LEGISLATIVE ASSEMBLY

Friday 28 November 2008

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 1 and 2 lapsed pursuant to Standing Order 105 (3).

PAEDIATRIC PATIENT OVERSIGHT (VANESSA'S LAW) BILL 2008

Bill introduced on motion by Ms Jillian Skinner.

Agreement in Principle

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [10.01 a.m.]: I move:

That this bill be now agreed to in principle.

This is a very simple piece of legislation. It has been prompted by the death of Vanessa Anderson, the young girl who died in Royal North Shore Hospital some three years ago after being hit in the head with a golf ball. Commissioner Garling, who chaired the special commission of inquiry into acute care, said in the first volume of his report that the Coroner, in delivering his findings in relation to Vanessa's death, called for a full-scale inquiry. That inquiry led to the Garling report released yesterday. I will read that part of the Garling report that refers to Vanessa Anderson because it is a very brief summary that explains why we are introducing this bill. Commissioner Garling said:

> On 24 January 2008, the NSW Deputy State Coroner Mr Milovanovich reported on the death of Vanessa Anderson, a 16-year-old girl who died at Royal North Shore Hospital after being admitted with a head injury inflicted by a golf ball.
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> The coroner's report makes heart-breaking reading. In short, there was poor communication between doctors, staffing inadequacies, no or inadequate medical notes, poor clinical decisions, ignorance of protocols and incorrect decisions by nursing staff. The coroner concluded that Vanessa died from respiratory arrest due to the depressant effect of opiate medication. The coroner lamented that, in Vanessa's case, almost every conceivable error or omission occurred and continue to build on top of one another, leading to Vanessa's death.
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> The coroner observed:
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> > There is little doubt that the NSW Health system, while certainly staffed by dedicated professionals is labouring under increased demands and expectations from the general public … Unfortunately, the same issues are invariably identified: not enough doctors, not enough nurses, inexperienced staff, poor communication, poor record keeping and poor management. These are systemic problems that have existed for a number of years and regrettably they all surface in the death of Vanessa Anderson … it is almost impossible to avoid comment on the unfortunate repetition of the same systemic problems that continue to surface … the government of the day has the responsibility to provide adequate resources, training and staff to ensure the delivery of appropriate and timely medical services.
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> > … It may be timely that the Department of Health and or the responsible Minister consider a full and open Inquiry into the delivery of health services in NSW.

I was in the Coroner's court that day, and I heard the Coroner deliver that finding and make many other remarks in relation to the death of Vanessa Anderson. I will read some of those remarks onto the record later. Commissioner Garling went on to say in his report that on the day the Coroner delivered his findings the commissioner's inquiry was announced. Commissioner Garling continued:

> Vanessa Anderson's father responded to the announcement of this inquiry by saying, "From this moment on, Vanessa Anderson's ordeal, and the fact of what we've been through, will have meaning." I certainly hope that the work which my Inquiry has undertaken, and the recommendations made, goes some small way to making that so.

Commissioner Garling went on to make recommendations about the care of children in our hospital system. Whilst I have not had time to consult widely with the experts, I do have some contacts—I am sure that would not surprise any member of this House—who have specialised in paediatric care. Before I was elected to Parliament I was the Director of the Office of Youth Affairs. In fact, I chaired a ministerial task force that developed the first youth health policy in the world. That policy was then introduced in New South Wales and then it was taken to no less than the United Nations and held up as an example of the way to go. This is an area I am passionate about. When the idea of Vanessa's law was first given media coverage I was extremely warmed to see that Professor David Bennett, one of the world's most respected paediatricians, when interviewed by the media said that when a young person under 18 is admitted to an adult ward there is a risk that they will receive inappropriate care. That is what is behind Vanessa's law.

I will go through it in some detail. The bill would impose a duty on the governing body of a major public hospital—I will define major hospitals, because they are quite specific—to ensure that a paediatrician oversights the medical management of any person under the age of 18 who is admitted as a patient in an adult ward of the hospital within 24 hours of the person's admission. Those words have been very carefully considered and thought through, and I will explain why. If a child is sick enough to be admitted to a hospital it will be a 24-hour admission. An admission of less than that may be for observation, it may be for a minor illness, or the young person may be in a hospital where there is no paediatrician in attendance. That is not the sort of hospital we are talking about. If a young person or child is so sick that they need admission beyond 24 hours that child should be admitted to a specialist children's hospital, the children's ward of a major hospital, or a major hospital.

The bill identifies major hospitals as teaching or referral hospitals, and it lists those hospitals as follows: Bankstown-Lidcombe, Concord, Gosford, John Hunter, Liverpool, Nepean, Prince of Wales, Royal North Shore, Royal Prince Alfred, St George, St Vincent's, Westmead and Wollongong. These are hospitals listed by the Government in all the reports it issues. The bill lists the rural base hospitals as follows: Albury, Coffs Harbour, Dubbo, Lismore, Maitland, Manning, Orange, Port Macquarie, Shoalhaven, Tamworth, Tweed Heads and Wagga Wagga. If a child is so sick that they need to be admitted to an adult hospital they should be admitted to one of those. Our law would apply when they are admitted to a general ward, not an emergency department or an intensive care unit or a high dependency unit, because it is obvious to anybody who has visited a hospital that in those places patients are under observation by staff at all times. It appears that Vanessa was sent off to a general ward to sleep without proper supervision.

What has prompted the legislation is the very clear evidence from many quarters—and anyone who wants advice on this needs only look at some of the paediatric expert sites on the Internet—that children and adolescents are not just little adults; they have different physiology, they need different treatment, they need different equipment, and they need different doses of medication from adults. I believe that was one of the problems in relation to Vanessa Anderson's death. The coroner concluded that it was an overdose of opiates that caused her to have respiratory failure, which was the direct cause of her death. There is no doubt that if Vanessa's medical care had been supervised by a paediatrician this would have been picked up very quickly, she probably would have been admitted to an intensive care unit or high dependency unit and observed more closely, and the litany of errors described by the coroner would have been avoided.

The legislation is simple and its aim is to protect young people and children from the kind of tragedy that befell Vanessa. We have called it Vanessa's law in tribute to the endless crusading by her father, Warren, her mother, Michelle, and Amanda and Nathan, her sister and brother, who had to support the family through this tragic time. Warren Anderson, who is in the gallery today, is an absolutely wonderful man. I pay tribute to Warren and the enormous amount of effort and energy that he has expended to try to make things better in our hospital system, particularly for young people, and also his generosity in speaking to doctors, nurses and others at the hospital. Warren Anderson attended every day during the parliamentary inquiry into the Royal North Shore Hospital. He spoke to some of the doctors there, who told me they could not believe the generosity of this man who had every reason to feel very bitter toward them because of what had happened to his daughter. But he was there, listening to them and supporting them—and he has done the same for me. Thank you very much, Warren.

I also acknowledge my colleague the member for Hornsby, the local member representing Warren Anderson and his family, who sat through all of the inquiries—I attended when she was unable to attend. Vanessa's law was her idea—and what a fantastic law it is. This is not a controversial piece of legislation; everyone should be able to support it. I received a letter from Dr Jenny Promios, a paediatric and adolescent health physician in the Children's Hospital in Melbourne, who raised concerns about whether there would be

sufficient staff to implement the bill. I think she made her comments before realising that it was confined to teaching hospitals in the city and rural base hospitals. It should be pointed out that every one of these hospitals will have a paediatrician—sometimes more than one—on duty or on call because it is a requirement of a hospital with that level of responsibility. So it is not as if we are suddenly going to have to find a lot of extra paediatricians. This bill does not require a paediatrician to take over total management of a patient; it is an oversight role only, to double-check that what is being done on behalf of a patient is appropriate.

On 17 November the bill got media attention when Warren Anderson, Professor Bennett, the member for Hornsby and I were interviewed by Channel 7. The next day, 18 November, the document titled "Standards for the Care of Children and Adolescents in Health Services" was released. It is obviously a publication that is endorsed by the Government because it comes with the logo of children's hospitals in Australia. It is a long report, and it is on the website—I can make it available if anyone wants to see it. It says in its introduction, among other things:

> Potential risks arising from co-locating children/adolescents with adults in health services include … compromises in quality of care for children/adolescents if care is provided by staff without education and training in the care and treatment of children and young people or if the available equipment is inappropriate in size or design.

If anything spells out support for the legislation, this document does. It goes on to deal with aims and objectives. Some of those have been picked up in Mr Garling's report, which goes much further than what I am proposing—that is for another day. My bill is a first step. I particularly noted 2.2.2 of the recommendations:

> Children and young adolescents should not be accommodated in adult wards.

Under 2.2.5 it states:

> In the event of an unavoidable circumstance, when separate accommodation for children/adolescents and adults is not possible, the health service must identify designated areas.

It then goes on to talk about the experiences of staff, again highlighting what we are addressing in Vanessa's law, which I believe would have a major and profound impact on children who have to spend time in an adult ward. This is a symbolic piece of legislation, and it is only the start. I hope that over time we have a much better understanding and application of treatment for children and adolescents, and we can have a separate stream to make sure that they are not tucked away in adult wards when they should be in wards that are more appropriate for children and adolescents. I should say that there is a distinction between children and adolescents in many respects. Anyone who has had anything to do with kids would know that a 15- or 16-year-old does not want to be put in the children's ward with rainbows and fairies painted on the walls; they regard themselves as more sophisticated. Nevertheless, it is important to acknowledge that their bodies are young bodies—they are not just little adults who can be treated as an adult would be treated.

The legislation will not affect merely one or two people. Vanessa Anderson is one of thousands of children admitted each year to adult wards. The member for Hornsby used freedom of information provisions to ascertain how many children under 16 years of age were admitted to adult wards in hospitals in the North Sydney-Central Coast area: over 1,000 in the year 2007. So we are talking about a large number of people. This bill is important in order to prevent a repetition of what happened to Vanessa, and also to pay tribute to the tremendous efforts of Warren, Michelle, Amanda and Nathan Anderson to make things better for children and adolescents in the New South Wales hospital system. I commend the bill to the House.

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

The DEPUTY-SPEAKER: Order! General Business Notices of Motions (for Bills) having concluded, the House will now proceed to Government business.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2008

Bill introduced, by leave, on motion by Mr John Aquilina, on behalf of Mr Nathan Rees.

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.21 a.m.]: I move:

> That this bill be now agreed to in principle.

It is my privilege to introduce the Independent Commission Against Corruption Amendment Bill 2008. This bill will enhance certain powers of the Independent Commission Against Corruption. It will also make a minor amendment to clarify the coverage of the Protected Disclosures Act. This year marks the twentieth anniversary of the passage of legislation to establish the Independent Commission Against Corruption. It is the oldest body of its kind in Australia. The Independent Commission Against Corruption, along with the Ombudsman and the Audit Office of New South Wales, is one of the central pillars of what Chief Justice Spigelman has described as the "integrity branch" of government. These agencies perform essential functions in helping to maintain and promote integrity and accountability across the public sector. The Rees Government is committed to ensuring that the legislation that governs these integrity agencies is effective. The bill that I am introducing today is part of the Premier's commitment to open and accountable government. Most of the amendments contained in this bill have been recommended by the Independent Commission Against Corruption, as well as by the parliamentary committee that oversights it.

Schedule 1 to the bill contains a number of amendments to the Independent Commission Against Corruption Act 1988. The bill will extend the period within which proceedings must be commenced for the offences of knowingly providing false or misleading information to the commission in response to a notice, and impersonating an officer of the commission, from six months to three years of the alleged commission of the offence. There are cogent reasons for this extension. First, it is not always possible to identify that such offences have occurred within the current six-month period. Second, it is sometimes not possible to commence proceedings within the current period without compromising the commission's investigations. This amendment was requested by the commission and recommended by the Committee on the Independent Commission Against Corruption.

The bill will also increase the maximum penalty for the offence of knowingly providing false or misleading information to the commission in response to a notice to imprisonment for 12 months and a $5,500 fine. This will ensure consistency with penalties for other similar offences in the Act. The bill will also clarify that the commission has the power to make a non-publication order in respect of any written submissions received by the commission, whether from counsel assisting the commission or by any other person. Again, this amendment was requested by the commission and recommended by the parliamentary committee. Currently, the Act directs the commission's attention to "serious and systemic corrupt conduct". The bill will amend the Act to clarify that the commission is to direct its attention to two types of corrupt conduct: serious corrupt conduct and systemic corrupt conduct. This amendment was recommended by the Committee on the Independent Commission Against Corruption to avoid any doubt in relation to the issue.

The commission also requested that consideration be given to requiring all proceedings under section 87 of the Act, which makes it an indictable offence to give false or misleading information to the commission, to be heard by the District Court rather than the Local Court. The commission's concern is that the Local Court has been imposing comparatively light sentences for such offences in comparison with the maximum available penalty of five years imprisonment and $22,000. The commission is concerned that a perception exists among witnesses at the commission that people who lie to the commission will not receive a substantial punishment. This is of significant concern to the Government. In order for the commission to effectively fulfil its functions it is important that the substantial penalties available for misleading the commission are applied in such a way as to act as an effective deterrent. Therefore the Government is currently working with the commission to examine whether it is appropriate to seek a guideline judgement from the Court of Criminal Appeal in relation to offences under section 87. I note that the parliamentary committee has indicated it will examine this issue as well.

The commission also requested that consideration be given to amending the Act to remove the restriction in section 37 that prohibits the use of compulsorily obtained evidence provided under objection to the commission in later disciplinary proceedings and civil proceedings. This raises important issues in relation to the scope of the privilege against self-incrimination. In its October 2008 report the parliamentary committee expressed the view that any such amendment would require detailed examination and consultation. The Premier has written to the parliamentary committee requesting that it inquire into and report on whether section 37 should be amended as requested by the commission. As such an amendment has the potential to result in the commission obtaining more evidence under compulsion, which is not admissible in criminal proceedings. The Premier has also requested the parliamentary committee to inquire into and report on whether the Act should also be amended to make the commission's current function of assembling evidence for criminal proceedings a primary function.

The Government notes the other recommendations in the October 2008 report of the Committee on the Independent Commission Against Corruption, including its recommendation that the practice of agencies and

departments in giving implementation plans and progress reports to the commission be made a statutory requirement. The Government has noted, however, that differing views have been expressed to the committee on the best way to ensure that agencies respond to the commission's recommendations. Implementation of the commission's recommendations is a significant issue of concern to the Commissioner of the Independent Commission Against Corruption. The Government understands that the commission's corruption prevention recommendations arising from its recent investigation into RailCorp will also deal with this issue. The Government will therefore consider the parliamentary committee's recommendations in light of the commission's forthcoming corruption prevention recommendations.

I now turn to schedule 2 to the bill. As members will be aware, the Protected Disclosures Act provides whistleblower protection for public officials who disclose corrupt conduct, maladministration and waste of public money. This schedule will make an amendment to the Protected Disclosures Act to clarify the coverage of that Act to all public officials. This amendment follows a 2006 recommendation of the Committee on the Independent Commission Against Corruption, which raised doubts as to whether the Protected Disclosures Act automatically applied to all employees of an area health service. Although the New South Wales Department of Health has been operating on the basis that the Act does apply, the amendment will remove any doubt. Therefore, the bill will amend the definition of "public official" to clarify, for the avoidance of doubt, that any individual in the service of the Crown or of a public authority is a public official.

As members will be aware, the Protected Disclosures Act is currently the subject of a review by the Committee on the Independent Commission Against Corruption. The Government is awaiting the outcome of that review. We stand ready to consider any recommendations and to make any necessary reforms that are identified from the review. The amendment proposed in this bill is not intended to pre-empt that review or its recommendations. This amendment is purely for the avoidance of doubt to ensure that all public officials have the certainty that if they do blow the whistle they will be entitled to the full protections afforded by the Act. The Government remains open to consider further and more comprehensive reform of the Protected Disclosures Act following consideration of the outcomes of the current parliamentary inquiry. The amendments contained in this bill underscore the importance that the Government places on ensuring the most robust and effective integrity system possible. 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.

CONTAMINATED LAND MANAGEMENT AMENDMENT BILL 2008

Agreement in Principle

Debate resumed from 26 June 2008.

Ms PRU GOWARD (Goulburn) [10.30 a.m.]: The Opposition does not oppose the Contaminated Land Management Amendment Bill 2008 but I foreshadow that we will move a number of amendments in the Legislative Council that we believe will increase the level of confidence in the bill which, as it stands, frequently replaces one uncertainty with another. The Opposition, however, understands that this bill comes after an extensive period of consultation and is part of a statutory five-year review of the Act. The Opposition also understands that the bill has a number of purposes. First, it permits the Environment Protection Authority [EPA] to order a preliminary investigation of a site identified as potentially contaminated. This is a new provision and one that is generally welcome. However, there are some drafting difficulties with the bill that I think should be addressed, and I will come to them later.

Secondly, the bill allows the Environment Protection Authority to regulate "significantly contaminated land" instead of first determining whether any contamination presents "a significant risk of harm", as required under the existing legislation. This is a new test for the activation of the Act, and again it is one that I will address later. The bill also clarifies that more than one person may be responsible for contamination through the process of cascading liability. Again, there are some challenges in the legislation that the Opposition would like addressed.

The bill also enables the Environment Protection Authority to recover costs incurred by the Environment Protection Authority for the investigation and remediation process. It allows the Minister to enter into offset agreements with parties responsible for contamination to provide assistance to affected communities and it clarifies that an owner and occupier of property is responsible for contamination if the person knew or

reasonably ought to have known and failed to take reasonable steps to prevent the contamination. The bill also contains strengthened provisions for those who provide misleading or deceptive information and makes explicit the responsibilities of company directors where a corporation has contravened any provision of the Contaminated Land Management Act. The Opposition welcomes this improvement to the Act. There are a number of other concerns regarding the awarding of costs, which I will address later.

There are numerous concerns. I will begin with the new test. The test for contamination is now "significantly contaminated" rather than "a significant risk of harm". This considerably broadens the Environment Protection Authority's scope for ordering an investigation according to a number of law firms that work in this area, whilst others such as the Total Environment Centre believe it may reduce the number of declared sites since significant contamination will be more difficult to prove than a significant risk of harm. It will not be clear which of those arguments is entirely correct until the case law is established, but it is clear that changing the definition of contamination from "significant risk of harm" to "significantly contaminated" will inevitably require a further series of cases to establish the relevant case law. There may be cases where significant harm could be caused without significant contamination, and it might be better to have the option of proving one or the other.

In addition, in division 2 "Regulation of significantly contaminated land", new section 12 gives considerable discretion to the EPA to "take into account any relevant guidelines and each of the following matters" when it comes to determining whether a site is significantly contaminated. This gives enormous discretion to the EPA under section 12 (2) "even if the possible harm could come into existence only in certain circumstances of occupation or use of the land and those circumstances do not exist at that time"—that is, when the contamination comes to light. The clause goes on to say, "However, the circumstances must be reasonably foreseeable, and consistent with the approved use of the land, at that time." It gives the EPA enormous authority when it comes to declaring the land to be significantly contaminated because of the capacity it has to determine possible harm that could come into existence only in certain circumstances of occupation or use of the land.

The Opposition believes that this enormous discretion needs to be very well developed in the accompanying regulations to ensure the discretion is made clear and is understood by all parties. Members on this side of the House may prefer prescriptive definitions to this sort of discretion. The second issue of concern is the investigation orders and the absence of cascading liability. The bill enables investigation orders to be made by the EPA to any person set out in new section 10 (3), but no cascade of liability applies to this new section. This means that landowners or notional landowners and not the polluter may be required to finance and carry out an investigation. By contrast, in the case of management orders this cascade applies in accordance with normal environmental law practice. To be more specific, subsection (3) states:

> (3) A preliminary investigation order may be served on any one or more of the following persons:
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> (a) a person who the EPA reasonably suspects may have been responsible for contamination of the land with the specified substance,
>
> (b) an owner of the specified land,
>
> (c) a notional owner of the specified land,
>
> (d) a person who carried on activities on the specified land, but only if the activities are of the sort that:
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> (i) generate or consume the same substance as a specified substance, or
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> (ii) generate or consume substances that may be converted by reacting with each other or by the action of natural processes on the land into the same substance as any of the specified substances,

Obviously an example would be leachate. It continues:

> (e) a public authority.

When we compare this new section, which applies to investigation orders, with new section 13, where the bill is addressing the choice of a person to be made the subject of a management order, we see there that the order of responsibility is clearly specified. The bill says:

> (2) The EPA is to choose the appropriate persons from among the following persons:
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> (a) a person who is responsible for significant contamination of the land (whether or not there may be other persons who are also responsible),
>
> (b) an owner of the land (whether or not the person is responsible for contamination of the land),
>
> (c) a notional owner of the land (whether or not the person is responsible for contamination of the land).

Then there is the very important subsection (3), which states:

> (3) In determining the appropriate persons, the EPA is, as far as practicable, to specify a person referred to in subsection (2) (a) over a person referred to in subsection (2) (b) or (c) and to specify a person referred to in subsection (2) (b) over a person referred to in 2 (c).

This is generally called cascading responsibility. The point is that subsection (3) applies when it comes to the determination of who is responsible for a management order, which of course may run into millions of dollars, but does not apply to investigation orders. Given the onerous and expensive nature of carrying out a standard investigation, this would seem to be an oversight on the part of the draftsman and one we will encourage the Government to address.

Under this bill landowners can be made responsible for the costs of preliminary studies and remediation, even if they did not play a role in the contamination of the site. The law clearly recognises that if landowners did not play a role in the contamination of the site, they should not be considered as the primary person to have responsibility of management. That does not apply to investigation orders. The Environment Protection Authority [EPA] may order a preliminary investigation into a site to be conducted by a qualified consultant. There is no requirement that the consultant be an expert. According to the Department of the Environment and Climate Change, this is based on the premise that the information required at the preliminary stage is to qualify information the EPA may have already collected from the site, such as a polluted water sample. The department also cites cost considerations. For example, it is cheaper to employ a qualified consultant than a qualified expert.

