

LEGISLATIVE ASSEMBLY

Wednesday 11 March 2009

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

Notices of Motions

General Business Notices of Motions (General Notices) given.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (CHILDREN'S EMPLOYMENT) BILL 2009

Agreement in Principle

Debate resumed from 4 March 2009.

Ms PRU GOWARD (Goulburn) [10.10 a.m.]: The Opposition does not oppose the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009. The bill seeks to amend the Children and Young Persons (Care and Protection) Act 1988 and related legislation with respect to the employment of children. The amendments will extend the existing safeguards relating to the employment of children less than 15 years of age to children aged 15 years and over but less than 16 years and who, in particular, are employed as models. The amendments will include an increase in the maximum penalty for certain offences in relation to the employment of children from 10 penalty units, or \$1,100, to 100 penalty units, or \$11,000. A consequential amendment will also be made to the code of practice in the Children and Young Persons (Care and Protection Child-Employment) Regulation 2005, which will include children between the ages of 15 to 16 years.

It is useful to remember the background to this amendment bill. In 2008 Kirstie Clements, the editor of *Vogue*, called for a 14-year-old model to be pulled from the Australian Fashion Week. That raised concerns about the presentation of young girls generally who were dressed and made up in a way that was inappropriate for their age. The existing laws sought to protect children less than 15 years old but presented a gap for those between the age of 15 and 16 years. The purpose of the amendment is to address that issue and introduce the same safeguards. The Opposition will be supporting these amendments, recognising the potential for the sexualisation of young people, usually girls, and the capacity for them to be included in what are innocuously described as "age-inappropriate" scenes and depictions of events and encounters. It is a particularly high-risk model. It is high risk because the advertising industry now reaches across several mediums and the competitive nature of advertising in the quest for the consumer's attention demands that the shocking, the unusual, the bizarre, the amusing, the black and the angry are all possible avenues for creative directors. Gone are the days when advertising was about associating a product with all that was good and beautiful. In the world of modelling this has been aggressively pursued.

In the 1990s, and earlier in this decade, we saw girls so thin they grotesquely challenged the concerns we would otherwise hold about starvation and the neglected or under privileged, to say nothing of fears that those gaunt, frail bodies might act as role models and spur others on to anorexia or bulimia. Feminists have debated the de-sexualisation of women as depicted by these thin models and many, myself included, wondered at the philosophy behind presenting them as debilitated, gaunt, breastless and hipless. Was that just shock value or was it to represent women as "un-sexed", to use that great and ugly expression of William Shakespeare? Some even asked if it was another covert campaign against womanliness. If so, by whom?

In the case of thinness the industry carefully and quietly responded. Models remain thin, but not too thin. The heroin chic faded from the fashion magazines. Magazines were suddenly happy to celebrate fuller figures, although that might mean celebrating a girl of five foot eleven who is now a size 10, not a size 6—it is a start. But the debate about the age at which girls can model, and what they should model, is a great deal more

difficult. The most common concern is the exposure of young people to situations that they could not be prepared for and for the sexualisation of girls. Today in our society the sexualisation of girls occurs in the clothes offered to eight-year-olds, the Barbies they play with and the makeup they are brought in huge quantities. It is difficult for parents and communities to decide what is a bit of fun and what is overstepping the mark.

Modelling, particularly photographic modelling, inevitably puts a huge premium not on childishness, but on youth—the quality of skin is prized by photographers. Chemicals, soft lighting, the use of Photoshop and surgery can only do so much to restore skin to its unblemished state. Painted up, it does not seem difficult to make a girl of any age look incredibly knowing or incredibly innocent, but it is rather more difficult to hide the ravages of time on the epidermis. There are understandable reasons why the advertising industry pursues the young, but there is also the very public and distorted nature of the life lived by a teenage model. Even if not a national or international celebrity, she is pretty closely watched in her home community and she lives a life unlike most of her friends.

