is the closure of the old and outdated Keelong Juvenile Justice Centre in Wollongong, which caters for 23 young people—the lowest classification in the State—and eight are from the Illawarra. At the same time the Government is building 80 new beds, which will cater for an increase in the number of juvenile detainees, especially with a 50-bed facility at Emu Plains set to come on line at the end of December. That facility will specifically deal with remand, or around 50 per cent of the juvenile justice population, and 15 extra beds will be built at Orana Centre in Dubbo, and 15 will be built at the Acmena Centre in Grafton. The extra beds are a significant increase in the number of juvenile justice beds across the State, which means that we can accommodate any spike in numbers that may occur. By increasing beds the Government is ready to accommodate future growth in the detainee population.

The Government is making further efficiency savings by reducing the number of management, administrative and support roles within juvenile justice centres and head office, while increasing the number of full-time front-line caseworkers. The Government is also curbing the employment of casual staff and increasing

the opportunities for permanent staff as just one way to strengthen the workforce. As the Premier told the House yesterday in question time, the Government wants more permanent staff rather than casual staff. We need the right people, with the right capabilities, skills and attitudes, in the right jobs.

Mr Anthony Roberts: Point of order: My point of order relates to standing order 129. The Minister has failed to recognise the question.

[Interruption]

The SPEAKER: Order! I have heard enough on the point of order. There is no substance to the point of order. The Minister has the call.

Mr GRAHAM WEST: We are not making any cuts to youth officers, community supervision, or youth justice conferencing services in the community, which have great outcomes. The best outcome is from youth conferencing and not from juvenile justice detention centres. The Government has had great success through its community-based programs, which focus on working with young people and their families. Chris Riley was sitting in the gallery earlier and the Government is working with him on a proposal at Doonside, recognising that there are opportunities to help people before they offend and to strengthen their opportunities once they leave, including programs such as the intensive supervision program.

Research has shown that young offenders who go through community diversionary programs, such as youth conferencing, have much reduced reoffending rates than those who have a custodial sentence. The programs also include intensive supervision and an intensive bail supervision service and are aimed at reducing the reliance by the courts and the police on custodial services. Further to these community programs, education and training units run schools in juvenile justice centres across the State. The only exception will be the Emu Plains centre, which is designed to be a short stay centre for young people on remand for up to about two days.

For the school year up to 30 June 2008, there were 1,344 young people enrolled in education and training units; 709 placements in TAFE courses; 242 students studying for their School Certificates; and 37 young people studying to achieve their Higher School Certificates. Many young people who are cared for within juvenile justice also perform community service work, where they undertake tasks in local communities as a form of restitution for the crimes they have committed. While they will certainly not be getting a room filled with rose petals, they will be getting the opportunity to clean the Kooragang Wetlands; while they will not be getting a \$40 breakfast with cocktails and canapés—

[Interruption]

Yes, canapés. Perhaps I should attend one of those education and training centres! Young offenders will be getting the opportunity to work in soup kitchens around Christmas time, as will many of the detainees at Frank Baxter. In the last financial year juvenile justice people allocated 33,363 hours of community service work. Young offenders completed more than 6,000 hours of graffiti removal work across the State on community service orders, as part of the Government's Graffiti Removal program. The Government, through community programs, education and rehabilitation, is committed to reducing the rates of reoffending across the State.

PROFESSOR PETER CULLEN POSTGRADUATE SCHOLARSHIP

Mr PAUL McLEAY: My question is directed to the Minister for Water. What action is the Government taking to develop skills development in the water industry in New South Wales?

Mr John Williams: What, are you going to develop a few drips?

Mr PHILLIP COSTA: Convert a few on the other side. I thank the Minister—or member—

Mr Adrian Piccoli: Minister?

Mr PHILLIP COSTA: Almost a Freudian slip. I thank the member for his question and keen interest in the legacy of one of Australia's most renowned scientists. Today I acknowledge the life's work of Professor Peter Cullen, one of Australia's great water scientists. As the House would be aware, Professor Cullen's life was tragically cut short in March this year when he passed away suddenly at the age of 65. Professor Cullen is remembered as a scientist among the great Australian minds of our time with a passion for managing water

resources and protecting aquatic environments. He was a man known for being a pioneer and a visionary. I was fortunate to meet with Peter, along with other members in this House, several times. He was a good bloke and he achieved extraordinary things. I particularly remember working with him in the Sydney Basin on water issues.

Earlier this week I contacted his wife. Mrs Cullen apologised for not being able to attend today and expressed her appreciation of and pride in the scholarship I am about to announce. Peter's dedication for all things water was appropriately recognised when he was awarded the Order of Australia in 2004 for service to freshwater ecology. Amongst his many achievements and appointments Professor Cullen has served as head of the National Water Commission, President of the Federation of Australian Scientific and Technological Societies, a member of the Prime Minister's Science, Engineering and Innovation Council, and founding chief executive of the Cooperative Research Centres for Freshwater Ecology at the University of Canberra. Professor Cullen was also a founding member of the Wentworth Group of Concerned Scientists, one of this country's most respected and widely consulted panel of experts. Professor Cullen was a leading commentator on water reform over the last three decades. The New South Wales Government is honouring his life's work through the Professor Peter Cullen Postgraduate Scholarship. Each year one PhD student will be awarded a three-year scholarship to the value of \$60,000. That is \$20,000 per year to support an Australian student to complete studies and fieldwork in the area of water and science management.

I am pleased to inform the House that as of today applications for the first scholarship to be awarded next year are open. It is fitting that Professor Cullen's achievements in water are celebrated through the promotion and support of further education for up-and-coming scientists. The New South Wales Department of Water and Energy, the Sydney Catchment Authority, State Water, Hunter Water and Sydney Water are jointly funding the scholarship. The aim of this scholarship is to improve our understanding of rivers, groundwater, wetlands and estuaries and how they respond to enhanced management. The scholarship also aims to improve the linkages between water science and water management in New South Wales and, most importantly, to provide research opportunity for water specialists. I sincerely believe that this scholarship will help to continue Professor Cullen's legacy of improved water resource management in New South Wales, for the benefit of present and future generations.

[Interruption]

I would have thought that members would want to listen to this. The New South Wales Government shares Professor Cullen's vision for water security and is reforming water management in this State to ensure long-term sustainability. We were the first State to pass legislation enabling the creation of the new Murray-Darling Authority, an area at the forefront of Professor Cullen's work. This legislation will allow the setting of water markets and water charge rules and will secure critical human water needs along the Murray River. Through the Water Management Act we are developing and implementing the water sharing plans, in which Professor Cullen had great interest. The water sharing plans will create a balance between community and environmental needs. Water sharing plans now cover 90 per cent of the water used in New South Wales. They will ensure that we meet our obligations under the Murray-Darling Basin cap. In fact, they have recovered an additional 200 billion litres of water on average per annum for the environment. Professor Cullen would have been very pleased with these outcomes. In July this year the Government released a draft flood plain harvesting policy. I am sure Peter is up there looking at it and would love to comment on it.

Mr Adrian Piccoli: If he is up there, get him to make it rain.

Mr PHILLIP COSTA: He could make it rain as well. The policy aims to put an end to the unconstrained harvesting of floodwaters that would otherwise reach or return to New South Wales rivers and wetlands. As of 3 July 2008 approval will not be given to construct any new works such as levees, dams and channels that capture passing floodwaters. Many more reforms are underway to improve how we manage water in the State, both at a local catchment level and at a broader inter-catchment and interstate level. The Government will continue working to protect our most precious natural asset, our water supply, as did Professor Cullen. The scholarship announced today in honour of Professor Cullen will engage our best minds to build our knowledge base of water. I am sure Professor Cullen would be proud to be associated with this scholarship, as he dedicated his life to the same ideal.

PORT MACQUARIE FORESHORE LAND

Mr PETER BESSELING: My question is directed to the Premier. Can the Premier update the House and the people of Port Macquarie on the Government's plans for the public land next to the marina on Port Macquarie's foreshore?

Mr NATHAN REES: I understand that Ariadne is the preferred proponent for \$60 million to \$80 million worth of redevelopment in Port Macquarie, including \$6 million of community infrastructure. I have been advised that public consultation has been thorough and ongoing. It will continue. I am further advised that the company will not proceed with the integrated proposal, including the boat stack on the adjoining site, for some time because of the international financial situation. We will continue to talk with the community and ensure that their views are taken into full consideration in any future development plan for the area.

REGIONAL TOURISM

Mr FRANK TERENCE: My question is addressed to the Minister for Tourism. What action is the Government taking to support the tourism industry and regional New South Wales?

Ms JODI MCKAY: I thank the member for Maitland for his interest in an industry that is delivering economic benefits to regional communities in New South Wales. We are spreading the word on affordable holidays, extraordinary destinations and amazing experiences in our great State. Today I am very pleased to inform the House about one of the true success stories of regional tourism, that is, the Regional Flagships Event Program. In 2009 the Government will invest \$412,000 in grants and marketing to help grow and promote events across regional New South Wales.

The SPEAKER: Order! Members will cease interjecting.

Ms JODI MCKAY: Twenty-one events and festivals will receive either a one-year \$10,000 grant or a \$20,000 grant every year for three years. Ten new events will receive funds for the first time, including the 2009 Big Joke Comedy Festival in Bangalow. I am sure the local member, Don Page, will be there.

The SPEAKER: Order! The House will come to order.

Ms JODI MCKAY: Another event is the Brunswick Heads Bikes and Kites Festival, an ecofriendly event also in the electorate of the member for Ballina.

Mr Donald Page: Point of order: I acknowledge the comment made by the Minister for Tourism about the Big Joke Comedy Festival in Bangalow. She was invited to come along as the big joke but she was unable to attend.

The SPEAKER: Order! The member for Ballina will resume his seat.

Mr Donald Page: I make the point that the O'Neill report said—

The SPEAKER: Order! The member will resume his seat. The Minister will direct her comments through the Chair.

Ms JODI MCKAY: I will. Another event that has received support under our Regional Flagships Event Program and of which you, Mr Speaker, are a big supporter, is Opera in the Paddock in Delungra. I hope the member for Albury will attend some of the celebrations at the Corowa Festival Event, including dancing exhibitions in the main street of Corowa. Other events are the Lightning Ridge Easter Festival, which is a fabulous event in the electorate of the member for Barwon; Red Desert Live in Broken Hill, a fabulous event in which the member for Murray-Darling can enjoy a celebration of contemporary music, film and local arts; and the Temora Flying Weekends, where the member for Murrumbidgee can view a world-class aerobatic air show of military aircraft.

The Regional Flagships Event Program is a fantastic initiative that showcases regional events across New South Wales. Our funding has helped these events grow and become so successful that they no longer need support from the flagships program, which has been running since 1996. The House should note that since then the Government has invested nearly \$4.2 million to support 187 regional events across New South Wales. These events attract thousands of visitors. As many members would testify, these events are run by members of the local community and involve local producers, artists, craftspeople and musicians. They also bring the community together and instil a sense of pride. Most importantly, they generate income and create jobs in the local community. In the past year regional New South Wales attracted more than 47 million visitors and generated more than \$11 billion from tourists. That is almost 80,000 tourism jobs in regional New South Wales.

As part of the New South Wales Tourism strategy the Rees Government is investing an additional \$10.5 million over three years to help grow regional tourism. Unfortunately, as we have heard, the shadow Minister for Tourism has criticised our investment in this industry. I am not sure whom he has been listening to, but I suggest that he talk to his colleague the member for Barwon who last week in the *Spectator* congratulated us and said, "Tourism NSW is showing a real commitment to promoting and showcasing outback New South Wales." I thank the member for Barwon for the support he showed the international managers who visited his area.

The SPEAKER: Order! The member for Barwon will cease interjecting and thank the Minister after question time.

Ms JODI MCKAY: We are not just doing it in the outback; we are delivering across the State. The Chairman of Blue Mountains Tourism, Randall Walker, says our investment is one of the most significant commitments in 20 years in the industry. I know that the member for Blue Mountains shares those sentiments. Kathy Balodis from Mid North Coast Regional Tourism says we are opening up a whole new era in tourism promotion and growth, which I am sure the new member for Port Macquarie will be pleased to hear. Our tourism strategy and our regional flagship event program are helping to stimulate jobs, investment and growth in New South Wales. We know that our regions are vital to New South Wales tourism and we know that tourism is vital to our regions.

KEMPSEY DISTRICT HOSPITAL OCCUPATIONAL HEALTH AND SAFETY

Mr NATHAN REES: Earlier today the member for Oxley asked me about an occupational health and safety inspection of Kempsey hospital. I am advised that the New South Wales Nurses' Association has undertaken a routine occupational health and safety inspection of Kempsey District Hospital and a report has been provided to the North Coast Area Health Service. The area health service is in discussion with its occupational health and safety, and clinical staff about the action required in response to the findings of the inspection.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: Some \$750,000 has been spent on minor works and medical equipment upgrades at the hospital over the past few years. Some of the occupational health and safety issues raised in the report will be addressed through the upgrades of the emergency and medical imaging departments that are currently underway at the hospital.

HEALTH SYSTEM

Mr NATHAN REES: I can further advise in relation to the question relating to Hornsby Hospital about stationery that the staff at Hornsby Hospital examined the budget and made different suggestions as to where money might be saved. The staff decided that they would prefer to spend money on patients rather than on pens and post-it notes. Is the hospital still buying pens for staff? Yes, it is. If you are a nurse at Hornsby Hospital and you need a pen can you get one from a stationery cupboard? Yes, you can.

The SPEAKER: Order! The House will come to order. Government members will cease interjecting. The member for Coffs Harbour will come to order.

Mr NATHAN REES: This is a lower level case of the member for North Shore misleading the House. They are the facts of the matter. If you are a nurse at Hornsby Hospital and you need a pen you can get one.

Question time concluded.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given, by leave.

PETITIONS

Drink Container Deposit Levy

Petition requesting a container deposit levy be introduced to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petition asking for a review of the Isolated Patients Travel and Accommodation Assistance Scheme and indexation of payments to the cost of living, received from **Mr Steve Cansdell**.

Maclean District Hospital

Petition opposing the sale of land adjacent to Maclean District Hospital, received from **Mr Steve Cansdell**.

Murwillumbah District Hospital Services

Petition opposing cuts to services at Murwillumbah District Hospital, received from **Mr Thomas George**.

Bowral District Hospital

Petition requesting expansion and improvement of facilities at Bowral District Hospital, received from **Ms Pru Goward**.

Central Coast Rehabilitation Unit

Petition opposing closure of the Central Coast Rehabilitation Unit at Woy Woy Hospital, received from **Mr Chris Hartcher**.

Hornsby Area Haemodialysis

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

Ambulance Rescue Function

Petition opposing the recommendation of the Head Report to disband the rescue function within the Ambulance Service of New South Wales, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Wingecarribee and Goulburn Mulwaree Bus Services

Petition requesting improved frequency of government-funded bus services in the Wingecarribee and Goulburn Mulwaree shires, received from **Ms Pru Goward**.

CountryLink Pensioner Booking Fee

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mrs Shelley Hancock**.

Pensioner Excursion Bus Tickets

Petition requesting that South Coast pensioners be able to access the \$2.50 pensioner excursion ticket for bus travel, received from **Mrs Shelley Hancock**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

Hawkesbury River Railway Station Access

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

Bus Service 311

Petition requesting improved services on bus route 311, received from **Ms Clover Moore**.

School Student Transport Scheme

Petition opposing any changes to the School Student Transport Scheme, received from **Mr Andrew Stoner**.

Woodstock Early Childhood Intervention Service

Petition requesting ongoing funding for the Woodstock Early Childhood Intervention Service in Albury, received from **Mr Greg Aplin**.

Teachers Award

Petition requesting negotiations with the New South Wales Teachers Federation for a legal staffing award, received from **Mrs Dawn Fardell**.

Barangaroo Planning Guidelines

Petition opposing the Sydney Harbour Foreshore Authority proposal to modify Barangaroo planning guidelines, received from **Ms Clover Moore**.

Star City Casino Proposal

Petition opposing the Sydney Harbour Casino Properties proposal for the Star City Casino, received from **Ms Clover Moore**.

Shoalhaven River Water Extraction

Petition opposing the extraction of water from the Shoalhaven River to support Sydney's water supply, received from **Mrs Shelley Hancock**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

Shoalhaven Local Area Command

Petition requesting additional resources for the Shoalhaven Local Area Command, received from **Mrs Shelley Hancock**.

Culburra Policing

Petition requesting increased police numbers in the Culburra area, received from **Mrs Shelley Hancock**.

Shoalhaven Mental Health Services

Petition requesting funding for the establishment of a dedicated mental health service in the Shoalhaven, received from **Mrs Shelley Hancock**.

Shoalhaven City Council Rate Structure

Petition opposing a 27 per cent rate increase proposed by Shoalhaven City Council, received from **Mrs Shelley Hancock**.

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.14 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Hurlstone Agricultural High School] have precedence on Thursday 27 November 2008.

The motion of which I gave notice earlier should be given precedence for debate tomorrow because one of our best and one of the few remaining specialist agricultural high schools in the State is about to be cut up and flogged off by this Labor Government. The Rees Labor Government is guilty of selling off the farm and selling out western Sydney. The decision to sell up to 140 hectares of land at Hurlstone Agricultural High School is simply wrong. The motion of which I gave notice deserves to be debated tomorrow because yesterday the Opposition leader and I met with some fine, upstanding young citizens of western Sydney who are angry about the Government's decision to sell off Hurlstone Agricultural High School. These students—Brent Cleary, Harish Nair, Lloyd Setter and Abana Maheshwaran—presented me with a letter containing the signatures of 500 other like-minded students who oppose the sale of this land.

To leave only 20 hectares of what is supposed to be an agricultural high school is nothing short of a disgrace. This school has run as a working farm for more than 100 years, and any farmer knows you need land to operate a farm. The school has operated a mixed farming enterprise for more than 100 years and it has been very effective not only in turning out some very good future farmers but also in bridging the city-country divide. This is part and parcel of western Sydney—it is an area of green space to that community. But it is also an area where people can see a working farm in action. How can you introduce kids to farming when you have sold off all the farming land? The motion of which I gave notice deserves precedence for debate tomorrow because this move strikes right at the heart of western Sydney. The Premier is always so keen to remind everyone he is a westie. It reminds me of what Margaret Thatcher used to say:

Being powerful is like being a lady. If you have to tell people you are, you aren't.

If the Premier has to tell people he is a westie he probably is not. Under this Premier the Labor Government has lost its way in western Sydney. Further, the motion of which I gave notice deserves debate tomorrow because surely this is the thin end of the wedge. We already know that this Labor Government sold off nearly \$300 million worth of school land between 2002 and 2006. The message to everyone across New South Wales is that your so-called surplus education land is about to be flogged off. The premise of the mini-budget two weeks ago is two-fold: first, if it moves tax it; secondly, if it does not move flog it off. That is what is happening to a school near you.

The people of New South Wales have had enough, especially in western Sydney. That is why the Liberals-Nationals support the retention of the existing Hurlstone Agricultural High School in public hands. We are giving members on the other side the opportunity to get with us on this. More than 200 people showed up at the school last weekend to attend a rally to voice their opposition to the Government's sale. The protest has also been taken to the Internet with more than 800 people already joining the face book group Save Hurlstone. Today's front page of the Campbelltown *Macarthur Advertiser* quotes the member for Macquarie Fields—

Mr Barry O'Farrell: Where is the member for Macquarie Fields?

Mr ANDREW STONER: The Leader of the Opposition asks where is the member for Macquarie Fields. He is here. Good on you, Dr McDonald. He is quoted in the *Macarthur Advertiser* with a pretty lame line. He said he is still in listening mode. He does not have the courage to reject this retrograde decision on behalf of his community; he is still listening. The member for Macquarie Fields has an opportunity today to support debate on this issue. It was a bit of a bad day yesterday for Parliamentary Secretary Aquilina. He voted against a motion to restore free school transport. That is unbelievable. I am sure he can do better than that.

The motion of which I gave notice deserves precedence simply because once this land is sold off to Labor's developer mates it will be gone forever. We must stop that. Last year Hurlstone Agricultural High School celebrated its centenary and our wonderful State Governor, Professor Marie Bashir, paid tribute to the school by saying that Hurlstone Agricultural High School had earned a reputation for outstanding scholars and the respect of education institutions across the State and, indeed, the nation. [*Time expired.*]

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.19 p.m.]: Once again the Opposition is misinforming the community.

The SPEAKER: Order! The member for Bega will cease interjecting.

Mr JOHN AQUILINA: The Deputy Leader of the Opposition referred to talk about the Government's selling off Hurlstone Agricultural High School. As he knows, nothing is further from the truth. The Government is not selling the school, but it is making some changes. From the start of the mini-budget process it was evident that some difficult decisions would have to be made and the Premier made it clear that he wanted to use the mini-budget process to ensure that the Government's resources were focused on delivering the front-line services upon which the people of this State rely. That involves some prioritising and moving around of resources to ensure that they are allocated where they are needed most.

The SPEAKER: Order! The member for Coffs Harbour will resume his seat.

Mr JOHN AQUILINA: As was recently announced in the mini-budget, the Department of Education and Training will accelerate its sale of land that is not directly needed for current or future education purposes. There is nothing new in that: governments have been doing it for decades and this Government will continue to do it. This measure will help to fund upgrades at schools and TAFE colleges across the State. The Government wants the money to be spent at schools and colleges to ensure that it provides educational advantage to students. There is no point in having idle land, and that is the issue. As part of this initiative, the Department of Education and Training will sell some land—and I emphasise "some land"—at Hurlstone Agricultural High School. There has been plenty of speculation in the media about what parts of the site the department intends to sell.

There is no urgency about this matter because the department has already given an undertaking that it will work with the school leadership to conduct detailed investigations to ascertain the parts of the site that should be sold. That will also involve community consultation and statutory planning. Only when that detailed planning and consultation is complete will a decision be made about which parts of the site will be sold. Therefore, it would be premature and counterproductive to debate this matter now. The Hurlstone Agricultural High School site encompasses 160 hectares, which is the size of 10 ANZ stadiums side by side. By comparison, James Ruse Agricultural High School, the State's best-known agricultural high school and its best-performing public school, operates on approximately 10 hectares.

The SPEAKER: Order! Members will come to order. That includes the member for Lismore, the member for Dubbo and the member for South Coast.

Mr JOHN AQUILINA: The standard footprint for a high school is six hectares. When the sale is complete, Hurlstone Agricultural High School will still have enough land to operate and to provide agricultural education in a modern setting. The Government gives an undertaking that there will be no reduction in student numbers at the school. Some of the proceeds of the sale will be used to fund capital improvements, including upgrades to the boarding facilities for rural students. I expect all country members who support their constituents to assist in expediting this plan because it will mean that students from their rural electorates will have better facilities. The proceeds will also be used to fund infrastructure upgrades at nearby public schools. The Department of Education and Training will be speaking with the principals of the schools about the work that they need done. The remainder of the proceeds will be reinvested in capital works in schools throughout the State or redirected to services in other agencies.

[Interruption]

I have been asked to name them. It is not my job to name them; that is up to the local community. The Government has given an undertaking that it will consult with local school principals and communities to ensure that the money is spent in the best interests of public education in those areas. The Department of Education and Training is one of the largest land managers in Australia with more than \$28 billion worth of assets. They are public assets and, as is appropriate for an organisation of that size, each and every year it evaluates the land it holds to ensure assets are located where they are most needed. For more than 100 years the department has acquired land sites that are now either too big for the communities that surround them or in other ways inappropriate for the current needs of schools and TAFEs. The Government will not support this motion because there is no urgency and we want to go through the consultation process with school communities.

Question—That the motion be agreed to—put.

The House divided.**Ayes, 39**

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejikian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock

Mr Hartcher
Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Piper
Mr Provest
Mr Richardson
Mr Roberts

Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Noes, 48

Mr Amery
Ms Andrews
Mr Aquilina
Mr Borger
Mr Brown
Ms Burney
Ms Burton
Mr Campbell
Mr Collier
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Ms Firth
Mr Furolo
Ms Gadiel

Mr Gibson
Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Koperberg
Mr Lalich
Mr Lynch
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahan

Ms Megarrity
Mrs Paluzzano
Mr Pearce
Mrs Perry
Mr Sartor
Mr Shearan
Mr Stewart
Ms Tebbutt
Mr Terenzini
Mr Tripodi
Mr West
Mr Whan

Tellers,
Mr Ashton
Mr Martin

Pair

Mr Hazzard

Ms Beamer

Question resolved in the negative.**Motion negatived.****BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Routine of Business**

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.31 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) the sitting of the House to be extended for the consideration of Government business after the inaugural speeches of the members for Cabramatta and Ryde; and
- (2) the House to adjourn on motion.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.32 p.m.]: Yesterday the Leader of the House moved suspension of standing and sessional orders to enable two new members of the

House to make their inaugural speeches this evening. Within 24 hours the member has moved suspension of standing and sessional orders again to change the proceedings. The Opposition would like some sort of explanation as to why government business will be dealt with tonight. Members, including you, Mr Speaker, spent a long period discussing the amendment of standing orders to make the hours of this House family friendly. I assume this motion to suspend standing and sessional orders is to enable the Government to get through its legislation so it can avoid sitting the last week of scheduled sittings and facing additional scrutiny. This should come as no surprise. The end of the year happens every year and every year we have the same problem with the Government.

The SPEAKER: Order! Members on the government benches will cease interjecting.

Mr ADRIAN PICCOLI: We go through the same process every year. The people who objected to the family friendly hours would probably object to this. We want a commitment from the Government that the House will sit all of the days it is scheduled to sit. I understand why the Government moved this motion: it wants to avoid sitting the last week the House is scheduled to sit.

The Premier made a big hoo-ha about sitting additional days next year, yet only 10 weeks after his election as Premier he is already going to axe a week out of the schedule. We should be here for the full scheduled sittings of the House. The Government should face the scrutiny of another three question times. This motion to suspend standing and sessional orders is aimed at avoiding the scrutiny of question time. The Opposition has questions to ask about the member for Bankstown, Tony Stewart. We will be fascinated to hear about his Supreme Court case. I understand he is getting Slater and Gordon to represent him because it is a class action: the member for Blue Mountains is joining in, as are the member for Rockdale and the member for Blacktown.

Mr Frank Terenzini: Point of order: Will the member for Murrumbidgee say what he has to say? He goes through this every year. We all know it off by heart.

The SPEAKER: Order! The member for Maitland will resume his seat. The member for Murrumbidgee will focus his remarks on the suspension motion.

Mr ADRIAN PICCOLI: The Opposition gets no notice of suspension motions like this. No reasons are given. I am sure the Leader of the House will speak for another five minutes in reply. We have questions we want to ask in the last week in Parliament. You have been here long enough, Mr Speaker, to know this is what Government members do. Minister Firth used to work for Slater and Gordon—perhaps she is on a commission. The member for Maitland was a prosecutor with the Director of Public Prosecutions. Perhaps he could represent the member for Bankstown. New South Wales has become such a rabble; even the gallery has scandal fatigue. If the New South Wales Labor Party does not have a scandal a week that is a scandal in itself.

The Opposition is here to do a job. The last week of Parliament gives members the opportunity to make private members' statements and to speak on legislation. Inevitably, under the Government's proposal, legislation will be guillotined. Many people on the Government side want to speak about the mini-budget, as we do; about the additional tax on parents sending their kids to school; and the sale of Health and Agriculture land. If the result of the motion means guillotining of debate on the mini-budget, that is another reason to oppose it. The Government has had enough time to get its act together and avoid having to do this. That is why the Opposition opposes this motion.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.37 p.m.], in reply: I will not need five minutes to respond to the member for Murrumbidgee because, as usual, there was little substance in what he had to say. However, I am grateful for one revelation the member for Murrumbidgee made to the House—that is, that the end of the year comes every year. We are grateful to know that. It must be up there with another revelation made some time ago by a Federal Minister that imports mainly come from overseas. We had intended to finish around 7.30 tonight, and I think everyone would agree that is family friendly.

However, a number of members who were not expected to speak on legislation, particularly the Liquor Legislation Amendment Bill 2008, have come forward to speak. Members of the Government and the Opposition want to speak on that bill. I know many members on both sides of the House representing country electorates will want to have their say on the Rural Lands Protection Amendment Bill 2008. As ever, the

Government is compliant. We are here to assist the process of the House, and we will make the time available to ensure that members who want to have a say on these matters are able to do so. That is why I moved this motion. I am surprised that the Opposition will oppose it. I moved the motion to accommodate Opposition speakers who want to speak on these bills: they are doing so in large numbers.

Question—That the motion be agreed to—put.

The House divided.

[In division]

The SPEAKER: I am very pleased to inform the House via the member for Port Macquarie that Sara-Jane, the wife of the former member for Port Macquarie, now the Federal member for Lyne, has just had a baby boy, Angus Morris Murray Oakeshott. We congratulate Rob and Sara-Jane Oakeshott and family on this wonderful new addition. I note that Torbay did not get a mention!