The Opposition believes that confidence in a preliminary study may be undermined if a qualified consultant, rather than an expert, undertakes a preliminary investigation. The bill does not specify who is responsible for appointing the qualified consultant to do the preliminary investigation. There is no independent review of the preliminary investigation. Although the landowner is responsible for the cost of the investigation, it seems that the landowner does not have the right to appoint the qualified consultant. That provision in the bill must be clarified. The Minister may enter into offset arrangements with the person responsible for contamination, under which the person provides assistance to affected communities, but only if the Minister reasonably considers that it would not be practicable to remediate this contamination within a reasonable time.

If the Minister considers it is in the public interest to do so, the Minister may enter into offset arrangements with a person responsible for the contamination of land under which the person provides assistance, other than direct monetary assistance, to communities affected by the contamination. Assistance may include, amongst other things, the provision of community facilities or community services, or the establishment and operation of environmental resource projects. Offset arrangements may be entered into only if the Minister reasonably considers that it would not be practicable to remediate the contamination within a reasonable time. The offset arrangements must be in writing and may specify the circumstances and the manner in which functions under this Act are to be exercised, if the assistance is duly provided and any such function is to be exercised accordingly.

Although the Opposition agrees with the inclusion of a provision that recognises that the contaminator is still responsible to the affected community even when remediation does not proceed, we are concerned about the lack of transparency, as occurs with so much of the Government's administration. It is a matter of serious concern. Although offset arrangements at the discretion of the Minister are to be in writing, the bill does not require the Minister's deliberations or the offset arrangements to be made public. As to remediation within a reasonable time, what is a reasonable time? Will it be a matter for the courts or the Minister to determine? The Government should put more thought into clarifying this matter and developing a better definition.

New section 17 (6) (b) (ii) in schedule 1 relates to voluntary management proposals. The Opposition believes that the establishment of voluntary management proposals will reduce certainty and diminish the incentive to report contaminated land and to voluntarily clean it up. The changes enable the EPA to withdraw its approval of a voluntary management proposal at any time. Further, the authority can later serve a management order on a party if it believes the matter was not adequately addressed. The Opposition is particularly concerned about this provision. We believe that the EPA, having agreed to a voluntary management order, should not be able to withdraw approval and replace it with a management order.

If a party has entered into a voluntary management order in good faith and, later, issues arise that the EPA considers require addressing, there should be a capacity to re-examine the voluntary management order and to negotiate with the affected party. If the EPA unilaterally imposes an order on a party that in good faith

has entered into a voluntary management order that was acceptable to the EPA it creates an extraordinary level of uncertainty for landowners. The Opposition believes this provision may discourage landowners and businesses from reporting contaminated land and voluntarily agreeing to clean it up. Voluntary remediation plans should be signed off and only reconsidered if a plan is breached, which is dealt with in other parts of section 17. The Opposition is not concerned with those parts of section 17. We are concerned with new section 17 (6) (b) (ii), which states:

(ii) the management order relates to a matter that is not adequately addressed by the proposal

This provision increases the level of uncertainty and may be counterproductive. In relation to costs, proposed section 35 allows the public authority to require an owner of land to meet the costs of remediation even if the owner is not a party to the order. In other words, if the owner had nothing to do with the contamination and is not a party to the order, which means the owner has not been involved in any negotiations, the public authority may require the owner to meet the costs. Natural justice would suggest that anyone who is not a party to the order and has had no say in its development should not have to bear the costs. It is extremely unfair and lacks transparency.

New section 36 makes a distinction between management orders and investigation orders. A management order is likely to be a great deal more expensive than an investigation order. But investigation orders, if properly done, will be costly. While proposed section 36 provides that landowners may claim costs for management orders from other parties, this does not apply to preliminary investigation orders. Again, the Government fails to understand the importance of landowners being able to offset costs when they are not responsible for contamination. When carrying out an expensive investigation process, they should be able to ask the contaminator to contribute to the cost of that preliminary investigation—just as they are able to with management orders. The Opposition will move amendments in relation to these provisions in the other place.

There is no general register of sites that have been declared contaminated. For the purpose of transparency and public administration, a register should be developed. The bill does not provide a mechanism for the exemption of cost recovery from landowners if the contamination occurs as a result of natural flooding. That is of particular concern to poultry growers. Cattle producers are already exempt under section 11 (4) (e) of division 2. Common law provisions theoretically enable poultry growers to sue the providers of contaminated bedding materials—which is the specific concern they have about flooding—but the New South Wales Farmers Association is concerned about the inequality of market power between poultry producers and the poultry production companies, which provide the bedding materials. It is acknowledged that that problem already exists.

It is important to note that whilst common law provisions enable poultry breeders to cross-sue poultry production companies, it would be beneficial if the bill specified that and clearly identified it so there was no doubt that poultry producers could pursue their costs from poultry production companies. In this cascade, poultry production companies are recognised as greatly contributing to such contamination. The cascade should be amended to make it clear so that poultry producers are not caught up in a whole lot of unnecessary litigation. Poultry production companies are much better resourced to defend themselves in any litigation. I imagine that on occasions poultry producers would not bother to proceed on the grounds that it would cost them too much and they might as well cop it sweet, which would be grossly unfair. These eventualities should be covered by legislative provision.

Mr PHIL KOPERBERG (Blue Mountains—Parliamentary Secretary) [10.51 a.m.]: I support the Contaminated Land Management Amendment Bill 2008 for a number of reasons, not the least of which is this Government's unprecedented commitment to environmental probity matters. I commend the Minister for introducing this bill, thank the member for Goulburn for her contribution to debate on the bill, and note that the Opposition does not oppose it. This bill continues the Labor Government's strong commitment to building a robust New South Wales environmental protection framework.

The Contaminated Land Management Act 1997 is part of a regulatory framework that ensures that contaminated sites are properly managed so as to protect human health and the environment. Wide stakeholder consultation has informed proposed amendments to the operation of Act. The amendments will enhance the operation of the Act by cutting red tape and streamlining regulatory processes, making the legislation simpler and easier to comply with. For example, enabling what are presently two separate phases—the investigation and remediation of a contaminated site—to be combined to enable them to be conducted concurrently will reduce the duration of the regulatory process. This will lower compliance costs and facilitate quicker land remediation.

New powers will enable the EPA to require a party to carry out a preliminary site investigation. This will ensure that the EPA is quickly able to obtain sufficient information to determine whether contamination is

significant enough to warrant regulation. This will assist in addressing any risks to the community and the environment as soon as possible. Clearer and more objective criteria that may trigger the duty to report site contamination to the EPA will assist industry to make commercial decisions with greater speed and certainty. The bill will also promote regulatory transparency and information sharing. It will clarify that the EPA and local councils can disclose site audit statements and reports prepared by accredited auditors without breaching the prohibition on disclosure of information in the Act.

The bill replaces the existing offence for providing false or misleading information to the EPA. It will now be an offence for a person to give information to the EPA or to another person, including local councils or accredited site auditors, if the information is deliberately or recklessly false or misleading. This will help to protect site auditors and councils who rely on information from others, such as consultants, in making recommendations about land sustainability or providing consents for development. The bill strengthens the widely recognised polluter-pays principle already incorporated in legislation in New South Wales. It further expands the cost-recovery provisions in the Act to allow the EPA to recover costs incurred in the implementation of agreed voluntary management proposals. This is consistent with the EPA's existing ability to recover administrative fees in relation to environment protection licences under the Protection of the Environment Operations Act 1997.

The bill clarifies that an owner or occupier of land can be responsible for contamination if it occurs because of inaction. It also clarifies that a management order can be issued to one or more persons who are responsible for the contamination. This is important because sites regulated under the Act are often complex and are contaminated from multiple uses by different parties. In some cases remediation can take a long time, in particular in situations where groundwater is contaminated. While the remediation is taking place the community can also lose access to land and water resources. It is for this reason that the bill provides a new capability for the Minister to enter into offset arrangements with a person responsible for contamination. This creates a mechanism to mitigate the impacts on the community. These arrangements do not replace remediation obligations and cannot involve direct financial compensation. After 10 years of successful regulation this amending bill will help to strengthen the protection of the health and environment of the people of New South Wales. Accordingly, I commend the bill to the House.

Mr ROB STOKES (Pittwater) [10.56 a.m.]: I speak in debate on the Contaminated Land Management Amendment Bill 2008 and note that the proposed changes to the Act have the capacity to increase the range of potentially liable parties for contaminated site investigation and remediation, and place greater responsibility for these processes on parties with the capacity to pay. The proposed amendments are likely to increase the number of sites regulated by the Environment Protection Authority [EPA]. As a Liberal, I am concerned at any substantial increase in the power of the Executive. To paraphrase James Madison, the accumulation of executive power in the same hands may be justly pronounced to be the very definition of tyranny.

This bill proposes a dramatic increase in the discretionary power of the EPA to issue orders with potentially crushing financial implications on private citizens in circumstances where those citizens are not primarily responsible for causing environmental pollution or contamination. At first glance that is cause for concern. Having said that, I totally accept that contamination from industrial and other processes has caused tremendous damage to this fragile continent since European settlement. Confronting the damage caused by contamination is a powerful step in moving away from a "develop at all costs" mentality to a more sustainable land ethic. At the same time, contaminated land is a major issue for landholders, potential purchasers of land, developers and financiers in New South Wales.

In a recent article in the *Australian Property Law Journal* regarding disclosure information in contaminated lands transactions, Charmian Barton identified that the issue of contaminated land is becoming more important as land scarcity in Sydney leads to the redevelopment of former industrial sites. However, as the Findlayson case in Armidale demonstrates, contaminated land is also a big issue in regional New South Wales. It is therefore notable and disappointing that the Government has taken so long to introduce this bill, given that the Act was first reviewed in 2003. It has taken the Government a long time to reach this stage. I comment on a couple of aspects contained in the bill and refer, first, to the new test to determine what is contaminated land. The current test is whether the contamination poses a significant risk of harm.

At present, section 9 of the Act sets out the factors that must be considered by the EPA in deciding whether contamination proposes a significant risk of harm. Factors include toxic effects, exposure pathways, sensitivity of land use, and probability of migration to other land. The EPA is also empowered under section 105 to make interpretive guidelines, which are subject to public consultation before they are made. I note that some

guidelines relating to the new bill are already available on the website of the Department of Planning. The bill proposes a new test to replace the established concept of whether the contamination poses a significant risk of harm with a test as to whether the EPA considers that the contamination is significant enough to warrant regulation. Presumably this is due, in part, to the fact that "a significant risk of harm" is a less attractive term than the rather more bland replacement phrase.

Under new section 11, the EPA can declare land as significantly contaminated if it reasonably believes that it is contaminated and that the contamination is significant enough to warrant regulation. However, while the existing test is objective, whereby the belief of the EPA that contamination presents a significant risk of harm to human health or the environment is based on technical criteria outlined in guidelines developed under section 105 and subject to public consultation, the new test is largely subjective: it is based on the threshold of what level of contamination is significant enough for the EPA to determine, on reasonable grounds, that the contamination is significant enough to warrant regulation. There are some discretionary criteria imported from section 9 and now set out in proposed new section 12, but there is no objective standard. As Claire Smith and Regina Walker from Clayton Utz pointed out in a recent article:

> While the current significant risk of harm test involves a technical analysis of the criteria to determine whether the EPA, on reasonable grounds, believes that the contamination presents a significant risk of harm to human health or the environment, the proposed new test does not contain a standard for assessing the contamination on a site. The assessment of whether the contamination will be "significant enough" is not defined by any threshold.
>
> Accordingly, it is unclear how the new test will operate in practice and what level of contamination will be required for the contamination to be considered significant enough to warrant regulation by the EPA. In other words, it appears that the effect of the proposed amendments is to move away from a more objective based threshold to a more subjective threshold in favour of the EPA.

This discretion creates risks for the EPA—by exposing it to opportunities for misuse of power where an officer could potentially be induced to find a site not to be contaminated enough to warrant regulation, and also exposing the EPA to litigation risks where a declaration is made erroneously or where there is insufficient information on which to form a reasonable belief about contamination and where subsequent action by the EPA might generate big damages to a land user.

It also creates risks for owners. The decision of the Full Federal Court in *Caltex Australia Petroleum Pty Ltd v Charben Haulage Pty Ltd* clearly demonstrates the risks to vendors and purchasers of contaminated sites where the question is whether contamination is likely to require remediation. In that case the vendor engaged a consultant to prepare an environmental site assessment, which concluded the land was "suitable for any land use". Yet, subsequent investigations conducted for the purchaser by an accredited site auditor determined that there was significant contamination on the site, requiring extensive and expensive remediation work. The subsequent litigation continued for three years, with the purchaser ultimately found to be liable for the remediation expenses. Allowing further flexibility in the test for determining where management of contaminated sites is required will enhance the risk of more protracted litigation. This risk may be justified, but it must be recognised as an inevitable consequence of a more subjective test.

I note that new part 3 of the proposed Act, entitled "Management of Contaminated Land", replaces the investigation and remediation provisions contained in the current part 3 of the Contaminated Land Management Act with preliminary investigation of land and regulation of "significantly contaminated land". I merely observe that there is more capacity for the EPA to issue orders against the appropriate person, which is likely to be the owner, regardless of whether that person caused the contamination, although I note that orders against the original polluter are rare in any case. But it is important that the same cascade of clauses apply to investigation orders as to management orders, so that the EPA will first have to try to find who caused the mess in the first place.

Proposed new section 60 of the Contaminated Land Management Bill retains the duty of a person or persons whose activities contaminated the land and the owner of contaminated land to notify the EPA. The duty arises as soon as practicable after the person becomes aware of the contamination. However, the important change in the bill is that a person is taken to be aware of contamination if the person "ought reasonably to have been aware of the contamination". Actual knowledge, as required under the existing Act, gives way to constructive knowledge under the bill. The bill proposes to introduce a list of factors that the EPA or a court will consider when determining when a person should reasonably have become aware of contamination, and that includes issues such as the person's abilities; his or her experience, qualifications and training; whether the person could reasonably have sought advice that would have made the person aware of the contamination; and the circumstances of the contamination.

This creates opportunities for confusion and litigation; for example, where the contamination occurred many years ago or where the person does not have the resources to find out about the contamination, so that different duties apply to different people in different circumstances. Again, I can understand why this reform is necessary. For too long owners have used the defence of preferring not to know or not to find out about contamination. But there is the risk that innocent people could be caught out, and this is particularly relevant considering the fact that the penalties are being increased both in respect of corporations and individuals. As John Nash from Douglas Partners stated at the recent Environmental Planning Law Association conference in relation to the proposed new reporting requirements:

> Interested parties who wish to buy, sell, or redevelop a site that may be contaminated will need to avail themselves of practical, strategic and technical advice to facilitate the land transaction process. This process will inevitably place more liability on the organisations providing such advice ...

The alterations to section 60 will clearly result also in a greater number of sites being reported, and in one sense that is a good thing. According to Christine Pitman, principal scientist with Environmental Earth Sciences in northern New South Wales, the potential increase in sites being reported to the EPA is likely to result in further delays to the assessment process. If this is the case, then this bill may prove to be counterproductive unless it is matched with a concomitant increase in the staff resources of the EPA. More work without more staff results in a mess. Ms Pitman also notes that:

> Some new uncertainty in the test for the duty to report could inadvertently apply to many thousands of sites.

According to Ms Pittman, a strict interpretation of proposed section 60 (b) could result in thousands of inner city suburban homes that have leaded paint coming within the definition of land where the owner has a duty to report contamination. While I suspect this reading is a little too broad, the point is valid: a wide duty is a loosely defined duty, and a loosely defined duty has the potential to allow the executive arm of government to prosecute in unreasonable circumstances and can create uncertainty for owners and, potentially, purchasers of land. I note that under the bill, the Minister for the Environment will be empowered to enter into "offset" arrangements with a polluter where it would not be practicable for the polluter to remediate the contamination within a "reasonable time". Such arrangements might include services to communities affected by the contamination.

I note that the power of the Minister under the bill is very wide, as is the definition of what constitutes a reasonable time for remediating contamination. Almost all clean-ups are enormously time consuming. The contamination at the Orica site, for example, may be around for a century or more. I would be interested to hear from the Minister in reply as to what might constitute a "reasonable time" for remediation under proposed new section 111A. My reading of the bill reinforces the reality that any attempts by government to fix environmental damage are fraught with difficulty and will almost inevitably result in conflict with private owners. The issuance of management orders against innocent landowners may also contravene simple definitions of justice and private property rights. Of course, all this emphasises the importance of preventing contamination before it occurs.

In one sense it is quite unjust for governments to let polluters get away with pollution or contamination and then force subsequent owners to clean up the mess. This has two conclusions. First, potential purchasers of land must be incredibly careful to get good advice about the condition of the land they are buying, and to ensure that any contamination is reflected in the purchase price. Second, government has an important role in actively and formally identifying contaminated and potentially contaminated land so that owners and purchasers have some certainty about where they stand. I note the call by the shadow Minister for the Environment, the member for Goulburn, that there should be a more extensive register that includes all contaminated sites in New South Wales and potentially contaminated sites, not just significant risk of harm sites.

Contaminated land legislation has generated considerable uncertainty, as is to be expected, and significant reform is likely to generate significant additional uncertainty and concomitant litigation. The only real way to promote certainty is to properly identify which land is contaminated or likely to be contaminated. The EPA does not have the resources to do this, but advances in mapping and geospatial data are making this easier all the time. We need to look at new ways of identifying which sites are likely to be significantly contaminated, or significant enough to warrant investigation or regulation, so that regulators, owners, occupiers and potential purchasers or lessees can have some certainty about their obligations or likely obligations before investing in, undertaking work on or applying to change the use of a contaminated site. In conclusion, I would like to thank Dr James Smith from Deacons Lawyers, who assisted me in reading the bill.

Mr MICHAEL RICHARDSON (Castle Hill) [11.09 a.m.]: The Minister said the Contaminated Land Management Amendment Bill 2008 was the result of a statutory five-year review of the Act and was drafted

after an extensive consultation process. It probably is true that there was an extensive consultation process. The question is: How much notice did the Government take of that consultation? I spoke on this piece of legislation when it was originally passed by the Parliament in 1997. In 2003 I spoke to the amendment to the Act regarding site auditors. Other provisions of the Act were reviewed that same year. The review is dated October 2003. Why has it taken so long to introduce this legislation? If pressing issues needed to be addressed, should that not have happened years ago? In my experience, this is probably the longest length of time for legislation to be introduced to deal with the outcome of a review.

Perhaps we should not be so surprised when we consider the length of time it took the Government to ensure that contaminated sites in which it may or may not have had an interest were remediated—for example, the dioxin contamination in Homebush Bay. I remember in 1997 the Minister for Ports, Carl Scully, promised that the Government would clean up Homebush Bay in time for the 2000 Olympics. That remediation is currently being carried out, but is still not dealing with all of the dioxins in the bay; hot spots will be left. I do not deny that it is an improvement, but I recall warning the Government that those dioxins were migrating into the Parramatta River—in which I am sure you, Madam Deputy Speaker, have a significant interest—with a risk of contaminating the entire harbour. Of course, that did happen.

Fishing was banned in the entire harbour, including east of the Sydney Harbour Bridge, in Jaunary 2006. Those restrictions have been relaxed somewhat, but fish whose habitat is not restricted to the harbour is still being enormously contaminated: pelagic fish may stray hundreds or thousands of kilometres from the harbour. Material that I obtained under freedom of information legislation revealed sea mullet contamination so serious that Fisheries was actively considering testing mullet caught off ocean beaches along the entire New South Wales coast for dioxin contamination. Sea mullet represent the biggest catch by weight of any fish species in New South Wales, yet recent testing of sea mullet caught in the harbour showed dioxin levels up to 50 times the European limit of 4 picograms per gram. This is a consequence of the Government's failure to act promptly on this issue.

Another example of the Government's neglect is what happened with the remediation of Kendall Bay, next to the Breakfast Point residential development on an old gasworks site at Mortlake. The 2004 remediation order for Kendall Bay said there was environmental harm, a lack of benthic biota in the area and a significant number of polycyclic aromatic hydrocarbons in the bed of Kendall Bay. Some of those polycyclic aromatic hydrocarbons were classified as human carcinogens that had the potential to biomagnify through the food chain. So, like dioxins, they accumulate as one sea creature eats another sea creature. Once again, the Government has done absolutely nothing about a serious situation, this time at Kendall Bay. The remediation order actually instructs the polluter to do nothing. That seems to be the standard operating procedure for this Government.

This year the upper House undertook an inquiry into the former uranium smelter at Hunters Hill. The Government is yet to respond to the recommendations of that inquiry. A number of issues need to be addressed which the bill does not deal with. The Parliamentary Secretary and member for Wollongong was right in saying that contaminated land is a legacy of past industrial practices and can be difficult and costly to remediate. Nobody would argue with that proposition, but remediation of contaminated land requires not only responsible action by owners and polluters but also strong resolve by the government of the day. It is not clear to me how this legislation will change things.

There is no pot of money like the United States Super Fund to clean up orphan sites. A mere pittance is provided under the Environmental Trusts Contaminated Land Management Program, otherwise known as the innocent owners scheme. The amounts allocated by the Government for remediation over the seven years since the scheme began have been minimal. This legislation has no real mechanism to expedite the clean-up of contaminated sites. The Parliamentary Secretary said in her agreement in principle speech:

> Overall the bill will improve and streamline the operation of the Act by clarifying how contaminated land will be regulated and removing unnecessary regulation, strengthening investigation and duty to notify requirements, clarifying the reporting and disclosure of information arrangements, expanding cost-recovery provisions, providing for voluntary offset arrangements, and strengthening the false and misleading information offence.

Much of what is proposed appears to be more semantics than substance—for example, the proposal to replace the term "significant risk of harm" with "significantly contaminated land", which two Opposition members addressed. After 11 years people are beginning to understand the meaning of "significant risk of harm". We have to start all over again. It is not clear whether the new term "significantly contaminated land" will be more onerous as some lawyers believe or less onerous as the Total Environment Centre believes. The bill introduces new and unnecessary uncertainty into the management of contaminated land.

The bill also amalgamates the investigation and remediation of contaminated sites, which the member for Wollongong described as duplicate regulatory processes. I challenge that amalgamation process, as did others who were consulted. The issues paper raised whether the number of regulatory steps involved was appropriate and whether consideration should be given to removing the delineation in the Act between the investigation and remediation phases. The paper's principal comments on this topic were:

> Most considered that separate investigation and remediation stages should remain.

It continued:

> It is evident that respondents would like the delineation between the investigation and remediation stages to remain. This appears to be in part because of a belief that if a site is tagged as one that so far requires only investigation as opposed to clean-up, it is less likely to cause unnecessary alarm (or possibly to affect the property value of the site) than having a tag that does not make that distinction.

I do not believe the Government took this into account when drafting the bill. Once again the Government claims to have consulted—that is what we are told—but it has ignored the advice that was part of that consultation process. The bill will enable the Environment Protection Authority to require an investigation into the nature and extent of contamination and whether its significance warrants regulation where it is reasonably suspected. The meaning of "reasonably suspected" is not clear, but those responsible for the contamination would not necessarily be asked to carry out the preliminary investigation. If they cannot be found, the landowner would be directed to do so. A qualified consultant rather than an expert could carry out that preliminary investigation. Ostensibly this measure will reduce costs, but the innocent owner of a contaminated site will actually face added costs. Any way one looks at it, the landowner will be asked to wear those costs even though they may not be responsible for the contamination.

The bill maintains the polluter-pays principle that has been part and parcel of the contaminated lands management regime in this State for the past 11 years. The cascading nature of that principle is now well understood throughout the State. Proposed new section 17 provides for voluntary management proposals, which are a variation of the voluntary remediation process that existed under the previous legislation. The Environment Protection Authority cannot approve a voluntary management proposal unless it is satisfied that the terms of the proposal are appropriate or reasonable steps have been taken to find every owner or contaminator of the land and anyone so identified has been given a reasonable opportunity to participate in the voluntary management proposal.

Interestingly, the bill allows the Environment Protection Authority to recover costs incurred in relation to the implementation of voluntary management proposals. I would have thought that this provision would have made it less rather than more likely that a landowner would enter into a voluntary management proposal. The goal of the legislation should be improvement in the environment, not in consolidated revenue. However, given the Government's difficult financial position, perhaps every dollar counts. The bill also proposes allowing the Minister to enter into offset arrangements with the party responsible for contamination. That seems a reasonable solution to the situation where land, potentially public land, is locked up for decades because of contamination. Just this week we learnt that the Orica plume at Botany will take more than 100 years to clean up because of continuing contamination of the groundwater from the surrounding soil.

As the member for Pittwater said, remediation can take a long time, but it does not need to take as long as the clean-ups at Homebush Bay and Kendall Bay have done. If the Government had got on with the clean-up of Homebush Bay it could have been completed in three years, not decades. Under proposed section 13 of the bill the Environment Protection Authority will be able to issue management orders to more than one person in recognition of the fact that more than one person or organisation may have been responsible for contaminating a site. It is certainly true that more than one person was responsible for contaminating the land owned by New South Wales Health at Nelson Parade, Hunters Hill. [*Extension of time agreed to.*]

I have established from my own research that before the site housed a uranium smelter between 1908 and 1915 it was owned by Lavers Manufacturing, which processed coal tar from 1895 to 1906. The company made a range of products, including disinfectant, carbolic acid, sheep dip, black varnish and coal tar pitch. Lavers produced disinfectant for—wait for this—the New South Wales Department of Health. It was used to defeat the Black Death that ravaged Sydney's slums in 1900. New South Wales Health is saying that it does not know where the contamination came from, but it may well have been caused by actions that it initiated a century earlier.

I am absolutely astounded to think that the might of the New South Wales Government, New South Wales Health and the Environment Protection Authority cannot work out the source of the hydrocarbons on the

foreshore land in front of numbers 9 and 11 Nelson Parade that were deemed to pose a significant risk of harm. That is why the declaration was made on that site; it was not because of the radioactive material. They thought they had come from fill imported from an unknown source during the 1970s when in fact they were the residual product of coal tar processing more than 70 years earlier. I am astounded that the might of the New South Wales Government could not determine the source of that pollution.

Under the legislation in that the Environment Protection Authority may require an investigation of the nature and extent of the contamination and the cost will be borne by the owner, and the owner is supposed to find out who might be responsible. Apparently, the owner will be better able to do that than the Environment Protection Authority, New South Wales Health and the entire New South Wales Government were in the case of the contamination in Hunters Hill. That is an anomaly in the legislation. Of course, in the case of Nelson Parade, it is not only the land owned by New South Wales Health that is the problem. The Vassilou family owns number 11 next door. There is significant radioactive contamination on that site, which was at one stage owned by the Government. It was given the all clear and on sold.

The current owners are unquestionably innocent: they bought the land having been given the all clear. They had no reason to suspect that there was radioactive contamination on that site. Indeed, in February this year, after I first raised the issue of the former uranium smelter on the site, the then Minister for the Environment, the Hon. Verity Firth, ordered a cursory investigation of the contamination issues. The Australian Nuclear Science and Technology Organisation carried out a scan and on that basis the Minister said that there were no problems and she gave the site the all clear. We heard evidence from Catriona Maloney from the Australian Nuclear Science and Technology Organisation during the upper House inquiry into the former uranium smelter. She said:

> It certainly was not a comprehensive study. It was a rough and ready indication given by walking around with a Geiger counter held a metre off the ground.

That was the extent of the investigation of the level of contamination on the site. Any sensible person and anyone who has had anything to do with radioactive contamination would know that the interpretation of a reading depends on the depth of the source material. Unless drilling is carried out and the samples analysed, no reliable reading can be taken. I believe that the Vassilous intend to initiate legal action against the Government. They have been negotiating with the Government since July trying to get some sort of resolution to this matter. It is a very serious situation for them because they cannot live in the house, rent it or renovate it. They wanted to redevelop the site, but that is clearly impossible as things stand.

In these circumstances members can understand why the Vassilous are now considering taking legal action against this Government, which in the past has declared the site to be safe. The house at number 11 Nelson Parade was built by former High Court judge, Justice Mary Gaudron. Regrettably, her daughter contracted thyroid cancer. She went to live in the house when she left hospital after her birth. Hers was the lowest bedroom in the house and was most affected by radiation. I understand that the thyroid condition from which she is suffering is exactly the same as that suffered by victims of the Hiroshima atomic bomb blast.

I would be very interested to know how this legislation will deal with situations such as that which has arisen in Nelson Parade. Given that the Government waited so long to introduce this legislation, surely it could have managed to get it right. It should have seen this as an opportunity to address these serious issues in Nelson Parade. Unfortunately, it has not done so. I have some very real and serious concerns about this bill. The Government claims to have consulted, but it did not listen to those who provided input and it still has not resolved the issue of orphan sites or put in place a mechanism to expedite the clean-up of difficult contaminated sites such as Kendall Bay, Hen and Chicken Bay and Nelson Parade.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce) [11.29 a.m.], in reply: I thank all members who contributed to debate on the Contaminated Land Management Amendment Bill—the member for Goulburn and shadow Minister, the member for Blue Mountains, the member for Pittwater, and the member for Castle Hill. The bill will significantly improve the operation of the Contaminated Land Management Act 1997. It will streamline contaminated site regulation to make it simpler, faster, and more cost-effective. For example, the amendments amalgamate what are now separate investigation and remediation phases into a single process.

The Environment Protection Authority [EPA] will continue to focus on high-priority contaminated sites that present a high health or environmental risk. The factors considered by the Environment Protection Authority, when deciding whether or not to regulate, remain substantially unchanged. The Environment

Protection Authority must consider a number of factors in determining whether contamination warrants regulation. It must select the appropriate person to be made subject to a management order and follow a transparent process in assessing and then declaring a site.

A range of issues was raised in the debate, and I will attempt to respond to as many as is possible. The shadow Minister raised a number of issues. In regards to the comments of the member for Goulburn and the member for Pittwater on the change from the term "significant risk of harm" to "significantly contaminated land", I point out that the change in terminology addresses concerns expressed in the consultation process by people who felt that "significant risk of harm" was too emotive and unnecessarily created ongoing stigma for the land in question, even after remediation. This is a sentiment shared by mums and dads who are inadvertently affected by bad industrial practices of the past.

The new test is not whether the land is significantly contaminated but whether the Environmental Protection Authority has reason to believe that the land is contaminated and that the contamination is significant enough to warrant regulation. The factors to be taken into account in determining whether to regulate the land remain unchanged. The test for declaring an investigation area always has contained a subjective element, and that has not changed. It is important that the Environmental Protection Authority has sufficient discretionary power to ensure the protection of human health and the environment.

The proposed amendment enabling the Environmental Protection Authority to order a preliminary investigation is intended only to enable the Environmental Protection Authority to obtain a snapshot view of contamination to assist the Environmental Protection Authority in determining whether the land is contaminated and whether contamination is significant enough to warrant regulation. While the Environmental Protection Authority can require existing information to be provided, this amendment will require an investigation to be undertaken when additional information is necessary to make an informed decision.

Because of its modest, snapshot nature, a preliminary investigation will not involve significant costs. In making decisions relevant to ordering preliminary investigations the Environmental Protection Authority will consider first ordering those responsible for the contamination to undertake the preliminary investigation. However, if that is not possible or would result in unacceptable delays the landowner may be directed to do so. The member for Goulburn also made comments on preliminary investigations and how they are to be undertaken. Once the Environmental Protection Authority determines that the contamination is significant enough to warrant regulation the Environmental Protection Authority will proceed with issuing a management order to require further investigation and/or clean-up actions. These actions are monitored closely by the Environmental Protection Authority to ensure their relevance and accuracy.

The Environmental Protection Authority can also require a site audit to be conducted by accredited auditors when this is warranted. Independent review of the preliminary investigation orders is not warranted, given that these orders are mainly to provide information for the Environment Protection Authority to commence regulatory processes under the Contaminated Land Management Act and that there will be more requirements for more works to be conducted. The department would require, as a condition of any notice, that the investigation is carried out by an appropriately qualified independent person. This is standard practice for the department: It does not want unreliable data either. Independent accredited auditors are in short supply and are expensive for a snapshot survey. The department normally would require this, by notice, only if there was a particular reason.

In response to the comments made by the member for Goulburn regarding the hierarchy of responsibility for contamination, proposed section 13 (3) requires the Environmental Protection Authority to consider the hierarchy of a responsible person, polluters, owners, and notional owners when deciding whom to order. The principles of administrative law govern the exercise of the Environmental Protection Authority's discretion in determining to whom the order should be issued. The member for Goulburn also raised concerns that persons may be discouraged by new section 17 from entering into voluntary management proposals. Under the Contaminated Land Management Act the Environmental Protection Authority may agree to abolish the investigation or remediation proposal.

The legal effect of agreement is to preclude the Environmental Protection Authority later issuing investigation or remediation orders to the proponent, if the agreed proposal is implemented. This is even when the proponent caused the contamination. If, after the proposal has been agreed to, it is discovered that, for example, there is new or additional contamination that falls outside the scope of the proposal or that the proposal

has not achieved the desired result because it involved new and untested technology recommended by the proponent, the Environmental Protection Authority has restricted capacity to require the proponent to do any additional or different work.

With regard to recovery of costs, which was another issue raised by the member for Goulburn, there may be occasions when a landowner has purchased land very cheaply because it is contaminated. If it is significantly contaminated and affecting the health of the community or the environment, the Government needs to step in and take urgent actions to control the impact. In those circumstances, it is not unreasonable that the Government is able to recover costs. For truly innocent owners there is a funding program under the Environmental Trust. The shadow Minister also raised the issue of the offsets program. The bill enables the Minister, in the public interest, to enter into offset programs under which the polluter can mitigate the impact of contamination on the community when remediation will be a long-term process. These arrangements can be made only on a voluntary basis with the polluter. They are not an alternative to remediation and they cannot involve direct financial compensation.

The member for Pittwater also raised a range of issues, many of which I have already addressed, and in particular he raised the issue of reasonable time. I am advised that, as the nature of every contaminated site is unique, it is difficult to reliably predict the time frame over which the necessary clean-up would occur. The concept of reasonable time to clean up therefore needs to involve the availability of technology, the extent of the contamination, and the time needed to verify that the techniques employed are effective. The bill is aimed at ensuring better and more efficient implementation of the Contaminated Land Management Act, thereby better protecting the community from the impact of contaminated sites.

The Government has established itself as a leader in this policy area by introducing the Contaminated Land Management Act in 1987. A key finding of the statutory review of the Act was that it had significantly improved the management of contaminated sites in New South Wales. This bill seeks to improve on that achievement and to continue the Government's commitment to protecting human health and the environment from the risks of contamination. 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.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Government business having concluded, the House will now proceed to committee reports.

STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT (CLIMATE CHANGE)

Report: Conference Report—13th Annual Conference of Public Works and Environment Committees of Australian Parliaments 2008

Debate resumed from 14 November 2008.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [11.40 a.m.]: It is with great pleasure that I take note of the second report of the Standing Committee on Natural Resource Management (Climate Change). This report describes the major events of the Thirteenth Annual Conference of Public Works and Environment Committees of Australian Parliaments, which was hosted by the New South Wales Parliament in Sydney from 23 to 25 July this year. I was fortunate to co-host this conference with Mr David Borger, member for Granville and then Chair of the New South Wales Standing Committee on Public Works. At the time I was the Chair of the Standing Committee on Natural Resource Management (Climate Change). Each year Australian parliamentary committees with responsibility for public works and environmental issues hold a

conference in an Australian city. These conferences enable members to exchange ideas and share information with other Australia committees. It gives parliamentarians a unique chance to learn about committee activities in other jurisdictions. This can enhance their effectiveness as committee members.

The jurisdictional reports that each of the States and Territories gives is always a highlight of these conferences and something all members look forward to, as they are always educational and informative. This year's session was no exception. The conference also allowed me to give details of the activities that the Standing Committee on Natural Resource Management (Climate Change) had undertaken in the first 12 months of this parliamentary term. We met 13 times, received 52 submissions and conducted two separate inquiries. We held three public hearings and heard from 26 witnesses. We have completed one report. We also took the time to discuss sustainable natural resource management with the Hawkesbury-Nepean Catchment Management Authority, and investigated how storing carbon dioxide deep underground could mitigate climate change and visited a demonstration site in the Otway Basin region of the geosequestration project.

The theme of this year's conference was "Sustainable Urbanisation". The speakers chosen were experts in their fields and focused on the conference theme during their presentations. We heard from professionals and from academics from within industry and government about infrastructure, planning, the environment and climate change. The member for Smithfield previously highlighted the excellent presentations that were given during the public works sessions. The environment's first session heard from Mr James McGregor from the CSIRO Energy Centre, who spoke about its building that is designed to demonstrate energy efficiency. We also heard from Mr Robin Mellon, Executive Director of the Green Building Council, who detailed the projects that his organisation has been involved with and how the green star assessment process works.

The final speaker for this session was Mr Tim Beshara from Greening Australia. Mr Beshara spoke about the urban heat island effect, which is particularly prevalent in western Sydney. I note that many members representing electorates in western Sydney are in the Chamber. The heat island effect is having an impact—and will continue to do so—and may change urban design principles. The heat island effect occurs when roofs and physical infrastructure heat a space. The reduction in open space and the increase in urbanisation in western Sydney has had an impact on temperature, which will affect people's lives. Companies are starting to investigate the urban heat island effect. The committee heard from BlueScope Steel, a manufacturer of steel products, which is looking at its colour range and the compound of its paint to make it more reflective. Certain technologies mitigate the urban heat island effect and I look forward to hearing about those initiatives in the future.

On the second day of the conference delegates went on site inspections and got to see for themselves some of the projects that are incorporating the theme of sustainable urbanisation. I was pleased to accompany environment committee delegates on their visits to a number of sites in the electorate of Penrith and in the lower Blue Mountains that are incorporating sustainable urbanisation principles in their planning. The delegates were taken on a tour of the Penrith area and visited sites that are part of the Penrith City Council's sustainability program. The first stop was the council chambers, where delegates were given a briefing on the council's Sustainable Penrith Program. The Sustainable Penrith Program was adopted in February 2000—when I was a councillor—and is Penrith City Council's platform for a sustainable future for the city. The program is ongoing. The then mayor, Mr Greg Davies, who spoke briefly about the council's efforts to embed sustainability principles in the organisation's business practices, welcomed the group.

In 2007 the council produced its first sustainability report against the global reporting initiative standards. The council has a plan to be carbon neutral. Soon it will start recycling organic material to produce mulch for sporting fields. I spoke about this platform upon my election to the council in 1999. It is good that all these years later the council is introducing an organic material recycling program for the residents of Penrith. The council has a sustainability revolving fund so that some of the savings made from sustainability initiatives can be diverted to pay for future projects. So the savings the council makes within its organisation are diverted to have an impact on the ground—whether through school or local community groups. I note that the Kingswood Neighbourhood Centre accessed the sustainability revolving fund to purchase solar cells for its roof and provide power for the centre. The residents of Kingswood who use the centre have reaped the benefits. The council recognises the need to educate the community about sustainability issues. Its education officers manage a blog and run the schools climate change challenge. In 2005 the council established the Sustainable Street Program to encourage behavioural change at a local level. Now six streets and more than 130 participants have graduated from the program.

The delegates then moved next door to the Joan Sutherland Performing Arts Centre—which is known affectionately as "the Joan" to local residents. It was built originally in 1990 but reopened in 2006 after a

$14 million upgrade. This refurbishment included new sectional energy-efficient air-conditioning that allows ambient air temperature to vary with the seasons. In winter patrons are encouraged to dress warmly and in hotter parts of the year they are advised not to wear jackets. The centre now offers the finest in cultural facilities and services, including a 660-seat Richard Bonynge Concert Hall, a new 380-seat Q Theatre drama theatre, an upgraded 100-seat multipurpose Allan Mullins Hall, and the Penrith Conservatorium of Music, which comprises 23 music studios, and two orchestral and ensemble rooms. The sustainable building practices applied in the orchestral, ensemble and music rooms allowed for louvre windows to open facing the northern elevation. Previously they had a southern elevation internally, in a besser block construction, and the rooms required a lot of heating and lighting. Now they have natural heat, natural light and natural ventilation.

The group then inspected the Penrith Lakes Development. Delegates were informed that this is the largest quarry in Australia. Penrith Lakes is also a major aquatic recreation facility. One-tenth of the site has been remediated and is the location of the Sydney International Regatta Centre and the Penrith Whitewater Stadium. It is planned that other land on the site will be reused. It will be rehabilitated and handed back to the State Government. We then went to the Blue Mountains, where we were briefed on sustainability and planning issues, especially as the Blue Mountains are a World Heritage listed area. Indeed, it is one of two World Heritage listed areas where residents can interface with the World Heritage listed area. The other area is in Canada.

It is important that the residents of the Blue Mountains are educated about sustainability. There was a working model of good practices that should be put in place for residents living on the edge of a World Heritage listed area, and a bad model, which referred to food colouring. The models showed what good and bad practices do in terms of land management. Stormwater drains at Katoomba and Glenbrook have been designed to collect debris, rather than allow it to go into the system. The drains were designed locally, and have been put in place to ensure that any runoff in the stormwater drains is collected and that only the water flows into the system. Erosion is a major factor in a World Heritage listed area.

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

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 13 of 2008

Report: Legislation Review Digest No. 14 of 2008

Motion by Mr Allan Shearan agreed to:

That in accordance with Standing Order 306 (5) the reports of the Legislation Review Committee, being Orders of the Day (Committee Reports) Nos 2 and 4, be considered together.

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

Mr ALLAN SHEARAN (Londonderry) [11.51 a.m.]: Before I discuss the contents of Legislation Review Digests Nos 13 and 14 I express the appreciation of the Legislation Review Committee for the supportive comments about the committee's digests that we received from various members during the previous take-note debate on Legislation Review Digest No. 12. It is gratifying that members are referring to the digests for information on bills. The committee members and staff work extremely hard to ensure that appropriate information is available and that it is released in time for debates. I turn now to Legislation Review Digest No. 13, dated 10 November 2008. The committee's examination of the Graffiti Control Bill 2008 showed that the offence and penalty provisions were reasonable and were supported by the social objectives of the legislation. Appropriate defences are available for offenders and specific safeguards apply to the sentencing provisions, having regard to the fact that offenders will be predominantly juveniles.

The purpose of the Racing Administration Amendment Bill 2008 is to amend the Racing Administration Act 1998 in response to the recent court cases of *Betfair Pty Ltd v Western Australia [2008]*, HCA 11, the Betfair case, and *Tom and Bill Waterhouse Pty Ltd v Racing New South Wales [2008]*, NSWSC 1013, the Waterhouse case. The committee reported unfavourably on new section 33 of the bill, which is a strict liability offence. The provision carries a maximum penalty for a first offence, in the case of a person, of 50 penalty units or imprisonment for 12 months, or both, and for a second or subsequent offence 100 penalty

units or imprisonment for two years, or both. In the case of a corporation the maximum penalty is 500 penalty units. The committee has repeatedly stated its position that, like the Senate Standing Committee for the Scrutiny of Bills, it considers imprisonment to be an inappropriate penalty for an offence of which a person may be guilty without intending to commit the offence. This position is not affected by the fact that the severity of the proposed provision is mitigated by the existence of the defence contained in new section 33 (2). The bill also raised concerns about the issues of deemed liability and the inappropriate delegation of legislative powers.

As to the Security Industry Amendment Bill 2008, the committee found that the various strict liability provisions of the bill did not trespass unduly on personal rights and liberties. The reason for this finding was that security licensees often operate in high-risk, high-security environments and the community expects these people will be vetted during the licensing process. Further justification for the strict liability provisions was found in the community expectation that there should be compliance with visitor permit conditions for security licence holders from other States working on special events in New South Wales.

Numerous provisions in the Gaming Machines Amendment Bill 2008 provided for strict liability offences or were silent on knowledge or intention. The committee concluded that the strict liability provisions in this bill were necessary in terms of encouraging compliance with the provisions of the bill and the public interest in ensuring that compliance. It was noted that no terms of imprisonment were imposed as a penalty. As in previous digests, the committee commented upon several instances where Acts or specified provisions of them are to commence on a day or day to be proclaimed. Those instances were the Thoroughbred Racing Further Amendment Bill 2008, the Graffiti Control Bill 2008, the Gaming Machines Amendment Bill 2008 and the Security Industry Amendment Bill 2008.