Ayes, 49

Mr Amery	Mr Gibson	Ms Megarrity
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Mr Harris	Mr Pearce
Mr Borger	Ms Hay	Mrs Perry
Mr Brown	Mr Hickey	Mr Piper
Ms Burney	Ms Horner	Mr Sartor
Ms Burton	Ms Judge	Mr Shearan
Mr Campbell	Ms Keneally	Mr Stewart
Mr Collier	Mr Khoshaba	Ms Tebbutt
Mr Coombs	Mr Koperberg	Mr Terenzini
Mr Corrigan	Mr Lalich	Mr Tripodi
Mr Costa	Mr Lynch	Mr West
Mr Daley	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	
Ms Firth	Ms McKay	<i>Tellers,</i>
Mr Furolo	Mr McLeay	Mr Ashton
Ms Gadiel	Ms McMahon	Mr Martin

Noes, 38

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Baird	Mr Hartcher	Mr Roberts
Mr Baumann	Mr Hazzard	Mrs Skinner
Ms Berejikian	Ms Hodgkinson	Mr Smith
Mr Besseling	Mrs Hopwood	Mr Souris
Mr Cansdell	Mr Humphries	Mr Stokes
Mr Constance	Mr Kerr	Mr J. H. Turner
Mr Debnam	Mr Merton	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	<i>Tellers,</i>
Mr Fraser	Mr Piccoli	Mr George
Ms Goward	Mr Provest	Mr Maguire

Pair

Ms Beamer

Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Crime Prevention

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [3.47 p.m.]: This motion should be accorded priority because the Rees Government is committed to reducing and preventing crime, making communities across New South Wales safer. The motion should be accorded priority as the Government is implementing a statewide program of crime prevention resources through its crime prevention framework and partnerships. Given the importance of this issue, it is vital that members of Parliament, as elected representatives of the community, highlight that, in conjunction with the crime prevention partnerships, the New South Wales Police Force will establish community safety precincts in all local area commands. It involves everyone in our community playing a role in tackling antisocial behaviour and crime. For these reasons this motion should be accorded priority and I urge members to support it.

Health Funding

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.48 p.m.]: I seek priority for my motion, which notes that the Premier has admitted to Parliament that at the end of September NSW Health owed \$100 million in overdue accounts and condemns the State Government for continuing the practice of letting bills mount and forcing staff to bring their own supplies. During question time today we referred to memos issued in relation to Hornsby hospital that show that they are so strapped for cash, they have so little funding, the nurses have been told to bring their own pen and they are not allowed to order post-it notes.

In response, the Premier spoke about big-ticket items. But the memo shows that the Government is so stony broke that nurses cannot even get a pen out of the stationery cupboard. This is occurring not only at Hornsby hospital; nurses who called radio stations said it was also occurring at the Children's Hospital at Westmead. How pathetic is this Government that it cannot pay its bills, that it is so strapped for cash that it has to tell nurses they cannot even have a pen? Let us look at some of the other overdue accounts.

The SPEAKER: Order! Members will cease interjecting.

Mrs JILLIAN SKINNER: I have with me some bills dating back to 16 September that show that Exercise Australia is owed money by the Greater Western Area Health Service. The company is owed \$20,000, 71 days from invoice, by Dubbo hospital; more than \$1,000 by Bloomfield hospital; and \$52,000 by Bathurst hospital. The Greater Southern Area Health Service owes the fruit and vegie man in Goulburn \$9,000. Some of his accounts date back to November 2007. That is a disgrace! This is a Government that really cannot manage the health system.

Today a major medical company advised that many North Sydney Central Coast Health accounts are over 120 days old and that many more are in the pipeline. The company said that the Greater Western Area Health Service accounts situation is bad as well. I have spoken to doctors and others in our hospitals. I have been told that, for example, in many hospitals items that are essential for surgery and the treatment of patients are not being supplied by the original company because bills have not been paid and the hospital has had to switch to another supplier. This includes stents, which are used for cardiovascular surgery. How can a hospital survive when its bills are not paid and the company that supplies the goods refuses to do business with the hospital? The hospital switches to another company. What will happen when every company that supplies stents will no longer do business with the Government?

Let us talk about staff who have to supply their own goods. Nurses at Hornsby hospital are told, "You have to bring your own pens and post-it notes." Nurses at Dubbo hospital are told, "Get bandages from the local vets." Doctors are told, "Buy the medications you need for operations." Hospital managers are personally purchasing meat from the local butcher for use in the hospital kitchen because the area health service will not pay its bills. Word from the field, which I have checked again today, is that a supplier to Royal North Shore Hospital was told not to expect payment for the next 185 days. That is six months! The hospital is now only paying accounts to the end of June. Medical staff at Armidale were told earlier this month that the Hunter New England Area Health Service would be unable to pay its bills by January. Creditors have been told that some hospitals in the Greater Southern Area Health Service can no longer use area health service credit cards because they have been cancelled.

Mr Barry Collier: It's all hearsay.

Mrs JILLIAN SKINNER: This is not hearsay. I have had conversations with these people.

The SPEAKER: Order! Government members will cease interjecting.

Mrs JILLIAN SKINNER: I have the invoices clearly showing the dates, and the memos from the hospital showing that the nurses and the staff are worried about this skinflint Government that does not care about providing nurses and doctors—

[Interruption]

I am not surprised that Government members are trying to shout me down. This is so embarrassing for them. I am pleased to see the member for Parramatta sitting opposite, sombrely listening. She knows that Westmead Hospital and hospitals in her area are really suffering because the Government has been unable to pay its bills. Yesterday the Premier admitted that \$100 million was overdue at the end of September—

The SPEAKER: Order! Members will cease interjecting.

Mrs JILLIAN SKINNER: He announced that there is a special number for people to ring. I rang that number today, but there was no connection. Again the Premier has misled the Parliament. I urge members to support this motion by debating it today.

Question—That the motion of the member for Drummoyne be accorded priority—put.

The House divided.

Ayes, 48

Mr Amery	Mr Gibson	Ms Megarrity
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Mr Harris	Mr Pearce
Mr Borger	Ms Hay	Mrs Perry
Mr Brown	Mr Hickey	Mr Sartor
Ms Burney	Ms Hornery	Mr Shearan
Ms Burton	Ms Judge	Mr Stewart
Mr Campbell	Ms Keneally	Ms Tebbutt
Mr Collier	Mr Khoshaba	Mr Terenzini
Mr Coombs	Mr Koperberg	Mr Tripodi
Mr Corrigan	Mr Lalich	Mr West
Mr Costa	Mr Lynch	Mr Whan
Mr Daley	Mr McBride	
Ms D'Amore	Dr McDonald	
Ms Firth	Ms McKay	<i>Tellers,</i>
Mr Furolo	Mr McLeay	Mr Ashton
Ms Gadiel	Ms McMahan	Mr Martin

Noes, 38

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Baird	Mr Hartcher	Mr Roberts
Mr Baumann	Mr Hazzard	Mrs Skinner
Ms Berejiklian	Ms Hodgkinson	Mr Smith
Mr Besseling	Mrs Hopwood	Mr Souris
Mr Cansdell	Mr Humphries	Mr Stokes
Mr Constance	Mr Kerr	Mr J. H. Turner
Mr Debnam	Mr Merton	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	<i>Tellers,</i>
Mr Fraser	Mr Piccoli	Mr George
Ms Goward	Mr Provost	Mr Maguire

Pair

Ms Beamer

Mr Stoner

Question resolved in the affirmative.**CRIME PREVENTION****Motion Accorded Priority****Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [4.00 p.m.]: I move:

That this House:

- (1) congratulates the Government on its ongoing efforts to reduce and prevent crime in local communities across New South Wales;
- (2) commends the Government's cooperative approach to reducing crime through the establishment of crime prevention partnerships with local communities; and
- (3) calls on the Coalition to back the Government and support measures to reduce crime.

The Rees Government is committed to reducing and preventing crime and making communities safer right across New South Wales. Front-line police are continuing to see the results of their hard work, with the latest figures released by the Bureau of Crime Statistics and Research [BOCSAR] showing a downward or stable trend in most of the major offence categories across New South Wales. The figures showed that for the two years to June the statewide decrease in the break and enter of non-dwellings was down 7.4 per cent; the statewide decrease in motor vehicle theft was down 5.1 per cent; the statewide decrease in stealing from dwellings was down 9.5 per cent; the statewide decrease in the instances of robbery with weapons other than firearms was down by a massive 17.1 per cent; and trends in 11 other crime categories remained stable.

Upward trends were experienced in only two categories: stealing from motor vehicles and fraud offences. It is interesting to note that those spikes were largely attributable to higher petrol prices causing an increase in the number of people stealing number plates from vehicles and fixing those stolen plates to their own vehicles to avoid detection when driving off from service stations without paying for their fuel. The Government is to tackle that issue with the rollout of "one-way screws" to prevent the theft of number plates. The Rees Government continues to ensure that our front-line police are the best paid, best resourced and best supported officers in Australia.

Mr John Williams: You had better go and ask them that.

Ms ANGELA D'AMORE: I note the interjection from the member opposite. Since the Government came to office in 1995 police have received a wage increase of more than 60 per cent. These positive crime figures are a credit to our hardworking police officers. I am pleased to inform the House that the Government is not resting on its laurels when it comes to innovation in dealing with crime and antisocial behaviour at the local level. The steps being taken in crime prevention will drive down crime and antisocial behaviour across New South Wales. It is empowering communities to work together with their local police to address crime and antisocial behaviour issues that concern them at a local level.

I congratulate the Government on developing and implementing a statewide program of crime prevention resources, combined with a local approach to crime problems through its crime prevention framework and crime prevention partnerships. The Department of Premier and Cabinet, the Crime Prevention Division of the Attorney General's Department and the New South Wales Police Force have developed the crime prevention framework over the past year. This framework provides a strategic approach to crime prevention and provides a formalised structure for the implementation of crime prevention partnerships and local crime prevention plans. The framework enables the coordination of crime prevention funding and resource allocation by key agencies to enhance regional and local government crime prevention plans.

For crime prevention to be effective, local communities must be engaged and all government agencies must work to target the social, economic and health issues that can contribute to crime. The Government has implemented crime prevention partnerships in a number of key locations across the State over the past few

months on the Central Coast, in Maitland and the Central Hunter, and in the Orana region. The Blacktown Crime Prevention Partnership was the latest to get underway, holding its first meeting yesterday—25 November 2008.

Crime prevention partnerships bring together a range of government agencies and local stakeholders to develop localised solutions to local problems. The targeting of locations has been based on crime statistics and aims to address these issues through strategies developed at a local level. Crime prevention partnerships already in operation have brought together local councils; police local area commands and other government agencies such as Housing, Education, the Office of Liquor, Gaming and Racing, Justice agencies and RailCorp. Each crime prevention partnership faces different challenges because of differing population demographics of the physical environment, be it rural, urban or a mixture of the two, and the fact that each area has its own particular issues with antisocial behaviour and crime.

In conjunction with the crime prevention partnerships, the New South Wales Police Force is establishing community safety precinct committees in all local area commands. These committees involve local communities in reducing crime and fear in their neighbourhoods. The precinct committees are made up of representatives from the police, local government and local community members who want to help prevent crime in their own backyard. The Government recognises that no-one is better at identifying grassroots issues in communities than the people living and working within them. Everyone has a role to play in tackling antisocial behaviour and crime.

The community safety precinct committees increase community awareness of crime risk and prevention strategies; encourage community involvement in promoting local community safety; identify actual and potential community safety problems; develop local community safety plans; coordinate crime prevention efforts; and utilise local police services regarding early intervention programs for young children. The committees are the nexus for successful schemes such as the Keeping Me Safe Program, which this House has heard much about recently. It is a community-based program that provides children with simple-to-understand and effective strategies to help them ensure their personal safety, especially in situations involving strangers or where there is no immediate adult supervision.

As communities and police identify the need for other initiatives, the precinct committees will assist in the development and implementation of local solutions. The House should be confident that the combined resources that will be brought to bear by each of these crime prevention measures on antisocial and criminal activities will have a very positive effect for all residents in the community in working together to reduce and prevent crime.

Mr STEVE CANSDELL (Clarence) [4.07 p.m.]: This motion is probably more bull dust than anything else: it is about self-promotion and congratulations. I am disturbed that the Government is so blind as not to see what local communities are about once you get outside Sydney—they do not have this support. The first part of the motion of the member for Drummoyne reads:

... congratulates the New South Wales Government for its ongoing efforts to reduce and prevent crime in local communities across New South Wales.

Wonderful. The Government is doing everything it can. It has virtually dismantled Neighbourhood Watch. It has shut down community safety houses—the one place that children walking home from school could slip in to.

Ms Verity Firth: No, it does not work like that.

Mr STEVE CANSDELL: Yes, with no support whatsoever. Country people have had to re-form Neighbourhood Watch themselves. The member for Drummoyne referred to "empowering communities to work with police". Well, people feel completely disempowered in country New South Wales.

Ms Angela D'Amore: Oh!

Mr STEVE CANSDELL: I gave the member for Drummoyne a go. The member should be careful not to start making too much noise in front of too many people in this Chamber. The concept of breaking down crime and working with local communities is what is needed. Country New South Wales is losing local policing. Half the time police are being redeployed within 12 months of arriving at country towns: the old concept of community policing has been virtually lost. Last year I travelled to Ireland. New South Wales is walking away from Neighbourhood Watch, community policing and safety houses but Ireland has just completed a three-year

international study, reinventing Neighbourhood Watch and making it part of policing initiatives. A three-year study into true community policing and putting the police back into the local community was conducted. Police joined the local bowling club, the soccer club and became part of the community. The community then trusted them and helped them to solve crimes in their areas. Those important initiatives are lacking in country New South Wales. Paragraph (2) of the motion states:

commends the NSW Government's co-operative approach to reducing crime through the establishment of Crime Prevention Partnerships with the local communities

The Government must work with the community through Neighbourhood Watch. These precinct committees are vague, limited in number and do not communicate with local communities. They do not even go near the local communities. They consist of a representative from the chamber of commerce, the council, government agencies and the police. I am pleased they are there; it is a start. They are needed, but they must communicate with the local community. I congratulate Barry O'Farrell on a statement he made in June at the biennial conference of the Police Association about the need to focus on the rehabilitation and care of police. The Premier, the Minister for Police or any other Government member did not mention that issue. We must support our police. The Government talks about our hardworking police. We do have hardworking police who are stressed through lack of resources and lack of numbers, particularly in country areas.

[Interruption]

When the Government starts backing police in country areas I will back the Government's initiatives. But it does not support them. In my electorate good strong police officers are put in stressful positions and need to take a week off. They do not want to let their partners or the remaining few officers left on duty down, so they go back to work the next day. Three months down the track they have to go on leave for 12 months or leave the Police Force altogether because they do not have the support of the Government. That is a major issue. There are also issues in relation to local community policing. In the electorate of the member for Murray-Darling, police at Hillston are called to Griffith, which is 45 minutes away. When young hoodlums start playing up at Hillston, it is 45 minutes minimum before the police officer can return. That is one example of what happens in my area, in the electorates of the member for Murray-Darling and the member for Barwon, and in any country seat in New South Wales.

Another issue about which the Government should hang its head in shame is the Breaking the Silence report, which has major implications for Aboriginal communities and our local communities. The report highlighted major issues of dysfunctional families and kids with problems. The kids are on the streets because there is no point going home, and they get into trouble. They are involved in antisocial behaviour, cause malicious damage and put fear into the people in the town. The Government should implement ongoing programs in Aboriginal communities. It has not fulfilled any of the recommendations of this very important Breaking the Silence report. Far more emphasis should be placed on recruiting indigenous people into the Police Force. There are very few indigenous police officers in country New South Wales. The few Aboriginal community liaison officers [ACLOs] we have do a great job, but we need police officers.

Mr John Williams: You didn't know we had any.

Ms Angela D'Amore: Yes, I did.

Mr STEVE CANSDELL: The member for Drummoyne just read it off the sheet. I bet she would not be able to recite one sentence she just read.

Mr Frank Terenzini: Her sheet makes sense, unlike the one you've got.

Mr STEVE CANSDELL: The member for Maitland should go outside the city. He has probably never been out there except on a union raid on some poor old factory.

The DEPUTY-SPEAKER: Order! The House will come to order.

Mr STEVE CANSDELL: The Government congratulates itself and gives itself a wrap for the great work it is doing in reducing crime. It is the officers who are doing a great job.

Ms Angela D'Amore: Police officers.

Mr STEVE CANSDELL: Officers and police in general. The Government has talked about empowering communities. Communities are not empowered. When we started the Neighbourhood Watch groups in the Casino and south Grafton areas—which the Government has neglected by a lack of ongoing programs and dedicated police officers—we had to empower them. The Government has let down the communities in this area.

Ms MARIE ANDREWS (Gosford) [4.14 p.m.]: I commend the Rees Government for its outstanding and innovative approach to law and order across the Gosford electorate. The latest figures from the Bureau of Crime Statistics and Research show that crime across the Gosford local government area has fallen in three of the crime categories over the past 24 months and has been stable in all other categories, with only one category showing any increase. The 24-month trend to December 2007 showed some significant decreases, particularly in break-and-enter offences. Break-and-enter offences committed at a dwelling fell by 22.1 per cent and break-and-enter offences to premises other than dwellings fell by a significant 28.5 per cent. Police across the Central Coast continue to work hard to drive down crime and the Rees Government is continuing to support them in their efforts.

The latest initiative against crime in the local area has been the establishment of the Central Coast Crime Prevention Partnership. Communities across the Central Coast are proud of their uniqueness and individual characteristics. By working with the community and other stakeholders on the Central Coast the Crime Prevention Partnership will develop local solutions for local issues. Launched last month, the Crime Prevention Partnership brings together stakeholders from across the Central Coast to work with police and to develop solutions that will address crime and antisocial behaviour. In areas with high population growth, such as the Brisbane Water area, it is necessary to promote innovative approaches to preventing crime as the community grows. The Central Coast Crime Prevention Partnership is a prime example of the Government's drive to ensure the safety and security of its citizens through innovation. The targeted approach of the partnership allows police to operate more effectively around areas such as the Woy Woy peninsula, Gosford, Erina, Kincumber and Terrigal, and they know that these communities are behind them 100 per cent.

Crime prevention partnerships have proven to be a key tool in combating antisocial behaviour in educational facilities and retail and recreational areas. I thank Tuggerah Lakes local area commander, Superintendent Dave Swilks, for his leadership in chairing the Central Coast Crime Prevention Partnership. I also acknowledge the commitment of Superintendent Geoff McKechnie of Brisbane Water Local Area Command and the local agencies and stakeholders who participate on the Crime Prevention Partnership committee. I also commend the continued efforts of our front-line police officers from both the Brisbane Water and Tuggerah Lakes local area commands.

The establishment of the Crime Prevention Partnership complements the increased police numbers in Gosford, Terrigal and Woy Woy, where an additional 53 officers have been deployed since 1996. Together with the Crime Prevention Partnership, a community safety precinct committee will be established. This committee comprises the local police commander and representatives from the local council, State government agencies, community groups and other stakeholders. I am pleased to be a member of the Community Safety Precinct Committee in my role as the member for Gosford. I commend the motion before the House.

Mr CRAIG BAUMANN (Port Stephens) [4.17 p.m.]: For this House to congratulate the New South Wales Labor Government on the so-called reduction in and prevention of crime across local communities in New South Wales is an utter insult to anyone who has fallen victim to crime in recent days, weeks or months. It is a slap in the face for the many communities in my electorate of Port Stephens, and no doubt beyond, who are becoming increasingly frustrated by alcohol-related crime, assaults, robberies, thefts, vandalism and graffiti. Government members think they should be congratulated for the reduction in and prevention of crime. What would they say to the family of the late Colin Shepherd of Port Stephens who was bashed on his way home from the local RSL last month, placed in intensive care and later died? This tragic event rocked the Tanilba Bay community.

No doubt the New South Wales Labor Government will manipulate the figures and say that assaults are down, but clearly they are not down far enough if a well-liked, 56-year-old man walking home can fall victim to such a senseless crime. What would the Government members, who think they deserve praise for reducing crime, say to a 14-year-old girl in Raymond Terrace who, while walking home from school in August this year, was stabbed by a seven-year-old boy? What would the Government members say to an 80-year-old woman in Raymond Terrace who also in August this year was home alone when a 23-year-old intruder broke into her home while she slept and sexually assaulted her? What would the members opposite—who think they should

have a pat on the back for apparently reducing crime—say to the residents of the Tilligary who are currently being terrorised by teenage gangs who destroy letterboxes, smash windows and graffiti public property, all under the influence of alcohol?

I would also be interested to hear what the New South Wales Labor Government—that wants to sing from the rooftops that it has done a great job in reducing crime—would say to the group of teenagers who were almost run over in Raymond Terrace earlier this month, only to be chased, allegedly, by the driver with a steering lock. What would the New South Wales Labor Government say to the countless numbers of people who have fallen victim to glassing attacks with little support from the members opposite? If the members opposite dare to step outside the comfortable confines of their Sydney offices and visit the communities in which they claim to have reduced crime, they may learn that in fact crime has not been reduced—certainly not enough to deserve praise. It is typically presumptuous and arrogant of the New South Wales Labor Government to expect praise for work it has not done and services it has not delivered.

Instead, the New South Wales Labor Government plays around with figures from the Bureau of Crime Statistics and Research to make the Government appear to be reducing crime when in fact it would not have a clue. Obviously crime cannot be completely eradicated; there will always be some small level of crime. However, the horrific, frightening and tragic crimes I have mentioned have all happened in the past three months—not across the State in the past 12 months, but in my electorate in a number of weeks. The New South Wales Labor Government cannot possibly believe it has done a good job in reducing and preventing crime when such horrific incidents are taking place in my electorate alone virtually on a weekly basis. What is even more concerning is that I know there are members on both sides of the House whose electorates suffer far more prevalent and severe crimes than Port Stephens.

Mr FRANK TERENCEZINI (Maitland) [4.20 p.m.]: I am pleased to support this motion. I commend the Rees Government for its innovative approach in the Crime Prevention Partnership to further drive down crime. I know that my constituents in Maitland will welcome the opportunity to be involved in the Crime Prevention Partnership—a new initiative that will involve the whole community. As well as involving the police, Health, the Department of Community Services, Housing and local councils it will involve the community because this is a community problem. I know this initiative will work. Why do I say that? Because the Crime Prevention Partnership initiated in Newcastle has resulted in significant improvement in reducing alcohol-related crime.

The Minister for Police was in my electorate of Maitland only two weeks ago to launch this initiative. I know it will have an effect because it is going to allow the community to take ownership of this problem; it is going to make the community get involved and participate in an issue that should be the responsibility of the whole community, in addition to the departments involved. This will be a massive step forward to further drive down crime. The Central Hunter command that was created recently after the redrawing of the boundaries of the lower Hunter commands is a diverse and fast-growing area. To a certain extent it has a transient population and that means we have to devise innovative and creative steps to combat antisocial behaviour and alcohol-related crime.

The Crime Prevention Partnership is a great step towards this. We have a new local area command, which is half the size of the old command, with 187 police officers—a very strong police presence—and we have new initiatives happening in the area. For example, I refer to the hour of power, which is where the police saturate a known hot spot in the electorate and, over a very short space of time, combat crime in that area. That is having a profound effect in Thornton, for example, which has experienced recent difficulties. We also have the Suspect Target Management Plan, which targets repeat offenders and follows up their situations to make sure they are doing the right thing. Also, ongoing bail checks have been implemented to make sure that people who are on bail are maintaining their curfews and observing their bail conditions. As a result of these two major reforms we were able to implement the Crime Prevention Partnership, put more police on the ground and allocate more resources to combat the problem of crime in our communities.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [4.23 p.m.], in reply: I thank the member for Clarence, the member for Port Stephens, the member for Gosford and the member for Maitland for their contributions to this debate. I am very disappointed that the member for Clarence and the member for Port Stephens did not acknowledge how community policing is working in their local communities. I am particularly disappointed that in their responses the member for Clarence and the member for Port Stephens did not acknowledge the hard work of their local police officers. Both members were very good at highlighting a number of incidents that have occurred in their communities, but they failed to address how they as local members have worked with their local stakeholders, their local area commanders and their police officers to

address some of the concerns in their communities. The best advice I have for the member for Clarence and the member for Port Stephens is that they go out and communicate with their local area commanders and involve their stakeholders. The policies we are talking about in this debate would assist them to do that.

On the other hand, the member for Gosford and the member for Maitland outlined how they are working within their communities with their local police officers to reduce crime, and that is evident from their local statistics. They also outlined a number of initiatives the Government has put in place for assisting their communities. We see a stark difference between how Labor members work with their local police force and how the members opposite rant and rave in this Chamber rather than looking at how to work closely with their communities. What they failed to address in the debate was how the crime prevention framework clearly provides direction on the role of the Crime Prevention Partnership, which they can be involved in. The framework sets out the role of local government in crime prevention initiatives, such as the safer community compacts and the community safety precinct committees. It also outlines improved consultation with advocacy and stakeholder groups and the cooperative relationship between the relevant government agencies.

These are all things that the members opposite have dismissed and have not taken on board. I hope after this debate they will embrace some of these concepts and go out into their communities and work with their local police officers on these issues. The benefits of the crime prevention framework are self-evident. It is a comprehensive, organised set of processes and funding arrangements, which can be coordinated across agencies. The Government recognises that addressing crime is more than just responding to crime; it is about preventing crime in the first place and working with our stakeholders. Similarly, we recognise that crime prevention is more than just a police matter; it is a community matter. I hope the members opposite will take something from this debate to their communities and work with their local stakeholders. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Mr Amery	Mr Gibson	Ms Megarrity
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Mr Harris	Mr Pearce
Mr Borger	Ms Hay	Mrs Perry
Mr Brown	Mr Hickey	Mr Piper
Ms Burney	Ms Hornery	Mr Sartor
Ms Burton	Ms Judge	Mr Shearan
Mr Campbell	Ms Keneally	Mr Stewart
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Mr Coombs	Mr Koperberg	Mr Terenzini
Mr Corrigan	Mr Lalich	Mr Tripodi
Mr Costa	Mr Lynch	Mr West
Mr Daley	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	
Mrs Fardell	Ms McKay	<i>Tellers,</i>
Ms Firth	Mr McLeay	Mr Ashton
Mr Furolo	Ms McMahon	Mr Martin

Noes, 37

Mr Aplin	Mr Hartcher	Mrs Skinner
Mr Baird	Mr Hazzard	Mr Smith
Mr Baumann	Ms Hodgkinson	Mr Souris
Ms Berejiklian	Mrs Hopwood	Mr Stokes
Mr Besseling	Mr Humphries	Mr Stoner
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr R. W. Turner
Mr Debnam	Mr O'Dea	Mr J. D. Williams
Mr Dominello	Mr O'Farrell	Mr R. C. Williams
Mr Draper	Mr Page	
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

Pair

Ms Beamer

Mr Roberts

Question resolved in the affirmative.**Motion agreed to.**

The DEPUTY-SPEAKER: It being just after 4.30 p.m., the House will proceed to Government business and the matter of public importance will lapse.

TRANSPORT ADMINISTRATION AMENDMENT (METRO RAIL) BILL 2008**Bill introduced on motion by Mr David Campbell.****Agreement in Principle**

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [4.38 p.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Transport Administration Amendment (Metro Rail) Bill 2008 to the House. The objective of this bill is to amend the Transport Administration Act 1988 to enable the establishment of a Sydney Metro Authority. This authority will be put in charge of developing and managing the CBD Metro and any potential future stages of a Sydney metro system. This bill enables the New South Wales Government to get on with the job of creating a new mode of public transport for Sydney. Not only will the metro be a great new form of public transport, it will also link to buses, rail and light rail, and improve the overall transport system meaning less waiting, less crowding and more reliability.

As members are aware, the New South Wales mini-budget allocated \$1.8 billion in the forward estimates to start developing a metro system for Sydney. The mini-budget is about taking financially responsible decisions, and that is why the Government has put aside sufficient funds to commence a metro system for Sydney in which the CBD Metro is the number one priority and the first stage. In these tough economic times we must be realistic about what we can deliver. That is why the Government has earmarked enough money in the mini-budget to start a metro system for Sydney and it will continue working closely with the Federal Government to see how a potential co-contribution through Infrastructure Australia could enable further expansion of a metro network.

Members on this side of the House have made it clear that the New South Wales Government is certain that a metro system is part of this great city's future. Despite the budget constraints, we want to proceed with the CBD Metro as quickly as possible to ensure we have the transport capacity for growth and jobs in the central business district. The latest estimate is that by 2036 there will be six million people living in Sydney. Providing them with a new metro system starts with the CBD Metro, which is clearly the enabler of future metros. It will be the spine of the Sydney metro system and other routes can be attached to it.

It is pivotal that the metro works in an integrated manner with the other modes of transport to maximise the public transport network. That is why the Government is actively pursuing the integration of the metro system with the redevelopment of Central station to cater for a smooth London tube-style interchange bringing commuters from the west through the central business district. We are also planning a bus interchange in Rozelle, so that commuters travelling on buses on the Victoria Road corridor can interchange swiftly from one mode of transport to another, thus increasing capacity and reducing bus traffic on busy CBD streets.