The committee continues to draw such provisions to the attention of Parliament because they delegate to the Government the power to commence an Act, or specified provisions of it, on whatever day it chooses or not at all. This may give rise to an inappropriate delegation of legislative power. I make reference to ministerial correspondence from the Minister for Fair Trading in relation to the Home Building Amendment Bill 2008. The committee reported on this bill in its Legislation Review Digest No. 10 of 2008. In that digest the committee concluded that new section 42A (6) of schedule 1 [2] was very broad and had the potential to deny a person natural justice by removing the opportunity for review of a decision by the director general. The Minister responded to this report in her letter of 27 October 2008. The Minister advised that this provision had been included in the bill to provide some flexibility to deal with unintended consequences. The provision provided the director general with the capacity to defer the commencement of the automatic suspension of a licence. This concludes my remarks on Legislation Review Digest No. 13.

I will now speak briefly on Legislation Review Digest No. 14, dated 24 November 2008, which was received out of session. In digest No. 14 five bills were scrutinised but only two of them were referred to Parliament for consideration. The Legislation Review Committee resolved to write to two Ministers. One piece of correspondence was in respect of the Liquor Legislation Amendment Bill 2008 and the other related to the notification of the proposed postponement of the repeal of the Rookwood Necropolis Regulation 2002. In summary, some of the key issues of concern identified by the committee in this digest included the following: retrospectivity was identified with regard to the Liquor Legislation Amendment Bill 2008, where the relevant new section is taken to have commenced on the date of the announcement of the reforms rather than on the date of assent; the issue of clarification in relation to concerns arising from the enforcement of the Liquor Legislation Amendment Bill 2008 was raised; and the Rural Lands Protection Amendment Bill 2008 raised procedural fairness concerns and issues of insufficiently defined administrative powers. As usual, if members would like to scrutinise the relevant bills in more detail, I refer them directly to the relevant digest report.

Mr Daryl Maguire: Or the Internet.

Mr ALLAN SHEARAN: Or the Internet, indeed. As I have stated in this Chamber, the digest reports aim to assist members in their consideration of, and debate on, bills by promoting respect for personal rights and liberties. The committee sees its role as educational in respect of members, and of course Ministers, so that they are aware of relevant issues. I note that when I presented the last report the member for Davidson commented about recurring issues such as retrospectivity and timing for the proclamation of bills. In this regard he can be assured that all the ongoing matters highlighted by the committee in our regular reports will also be raised in our annual report to the Parliament. I thank him and other members for their continuing interest in the committee's work, and I again express my appreciation for their constructive comments.

Mrs JUDY HOPWOOD (Hornsby) [11.58 a.m.]: As a member of the Legislation Review Committee I will make a brief contribution to debate on Legislation Review Digest No. 13 of 2008, dated 10 November

2008, and Legislation Review Digest No. 14 of 2008, dated 24 November 2008. I place on record the importance of the Legislation Review Committee and its deliberations. It is important that there is scrutiny of legislation that might trample personal rights. The legislation that comes before the committee is extremely diverse, ranging from a private member's bill, the Animals (Regulation of Sale) Bill 2008, to bills that affect not only metropolitan areas but also rural areas, for example, the Rural Lands Protection Amendment Bill 2008.

I refer specifically to the Liquor Legislation Amendment Bill 2008, which amends the Liquor Act 2007 to restrict the trading hours of licensed premises, and the Local Government Act 1993 in relation to alcohol-free zones. The Liquor Legislation Amendment Bill also amends the Road Transport (Driver Licensing) Act 1998 to require a six-hour closure each day for all new liquor outlets, to freeze the issuing of new 24-hour liquor licences, to give police and local council enforcement officers new powers to confiscate and tip out alcohol in alcohol-free zones, and to introduce new penalties for minors who use fake identification to enter licensed premises or obtain alcohol. This legislation will be useful in managing alcohol-free zones and enforcing them in our electorates. Paragraph (6) of the purpose and description states:

> Under the Local Government Act, councils are able to deal with the problem through the declaration of alcohol-free zones. This bill will amend the Local Government Act to give police and enforcement officers more powers to enforce these zones.

Paragraph (7) states:

> The amendments include the removal of mandatory warnings prior to any enforcement action being undertaken. Under the provisions, a police officer or an enforcement officer will have the power to confiscate liquor from a person who is either drinking in an alcohol-free zone or in immediate possession of liquor in an alcohol-free zone and there is reasonable cause to believe that the person is about to drink, or has recently been drinking, alcohol in the zone.

The committee engaged in intense discussion on the legislation. Paragraph (26) states:

> The Agreement in Principle speech referred to the removal of the mandatory warning when taking enforcement action in alcohol free zones as still allowing police and enforcement officers to use discretion to warn persons who appear to be unaware of the alcohol-free zone. However, the warning is no longer mandatory in the proposed amendment.

The committee debated at length what would be placed in the register. Paragraph (27) states:

> The Committee resolved to write to the Minister to seek information on the reasons why warning is not to be provided in the proposed section 642 for the proposed powers to confiscate or dispose of alcohol in alcohol-free zones particularly, given that it will no longer be an offence attracting a penalty notice.

Paragraph (28) states:

> The Committee further seek information from the Minister to clarify on whether a police officer may exercise the powers of arrest in circumstance is related to or escalating from the person's non-compliance with the amended section 642 rather than the option of a penalty notice that could have been otherwise available under the current legislation and which would have imposed less adverse impact on the affected persons.

The Legislation Review Committee is very important in examining personal rights in relation to legislation. I look forward to discussions on the important bill that was introduced this morning, the Paediatric Patient Oversight (Vanessa's Law) Bill 2008, which will be before the committee next week.

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

Reports noted.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report: Report on Young Driver Safety and Education Programs

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

Mr GEOFF CORRIGAN (Camden) [12.03 p.m.]: This is the first major report of the Staysafe committee in the current Parliament, and it is a great pleasure for me to present it to the House. I express my appreciation for the work of all members of the committee and with the indulgence of the House I will mention them: Mrs Dawn Fardell, the member for Dubbo; Mr David Harris, the member for Wyong; Ms Noreen Hay, the member for Wollongong; Mr Daryl Maguire, the member for Wagga Wagga; Dr Andrew McDonald, the member for Macquarie Fields; the Hon. George Souris, the member for Upper Hunter; the Hon. Rob Brown,

MLC; the Hon. Rick Colless, MLC; and the Hon. Ian West, MLC. In particular, I thank the secretariat, Russell Keith, the committee manager; Bjarne Nordin, senior committee officer; Eve Gallagher, research officer; Alexis Steffen, committee officer; and Mohini Mehta, assistant committee officer.

The committee decided to concentrate its focus on young driver safety due to the overrepresentation of young male drivers in the New South Wales crash and fatality statistics—30 per cent of fatal crashes and 29 per cent of crashes overall. In response to the increased level of accidents about 1½ years ago the Government changed the Graduated Licensing Scheme and increased the logbook hours from 20 hours to 120 hours, and the report examined in detail stricter peer passenger restrictions. Before committee members undertook the report, we were inclined to recommend a reduction in the number of hours, provided that learner drivers and P-platers undertook driving instruction with regulated driving instructors. However, as the inquiry progressed, it became evident that the 120 hours has worked very well; indeed, the Minister for Roads has reported there have been few deaths.

Nevertheless, we still have a problem with young male drivers. The report examines that, particularly the young driver risk. The committee recommends that more efforts be made to examine the psychological factors, such as impulse control to combat the effects of inexperience, risk taking, alcohol and drugs. The most dangerous time for young drivers is the first six months after they obtain their provisional licence. That is the time when they are likely to have an accident. The report does not identify any silver bullets. No single measure will decrease the number of young driver deaths. However, with concentrated cooperation between the Roads and Traffic Authority, NSW Police, and other interested parties I am sure that the committee's recommendations will assist in saving lives.

The report also looks at the adequacy of data collection and makes recommendations for increased collaboration between the Roads and Traffic Authority, NSW Health and NSW Police to develop a more comprehensive database. This linking of data and the database might be considered rudimentary, but government and non-government agencies, such as the NRMA, have different ways of measuring accidents and it is important to have consistency across the State. The committee also examined the high-risk population of repeat offenders that constitute a small portion of the young driver population but are responsible for a greater number of traffic offences. No current traffic offender programs are specifically designed for young drivers and the committee recommends that more programs be developed in this area.

The committee is conscious of the need for young driver safety and education in rural and regional areas. Accordingly, the committee spent the day at Port Macquarie talking to local groups and individuals about issues in non-metropolitan areas. I speak on behalf of all committee members in expressing gratitude to the young school students who spoke to us that day. They were a revelation. We can be very proud of our young people in New South Wales when kids such as these can appear before a parliamentary committee and speak so competently of concerns that affect children in non-metropolitan areas. I am sure other committee members would like to speak in detail about this, and I will give them that opportunity.

Following the spate of recent accidents and the committee's overseas trip I have been particularly concerned about the declining use of seatbelts amongst young drivers. Indeed, campaigns have had to be launched in the United States, Canada and Norway to promote the use of seatbelts. I note that John Hartley from the New South Wales Police Force is also concerned about this decline. The recommendation is that an advertising campaign aimed at young people be undertaken. Young driver training is another area of concern to the committee. Parents should be given more support in their role as mentors and supervisors of young drivers. Professional driving instructors should also be subject to greater levels of professional scrutiny and certification. The range and nature of young driver education programs vary enormously around the State. As well as school-based programs, there is a wide array of community-initiated and community-run programs.

I commend Rotary's You Turn the Wheel Program, which I viewed at St Gregory's College at Campbelltown. I was invited to see it at Port Macquarie but I could not attend. It is good if even 90 out of 91 young people are impacted by such programs because everything we do helps in the long run to contribute to young driver safety and education. The committee strongly supports the work of local council road safety officers and recommends strengthening support and funding for their work at the grassroots level. I will take up that matter with the Minister and the Treasurer. Local councils do a fantastic job. They share their resources on a regional basis. The local council road safety program, which is run at the grassroots level, provides logbook runs and other work in Camden. Finally, the report calls for greater collaboration between all road safety agencies to share resources and for the Roads and Traffic Authority to consult more meaningfully with all stakeholder groups in the development of policy.

The committee received 68 submissions and conducted four days of public hearings, and produced 200 pages of evidence from a range of government and non-government agencies and individuals. I thank all those who shared their knowledge and experiences with the committee and who contributed to the evidence contained in this report. As detailed in the appendix to this report, as part of this inquiry the member for Upper Hunter and I travelled to Canada, Norway and Germany over 10 days to undertake research. Norway has the best young driver record in the world. Interestingly, Norway requires its drivers to have 32 hours of compulsory education, which costs 16,000 krone. In New South Wales that is the equivalent to $4,000. Although 120 hours seems a lot, on an equity basis the 120 hours is easier. I particularly thank the member for Upper Hunter for his enjoyable company and his vast knowledge of things esoteric in the world.

Mr DARYL MAGUIRE (Wagga Wagga) [12.12 p.m.]: This report is particularly interesting and I enjoyed playing a part in its production. I express my thanks to my parliamentary colleagues, the staff of the committee and the young people to whom the chairman referred. It was very refreshing to hear them put their views succinctly to the committee. Those young Australians may be our future leaders and I was encouraged by them. I also note members of Hansard who travelled with the committee to Port Macquarie to record the proceedings. We forget that Hansard does a lot for us and makes us look good in the pages of history.

Young drivers continue to be overrepresented in crash statistics. According to data compiled by the Roads and Traffic Authority young, primarily male, drivers are involved in 30 per cent of fatal crashes and 29 per cent of all motor vehicle crashes. Deaths of people aged 15 to 24 years in OECD countries account for 35 per cent of fatalities, or approximately 25,000 people annually. According to the World Health Organization mortality database, traffic crashes spike in this age cohort and then trend down for older population groups. In the United States of America government estimates put the cost of road crashes involving 15 to 20-year-olds at $US40 billion in 2002. Canada estimates the social cost of road crashes at $CAN27 million per day. The Department of Infrastructure, Transport, Regional Development and Local Government has conservatively estimated the total annual cost of road crashes in Australia at $18 million. I will highlight some of the 27 recommendations contained in the report:

> **Recommendation 8**
>
> The Committee recommends that the NSW Government seek to bring to a successful conclusion, discussions with the Commonwealth Government and other State/Territory governments regarding the introduction of a national policy to display ANCAP ratings on all vehicles at point of sales.

Energy consumption ratings are disclosed. I think we should encourage the public to know the chances of survival if they have a crash. When parents have young drivers in their car or when they buy a car for a young driver they should have information on the vehicle's crash rating so they are aware of the chance of survival in a crash. I highlight the following recommendation:

> **Recommendation 11**
>
> The Committee is concerned about the high incidence of aggressive behaviour by certain young male drivers and strongly recommends that the RTA Centre for Road Safety sponsor immediate further research into links between antisocial behaviour, substance abuse and high-risk driver behaviour for young people, particularly young male drivers.

I constantly highlight that issue because almost daily we see the irrational driving of young people that gives others a bad name. I support the following recommendations:

> **Recommendation 16**
>
> The Committee recommends that the RTA boost support for initiatives such as the *Helping Learner Drivers Become Safer Drivers* workshops in order to encourage greater attendance …
>
> **Recommendation 21**
>
> The Committee also recommends that school based programs be subjected to rigorous evaluation to assess their efficacy and to develop a best practice model, with standardised delivery and implementation measures.

This week articles relating to the teaching of driving in schools have appeared in the tabloids. Before such a program is implemented an assessment should be made of the best program to deliver the best outcomes. The report continues:

> **Recommendation 25**
>
> The Committee recommends that the RTA provide more information regarding its rationale for increasing the number of logbook hours required before drivers can sit for a driving test. This is in addition to the evaluation of the impact of this change, already recommended.

Good results can be seen already from the increase in hours before drivers can sit for a driving test. I have always been of the opinion that it is the quality of the lessons rather than the number of hours that determine how good are our drivers. I also question whether all parents can teach the best driving skills to our young ones as opposed to professional organisations. The last recommendation to which I will refer states:

> **Recommendation 27**
>
> The Committee recommends that the RTA evaluate the current range of road safety bodies and committees and develop a more inclusive model, involving government and non-government agencies and stakeholder groups in the setting of priorities and the development of new policy. Such a model should provide a greater level of transparency and accountability and include representation by young drivers. It should also foster greater collaborative partnerships and information and resource sharing by those who are directly responsible for road safety management.

I commend this report and thank everyone involved for their great work.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [12.17 p.m.]: It gives me great pleasure to speak to this report. Per kilometre driven, the rate of death in 2008 is now 10 per cent of what it was 50 years ago. Death and injury of young drivers remain a reducible public health and financial burden for any government. Death rates for young men are three times greater than those for young women. The delayed ability of the male brain to assess risk, which has a biological basis, is the major factor. The causes are not rocket science—the mixture of inexperience and risk-taking behaviour is the most common preventable cause. Motivation, rather than physical skill, is the most important factor in many of these deaths. That is why we have progressively more stringent measures on young drivers—the most recent being the increase of supervised hours from 50 to 120 and peer passenger restrictions.

I do still have doubts as to the statistical significance of the increased death rates of young drivers that precipitated some of these changes, yet recognise that these changes are a move in the right direction. The question for us all is: Have we gone too far, or far enough? Today I would like to focus on four areas: data collection, driver behaviour, driver education and vehicle safety. I will start with data collection and dissemination. A plethora of government and non-government agencies are involved in accident prevention. To paraphrase the words of Dr Soames Job, this is a field for the enthusiast. Comprehensive and available information to guide research and public information is an essential component in the effort to improve road safety. As the saying goes, you manage what you measure.

There is room for improvement in collaboration between government agencies with regard to data collection and dissemination. The committee recommends that both raw and pooled data should therefore be made available to anyone who wants it—researchers, interest groups or the general public—free of charge. I now turn to driver behaviour. It is apparent that some subsets of the population are at even greater increased risk: their risk-taking behaviour inside the car mimics that outside the car. The risk factors are, and should be, targeted in countermeasure strategies. More research should be undertaken to determine the underlying causes of young driver risk. Particular attention should be given to psychological determinants, which is dealt with in recommendation 3, drugs and driving, and driver fatigue, which is dealt with in recommendation 4.

The committee also points to the need to conduct further studies into links between antisocial behaviour, substance abuse and high-risk driving behaviour. The committee recommends, as set out in recommendations 11 and 12, that this work be supplemented with further research to develop driver offender programs specifically targeting this highest-risk group of young reoffenders. Next I refer to driver education. The committee recommends, as set out in recommendation 6, that the impact of peer passenger restrictions and the increase in logbook hours from 50 to 120 should be evaluated, to assess the human costs of these changes and whether they actually work. Recommendation 6 is the recommendation I would most like to highlight. These extra hours are a major burden, especially for drivers who experience family breakdown or isolation—precisely the people we know to be among those at highest risk.

Also, who does the teaching? The committee recommends, as set out in recommendation 15, that there be improved regulation of assessing the competence of the driving instructor. The failures of many young drivers are motivational, and there is a risk of poor driver attitude being passed on from one generation to the next. Finally I refer to vehicle safety. The day the committee went to the Roads and Traffic Authority crash lab was most rewarding. The Australasian New Car Assessment Program [ANCAP] rating scheme is one that needs a wider audience than it now has. In recommendation 8 the committee expresses concerns about the lack of awareness in the general community of the importance of vehicle safety ratings in improving crash outcomes. The committee recommends renewed action on a proposal to introduce a national rating system on all vehicles

at point of sale. If we can do it for fridges, which do not kill people, we can certainly do it for cars, which do kill people. In conclusion, I thank all those who gave evidence before the committee, and I thank the hardworking secretariat for all its good work.

Mrs DAWN FARDELL (Dubbo) [12.22 p.m.]: It is a pleasure to speak to the Staysafe Committee's report entitled "Report on Young Driver Safety and Education Programs". This is the first parliamentary inquiry I have been involved with, and I found it an enlightening experience. The committee chairman, the member for Camden, Geoff Corrigan, led us very ably. The committee worked very hard on the inquiry and listened to all the submissions received. In particular, I thought the youth of Port Macquarie who presented to us were outstanding. Committee members all agreed on the recommendations.

I will outline the background to the inquiry. Young drivers continue to be overrepresented in crash statistics. Figures for 2006 indicate that 73 young drivers were killed on the roads, compared with 50 the preceding year. Partly in response to the significant increase in young driver fatalities in 2006, the Government announced major reforms to the Graduated Licensing Scheme, known as GLS, including an increase in the mandatory period of supervised driving from 50 to 120 hours. On 10 January 2007 the Minister for Roads announced changes to the driving licensing regime, including changes with regard to P1 drivers caught speeding, the display of L and P plates, and P1 mobile phone use.

I now turn to the recommendations. Recommendation 1 is very important, and previous speakers have referred to it. The committee recommends the establishment of an interagency working group whose role will be to collect and disseminate road safety statistics. Recommendations 2 and 3 also refer to such a database. During the inquiry it became obvious that many organisations are doing a great deal of work in seeking to reduce the number of crashes on our roads and keep the statistics down. However, there are no statistics available to show the success of the many programs and courses that many service clubs and other bodies operate.

There are no statistics to show whether the young people who have undertaken those programs have ended up being good drivers and have not been fined for any driving offences. There is simply no feedback. The committee chairman referred to the fact that we need that database. It is important that we have that data so we can regularly review driver behaviour. This is not the first review that has been done on P-platers or young drivers, and it would be nice to think it will be the last. I hope that the recommendations in this report will be implemented by agencies such as the Roads and Traffic Authority, NSW Health, NSW Police, and the other government agencies that are involved in road safety.

Recommendation 6 deals with the increase in logbook hours from 50 to 120, to which other speakers have referred. I acknowledge that it is a large increase. As the member for Tamworth recently informed me, he has a family with quadruplets in his electorate and that is a lot of hours for the parents to put into their children obtaining a licence. It is also very difficult for a young lass from Wauchope who presented to the inquiry's hearing in Port Macquarie. She wants to get her driver's licence, but her parents do not drive and therefore do not own a car, and she cannot afford the cost of driving lessons. It is very difficult for that young girl, who is still at school, to receive that training. She certainly impressed the committee when we spoke with her.

I turn to recommendation 7. We need a more localised approach to road safety in New South Wales. However, there is not an RTA office in every area. All areas of New South Wales are governed by the same driving rules, and we must look at different ways of educating and training our young drivers. In rural areas, it is often difficult for young people to get their driver's licence. Many of them attend university and they have to come down to the city to get their licence. The city areas have driving conditions different from those where they grew up and learned to drive. I now turn to recommendation 8, to which the member for Wagga Wagga also referred. The recommendation relates to the display of ANCAP ratings on all vehicles at point of sale. I acknowledge that this may be financially impossible. However, we allow our most precious resource—our children—to drive old cars and bombs on our roads, while the rest of us drive good cars. It is important that we ensure the cars driven by young people are also roadworthy.

Recommendation 20 refers to school-based road safety education programs. It is extremely important to have professionalism in the classroom environment. I feel our schoolteachers are now under a lot of duress with the curriculum they have to deliver, under tiring circumstances. We have a lot of staff shortages in schools in rural and regional areas. Every day I receive reports from the Teachers Federation representatives in my electorate regarding the number of teachers who are absent from schools. They may be absent on sick leave, or they may be on school excursions. Classes struggle to keep going. It is a little difficult for a teacher to have to deliver a road safety program. We need other qualified people from outside schools to deliver such programs, and that should be funded as well.

Recommendation 27 refers to developing a more inclusive model, a matter I have referred to previously. I have also referred to the importance of road safety officers. The woman from Port Macquarie who appeared before the committee appears to be doing a wonderful job there, with limited resources. I acknowledge also Christine Long from Dubbo City Council, who has been a road safety officer since her appointment. I congratulate the committee on its report. I hope its recommendations are implemented.

Mr FRANK TERENZINI (Maitland) [12.27 p.m.]: I want to make a brief contribution on this report. I commend the Staysafe committee on its report on young driver safety and education programs. We have certainly come a long way from the days when, in order to get a licence, you went to a police station, answered a few questions, and then got your licence. It then progressed to my era, when you simply got your parents to drive you around for the three-month period from the age of 16 and nine months to 17 years, and then you would appear at the Department of Motor Transport, as it was then, for your examination and hoped for the best, without any requirement for structured training. The present system, where we have gone from 50 hours 120 hours of driving, which is an enormous number of hours, places a significant imposition on families, parents and relatives. I have been approached by a number of constituents about parents who are disabled or without means. Young people are not able to accrue hours as quickly or readily as they wish in order to get a licence. It has been an imposition, but it is an imposition that society feels is necessary because of the rate of accidents on our roads.

Although there are night driving, wet weather driving and other categories in the 120 hours, as parents of a 17-year-old who has just completed 120 hours, my wife and I found it very easy to get into the habit of repeating the same journeys, for example, home to school or to grandparents, getting into a routine and travelling in the same conditions. We changed the way we did things to give our daughter a wider variety of experience when driving, and I think that is very important. If the 120 hours is going to stay—and I think it should—the young driver should have a range of experience in various conditions. I know there are components for wet weather driving and night driving, but spending a day or half a day on a Sunday or a business day in school holidays covering a variety of areas would be beneficial. It is very easy to fall into the trap of doing the same trips and I think a young driver would not get as much from that as they would if the conditions were mixed and varied over the 120 hours.

A young driver could well do the hours and pass the exam, but when they reach the end of that first six-month period, which is the most dangerous period for a vulnerable young driver out there on their own, without any guidance, it may be the difference between being able to react to situations and being unable to react. I think trip variation is very important and, if included as a requirement, will result in a much better quality driver in attitude and approach, driving skills, vehicle control, and ability to manage different situations. It took 12 months for my daughter to complete the 120 hours. My advice is that all that is possible should be done to vary driving conditions to give the person a better opportunity to prepare himself or herself for going solo once they obtain P-plates.

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

Report noted.

STANDING COMMITTEE ON PUBLIC WORKS

Report: Report into Local Government Private Partnerships for Asset Redevelopment

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

Pursuant to standing orders debate postponed.

DISTINGUISHED VISITORS

ASSISTANT-SPEAKER (Mr Grant McBride): I acknowledge the presence in the gallery of Karin MacDonald, a former member of the Australian Capital Territory House of Assembly. She is a friend of the member for Heathcote.

PUBLIC ACCOUNTS COMMITTEE

Report: Report on State Plan Reporting

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

Mr PAUL McLEAY (Heathcote) [12.35 p.m.]: On behalf of the Public Accounts Committee I am pleased to present the final report on State Plan reporting. Before I get into the substance of my remarks I should

thank Miss Julia Dropmann. Julia has been an intern with me for the last several months from the University of Technology, Sydney. She has nearly completed her studies and will be off to South America next year to do her final year of International Studies. The education section of Parliament allocated her to me and she brought enthusiasm, commitment and a very clever brain. In our initial discussions it was agreed that she would work with me in the review of the State Plan because an investigation into deliberative mechanisms within a democratic process would be able to directly draw upon and enhance her studies and, secondly, it would be of greatest benefit to myself. Julia's attention to detail, comprehension of complex and competing issues, and her ability to find clarity have been extraordinary. I thank her for her assistance and wish her well in completing her studies and her future endeavours. Julia has researched, prepared and written the following words—they are all her work.

Almost two years ago, the State Plan was launched. As the slogan suggests, it marks a new direction for New South Wales. It sets priorities for expenditure of public funds and provides a mechanism for reporting and reviewing the outcomes of that expenditure. These priorities have been made in partnership with community needs and are structured in five areas of activity. These are rights, respect and responsibility; delivering better services; fairness and opportunity; growing prosperity across New South Wales; and environment for living. The State Plan has marked a profound shift in the way the Government delivers services. It envisions a 10-year period, moving away from short-term policy. Instead, the State Plan seeks to achieve greater goals by looking above and beyond the immediate. Furthermore, the Government has engaged the community to discuss appropriate State Plan goals and priorities for the citizens of New South Wales and is committed to continuing consultation on a two to three-year basis. This profound shift has been warmly welcomed and praised in submissions and public hearings.

The Public Accounts Committee has evaluated the mechanisms for reviewing and reporting State Plan results. The inquiry looked at the adequacy and appropriateness of audit requirements for performance measures as well as the current performance measures set out to achieve the State Plan objectives. Alternative measures for better reviewing and reporting are outlined in the report. The committee received 15 submissions from a wide range of individuals, peak organisations, business representatives, community organisations, and Ministers. Public hearings were also carried out and a delegation of the committee undertook a study tour of international jurisdictions in February of this year. This included a world conference on the development of cities in Porto Alegre. This Brazilian city, with a population of 1.3 million, is known for its successful deliberative democratic initiatives where 30,000 citizens are actively engaged in participatory budgeting every year. Other seminars included a deliberative budgeting conference in Washington DC and a forum on twenty-first century town meetings held by AmericaSpeaks in New York City.

The State Plan has taken an important first step in greater community engagement; however, the committee stresses the need for an improved performance monitoring system. This calls for an improvement in the reporting and reviewing processes of State Plan measures and goals. For the State Plan to be effective it is important that reporting ensures accuracy and appropriate measures to evaluate its goals. There are two areas brought to the committee's attention through submissions which require more attention in reporting: regionally specific areas and acute needs groups. Many submissions critiqued performance reporting, claiming it was too general and gave inadequate attention to specific regional areas of the State, therefore the results did not provide a true reflection of all areas of New South Wales. For example, the Council of Social Service of New South Wales noted the inability to measure regional communities' access to health services.

Secondly, there is a need for State Plan measures to accommodate particular demographic groups with acute needs. This diversity would ensure greater equality. For example, the Cancer Council of New South Wales noted that, although there was a reduction in smoking rates across the population in 2006, this failed to show an increase among women in the most disadvantaged quintile. Whilst reporting is fundamental to the State Plan, without accountability it is meaningless. The committee suggests that the Auditor-General be provided with all necessary resources to carry out a comprehensive audit. Furthermore, based on the feedback we received, there was a great push toward having an independent monitor of the Auditor-General's review. It is recommended that the Public Accounts Committee take over this auditing role.

State Plan reporting is vital to educate the public on New South Wales' progress in achieving its goals. But the reviewing process must ensure that the priorities, goals and measures continue to reflect the community's desires and experiences. To understand what communities need, the committee has explored various methods of deliberative democracy. I prefer to steer away from the conventional term "community consultation" and talk about deliberative democracy. The problem with the term "consultation" is that many communities and citizens feel very cynical towards such procedures. It is often viewed as a political ruse and

they have little faith that their views will be heard. The term "deliberation", on the other hand, implies an active role by citizens in the decision-making process. The new deliberative democratic processes aim to change such views of conventional consultation. There lies a challenge for the Government to increase social capital and convince people that involvement is worthwhile.

For effective deliberation to take place, evidence from submissions and hearings has indicated that there must be sufficient time to allow people to consider the issues; sufficient information about the relevant issues; and an opportunity to actively engage with the issues. Dr Lyn Carson and Dr Janette Hartz-Karp advocate three essential elements for effective deliberative procedures. They are influence, inclusion and deliberation. Influence ensures that time is not wasted and ultimately that the results of the consultation will influence policy and decision making. Inclusion is vital so that the process is representative of the whole population and inclusive of varying viewpoints, providing an opportunity for all to participate. Deliberation provides open dialogue as well as access to information, respect and, ultimately, a movement towards consensus.

The committee report mentions a number of deliberation mechanisms. One such mechanism is a citizen jury. As recommended by Dr Lyn Carson, they typically comprise 12 to 25 people, selected at random. An independent facilitator guides them through submissions from relevant experts on the issues at hand. Stakeholders may select a range of experts to ensure that all views are expressed and at the end of the meeting, which can vary from half a day to five days, the jury tries to reach a consensus on the way forward. As the committee urges more regionally specific targets and priorities, citizen juries would offer an effective way to achieve this.

Another mechanism adopted by the Western Australian Government was called "Dialogue with the City." It encouraged people to engage with the government, to envision and make decisions about the sort of metropolis they want to live in. It was a great success according to the experts. The citizens of Western Australia became so involved, and took ownership, that they defended the process against media criticism. They responded with letters to newspaper editors and constant calls to talkback radio, and appeared in large numbers at demonstrations and appeared on television. Even in New South Wales there has been evidence of effective engagement with citizens.

For example, the Kelso High School was burnt down in 2005 and the building plans for the new school were effectively drawn up in partnership with the community. The result was a new school built ahead of schedule and within the allocated budget. The planning stages of the Sea Cliff Bridge in my electorate of Heathcote, which was opened in December of 2005, is also evidence of active citizen engagement. The report seeks to provide the Government with more effective measures to report and review on the State Plan. We urge the Government to take on board these recommendations in order to fully embrace and realise this great shift towards a more deliberative democracy which better serves the citizens and state of New South Wales.

I thank Julia Dropmann for her words on this, which also comprise part of her report for her university studies. I would also like to thank the members of the committee. For the majority of the inquiry the deputy chair was the member for Newcastle, Ms Jodi McKay. She was relieved of her duties in September to become the Minister for Tourism, Minister for the Hunter, Minister for Small Business, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer). The new deputy chair is the member for The Entrance, Mr Grant McBride, who is doing a sterling job. I thank him for his support and assistance. The member for Tamworth, Mr Peter Draper, joined the committee in September this year when he replaced the former member for Port Macquarie, Mr Robert Oakeshott, who left State Parliament.

The member for Smithfield, Mr Ninos Khoshaba**,** is a very diligent, hardworking and active member of the committee and I thank him for his intellect and his participation. The member for Myall Lakes, Mr John Turner, is a very experienced and dedicated member of the committee. He is very serious about ensuring that the public process is transparent. The favourite saying to live by of the member for Lane Cove, Mr Anthony Roberts, is: If you don't measure it, you don't manage it. I thank all committee members and the next time I speak I will thank all the staff for their wonderful work as well.

Mr NINOS KHOSHABA (Smithfield) [12.45 p.m.]: I speak about the inquiry of the Public Accounts Committee into State Plan reporting and, more specifically, about how to manage the risks of a performance management system. The State Plan has the potential to greatly improve service delivery to the people of New South Wales. Throughout our inquiry we heard from a range of experts, community representatives and public servants about the many advantages of performance management. These include measuring success on the basis

of what is achieved rather than what is produced, providing a whole-of-government planning framework and thereby coordinating Government action, setting clear priorities, strengthening accountability, and promoting efficiency. However, the committee was also told that performance management is not without its pitfalls. A number of submissions emphasised the need to set meaningful targets. As the Public Interest Advocacy Centre told the Committee, "If an agency is charged with increasing 75 per cent of such and such, you need to ask 75 per cent of what? What is it now? Over what period does that mean you are going to increase it by? Is it really a useful target?"

Another concern was encouraging service deliverers to achieve targets at the expense of the goal. In Washington, for example, council workers were criticised for filling only 75 per cent of potholes within 72 hours of their being reported. In response, the workers changed their practices so that they met their target of filling 98 per cent within time, but the number of potholes reported increased. This was because the workers abandoned their practice of filling the potholes they found on the way to reported jobs in order to meet their performance target. Some submissions to the committee expressed concern that measures may have a negative influence on agencies that might be overly focused on delivering certain targets at the expense of others. Submissions also emphasised the need for clarity and consistency across all targets and measures so that the various facets of the State Plan work coherently.

At least one witness warned the committee about the manipulation of results to demonstrate good performance. In the United Kingdom, for example, a company was contracted to improve light rail services by ensuring that the time between trains was as even as possible. By using this target as the sole performance measure the government created an incentive for the contractor to hold back trains that were running behind a late train as this was the easiest way to establish regular gaps between them and thus created an illusion of good performance. The committee was told that some governments had responded inappropriately to poor performance by automatically punishing agencies that failed to meet their targets. Cutting school funding for failing to improve student examination results was described as a classic example of this.

Governments may inadvertently discourage good performance by increasing their demands on agencies that perform well or decreasing their demands on agencies that perform poorly. Performance management also places a focus on "top down" service delivery, where the primary directions on how services are to be provided come from above rather than from the point at which they are being delivered. This runs the risk of stifling innovation among, and lowering the morale of, those providing services on the ground. Performance management systems also place a burden on public services through their data collection and reporting requirements. The benefits from collecting information always need to exceed the cost of the administrative burden to avoid wasting public resources.

The State Plan has been developed with these risks in mind. Two-thirds of the performance measures are based on international and national benchmarks, which will allow for a comparative analysis of performance, and one-third of the performance measures are reviewed or collected by independent bodies such as the Australian Bureau of Statistics. Although budgeting has been linked to the delivery of State Plan priorities, the linkage is aimed at gathering evidence on how funding may best achieve State Plan priorities rather than any simple correlation between performance and budgets. The State Plan also includes audit processes to discourage manipulation of the measures and periodic review of goals to check that they are delivering what the community wants.

Nonetheless, the risks remain and the Government must be vigilant to ensure that it does not undermine the implementation of the State Plan. To militate against these risks the committee has recommended that the Government adopt a rigorous external auditing program that allows for ongoing and in-depth review by the Auditor-General and the Parliament. The Government should also facilitate a widespread community engagement process that seeks to encompass a broad section of the community and is enhanced by an independent planning, implementation and review process. Members of Parliament were encouraged to play key roles in representing their electorates with regard to the State Plan.

Mr PETER DRAPER (Tamworth) [12.50 p.m.]: I will make a brief contribution on State Plan reporting and in particular the community engagement side of it. Throughout the committee's inquiry into the State Plan we were fortunate to benefit from the views and experiences of a number of community organisations and experts when considering how best to engage the people of New South Wales in the 2009 community review of the State Plan. Today I will inform the House of the committee's preferred model for community engagement and explain why the committee believes this is the best way forward.

The State Plan is meant to reflect the experiences and aspirations of the New South Wales community. This is the foundation for the goals of the plan, the priorities to achieve those goals, and the targets and measures for achieving those priorities. Effective community engagement is therefore necessary to ensure that this intention is made and kept a reality. Extensive consultation was undertaken throughout the development of the plan, and the Government has made a commitment to facilitate additional community reviews every two to three years. The first consultation will take place next year.

The committee considers that the three key purposes of community engagement on the State Plan are to determine public priorities, develop better-informed policies and foster ownership and support. In line with the evidence of Dr Lyn Carson and Professor Janette Hartz Karp, the committee also considers that the three essential elements of an effective deliberative process are influence, inclusion and deliberation. Influence means that the decisions of the community should impact on the policy that is ultimately adopted. Inclusion means that there should be ample opportunity for people to participate and that a broad cross-section of the community should be involved. Deliberation means that the process should provide sufficient space and time to engage in open dialogue, reflect and move towards consensus.

Having regard to all that we had learned throughout the inquiry, the committee decided that the 2009 review ought to include citizens juries across each of the State Plan regions, public meetings, a twenty-first century town plan meeting live on the Internet, and innovative participation methods that capture the opinions of population groups that may otherwise be excluded. Citizens juries usually comprise around 20 people who are guided by an independent moderator through presentations from relevant experts before deliberating on the issues and reaching an informed decision. The idea is that the decision of the informed jury members reflects what the community would choose if given access to the same information. The committee is of the view that citizens juries in each of the State Plan regions would provide a small-scale engagement process that could give a representative indication of local priorities and concerns.

Public meetings should also be held to obtain further insight into local priorities and concerns. Providing a large number of opportunities for public engagement will strengthen the public's faith in the process, increase awareness, generate interest and ownership, and provide the Government with a better understanding of local experiences. Twenty-first century town meetings involve a diverse group of hundreds or thousands of participants coming prepared through detailed, neutral background material to deliberate together for a day. Most deliberation occurs at tables of 10 to 12 participants, each with a facilitator, and the outcomes of each table's deliberation are brought together through networked laptop computers and fed back to the whole meeting by the lead facilitator.

The committee thinks that the concerns and priorities identified in the citizens juries and at the public meetings could be brought together for consideration at the whole-of-State level through a twenty-first century town meeting. This would allow the aggregation of consistent themes and the reconciling of competing priorities in an open and participative forum. It would also create an event of sufficient size and significance to foster greater community awareness, which could lead to greater participation and consequently more representative and considered outcomes. Holding the meeting online would allow an even larger number of people to be involved.

By incorporating the views of a broad cross-section of the community the Government would be able to draw on the experiences and opinions of many different types of people, and to thereby imbue the State Plan and its review with even greater legitimacy and efficacy. For this reason the committee encourages the use of innovative participation methods. Any engagement exercise of the scope envisaged by the committee would require significant expertise, planning and commitment of time and resources. Furthermore, community engagement can benefit significantly from being driven by a person who is seen to be impartial.

The committee therefore considers that the Government should engage an independent expert to help plan and implement community engagement for the review. Given the fluid nature of the State Plan and the central role community engagement will continue to play in shaping State Plan priorities, the committee is also of the opinion that an independent evaluation of the 2009 community engagement process is vital. In conclusion, I thank the chair of the committee. It is a great honour to serve on this committee. It is a very progressive group of people. I also recognise Russell Keith and his fantastic staff. They do a terrific job.

Mr GRANT McBRIDE (The Entrance) [12.55 p.m.]: Today I speak to the House about a subject that is very important to members of the Public Accounts Committee—the fair and just delivery of Government services. Throughout our inquiry into State Plan reporting, the committee received a number of submissions that

asked us to ensure that the most marginalised members of our community were adequately taken into consideration when it came to assessing the reporting and reviewing mechanisms of the State Plan. For this reason we have made six recommendations relating to equitable service delivery.

Some submissions said that the State Plan's performance measures gave inadequate attention to specific regional areas of the State. As a result, measures would not reflect the experience of living in those areas or regional inconsistencies in government service delivery. For example, the Cancer Council of New South Wales submission noted the difficulties in assessing issues such as regional performance in radiotherapy treatment and the availability of oncologists. The Cancer Council suggested that producing information for each area health service or hospital would be more effective than statewide reporting.

Before I continue on that theme I will refer to radiotherapy treatment on the Central Coast. For some 15 years the public has been campaigning for a public radiotherapy service on the Central Coast. We now have a private radiotherapy service but it is inadequate to deal with the number of patients that need such a service. Also, given the socioeconomic profile of the Central Coast, the people who do not have access to private health services, which is required for them to have radiotherapy in the private sector, are not getting a service. As a result these people have to go either south to Royal North Shore or other hospitals in the Sydney area or north to John Hunter Hospital.

This is a real issue for the Central Coast. Because we are located between two major regions—Sydney to the south and the Hunter to the north—there is a view within the medical fraternity and among health managers that people who cannot afford private sector treatment can make a trip to either the north or the south. But no transport is provided by the public sector to enable them to make that trip. It is a major issue on the Central Coast and one that has not been resolved. It needs to be resolved so that people receive a service that is comparable and equitable to that available in other regions across New South Wales. There is an issue of equity for the Central Coast in terms of what is available to metropolitan centres and other regional centres.

Returning to the State Plan and our report, it includes regional delivery plans for nine identified regions in New South Wales, each of which includes an overview of what the community said in consultations, the actions the Government has committed to and new directions it would consider. With the exception of western New South Wales, the Government has released delivery updates and performance dashboards that outline recent initiatives under priority areas for the region. Significantly, the updates and dashboards are available online and the committee understands that these will be updated as data becomes available and as the Government continues to ask the regions about their changing priorities.

In a similar vein to comments regarding the regions, some submissions stated that the State Plan paid insufficient regard to particular demographic groups. The Council of Social Service of New South Wales stated that issues of equity were not adequately addressed in the State Plan and drew the committee's attention to Priority S3, which aims to improve health through reductions in obesity, smoking, illicit drug use and risk drinking. The council considered this measure did not address specific sections of the population more likely to face these issues, such as people with mental illness. Although many organisations suggested that the inclusion of more specific targets in the State Plan would highlight discrepancies among regions and social groups, the committee noted that other jurisdictions that have adopted strategic plans have reduced their targets over time to ensure that the urgent and important matters do not get lost among the everyday activities of the Government. I totally agree with that recommendation.

In evidence before the committee the Executive Director of the New South Wales Department of Premier and Cabinet Delivery Unit, Mr Ben Keneally, stated that creating group and region-specific targets is beneficial in that it highlights areas of disadvantage and indicates where greater efforts are needed. However, he also warned against micromanagement, stating that it can disempower the very people the Government is trying to assist. The concerns raised in relation to groups with more acute needs also reflect the risk that managing to achieve the measures may result in failing to achieve the underlying goal.

Being exclusively concerned with global measures can result in a failure to meet the significant needs of some groups. This risk can be avoided with more detailed planning and reporting through sub-plans and programs, as well as ongoing engagements that test whether services have been delivered equitably and to where they are most needed. On behalf of the committee I thank the many non-government organisations that made submissions on the needs of the most disadvantaged members of our community. We trust that the Government will consider closely the committee's recommendations on the State Plan and its reporting and monitoring mechanisms.

Mr JOHN TURNER (Myall Lakes) [1.00 p.m.]: I commend the Public Accounts Committee report on the State Plan to the House. I thank the committee secretariat for all its hard work in crystallising the many aspects of the report into a valuable asset for the Parliament of New South Wales by giving direction to the implementation of the State Plan. As part of the committee's undertaking, I travelled with the committee chair on an overseas trip to Brazil and the United States of America to look at participatory democracy. As usual, we featured in the press, who had us travelling to Rio de Janeiro. We did not go within 2,000 kilometres of Rio de Janeiro; we did not even fly over Rio de Janeiro. However, there was a nice picture of us in the newspaper in Rio de Janeiro.

Ms Angela D'Amore: Allegedly.

Mr JOHN TURNER: Allegedly. During that trip of 13 days we had accommodation for 10 nights because we were 62 hours in the air. We saved the Parliament money by eating airline food, as we tripped around the world, according to the media. At Brazil we attended the World Conference of the Development of Cities in Port Alegre. The conference was beneficial, although some speeches were not directly aligned with the committee's inquiry. For example, the words of the self-professed philosopher who wore bike shorts, striped socks and an orange shirt and said that the end of the Roman empire occurred because they ran out of papaya leaves to write on were not appropriate to our report. Other speakers were more relevant.