The Government is committed to making this happen, which is why we are establishing the Sydney Metro Authority, whose only focus will be on delivering this new public transport mode for Sydney. Metros represent the future of Sydney's transport. The CBD Metro is the first phase, with the creation of a dedicated, focussed authority that will ensure the effective delivery of a world-class Metro product. As well as providing the foundation for a network of metros, the CBD Metro will provide a much-needed new high-capacity transport corridor through the city, relieving passenger congestion at Town Hall and Wynyard stations.

It is important to understand that presently there are capacity constraints through the CBD, with Central station effectively acting as a bottleneck during peak hours for trains to and from the south, the south-west, the west, and the north. With the CBD Metro, the CityRail network will be able to schedule more trains into Central from the west for quick and easy interchange to the CBD Metro. One cause of the major bottleneck at Central today is that the 15 platforms in the country and interstate section at Central are underutilised. By making more use of this existing infrastructure and linking it with the CBD Metro, the Government is maximising its transport infrastructure investment.

It is plain to see that the CBD Metro will provide relief to the congested CBD. It provides for a substantial increase in capacity on the existing CityRail network and it provides for future expansion of the metro network. The principal functions of the Sydney Metro Authority will be to develop safe and reliable metro railway systems for Sydney. The proposed Sydney Metro Authority will be the governing body responsible for the development and delivery of the CBD Metro and possible future schemes. The Sydney Metro Authority will have overall responsibility for management of delivery and commissioning of the CBD Metro by 2015; management of the development of other metro lines as directed by Government; and oversight of ongoing CBD Metro operations including dictating service delivery and standards to any private operator.

It is important to understand that once a metro line is established and operational, Sydney Metro's role will change and it will dictate service delivery and service standards to the operator as well as undertake further planning for potential expansion of the metro network on behalf of the Government. Sydney Metro Authority will be established under governance arrangements similar to those applicable to other statutory authorities under the Transport Act such as the State Transit Authority and, following the passing of the Transport Administration Amendment (Rail and Ferry Transport Authorities) Bill 2008 in the upper House last night, RailCorp and Sydney Ferries. To achieve maximum value for the taxpayer, it is essential that the New South Wales Government have an organisation that can draw from specialised, international expertise in the design, construction and operation of metro systems.

It is also important to ensure that the Government has an organisation that is focused solely on the demands of delivering a world-class metro system for Sydney. The scale of the investment, the need for tight project control and the need for rapid performance to deliver the CBD Metro and future extensions all combine to necessitate the establishment of a special authority. Importantly, the authority will focus on the long-term success of the metro service, not just the construction phase. The New South Wales Government is determined to take this very significant next step in public transport infrastructure for Sydney. Metro will provide immediate benefits to the CBD's transport capacity, and will pave the way for further enhancements to a Sydney metro system. For these reasons, the Government has introduced this bill and I commend it to the House.

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

WORKERS COMPENSATION LEGISLATION AMENDMENT (BENEFITS) BILL 2008

Bill introduced on motion by Mr Joseph Tripodi, on behalf of Mr David Campbell.

Agreement in Principle

Mr JOSEPH TRIPODI (Fairfield—Minister for Finance, Minister for Infrastructure, Minister for Regulatory Reform, and Minister for Ports and Waterways) [4.45 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Workers Compensation Legislation Amendment (Benefits) Bill 2008. The New South Wales Government is proud of its record of delivering reforms to workers compensation and workplace safety in New South Wales, and the benefits that these reforms bring to workers and employers. The Workers Compensation Legislation Amendment (Benefits) Bill 2008 reflects the Government's continued commitment to ensuring the New South Wales workers compensation scheme provides comprehensive and generous compensation packages to the families of workers who die as a result of workplace injury. The significant reforms in this bill will provide additional security and peace of mind for these families. The bill also contains provisions that enable an alternative premium calculation model, creating an incentive for large employers to improve their workplace safety and injury management processes. These changes are responsible, sustainable reforms for the benefit of both employers and their workers.

The bill reforms the death benefit provisions in the Workers Compensation Act 1987 in a number of ways. The lump sum death benefit will be increased from the current rate of \$343,550 to \$425,000, an increase of more than 20 per cent. This lump sum payment is paid in addition to funeral expenses and the weekly payments available for dependant children. Death benefit arrangements will also be amended to allow the death benefit lump sum to be paid to a deceased worker's estate where the worker leaves no financial dependants. Currently in New South Wales, when a worker dies from work-related injuries and leaves no financial dependants, the only compensation payable is funeral expenses.

This bill provides for non-dependant family members of the State's deceased workers, by ensuring that the full lump sum benefit is paid to the deceased worker's estate. This will alleviate hardship for family members, including the parents of deceased workers, who would otherwise be required to prove financial dependency in order to access the lump sum. The third reform to death benefits ensures an entitlement to weekly and lump sum death benefit payments is not reduced on the basis of partial financial dependency. Currently, weekly and lump sum death benefit payments for a dependant child can be reduced if the child was only partially financially dependant on the deceased worker. This often requires families to go through dispute action to demonstrate degrees of financial dependency at a very difficult time.

Under the reforms in the bill, weekly benefits payable to children of the deceased worker will no longer distinguish between partial or total financial dependency. The entire lump sum benefit will also be paid. Where there is only one dependant, that dependant will be entitled to the entirety of the lump sum payment regardless of whether he or she was wholly or partially dependent. Where there are multiple dependants, the issue of whether the dependants were wholly or partially dependant on the deceased worker may continue to be taken into account when determining the apportionment of the lump sum benefit; however, the bill ensures that the total death benefit is apportioned. The new arrangements will apply to work-related deaths occurring on or after 24 October 2007, provided that the injury that caused the death occurred after the relevant provisions of the current workers compensation system commenced, that is, after 30 June 1987. These reforms will provide greater financial certainty and stability to families during a difficult period.

The Workers Compensation Legislation Amendment (Benefits) Bill 2008 also contains an incentive for large employers to improve workplace safety. The bill contains provisions that enable an optional alternative premium calculation method for large employers based on the burning cost premium method, without threatening the viability of the scheme. WorkCover conducted a comprehensive review of the scheme's premium system in 2004, which resulted in a number of changes to premium calculations for the benefit of all employers, but principally for small to medium employers. In the course of this review, WorkCover received feedback from large employers indicating support for a premium calculation method that would be more flexible and responsive to their needs.

Following extensive consultation with large employers and other scheme stakeholders, an alternative premium calculation method for large employers has been developed. Under the Workers Compensation Act 1987, the premium for an employer's workers compensation policy is calculated by reference to an insurance premiums order and is determined on an industry basis. Under the proposed premium calculation method, instead of having the premium determined on an industry basis, an employer's final premium is based on the individual claims experience as determined five years after the policy commencement date. An employer's premium expense will be more closely linked to his or her own claims, not only during the policy period but until the claim is closed, or for four years following the expiry date of the policy period, whichever comes first.

The employer pays an initial deposit premium at the time of the policy being written. This premium amount is subsequently adjusted depending on the employer's claims experience. The final premium is capped to sit between a specified minimum and maximum premium. Employers who reduce the number and severity of claims and manage claims well can achieve significant savings under this model. By linking the premium so closely with the actual cost of the claims experienced, this method creates a direct and immediate financial incentive for employers to work with employees to prevent injuries, or where an injury does occur, to assist the worker to recover and return to duty. When utilised effectively, this method will contribute to improved employee health and return-to-work outcomes for injured workers and premium savings for employers.

If an employer's injury prevention and management system is not effective, the model can result in higher than conventional premium costs. These arrangements are therefore most appropriate for large established employers, with a relatively stable claims history and the specialist resources necessary to proactively manage injury prevention and return to work. The alternative method will only be open to large employers who satisfy eligibility criteria established by the insurance premiums order and who are approved by

the Nominal Insurer for the alternative method. This will ensure that participating employers have the resources and systems to effectively implement the injury prevention and management strategies needed to utilise this premium arrangement effectively. The deferred premium payment feature of the alternative premium calculation method results in a cash flow benefit for the employer, but also presents a risk to the scheme and other participating employers from employer insolvency.

To mitigate this risk, the bill requires approved participating employers to provide the Nominal Insurer with security for their premium liability. This security can be in the form of a security deposit or guarantee to the Nominal Insurer. This security will protect the Workers Compensation Scheme in a situation where a participating employer goes into liquidation. By holding the required security, the Nominal Insurer can protect the WorkCover Scheme and ensure that other employers are not required to make additional contributions if an individual employer's business fails. As utilisation of the alternative premium calculation method will be voluntary, employers will be able to take the cost of providing a bank guarantee or other security into account when making the decision whether or not to apply for access to the alternative premium calculation method.

The changes contained in this bill are largely to enable WorkCover to obtain a bank guarantee or other surety from participating employers. It is proposed to introduce the alternative arrangements gradually and initially limit the number of employers granted access, to allow for testing and refinement of the model before it is offered more widely. Consultation with stakeholders, including some of the State's largest employers, employer associations, Unions NSW, scheme agents and insurance brokers, has demonstrated strong broad-based support for the introduction within the WorkCover Scheme of this optional premium calculation method. Members will see from a close reading of the bill that it contains important measures for the benefit of workers and employers. I commend the bill to the House.

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

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT FURTHER AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 14 November 2008.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [4.54 p.m.]: A professional public service is central to government and the services it provides to our citizenry. I have a clear view about the role of government: to create an environment in which individuals and enterprise can flourish, and in which people can realise their potential for their own benefit and that of the wider community; one in which private enterprise thrives, not as an end in itself, but as a means to securing economic growth and lasting improvement in living standards. It is about helping to build an inclusive and fair society in which opportunity and choice abound, in which initiative and responsibility are encouraged and where individual freedom is safeguarded by institutions of government in which people can have trust. It is about effectively marshalling the resources of government to provide essential public services. It is about understanding that working in partnership—with individuals, communities, organisations or business—can achieve better results faster.

To achieve these goals, government has to be focused on performance and results. Government requires discipline if it is to deliver improvements and to create a sound, sustainable foundation for the future. It needs to acknowledge that one cannot judge the quality of a government by its size. It must be made up of people who recognise that an ever-increasing agency budget is no guarantee of better services. It has to understand the importance of openness and accountability in both protecting individual freedom and lifting performance.

The return of a government committed to these goals—and determined to deliver for this State—is the task in which my Liberal-Nationals colleagues and I are engaged. We believe the State deserves better; we know that New South Wales and its people can do better. A resourceful, responsive, professional public service is crucial to achieving our goal. That is why revitalising the New South Wales public sector—a public sector worn down by Labor's inability to manage and its failure to care about the consequences—is so important for me. Labor's mismanagement and failures come with a human cost. Whether it is a family fronting up to an emergency department or a child at risk of harm waiting for a response to warning calls to the Department of Community Services [DOCS], Labor's failing Government directly affects lives.

Yet for all its claims of compassion, Labor seems not to care or to understand. Turning this State around and restoring quality government to its people requires a strong public sector. We are committed to a public sector that can care for those in need; one that can provide quality, essential services to all who choose to call upon them. We aim for a public sector populated by people qualified for the task and enthusiastic about the challenge, and who look forward to breaking free of a system shackled by Labor's inertia. Whether it is DOCS or transport, hospitals or schools, the task will be the same: delivering improvements by refocusing services on outcomes and results.

It is about setting benchmarks across State agencies and measuring performance against standards in both public and private sectors. That is something Kevin Rudd understands and is trying to impose on the States as he seeks to lift hospital performance. It is about applying the rigour of private sector style annual performance reviews to inject accountability and to lift performance. It is about turning around Labor-style appointments that bypass merit-based selection panels because turning around our failing public services will require the very best people available. Our task also requires a rethink about the shape of government. Instead of portfolios created to suit political whim, we are determined to apply the resources of government effectively and collectively to drive improvement in services to the public. That is why the proposed single transport coordination agency of the member for Willoughby offers a new model for planning and delivering transport improvements focused on the goal of increasing patronage.

A renewal of public services that better meets the needs of families and businesses is essential in creating the society that I seek and it is underpinned by a public service that performs. The Public Sector Employment and Management Further Amendment Bill 2008 has been introduced in response to a review of the Public Sector Act 2002 that was tabled in June this year. The report was a result of a mandatory five-year review of the legislation as required under the Act. I express concern about the lack of independent review. The Department of Premier and Cabinet conducted the review of the report. As a matter of good governance, an outside body should have conducted it. There was no active external consultation but there should have been. The advice of a wide range of interest groups and people with extensive knowledge of the public service in Australia should have been sought, including the national Institute of Public Administration. The report is self-serving and the approach far more that of a receiver-manager than of a public service aiming to develop the highest possible standards of probity and service delivery. Not surprisingly, given that it was not done independently—the Department of Premier and Cabinet did it—the report concludes:

The legislation is fundamentally sound and the identified policy objectives of the Act remain valid.

What is surprising is that, notwithstanding the comments made by the Parliamentary Secretary that this is the first stage of reform, some of the most significant recommendations made by that review of the legislation—as flawed as I would argue that review was—are left undone and unacted upon by this legislation. This bill does nothing to deal with the serious problems of governance, the integrity of the public service and the public sector in New South Wales. It is an ominous omission in light of the scandals and the lack of ministerial accountability that exists within the current Government. What we have seen since Labor took office in 1995 is a government that has consistently politicised the New South Wales public sector through a system of patronage, undermined the core processes that are needed to ensure the impartiality and professionalism of the New South Wales public service, expanded the number of public relations-related positions in the New South Wales public sector, and demoralised and demotivated hardworking, solid public servants as a result of this approach.

In terms of the politicisation of the public service, Labor has put in place a de facto system of patronage and populated its ranks with dozens of individuals from the broader Labor network, including former Ministers, political staffers, party members, party associates and union officials. Currently more than 100 senior public service employees across the State owe their position not to being appointed on merit but to the existence of a Labor Party membership card in their back pocket. We have seen a remarkable rise—

Mr Robert Coombs: Point of order: The Leader of the Opposition has raised in his contribution a number of unsubstantiated allegations. I believe he is out of order in terms of the rules of debate in this place.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I ask the Leader of the Opposition to be mindful of the points he is making.

Mr BARRY O'FARRELL: I was about to substantiate what I have said, in part, by referring to the current head of the Department of Premier and Cabinet, a man who 13½ years ago was first employed as a public relations assistant within CityRail and who today is the most senior public servant in the State. There was

no evidence 13½ years ago of his fitness to be the head of the Department of Premier and Cabinet, and there is no evidence of that today. There was no outside selection panel for his appointment, and there was no merit selection—the issues that this legislation seeks to address. My point is that we have too many senior public servants across the State who are in their positions not because they have the qualifications to do the job but because they are members of the Labor Party or are related to members of the Labor Party.

I cite as a second example the head of the Department of Education and Training, Mr Coutts-Trotter. I cast no reflection upon Mr Coutts-Trotter's past personal life. My issue with Mr Coutts-Trotter is that, again, there was no advertising of the job, there was no panel, and there was no merit selection. It was simply a decision by a Minister who had been transferred from one portfolio to another to bring with him his most senior public servant. In my view, the Education and Training portfolio is the most critical portfolio in the State. The Department of Education and Training last year educated approximately 738,000 children. The department has a budget of more than \$11 billion. New South Wales is the only State in Australia that has a Director General of Education and Training who does not have a single qualification related to education.

What qualification does Mr Coutts-Trotter have? Mr Coutts-Trotter, of course, has strong Labor Party associations. That is the point. That is the point that frustrates not only members on this side of the House, that frustrates not only people throughout the public service who see positions to which they should rightly be able to aspire being taken by Labor Party hacks, cronies, mates and family members, but it also frustrates the public. They know that as a result this State is not improving, they know that as a result they are not getting the services they deserve, and they know that as a result, regrettably, the reputation of the New South Wales public sector has taken a hit.

That is how we end up with Ben Kenneally as the Deputy Director of the Department of Premier and Cabinet. Again, he was appointed to the position without any outside advertising and without any merit-based selection. That is how we get Mr Duffy as Director General of the Department of Water and Energy, a former friend of the then Treasurer and of the current head of the Department of Education and Training. Through the absence of proper merit-based selection principles, through the absence of any commitment to advertising public sector positions, through the absence of ensuring that on those selection panels—if they did exist—there is an independent panel member, we end up with the sorts of appointments that scandalised the public earlier this year when Joe Scimone was appointed to New South Wales Maritime.

In terms of undermining processes designed to deliver impartiality and professionalism, under Labor there has been a consistent failure to fully and publicly advertise public sector positions, particularly those of a temporary or secondment nature. Equally, rigour has been removed from position selection processes, including cutting the number of interview panellists from three to two. This has had the effect of making it easier to manipulate a selection process to deliver a prescribed and desired selection outcome. It has long been a practice in this State that with regard to positions that were advertised—positions that these days increasingly are not advertised—if a selection panel were convened, one member of that selection panel would be external to the process. This gives the process some degree of transparency, to ensure that there could be no suggestion of there being a stitch-up. Yet, all that changed on 25 August 2008 when a memorandum issued by the Premier's Department advised that the regulations now only require a minimum of two people, rather than three people, to sit on a selection panel. That memo states:

The independent member of the selection committee can now be from the same Department in which the vacancy exists, so long as that person is from a different branch or business unit to the vacancy.

For decades, it was not acceptable. The process was not deemed to be independent if the person who sat on the selection panel came from the same department in which there was a vacancy. This is being done not to improve the quality or calibre of New South Wales public servants; it is being done to reward Labor mates as Labor starts to lose government. It is about planting their own within the public sector; it is about ensuring they are on the gravy train well before this Government loses office on 26 March 2011. It is as far away from merit selection and trying to lift the professionalism of the public service as you can get. It is more about running New South Wales like a family business for the benefit of those who are ministers, for their families, for their mates and for their cronies. That is why New South Wales is in the mess it is in.

The Department of Premier and Cabinet's Merit Selection Guide for New South Wales Public Sector Panels, dated September 2008, lists as its first principle as follows: "Advertise vacancies to attract a competitive field of applicants". In two sections this legislation does away with the requirement to advertise, which is completely and utterly unacceptable. But even now, according to the Department of Premier and Cabinet's employment options table published on its website, there are currently seven categories out of a total of 10 of permanent public sector positions that do not require external advertising to fill vacancies. What is the

Government trying to hide? What is wrong with advertising these positions? What is wrong with trying to lift the professionalism of the public service? What is wrong with trying to attract the best and brightest people in New South Wales to help us get out of the mess we are in?

If we are to resolve the problems of this State, if we are to improve what Labor has delivered us for 13½ years, we need to unleash the potential of the State's public service, we need to reward initiative, we need to encourage frank and fearless advice, and we need to restore responsibility within the public service. And along the way, we should do something about restoring it to Cabinet. We cannot do that if attacks continue upon the public service like those contained in this legislation that seek again to reduce merit selection, that seek again to waive requirements to advertise positions externally, and that seem more about putting Labor mates, cronies and family members into positions in the public service when the State is crying out for the best possible people to help this State get out of the mire it is in.

Effectively, we do not have what exists in other jurisdictions. Federally we have an Office of Merit Protection and a Public Service Commission, both of which are designed, first, to ensure that merit selection principles apply whenever public sector positions are filled and, secondly, to lift the professionalism, ensure ethical behaviour and promote generally the benefit of a career within the public sector. Within this State we do not have a separate body. The Department of Premier and Cabinet takes it upon itself to engage in that role. The department has recently changed its structure, so we now have a Public Sector Workforce Office that, in part, says it fulfils that role.

Effectively, that leaves the Department of Premier and Cabinet as both the poacher and gamekeeper in the public sector employment system. It provides no public interest guarantee. It also provides no certainty to the public of New South Wales that each and every position that becomes vacant is filled by the best possible person, and that we are seeking to attract the best possible people into our public sector or to promote them from within into senior positions. We need to crash through the Labor Party ceiling that has been imposed on the State's public sector, crash through the political appointees, and ensure that we get the best possible people who can do the job as this State continues to go from crisis to crisis.

What has been missing in New South Wales for the entirety of the 13½ years in which Labor has been in office is any sort of principles setting out what should be sought in public life—public life not for just those people who fulfil positions as we do in this Parliament but public life for those who fill public positions: public servants. A public servant has the role of seeking to serve the public. I am minded of the publication in 1995 of the Seven Principles of Public Life, which I think it is worth reminding every member of the House about, but it is also worth ensuring that in making appointments and undertaking duties, whether in the public service or in the Parliament, we seek to subscribe to them. Those principles are:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Lord Michael Nolan, who enunciated those principles, did so after a scandal and crisis in Britain, but those principles are as worthy as any and those of us in public life, whether in Parliament or the public service, should seek to uphold them. Those principles should fundamentally drive legislation such as this, but what we see here is legislation driven by the lowest common denominator—driven by Labor's desire to do what it can on its way out of office to secure even more appointments for itself. That is why the Liberal-Nationals are committed to ensuring to lift the standards of the New South Wales public service to support those people that work within it. The Liberal-Nationals want to ensure that the advertising of appointments is mandatory. We want to ensure that there are rigorous selection panels with external appointees. We want to ensure above all that the merit selection principle comes to the fore. We want to ensure that we work towards increasing the professionalism of the public sector and encourage initiative and accountability. We want to ensure the delivery of advice that is frank and fearless, advice that is required for an effective public sector.

The Liberal-Nationals will ensure professionalism. We will ensure merit-based recruitment, selection and accountability in the New South Wales sector by making it compulsory to publicly advertise all permanent positions in the public service. This will make it compulsory for a selection-panel process to be in place for all permanent positions in the public service, ensuring that vacancies are filled on the basis of a candidate's merit and qualifications and no other considerations. The Liberal-Nationals will halt the practice of temporary employees being permanently placed in substantive positions without appropriate advertising of positions, or the merit selection process, and will create the New South Wales Public Service Commission.

The Public Service Commission will aim to ensure that New South Wales has the most qualified and professional public service possible. It will restore the highest levels of integrity, impartiality, ability, accountability and leadership to the public service. It will ensure public service positions are filled on the basis of an individual's merit and qualifications, and drive patronage or favouritism out of decision making. It will assist the public service to become an employer of choice that is attracted to the highest calibre of individual candidates. It will promote a public sector culture in which initiative, the achievement of results and individual responsibility are strongly valued. It will rebuild the confidence of the public in the public service.

On an all-of-government basis the Public Service Commission will develop, advise on and promote best practice in the following areas: standards for public sector recruitment and selection that ensure openness and transparency; performance benchmarks and assessment for public sector managers; codes and guidelines for integrity, impartiality, ethical conduct, accountability and leadership for public sector managers; employment arrangements and incentives that reward initiative, innovation and results and achievement in the public service; and measures to be an employer of choice.

The Public Service Commission will drive improvement through the following initiatives: regularly monitoring, auditing and enforcing public advertising of all public sector positions; regularly reviewing and reporting on agency performance against standards for public sector recruitment and selection processes; and conducting independent investigations into employment actions to ensure they have been effective and fair and not subject to patronage or favouritism. The Public Service Commission can also determine and advertise where advertising a position may not be warranted, such as in the case of an agency restructure. This is currently the case with the Director of Public Employment.

Reporting directly to the Premier, the Public Service Commission will be drawn from the ranks of former senior public servants, including from the Commonwealth and other States. The Public Service Commission will have demonstrable expertise in senior level recruitment and selection and organisational performance and management. That is what you do when you want a professional public service. That is what you do when you are committed to merit selection. That is what you do when you are committed to ensuring that people see the New South Wales public service as a first-option career. That is what to do as a government that is prepared to listen to the best advice from the public sector and a government that is prepared to encourage and reward initiative, encourage and reward fearless and frank advice, and leave the politics where it should be—in the ministerial office, not in the agencies across New South Wales.

What is extraordinary about the legislation currently before the House, and to which the Opposition intends to move six amendments, is that it seeks in two parts to do away with the need to advertise positions—simply extraordinary at a time when we have a State in crisis and a public service that should be strengthened—and that would authorise the Director General of the Department of Premier and Cabinet to be able to conduct

his or her own inquiries into public sector agencies. As I have said, it is simply incredible that, given the scandals that the Government has been engaged in, given the weekly scandals that we see, that this State Government is seeking to provide to the Director General of the Department of Premier and Cabinet an ability to undertake inquiries that already exist. Under current legislation the Minister responsible for the Act—the Premier—has the following powers. I quote from section 159 (1):

The Minister may, in the case of any matter relating to a Division of the Government Service or statutory body representing the Crown, direct such person as the Minister specifies in the direction to conduct a special inquiry into the matter.

The Minister also has the power, of course, when conducting these inquiries of those conferred on royal commissioners. Section 159 (4) states:

A person conducting a special inquiry has, for the purposes of the inquiry, the functions, protections and immunities conferred on a commissioner by Division 1 of Part 2 of the *Royal Commissions Act 1923*.

The bill will give the power to conduct an inquiry directly to the director general without direction from the Premier; however, these powers will not match those of the Minister to appoint an inquiry with the functions or powers of a royal commission. At a time when we have a government that is mired in scandal it is of enormous concern that this proposal appears to be a vehicle for avoiding the more significant and probing inquiries by the special commissions of inquiry or royal commissions. It also poses a potential serious conflict of interest for a director general to investigate his or her department or, in the case of a wider issue involving the public sector, a public service for which he or she is meant to be the head.

The Opposition will move those amendments to uphold the principles that we will apply in government. The Liberal-Nationals are determined to re-energise the public service. It is determined to unleash its potential as we take the task of rebuilding and renewing the State and restoring its fortunes again. It will do so by seeking to attract the best and brightest to the system, to ensure that the public understands that talented individuals can enjoy a secure career within the public service. We will do so by adopting the best of public and private practices. We are determined to create an environment where initiative is rewarded and not discouraged, where accountability and responsibility is restored, and where it will be complemented by a return to ministerial responsibility, where the best frank and fearless advice is expected and encouraged, and where any political dimensions are the exclusive domain—as they should be—of Ministerial offices, not the public agencies of the State.

The Liberal-Nationals understand the challenges we face after more than a decade of Labor mismanagement. We understand the significance of the public sector agencies and employees in providing government services to families across the State. We do so understand the consequences of failing public services to commuters, people with disabilities, patients, students, the disadvantaged and so many other people who live in our electorates. The Liberal-Nationals Coalition considers that this reform is critical. It recognises that central to all that Government does are the people who work in our public service. We want to reward those hardworking public servants and root out the patronage that has existed over 13 years. This bill seeks to increase that patronage as Labor heads towards the next 120 weeks and the election that awaits it at the end. We must lift the performance of our public sector and Government. We are determined to do both when in government and we are determined to do everything this side of coming into government to get those opposite to finally do so.

Mr ROBERT COOMBS (Swansea) [5.20 p.m.]: I am pleased to support the Public Sector Employment and Management Further Amendment Bill. The Leader of the Opposition referred to a much different public sector from that which currently exists in New South Wales. He tried to paint a picture that the public sector is basically a sop to the New South Wales Government.

Mr Barry O'Farrell: No.

Mr ROBERT COOMBS: Yes, a sop to the New South Wales Government. In fact, he went further in a couple of cases and said that in relation to the New South Wales Australian Labor Party, which is completely wrong. He has entirely disregarded some of the scraps with New South Wales public sector agencies. It looks like there is agreement with ambulance officers, but the teachers, police and others have held massive protests that have made us somewhat unpopular. The Government has indicated it will provide a 2.5 per cent pay increase and that any further pay increases will be attached to efficiency and productivity gains. The Leader of the Opposition acts as though it is not happening. We have not done that purposely to pick a fight with these people. We have done it for the very reason the Leader of the Opposition tried to articulate. We are determined to have a proficient and efficient New South Wales public sector.

We have tried to incorporate a number of factors utilised by private enterprise, such as benchmarks. We have indicated in the awards, enterprise agreements and contractual negotiations that if we are to attain the productivity and efficiencies that we demand we will have to properly benchmark. We have relied on world's best practice and other information available to us. If we are to have an efficient and productive public sector, a number of targets must be met. That will be put in place and compared with other pay models. Let there be no bones about it, we are determined to have a proficient, productive public sector across all areas and to ensure that it continues to meet world's best practice.

The bill implements the recommendations arising from the statutory review of the Public Sector Employment and Management Act 2002. The Act is the main piece of legislation regulating the employment of staff in the public service. Extensive consultation was undertaken during the review to obtain stakeholder views on whether the objectives of the Act remain valid and the terms of the Act remain appropriate for securing those objectives. Preliminary views were sought from key stakeholders, government agencies and unions and there was agreement on what should be considered as part of the review to ensure that efficiencies would be gained. An issues paper was developed and released for discussion earlier this year. The issues paper sought comment on the provisions and policy objectives of the Act from public sector agencies and unions.