Port Alegre was selected to hold this conference because it is supposedly the birthplace of participatory democracy. We met with the mayor of Port Alegre and the self-confessed proponent of participatory democracy, Mr Busatto, for discussions. Port Alegre throws open its capital works program to the community and lets them decide which projects will proceed. The recurrent costs are not included in the process, only the capital costs. It is a courageous move by the community to follow this process. About 30,000 people participate in the scheme to determine which projects will go ahead. They say it works and it works well. We observed that the city of Port Alegre looked very prosperous and seemed to be going ahead.

Another lecturer at the conference, Fernando Pintel, Mayor of Belo Horizonte, Brazil, said that participatory democracy developed in his city in 1994 with the creation of an index of urban quality of living, which had nine regional offices and six districts. The districts produced planning units, which had an urban quality ratio attached to them. Poverty was not the only indicator. Each planning committee would make a decision as to the priority of works. Then the council and committee members from the six districts would look at the priorities of each district and determine which project should be afforded priority. A committee on one side of town may bow to a committee in the centre of town receiving priority for its project.

I believe it is a great way to allocate projects, if it is possible to get that type of participation. However, the Port Alegre representatives told us that an element of politics was creeping in and people were using the participatory democracy as a stepping stone to move up the food chain of politics. It was a worthwhile exercise and we learnt a lot. The committee also benefited from what we saw and heard in Washington and New York—in particular, the CapStat program in Washington, which is an inquisitorial program. I do not have time to fully explain that program today. Our meetings in the United States were also very interesting. I commend the report to the House.

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

Report noted.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Debate on committee reports having concluded, the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

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

F3 SURFACE NOISE

DEATH OF BRETT GILBERT TAYLOR, MUMBAI TERRORIST ATTACK VICTIM

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.05 p.m.]: I raise an issue on behalf of Wahroonga residents within my electorate of Ku-ring-gai. It regrettably involves another example of the State Government's short-sightedness and preference to paper over problems instead of fixing them, and it highlights the way this approach leaves residents short-changed. In August the Roads and Traffic Authority

removed a section of a deteriorating asphalt surface on the F3 freeway between Wahroonga and Berowra. It left the concrete surface exposed. Since then residents have increasingly, but unsuccessfully, complained about the increase in noise that has resulted from this decision. As one of the families affected told me, "The increased noise is badly affecting both our sleep and our enjoyment during the day."

The F3 is a busy road and carries significant volumes of traffic throughout the night and day. The noise problem to which I refer is having a significant effect on families and their lives 24/7. One resident described the change as the noise having risen from a low hum to a pervasive howl. In the face of these mounting complaints, the Rees Government's defence has been to try to argue that the current noise levels—about 60 decibels, it claims—are similar to the levels recorded before the asphalt surface was removed. But in the words of the local paper, the Hornsby *Advocate*, this is a bogus claim. The fact is that the old, deteriorating road surface was too noisy to start with. It presumably was one of the reasons the asphalt was removed in the first place. Rather than replacing it with a new asphalt surface, which would have reduced the noise levels, the Rees Government has simply decided to leave the concrete surface exposed and ignore the noise problem.

Residents living adjacent to the F3 deserve consideration. They deserve action from the Government to reduce the noise levels on the freeway. These residents are not asking for a miracle cure to all the noise that living beside a freeway brings, nor are they seeking to do away with the road. They simply want a return to the lower noise levels that existed before the asphalt deteriorated and was scraped away, and the concrete surface exposed. Residents who have lived in the area for more than 10 years have told me that they cannot bear the noise that now is being inflicted upon them. I have spoken to a number of these residents some of whom were clearly stressed and suffering from a lack of sleep caused by these noise problems. It is unacceptable and bordering on cruelty to treat people like this. They must be provided with relief.

A government focused on people's needs would respond with action, not false claims. A government focused on maintaining its assets would have ensured that the surface had been properly maintained in the first place. I have again written to the Minister for Roads about the issue. On Monday I specifically invited Minister Daley to come and visit some of the affected residents' properties so he can hear for himself both the noise and the problems it is causing for families. The Minister should come, he should listen and he should act. I also want an explanation from him about what appears to be a gross inconsistency in the Rees Government's approach to these matters. A section of asphalt on the F3 at Cowan was replaced and residents in that vicinity have a noticeably quieter environment. The Minister must explain the reason why one section was replaced and another was not. He must explain where else across Sydney this hit-and-miss approach to road surfaces and resultant noise has been followed.

I also have a wider concern about this matter, which relates to the impact that 13½ years of Labor Government has had on the public sector. I cannot believe that any self-respecting public servant—and there are plenty of them across the New South Wales public sector, including the Roads and Traffic Authority—enjoys the sort of deception and stupidity that is involved in this matter. It is sign of how much the State Government has conditioned the public service to protect Labor's political interests that such inventive, but nevertheless bogus, arguments are advanced to justify this type of inaction. That energy would have been better devoted to fixing problems on our roads and elsewhere across government.

I commend those residents who refuse to be duped. I will continue to stand beside them in this fight with the RTA. I acknowledge and applaud the strong and active role played by the Hornsby *Advocate* and its editorial staff. The Hornsby *Advocate* has again highlighted the importance of local community-based newspapers in helping to have residents' concerns heard and acted upon in the face of official obfuscation. I am happy to try to help achieve the noise reduction that is sought. Yesterday, in response to the Premier, I commented on the act of terrorism that occurred in Mumbai. When I did so I did not realise that my electorate would be affected. I take this opportunity to extend to Mrs Paula Taylor and her family and members of the Turramurra community my sympathy at their loss. Last night I attended an event at a school attended by Mr Taylor's daughter. The school community shares the pain and the grief and, through me, extends its deepest condolences to the family.

CLOE DAVIS AND BOGGABRI HOME AND COMMUNITY CARE

Mr PETER DRAPER (Tamworth) [1.10 p.m.]: Cloe Davis from Boggabri has fitted a lot into her short life and is an inspiration to everybody who has met her. Cloe was born in 1996 and four years ago she moved with her family from Mudgee to Boggabri. She attended Boggabri Public School, becoming school captain in 2007, and now attends Gunnedah High School, having already joined the student council. Cloe has

always been very community minded. During her time at Boggabri Public School she often spent her lunch hour helping to deliver Meals on Wheels. She still helps out at Boggabri Home and Community Care and is currently working on Boggabri Relay for Life.

Cloe has a busy sporting schedule. From the age of eight in 2004 she took part in the New South Wales Public Schools State Cross Country and has continued to do so. She has missed the event only once since 2004, in 2006 when she was sick. Cloe also competed in regional swimming in the period 2006 to 2008 and in her spare time she loves horseriding, being a member of the Boggabri Pony Club, representing the club at Blanch trophy days, and also getting involved in equine events through Gunnedah High School. At the age of 12 Cloe Davis is passionate about assisting the Boggabri seniors community. Having decided to organise a fundraiser for a special local project, Cloe googled various ideas for fundraisers before coming up with a unique concept. She sent out invitations to community members to attend a make-believe event: a river cruise in Boggabri on the Namoi River. I must advise members that at the time the river was dry. Cloe tells the story best herself in a letter that she sent to the Boggabri community:

> My name is Cloe Davis, I am 12 years old and I am a volunteer of Boggabri Home and Community Care. I have been a volunteer for nearly 2 years and I enjoy helping the elderly people.
>
> Recently Boggabri Home and Community Care opened an activities room, and they are in need of a few items to help make it comfortable and inviting for the clients who come to participate in the activities.
>
> I think its great they have somewhere to go and meet with other people and not just sit at home. Lots of people are very lonely and this is a good idea for them to socialise. I decided I would like to help them by trying to raise money to buy a recliner chair for those people who are unable to sit up for very long.
>
> After lots of thought I decided that a lot of people like my mum and dad have very busy lives, so my fundraiser would have to be a *make believe event called the Namoi River Cruise*.
>
> Your invitation—donation—entitles you to tickets on the cruise of a lifetime. You will be chauffeured by a stretch limousine to the iron bridge where you will board the paddle steamer *Kamilaroi*. Only this can be done in the make believe world. My friends and I have hand made all the invitations.
>
> Hopefully with your support and generosity we will be able to raise enough money to buy the recliner chair and wouldn't it be great if we could buy other things as well.
>
> I also hope that maybe I can inspire other young people to get involved in helping our community.
>
> If you feel you can help me with a donation all you need to do is fill out your RSVP and indicate your donation amount and return it C/- Boggabri HACC.
>
> Thankyou again.
>
> Yours sincerely,
> Cloe Davis

Continuing with the make-believe theme, the 190 invitations that Cloe and her friends sent out indicated that the event would take place on Saturday 32 October. The menu included Tasmanian smoked salmon, sliced chicken breasts with couscous salad, lobster salad, stuffed crispy pigs trotters, roast saddle of rabbit and scotch fillet, followed by dessert. To cap it off, the guest of honour was our famous Aussie-born Kylie Minogue, singing everybody's favourite songs. Guests were to be picked up by stretch limousine and taken to the iron bridge on the Namoi River where they would all jump onto the deck of the paddle steamer.

It is amazing what an active imagination can achieve. Cloe received a response from 70 per cent of the invitations that she sent out, the local newspaper ran the story, and donations were received even from people who were not initially invited. Cloe raised $4,585. She was able to purchase two recliner chairs for the seniors' activity room and there is enough money left to air-condition the room and to buy a whole range of other facilities that will help seniors in that community. Harvey Norman in Tamworth provided both chairs for Cloe at a very special rate. I sincerely congratulate Harvey Norman on its generous support. The two recliner chairs—I admit to having already tried them out—can only be described as fantastic.

On Saturday 15 November I was delighted to attend a thank-you barbecue lunch for people involved in the fundraising activities. It was a great honour to be able to take part in this special event and to help acknowledge Cloe's outstanding efforts. Cloe Davis is an inspiration and a great credit to her parents, Jason and Cathy, her sister, Sandi, and her brother, Shane. Cloe's involvement in the local community is an outstanding example for us to follow. At a time when we have an ageing volunteer base it is simply wonderful to find a

young member of the community with such vision and drive who is willing to undertake such a worthwhile project. Cloe, on behalf of the Boggabri community and the Parliament of New South Wales, I would like to say: We are all very proud of you. Well done, and long may it continue.

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [1.15 p.m.]: I thank the member for Tamworth for highlighting Cloe Davis's good work in her community. I am sure that all members have individuals just like Cloe in their respective communities. It is fantastic to see a young woman contributing to her community by actively participating in sport and by initiating fundraising initiatives for people in home and community care. We thank her for her imagination, which I assure her put a smile on the face of every member in this Chamber today.

Mr Peter Draper: And Hansard.

Ms ANGELA D' AMORE: That is right; it even put a smile on the faces of the Hansard staff. It is fantastic that Cloe was able to raise $4,500, as identified by the member for Tamworth. It is great to see a young woman utilising her skills to assist seniors in our community. What a fantastic example of our young people doing great things in our local community! I congratulate Cloe's family on her upbringing. She has made us all proud. It is fantastic that the member for Tamworth was able today to highlight her skills and initiatives in this rural community. I thank the member for Tamworth for giving us all the pleasure of listening to Cloe's story today.

BURRINJUCK ELECTORATE WIND FARMS

Ms KATRINA HODGKINSON (Burrinjuck) [1.16 p.m.]: I refer today to the wind turbines that are being constructed in the Burrinjuck electorate. In another part of the Southern Tablelands region massive 80-metre tall white towers are being hoisted into position onto the heights overlooking Lake George. Four of the 67 towers that will form Capital Wind Farm's Bungendore Wind Farm have already been erected. When this wind farm was first mooted the proposal was to construct it in the Burrinjuck electorate. I took a significant interest in the proposal and, on several occasions, met with David Griffin, the project manager, and with local residents.

As a result of the 2007 electoral redistribution, that wind farm will now be constructed in the electorate of the hardworking member for Goulburn. The approved, but not yet commenced, wind farm at Taralga is also located in the Goulburn electorate. Those two wind farms are excellent examples of the extremes of how such proposals can affect rural communities. I have spoken before in this Chamber about the way in which the once tight-knit Taralga community has become bitterly divided over the wind farm. I note that the member for Goulburn subsequently echoed my comments when Taralga became part of her electorate.

The Bungendore wind farm was planned in close consultation with the local community, and initial planning was seen to be responsive to local concerns. The Bungendore proposal generated nowhere near as much adverse comment as did the Taralga proposal. An existing operational farm is located at Crookwell and more wind farms are proposed for Grabben Gullen, the Cullerin Range and the Black Range in the Burrinjuck electorate. Tomorrow I will attend a public meeting at Grabben Gullen relating to this matter. Wind farms, in themselves, are not necessarily good or bad, but they have the potential to generate significant debate.

I grew up on a farm at Yass and I know the stress involved in trying to make a living in the face of uncertain crop prices, bushfires and prolonged drought. So I cannot fault a farmer for seeking security of income by having a wind farm on his or her property. However, I understand the people's desire to protect their properties from having massive structures placed right next to their boundaries that they consider intrusive and that often devalue their properties. Governments have set targets for renewable energy use and introduced subsidies for making electricity generated from renewable energy sources affordable, but that has been done without any thought for the impact that those targets and subsidies would have on rural communities.

To many people in the city, wind farms are out of sight in the country. I wonder what would happen if a proposal were made to place a series of 80-metre high industrial wind turbines on North Head, South Head, in the Domain, or in Centennial Park. Many committed environmentalists have said that wind farms are not the answer to greenhouse gas emissions that they appear to be at first glance. A wind farm cannot provide baseload electricity. The wind is a fickle source of power. At the moment only hydro is a reliable and renewable source of electricity, with solar possibly knocking on the door of economic viability in the next 10 to 20 years. A wind

farm needs a coal-fired power station on standby to take over as soon as the wind drops. There is no actual saving on greenhouse emission. Perhaps the use of open cycle gas turbine generators is the answer, but studies about the overall cost of the wind farm open cycle gas turbine combination are difficult to find.

I have seen the debates that have taken place about the various wind farms proposed in and around my electorate. In the main they are hamstrung by there being no clear Government policy on planning and community consultation, and little transparency in the approval process. The decision by the Minister for Planning to permit wind farms above a certain size leaves rural communities feeling disenfranchised and downtrodden by the Labor Government in Sydney. Clearly there is a need for an independent overview of wind farms and the part they should play in the provision of renewable energy.

I have written to General Purpose Standing Committee No. 5 in another place strongly urging it to hold a parliamentary inquiry into wind farms. That inquiry should address four key issues. First, it should clarify the comparative economics of wind energy and other forms of renewable and non-renewable electricity production and energy savings. Secondly, it should examine the external impacts of wind farms and other forms of renewable electricity generation on the surrounding communities with a view to making informed decisions about future energy options. Thirdly, it should establish criteria for the siting of wind farms. This should include minimum required distances from residences and criteria for location in areas of population density or natural value. Fourthly, the inquiry should make recommendations as to the planning requirements for wind farm proposals to ensure that the approval system is seen as fair and transparent.

As I said earlier, wind farms of themselves are neither good nor bad. They can be extremely divisive in many local communities, but if they are properly planned and developed all the residents of a local area can welcome them. I call on the State Government to support the inquiry that I have suggested to General Purpose Standing Committee No. 5 in another place. I hope that the Government takes on board my concerns and the concerns of many people living west of the Great Dividing Range in relation to industrial wind turbines and the impact they have on rural communities.

UNIVERSITY OF WESTERN SYDNEY MEDICAL SCHOOL

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.22 p.m.]: On 17 November I attended the opening of the University of Western Sydney School of Medicine building on the Campbelltown campus. The Acting Prime Minister, Julia Gillard, opened the School of Medicine and also in attendance at the opening were numerous Federal and State members of Parliament, including the member for Camden, the member for Wollondilly, the member for Menai, and many local councillors and members of the medical fraternity. This magnificent building is evidence of a commitment by government to meet the health needs of Australian people through the provision of doctors who train in areas where they are most needed. The University of Western Sydney Medical School provides world-class teaching and research facilities that have attracted leading medical specialists and researchers from Australia and overseas.

Both the Federal Government and the University of Western Sydney have spent nearly $50 million, with a further $15 million to come. The New South Wales Government has put an extra $300 million into health care in south-western Sydney since the Campbelltown difficulties of previous years. Together these investments increase the capacity of New South Wales to train greater numbers of medical students in areas where graduates are needed. The fact that Julia Gillard, the Acting Prime Minister, managed to find time to officiate when there are so many pressing demands of national importance, is evidence of the priority that government places on this strategic investment, the commitment of the Labor Party to western Sydney, and the sense of excitement and expectation that accompanies the University of Western Sydney Medical School.

At the opening Julia Gillard described herself as a fellow "westie", albeit from Melbourne. As she said, the challenges that "westies" face mean we have to try harder than people in other parts of the city. This fosters a spirit of community and a sense of pride that lives with us every day. The opening of the University of Western Sydney Medical School was a success not possible without the cooperation of all levels of government—Federal, State and local—and the practical commitment of the University of Western Sydney to people in western Sydney. I have previously spoken about the University of Western Sydney Medical School in this place. The burgeoning population in western Sydney, the diversity and intensity of health service needs, and the limited number of medical and health professionals in this area is well known.

The primary goal of this fine medical school is to produce graduates and to conduct research that will lead to better healthcare for western Sydney, where one in ten Australians now live. Our people in western

Sydney feel the effects of doctor shortages every day. They wait longer to see specialists, they have fewer general practitioners to call on and they travel greater distances for treatment and support, which some people do not get at all. Higher rates of ill health, and worse, are the result. Roger Price, the Federal Government Whip, said, "There are too many premature deaths in western Sydney". The University of Western Sydney Medical School will help reduce the number.

In 2008 there were 3,000 applicants for the 100 places available at the University of Western Sydney. Typical of the students was Sam Hall, who is now in his second year, who gave an impressive speech about his experience. He was born in Campbelltown hospital, grew up in Campbelltown and went to Hurlstone Agricultural High School in my electorate. In fact, nearly two-thirds of the medical students at the University of Western Sydney grew up in western Sydney. Sam Hall was very grateful to the University of Western Sydney for the opportunity to become a doctor and to the Rotary Club of Narellan that granted him a scholarship. Sam and his classmates will be the future leaders of the medical profession in western Sydney.

The medical school also has nine indigenous students. I still work in Aboriginal health and I echo Fiona Stanley's words that having Aboriginal health professionals is the most sustainable way of improving healthcare for the indigenous people of Australia. I pay a special tribute to the Foundation Dean, Professor Neville Yeomans. His decency and kind determination have been an inspiration to everyone who has worked with him. While updating the House on this important event, I note the historic nature of the opening. In years to come healthcare in western Sydney will be remembered as that which occurred before and that which occurred after the University of Western Sydney medical school was opened. In these days following the Garling report, which will also change healthcare for all of New South Wales, the University of Western Sydney will play a prominent part in improving the healthcare of western Sydney. How great it is to be part of this history!

MOLONG GELATO FACTORY

Mr RUSSELL TURNER (Orange) [1.27 p.m.]: Last night I spoke in this House about the hail, snow, wind and rain damage to the orchards around Orange. Damage was caused to the infrastructure such as hail netting and posts. There is very little market for second quality fruit—whether it is apples, cherries or grapes—if it is worth picking at all. However, this morning there was a pleasant development. I spoke to Giovanni Di Francesca, whom I mentioned in the House when his family opened a gelato factory at Molong. The Di Francesca families comes from Newtown—in fact, it stills operate a gelato outlet in Newtown. With the assistance of the State Department of Regional Development and its Federal equivalent, Giovanni, his wife, Josephine, and their son, Robbie, and his wife have opened a gelato factory at Molong, which is about 32 kilometres out of Orange.

When Giovanni rang me this morning he said that he believed he had an outlet for the damaged cherries from the orchards. He was prepared to speak to the orchardists about buying the second-quality cherries so that he could process them to form what he referred to as a cherry paste, freeze it and then distribute it to other gelato outlets all over Australia as well as use it in his own plant in the coming 12 months. Damage to fruit is always a problem. One year I had a beautiful crop of cherries, but three days later about 40 per cent of them were split. It got to the stage where I just shut the gate because it was not worth trying to separate the split cherries from the good ones—some split ones always get into the boxes and the agents at the markets then have an excuse to demand a discount. It was cheaper just to shut the gate.

If we can get a market for the second-quality cherries it will be worthwhile slowing down the machine and diligently separating out the seconds. We should sit down with Giovanni and his family and the other orchardists to see if it is viable to separate out the second-quality fruit. Damage was occasioned not only to cherries but also to applies and other fruits. There is a market for second-quality apples—whether they are marked apples or smaller apples—in apple juice, apple concentrate or apple pulp, which goes into pies, et cetera. Apples can be stored for many months in their original state, and then during the processing period the seconds can be graded out. However, stone fruit, particularly cherries, has to be graded, marketed and sold within a couple of weeks.

Although the apprehension is that this proposal may not work, Giovanni and his family believe it can. They are prepared to pay a reasonable price for the product. At this stage he says an unlimited amount of fruit will be used. Whilst the news is only preliminary this morning, it gives some hope to the cherry growers not only in Orange but also in Young and other cherry-growing areas. During periods of heavy rainfall, which we have had in the past few days, cherries take in too much water, the skins cannot keep up with the growth of the fruit and the skin splits. This split skin enables disease to enter the fruit, thus making it unsaleable.

I congratulate Giovanni and his family on providing such a quick response to the disastrous news this week of the plight of the orchardists. As I said last night during my private member's statement, the orchardists were hoping that this year would be the year their crops would start to recover. Again I congratulate the Minister for Primary Industries, Ian Macdonald, on his positive response and swift recommendation to Treasury that disaster relief funding be made available to those orchardists. I hope it is made available very quickly. I hope, too, that the initiative proposed this morning by Giovanni Di Francesca comes to fruition to help our orchardists in the Orange area.