Submissions were received from stakeholders during the review. The report on the review was tabled in Parliament in June 2008. The report concluded that the Act is fundamentally sound and the identified policy objectives of the Act remain valid. It made a number of recommendations to further improve the operation of the Act. The bill implements the first stage of changes recommended in the report. The changes will ensure that the Act will continue to meet its identified policy objectives. I have no doubt that merit-based selection procedures were considered as part of the review. The Leader of the Opposition spent a long time on this issue.

My understanding is that merit-based selection will be put in place and will incorporate some of the objectives the Leader of the Opposition spoke of, such as independent members on the panel. That may not occur for top senior positions. Again, that is no different to the private sector. The private sector headhunts. It selects a person that is extensively experienced in a particular field and headhunts. The Leader of the Opposition tries to tell the Parliament that only ex-Labor Party members or card-carrying members of the Labor Party will be considered for this job. That is crap; it is not true. That will not happen. We are trying to promote proficient business models. The Leader of the Opposition would have us believe that a member of the New South Wales Labor Party cannot apply for any of these positions. That is discriminatory.

Mr Barry O'Farrell: Point of order. That is a gross misrepresentation. Advertise the position and anyone with a Labor Party card can stand on merit selection principles. But John Lee and Michael Coutts-Trotter would not have got through.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! That is not a point of order.

[Interruption]

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Wakehurst will have an opportunity to contribute to the debate.

Mr ROBERT COOMBS: They are all getting pretty excited over this issue.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Members will cease interjecting. I remind the Leader of the Opposition that this is a broad-ranging debate.

Mr ROBERT COOMBS: I will try not to be so adverse. The bill will assist public sector agencies in continuing to provide quality services to the people of New South Wales in a number of ways. The bill makes it clear that public sector employees may be temporarily assigned to support disaster recovery activities. That is a good provision. It relates to disaster recovery and extending the Act to ensure the redeployment of officers. This will assist public sector agencies in serving the community in times of need, particularly in supporting the welfare of communities affected by emergencies. I believe the Leader of the Opposition mentioned this in his contribution, so he should not have any objection to it.

The welfare services provided as a result of emergencies may include providing emergency accommodation, material and financial assistance, meals and food packages, community outreach and personal support. I am sure no-one would object to our public sector agency supporting that sort of initiative. I would

have thought there would not be any objection at all. The range and frequency of emergencies have increased in recent years. Public sector agencies have provided assistance in relation to natural disasters such as bushfires, storms and floods, and they have also have provided disaster welfare response to silo fires, the repatriation of Australian citizens, chemical spills, gas explosions and siege events.

Mr Brad Hazzard: Your speech was better when you weren't reading a prepared speech. It was good before.

Mr ROBERT COOMBS: It is important to put these matters on the record. In a state of emergency government agencies can be directed to assist in particular ways, including requiring staff to support recovery activities. That is a very important provision. However, not every event is declared a state of emergency. A comprehensive New South Wales response needs to be initiated as required. This response must recognise the need not only to redeploy public sector employees to support disaster recovery activities but also to ensure that business continuity within individual agencies is maintained.

Mr Jonathan O'Dea: Tell us what you really think.

Mr ROBERT COOMBS: I have. The bill will make it clear—to come to the point of the member for Wakehurst—that public sector employees can be temporarily assigned to support disaster recovery activities. This will ensure a comprehensive response from public sector agencies that can be provided in emergencies while maintaining the delivery of quality services for the people of New South Wales. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [5.29 p.m.]: I speak on the Public Sector Employment Management Further Amendment Bill 2008.

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

PRIVATE MEMBERS' STATEMENTS

Question—That private members' statements be noted—proposed.

ROYAL VOLUNTEER COASTAL PATROL

Mr ROB STOKES (Pittwater) [5.30 p.m.]: Many members would know of the great work done in coastal communities by the Royal Volunteer Coastal Patrol, and its work in my electorate is no exception. I am enormously fortunate to have not one but two divisions of the Royal Volunteer Coastal Patrol located in my electorate of Pittwater. The Terrey Hills division of the Royal Volunteer Coastal Patrol fulfils a vital role as the sole marine rescue base operating in the Sydney metropolitan area serving the boating community 24 hours a day, seven days a week. The base is staffed entirely by volunteer experts in radio communications and has been involved in some significant rescue operations, including a mayday on Ashmore Reef, the tragic collision off Bradleys Head earlier this year, the crash of an aircraft off Jibbon beach, and a mayday from a yacht that ran aground on an unmarked reef in the Coral Sea a couple of months ago.

Unsurprisingly, the Terrey Hills division was awarded the Royal Australian Navy Trophy for the best all round performance of any Royal Volunteer Coastal Patrol base in 2008 at the annual patrol competition in Bermagui. I congratulate Divisional Commander Ron Woosey and all the Terrey Hills patrollers on their service and their commitment. The Broken Bay division of the Royal Volunteer Coastal Patrol, which has operated continuously for more than 60 years, also proudly serves Pittwater. I was very fortunate to serve as an able seaman with the Broken Bay division for several years during the 1990s before I was encouraged by my wife to cede to the domestic duties that have now prevented me from going on weekend patrols.

I have seen firsthand the wonderful work done by the Broken Bay division in aquatic rescue, education and marine radio. It was great to serve with some incredible patrol members such as former divvies—divisional commanders—Richard Cockman, Don Hope, Ken Hibbens, Mike Searle, Mike Stringer, OAM, and Geoff Hatfield. I remember that Geoff in particular would regale us with stories of his time in Bomber Command. I also remember seeing the *Krait*, then a rescue boat with the coastal patrol—

Mr Phillip Costa: A great ship. I saw it moored down there.

Mr ROB STOKES: And moored in Pittwater. I am joined in speaking about the *Krait* by the member for Wollondilly who, sadly, left his domicile in Pittwater some years ago. Today the Broken Bay division operates rescue boats, including a Waveney class lifeboat, the *P & O NedLloyd Strathallan*, which previously saw service with the Royal National Lifeboat Institute in the United Kingdom, and CP74, an inflatable rescue boat that provides inshore rescue. In 2007 the Broken Bay division provided more than 20,000 volunteer hours and performed more than 85 rescues, assisting almost 200 people. It also provided rescue services at important community events such as the ocean swim series off Pittwater beaches.

Volunteers such as Simon Deneen, John Duniam, Scott Kranenburg, Victor Lawrence, Peter Woods and David Harrison provide rescue services and education services to the boating public, including courses in navigation, boat licences and radio operation. I encourage anyone with a love of the sea to join in the great work of the Broken Bay division and to enjoy the great camaraderie shared by the crew. No-one would be disappointed.

Despite the great work of the Royal Volunteer Coastal Patrol it is in need of real support by government. While NSW Maritime collects about \$60 million from the boating community each year in fees, about 90 per cent of funding for coastal patrol has to be raised by the volunteers themselves, notwithstanding that the service provided by the coastal patrol saves taxpayers tens of millions of dollars every year. We need coastal patrol skippers, navigators, radio operators, engineers and crew focused on patrolling our waterways and educating the public, not baking lamingtons for fundraisers.

To achieve this goal the most important thing that government can provide is leadership—the leadership to address the uncoordinated and inefficient chaos of competing organisations on our waterways. Our waterways are patrolled in various ways by water police, Maritime boating service officers, fireboats with bushfire brigades, the Australian Volunteer Coast Guard, the Royal Volunteer Coastal Patrol, Volunteer Marine Rescue and, from time to time, other independent rescue groups such as the Old Bar Point Rescue. The outcome of this duplication has been confused messages to the public and to corporate donors, who are left puzzled at which volunteer marine rescue organisation to support. Unlike surf lifesaving, which presents a unified face and so can elicit strong corporate support, volunteer marine rescue desperately needs a unified approach.

The coastal patrol is the oldest volunteer marine rescue organisation in New South Wales and Australia and has a proud history of service through time of war. The coastal patrol is also the largest volunteer marine organisation in terms of both membership and operational facilities. It has long championed the need for integration of marine rescue services and has generously volunteered to sacrifice its name, personnel, equipment, property and infrastructure to help establish a new government-funded volunteer marine rescue organisation.

With the support of the Royal Volunteer Coastal Patrol this Government has a unique opportunity to create a unified, strong, professional and expert volunteer marine rescue organisation to parallel work done by other organisations such as the State Emergency Service and the Rural Fire Service. On behalf of the divisions of the Royal Volunteer Coastal Patrol serving my community of Pittwater, I urge the Government to take that opportunity.

GREG HENRICKS TRIBUTE

Mr GEOFF CORRIGAN (Camden) [5.35 p.m.]: Tonight I pay tribute to a man who has been a great friend to all of us in the Macarthur region. I point out that the member for Campbelltown, the member for Wollondilly and the member for Macquarie Fields join me in the Chamber, and our friend Anda is in the gallery for this tribute. Greg Henricks, or Hendo as he is most commonly known, retired on Friday 14 November as news director of Sea and Gold FM on the Gold Coast following a distinguished career as a radio journalist. Greg is best known in Camden and Macarthur for his role as news director of C91.3 at Campbelltown from its opening in September 2001 until he moved to the Gold Coast in 2006.

Greg always strived to keep the news local, yet his reports were often syndicated. When C91.3 opened Greg came with a wealth of broadcasting experience, having worked for 2SM and having spent 19 years with 2WS. In the early years of 2WS he was their parliamentary reporter, and was a proud member of the parliamentary press gallery. His only contemporary, Paul Mullins, retired earlier this year. During his years at C91.3 Greg saw his role not only as news director but as an integral part of the community. He would compere charity events such as the Lifeline and Kids of Macarthur charity balls, and it goes without saying that he attended every charity golf day that was ever put on.

Greg was also the ground announcer for the West Sydney Razorbacks, the West Tigers and for the Gold Coast Titans since their entry to the National Rugby League. Hendo, as we all know him, has been a great friend—as well as at times a critic to us Macarthur boys. He encouraged us to keep our grabs short and punchy. This was easy for some but not so for one of us whom I had best not name! I mentioned that Greg was a critic. This was best demonstrated by his editorials that always ended with "I'm Hendo and that's what I reckon!"

One editorial that remains with me was after the former Minister for Transport the Hon. Michael Costa was antagonised by the Greens after his announcement that the Southern Highlands Express would terminate at Macarthur and transfer its passengers to a city train. Reacting to a verbal, Costa said "You're just looking after your stockbroker mates from Bowral!" In his editorial the next morning Hendo said, amongst other things:

Listen Mick, the stockbrokers from Bowral don't catch the train they use a limousine as at least they'll get to work and on time.

Of course that was followed by the sign off, "I'm Hendo and that's what I reckon!" Greg also developed many young radio journalists including Briony Speed, Sarah Vickary, Bianca Hatchy, Ann Thomson, Alison Crew, Fiona Young, Meredith Marks and Hamish McDonald, to name a few. Before I finish I would like to relate another Hendo story. When in June this year I achieved some notoriety for my comments in caucus that some members of the Government were living in a parallel universe I turned my phone off anticipating a few phone calls and only turned it back on at 8.30 a.m. the next day. I had had about 20 calls, the majority seeking media interviews. Hendo was amongst the callers and I called him back. He was not after a story; he was just checking that I was okay, knowing that a *Daily Telegraph* front page would have put me under a bit of pressure. I told him I was okay. Ten minutes later he phoned back and said:

Look I know mate that you're not doing any interviews but can you just give me a no comment for the record?

I did that and we had a little chat. I found out only six weeks ago that my no comment ran for two minutes and 18 seconds. Greg had the exclusive interview with me and he sent it down to Ray Hadley and Ray ran the whole interview. Greg did a great job and he has been a true friend to all of us from Macarthur. He has taught us a lot and he has always been committed to the local area. His retirement will cause him to be sadly missed by everyone in the radio industry.

Greg, you are a great mate, a true friend and an outstanding journalist. All of us here want to place our appreciation on the record. I know that the prognosis for the oesophageal cancer, which has moved to your liver, is not good but keep swimming and I hope that you and Sue enjoy the quality of life that we talked about. Hendo, I'm Corro, and that's what I reckon. I will be visiting you in the next two or three weeks. We will go swimming and we might even get Anda up there. We will do what we did last January and have a couple of drinks. We can even make a bit of noise in your unit. I know that you told your neighbours that you did not know who had made the noise but I think it was the third or fourth glass of port that brought us undone and gave us away. Take care of yourself, mate. All of us here—Dr Mac, the good Costa, Westie, Corro and Anda—wish you well. Bye mate.

Mr GRAHAM WEST (Campbelltown—Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth) [5.40 p.m.]: Hendo, one of the great joys of being a Minister is that we can reply to backbenchers' private members' statements. I could not miss this opportunity to say a few words. I know that Phil and Andrew would have loved the opportunity to speak today, but the standing orders do not allow them to do so. You taught us all the joys of radio, especially when it was very novel to all of us. It was very exciting when a radio station was opened in our region. You encouraged us to participate and you were always part of the community. I think Geoff is right, we could not go anywhere without seeing you there. You are sorely missed.

One outstanding memory for me is your role in the 2001-02 bushfires. It was a very traumatic time as bushfires raged in the local area for about two weeks. It is difficult to get good information during bushfires and you made it your mission to ensure that people received not only general reports but also reports that you compiled after speaking to fire crews at the fire fronts. You organised donations of water and whatever else would be useful. In fact, Hendo's coverage was so good that we wrote a letter about it and he won the best radio program award for his coverage. We were all very proud that a local boy did so well. Although he lived in the shire, we all thought of him as a local boy because he was at every event in Macarthur. We know his heart is in Macarthur. Andrew wants me to mention a story about you playing golf together at a charity match. He remembers you saying that he must be a great doctor because he is a terrible golfer.

That was the way Greg approached everything, including the ambulance station campaign he ran. He invited me to visit the station and arranged for the windows to be covered with toilet paper because there were

no curtains. We succeeded in that campaign, and we could not have done so without Hendo. As I said the other day, Hendo, if you ever want to come to the Sydney Cricket Ground, I can arrange for a seat in the corporate box. I still have one or two entitlements as a former sports Minister. We would love to have you visit. Macarthur is with you. Keep your spirits up.

SOLDIERS POINT MARINA

Mr CRAIG BAUMANN (Port Stephens) [5.42 p.m.]: Hendo, I have never met you, but you have some very good friends on the Government benches. I draw to the attention of the House an Australian first in my electorate of Port Stephens. To be the first at anything in Australia is certainly an achievement. It is therefore with great pleasure I inform the House that the Soldiers Point Marina in Port Stephens has been named Australia's first carbon-neutral marina as certified by the Marine Industries Association of Australia's [MIAA] Low Carbon Marina Initiative. The MIAA set a target to reduce the operational carbon emissions, or the impact of marinas on the environment, by 20 per cent by 2015. Jeffrey d'Albora and his team at the Soldiers Point Marina picked up this challenge and ran with it.

Soldiers Point Marina achieved carbon-neutral certification through a range of emission reduction initiatives as well as using carbon credits to offset emissions. The marina provides complimentary pushbikes for customers to replace the use of cars, has installed energy-efficient lighting and rainwater tanks to reduce reliance on the main water supply and has greatly reduced the use of paper in all administration work. It is not only onsite that Soldiers Point Marina looks to reduce carbon emissions. It also aims to use only contractors and suppliers who are also low-carbon certified. As is the case with many businesses striving to be carbon neutral, or even low-carbon certified, there are elements of a business that cannot avoid carbon emissions. For example, at Soldiers Point the storage and distribution of fuel for the boats moored at the marina does not meet low-carbon guidelines. Consequently, Soldiers Point buys carbon credits from the Federal Government to offset 100 per cent of its carbon emissions.

Furthermore, Soldiers Point Marina has taken steps to educate boat owners and visitors alike in ways they can each reduce their carbon emissions. Even the biggest climate change sceptic must congratulate the Soldiers Point Marina for taking steps to protect our environment, and leading the nation in doing so. While going carbon neutral has had direct benefits for the marina in reducing electricity and water costs, it is also creating benefits for the wider community through environmental conservation. Perhaps the New South Wales Labor Government can take a leaf out of Soldiers Point Marina's book on dedication to carbon-neutral status by being more proactive about going carbon neutral. The Government says it will not make its operations carbon neutral until mid-2009. Chances are that deadline will be pushed back considerably like almost every other promise made by this Government.

Just as Soldiers Point Marina has helped to put Port Stephens on the map, so too have several local tourism operators. Port Stephens tourism operators had a strong presence in the list of finalists and award winners at the recent New South Wales Tourism Awards. I will make mention of these fabulous local businesses: Newcastle Airport, which won silver in the specialised tourism services category; Samurai Beach Bungalows, at the Port Stephens Youth Hostel Association, also won silver in the backpacker accommodation category; Port Stephens Moon Shadow Cruises was a finalist in the tourist attraction and the major tour and operators categories; the Myall River Festival was a finalist in the festivals and events category; the Port Stephens Visitor Information Centre was a finalist in the visitor information and services category; Port Stephens Four Wheel Drive Tours was a finalist in the tour and operators category; Port Stephens Parasailing at Nelson Bay was a finalist in the adventure tourism category; Shoal Bay Resort and Spa was a finalist in both deluxe accommodation and the tourism education and training category; Shoal Bay Bed and Breakfast was a finalist in the hosted accommodation category; and Oaks Pacific Blue Resort was a finalist in the new tourism development category. I congratulate all these businesses for helping to make Port Stephens a great place not only to live but also for others to visit.

ILLAWARRA WOMEN'S HOCKEY ASSOCIATION 70TH ANNIVERSARY

Ms NOREEN HAY (Wollongong) [5.47 p.m.]: I draw to the attention of the House a recent event I attended to launch a book on the 70-year history of Illawarra women's hockey at the Illawarra hockey stadium at Unanderra. The Illawarra Women's Hockey Association commenced in 1931 with eight teams from Wollongong, Port Kembla, Dapto and Fig Tree. They played on cow paddocks around the district. Of course, today hockey is played on artificial surfaces such as synthetic turf and we have two international standard

pitches as part of the hockey complex. Eileen Bird, Val Kirkwood and the late Dot May first talked about writing the book at the women's hockey seventieth anniversary celebration in 2001. These ladies are great characters and it was sad that Dot passed away just before an event that I attended to unveil the honour board.

The ladies have worked on this publication for the past seven years. They have met weekly to research and compile information and to contact past and present members of the association. They have been involved in Illawarra as players and representatives and in many official capacities. Eileen Bird began her playing career in 1940, which means she has been involved in hockey for 68 years. Eileen is very well known in Illawarra and Wollongong and she has been very active in the community. Val Kirkwood began her playing career in 1945, which means she has been involved in hockey for 63 years. The late Dot May began her playing career in 1937, which means she had been involved in hockey for 71 years. As I said, sadly she did not get to see the outstanding final result and the book being published.

Those three ladies alone provided a total of 202 years to hockey—no mean achievement. They worked on committees, developed nine grass fields at Lindsay Maynes and instigated the building of the canteen and meeting rooms, which was stage one. They then progressed to develop, with Illawarra Hockey, the building of an international standard indoor hockey centre, which was stage two. Stage three was the international standard synthetic turf. This is an incredible commitment and dedication to our Illawarra association, and it needs to be recognised. I think the book will amaze people with some of the history and the old photographs. It is well worth a read by anyone who has any interest in hockey.

The book is a tribute to Illawarra women's hockey from 1931 to 2001—to all those people who participated in and supported women's hockey, and to those who were not players but who performed supporting roles, running the canteen and lobbying. I will not repeat here some of the tricks they got up to when trying to get funding from a previous Federal Government for their hockey stadium, but these women were not going to take no for an answer. I take the opportunity to acknowledge Elaine Carr, president; Sue Abba, secretary; Marlene Matthew, treasurer; and Kellie Thorte, vice-president. Carol Purdy from New South Wales Hockey attended on the weekend to perform the official launch of the book. I attended to provide my support and encouragement to those people. I suggest women's hockey can only get stronger from here, if the women involved today put into it one fraction of what these women have since the early 1930s.

ALBURY ELECTORATE POLICING

Mr GREG APLIN (Albury) [5.51 p.m.]: Next week I will present a petition from more than 7,000 residents of the Albury region bringing to the attention of the Minister for Police the increase in crime and antisocial behaviour in residential and business areas of the Albury electorate and calling for the authorities to place more police on the beat. This massive call from the people of the Albury electorate has been harnessed by one determined resident, Karen Nixon, who became concerned about break-ins and safety in the home after neighbours told her of scaring off burglars. The more she asked the more she heard of friends and acquaintances whose homes or cars had been burgled.

Karen came to talk to me about the issues and found that a petition I had organised over two years ago on behalf of the business community had resulted in increased police patrols on weekends in an effort to curb loutish behaviour and crack down on senseless vandalism and malicious damage to property in the city centre. She decided on the same course of action and set out to collect signatures from Albury residents. There was no public apathy on this call—whether it was shoppers, business owners, registered clubs and their patrons, young people or old, everyone agreed that there were not enough police to do the job and they were keen to add their names.

Northside Neighbourhood Watch, covering North Albury and Lavington, joined the fight to gain more police on the streets and the Lavington area coordinator, Dot Franks, distributed the petition to shops and set up a table in the major shopping centre for two weeks to gather signatures. Mrs Franks reiterated the issues raised recently at the highest levels in Albury by shopping centre management and security firms—the frequency of shop stealing, vandalism, offensive behaviour and other crimes committed by young louts, to which she added property damage, break-ins, car theft and vandalism in residential areas. Like most people, Mrs Franks supports the work done by our local police but recognises there are simply not enough of them to respond adequately to the many calls. She said:

The worst time for vandalism is Saturday night and Sunday morning and that is usually the time the police are tied up in Dean Street. It takes a long time for them to get here. We need more of them.

I attended a signature collection rally last Saturday morning in Albury's QE II Square and Dot Franks was there with her husband, Allan, inviting passers-by to add their names to the thousands who had already signed. She told me at the shopping centre people had been keen to add their voice to the call and they all had a story to tell. This is the point that seems to escape a government that tells us we have enough police and adequate resources even if all the officers are not available for full-time duty. Petition organiser, Karen Nixon, found there were only four general duties police rostered on duty Sunday through to Thursday, with two more on Friday and Saturday nights, covering the whole area.

This was confirmed by the local area command but in such a way to suggest that the two vehicles had to cover the whole command, which stretches from Tumbarumba to Oaklands and includes Albury and Corowa. It is self-evident that police on patrol not only act as a deterrent to potential offenders and a reassuring presence to members of the public but they frequently intercept troublemakers and apprehend criminals in the act. Dot Franks said she had witnessed first hand the impact more police on patrol could make after officers driving down her street recently caught youths smashing her letterbox.

She is not alone in identifying youth crime and its effects on the community. Lavington residents have written to me in desperation saying the behaviour of adolescents had brought the majority of residents in their streets to breaking point. Residents complain of years of harassment and of living in hell. One correspondent observed that the Albury police are undermanned and run off their feet, that the legal system is too lenient and that multiple cautions simply result in more and more brazen offences. Indeed, even the police officers themselves are extremely concerned at the leniency of penalties being issued after all their hard work in bringing offenders to court and securing successful prosecutions. They know only too well that this results in repeat offences and they in turn become disheartened.

Nothing better illustrates the lack of resourcing and Government support than the fiasco of the Aboriginal community liaison officer appointment—first advised by letter from the police Minister in December 2007, then advised to me as being processed as a matter of urgency in March 2008, and today delayed until the 2009-10 financial year. Local indigenous communities have been calling for this position for the past 14 years. A final example: In response to calls from local police and my representations, the police Minister advised earlier this month that the Albury local area command would receive two trail bikes to counter unlawful riding. This week we learn that the promise has been shelved and our police will have to borrow the bikes from a neighbouring command. Whether it is personnel or equipment, the Albury local area command deserves more attention—much more attention—from this Government.

NURRAGINGY RESERVE, BLACKTOWN

Mr PAUL GIBSON (Blacktown) [5.56 p.m.]: This evening I speak about Nurragingy Reserve in my electorate. It is probably the best-kept secret in the State. It is not only one of the leading reserves in the State but it would be one of the leading reserves in the country. I refer to a press release I issued in probably 2001. It said:

The State Member for Blacktown, Mr Paul Gibson, today welcomed the news that the New South Wales Government is giving Nurragingy Reserve to Blacktown City Council for the ongoing enjoyment of the people in the area. This Reserve is comprised of 88 hectares of regional parkland.

Blacktown City Council has spent more than \$6m. on Nurragingy Reserve over the last fifteen years and it is only right that this Reserve should now be given to the people of Blacktown.

Over the years many improvements have been carried out including the Colebee Centre, the Fred Hollows Garden, the Jim Lynch Garden, the waterfall gazebo and the fountain.

"Thousands of people every week get the full use of this open space and it is one of the best and most impressive heartlands, not only in Western Sydney, but in Australia today," ...

Up until this announcement the Council has leased the parkland from the State Government and by handing over the ownership today, it is a sign of great goodwill between the State Government and the people of Blacktown.

The State Member for Blacktown said that it was great to see traditional Labor areas being looked after by the State Government and I am sure that the people of Blacktown really appreciate it.

That press release followed a meeting between Blacktown City Council, Andrew Refshauge—who I think was the Minister at the time—and me. It was suggested that because Blacktown had spent so much money the Government would hand the reserve over to Blacktown for the peppercorn rent of about \$1 a year. Nurragingy opened in 1988 and was one of the city's major Bicentennial projects, with Bicentennial and State Government

funding. Since then, the council has spent more than \$22 million on the reserve, maintaining it to a very high standard, on the assumption that the Government would honour its promise to transfer ownership to Blacktown City Council. The reserve is now one of the State's showcases, receiving visitors from all over Australia as well as many from overseas. Today council spends more than \$700,000 per year just to maintain the reserve. The lease has now expired and following the announcements regarding Western Sydney Parklands and the establishment of a new trust, the offer to transfer the reserve to council has been rescinded. Council has been offered only a short-term lease with limited control and no secure, long-term future for improvements.

Now there is uncertainty as to whether any investment in maintenance should continue because anything Blacktown City Council has invested to date may well be lost as a result of this proposed arrangement. I hope this is just an oversight by the Department of Planning because government and council had an agreement about this land back in 2001. The entire Blacktown electorate has been extremely patient in waiting seven years for resolution—letters have been sent, almost on a monthly basis—on council's position with Nurraringy Reserve, which forms a large part of Western Sydney Parklands. When I spoke with council over the past few months I found that two other blocks were connected with Nurraringy Reserve, a four-hectare block and a one-hectare block, which have been commandeered by the Department of Planning and included in the Western Sydney Parklands Act.

Blacktown City Council and the people of Blacktown own these two blocks. The department did not consult council about this, nor did it offer compensation. The two blocks have just been taken away. The Department of Planning did not even send a letter stating its intention. As I said, I just hope it is an oversight by the Department of Planning and that these are the only two mistakes. I ask the Department of Planning to revisit the situation. If it is going to take Nurraringy away from the people of Blacktown, then at least \$22 million compensation should be paid.

LOCAL GOVERNMENT ELECTIONS

Mr JOHN WILLIAMS (Murray-Darling) [6.01 p.m.]: I draw to the attention of the House problems with the recent council elections now that the dust has settled. Members of the Riverina and Murray Regional Organisation of Councils [RAMROC] are putting the Electoral Commission on notice. The member councils in my electorate have agreed with RAMROC that they will only pay the cost of the 2009 elections plus 13 per cent, which represents the cumulative consumer price index to date. The Electoral Commission has already threatened legal action against some councils in my electorate over the short payment. Members should be aware there is a low level of satisfaction with the way the Electoral Commission has managed the elections.

When I investigated comments by the former Minister for Local Government, who suggested that the councils wanted to change the way elections took place and appointed the Electoral Commission to conduct these elections, I asked who wanted to change the past practices, as everyone had been very happy with the previous electoral process. Also, the former Minister for Local Government suggested that councils could have put in a tender to conduct the election, but no-one is aware of any such process. Unfortunately, the Minister appointed the New South Wales Electoral Commission to carry out the council elections. This organisation has been found to be inefficient and accountable to no-one. The efficiency of the organisation was demonstrated in the estimates and the bills that councils received. What is laughable to the councils is the online questionnaire the Electoral Commission has asked councils to fill in, which is loaded with questions designed to make this organisation look good and with no way of varying any of the questions to get a true picture of how the councils really feel.

I have noticed just a few issues that councils had with the conduct of the poll. The Electoral Commission advised the people living in shires in New South Wales with the 03 prefix for their phone number they need not vote, thinking they were Victorian. No-one knows how many votes were lost through that advice. A mobile booth arrived in the township of Maude, near Hay, with an advertised opening and closing time. However, because business was slow they packed up and left, well before the polls closed. Shires had problems with people being omitted from wards and others included in the wrong ward.

In most cases it took a fortnight or more to get results when in the past it was available the Monday morning after the election. Voters were told only to vote 1 to 6, when in some cases there were 17 candidates. This could allow for a shortfall after preferences were exhausted and could have resulted in another election. The costs to two councils in my electorate that did not require an election are astronomical compared to the service delivered by the Electoral Commission. Councils in my electorate challenge the future of council

elections. Either they return to the old system or introduce the postal vote that has worked well in Queensland, Victoria and South Australia. We need another referendum to bring our elections in line with those States and go postal.

[Business interrupted.]

DISTINGUISHED VISITORS

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I acknowledge Councillor Lorraine Kelly, recently elected Mayor of Sutherland shire, who is present in the gallery tonight. Welcome to the Parliament.

[Business resumed.]

PRIVATE MEMBERS' STATEMENTS

LITHGOW HIGH SCHOOL

Mr GERARD MARTIN (Bathurst) [6.06 p.m.]: Tonight I speak about a function I attended on Monday this week at Lithgow High School. I was invited to attend the induction of school leaders for 2009. I was welcomed to the school by Andrew Foy, the principal, and other senior staff members. In attendance was a good cross-section of people, including teachers, ancillary staff, parents, friends and, of course, the students. Max Barlow, one of the incoming vice captains, did the acknowledgement of country. Pollyanna Barlow, Stefanie Davidson, Laura Hutton and Caitlin Stoneley led us very capably in singing the national anthem. For many years Lithgow High School has had an excellent musical reputation, largely due to the efforts of Rae Burton, head teacher of music, who has dedicated herself to bringing out the musical talents of her students. The school musical each year is a highlight of the cultural calendar in Lithgow.

A formal welcome was given by Rhiannon Walding, vice captain elect, following which I was invited to do the occasional address, where I spoke about leadership. I was then invited to induct the school captains and vice captains by Ros Dean, head teacher. School captains at Lithgow High for 2009 are Rachel Clough and Evan Hughes, and vice captains are Max Barlow and Rhiannon Walding. I then had the honour of inducting the 2009 prefects, who are Natalie Choo, Steve Hughes, Zach Fitzgerald, Holly Luck, Brook McFadden, Michael Rosser, Stephanie Wheeler and Matthew Writer. These young people are an excellent representation of the types of students our public system produces. I have no doubt they will do themselves, their family and their school proud as they carry out their duties during 2009. Tim Galloway, Student Representative Council coordinator, then called on Principal Andrew Foy and year 11 student adviser, Ray Stoneley, to present badges to the 2009 council members.

There were a number of musical items. Rachel Clough did a magnificent rendition of the Leonard Cohen classic *Hallelujah*, accompanied on the guitar by Rhiannon Walding. Earlier this year I attended a k. d. lang concert at the State Theatre and she sang that magnificent song. Rachel Clough is up there with her and has a great future if she continues in music. Michael Rosser, another student, sang and played guitar for one of his own compositions. He obviously has picked up his musical talent from his father, Darcy, who for many years has been a well-known rock guitarist in the Lithgow region. A particularly interesting part of the proceedings was the induction of the peer mediators. This scheme has been operating at Lithgow High School for about five years. A group of students are selected by teachers to mediate amongst fellow students in relation to matters such as bullying and bad behaviour. The students selected have what might be considered street credibility with their fellow students. They have the ability to talk to students causing problems and have a very high success rate at nipping problems in the bud.

The peer mediator scheme has been a major reason for the downturn in students with behavioural problems having to go through a more formal, and sometimes exacting, process. Many of the students who participate in the peer mediator scheme develop skills that take them from middle-of-the road achievers to leaders who play a more active role in their school community. We are all aware of the impact of bullying in school communities, and I believe that the peer mediator system used at Lithgow High School is worthy of widespread adoption as a means of eliminating this cancer from school communities. I commend the Lithgow High School community for its innovative approach to public education, while at the same time recognising the broad scope a good education provides.

Lithgow High School's comprehensive educational, cultural and sporting activities hold it in good stead. The school is going that extra yard to make the school community more cohesive by running innovative

programs such as the peer mediator program. It is a credit to the teaching staff and administrative staff who put in the extra effort to make these things happen. Lithgow High School has an enrolment of more than 1,000 students, and the 28 students who put up their hands to be peer mediators are making a terrific contribution to the cohesiveness of the school. By any yardstick Lithgow High School would measure up well against any school in the State. It is yet another outstanding example of the wonderful public education system we have in New South Wales, which is sometimes unfairly maligned. I ask anyone who begs to differ with me to visit Lithgow High School; I am sure they will change their opinion.

JUVENILE DIABETES SUFFERER MARCUS COLLIGNON

Mr MICHAEL RICHARDSON (Castle Hill) [6.11 p.m.]: Last week I was visited by a young man named Marcus Collignon and his mother, Dympna. Marcus looks and sounds like any 15-year-old. He will tell you about his school, his mountain bike riding, his trip to America, his brother and sister—the sorts of things all teenagers are interested in. Ask him about his health, though, and it is a different story. Marcus is a type 1 diabetic; indeed, he has been for the past eight years, which means that everything has to be carefully organised and structured to avoid a "hypo"—a hypoglycaemic event caused by low blood sugar. A person experiencing a hypo can start shaking and sweating, have dilated pupils, and become dizzy and disorientated with blurred vision, nausea and vomiting. Of course, these symptoms are often confused with being drunk: drivers have been charged with being under the influence because they are experiencing a hypo event. The cure may be as simple as drinking a glass of fruit juice or eating a slice of bread—but without it the person can lapse into coma or even, although fortunately rarely, die.

Most people eat jelly babies because they like the taste. Diabetics keep a jar close at hand for a hypo-averting sugar hit. Type 1 diabetes is an autoimmune disease that destroys the islet cells in the pancreas that produce insulin, which in turn is needed to convert food into energy. It is not lifestyle related. In Marcus' case, his pancreas does not produce insulin so he needs to replace it through artificial means. Like other type 1 diabetics, Marcus combats his illness with a regular intake of insulin. Until recently he injected insulin using needles, and still does when he undertakes strenuous activities such as mountain bike riding. But most of the time he relies on an insulin pump connected to a catheter attached to his stomach to feed insulin directly into his body. This is certainly superior to three or four insulin injections a day, but it nevertheless requires a considerable amount of organisation to get it right.

For most human beings—indeed, most animals—eating is a comparatively straightforward affair. That is not the case for Marcus. When he eats, he has to calculate how many carbohydrates he will consume and program his insulin pump to ensure that exactly the right amount of insulin is injected into his body to convert that amount of carbohydrates to energy. He needs to test his blood sugar levels four or more times a day to make sure he is within the normal range. Mum or Dad will do it during night, at around 12.30 a.m. and again at 2.00 a.m., if there are any problems.

Marcus' mother says it is all too easy to forget about her son's condition, particularly when he is out with his friends and someone buys a tub of chips, for example. One would not think that eating a few hot chips could lead to dizziness and nausea, but in Marcus' case it can. His life is far from that of a normal 15-year-old. Most teenagers do things as the mood takes them. Kick a ball? Visit a mate? Organise a sleepover at a friend's house? No problem. In contrast, every moment of Marcus' life needs to be planned ahead. A trip to the Powerhouse Museum in Ultimo includes phone calls at the halfway mark to confirm he is okay. Before and after exercising he needs to test his blood sugar levels. When he rides his mountain bike or plays team sports he has to remove his insulin pump in case it gets damaged.

When Marcus visited America his doctor had to put together a program for the flight that included what he could eat and when, and when he should take his insulin. Getting on and off the plane, he or his parents had to explain why he was carrying needles. That meant making sure he had a letter from his doctor. All of this, and more, Marcus explained not just to me but to the Juvenile Diabetes Forum held in Parliament House earlier this week. He also went into the horrifying statistics for children diagnosed with the disease. Around 140,000 Australians have been diagnosed with type 1 diabetes, 8,600 of whom are children. In fact, more children develop type 1 diabetes than multiple sclerosis, cystic fibrosis, muscular dystrophy or cancer.

Most people who have had type 1 diabetes for 20 years will suffer from health problems. And these health problems are significant. Almost all of those 140,000 people will have complications as adults. Approximately 70,000 of them will develop severe health problems. Around 56,000 of them will develop severe kidney disease by the age of 50. Approximately 105,000 of them will have heart disease at a relatively young

age. Many of them will go blind or suffer nerve damage. Around 1,400 will have a limb amputated. Their life expectancy will be 15 years shorter than normal. It is not all doom and gloom, however. Marcus is optimistic that a cure will be found for type 1 diabetes by the time he is 25. At least that is what he has been told will happen and that is what the Juvenile Diabetes Research Foundation is working towards. The foundation raises and spends more than \$150 million a year worldwide—\$12 million here in Australia—on searching for that elusive cure, testing vaccines and regeneration of beta cells, and working on ways to reduce complications.

In October this year diabetes researcher Dr Carola Vinuesa from the Australian National University was awarded the Science Minister's prize for Life Scientist of the Year for her pioneering work on the role of roquin in repressing type 1 diabetes. The Chair of the Australian Islet Transplantation program—scientists have been working on islet transplantation since the 1970s—is Professor Ian Frazer, the 2006 Australian of the Year and a pioneer in developing a vaccine for cervical cancer. A lot of the breakthrough work in juvenile diabetes research is being done right here in Australia. Marcus and his fellow ambassadors may not enjoy exactly the same quality of life as you and me, and they may not have the luxury of being able to do what they want when they want to do it, but they are doing a mighty job of bringing this disease to the nation's attention. Hopefully, their efforts will not go unrewarded, and that elusive cure will indeed be discovered before Marcus Collignon turns 25.

FRIENDS OF MULTIPLE SCLEROSIS COMMITTEE

Ms ALISON MEGARRITY (Menai) [6.16 p.m.]: Multiple sclerosis [MS] is the most common disabling neurological condition affecting young adults. It has impacted upon the families in my electorate and, I suggest, the families in the electorates of every other member. In fact, around 18,000 people in Australia have MS and the average age of diagnosis is just 30. Multiple sclerosis affects three times as many women as men, and each working day five more Australians are diagnosed. There is no known cause or cure for the disease. For the last 23 years the Friends of Multiple Sclerosis Committee has raised well over \$1 million to support services offered by the Multiple Sclerosis Society to young people with MS. Over recent years the money raised has gone towards the Multiple Sclerosis Society nursing home support program, which enhances the lives of younger people with MS who are at risk of entering community nursing homes and those who already reside in community nursing homes.

It has become a tradition to hold the Friends of Multiple Sclerosis Committee annual luncheon in the Parliament House. The final annual luncheon to be organised by this hardworking and longstanding committee was held in the Strangers Dining Room on Thursday 20 November 2008. It is entirely appropriate to place on the permanent record of this House, and therefore the history of the State, the names of the wonderful committee members and a few snippets from the recollections that each of them shared with those who attended the luncheon. Louise Bain recounted:

There have been many highlights and "magic" moments in the 21 years that I have been involved with the Friends of MS. Being humbled by the strength of people with MS, being heartened by the immense opportunity to educate others about the challenges of living with MS or the challenges for families living with a member with MS has been life changing.

Alison Harris told the gathering:

These last 6 years, I have seen how a group of women, including myself, can make a difference ... I hope that we have helped many people lead happier lives.

Lyn Hercus said:

We so desperately need to make sure that young people with MS live in an environment with young, like-minded people. Action is now being taken—purpose built facilities are being constructed and hopefully the aged accommodation will soon be a thing of the past.

Brenda Hutchinson said:

I have learned a lot. I have found joy and peace in being able to selflessly help those who need my help and I feel that the saying "It is better to give than to receive" is very relevant to me.

Julianne Maxwell told those in attendance:

I grew up with a mother living each day with MS courageously, fighting on until she died 4 years ago. I'm proud that the small input I've had over these past 12 years has helped. I've found it very inspiring being part of this committee but mostly humbling to witness the strength of spirit and courage in those with MS itself.

Alex Wileman recounted:

My father had MS for over 20 years and was cared for at home by my mother. I have seen first hand what both people living with MS and their carers go through daily. Our work on the committee raised funds, awareness and hope.

Finally, I acknowledge the extraordinary dedication and commitment of two women who have been members of the committee since its inception 23 years ago. One of those women, Melanie Collingwood-Boots, told the gathering:

It has been extremely satisfying to see our hard work being supported so admirably by the generosity of our personal contacts that not only attended the regular functions but supported the raffles and other fundraising activities at the same time. I will miss the fabulous camaraderie and social interaction with all involved in the Friends of MS.

Maggi Morgan said:

I have been absolutely blessed working with the Friends of MS ... It has been a pleasure and very satisfying to actually see the results from our efforts unfold over the last few decades, knowing our efforts really made a difference. Personally, I have built life long friendships and had a fabulous time on each and every event. The friends and the events will be well missed.

Louise Bain, whom I mentioned earlier, made a very apt comment about Maggi's coordination talents and her comment is worth repeating:

Maggi steered our ship with enthusiasm and humour and mustered us into action.

If members knew Maggi they would know that is a very apt comment. The MS Ambassador for this year is Mary-Ann Germain, who gave a moving and inspirational address. Mary-Ann is a medical practitioner, wife and mother, living with multiple sclerosis. It was wonderful that the patron of the Friends of MS Committee was in attendance and addressed the luncheon. I refer to our much-loved and respected Governor, Her Excellency Marie Bashir. Her Excellency noted the striking coincidence that only that morning, news had broken of a possible vaccine for multiple sclerosis. The vaccine is being trialled in Europe and it is believed that the treatment may be of benefit to existing multiple sclerosis sufferers. Everyone present at the event joined in the fervent hope that the research will develop a long-desired breakthrough for this terrible condition. We were also unanimous in our gratitude for the efforts of the retiring members of the Friends of MS Committee, although perhaps "retiring" is a word that should never be used in reference to this group of dynamic women.

ARMIDALE YOUTH REFUGE INCORPORATED

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.21 p.m.]: The release of the Wood report into the welfare of children in New South Wales has prompted a lot of discussion and has brought into sharper focus the issue of young people who are abused, neglected and/or homeless in this State. On the whole it is left to public and private agencies to pick up the slack when parents have neglected their responsibilities or their children have run off the rails. How effectively these agencies manage, and whether they are sufficiently funded to supply the best possible service is, quite rightly, a hot topic at present.

Today I bring to the attention of the House the disparity of funding between metropolitan and regional youth refuges in New South Wales. In particular I mention the Armidale Youth Refuge Incorporated that I visited this week. The managers and staff of that refuge are being asked to run two services on the budget for one service. They estimate a shortfall of \$75,000 per annum and are finding it difficult to meet the demands of running both the refuge and an outreach service to fund and support housing for homeless youth. Something has to give: the staff and the budget are stretched to the limit. In my opinion both services are essential and I ask the Minister for Community Services to revisit this issue.

The Armidale Youth Refuge is expertly run. It feels like a home. The staff are warm, friendly and helpful. The buildings and grounds are immaculate, and with a mix of Aboriginal and non-Aboriginal staff it is catering for a growing number of young people who need its services. The refuge provides supported accommodation programs in Armidale, Glen Innes, Inverell and Tenterfield. It is also responsible for family and youth support services, out-of-home care and Juvenile Justice programs in those areas. Paradoxically in Armidale, where demand is the greatest, the funding shortfall is also the greatest. It is difficult to understand the logic behind driving a successful enterprise into the ground by increasing the number of services it needs to deliver but not matching that with adequate funding.

Alan Brennan, the General Manager of the Armidale Youth Refuge Incorporated, told me that the service includes recreational and cultural camps that encourage young people to participate in community

activities such as youth festivals and social events. Positively re-engaging young people with their communities and with their educational opportunities is the most valuable service these agencies can perform. Those who remain permanently disengaged fill our jails, hospitals, doctors surgeries and rehabilitation institutions. In the past 12 months the Armidale Youth Refuge provided in-house accommodation for 25 young people. As part of its Supported Accommodation Outreach Services to the regional towns of Inverell, Glen Innes, Tenterfield and Armidale the organisation supported another 159 young people living independently in the community in public housing or through the private rental market.

The Armidale Youth Refuge employs 42 staff, which is the equivalent of 17 full-time positions. The refuge operates on a 24-hour, seven-day-a-week basis. In excess of 50 per cent of its clients are from the Aboriginal community, and a quarter of the staff are also Aboriginal. The organisation has maintained an indigenous staffing rate in excess of 25 per cent for the past three years. During the past six years, the refuge and outreach service, known as ADYSS, has become increasingly dependent on external fee-for-service contracts with other government agencies to remain financially viable. The shortfall in the ADYSS budget was \$50,000 to the year ended 2007, and rose to \$81,078 at the end of June this year. As a non-profit organisation it is difficult to generate income to address this deficit, particularly as any income that is generated needs to be directed to assist families, children and young people. To generate income to cover a shortfall of \$60,000 the refuge would have to procure more than \$400,000 in funding from other government agencies—a difficult task.

In 2005 the Youth Accommodation Association of New South Wales conducted a viability audit of all youth refuges in New South Wales and found that the Government should increase its funding by an overall 15 per cent. It also found a disparity in funding between metropolitan and regional refuges which, given their equal responsibilities and demand, does not make much sense. I ask the Minister to consider meeting the funding shortfall at the Armidale Youth Refuge to guarantee it can continue to deliver the services required of it, to bring parity of government funding to all youth refuges in the State, and to ensure that they are properly funded to meet the growing demand for their services.

MAX WALTERS, AM, MBE, ESM, TRIBUTE

Mrs DAWN FARDELL (Dubbo) [6.25 p.m.]: I reflect on the life of a stalwart of the Dubbo community John Robert Maxwell Walters—known to all as Max—AM, MBE, ESM. The full list of honours bestowed on Mr Walters during his lifetime is long and impressive. Max Walters lived 74 incredibly busy and fruitful years, serving not just the Dubbo region but also across the State. His work has touched the lives of communities, particularly his instrumental role in forming the New South Wales Volunteer Rescue Association. Max helped establish the State's first local rescue squad, following a fatal accident at the railway crossing in West Dubbo in 1961. At that time he was a member of the Dubbo Ambulance Board—back in the era when the local community ran ambulance services.

Max could see that in the event of serious car accidents and other emergencies an ambulance could provide only limited assistance if the injured were trapped or difficult to reach. It was his idea to form a coordinated response team made up of local people who would be trained with the skills and equipment necessary to assist in life-threatening emergencies. The Dubbo Rescue Squad was formed in 1962, and was quickly followed by the establishment of similar organisations in other towns. In 1969, in cooperation with the New South Wales Police Force, Max led the formation of the New South Wales Volunteer Rescue Association, which is today made up of 72 squads across the State and has 3,500 trained and accredited members. Max Walters also served as captain and president of the Dubbo Volunteer Rescue Association, and in later life he became patron of the State body, which has helped so many. Max Walters was also a foundation member of both the Rescue and Emergency Services Coordination Committee and the State Rescue Board. He initiated the formation of the Volunteer Marine Rescue Council.

Max was actively involved in the Rural Fire Service for nearly 50 years, during which time he was captain of the Terramungamine Rural Fire Brigade. The member for Blue Mountains, and former head of the Rural Fire Service, Phil Koperberg, has told me that Max was a wonderful colleague. He knew Max for more than 35 years during his time in the Rural Fire Service. The President of the Volunteer Rescue Association, Chief Inspector Gary Raymond, described Max as a wise man and a strong leader who knew how to negotiate with people. Les Clarke was one of the early members of the Dubbo Rescue Squad. He joined in 1964, just two years after Max had established the organisation. He said that Max was a wonderful bloke who enjoyed talking to the rank and file far more than socialising with dignitaries.

In October this year, Max was asked to open the state conference of the Volunteer Rescue Association in Sydney. Les said Max's first reaction was to declare the organisers should get a Minister or someone

important to open the event, not an old dinosaur like him, but his colleagues insisted. Once he had accepted the task, Max was determined to do his troops proud. Despite Max's ill health, you could have heard a pin drop in the audience when he gave the opening speech. Max Walter's contribution to the community was not confined to emergency services; he was also a key player in local government. He began his career as a Dubbo farmer on the well-known property Terramungamine. He served on the Talbragar Shire Council for 20 years prior to the shire's amalgamation with the Dubbo City Council in 1980. He went on to serve as an alderman on Dubbo City Council and Deputy Mayor in 1983 and 1984. Barry Grady, his friend and fellow Masonic Lodge member, said Max was the greatest of gentlemen and put 110 per cent into everything he did.

Max's honesty and integrity was beyond reproach, and his peers held him in the highest esteem. He was a long-time member of the Orana Regional Development Board, and chaired that board for many years. He sat on the New South Wales Regional Advisory Council and the Regional Consultative Committee of the Dubbo Campus of Charles Sturt University. He was a keen advocate for the development of the Dubbo region. Councillor Allan Smith reported that even in his final months Max was still working on a proposal to set up a flight training school in the region, with the hope of reducing the country's pilot shortage through a Charles Sturt University accredited pilot training course. Despite his ill health, at a time when many would have retreated to their private sphere, Max continued to work tirelessly and selflessly for community causes, including continuing as a member of the Dubbo Health Council.

In fact, just last month in his capacity as a member of the Dubbo Health Council, Max met with the Hon. John Della Bosca to lobby on behalf of the troubled Dubbo Hospital. Like all of us, Max wanted answers. Despite being so unwell, he was determined to fight for better health services for others. John Roberts, head of the Health Council, said that Max gave his valuable advice and wisdom to the council and that his contribution will be greatly missed. He said that Max had a lot of brains and gave great thought to everything he did. He was a great advocate for the bush. Max Walters was deeply committed to the service of others, including the Dubbo Show Society and the New South Wales Ambulance Services, and was governor and patron of the Taronga Foundation. Polocrosse was a big part of his life as a young man. He represented Australia in this fast and furious sport and was president of the Dubbo, New South Wales and international polocrosse organisations. He even travelled to a match in Queensland this year, determined to catch up with old mates one last time.

Max could not have achieved so much in his life without the support of his wonderful wife, Ros. They would have celebrated their fiftieth wedding anniversary in 2009. When I was standing for the November 2004 by-election Max gave me the best advice when he said, "Dawn, your opponents will speak to the station master. You must talk to the train drivers." Max died on Sunday after a two-year battle with cancer. His legacy will live on and his memory will be honoured in the Dubbo community for many years to come. Max will be sadly missed by his six children, his eight grandchildren and his devoted wife, Ros, and by the people of Dubbo. His contribution to the local community has been exceptional. I am honoured to have known Max Walters and to have called him my friend.

Question—That private members' statements be noted—put and resolved in the affirmative.

Private members' statements noted.

GAMING MACHINES AMENDMENT BILL 2008

Message received from the Legislative Council returning the bill without amendment.

INAUGURAL SPEECHES

The SPEAKER: It is with great pleasure that I welcome family and friends of the member for Cabramatta, whom I am very pleased to call to the lectern to make his inaugural speech.

Mr NICKOLA LALICH (Cabramatta) [6.30 p.m.] (Inaugural Speech): First, I acknowledge the traditional custodians of the land upon which we are meeting, the Gadigal people of the Eora nation. I acknowledge their elders and descendants both past and present. Their culture and traditions are important to us all, and are part and parcel of the history of this great nation of ours. It is with honour and humility that I stand in this House as the newly elected member for Cabramatta. I congratulate my colleagues the members for Lakemba, Ryde and Port Macquarie on their election. As the new member for Cabramatta addressing the House for the first time I recognise my predecessors. The first member for Cabramatta was the Hon. Eric Bedford who entered Parliament on 24 February 1968 as the member for Fairfield. In 1980 an electoral redistribution created the electorate of Cabramatta.

I first met Eric at Liverpool Boys High School where he was one of my teachers. My earliest memory of Eric was as the school's cadet master. I remember him vividly conducting the cadet parades in the school quadrangle and playing fields. I recall my horror at the sight of cadets collapsing in the heat during the appropriately called passing out parades. Eric was a decent family man whose interest was to serve the community as a teacher and later as a member of Parliament. On 16 September 2007 it was a great pleasure for me, with the assistance of the Hon. Gough Whitlam, to recognise the service of Eric Bedford posthumously by naming the education room in the new \$13.5 million Cabravale Leisure Centre the Eric Bedford Room.

Eric Bedford became the first Minister for Education in the Wran Labor Government in May 1976. He was the first teacher to become Minister for Education in a Labor Government in New South Wales. Eric was a close friend and his passing was a very sad time for all of us who were privileged to know him. Upon Eric's retirement the seat was contested and won by John Newman in a by-election in February 1986. John Newman was dedicated to the electorate of Cabramatta. He fought for the people of Cabramatta to gain the services required and expected by the community. John Newman was no stranger to politics and like many members in this place came from local government. He served as an alderman on Fairfield City Council from 1977 until 1987.

John Newman was an avid sportsman with a passion for karate. He spent thousands of hours instructing students at the local RSL youth club. John served on the New South Wales Health Advisory Council for three terms and the Sports House Advisory Committee. He was also a member of the Australian Sports Commission, President of the Federation Australian Karate-do Organisation and an organiser for the Federated Clerks Union from 1970 to 1986. John Newman was best known for being an outspoken anti-drug campaigner in Cabramatta and was actively involved with local ethnic community groups. We were all shocked and saddened at the untimely death of John Newman. On 10 November 2002, with the support of John's mother, Helen, and brother Peter, as mayor I had the honour of officially naming the Prairiewood Leisure Centre's new 50-metre pool and grandstand the John Newman Memorial Pool. This was in recognition of someone who had given so much of his life to the sporting youth of our area.

The passing of John Newman created a by-election, which was duly won by the Hon. Reba Meagher. Reba Meagher was a dedicated and conscientious member whose electorate at the time was plagued by drugs and crime. While drugs and crime were a problem nationwide, the media was obsessed with Cabramatta. Media reporting on the Cabramatta drug problem would provide break-up statistics on the ethnic composition of the region, directly relating the drug problem to our diversity and ethnic make-up. The media's treatment of Cabramatta was nothing less than racist in connecting the drug trade to the racial composition of our region. Cabramatta was continually reported as Australia's Mecca for drugs and crime, with the stories themselves serving to attract further crime and drug activity. This was the bias and reporting frenzy that Reba Meagher was up against as the local member defending the integrity of a community whose sole offence was its cultural and racial diversity. The media went so far as to connect Reba Meagher's performance as a member of Parliament with the cause of the problem. On some occasions the media questioned whether a woman was up to the job. As Cabramatta improved, the connection with the performance of the local member was conveniently forgotten.

During her 14 years as the local member Reba worked extremely hard to make Cabramatta a safer place. Her achievements speak for themselves. In April 2003 Reba was promoted to the position of Minister for Fair Trading and Minister Assisting the Minister for Commerce. During her time in Parliament Reba held seven different portfolios in total. Some of her many achievements as a local member include a new police station for Cabramatta, funding for the Cabramatta Leisure Centre and redeveloping the Berrina Street overpass at Canley Vale. Reba secured a five-year, \$30 million anti-drug strategy, which returned the streets of Cabramatta to the community. She was the proud patron of the Fairfield Cabramatta PCYC and a major force behind the success of Cabramatta's City Watch Program, which was aimed at public safety. The electorate of Cabramatta is a much better place thanks to the dedication and service of the Hon. Reba Meagher.

Without doubt, the Fairfield local government area is the most multicultural area in Australia. It is unique, diverse, vibrant and colourful. Communities respect and support one another, shops trade seven days a week and tourists come from all over Sydney. Cabramatta will continue to demand the attention of governments, and I can assure my electorate I will be knocking on Ministers' doors to secure the support necessary to address our needs. Two major challenges face my electorate. The first challenge relates to the need for more car parking in the Cabramatta CBD. The uniqueness of Cabramatta means that 12,000 to 15,000 people visit the CBD every weekend. This places enormous stress on our limited car parking. A combined effort between the Rees Government and Fairfield City Council will be needed to meet the demands of a very popular tourist destination that supports the livelihoods and recreational activities of thousands of people weekly.

The second challenge is the Southern Sydney Freight Line, which rips through the heart of Cabramatta. I understand the importance of this line and its future economic benefits to Australia by removing heavy transport off our roads and onto rail. Nonetheless, this freight line will smash through the heart of Cabramatta and the proposal to erect Berlin-style walls to mitigate noise, splitting our town centre in two, is simply not good enough. When fully operational, half-a-kilometre-long freight trains will travel through the centre of Cabramatta every 30 minutes, 24 hours a day, 7 days a week. Apart from the second-rate noise solution, the proposal also involves resuming nearly half of Broomfield Street and the loss of 170 commuter car parking spaces on the east side of Cabramatta.

The proponent, Australian Rail Track Corporation [ARTC], has publicly conceded Cabramatta will be the worst affected area on the whole line. Compensation so far offered by Australian Rail Track Corporation is to replace the loss of these spaces somewhere within 400 metres of the railway station and a one-off payment of \$750,000. That is just not acceptable. Commuters cannot be expected to walk half a kilometre to the railway station. Australian Rail Track Corporation should be an equal partner in building a new multi-deck car park within 50 metres of the railway station on land earmarked by Fairfield council. I will continue fighting for a better deal from Australian Rail Track Corporation with the support of Federal members Jason Clare and Julia Irwin.