HELENSBURGH RAILWAY STATION UPGRADE

Mr PAUL McLEAY (Heathcote) [1.32 p.m.]: Members would be aware of the upgrade to Helensburgh railway station last year: a magnificent $6.1 million easy access upgrade that was completed in quite a challenging environment. I am reliably advised that it is the biggest curved platform on the CityRail network. The entrance to the island platform was moved towards the middle and southern end of the platform. This effectively removed the hazardous area above the station that comprised a small, unlined bridge on which all buses and cars would stop during peak times to enable passengers to alight. To exit the area bus drivers then had to negotiate a five, six or seven-point turn, if they were lucky—sometimes it took more turns! The team at Greens Community Coaches under the stewardship of Wayne Green have been very patient and skilful for many years. I am still surprised that no child was ever injured when buses were negotiating those turns on a very small patch of land. The area was crowded, particularly in the morning peak, and passengers then had a dangerous walk down the steps onto the platform.

Entrance to the platform can now be accessed by two lifts, which provides passengers with level access to the platform. The lift access is especially helpful to the many aged people of Helensburgh and young mums with prams; able-bodied passengers can use the stairs. Access to the bridge was closed, and council built a kiss-and-ride facility and a bus-turning circle. No doubt with the relocation of the booking office, the new family accessible toilet facilities, the extension of closed-circuit television facilities and improved lighting the council has successfully provided a new drop-off location for commuters, particularly the many schoolchildren who commute. However, the upgrading resulted in part of the car park being removed to provide new space for the kiss-and-ride facility, which provides for more passengers to be dropped off safely and conveniently. The trade-off for the provision of stormwater drainage, landscaping and lighting to assist commuters and improve safety was fewer car parking spaces.

The Government announced in the mini-budget that several millions of dollars is available for commuter car parks. I am running a campaign to ensure that Helensburgh station receives its share of commuter car park fund. I have written to everyone in Helensburgh and conducted a survey at the railway station, which I will do again next week, because I want Helensburgh residents to tell me if they need improved commuter car parking. I think I know the answer, but I am asking citizens to tell me. I am involving them in the campaign because car parking facilities must be improved. In conjunction with that survey I am running a campaign about keeping fares fair. As a former unionist and strong believer in the independent umpire, I respect and acknowledge the important work of the Independent Pricing and Regulatory Tribunal [IPART]. However, I believe also that there is capacity for review. If we do not like a decision, we should be able to appeal it.

For those reasons the Government is running a campaign to tell people that we oppose the IPART's decision and it should reconsider its proposal, which I consider unfairly punishes long-distance travellers. My proposal is that some fare increases are warranted, but IPART's decision was extensive. The Government's proposal, which I support, is that the new weekly rate for the people of Helensburgh and Otford be only $53 by 2012 as opposed to IPART's determination of $63. That represents a saving of $520 per year. I ask the people of Helensburgh to support me in the campaign to keep fares fair and also complete my commuter car parks survey so that Helensburgh gets its fair share of commuter car park funding.

HORNSBY ELECTORATE HISTORICAL SOCIETIES

Mrs JUDY HOPWOOD (Hornsby) [1.37 p.m.]: I pay great respect to the local historical societies in my electorate. I shall mention them all, but I pay particular attention to the Hornsby Shire Historical Society and its publication *Local Colour*. Dural and District Historical Society is located on Galston Road and is run by a fantastic group of people who work very hard. War memorabilia is the highlight of the extensive work this society undertakes. I have seen its war displays a number of times as well as other displays, including cemetery transcriptions. I have visited Dangar Island Historical Society on a number of occasions and seen wonderful

exhibitions of the rich history of that very small island. In the past I had quite extensive contact with Ku-ring-gai Historical Society, but with the electoral boundary changes I no longer have that connection. However, that society holds regular meetings and part of its work involves highlighting the history of the Ku-ring-gai area.

Hornsby Historical Society undertakes many roles, as do all the various historical societies in New South Wales, including conducting numerous trips to the convict trail and providing information on various aspects associated with it. It also has a museum, which is designed to show primary school students what life was like in the Hornsby shire when their grandparents were children. The design is set in the late 1930s with a pre-electric kitchen, corner stove, electrified laundry and bathroom with chip heater and a schoolroom, as well as a changing pictorial display of the history of the development of the shire. As part of the educational program school groups can wash socks and play old-fashioned schoolyard games in the parks around the museum.

The museum works well also with nursing homes and Alzheimer's day care groups. Its collection of mainly domestic items extends into the 1970s and 1980s comprising 10,000 items and 1,500 photographs, which is absolutely fantastic. I have a copy of the most recent publication of *Local Colour* entitled "Corners of Hornsby Shire". A number of editions of *Local Colour* have dealt with various aspects of Hornsby. The objects of the Hornsby Shire Historical Society are:

> To foster an interest in the history of Hornsby Shire, surrounding districts, NSW and Australia in general.
>
> To compile authentic records relating to Hornsby Shire.
>
> To collect, preserve and exhibit those objects which reflect the lifestyles and occupations of the residents of the area covered by Hornsby Shire.
>
> To interchange information among members of the association by means of lectures, tours, readings, slide presentations, discussions and exhibitions of historical items.
>
> To encourage the preservation of the built, Aboriginal and natural heritage of Hornsby Shire and support the ideals of other like-minded organisations.
>
> To undertake any other matters which are connected with the above objects.

The *Local Colour* publication also contains a list of dedicated people, including President Patricia Dewey; Vice President Joan Owen; Mari Metzke, who has a number of roles; Elizabeth Roberts; John Roberts, Nicola Pullen, David Craddock, Gwen Martin, Fong Chong and Joan Gowing. The wonderful publication literally deals with the corners of the shire. It also deals with the places in which people congregated. I will highlight just two of the corners. Hedley Somerville has written a number of books about the local area. His article about Hookham's Corner states:

> Hookham's Corner is probably the best known 'corner' in Hornsby Shire, being of great historical importance. It was the starting point for the construction of the great northern highway to the Hawkesbury River, now known as the Pacific Highway.
>
> It was originally known as 'Five Ways' as it was on a bend of Pacific Highway, with Carrington Road, Galston Road and Old Berowra Road intersecting.

Another article written by Gwen Martin deals with Asquith local corner shop and states:

> On the corner of Baldwin Avenue and Sherbrook Road at Asquith, there is a corner shop which has operated for many years and continues today.

I have been in the shop a number of times. The article continues:

> A gentleman by the name of Mr Kibble established the business. He originally came from Benalla in Victoria early in the 1900s, moving first to Hay in NSW, then to Asquith where he bought the land to build the shop. He also erected the building alongside of the shop which was hired by the local people of the area for functions such as dancing—usually on a Saturday night. Everyone had to leave the premises by 11.45 pm.

MAITLAND MEALS ON WHEELS

Mr FRANK TERENZINI (Maitland) [1.42 p.m.]: I am very pleased today to be able to bring to the attention of the House a function that my wife Susan and I attended on 2 November. We attended a recognition dinner for the volunteers of the Maitland Meals on Wheels and the celebration of 40 years of service to the community. The institution we know as Meals on Wheels originated in Great Britain during the blitz and began in Australian in the 1950s in various forms and at many locations around the country. In New South Wales, the

Sydney City Council began to deliver meals in the late 1950s. It was not long before Maitland began its own organisation of serving one good meal a day to people in need around the area. Maitland Meals on Wheels began in 1968 and since then has been serving the community, ensuring that people who are in need through infirmity, disability or age, are able to have that one good meal a day. Whilst many things have changed over the past 40 years, what has remained solid is the commitment of the volunteers to make this organisation a continuing success.

It follows therefore that out of such organisations, we hear of people who have given years of their life to helping others in need. This recognition dinner was to pay tribute to all of these volunteers and there was a special ceremony for that purpose. Volunteers who had been with the organisation for 10, 20, 30 years and beyond were recognised. June Sams, a remarkable lady, was recognised for giving 40 years of service to the Maitland Meals on Wheels. That is a remarkable accomplishment and she is a true community worker in every sense. Of course, June did not think much of it and wondered what the fuss was about, which is typical of a community volunteer. As we know, times change and longstanding community institutions are no exception.

Recently, Maitland Meals on Wheels made the decision to come under the auspices of Maitland Community Care Services, an excellent institution funded by the Department of Ageing and Disability. This move has been made by the Meals on Wheels committee because of its commitment to ensure that the high quality of service provided to the community is maintained and that this longstanding community group is able to operate well into the future. The existing committee will operate in an advisory role to Maitland Community Care Services. This merger will fit hand in glove with both organisations and I have no doubt it will be an outstanding success because Maitland Community Care Services already provides community transport, domestic assistance, social support and now meals. I congratulate all those who worked so hard to make this transition such a success. As usual with these organisations, the community are the winners.

I pay tribute and congratulate some people whom I have had the great pleasure of meeting: Ian and Margaret Harvey, Barbara and Earl Heckman, Eileen Garry and all the staff and volunteers at Maitland Meals on Wheels. I thank them for inviting me along to travel around with them as they visited their clients and for allowing me to see firsthand the enormous contribution they make. On behalf of the Maitland community, I also thank them for their commitment and dedication to serving the people in our community. I wish to single out some of the outstanding volunteers who were recognised at the function and others who continue to serve the community in this very important way. Those who have given 10 years of service were: Helen Downes, Barry Hudson, Alison Olsen, Elaine Tull and Murdoch Sucker. Those who have given 25 years of service were: Clare Brock, Anne Carr, Margaret Howard, Jill Locke, Megan Prior and Philip Punch. Dawn Mogan has given 30 years of service.

The volunteers who were retiring after many years of service were: Vi Fraser, Jill Locke, Margaret Howard, Karyl Pearce, and Leonie and Kevin Taylor. June Sams, who has given 40 years of service, received a special gift. I congratulate Barbara Heckman, a life member who has given 24 years of service, and served five of those years as the president. I also congratulate the life members of the organisation who were recognised at the recent dinner, Peter Fraser, Thea Cahill and John Pigott. All these people have up given up their time and usual commitments to dedicate themselves to the organisation of Maitland Meal on Wheels over many years. It is incumbent on all of us as members of Parliament to take the time to commend and congratulate, and to inform not only this House but also the wider community and our constituents of the many things happening in the community. These volunteers hold the community together and I congratulate them for that. It was my pleasure to meet them and I look forward to a continuing association with Maitland Community Care Services.

ST CHARLES SCHOOL, RYDE

Mr VICTOR DOMINELLO (Ryde) [1.47 p.m.]: This is the first private member's statement that I am giving on behalf of the people of Ryde, following my inaugural speech on Wednesday 26 November 2008. In my inaugural speech I paid particular tribute to front-line services such as teachers, who nurture one of the most critical assets we have: our children, our students. In this context, I think it is highly appropriate and symbolic that I pay tribute to St Charles School, a monumental and historic educational institution of Ryde. St Charles belongs to Borromeo Catholic Parish and is celebrating its 150th year of educating the children of Ryde. Tonight I will be attending its sesquicentenary anniversary dinner dance, to be held at Curzon Hall, which is the grand old building located on Agincourt Road in Marsfield. I am honoured to have been invited by the principal of St Charles Primary School, Christine Hingerty.

The school commenced in 1858 with an enrolment of merely 30 children and now has an enrolment of 427. The total cost to build the school in 1858 was £250, of which the Government gave a little less than half.

The first teachers were lay teachers and they were paid by the Government, because the Education Reform Act was not yet on the statute books. When State aid to schools was withdrawn in 1878 Australia experienced an influx of nuns and brothers of religious orders from Europe to teach our schools. The Sisters of St Joseph of the Sacred Heart—or the Brown Josephites—an Australian order founded by Mother Mary Mackillop, taught in the school from 1883 to 1891.

It was in 1892 that the Little Company of Mary sisters—or the Blue Nuns—arrived in Ryde from Europe to open a hospital for what they then termed "the insane". However, they did not receive patients because the building was deemed to be inappropriate. The Little Company of Mary sisters were then asked to take over St Charles School because Cardinal Moran would not allow Catholic children to go to State schools at that time. These sisters lived in great poverty and dependency. The sisters were paid five shillings a week and Cardinal Moran generously gave them a cow. On Saturdays, the sisters went begging in the shopping centre at Balmain to supplement their income.

Mother Antonio was one of the first sisters at Ryde. She left Europe to come to Australia believing that she was to nurse the mentally ill in Ryde. In 1898 when the Little Company of Mary Sisters handed the school over to the Sisters of Mercy from Parramatta, there were 25 children enrolled. In 1899 the new brick school building was commenced. The next section, a two-storey structure, was opened in 1938. From the 1930s to the 1960s the school included a Secondary Certificate qualification, and the boys went to the Patrician Brothers at Borromeo Preparatory School after year 2. In 1983 the new hall and library were opened, and finally, in 1988, eight new classrooms were built and some parts of the older school were refurbished. The Sisters of Mercy provided dedicated leadership at St Charles until the end of 1987 when Brother Paul, a Patrician Brother, was appointed as principal. He remained until 1993 when the first lay principal, Mrs Marge Avery, was appointed.

St Charles Primary is a wonderful school, with enthusiastic and loyal students. I want especially to pay tribute to the St Charles School Association that aims to build a strong school community, liaise with the school on behalf of the parents, fundraise so as to improve the resources for the children and provide a forum for all parents to voice their views and opinions that affect their children. It is this association that has arranged the 150th anniversary dinner dance tonight that I am sure will be well patronised and supported. Thank you, St Charles Primary School, for your continuous contribution to the families of Ryde.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.49 p.m.]: I congratulate the member for Ryde on his excellent inaugural speech and on his speech recognising the 150th anniversary of St Charles Primary School. I congratulate all the staff and parents involved with St Charles Primary School since 1858. It is very important for their fine work to be recognised in *Hansard* for posterity. I thank the member for Ryde for bringing the achievements of this wonderful school to the attention of the House.

CENTRAL COAST VOLUNTEERING FORUM

Mr GRANT McBRIDE (The Entrance) [1.50 p.m.]: On Tuesday 4 November I introduced the Minister for Volunteering, the Hon. Graham West, to the people of the Central Coast at an official function to mark the opening of the Central Coast Volunteering Forum at the Niagara Park Community Centre. The forum was also attended by my parliamentary colleagues the member for Wyong, David Harris, and the member for Gosford, Marie Andrews.

The forum provided an opportunity for community members to talk about their views on volunteering and community participation. The Minister and the group of volunteers identified some of the barriers to volunteering and the need to work out ways to be able to achieve greater levels of participation in our communities. Recent research conducted by the Australian Bureau of Statistics revealed that there were approximately 1.7 million volunteers in New South Wales in 2006 alone. The volunteers worked 235 million volunteer hours and contributed approximately $5 billion to the New South Wales economy. Accordingly, I commend all volunteers and volunteer organisations on the Central Coast for their valuable time and effort.

Voluntary participation occurs in a range of forms: it can be as simple as providing assistance to elderly neighbours. Volunteers not only fight fires, they are also members of management committees for important groups such as parents and citizens associations. I am also very mindful of the vast numbers of volunteers involved in the management of sport in our communities. The Minister, Graham West, conducted the forum and encouraged open discussions and questions from the many volunteers that were present. His address provided the audience with a background to previous forums and recognised the concerns of volunteers in other areas of the State.

By doing that, the Minister immediately demonstrated to the forum an understanding of volunteer issues and he empathised with issues concerning volunteers. He encouraged the audience to openly and confidently voice their concerns. The night was a huge success as communication between the volunteers and Government was enhanced and cemented. The Volunteering Forum is an exercise in community building that is about people from the community, government and business taking steps to find solutions to issues within local communities. Some of the questions raised included insurance for volunteers, security checks, and training opportunities. The forum with the Minister provided the opportunity to talk directly to our front-line community members.

Some of the attendees included the executive officer of Volunteering Central Coast Inc., Michelle Vanstone, who hosted the Volunteering Forum that included guests from the Smith Family, the Wesley School for Seniors, Horizons, Central Coast Family Services, the New South Wales Touch Association, the Kincumber Public School parents and citizens association, the Kincumber Football Association Committee, Youth Connections, Niagara Park Community Centre, Hunter Volunteer Centre, Fusion, Brisbane Water Secondary College, Uniting Care Burnside, the Central Coast Community Care Service, the Weeroona Association, and the Australian Breastfeeding Association, New South Wales branch. Volunteers and staff from these organisations included Anda Petrapsch, Anne Dunn, Elain Martin, Bruce Graf, Deborah Williams, Dixie Brown, Helen Walker, Jan Gifford, Katrina Dorrough, Kerry Garth, Leanne Taylor, Michele Whitbourne, Patricia McCaskie, Riley Sohier, Sarah Webb, Sharan Page, Sharryn Brownlee, Sue Wilson, and Tony Ross.

The Central Coast community is outstanding in its volunteering, with thousands of people contributing to sporting events, aged care, the needy, elderly people, welfare groups, children, health, the environment—everyone from children, to parents, to leaders of the community. Without the efforts of volunteers, our communities would not be as well off. Those who attended the forum were greatly impressed with the Minister, who has an acknowledged understanding of volunteering. He also displayed his frankness, honesty and understanding in all the answers he gave to questions. Light refreshments followed at the conclusion of the evening, which presented an opportunity for feedback from the volunteers who attended the forum. This was the second of the many volunteering forums that the Minister will be conducting throughout the State. It is an example of the Government's proactive action that is designed to form a better understanding between the people of New South Wales and the Labor Government.

I take this opportunity to personally congratulate all the wonderful people on the Central Coast who contribute to the welfare of the community as volunteers. The spirit of volunteerism is one of the outstanding characteristics of the Central Coast. People contribute in so many ways—formally, and informally. As a local member of Parliament, I have the great privilege to meet so many volunteers and also the honour to recognise their efforts formally. The experience of meeting such humble, dedicated, selfless community workers is always so uplifting and inspiring. There are so many wonderful people and stories that I could cite as examples of this spirit.

One of them is the story of a local Finnish lady who lives at Long Jetty. Maria Kristel, who is now aged 79, walks from her home to Toowoon Bay for her daily ocean swim and walks home. On that trip, she carries a recyclable plastic bag to pick up rubbish to help to clean up her neighbourhood. Maria is one of the many thousands of silent, unknown volunteers who daily make the Central Coast such a wonderful place in which to live. It is my honour today to specifically acknowledge Maria as a representative of the many thousands of silent, unknown volunteers serving our community.

MUSWELLBROOK VIETNAM WAR MEMORIAL

Mr GEORGE SOURIS (Upper Hunter) [1.55 p.m.]: It is with pleasure that I advise the House that on Saturday week the Governor will visit Muswellbrook to unveil the new Vietnam War Memorial. The memorial has been constructed to resemble a gun pit and its proportions are similar to those that existed in Vietnam. Construction of the memorial was undertaken by the Muswellbrook RSL Sub-Branch, and I commend in particular the president, Mr Greg Cole, the secretary, Mr John Tant, and all the members of the sub-branch, including also the late president, Mr Joe Holmes, and the person who inspired creation of the Memorial Grove at Muswellbrook and the Vietnam War Memorial, Mr John Flood.

The area to which I refer is alongside the New England Highway on the northern approach to the town of Muswellbrook. The memorial consists of a kilometre or more of particular plantings that have been dedicated to specific regiments and units of the Australian Defence Force, indicating the number of fatalities that occurred and identifying regiments that were involved in the Vietnam war. All of the Australian casualties are identified

and remembered there. Over the years a number of smaller memorials have been unveiled in the grove to which I refer, but the memorial that will be unveiled next week is a very large memorial. I suggest that the Muswellbrook Vietnam War Memorial is equal to any Vietnam memorial in Australia, if not the best Vietnam memorial. I am very pleased that the dedication ceremony will take place soon. The memorial's unique attribute is that it is an Anzac memorial that has inscribed on its black granite walls the names of the New Zealanders who also fell during the Vietnam war.

The memorial will be opened by her Excellency the Governor of New South Wales in the presence of the High Commissioner of New Zealand, as well as the veterans community and many civic dignitaries from the area. Vietnam veterans and their families and friends throughout Australia but in particular in the Hunter Valley will warmly greet the memorial. I am thinking, for example, of a close friend, Mr John Binney, who comes from Singleton and who will be making the journey to the opening. He and many like him are gaining inspiration from this memorial and the response it has engendered in the community. I commend the Muswellbrook RSL Sub-Branch and its president and secretary for undertaking a project of such magnitude, which, once it is unveiled, will be an enduring memorial to our great people who were involved in—and, especially, those who lost their lives in—the Vietnam war.

OBERON CATHOLIC PARISH: 140TH ANNIVERSARY

Mr GERARD MARTIN (Bathurst) [2.00 p.m.]: Today I speak about the 140th anniversary of Catholicism in the parish of Oberon. On Sunday 9 November I attended 9 o'clock mass at St Ignatius Loyola parish church in Oberon to celebrate 140 years of the Catholic faith in Oberon. Mass was celebrated by parish priest, Father Adrian Horgan—Horgo—a good friend I got to know when he had two terms as parish priest at St Patrick's parish Lithgow, my parish. Sister Betty Carol assists Father Horgan in his pastoral work. Present were a number of nuns from the Order of Black St Josephs, who brought Catholic education to Oberon in 1912. The altar boys wore the original vestments and the Eucharist was celebrated using the original chalice from 1868. It was a wonderful mass with an impressive musical liturgy, a stirring sermon from Father Horgan about the history of the Oberon parish, and the challenge the Catholic Church has to continue its great work into the future. Following mass, morning tea was held and the representatives cut a huge cake from the Sisters of St Joseph. The community and I enjoyed that cake.

The first Bishop of Bathurst, the Most Reverend Matthew Quinn, formed the parish of Oberon in 1868. It was then known as the Fish River district and previously had been attended to from Hartley. In those days mass was said in a private house in Ross Street, about where Mr Carl Foley lived. The first church was erected shortly afterwards, later serving as a school and church. It is now used as a school hall. The first parish priest was Reverend Father Chastagon—who, ironically, was a Frenchman—from 1868 to 1871. Reverend Father Dunne succeeded him, and then by Father McGrath—you can see the Irish influence coming in now. Father Kelly was parish priest from 1881 to 1884 and in succeeding years there were Fathers Walsh, Dowd, Davaron, McGee and Doran until 1911. In 1911 Reverend Father Cooney was appointed in charge.