I would now like to express my heartfelt appreciation to the people who have supported me throughout my personal and political life. Without their involvement I would not have the honour of standing here before you today. Firstly, I thank my father Sava and my mother Stefanija for their strength of character, vision and capacity for self-sacrifice in bringing us to this wonderful country. I am grateful to my sister and brothers, who have supported me wholeheartedly through this journey of life. I thank the mother of my children, Barbara, and place on record our extreme pride in the professional and personal success of our son Paul and daughter Kerrie, both qualified lawyers with happy and healthy families. They are our proudest contribution to Australia.

My father was very proud that his grandchildren had obtained a level in life that would never have been available to them had they not come to this wonderful country. My grandchildren, Nicholas, Claudia and Liam, whom we spoil terribly, will hopefully never know the poverty my family endured. I place on record my sincere thanks to my campaign directors Kaila Murnain and Sam Dastyari from the Australian Labor Party head office. Their expertise and guidance was invaluable during the election campaign. A special thanks to Premier Nathan Rees, Deputy Premier Carmel Tebbutt, and the Hon. Graeme West, Joe Tripodi, Michael Daley, Dr Andrew McDonald and Federal members of Parliament Jason Clare and Julia Irwin for their assistance on my campaign.

I also thank my parliamentary colleagues Ninos Khoshaba and the Hon. Grant McBride for their ongoing support and help in adjusting to this role. I thank Tom Holywood, Adrian Wong, Tom Pacey, Lenda Oshalem, David Saliba and the many Young Labor campaigners involved in this Labor victory. I thank my councillor colleagues, past and present, who have supported me throughout my 21 years in local government. In particular I thank and acknowledge former mayors Anwar Khoshaba, OAM, and Lawrence White, councillors Sam Yousif, Albert Mooshi, Frank Carbone, Sarah Trapla and Dennis Huynh, and my branch members from Mount Pritchard, Cabramatta, Canley Vale and Parkes areas who are the backbone of the Labor Party within my electorate. I make special mention of Syd Hugen, Joan Windsor, Emma Brindley, Tk Ly and Tony Mittiga, who have helped me with many campaigns. I thank Del Bennett for her many years of friendship, support and assistance. My greatest thanks go to the people of Cabramatta who have shown their faith in electing me to this office of honour and trust. [*Extension of time agreed to.*]

As a migrant boy born in a refugee camp in Egypt I could never have fathomed in my wildest dreams the prospect of becoming mayor of a city and a member of Parliament. It has happened many times in this wonderful country and I believe mine is just one of the millions of great Australian stories worth placing on the record. My family came to Australia from the former Yugoslavia via Egypt. In 1944, during the Second World War, my parents and their five children fled their homeland just before the invasion of their village. The invasion of neighbouring villages led to the execution of all adult males. At the time it was understood simply as war but it formed part of what is now recognised as ethnic cleansing.

The escape through Italy of my family and many other families involved the risk of being caught by enemy soldiers. The number of children involved heightened the risk. Mothers were required to keep their children absolutely quiet, particularly at night when any noise jeopardised the whole group. Mothers were warned that if children could not be kept quiet for whatever reason, the children would be suffocated or have their throats cut to protect the rest of the group. This was horrific for mothers and, thankfully, to the best of my

knowledge, no child was killed during my family's escape. On crossing into Italy, families gave themselves up to the Italian army, who gave them the option to either return home or be transported to the international refugee camps in Egypt. Returning home was not an option.

During the first two months in Egypt my mother lost three children to sickness and disease—Zoran, six, Stana, three, and Todor, 18 months. They lived in Egypt for four years where, in the beginning, the death of children and the elderly was a daily occurrence. In 1945 I was born in the city of El Shutt, just outside of Cairo. We lived in makeshift tents. Sand was everywhere—in your clothes, your hair and in your food. There was no certainty or hope about the future as practically every country was at war and no country or government was in a position to assist. In 1948, under the Ben Chifley Labor Government's new immigration policy, my family was accepted for immigration to Australia. On 20 October 1948, my father Sava, mother Stefanija, sister Angela, brothers Peter, Alan and I boarded the ship *Wooster Victory* from Port Said and started our exodus out of Egypt to the promised land of Australia.

My family arrived in Melbourne on 17 November 1948 and was moved to the immigration camp at Bonagilla in Albury where we were processed. After six weeks we were relocated to the immigration hostel at Uranquinty where we spent some six to nine months. Before arriving in Australia my parents had an extremely difficult life. They had no education, were forced to leave their homeland and mourned the loss of three children. Australia was the first opportunity life had presented to them. Under the terms of the immigration policy, my father was required to be with the Water Board for two years in work gangs laying water and sewer lines throughout the Botany area. Even though he was earning a minimal wage, barely sufficient to sustain five children and two adults, there was always food on the table.

Like many of the poor immigrants of the time, we did not enjoy the privileges commonly experienced by average Australian families. For example, while we celebrated Christmas and birthdays with family dinners, we could never afford presents, and the concept of a holiday was out of the question. We were not alone in this predicament as most migrant families experienced the same difficulties. As children we understood we were poor but we always felt safe, strong and secure thanks to the love and support my parents gave us. In late 1950 my youngest brother George was born and in the same year my father found employment with the Post Master General's Department at Leightonfield, where he worked for the next 23 years as a cleaner until his retirement.

In 1951 friends of my parents from the former Yugoslavia convinced them the way to prosperity was to buy a farm and become market gardeners. In 1952 my parents purchased an 11-acre farm at Bonnyrigg for the princely sum of £320. My mother had the difficult role of raising her children and also working the farm seven days a week. My father would help after work and on weekends. My brothers and I worked on the farm as best children could, both before and after school. Life was hard working in those harsh and demanding conditions. The promised prosperity was slow coming as many migrant families took up market gardening. Whilst it was a difficult life for my parents, we enjoyed our childhood playing in the bush and swimming in the creeks and dams throughout the area. We made our own fun as our parents were always working the farm.

My school life began at Granville Primary School in 1950. Upon moving to Bonnyrigg in 1952 I transferred to St Johns Park Public School where I spent the rest of my primary school years. In 1958 I started my secondary education at Liverpool Boys High School, gaining my Intermediate Certificate in 1960. My father's aspiration was for his sons to have a trade so in 1961 I started as an apprentice with Braybon Brothers Pty Ltd as an electrical fitter mechanic. Within the first month of my employment I became a member of the Electrical Trades Union. I remain a member of that union to this day. During my apprenticeship I attended Granville Technical College where I completed my trade course in 1966. In 1967 I started with Prospect Electricity—now Integral Energy—where I worked for 23 years.

In late 1971 I joined the Liverpool West branch of the Australian Labor party through a friend Kevin Napier, who had been the mayor of Liverpool. In a very short time I was introduced to our Federal member, and soon to become Prime Minister, Gough Whitlam. During the ensuing years I got to know Gough very well. He was a mentor and friend. I was extremely moved when on the day before the Cabramatta by-election I received a call from Gough wishing me all the best and good luck for the election. In 1987 I was elected an alderman to Fairfield City Council. In 1991 I served as deputy mayor, and later in 1993 I was elected mayor for the first time. In 2002 I was re-elected mayor for an 18-month term. In 2004 I was endorsed unopposed to stand as the first popularly elected Mayor of Fairfield and won with 62 per cent of the vote. At the recent local government elections I was re-elected by popular vote and I am now one of the longest serving mayors of our city.

In concluding, on reaching the sixtieth anniversary of my family coming to this country I must say that Australia is truly a country of hope and opportunity. It has afforded a refugee the chance through commitment,

resilience and ambition to have the honour of representing his community. I know Cabramatta as well as I know myself. I wish for it what all of us wish for the communities we serve. In the case of Cabramatta, the heart of Australia's most diverse city, that just means giving them a "Fair Go"—a core Australian value. That is all we ask for and that is all we need. I thank you, Mr Speaker, and my parliamentary colleagues for the courtesy you have extended to me this evening.

The SPEAKER: Order! I take this opportunity to welcome to the gallery the many family and friends of the new member for Ryde. We welcome you to Parliament House. I assure you that the courtesies extended this evening to the member will be significant, and it is probably the only time that happens.

Mr VICTOR DOMINELLO (Ryde) [6.56 p.m.] (Inaugural Speech): I stand before you, Mr Speaker, and my parliamentary colleagues to deliver what I hope to be the first of many addresses in this Chamber for the people of Ryde. A number of people have played a part in my life, in the path I have followed and in who I am, which has brought me to this place tonight. I acknowledge the two most important and inspiring people I have known: my mother, Josephine Dominello, who is here tonight, and my father, Frank Anthony Dominello, who is here with me, right now, in spirit. Eternal is my gratitude to them for all the love, support, sacrifices and opportunities these two humble people have given me.

In addition to my wonderful parents, I acknowledge my beautiful sisters, Maria Olivieri and Catherine Gillies; my supportive brothers-in-law, Joseph Olivieri and Andrew Gillies; my handsome nephews, Michael, Jayden, Liam, Jack; and my gorgeous niece, Charlotte Francesca. The other very important people in my life whom I acknowledge are my uncle Joseph Dominello, Auntie Sue, Auntie Pauline Abate and Uncle Andrew, my many cousins and cousins-in-law, and my five godchildren. I have numerous friends here tonight whom I thank, including Rafael Uy, Andrew Ticehurst and Dr Renata Abraszko, all of whom I consider to be part of my family. I also record in history my gratitude to another family member, Paul Etherington, who has sacrificed so much to enable me to pursue this new path.

Political mentors such as Michael Baume and Peter Graham have always been there for me. A special thank you goes to Caroline Beinke for her energy and professionalism, and the extraordinary efforts of the entire campaign team that assisted me in the recent election. The enthusiasm of the Young Liberals in the campaign was rejuvenating. I acknowledge the hard work that my predecessor, John Watkins, dedicated to the people of Ryde, as did his predecessor, the prodigiously talented Michael Photios.

I thank each and every one of my Liberal parliamentary colleagues who worked so very hard during the recent campaign and made me feel so sincerely welcomed into this parliamentary family. I am honestly grateful for all the support and generosity that I have been given by this great team of people. In particular, I pay high tribute to the member for Willoughby, Gladys Berejiklian, and the member for Lane Cove, Anthony Roberts, both of whom honourably dragged me into this House, and of course to the Leader of the Opposition, Barry O'Farrell, who provides me with constant guidance, support and vision, all of which are hallmarks of a truly great leader. Finally I thank the people of Ryde and the many family and friends of all political persuasions who have entrusted me with their stories, prayers and encouragement that brings me to the point at which I stand today.

My longstanding connection with Ryde goes back to the 1930s when my paternal grandparents, Vittorio and Immaculatta Dominello, settled and raised their family in North Ryde. They established a market garden in the area and then went on to establish a local fruit shop in Eastwood. The connection with the area also exists on my mother's side, when in the 1940s, my maternal grandparents, Cosimo and Theresa Iemma, settled and spent a lot of time working and raising their family in the Top Ryde area. Most of my family and I went to schools and churches within the electorate. I served as a councillor on Ryde council for nine years. While doorknocking in the recent campaign, I was comforted by the sea of friendly faces that reminded me of this deep-seated bond that I have with Ryde and its people. In this my inaugural speech, it is important for me to outline the values that I bring to this House. Javier Pérez de Cuéllar, spoke for me when he said:

Let all bear in mind that a society is judged not so much by the standards attained by its more affluent and privileged members as by the quality of life which it is able to assure for its weakest members.

As a member of this House and as a representative for the people of Ryde, this means that I have an obligation to ensure that our Government provides for those in most need: our children, our aged, our sick and our poor. In this, I have enormous respect for our teachers, our nurses, and our carers. I want to record my gratitude for the invaluable work they do for our community day after day. I will support these people in every way I can.

I especially want to look after those that are vulnerable through misfortune, not those who are vulnerable through lack of effort. I want to look after the battler. The desire to recognise the most vulnerable is an important value that has driven me throughout my life and my work, and that has ultimately shaped my decision that led me to this House.

I would like to share a story with you from my student days about a battler. When I was in year 12, I helped teach English to some students from year 7. I recall a boy, Anthony, who migrated from Lebanon and spoke only broken English. Anthony looked like a normal kid. He looked happy and did his best to assimilate by learning English and playing with other children in the playground. One day he told me that his uncle had arranged for him to come to Australia for him to have a chance at a better life. Anthony's mother was very sick. His father passed away in the war.

I vividly remember the day when a tennis ball rolled into the seniors' part of the school, with Anthony apologetically following. One of my classmates picked up the ball, and Anthony, in his broken English, pleaded to have it back. My classmate taunted Anthony for being a foreigner and then threw the ball out of the school grounds. Anthony was absolutely shattered. I felt so sorry for him because I knew that he was already going through enough pain and struggle in his young life. At the time, I was too far away to help him, but I confronted my classmate about what he did and his lack of compassion. Anthony was a battler in every sense of the word, battling to learn English, battling to make new friends in Australia and battling to deal with the loss of his father. He did not need petty bullies to make life even harder for him. This incident left an indelible mark on my life and highlighted the importance of standing up for those less fortunate and the battlers in our society.

I related to Anthony's plight of trying to assimilate. Until I was three years old, my parents taught me to speak both English and Italian. But after the age of three, I started to play with the neighbourhood children, and in my need to be accepted and not be seen to be different, I was stubborn. When my parents tried to teach me Italian, I refused to learn. In the course of growing up I recognised that being different and being an individual is what makes the world an interesting and vibrant place. This individuality is something I try to hold onto, and that is why you may occasionally see me wearing, distinctive coloured socks.

Ryde is a very vibrant place. Almost 40 per cent of the people of Ryde were born overseas. Among others, we are fortunate to have a rich tapestry of cultures: Armenians, Chinese, English, Italians, Indians, Koreans and Lebanese, all living within our beautiful electorate. Last Thursday at the Australian citizenship ceremony for Ryde residents there were 83 new citizens from 25 different countries, from Armenia to Zimbabwe. As the new member for Ryde I will lead by example and do everything I can to embrace and celebrate all our cultures within Ryde, as well as promote the beauty that our diversity brings. Ryde is a real microcosm of metropolitan Sydney. This is why she is regarded as the pulse of metropolitan New South Wales. Ryde has the three major public transport arteries coursing through her: buses on Epping, Lane Cove and Victoria roads, ferries on Parramatta River, and trains on the Northern Line.

Ryde houses the Macquarie Business Park, which will soon be the second largest central business district in New South Wales. Ryde also has within her growing domain magnetic shopping centres at Macquarie, Top Ryde and Eastwood as well as an array of businesses, from the corner shops to the global giants. Ryde also houses important places of education, such as Macquarie University, two TAFE colleges and 18 primary and secondary schools. Ryde must be catered for because she is so pivotal to the people of Ryde and to the many other people in New South Wales who will increasingly gravitate to her and rely on her each day for employment, education, industry and commerce.

However, infuriatingly over the past 13 years, the people of Ryde have laboured under asphyxiating traffic conditions, traffic which is now clotting the feeder roads. They have laboured under appalling mismanagement of rail services that has resulted in the trains on the northern line running late 75 per cent of the time. And they have laboured under absurd levels of public waste. In recent times, this has meant nearly \$100 million of public moneys have been lost on the failed Tcard project, and tens of millions of dollars of public moneys have been lost on transport projects that will never see the light of day under Labor. [*Extension of time agreed to.*]

The inability to manage major infrastructure works can also be found in the fiasco of the Cross City Tunnel, the folly of the Lane Cove Tunnel, and the Parramatta to Chatswood, now the Epping to Chatswood rail link, which will come at twice the cost and for half the distance. This blatant delinquency and waste of public moneys resonated in the recent by-election results, where the people of Ryde decided that it was time to start the change.

Some of my visions for Ryde include the absolute need for long-term public transport infrastructure plans. This will emancipate Ryde from the traffic prison that is one of the tragic legacies of this Labor Government. But we need people in government who can make sure that public transport is reliable and runs on time, and we need people who have the ability to manage important projects, people who will ensure that the projects do not run at twice the estimated cost for half the return. Significant infrastructure works will also bring much-needed stimulus and leadership into our economy.

In order to grow our economy, in concert with significant public works, we need to remove the shackles from business incentive. Payroll tax, for example, is absolutely regressive in nature. How can government encourage economic growth by taxing businesses for employing people? It is socially abhorrent. Government should tax profit, not the means or the will to achieve it. We should seriously consider reducing payroll tax, with a view to ultimately abolishing it. This will send a strong message that New South Wales is serious about creating growth. We should also balance economic growth with rigorous consumer protection laws so as to limit the extent of big business exploitation on the individual and on competition. This is consistent with my drive to look after the battler.

I want to realign social values that focus on getting people to take responsibility for their actions. Graffiti is a simple and graphic example of how realignment of social values can have an important impact on our society. Ryde council has spent over \$170,000 this year on cleaning up graffiti. Recently a major Sydney newspaper reported that last year councils and State Government agencies spent an estimated \$200 million on cleaning graffiti and related malicious damage incidents.

Yet the most recent attempt at managing graffiti laws provides a relatively minor deterrence, being a maximum fine of \$2,200 or six months imprisonment. Under the Young Offenders Act, the likelihood is that young offenders will be let off with a warning. A solution would be to amend the Young Offenders Act to make graffiti an offence not covered by the Act. Magistrates could then order the young vandal to clean up the graffiti. Indeed, regardless of the age of the vandal, the courts should, unless there are compelling personal circumstances, impose a community service order requiring the vandal to clean up the graffiti they were responsible for, together with other graffiti in the area, to a maximum number of community service hours that is reflective of the actual public cost of the vandalism.

Let me make this clear: I do not want to see people imprisoned for graffiti offences. I want to help people by getting them to clean up their mess and learning from their mistakes. Another possible alternative is to have parental responsibility orders, whereby the parents are ordered to remove the graffiti or pay for the cost of the removal and/or a fine—a substantial fine that acts as a proper deterrent, rather than a maximum \$2,200 slap on the wrist. If we introduce laws then let them at least be effective and a real deterrent.

This is not just about graffiti; it is about wanting to spend the \$200 million of public moneys a year on helping those in genuine need, like the child battling with leukaemia or someone suffering from dementia. We need to place a higher value, a higher premium, on public moneys so that we stop the waste on ill-conceived projects. We need to remove the culture of graffiti and senseless vandalism that absorbs so much public money.

We need to become more efficient in the administration of government so that public moneys can be used on our most needy. We need vigilant management of precious government resources because, without this, vital front-line services such as those provided by our teachers, our nurses and our carers will suffer. If we cannot or do not properly look after our most vulnerable then we have failed as a society. I also have a vision for our environment. Recently I was invited by Ermington Public School to address its young students in relation to an eco-garden they established. I told the students that it was the first time I had addressed an audience whose hearts were so pure. When I look around the Chamber tonight it is also refreshing to see so many pure hearts around me. These children were so excited and justifiably proud about their eco-garden. One day they will be custodians of the national parks and rivers that cradle our beautiful Ryde. I want to make sure that our natural environment is not only preserved but also enhanced so that we can pass it on to the enlightened stewardship of those to come.

This Chamber should be a place where robust debate occurs and ideas are generated. All members of this House have powerful obligations to those watching us to inspire the people we serve. Often there are young students who come to observe this Chamber during question time. Within these students are future Premiers, Ministers and members of Parliament. How we behave will influence their young minds and the type of leaders we create for our future. Robust debate needs courageous debate. It is time to debate whether we should have community-initiated referendums. It is time to debate whether we should have a mechanism whereby on sitting

days community leaders can address the Parliament on both the problems they face and their suggested solutions. By spending 15 minutes each sitting day just prior to question time and listening to community leaders we would add value and currency to our Parliament and the decisions we make.

I am a Liberal who has entered this Parliament in a time of inspiring opportunity, in a time where a man with African heritage is President-elect of the United States of America, in a time when the Liberal Party selected a Vietnamese boat woman to be the party's candidate for the seat of Cabramatta, and in a time where the people of Ryde ignited the engine for change. I am proud to be a Liberal and to represent the people of Ryde because I want a government that will promote a strong economy through sound economic management. I understand that without a strong economy none of my ideals can be achieved. I am proud to be a Liberal and to represent the people of Ryde because I want a progressive government that helps the battler by promoting equal opportunity over equal outcomes. I am proud to be a Liberal and to represent the people of Ryde because I want a government that will look after our young, our old, our sick and our poor.

I come into this Parliament with much anticipation, much hope and much vision. I come into this Parliament as part of a dynamic Liberal Party team that is enthusiastic, hardworking, representative of our community and ready to govern and serve the people of New South Wales. I am proud of my Coalition colleagues who stand with me in this Chamber. I come into this Parliament at a time when the good people of Ryde have started the change for the better.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT FURTHER AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from an earlier hour.

Mr JONATHAN O'DEA (Davidson) [7.21 p.m.]: I am pleased to resume speaking after what was perhaps one of the shortest contributions I have made in a debate in this place. I am delighted to follow the member for Ryde, Victor Dominello, who made an excellent speech. The election of a new member of Parliament involves an open and transparent selection process based on merit. Such a process resulted in the members for Ryde, Lakemba and Cabramatta entering this Chamber. I congratulate the members for Ryde and Cabramatta on making their inaugural speeches this evening.

The Public Sector Employment and Management Further Amendment Bill 2008 is substandard legislation from a substandard New South Wales Labor Government. It is based on a review conducted by the Department of Premier and Cabinet without any independent input. In contrast, the Leader of the Opposition told the House about the professional and principled approach that a Coalition government would take. The Coalition is committed to higher standards in the public service, to merit assessment and to better outcomes for the benefit of the people of New South Wales. This bill reduces the requirement to advertise positions and to select candidates based on merit. I question whether proper processes have been followed in the past. The legislation fails to address politicisation of the public service and it continues a culture of favours and selection based on other than pure merit. I will read onto the record extracts from an email received earlier this month from a New South Wales public servant, who for obvious reasons will remain anonymous. This is a bona fide email written to me in my capacity as chair of the Opposition's waste watch committee. The email states:

The practice of employing contractors as temps allows them to be promoted to permanent jobs, which is the major concern of staff as we are going through a process of rationalisation that will inevitably mean a loss of jobs and, as you can imagine, this practice of handing jobs out to mates affects morale.

You are only too aware of the practice of recruiting Labor Party hacks to senior jobs in the Departments of Commerce, Land and Water, Planning and Premier's ... sometimes without interviews and position profiles. I have plenty of workmates in these departments and I can assure you morale has hit rock bottom and we are sick and tired of the public service being used as an employment agency for these Labor Party hacks.

The email further states:

Moreover, these hacks are usually placed in corporate service jobs because they do not have the qualifications of planners, engineers, hydrogeologists etc. They hold senior positions with no expertise in the frontline activities of departments and consequently the corporate service area is bloated at the expense of the real service providers.

I also received this week an unsolicited phone call from another professional person who has worked for many years in the New South Wales public service. The caller told me that the trend in recent years of changing temporary and contract employees to permanent employees is increasing because those who secured such roles,

sometimes with the help of mates or through political connections, are worried that under a Coalition Government their relative lack of suitability for their roles will be revealed. The Coalition will lift standards in government in a more principled way for the benefit of all people in New South Wales. Accordingly, we have foreshadowed amendments to this bill.

Mr DAVID HARRIS (Wyang) [7.26 p.m.]: I am pleased to support the Public Sector Employment and Management Further Amendment Bill 2008. The bill provides greater flexibility in public sector employment that will benefit both employer agencies and their staff. At present when a position in a public service department is advertised internally only staff who are already permanent officers may apply. A greater pool of applicants will enhance the operation of the merit principle and will ensure that the best person available in the agency is appointed to the position. The bill expands the pool of applicants available to include staff in the department who have been employed on a temporary basis for at least the past two years. This change will benefit the agency and the new group of staff who will be able to apply for these jobs.

The bill will also improve flexibility by amending the procedure for filling vacant positions. Currently the Public Sector Employment and Management Act 2002 requires a position to be vacant before it can be filled. This places constraints upon agencies in a number of circumstances. Employees may indicate that they will resign after a long period of leave, but technically their position cannot be filled until the leave ends and the employee officially resigns. The bill gives agencies the flexibility to fill a position when a person indicates that he or she will be resigning after a period of leave. This will ensure that delivery of services to the public by a person filling the position can be maintained. There are instances, particularly in respect of senior executives, where it is desirable to bring a new employee on board before the departure of his or her predecessor.

For example, at times it is desirable to have a mentoring period to allow for the transfer of knowledge about the issues that the new employee will face. A seamless transition between the incumbent and the new employee will benefit agencies, the new employee and the delivery of quality services to the public. The bill also makes changes to the terminology used when determining the merit of applicants to align it with the New South Wales public sector capability framework. The bill will replace the terms "abilities" and "personal qualities" with the word "capabilities" as the criteria for determining merit to make the legislation consistent with the capability framework. The term "capabilities" is used in the framework and defines the skills, knowledge and abilities relevant to all New South Wales public sector staff, regardless of their location, agency or job role. It is a broader term than "abilities" or "personal qualities".

The public sector capability framework is designed to make it easier to recruit, develop and retain public sector employees with the appropriate capabilities required to deliver services to the community and to meet Government priorities. The framework will do this by creating a consistent approach to using capabilities in the New South Wales public sector; applying common definitions and language to describe New South Wales public sector capabilities; developing a consistent understanding and description of common jobs in the public sector to improve staff mobility across the sector; aligning the capability framework to workforce planning strategies to identify current and future capabilities, and to identify capability gaps in the sector; and attracting quality candidates by using the capabilities to more accurately describe jobs in the public sector.

The framework will also do this by streamlining recruitment practices through consistency and selection criteria and merit selection by aligning the framework to the e-recruitment system; establishing a platform to implement capabilities across a range of human resource practices, including learning and development, performance management, recruitment, workforce planning and career development; identifying a clear pathway for skill development; and facilitating the assessment process for displaced staff through clearer articulation of the capabilities required. This is another way the Government is ensuring that the public sector will continue to provide quality services to the people of New South Wales. The Leader of the Opposition led for the Opposition on this bill. It was clear that he was suggesting that everyone employed in the public service over the past 10 years was inefficient, hopeless and, obviously, a Labor mate. I know many people employed in the public service—

Mr Brad Hazzard: Point of order: The member should not mislead the House. The Leader of the Opposition made clear certain issues with regard to public sector management, but he certainly did not make that assertion and would not make that assertion, and nor would any member of the Liberals or The Nationals. It is a juvenile assertion to make.

Mr DAVID HARRIS: The member for Davidson made that point. The member for Wakehurst will be able to read what he said in *Hansard*. I am sure those individuals will be heartened to know that the Coalition, if

in government—which would be a disaster in itself—would undertake a massive cull of public servants. That is basically what members opposite have been saying here this evening. It was their policy leading into the last election and obviously it will be their policy at the 2011 election. They did not get elected so now they are saying all these people are Labor mates, which is code for plans to get rid of them. I am sure the public will be interested when they read *Hansard* and see what was said.

Mr Brad Hazzard: Point of order: The legislation before the House is the Public Sector Employment and Management Further Amendment Bill. There is no reason for the member to be making assertions that are clearly false and failing to mention that his Government is currently trying to rid the public service of 5,000 members.

ACTING-SPEAKER (Mr Thomas George): Order! I am sure the member for Wyong is about to return to the leave of the bill.

Mr DAVID HARRIS: I certainly am, but while speaking to the bill, under standing orders we are entitled to debate points made by members on the other side, and that is all I am doing.

ACTING-SPEAKER (Mr Thomas George): Order! The Parliamentary Secretary will have an opportunity to respond to issues raised in his reply.

Mr DAVID HARRIS: Members opposite attacked the merit selection process in the public service, saying it has been denied and there should be more merit selection. I am a bit confused by that because the message they give to teachers—and the Opposition spokesman on education is present—is that they are opposing strengthening of the merit selection process for teachers. There is a mixed message: they want to strengthen merit selection in the public service but when it comes to teachers they do not want to strengthen merit selection. Once again we hear from the Opposition a range of different policies and ideas from all directions. The Opposition has no one policy or position. Its members talk about their philosophy and rhetoric but they contradict themselves at every turn.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.34 p.m.]: Right now New South Wales needs a professional and non-partisan public service that will set about correcting the many problems that face our State. They are manifold. The public of New South Wales is not satisfied with the level of services this Government delivers. They are not satisfied with the level of taxation that is reaped from them and they are not satisfied with this State's position in the national economy: it has the highest unemployment, its gross domestic product has dropped from around 35 per cent to about 30 per cent, and it has lost its position as the engine room of the national economy. One of the reasons this has occurred is that the public service, particularly in the senior ranks, under this Labor Government over the past 13 years, has become politicised. The Government has sought to subvert the principle of a non-partisan, professional public service that advises without fear or favour: appointments are made on the basis of political colour, on the basis of people who will agree to the political agenda of the Government. That is not healthy.

Mr Barry Collier: Point of order: If the Leader of The Nationals is going to cast aspersions on members of the public service he should substantiate his allegations. He is saying that people are appointed because of their political connections. He should be able to substantiate that rather than make bold assertions—bold, defamatory statements against members of the public service.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! While debate at the agreement in principle stage can be wide ranging, I ask the Leader of The Nationals to stay within the leave of the bill.

Mr ANDREW STONER: Certainly my comments did not relate to the majority of the public sector. Just in the last sitting week I praised members of the health service. I consistently praise teachers, police and others. I made my comments in relation to certain appointments. There is an opportunity for the Government to turn around the fortunes of the State by getting the best advice, by getting the best professional support to implement the changes that the people of New South Wales believe are necessary to reposition this State as the premier State, as a State where essential services are delivered at the best possible cost. I am going to give the Government some suggestions as to how this can be done, as, indeed, the Leader of the Opposition did in his contribution. The bill will implement the first stage of changes to the Public Sector Employment and Management Act 2002 as recommended by a review of the Act earlier this year. Those recommendations were designed to further improve the operation of the Act and ensure it continues to meet its identified policy objectives. The majority of the changes apply across the public sector generally, not to departments only.

The purpose of the bill is, first, to enable long-term departmental temporary employees to be appointed on merit to vacant public service officer positions that have not been advertised; second, to make it clear that the period for which a public service officer is appointed on probation may be extended; third, to make it clear that the period of suspension of a public service officer who is charged with a serious criminal offence includes—if the person is found guilty—the period until any remedial or disciplinary action that the appropriate department head is considering taking in relation to the officer has been dealt with; and, fourth, to enable the Director of Public Employment to waive citizenship and permanent residency requirements for public service officers.

Further, the purpose of the bill is, fifth, to make it clear that a public sector employee who is on a long-term—that is, at least two years—internal secondment within the same agency can be appointed to a new position in the agency without the position having to be advertised or requiring the person to serve a period of probation; sixth, to make it clear that appointments may be made to an executive position, or to any other position in the government service, pending the position becoming vacant; seventh, to extend the delegation power of the Director of Public Employment; eighth, to modify the membership of the State Contracts Control Board; ninth, to authorise the Director General of the Department of Premier and Cabinet to conduct inquiries into public sector agencies, other than the NSW Police Force and the service of either House of Parliament; and, finally, to make other amendments of a minor or consequential nature.

Most of those are fairly routine in nature and follow from the review of the Act. However, the Liberals-Nationals indicate that some of those purposes subvert the principle of merit selection, openness and transparency in governance of the public sector. Our suspicions may not be proven or necessary except that this Government has consistently attempted to abuse the principle of a non-partisan professional public service. I read onto the record a list of names: Michael Coutts-Trotter, John Lee, Jack Whelan, Mark Duffy, Jennifer Mason and Joe Scimone. These are all Labor people appointed to very senior positions in the public service. There are also failed Labor candidates such as Terry Flanagan and Mike Bailey who have found jobs in the public sector.

Mr Steve Whan: In Ministers' offices.

Mr ANDREW STONER: In Ministers' offices; these are taxpayer-funded positions. Every one of these individuals has a long association with the New South Wales Labor Party and the State Government appointed every one of these individuals to a prominent and influential position within the New South Wales public service. More and more Labor advisers are being shoehorned into top positions at the expense of hardworking, high-quality professionals. It seems the best way to get ahead in the New South Wales public service is to be a Labor Party hack. But, sadly, it is quite often at the expense of more experienced professionals. In recent months the Director General of the Premier's Department, Robyn Kruk, and the Secretary of the Treasury, John Pierce—both very highly regarded—have been amongst the plethora of high-ranking officials who have simply quit employment with this Government, including three of the four deputy directors general in the Premier's department following Robyn Kruk's departure.

They are only the first to jump. Many more are expected to get out while they still can. But this Government continues to promote the party faithful, like Michael Coutts-Trotter, who was given a plum job in the New South Wales public service. Despite having a professional background that did not go beyond the office of Michael Egan and the New South Wales Department of Commerce, Michael Coutts-Trotter was appointed Director General of the Department of Education and Training. He had no previous experience in the field of education. This is particularly concerning when his qualifications are compared to education department secretaries in other Australian States, many of whom have more than 20 years experience in the education and training sector.

Most recently the top job in the New South Wales public service was awarded to John Lee, another well-known Labor mate, a man with a strong Labor pedigree. As the brother of Michael Lee, a Minister in the Keating Government, John Lee has worked as a media spin doctor for the beleaguered government agency RailCorp and has also been the head of the New South Wales State Transit Authority. Despite, or maybe because of, these strong political links, John Lee was named as the successor to Robyn Kruk as the Director General of the Department of Premier and Cabinet. Despite Premier Rees' pledge to cut the spin, one of the new Premier's first acts was to replace one top spin doctor with another of his own choosing, with the taxpayer picking up the bill. That spin doctor, of course, is Jack Whelan, who started in the Premier's Office on a \$262,651 a year salary. It is nice work if you get it! Of course, Jack is the nephew of our old mate Benny, the former Labor Minister for Police, Paul Whelan.

Mark Duffy is another man who is well acquainted with the Labor machine in New South Wales. He cut his teeth working for the New South Wales Labor Council during the 1980s. He later worked alongside Michael Coutts-Trotter in the office of Michael Egan and also served as his joint chief of staff. As with many Labor mates, Duffy then moved on to high positions in the New South Wales public service. He was appointed as Assistant Director General of the New South Wales Department of Planning, Infrastructure and Resources. In 2004 the then Minister for Transport, his good mate Michael Costa, appointed him the Director General of the Department of Transport. Duffy was also best man at Costa's wedding that year.

Mr David Harris: Point of order: My point of order is relevance. The Leader of The Nationals is merely reading the curriculum vitae of people into *Hansard*; he is not addressing the leave of the bill.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! I uphold the point of order. I ask the Leader of The Nationals to advise the House of the provisions of the bill to which he is referring.

Mr ANDREW STONER: I was merely demonstrating that this is an opportunity to get a professional and non-partisan public service, as we used to have in this country—people who give frank and fearless advice to Ministers and department heads who are prepared to say, "No, Minister, this is not in the best interests of the State. No, Minister, this is not about keeping your party in power; it is about serving the people of this State." This is how the public service has been corrupted under Labor. That is why I give these examples. I move on from Mark Duffy. I will not read the curriculum vitae of Jennifer Mason because I might have another point of order upheld by a partisan Assistant-Speaker.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! I beg your pardon? Is the Leader of The Nationals reflecting on the Chair?

Mr ANDREW STONER: I withdraw that, Madam Assistant-Speaker. I have many examples of how this principle of fearless and frank advice to government has been subverted by this party, but I will not go there because they do not like hearing it. In conclusion, over the past 13 years we have witnessed the New South Wales Labor Government time and again parachute political apparatchiks into the top levels of the New South Wales public service. We now have a situation where the community can no longer expect the public service to act in an apolitical role or provide frank and fearless advice. I clarify again for the benefit of the member for Miranda that I am not talking about front-line staff, middle managers or those in the lower ranks—and he knows who they are—I am talking about people salted into the public service in key positions, people who will continue with the government agenda, which is all about spin and retaining power rather than serving the people of this State.

The Leader of the Opposition has outlined the different approach that will be taken by the Liberals-Nationals Coalition. The approach to be implemented by an O'Farrell-Stoner government will be based on openness, transparency and merit selection. The people of New South Wales need a professional, non-partisan public service to address the manifold problems in this State after 13 years of Labor mismanagement. It is time a stop was put to the continuing corruption of the New South Wales public service by Labor.

Mr Barry Collier: Point of order: My point of order is relevance. The Leader of The Nationals is outside the leave of the bill. The assertion is without substantiation.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! I uphold the point of order. While debate at the agreement in principle stage can be wide ranging, I have asked the Leader of The Nationals to advise the House of the provisions of the bill to which he is referring. He has failed to do so thus far.

Mr ANDREW STONER: The public of this State do not want a public service to be the plaything of either political party. They want a public service that is professional and non-partisan and that will do the best thing by the people of this State—not blindly back their political masters. The bill is a chance for the Government to achieve that. But, in a display of the true arrogance of this Government, it is more content to let the situation continue.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [7.49 p.m.]: I support the Public Sector Employment and Management Further Amendment Bill 2008, a sensible piece of legislation that has sensible provisions, which have been dealt with in small amounts by members opposite this evening. However, members

opposite have used the debate as an opportunity to go into a wide-ranging slag-off at members of the New South Wales public sector. Some of the comments of members opposite in this debate would be offensive to the people involved. More importantly, however, the comments are grossly hypocritical.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Murray-Darling will resume his seat.

Mr STEVE WHAN: The Public Sector Employment and Management Further Amendment Bill is about continuing to improve public sector recruitment and ensuring that merit selection is clearly provided for. The bill contains a number of other provisions. Amazingly, the Leader of the Opposition gave the House a hypocritical lecture on what he thinks the public service would be like under a theoretical Liberal government. As the Leader of the Opposition accused people of corruption, he failed to acknowledge that only one leader in this State's history has had to resign because he was found to be corrupt over the appointment of someone to the public sector. That bloke is Nick Greiner. What happened in 1992? Who was the State Director of the Liberal Party in 1992? A certain Barry O'Farrell. Before that, he was an adviser to the Coalition. When this dirty deal was done—

Mr John Williams: Point of order: The member for Monaro is giving us a history lesson but he is misleading the House.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! That is not a point of order.

Mr John Williams: He has talked about Nick Greiner—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Murray-Darling will resume his seat. That is not a point of order. The member for Monaro has the call.

Mr STEVE WHAN: It is absolute fact that the Independent Commission Against Corruption found the former Premier to have engaged in corrupt conduct over the appointment of Terry Metherell to a public sector position. We see the links to the current Opposition all the time. According to Steve Chase's book on this Parliament, Brad Hazzard—who is still a prominent member of the front bench of the Liberal Party—was the go-between in that arrangement back in 1992. So let us not have this hypocrisy that we hear from the Opposition about how it is going to be pure and non-partisan. We can go back and look at the appointment of agent generals in London under the Greiner Government, where people leapt straight out of the ranks of the Liberal Party into highly paid jobs overseas. Then we could have a look at the example that was set by the Howard Government. The Howard Government came in promising this pure approach—similar language to the Leader of the Opposition today in the House when he was talking about—

Mr Thomas George: Point of order: My point of order is relevance. I am sure that the Federal appointments do not have anything to do with the bill we are debating. I ask you to bring the member for Monaro back to the leave of the bill.

Mr STEVE WHAN: To the point of order: Earlier today the Leader of the Opposition was given very wide and free-ranging leave during his speech to canvass a range of issues which were loosely related to the bill, including the history of appointments in the public sector and possible future policies of the Coalition. I submit that my comments are directly relevant in response to some of the comments of the Leader of the Opposition.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I concur with the member for Monaro. In addition to what the Leader of the Opposition had to say, the Leader of The Nationals made a wide-ranging contribution to the debate. The member for Monaro is in order because he is responding to the issues that have been raised.

Mr STEVE WHAN: The Leader of the Opposition and other members have gone through the list of appointments. I have to say one thing, and I will say it very proudly. A lot of Labor Party appointees to the public sector are competent and very talented administrators. Michael Coutts-Trotter has shown absolute competence in his position. The Opposition simply takes the cheap, easy way of bagging a person out.

[Interruption]

The Opposition interjects about the Teachers Federation. The Opposition wants to talk about relationships with the Teachers Federation. Let us talk about the relationship that Terry Metherell had with the

Teachers Federation when the Coalition sacked 2,500 teachers. That is the Coalition's attitude to public sector employment. We see this hypocrisy on the part of the Coalition. We have a Government that brings in a sensible bill to improve processes in the public sector, and what do we have from the Opposition? A bit of grandstanding, a bit of hypocrisy, a bit of point scoring! As I said earlier, John Howard came in with the same sort of rhetoric that we heard from the Leader of the Opposition. What happened? A week after John Howard came to office in 1996 he sacked six of the nation's 18 public service department secretaries. He replaced them with his own. People like Max Moore-Wilton with Dr Mike Keating were dismissed. A whole range of others went. A bit later on, we remember the reward that the person who managed the children overboard process got when she was promoted to the head of a department as well.

Mr Thomas George: Point of order: My point of order relates to relevance. The children overboard issue is not relevant to the bill. I ask you to bring the member for Monaro back to the leave of the bill.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. The member for Monaro will confine his remarks to the bill before the House.

Mr STEVE WHAN: The glass jaws opposite just keep coming out. We now go back to the State public service. What we have in the State public service is a group of people who work very hard for the benefit of the State. Yes, there are people running departments who have experience in other parts of government. Surprise, surprise! Some of them have on occasions worked in Ministers' offices. Indeed, that is quite a normal progression. Guess what? It has happened under previous Coalition governments as well. It does not mean that those people are not competent. This Government has shown its bipartisanship in a lot of appointments. How many former National Party Ministers are trotting around in State Government appointments—Liberal Party leaders who have been appointed to positions? We do not see that sort of thing from the members opposite.

I note that we are joined by the member for Goulburn, who I am sure will speak in this debate. She was appointed to a high-level position in the Federal public service, out of the media. Perhaps we could make the same criticism in relation to her. I think she did quite a good job in her previous role. That simply goes to show that people who are involved with and are committed to a particular political party are still capable of giving fearless and frank advice to their political masters. I know how deep the Howard Government's reach went into the public sector; I was in the public service when it came to office. Suddenly I was told by my bosses, "Steve, your name can't appear on briefs to the Minister any more"—because I had been the Labor candidate. How ridiculous is that? They still wanted me to write the briefs; they just did not want me to sign them. We see this hypocrisy constantly.

One party in New South Wales supports the public sector in this State. We hear Opposition members saying to the community that they support the public sector—frank and fearless, independent advice. However, a couple of weeks ago the Coalition released a policy saying it was going to have expense growth equal to revenue growth—which would mean the Coalition needs a hell of a lot bigger cuts in the public sector than this Government delivered in its mini-budget recently. Opposition members talk about the fat cat bureaucrats when they speak derogatorily on radio. The member for Bega recently had a debate with me when he said the same thing. The Coalition says the fat cat bureaucrats are going to be reduced in numbers—attacks on the public sector. It is the Coalition's stock in trade. In recent weeks, in response to the mini-budget, a number of people have been saying, "Let's bring Jeff Kennett in to tell us how to do it." Under Jeff Kennett, 50,000 public sector workers were sacked in Victoria.

There was not anything political in the public sector there. If you were giving frank and fearless advice in Victoria you might have been one of the heads on the chopping block. It is a minor point to those opposite, but we also saw that Government close 300-odd schools and hospitals. The attack on the public sector continues. In New South Wales we have a proud system of State public service. Yes, there are people aligned to political parties who get positions on the basis of merit. Yes, there are people who have been a staff member in a Minister's office from time to time. In fact, anyone who has been a staff member in a Minister's office will know that it is good preparation as part of the public sector. Let us not demean the commitment, skill and talent of the people who say, "I want to dedicate my career to servicing the public in the public sector, rather than chase the big bucks elsewhere."

A lot of those competent people could earn a lot more in the private sector. People who commit themselves to serving the community by working in the public sector are making a commitment for which they should be thanked. We should not get up here and berate them by trying to score political points, as the Opposition has done—particularly not when the Opposition has a glass jaw, particularly not when the

Opposition has the hypocrisy to talk about corruption when its previous leader is the only person in this State to have been found to have acted corruptly in this regard. People still sit on the Opposition frontbench who were involved in that dirty deal. This is sensible legislation. I commend the bill to the House.

Ms PRU GOWARD (Goulburn) [8.01 p.m.]: We all believe in the importance of a proud, independent and meritorious public sector. You cannot have effective public administration without such a public sector. That is why the very simple and almost childlike principles of transparency and meritorious appointment and promotion need to be respected at all stages. The contents of the Public Sector Employment and Management Further Amendment Bill 2008 need to be read in conjunction with the report of the "Review of the Public Sector Employment Act 2002", which was released in June 2008. That review was about ensuring that transparency and meritoriousness was preserved in all instances in the public sector. The report was the result of the mandatory five-year review of the legislation.

The Department of Premier and Cabinet conducted the review, and in that sense it was not independent—as a matter of good governance it should have been. There was no active external consultation and there should have been. There are wide ranges of interest groups and people with extensive knowledge of the public services in Australia whose advice should, and could, have been sought. The national Institute of Public Administration of Australia, major interest groups and small businesses that have to deal with the State Contracts Control Board were not consulted. Inevitably the report is self-serving and the approach far more that of a receiver-manager than a public service aiming to develop higher standards of probity and service delivery. Although, unsurprisingly, the report concludes that:

The legislation is fundamentally sound and the identified policy objectives of the Act remain valid.

Even this report, despite the flaws in its construction and the appointments to it, recommended a series of quite important changes: first, a series of policy objectives; second, the removal of the concept of positions—which is a long-needed change; third, the redefining criteria for appointment from abilities and personal qualities to capabilities—the definition gives far greater flexibility but that can always be abused; fourth, reduce the scope for officers to appeal—a necessary change, but it should also be extended to police, teachers and nurses, where the use of the appeals provision is an important and well-practised art form; five, clarification of section 76 of the Act dealing with declaring a position vacant; six, alteration of the term "unattached"—an important recommendation which does not appear to have been adequately covered in the proposed amendments; seven, the establishment of the Director of Public Employment—a position currently held by the Director General of the Department of Premier and Cabinet; and, eight, the identification of areas where the Director of Public Employment is not subject to ministerial control—an important recommendation, but it does not appear to have been dealt with in the bill.

The recommendations of the report into the State Contracts Control Board are totally inadequate and it would appear in the conduct of its inquiry that the Department of Premier and Cabinet did not widely canvass the private sector about the roles, responsibilities and operations of the State Contracts Control Board. The proposals in the bill are in that sense marginal and do not address the widespread dissatisfaction with the panel system, poor communications by the Department of Commerce, and the duplication when departments of State repeat the processes of the State Contracts Control Board. It means that many reputable firms just do not bother to register or tender. The recommendations are set out at pages 35 to 37 of the report but very few of them overall were accepted, and when they were, they appear to have been watered down. In fact, the bill is such a diminished collection of proposed changes recommended in the report that the Opposition and I believe they will have little or no positive effect. The bill does nothing to deal with the serious problems of governance and the integrity of the public service.

Perception is as important as reality in public administration, and this seems to be one of the outcomes of the bill. This is in an ominous omission, in fact, in light of the scandals and the lack of ministerial accountability of the Rees Labor Government. It reflects the fact that there is no truly independent officer responsible for the overall management and protection of the public service and public sector. It also reflects that there is no senior Minister with responsibility for the public service and certainly no Minister of any kind that takes an active and continuing interest in the public service. A Liberals-Nationals government would establish a completely separate and independent Public Service and Merit Protection Commissioner, similar to that at the Commonwealth level, or at least the notion of the Civil Service Commissioner set up in the United Kingdom after the receipt of the Nolan report by that government in 1994.

The Opposition has reservations about the proposal to give the Director General of the Department of Premier and Cabinet the power to conduct less formal inquiries than royal commissions into administration,

management and the services of agencies of officers. The director general already has these powers. It seems instead to be a vehicle for avoiding royal commissions into maladministration and creates a serious conflict of interest if, for example, the Department of Premier and Cabinet was the one to be investigated. A proposal to replace the terms "abilities" and "personal qualities" with "capabilities" may seem trivial but, in fact, it is a significant diminution of current standards. "Capabilities" means "having capacity, power or fitness for", while "abilities" means "having talents, mental gifts or endowments" and "personal qualities" deals with the important matter of being able to provide frank and fearless advice to Ministers, as well being respected by staff, and providing leadership. In addition to the dropping of the standard, it makes it far easier for public servants to win on appeal against sanctions for non-performance. I foreshadow that the Opposition will move a number of amendments during the consideration in detail stage.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [8.09 p.m.], in reply: I thank the members for Ku-ring-gai, Swansea, Wyong, Oxley, Monaro and Goulburn for their contributions to the debate. The bill implements the first stage of recommendations arising from the statutory review of the Public Sector Employment and Management Act 2002. The bill will benefit both public sector agencies and employees by providing further clarity and flexibility in the operation of the Act. The bill facilitates staff movements across the public sector agencies to deliver better services to the community. It clarifies operational provisions relating to disciplinary and conduct matters and cuts red tape by providing for greater flexibility in recruitment, particularly when there are shortages of qualified applicants. The bill ensures that the Act will continue to meet its identified objectives and assist agencies in continuing to provide quality services to the people of New South Wales. In response to the Leader of the Opposition, the member for Ku-ring-gai, the statutory review of the Act recommends further amendments to the Act, including recommendation 2: to analyse and consult further on a set of values and principles for inclusion in the Act.

I indicate to the Opposition that both employee associations and public sector agencies were consulted on the draft bill. They also were widely consulted during the review of the Public Sector Employment and Management Act 2002. The recommendations arising out of that review form the basis of the proposed amendments in the bill. The agencies strongly support the amendments in the bill. The main area of concern of the employees associations related to the amendment to clarify the period of suspension that applies when a public service officer is suspended after being charged with a serious criminal offence. Following consideration of these concerns, the proposed amendment was modified to make it clear that when an officer is found guilty of an offence the suspension period extends until the departmental head has determined whether to take any remedial or disciplinary action. The bill ensures that it meets its identified objectives of providing flexibility and assisting agencies to provide quality services. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Ms Pru Goward.

Consideration in Detail

Clauses 1 to 5 agreed to.

Ms PRU GOWARD (Goulburn) [8.12 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 3, schedule 1 [2] and [3], lines 9 to 28. Omit all words on those lines.

This amendment relates to paragraph (a) of the overview of the bill, which states:

to enable long-term Departmental temporary employees to be appointed on merit to vacant Public Service officer positions that have not been advertised

The proposed amendment omits those words. The Opposition wants to ensure complete transparency and appropriate rigour in the process of appointment to all positions. Any provisions enabling long-term

departmental temporary employees to be appointed on merit to vacant public service officer positions that have not been advertised should be struck from the bill. Notably, the report on the review of the principal Act received submissions that were concerned about allowing an appointment to a position that had not been advertised because the position was identified as being in an area of skills shortage. The concerns related to the misuse of this provision. Another submission indicated that positions should be advertised as widely as possible. With these concerns in mind, the Opposition has moved this amendment. The purpose of the amendment is to ensure that people are appointed by way of a process of advertisement and merit-based selection.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [8.14 p.m.]: The Government opposes Opposition amendments Nos 1 to 6. The amended legislation will not change the current requirement for a departmental head to undertake a merit selection process before appointing a person to a permanent position. When appointing a long-term temporary departmental employee to a non-advertised position, the departmental head still must select the person with the greatest merit from potential employees. In relation to secondments within an agency, the person can be appointed to a higher graded position that has not been advertised only if the period of secondment has continued over two years and at some stage merit selection applied.

As to amendments Nos. 5 and 6, currently the Premier has the power under the Public Sector Employment and Management Act to direct that a special inquiry be held into any matter relating to the government service. A special inquiry has many of the powers and immunities of a royal commission, for example, the power to summon witnesses to give evidence or to produce documents. The proposed amendments in the bill give the Director General of the Department of Premier and Cabinet, as head of the public sector, the power to conduct less formal inquiries into the administration and management of any public sector agency, other than the Police Force or the services of Parliament, the President or the Speaker. The amendments in the bill will allow for appropriate matters concerning public administration to be investigated quickly and without delay, and without the costs of a more formal inquiry.

In June 2008 a report of the statutory review of the Public Sector Employment and Management Act 2002 was tabled in Parliament. It concluded that the legislation was fundamentally sound and the identified objectives of the Act remain valid. The report made several recommendations for changes to the Act. A number of the recommendations were identified as only requiring consultation with key stakeholders and further Government consideration. These straightforward recommendations are contained in the bill. By introducing the bill with its amendments as soon as possible employees and agencies will benefit, as the changes provide for further clarity and flexibility in the operation of the Act. The report also recommended the consideration of other changes to the Act. These recommendations will be examined in more detail in consultation with key stakeholders before determining whether to introduce further changes next year. As I indicated, the Government opposes Opposition amendments Nos 1 to 6.

Question—That Opposition amendment No. 1 be agreed to—put.

The House divided.

Ayes, 36

Mr Aplin	Mrs Hancock	Mrs Skinner
Mr Baird	Mr Hazzard	Mr Smith
Mr Baumann	Ms Hodgkinson	Mr Souris
Ms Berejiklian	Mrs Hopwood	Mr Stokes
Mr Besseling	Mr Humphries	Mr Stoner
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr J. D. Williams
Mr Debnam	Mr O'Dea	Mr R. C. Williams
Mr Dominello	Mr Page	
Mr Draper	Mr Piccoli	
Mrs Fardell	Mr Piper	<i>Tellers,</i>
Mr Fraser	Mr Richardson	Mr George
Ms Goward	Mr Roberts	Mr Maguire

Noes, 44

Mr Amery	Mr Gibson	Ms McMahon
Ms Andrews	Mr Harris	Mr Morris
Mr Aquilina	Ms Hay	Mrs Paluzzano
Mr Borger	Mr Hickey	Mr Pearce
Mr Brown	Ms Hornery	Mrs Perry
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Daley	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	<i>Tellers,</i>
Mr Furolo	Ms McKay	Mr Ashton
Ms Gadiel	Mr McLeay	Mr Martin

Pairs

Mr O'Farrell	Ms Beamer
Mr Provost	Mr Costa

Question resolved in the negative.

Opposition amendment No. 1 negatived.

Ms PRU GOWARD (Goulburn) [8.25 p.m.], by leave: I move Opposition amendments Nos 2, 3, 4, 5 and 6 in globo:

No. 2 Page 4. Insert after line 22:

[11] **Section 86 (6B)**

Omit the subsection. Insert instead:

(6B) The new position must be advertised.

[12] **Section 86 (6E)**

Omit the subsection.

No. 3 Page 5, schedule 1 [11], proposed section 86A (5), lines 13 to 16. Omit all words on those lines. Insert instead:

(5) The new position must be advertised.

No. 4 Pages 5 and 6, schedule 1 [11], proposed section 86A (8), line 32 on page 5 to line 2 on page 6. Omit all words on those lines.

No. 5 Page 9, schedule 1 [21], proposed section 159A, lines 1 to 37. Omit all words on those lines.

No. 6 Page 11, schedule 1 [23], lines 3 to 6. Omit all words on those lines.

The amendments provide that if a temporary employee on either secondment or internal secondment wishes to be appointed to a new position, that position must be advertised. However, by maintaining the majority of schedule 1 [11], a temporary employee on either secondment or internal secondment who is successful in being appointed to the advertised position will not have to go through the probationary period. In regard to inquiries by the director general into public sector agencies, a provision set out in the Government's bill gives the Director General of the Department of Premier and Cabinet the authority to conduct inquiries into public sector agencies.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Hansard is having difficulty hearing the member for Goulburn. Members will remain silent.

Ms PRU GOWARD: Under the current legislation the Minister responsible for the Act, the Premier, has the following power:

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- (1) The Minister may, in the case of any matter relating to a Division of the Government Service or statutory body representing the Crown, direct such person as the Minister specifies in the direction to conduct a special inquiry into the matter.

When conducting these inquiries the Minister also has the powers conferred on royal commissioners. Section 159 (4) states:

- (4) A person conducting a special inquiry has, for the purposes of the inquiry, the functions, protections and immunities ... conferred on a commissioner by Division 1 of Part 2 of the Royal Commissions Act 1923.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Goulburn will be heard in silence.

Ms PRU GOWARD: The bill would give directly to the director general the power to conduct an inquiry without a direction from the Premier. However, these powers will not match those of the Minister, who can conduct an inquiry with the functions and powers of a royal commissioner. It is concerning that this proposal appears to be a vehicle for avoiding the more significant and probing inquiries of royal commissions. It also poses a potential serious conflict of interest for a director general to investigate his or her own department.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [8.28 p.m.]: The Government opposes these amendments for the reasons previously given.

Question—That Opposition amendments Nos 2, 3, 4, 5 and 6 be agreed to—put.

The House divided.

Ayes, 36

Mr Aplin	Mrs Hancock	Mrs Skinner
Mr Baird	Mr Hazzard	Mr Smith
Mr Baumann	Ms Hodgkinson	Mr Souris
Ms Berejikian	Mrs Hopwood	Mr Stokes
Mr Besseling	Mr Humphries	Mr Stoner
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr R. W. Turner
Mr Debnam	Mr O'Dea	Mr R. C. Williams
Mr Dominello	Mr Page	
Mr Draper	Mr Piccoli	
Mrs Fardell	Mr Piper	<i>Tellers,</i>
Mr Fraser	Mr Richardson	Mr George
Ms Goward	Mr Roberts	Mr Maguire

Noes, 44

Mr Amery	Mr Gibson	Ms McMahon
Ms Andrews	Mr Harris	Mr Morris
Mr Aquilina	Ms Hay	Mrs Paluzzano
Mr Borger	Mr Hickey	Mr Pearce
Mr Brown	Ms Hornery	Mrs Perry
Ms Burney	Ms Judge	Mr Shearan
Ms Burton	Ms Keneally	Mr Stewart
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lulich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Daley	Mr McBride	Mr Whan
Ms D'Amore	Dr McDonald	<i>Tellers,</i>
Mr Furolo	Ms McKay	Mr Ashton
Ms Gadiel	Mr McLeay	Mr Martin

Pairs

Ms Beamer	Mr Provest
Mr Costa	Mr O'Farrell

Question resolved in the negative.