In 1912 the Sisters of St Joseph opened the first Catholic school in the district. For their first two years in Oberon the sisters occupied the house owned by Mrs Chas Sweeney. The convent was built in 1914 and Reverend Father Casey was appointed in charge. In 1916 he was responsible for extensions to the presbytery. Then followed Father O'Reilly in 1922, and then Reverend Dr A. J. Gummer, who went on to become Bishop of Geraldton in Western Australia in the 1930s. During his time he built the famous Malachi Gilmore Hall in Oberon Street, Oberon, and the St Ignatius Church was built in 1937. The Malachi Gilmore Hall is on the heritage list now as a unique example of art deco architecture from that period. Then followed the pastorship of Father Nolan, who was there from 1942 to 1956—probably the longest-serving parish priest Oberon has had. In 1952 he had two rooms of the present school built, and in 1956-57 Father Masterson brought the school to its present state by the addition of a further three rooms. School enrolments in 1952 were less than 70, and at present St Joseph's school has well over 200 and enrolment is still growing.

Country districts were also attended to: churches were erected at Avoca, the St Vincent de Paul Church; at Hazel Grove, St Dominic's; at Porters retreat, St Davids; Shooters Hill, St Michael's; Hampton, St Gabriel's—a church that still stands—Isabella had our Lady of Fatima; at Wiseman's Creek, Saint Alphonse's; and at Brisbane Valley, St Francis Xavier's. Halls were built at Edith, Porters Retreat and Avoca. During those early years the priest had a very hard job covering this area. It was mainly on horseback. Oberon is on the snowline and only last weekend, about two weeks from summer, it had snow. That makes one understand how arduous the task was. I am pleased to say that those early foundations of the parish of St Ignatius Loyola have been built

on well. The current priest, Father Horgan, is carrying on a great tradition with a vibrant school community. The Catholic community of Oberon is very much involved in everything that happens in the community. It was a pleasure to be involved in the celebration of 140 years of Catholic faith in the Oberon diocese.

WAGGA WAGGA COMMUNICATIONS CENTRE CLOSURE

Mr DARYL MAGUIRE (Wagga Wagga) [2.05 p.m.]: The decision by the Minister for Police to close the Wagga Wagga Communications Centre has been met with disbelief by the community of Wagga Wagga and the hardworking staff of the centre. Of course, in the Minister's sights also are the communication centres at Tamworth and Lithgow. The Wagga Wagga Communications Centre was the first operational and fully staffed VKG centre in regional New South Wales. It commenced operations at Wagga Wagga police station in 1994. As a result of the Wood royal commission in 1996 police communications were rationalised at Wagga Wagga. The centre was last upgraded in 2007 at a cost of half a million dollars, which included a total refurbishment of equipment and technology. At present it employs 58, consisting of 42 unsworn communications staff, 13 sworn communications staff and three administrative positions. Because of budget constraints on the new building VKG Wagga Wagga was not considered for relocation to the new station.

In 2007, as a result of the implementation of computer aided dispatch [CAD], there was a total upgrade of the Wagga Wagga Communications Centre, including furniture and technology, to the value of $500,000. All communications staff undertook extensive retraining in CAD to facilitate its implementation at considerable cost to the Police Force and the Government. Since the CAD upgrade further enhancements have been implemented and staff trained accordingly, again at considerable cost.

The assets are currently valued at $750,000, which includes technical equipment and pictures. A secure, environmentally controlled radio equipment room currently located within the VKG will need to be reconstructed on the ground floor of the RNS, at an estimated expense of $100,000. The equipment located in the current room will need to be relocated to the new facility at a further cost of $25,000. It would appear that to date there has been little investigation as to the implications and cost of the closure of the centre and the decommissioning of the level three equipment room. With the planned closure it has been identified that the radio districts will have to be realigned to maintain satisfactory radio traffic distribution, ensuring public and police safety, and to maintain appropriate response times. It has been estimated that this will cost up to $100,000 and may take some time to implement.

The cost of potential voluntary redundancies is approximately $2.25 million, and the potential relocation costs approximately $2 million. The proposed closure of the Wagga Wagga Communications Centre will mean that 26 staff will be required to relocate closer to Sydney. Indications are that only a small number—up to five—will take the opportunity to relocate, and that will be to Warilla. Recruitment and training costs for additional staff will be involved to allow Sydney to operate the relocated channels. Recruitment, training and salary for at least 21 new staff will involve approximately $250,000—a significant amount. All that is needed at Wagga Wagga is the $400,000 to upgrade the radio control terminal. When Inspector Waite said that Wagga Wagga was in need of an upgrade—and that is why they wanted to keep Tamworth and Lithgow open for the time being—he neglected to tell the Minister that all of the communications centres need to be upgraded with this $400,000 equipment.

Wagga Wagga has been upgraded. It is the most up-to-date communications centre in New South Wales, and the Government is closing it and forcing staff to relocate to Warilla. And the life expectancy of that centre is limited because it needs upgrading. Staff will not go there to work. The suggestion is that the centre at Warilla should be relocated to Wagga Wagga. As the police move out of the building that is currently leased there will be the opportunity, at a very low rent, to allocate those staff into that building. That would provide a communications centre for the entire region, with locally based staff who know the area.

Wagga Wagga is the only centre that is underspending its budget. All the other centres are overspending their budgets. In the 2007-08 financial year Wagga Wagga was underspent by $61,000, while Sydney was overspent by $417,000; Penrith, $100,000; Newcastle, $546,000; Warilla, $237,000; and Tamworth, $104,000. They are all overspent, and Wagga Wagga is under budget. In the 2008-09 financial year to date Wagga Wagga's budget is underspent by $87,000, while Sydney is overspent by $47,000; Penrith, $55,000; Newcastle, $82,000; Warilla, $43,000; and Tamworth, $34,000. Wagga Wagga remains underspent. The Government cannot get staff in Warilla and Newcastle, yet it is closing Wagga Wagga, which has great staff doing a great job. The closure is economic madness and the decision must be reversed. The Wagga Wagga centre must stay open.

HALINDA SCHOOL OPENING

Mr ALLAN SHEARAN (Londonderry) [2.10 p.m.]: I was absolutely delighted to represent the then Minister for Education and Training at the formal opening of the new Halinda School at Whalan. While the official opening occurred only a few months ago, the staff, students and families were all well settled into the new, modern, purpose-built surroundings, having actually moved in about 12 months previously. The opening was an exciting occasion attended by Mr Lindsay Wasson, Regional Director, Western Sydney; Mr John Williams, School Education Director, Mt Druitt; Jan Eccleston, Principal; Sandra Corbett, President of the Halinda School Parents and Citizens; Mr Ken Bailey, a long-time supporter of Halinda; and, importantly, Brett Manaena and Leanne Scealy, school captains, along with teachers and support staff, students, parents, families and friends. During the opening proceedings we were thoroughly entertained by the Halinda School Performance Team with a musical item *Wawirri The Kangaroo* and the choir singing *Under the Southern Skies*.

The completion of this project was of particular satisfaction for me personally in that when I was elected in 2003 there were two significant issues in the Mt Druitt part of my electorate—namely, the need to upgrade and refurbish the cramped and aged facilities of the old Halinda School and the future of the former Whalan High School site. The completion of this project saw the finalisation of these two issues. Construction of the new Halinda School on the Whalan High School site put to bed once and for all the mischievous rumours that seemed to be rolled out every few months. For instance, one rumour suggested that the site would be sold for a major hotel casino complex; another rumour was that the site was to be sold for an Aboriginal housing development. And on it went. It did not matter how many times I repeated the undertaking I had that the site would remain as an education precinct, the rumours continued.

The new school replaces old Halinda School, which was crowded, aged and generally inappropriate for its students. Now we have a new school that provides up-to-date, modern facilities for special education students. We now have a new administration block, a permanent library, an all-purpose hall, a hydrotherapy centre and new classrooms with features such as wet areas, display boards and withdrawal areas. The project, jointly funded by the State and Commonwealth governments at a cost of just under $9 million, provides a wonderful facility for more than 100 students and 35 staff. It is certainly value for money and provides a school environment designed to encourage learning. The all-purpose hall is large, well lit and allows physical education classes, dance and other lessons to be held in a safe area.

The new hydrotherapy centre provides the latest in therapy for students with a physical disability. This is particularly pleasing because I am told that students confined to wheelchairs have found a new freedom, and some students have even been able to walk independently with the buoyancy of the water. Others are able to carry weight and stretch contracted muscles. Of course, such facilities are useless without the right teachers and the staff to make them work. I can confidently say that Halinda has the best staff going. The Principal, Jan Ecclestone, and her teachers and staff are committed, dedicated and compassionate, but just these few words seem totally inappropriate when describing these people. Words are not enough to convey my admiration for these very special professional, caring people. All we can do is say thanks for the wonderful role they play in the lives of their students.

Students and parents alike are lucky not only to have a new school in a lovely setting but also to have experienced teaching and school administrative and support staff who are all committed to gaining the best for all students. As a result of their dedication, Halinda has rightly developed an outstanding reputation within the local and broader community—a reputation for quality education, a caring environment and inclusive programs for students with complex learning needs. Halinda also has a strong parents and citizens association, with parents each day assisting with school functions, preparations of teaching and learning programs, or work in school and community programs with the students. This sort of partnership is a vital element in the success of the school. Halinda has a special place in the local community. It is strongly supported not only by local residents but also by local service groups such as the St Marys Leagues Club, Mount Druitt Workers Club, Mount Druitt Rotary Club, the Hornsby and Ku-Ring-Gai Masonic Association and the Masonic Care Grand United Lodge New South Wales. All these organisations have provided generous donations toward the installation of the play equipment and the liberty swing for students with a physical disability.

During the construction of the new Halinda School I was contacted by a number of local residents during a storm because they were concerned that the uncompleted building might suffer some damage. Apparently a sheet of roofing material was flapping in the wind and causing some concern. I merely mention this incident as an example of the passion that locals have for this school. They were simply worried that any

damage may be costly and might delay the eventual opening of the school. Further, the school was not subject to any serious vandalism as locals kept a keen eye on the site—that is something special. I congratulate everyone involved in the success of this project, and I convey my best wishes to the school for the future.

DEATH OF DOUGLAS JUSTIN MARKELL, MUMBAI TERRORIST ATTACK VICTIM

Mr PETER DEBNAM (Vaucluse) [2.15 p.m.]: Regrettably, one of my constituents, Douglas Justin Markell, whom I have known for about 15 years, was one of the victims of the terrorism in India in the past 24 hours. We have all watched the unfolding drama in Mumbai with some horror. Naturally, it is more horrific when we know somebody who is involved. We focus on this evil act by people who not only must be insane to reach the point that they conduct this terrorism but also plan it so carefully to ensure maximum death and injury and maximum media coverage. We are reminded that the victims of the terrorism are mums and dads, sons and daughters. One of those victims was Doug Markell. As I said, I have known Doug for 15 years. Early this morning we heard that perhaps one former Woollahra councillor had been either hurt or killed in the attack. Later in the morning the family released a statement, which said:

> This is a very difficult and personal time for the family. We have been informed that tragically Douglas has passed away whilst in Mumbai as part of the recent troubles, and Douglas's sons are travelling to Mumbai to be with their mother, Alison.

Not only was Doug a family man—his sons, Charles and David, are headed to Mumbai to be with Alison—he was also committed to his community. He was a successful businessman. I think his business interests continued to this day. He was aged 71 and very active. I was involved with Doug in local politics and watched his passion for working for his community. He stood as an independent candidate in the Woollahra local elections in 1991, and was elected as a member of the Woollahra Action Committee in the Bellevue ward. He was a councillor from 1991 to 1995. At that time he was well known; he had a background in business and finance. He had worked as a chartered accountant, a marketing manager, a financial consultant, a merchant banker and a company director.

Doug was also well regarded in the community. He lived in the area practically all his life. He used to live just around the corner from us. He and his wife were living in Darling Point when Doug was killed. Doug was actively involved in a number of organisations, including Rotary. He had been the managing director of a large stationery and business systems supply company. As I said, he was the father of two sons, Charles and David. Not only was he a councillor from 1991 to 1995, but he acted as deputy mayor in 1994 and 1995.

As I have said to some people today, Doug was a person who was straight up and down; a person you could talk to about any issue. We had many debates over the years about local issues—most notably, the land tax that this Government imposed on our area and the tactics in dealing with that. People could depend on Doug. He would discuss an issue, decide what he was going to do and people knew he would go through with it. My thoughts and prayers and those of the community are very much with Doug's wife, Alison, and with his sons, Charles and David. Terrorism continues to shock us to the core. It has been happening in India for some time but most people have not known about it. When it targets Westerners, obviously we hear about it. After September 11, I sent a letter to the United States Consul in Sydney and I shall read a portion of it because it applies equally to India. I said:

> Australia and [India] share many values and certainly treasure our democracy, free enterprise and our open society. We therefore appreciate that the attacks were not solely directed at the people and institutions of [India]. The attacks were clearly intended as a declaration of war on all Western democracies and their citizens.
>
> We join in praying our nations' leaders find the wisdom and strength to deliver a swift, strong and just response and to establish effective measures to deter similar acts of evil in the future. The fanatics responsible for these particular attacks and their collaborators worldwide must be made to hear our outrage and understand our resolve to protect our way of life.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [2.20 p.m.]: I thank the member for Vaucluse for bringing this terrible tragedy to the attention of the House. He speaks for everyone in New South Wales in expressing sincere and heartfelt sympathy to the family of Doug Markell on his tragic death.

WESTPAC RESCUE HELICOPTER SERVICE

Mr MATTHEW MORRIS (Charlestown) [2.21 p.m.]: It is with pleasure that I inform the House of a terrific function I attended last Friday: the opening of the new administration building for the Westpac Rescue Helicopter Service, based at Broadmeadow in Newcastle. The Hon. Jodi McKay, member for Newcastle, and

Minister for the Hunter, officiated at the opening and did a tremendous job. A large crowd was in attendance to support their local helicopter rescue service and to acknowledge its wonderful work. I pay particular tribute to the leadership team. Richard Jones, General Manager of the Westpac Rescue Helicopter Service, has been with the service for many years and has consistently gone to extreme lengths to ensure the viability and professionalism of the service in its daily operations. Richard is a tremendous gentleman, who performs his role with ease. I wish him and his team all the very best for many years to come.

I acknowledge, too, the chairman of the board, Mr Cliff Marsh, who also has a long history with the helicopter service. He has been a strong campaigner on the ground, rallying for continued support, both physical and financial, to ensure that the service remains and functions well. I toured the luxurious new building, which is long overdue. It has been extremely well received. The facility houses new reception and administration areas and facilities for staff. The building is quite flash but blends in with the local environment. The new building was needed because the June 2007 storms flooded the former premises.

I acknowledge all the major sponsors who support the local helicopter service—there are way too many to list. But I must mention Westpac, which has been a very strong supporter of the service for many years. Many minor sponsors, families and individuals also volunteer and fundraise for the service. People realise the importance of this service to the community, and in some cases have donated many thousands of dollars to it. The service operates not only across the Hunter-New England area but also throughout the Central Coast. Service personnel have a tough job and witness many unpleasant scenes, but they perform in a very professional, dedicated and caring way. Through their efforts many members of the community have been assisted and transported for medical attention.

During the official opening we were given examples of how well the service operates. For instance, when the *Pasha Bulker* ran aground on Nobby's Beach the service did a great job. The weather on that day was absolutely horrid but the helicopter rescue personnel evacuated the ship and risked their own lives to take the crew to safety. We do not often have an opportunity to acknowledge their efforts and their bravery. I pay tribute to their work and thank them wholeheartedly on behalf of the Hunter community. I believe we should thank our emergency services personnel more often. I acknowledge the tough role they play in difficult environments. I recognise the administration staff, support staff on the ground, pilots, and the rescue team; they are a credit to the service. Indeed, the local ambulance service, police and all our other emergency services do a wonderful job, and work cooperatively. I wish them the very best for the future.

DUBBO ELECTORATE HEALTH INFRASTRUCTURE

Mrs DAWN FARDELL (Dubbo) [2.26 p.m.], by leave: I refer to major health infrastructure issues in the Dubbo electorate, particularly Parkes and Forbes hospitals. Prior to the boundary redistribution Forbes was in the electorate of Lachlan, which was ably represented by Ian Armstrong, a former member of The Nationals. In the last redistribution Forbes, Cowra and Canowindra became part of the Dubbo electorate. I understand that many meetings were held for at least four years—it was before I became a member of Parliament—in an attempt to reach a decision on whether to redevelop Parkes hospital or Forbes hospital, both hospitals or to build a new hospital midway between the two.

The communities of Parkes and Forbes did not move forward on this issue as people had varying points of view, and the project fell off the capital works program. Following the November 2004 by-election when I became a member of this place, I met with former Premier Morris Iemma, who gave a commitment to redevelop Parkes Hospital. So too did the Greater Western Area Health Service and the Department of Health. Following the March 2007 election I became involved with the Forbes community. The then Minister for Health, Mr John Hatzistergos, visited the area and met with the Parkes and Forbes councils, mayors, councillors and communities to discuss the way forward. At that meeting Minister Hatzistergos made it clear that Parkes hospital was on the capital works program but that Forbes hospital might have to wait longer. Progress was made at the meeting with Minister Hatzistergos, and I thank him for his involvement—he still asks how things are going.

The next community consultation commenced about 12 months ago. I attended an initial meeting at Parkes, followed two days later by a similar meeting at Forbes. Five options were presented to the communities, which were asked for their preferences. Different points of view were offered and people agreed that they could not have facilities to the same standard as the redeveloped Orange Base Hospital. The communities accepted that one hospital would have maternity services and the other hospital would have a dialysis unit.

The hospitals are about 25 minutes apart, and each will provide different specialties. A hospital near the Newell Highway that provides dialysis services is important for people travelling from Queensland or Victoria who need such services. The meetings were well coordinated by Trish Strachan who worked with the Greater Western Area Health Service. She has now relocated to Adelaide, which is a great loss to our community. It was stressed at the meeting that we must stay on track to meet the completion date in 2011; if we do not, the project will fall off the capital works program. The communities of Forbes and Parkes agreed to that time frame and have kept their part of the bargain, but now the mini-budget has put it back two years.

The community and I placed our faith in the Department of Health and believed that this project would proceed, but when it was announced this year that Orange Hospital would come in well over budget it was plain who would suffer. Even though the hospital project at Orange is very important, the hospital projects for Parkes and Forbes are equally important. The mini-budget will put the projects back two years. I stress to the Government that the planning of Parkes and Forbes hospitals must continue, and funds must be allocated to draw up plans so that we can secure funds for major capital works and the construction process from the Federal Government.

Lourdes Hospital is operated by Catholic Health Care and, quite rightly, has received a lot of publicity. The Department of Health has agreed to be involved in the redevelopment of the rehabilitation facility, which is used by patients not only from the Dubbo city limits but also from the Hunter community and other places. It provides care for patients after they are released from acute care. I am pleased to advise the House that last Friday the Minister for Health, Mr Della Bosca, went back to the table and agreements and understandings have been put in place. I have lobbied everyone, except Santa Claus, on this issue. I am off to Myer to ask him for a Christmas gift for rural and regional New South Wales: an announcement prior to Christmas that everything has been signed off and the deal is done. Our community cannot afford not to have services from Lourdes Hospital.

DEATH OF BRETT GILBERT TAYLOR, MUMBAI TERRORIST ATTACK VICTIM

Mr CRAIG BAUMANN (Port Stephens) [2.31 p.m.], by leave: I offer my condolences to the family, friends and extended Trinity Grammar School family of Brett Gilbert Taylor, a well-known Sydney timber merchant and businessman, who was killed in the cowardly Mumbai terrorist attacks yesterday. I attended Trinity Grammar School from 1963 to 1970 and Brett, or "Stubbsy" to his mates, attended from 1972 to 1977; our paths did not cross but I know we both experienced the same academic, sporting and pastoral care. Unlike me, Brett was an accomplished sportsman. He played cricket for the 2nd 11 and was part of the Archer House medley relay team—great house Archer, it was my house in fact. He was in the senior dramatic society and he was a school monitor.

Like me, he stepped forward to organise the thirtieth reunion of his Old Trinitarian schoolmates last year; I organised our thirty-fifth reunion in 2005. Like me, he has spent his business life in his family company. He was a timber merchant, I was a builder and I know that today the many staff, customers and suppliers of Blacktown Timber will feel the grief of his unexpected and unnecessary death at the hands of these cowardly terrorists. Whilst the building industry is competitive at all levels, we all know and respect each other and form friendships across the entire industry. I know many will be touched by this death. As we know, Brett was a member of a New South Wales trade delegation on a mission to India to build new export markets for his company—export markets that would benefit everyone in New South Wales. I know I speak on behalf of everyone in this place when I condemn the gutless animals that maim and kill indiscriminately.

I know I speak on behalf of everyone in this place when I pass on my condolences to the many wonderful Indian people, be they residents of India or citizens of their adopted countries such as Australia, who would be outraged by these atrocities. Many of you know that I value the friendship of many dinky-di Aussies of Indian heritage. Paresh and Lata Pandya of the India Quay restaurant—who feed me when we actually run to the family-friendly sitting hours—and Doctors Manjit and Sunita Singh, who are my family's doctors and very close friends are in my thoughts at this time. I know I speak on behalf of everyone in this place when I pass on our heartfelt condolences to Brett's wife, Paula, and their children, Brett's family, workmates and friends. I ask that Trinity Grammar School's headmaster, Milton Cujes, accept our condolences on behalf of the Trinity family, be they the animated mushrooms of the Prep School—a name given by my headmaster, James Wilson Hogg, referring to the appearance of a class of young boys wearing straw boaters—the boys of the middle school, the young men of the senior school and the not-so-young men of the alumni. Brett Gilbert "Stubbsy" Taylor, may you rest in peace.

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

Private members' statements noted.

The House adjourned at 2.35 p.m. until Tuesday 2 December 2008 at 1.00 p.m.