Amendments negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Barry Collier, on behalf of Mr David Campbell, agreed to:

That this bill be now passed.

Bill passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO 2) 2008

Agreement in Principle

Debate resumed from 14 November 2008.

Mr GREG SMITH (Epping) [8.38 p.m.]: The Statute Law (Miscellaneous Provisions) Bill (No 2) 2008 repeals certain Acts and instruments and provisions of Acts, amends certain other Acts and instruments and affects statute law revision. It is intended to affect minor and non-controversial amendments to various Acts and regulations of the New South Wales Parliament. Schedule 1 to the bill contains minor amendments to about 20 Acts. I gather that amendments have been made in the other place with regard to the Clean Coal Administration Act and one other act. A couple of amendments warrant further consideration, one of which relates to the Constitution Act. Of course, any amendment to that Act is important. Schedule 1.7 will make the following amendment to the Constitution Act:

Omit "the special circumstances" from section 9C (4B).

Insert instead "exceptional circumstances".

I was puzzled by this amendment. It relates to a situation where the Lieutenant-Governor, who is the Chief Justice at the present time, or the Administrator, who I think is the President of the Court of Appeal, assumes administration of the Government of the State if the Governor is unavailable. Section 9 states that the Governor is unavailable if the Governor has assumed the administration of the Government of the Commonwealth, is absent from the State, is physically or mentally incapacitated or is otherwise unavailable to exercise and perform his or her powers—of course, it is her powers at the current time—and functions. Currently, if the Governor is unavailable for the last reason—that is, otherwise unavailable—the Lieutenant-Governor or the Administrator may assume administration of the Government of the State with the concurrence of the Premier or the next most senior Minister of the Crown.

The Premier or such other Minister is not to give concurrence unless of the opinion that the assumption of administration is authorised by section 9C (4B) of the Act. In addition, if either the Premier or any other Minister is unable to be contacted to obtain that concurrence the Lieutenant-Governor or Administrator may assume administration of the Government of the State if the Lieutenant-Governor or Administrator is of the opinion that the assumption of administration is authorised under section 9C (4B) of the Act. Section 9C (4B) of the Act authorises the assumption of administration if either the powers or functions of the Governor are required to be exercised or performed during such unavailability, or the duration of the unavailability cannot be determined and if the "special circumstances" require the assumption of administration. The proposed amendment removes a reference to "special circumstances" to instead provide that the circumstances requiring the assumption of administration must be exceptional.

I am sure the member for Coffs Harbour will agree with me that the expressions "special circumstances" and "exceptional circumstances" have been judicially considered but they are not defined in the

Constitution at the moment. "Exceptional circumstances" is an expression known to the law, particularly in relation to courts interfering with committal proceedings. Normally, superior courts will not intervene in committal proceedings but will allow those proceedings to run their course because errors made during committal proceedings can always be remedied at trial or the Director of Public Prosecutions can either no bill or file an ex-officio indictment if the magistrate does not commit for trial. In cases such as *Sankey v Whitlam and Ors*, a well-known case on public interest immunity, the exceptional circumstances were examined where a court might intervene where the magistrate, for example, is either biased or a decision has been made that will interfere significantly with the committal proceedings, and one could call the circumstances exceptional.

I sought some guidance on why this change was being made, because it means the conditions before the Lieutenant-Governor or Administrator can assume the administration of the Government are made rarer because of that change of circumstances—the expression "exceptional circumstances" replacing the expression "special circumstances". Section 9C (4B) states as follows:

An assumption of Administration because of any unavailability referred to in section 9 (d) is authorised if:

- (a) the powers or functions of the Governor are required to be exercised or performed during that unavailability—

that is, when the Governor is unavailable to act as Governor, either because she is acting as Administrator of the Commonwealth or she is absent from the State, she is ill or otherwise indisposed—

or

- (b) the duration of that unavailability cannot be determined,

and the special circumstances require the assumption of administration.

It is interesting that this amendment is being made at a time when an action is being brought by a Government member, Mr Stewart, a former Minister, apparently challenging his sacking as a Minister. It was the Lieutenant-Governor, sitting in place of the Governor and acting under section 9, or perhaps even section 9C (4B), who exercised the power, on the advice of the Premier, to dismiss that Minister. I am not sure, even though there have been four private member's statements in recent days by Mr Stewart, the member for Bankstown, whether this amendment somehow relates to that decision. I doubt it, but it is interesting because something has happened. The Lieutenant-Governor assumed the governance of the State when the Governor was out of the State. She is back now, but she was out of the State at the time. There is now a court challenge to that decision, I assume, and also apparently an action for negligence against the Senior Counsel who conducted the inquiry into the complaint against Mr Stewart.

I am not going to enter into the merits or otherwise of that court case or the decision to sack or recommend the dismissal of the Minister except to say that the Lieutenant-Governor seems to have acted in accordance with convention in that when the Premier asked for a Minister to be dismissed, he was. It is interesting that that amendment is being dealt with now. I do not know whether any Minister or Parliamentary Secretary will advise the House whether this amendment has anything to do with that action. I get the feeling from the gallery that there is not a lot of sympathy for that submission. Nevertheless, I think it is apposite to mention it because this bill has a lot of dry amendments, which are very uncontroversial, but in the middle of it is an amendment to the Constitution. I will not seek to create any mischief; I will simply say we do not oppose the bill.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [8.49 p.m.], in reply: I thank the Opposition for its support of the Statute Law (Miscellaneous Provisions) Bill (No 2) 2008 and note the comments of the member for Epping, who led for the Opposition. The Government has always made the point with respect to the Statute Law (Miscellaneous Provisions) Bill that if the Opposition vehemently objects to any amendments the Government will not pursue those amendments. The bill is an opportunity to rectify relatively minor matters in a raft of legislation in the most efficient way, taking up as little time of the Parliament as possible, in a cost-effective way.

If the member for Epping has a major objection to an amendment the Government would be happy to accommodate him. The amendment to which he referred was a proposed amendment to the Constitution Act 1902 and was requested by the Chief Justice, who is also the Lieutenant-Governor. If the Lieutenant-Governor makes a request along those lines, as a Government, we are more or less obliged to accede to his request, particularly as the member for Epping did not raise any major objection. He canvassed the fact that amending

the Constitution Act by way of the Statute Law (Miscellaneous Provisions) Bill was unusual, but he did not raise any major objections. Therefore, I am loath to do anything with respect to that amendment and request that the bill be proceeded with.

However, members of the other House have requested a couple of amendments because of serious objections. One involved schedule 1.5 relating to the Clean Coal Administration Act 2008 No. 50 and the other objection involved schedule 1.27 relating to the World Youth Day Act 2006, No. 106. As various members have heralded their objection to those provisions, the Government has agreed to omit them, and I shall do so.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mr John Aquilina.

Consideration in Detail

Clauses 1 to 7 agreed to.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [8.54 p.m.], by leave: I move Government amendments Nos 1 and 2 in globo:

No. 1 Page 7, schedule 1.5, lines 4-22. Omit all words on those lines.

No. 2 Page 28, schedule 1.27, lines 1-24. Omit all words on those lines.

The reason for these amendments is that members in the other place have indicated their objections to these measures. In keeping with the spirit of the Statute Law (Miscellaneous Provisions) Bill and the Government's undertaking that it will not pursue any matter to which there has been serious objection by any member of Parliament—Government or Opposition—I have moved to delete those items.

Amendments agreed to.

Schedule 1 as amended agreed to.

Schedules 2 to 5 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr John Aquilina, on behalf of Mr David Campbell, agreed to:

That this bill be now passed.

Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.

RURAL LANDS PROTECTION AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 25 November 2008.

Mr JOHN WILLIAMS (Murray-Darling) [8.56 p.m.]: I speak in opposition to changes to the Rural Lands Protection Act because of lack of consultation. Members would be aware the process that signalled a desire to change the Rural Lands Protection Act was probably determined by 5 per cent of the State: 95 per cent of the complaints came from north-eastern New South Wales. Hobby farmers moved into the area and were confused about the role and functions of the rural lands protection boards. This bill reflects a desire for change

created by only a few. It then became necessary to engage Integrated Marketing Communications [IMC], whose basic responsibility was to look at a process to reduce costs and improve service and corporate governance. This process was part of the consultancy that was undertaken throughout the State to engage with landholders and board members of the rural lands protection boards.

One would expect an agreement to those changes following this process but politicians know that when they are interviewed by the metropolitan press what they say and what is printed in the newspaper the next day is quite different. Although the IMC report suggests that reasonable consultation had taken place, that it had the full support of existing rural lands protection boards and that this would be sufficient, most of the proponents did not agree with it. The Minister told those present at the conference in Coffs Harbour that the rural lands protection boards would be amalgamated because of the findings of the IMC report. There has been a huge reduction in the number of rural lands protection boards servicing New South Wales.

When this was announced it was a bit like when the emperor talked to pilots in the Japanese air force about their future and how they could become kamikaze pilots: it got about the same reaction. Most of the chairmen who were at the conference were in shock-horror that the issue had gone so far. That, in itself, makes one wonder exactly what the process was. The Government talked about a consultative process with IMC, but one wonders whether these decisions that were a result of the IMC report were not drafted in the Minister's office and given to IMC, which was told, "This is the result we want. This is what we need to see. These are the boundaries we want, and these are the amalgamations to take place."

So it has been shoved down the necks of the rural lands protection boards, and they are vehemently opposed to these changes. The changes are unacceptable to the boards, and they have a range of questions that they would like answered. Unfortunately, the State Council and the department are not doing a very good job of answering the concerns raised by the rural lands protection boards. Those concerns include whether the legislation will reduce costs. The State Council and the department cannot answer that question. Each of these amalgamated areas has a different set of parameters and different dynamics. No-one has done the numbers. It is the usual job: Let's put the change in and we will mop up afterwards. This shows very poor planning and very poor business decisions that are not made in the best interests of rural lands protection boards. The Government has a responsibility to rural lands protection boards, and I believe it should show them the common courtesy of answering their questions.

The boards ask whether it is feasible. The amalgamation of the boards in the western area makes me wonder about the feasibility of this process when we look at the vast area that is covered by the new western board. It will take significant time for board directors to travel to a meeting in Broken Hill from Hillston and to return. It is also a very hard job for those board members to keep in touch with the landholders they represent. On the western board, if we look at the Barrier Highway as a line of delineation, we have two board members representing the Milparinka board, the Wilcannia board and part of the Broken Hill board. So we are starting to see a reduction in the representation from almost 30 board members that historically represented the landholders. That creates a lot of angst. There is a feeling of ownership. These people have been a great resource for the landholders in their understanding of what happens in their areas. Obviously, that will be lost. They did this for the love of the job—they were not paid—and they will be replaced by paid experts that the Government, in some false, crazy belief, thinks it will be able to engage.

There are concerns about travelling stock reserves [TSRs]. Boards have been extremely active with travelling stock reserves, particularly in the Riverina. There is a belief that they will be under threat. Given the sorts of rates that the department is now suggesting it will charge for stock on those TSRs, it is an unreasonable amount of money. The fee used to be \$4.50 a week, and it will now be \$7. There is concern that the boards cannot support the fee. We want to know about the treatment of the TSRs. We are to engage in a brand-new rating system. In the western area we are going to amalgamate broadacre farmers—who, in most instances would be deemed to have higher productivity—with graziers. There is a variation in the grazing areas: some of those areas are more concentrated than others. Everyone is wondering how the formula will be handled, what it will mean, and how it can be rolled out. No explanation has been given. No-one has done any modelling of the formula to demonstrate to the boards exactly how the landholders will be rated. How can we believe that this is a realistic amalgamation?

Given the history of the Government's amalgamations and the state of the New South Wales health system, we have a clear demonstration of how well the Government performs amalgamations. The health system is in absolute and utter disarray. The Government will now amalgamate functional, profitable and extremely committed boards into one amalgamated conglomerate that I believe cannot work under the current

circumstances. Indeed, they are really praying for a miracle. The rural lands protection boards today hold reserves worth \$50 million. I guess the department went to Treasury and said, "We need \$3 million to go through this amalgamation process. It is worth \$50 million to you." This clearly demonstrates the management of these boards, the diligence with which they operated, and the commitment that they had to produce the bottom line. The \$50 million will now go into the big black hole and disappear forever, and we are going to have people in Orange crying poverty about the fact that they need more money out of these landholders and greater rates to support this great monopoly that they have created.

The rural lands protection boards are very important to communities in my electorate. They have a shopfront facility. It is an opportunity for people in the grazing and farming areas to find a place where they can talk about some of the latest issues and what is happening through the Department of Primary Industries. The rural lands protection boards are agents for the department: they carry out a lot of functions on behalf of the department. I assure the House that these shopfronts are under threat. I do not care what commitment the Minister has made. We have seen it before. Given time, we will see the removal of these shopfronts. As I said, the rural lands protection boards are very important to those communities. They are important because they provide so many services over and above what the boards already provide.

Ratepayers have real concerns about where they are going to get their information. I guess no-one likes change, but this is about a major change and having what they have historically enjoyed for so many years. A rural lands protection board is a ratepayer organisation. As with local shires, these people are committing funds to have people represent their interests and provide services. Part of the criteria for the legislation was to improve services. I wonder about the improvement of services. In my time in my electorate I have not heard of a complaint from a farmer or grazier in relation to services they receive from rural lands protection boards; the only complaint I have heard is about the rates. At a meeting we had the other day with the advisers the Government said there will not be any reduction in rates. So the landholders' expected reduction in rates will not happen. One would have thought an amalgamation could have produced a reduction in rates, but it cannot. The rates will stay at the same level, if they are not increased. The Minister's advisers have already said that: they are preparing everyone for the rude shock that is to come.

What we see here is a patchwork of what I believe is an absolute disaster created out of the Minister's office in a desire to drag in \$50 million. But ultimately what we will see is that the promises of the Independent Monitoring Commission [IMC] report and the promises of the amalgamation, particularly in my electorate, will produce nothing but absolute shock and horror. The Government has a responsibility to honour its past commitment. Max Hams, a chairman on the board for 23 years, recently wrote to the editor of the *Land* about his frustration with the current process. Max is absolutely committed and the Government is happy to destroy people who have put their heart and soul into the process. These people have given true and utter representation to the boards and have a love and understanding of the land. These people know the history of the land and have a great deal of intelligence on past practices and the future. What we will now see in the Western Division is unmonitored movement of stock. It is physically impossible to have people spread out in that area to service the needs of stock movements. It has always been a disease-free area, but it will now be exposed to whatever happens.

Mrs DAWN FARDELL (Dubbo) [9.11 p.m.]: I speak on the Rural Lands Protection Amendment Bill 2008. I agree that we need reform and one of the main issues is the amalgamation of the existing 47 boards into 14 new boards. I made a representation to the Minister for Primary Industries about two years ago in relation to the Molong Rural Lands Protection Board, when the people in the area of Peak Hill raised grave concerns with me about the former bureaucracy that was causing them untold trouble. The Minister looked into that situation and the Molong Rural Lands Protection Board was stood down. The board members also felt they were not getting a fair go and agreed to that. People in my electorate and some from outside—such as landholders, ratepayers, people on the Rural Lands Protection Boards and people who run the offices of the RLPBs throughout the State—have raised concerns with me about the proposed amendments in the bill. I will briefly quote some examples of those concerns:

My concerns are on behalf of the TSR Future Unlimited Committee from the perspective of stock route users. The use of which was the intention of the establishment of the original stock route system, that of travelling stock by drovers.

They were told:

... (there) are sheep and cattle graziers and rate payers in five different NSW RLPB areas. Back in the thick of the drought in 2001-2003 we used the stock routes extensively in both NSW and QLD, covering the area mostly from the Riverina, Southwest Slopes through to Moree, Walgett, Wyallda et cetera and into Warwick, St George, Surat, Roma areas and through to Winton, QLD. At one stage we had nine drovers on the routes at the one time.

In a period between January 1st 2001 and November 3rd 2003 we paid various RLPBs over \$255,316 in walking and grazing permit fees and paid 20 different drovers a collective amount of \$714,160 in NSW alone. In the 2007-2008 financial year we paid over \$16,700 in RLPB rates. Yet with all that said, we have not been consulted on any issue with regards to the IMC review or any other RLPB State Council review and in particular the stock routes and reserves. My two brothers in law and my father in law would have similar figures but they too have not been consulted in any way. It is my understanding that there was only one round of regional meetings for RLPB directors and staff. To my knowledge there were no public meetings held.

It is a long letter, but to summarise another issue it states:

How can a board in a set area make a decision on something that will affect many people all over the state now and well into the future without consulting drovers or owners of travelling stock? Let me give you these hypotheses.

Board A has been in drought for the last eight years yet back in the 1980s there were dozens of drovers travelling around the board and the reverse could happen with a change of season.

Board B decides not to give a business case to keep their travelling stock routes and reserves open, yet there is enough feed to accommodate dozens of drovers ...

Board C decides they want to keep just the main through-fare routes. How do two mobs pass each other? Usually one mob may circle to one direction—with no side routes and no spelling reserves this is not possible ...

At present drovers are not represented in any way on RLPBs and hence not represented on State Council.

Perhaps the Minister would consider this matter when looking for representation on State Council. I have no doubt this will be passed by the Government in the upper House. There may be a challenge there to look at putting this back on the drawing board but we need to have a fair representation on the State Council. The letter continues:

I have been informed that the RLPBs were asked to vote on a new name for the new system, rather than Rural Lands Protection Board—

there was then a list of names they were to vote on—

Who selected this name that makes no mention of stock routes? Why bother having a vote? ... No stakeholders were allowed to see the draft of the review prior to its release a few days before (the) State Council's AGM in Coffs Harbour this year.

An email with respect to the changes states:

Unfortunately this review has in large part been found wanting in substance by directors who represent the Rural Lands Protection Boards of NSW. However to date the Boards have not been given the opportunity to engage in a consultative format to discuss how we view the future of this very important organisation ...

To be advocating the removal of key jobs from small country towns to Orange will have strong negative impacts on schools, churches, sporting organisations, businesses and other unintended organisations and it will not make for better administration. It will merely pass the job to another centre. The amendments have not considered either the social or environmental effects the changes will have on the towns of rural NSW.

A further email in respect to guidelines states:

Page 4 second last paragraph... "not intended to provide ratepayers with information regarding the changes". This is the only mention of ratepayers that I can find!

Page 24 refers to the Office Coordinators and Custom Service Officers (CSOs) with no mention of the number of CSOs who can expect to lose their jobs et cetera. They do say that our positions won't change until 30 June 2009 ... but our duties will because they are taking them all to Orange—

someone working in the board's office out at Nyngan is not going to travel to Orange for employment—

Page 25 refers to the new Admin and Finance Unit (AFU) in Orange and the recruitment of staff.

Pages 35-39 refer to the review recommendations and the corresponding implementations.

Page 38 refers to the AFU. Please note that the recommendation states "possibly including property transfers". State Council has taken this point even further than the tasks mentioned. They intend to take the property transfers and stock ID as well. This means the only tasks left in the Board offices will be answering phones and counter enquiries and taking NLIS orders. This should be a fairly good indication that there will be very few jobs left in the offices. State Council have also released another "confidential" document which found its way to me that indicates the smaller offices will only be open part time hours. Fewer CSOs = Less ratepayer services!

I have not been able to find mention of ratepayer services anywhere! They deserve better than this as they fund the RLPB organisation!

I received a letter from the RLPB Customer Service Officers Association—it wrote to all members of Parliament. I quote:

We are concerned that approximately 33 Manager positions, up to 100 Customer Service Officer (CSO) positions and a number of Ranger and Field Assistant positions could be made redundant due to the planned restructure of RLPBs. The planned restructure and amalgamation of RLPBs will reduce the number (of) boards from 47 to 14 therefore only 14 manager's positions will be required.

The centralisation of administration to Orange will include duties such as payroll, debtors and creditors; financial reporting; End of Month and End of year processes including Audits; issue of rates notices and the subsequent collection of rates monies; issues of Returns of Land & Stock and the data entry of the returns information. In the past few days we have learned that land & property searches and transfers and all duties associated with stock identification (large stock brands, earmarks and property identification codes) will also be taken out of the local board offices and handled at the Administration and Finance Unit (AFU) in Orange.

In my area the services of almost every government department have been relocated to Orange, and it is not sitting well with the community. The letter continues:

This will result in a huge reduction of CSO numbers in the local offices. The possibility of some Travelling Stock Routes and Reserves being ceded back to the Department of Lands will also mean the loss of positions for affected Rangers and Field Assistants.

We ask your assistance in lobbying the Minister for Primary Industries to consider the following points:

The Premier's Department has issued the following documents and guidelines which outline the basic rights of staff members who are subject to a restructure or major reform. This process of consultation and the issue of these documents should involve the Public Service Association and relevant staff association representatives. On Thursday 30 October 2008 a "Change Management document" was circulated which the staff associations had not previously seen. We have many concerns about the content of this document. We seek assurance that we will be afforded the respect and treatment outlined in the documents listed below.

The processes the association sought were: consultative arrangements policy and guideline, managing displaced employees and guidelines for the preparation of rural communities impact statements. As I said, it is agreed that reform is needed. But we must remember it is a statutory authority. What will happen to the buildings that are owned by the ratepayers? Will the Government provide further funding to take over those facilities? Rural and regional New South Wales is suffering severely and all New South Wales is in crisis. Smaller areas outside the major towns are experiencing drought from dwindling populations, drought from lack of farming income and drought from the weather elements. The amalgamations in rural and regional New South Wales mean a lack of authority for ratepayers. I also am concerned about the selection and voting processes.

Department of Primary Industries offices and research centres have been closed and Hurlstone Agricultural School property is to be sold. To add insult, the funds will go towards education for the whole State. State Water offices are being closed. At Forbes, where the office was closed, I fought hard to get the Premier, the then Minister for Water, to agree to leave a staff member in the area. Taxpayers bear the cost of fuel to access face-to-face assistance. The Parkes Show Society has not received any funds. Equine influenza greatly impacted on the society and it had to cancel the show the night before its opening. The local, State and Federal governments were unable to provide assistance. The Roads and Traffic Authority offices do not offer the same services in rural and regional areas as they do to our city cousins. For example, we do not have access to E-tag facilities. Rural and regional areas face the threat to school bus travel.

The Lachlan irrigators pay for water allocations but do not receive an allocation. But they still have to send a cheque for the right to it. There is a proposed amalgamation of the Greater Western Area Health Service clusters and a threat to front-line health services. I have been told it is not happening, but I know it is because positions are not filled when people leave. We have to fight to keep the Parkes and Forbes hospital planning process on track. The commitment to Lourdes hospital, which provides rehabilitation services to western New South Wales, is again back on the drawing board. Those services are not only for the 44,000 people in Dubbo but also for 130,000 people. People often come from the Hunter to access those services. Health service providers have to contact Bathurst to receive payment for their accounts. Members of the community who donate funds to health have to wait for a receipt to arrive from Broken Hill. Dubbo is the only ambulance call centre in rural and regional New South Wales. These are examples of the wonderful amalgamations that are happening in rural and regional New South Wales!

I support the intent of the amalgamation and many aspects of the bill, as do those who have contacted my office. They agree that the bill contains some good provisions, but it is not possible at this stage for them to propose amendments because of the lack of consultation. I thank the Minister for the recent meeting he held in

his office with me and delegates, and I also thank his staff for their assistance. Because of the uncertainty of staff, the makeup of the councils and the issues I have raised, I cannot support the bill in its present form. I call on the Opposition and Government members to vote against the bill so that we can take it back to the table, iron out the problems and allay the concerns of people who feel they will not have fair representation on these new councils. I will not be in the House tomorrow to vote on the bill because I am attending the funeral of the late Max Walters, a great advocate for rural and regional New South Wales. Thankfully he is not here to see this bill. I know my vote will not change the course of the bill, but I make a plea to the upper House to have a good look at the bill and to take it back to the drawing board.

Ms KATRINA HODGKINSON (Burrinjuck) [9.24 p.m.]: I make my contribution to the Rural Lands Protection Amendment Bill 2008, which was introduced by the Parliamentary Secretary on Friday 14 November 2008. As has already been indicated, the Opposition does not support the bill, for very good reasons. I refer to a motion by the Northern Slopes, Bourke, Tamworth and Cobar Rural Lands Protection Board, which states:

That State Council recommend to the Minister that the decision to implement the IMC Report must be delayed until a full assessment and consultative process of the ramifications of the proposed restructure is undertaken; and

The assessment must take into account any positive or negative outcomes which may occur; and

The assessment must include a full costing of the effects of the changes on the Rural lands Protection Board system; and

The consultative process must allow all Boards to be given the opportunity to voice their opinions; and

All advertising of staff positions in State Council be stopped until the consultative process is finalised; and

That if a justifiable alternative restructure is determined by the consultative process that it be tabled as a motion at the next State conference.

I note that the boards also want to ensure that late motions by Cooma and Northern Slopes are adhered to before any decision is made. They went on to say that the State Council did not have a mandate to continue the implementation process because it failed to fully consult with the boards. The motion indicates that the boards were not fully consulted. They go on to say:

The State Council ... have failed to fulfil their obligations of the Rural Lands Protection Act 1998, Parts 4 and 5. A majority of Rural Lands Protection Boards have indicated support for the Rural Lands Action Group that were formed to oppose the undemocratic and ill-thought out reforms of the Rural Lands Protection Boards.

The manager of a local Rural Lands Protection Board [RLPB] in my electorate expressed grave concern about several issues pertaining to this legislation. Primarily he was extremely concerned with biosecurity issues. I note that the member for Coffs Harbour, the shadow Minister responsible for this legislation, mentioned those concerns during his contribution to the debate. They are very real concerns. The minimum rateable area for a district will increase from four hectares up to 10 hectares. Many animals at risk of disease reside on small acreage properties. The recent equine influenza outbreak basically resulted in a shutdown of the entire equine industry across the State of New South Wales. Horses were stopped in their tracks. They were not allowed to go off property and if interstate were not allowed back into the State. I was inundated with complaints from horse handlers, horse trainers, horse managers, horse breeders, jockeys, pony clubs, you name it. Anyone who had a horse was very upset. One reason we did not know the full details about the location of every horse was because the minimum for a rateable property was four hectares.

The manager of the local RLPB explained to me that on two hectares of land there will be an animal to keep the grass neat, for the children to play with or for whatever reason. His argument was that rather than increase the number of hectares for rateable land, it should be reduced because of biosecurity issues. There have been many disease outbreaks throughout New South Wales. We do not have to think terribly hard. We have had some absolute crackers: footrot, ovine Johne's disease, bovine Johne's disease, and foot-and-mouth disease. These threats are hanging over us all the time. If there is an outbreak, it is more likely to happen on a small acreage farm rather than a large one. When it does happen we have to be able to trace the movement of animals. That is why the introduction of the electronic identification system was so important. Because of biosecurity issues, we must make sure, whether we are dealing with a disease from overseas or locally, that we are able to trace the disease and stop it in its tracks.

I agree that the biosecurity issues involved are far too important to let the legislation go through with our support. I asked my local manager about the local office and whether staff would stay in the local area, and he indicated that that would be the case. But one has to wonder why the head office is moving to Orange where

it will have no community of interest with Goulburn, Yass, Doctor's Flat or any of those other places throughout the electorates of Burrinjuck and Goulburn. We are very concerned about the continuing centralisation of government agencies and departments. We have seen it happen with the area health services, and it has not worked. We know that further centralisation of government agencies is unworkable and is not going to be productive. The agricultural industry is way too important for us to muck around on stuff like this.

Biosecurity issues cannot just be given some backhanded approach by a lazy and out of touch Labor Government that does not understand the importance of disease in any breed of domesticated animals. We cannot allow this legislation to go through when we are conscious of the implications this might have for our local communities. I know I speak for many, many people in the Yass area who are extremely concerned that the board is going to be centralised in Orange where there is no community interest. The logistics of the new boundaries are quite untenable. We heard the member for Murray-Darling speak about the logistics in his area. The new tablelands boundaries are equally inaccessible, with mountain ranges and a vast disparity of agriculture, pastoral production and animal husbandry in that area.

We are very concerned about many aspects of this bill, which members of The Nationals have addressed quite thoroughly. I reiterate my very genuine concerns about biosecurity. Members will know that I have studied the electronic identification of domesticated animals very thoroughly. I believe it is very important that we recognise the importance of keeping our flocks and herds disease-free. For that reason I cannot support the increase in the minimum rateable area from four hectares to 10 hectares that is specified in this bill.

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

GRAFFITI CONTROL BILL 2008

Message received from the Legislative Council returning the bill without amendment.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned at 9.34 p.m. until Thursday 27 November 2008 at 10.00 a.m.