The pressure on beautiful teenage girls to model, and to earn large amounts of money in doing so, is clearly enormous. It is difficult for families to resist the offer of opportunity and the fame that it brings to their child. The work these young girls are offered frequently takes them away from home and school, inevitably to the detriment of their schoolwork, their sports and social activities with kids who are otherwise just like them. It also comes at a time in their lives when their peers are making their mistakes in private, at least not making mistakes that can be quoted or filmed, photographed and then shown back to them at any moment for decades to come. The price paid by putting them under the public spotlight, and the sexual scrutiny that these girls endure at a time when other girls are struggling with hockey sticks and pimples, is often a very high one.

While some survive and prosper, sadly, I have seen others crushed and destroyed by it. For a child of 14 years to become the face of a make-up company or a swimwear company, and be part of the travel, and the parties and the promotional activities that come with all of that, is a price paid for in the girl's childhood. At that point the girl's childhood often ends and no less is true of the 15-year-old. Their childhoods are often all but over and the more sexual, the more shocking their modelling work is, the greater that loss. The community instinctively understood this, which is why the original legislation restricting the work of models under the age of 15 years was so naturally welcomed. Each of us has looked at our own 14-year-old handsome son or pretty daughter and wondered if they could cope, if we could cope, and if we could protect them from that world. Today we are being asked to raise the age to 16 years, so that 15-year-olds are also afforded these same protections.

Age 16 is slightly more difficult than age 15 for legislators. Girls especially mature rapidly at this stage, socially as well as physically. Juliet was 14 years old, and some of the great love stories of history involve 15-year-olds. In New South Wales today girls as young as 15 years can still leave school and work untrammelled by the working conditions contemplated in this bill. I understand that may soon change but it is not the case today. Looking around the world, where voluntary codes of conduct prevent girls under 16 years from working as models in certain conditions, where we increasingly recognise the importance of girls and boys enjoying their childhoods before entering adulthood that might now go on to 60 years, where the Australian industry is itself imposing limits on the employment of girls under 16 years, it seems reasonable to extend the limit and we should be proud of doing so.

The outcomes for children under 16 years working as models will now, if these amendments are applied sensibly, depend on the common sense of the family, inevitably the common sense of the child's model agent and the Children's Guardian to negotiate work arrangements that reflect the maturity and capacity of the child concerned. They should err, if at all, on the conservative side. We can never be sure how the child will see in 10 or 20 years hence those highly sexualised, provocative and improper depictions and enactments, though the child model seemed comfortable with the photographs and the work involved at the time.

We need to remember that what we see is the result of hours and hours of work on construction, lighting, discussion between many people on the set, mostly men, and commentary that sometimes a girl of 15 should not be subjected to. We can never be sure of the impact all of that might have, even on an apparently confident young 15-year-old. That is true even of the most collected, self-assured and admired girls. We have to remember that life is not only a long journey but also a very complicated one.

The Opposition supports these amendments that will ensure that the Code of Practice on issues such as work times, supervision, travel and the balance between work and school will be applied to 15 year old young

women going on 16—although they might think going on 26! The Code of Practice also includes work directions, which looks at the appropriateness of the role the child has been cast in. It is intended to look specifically at the child's age, emotional security and psychological development and sensitivity. Again, parents should never forget that how the child appears to be dealing with it at the time might not reflect how they will deal with it. As well, the code states, "An employer must not employ a child in any situation in which the child or any other person is naked". This particular section of the code has been set to ensure that the best effort is made to safeguard children from being sexually exploited.

New South Wales will be in good company. The International Management Group that runs Australian Fashion Week has now placed a self-imposed ban on the use of models below the age of 16. It also appears unlikely to disadvantage our girls in competing for international work. Raising the threshold to include children between the ages 15 and 16 will ensure our children enjoy the same protections as those increasingly in overseas fashion centre cities like Milan and London, where there is now a voluntary commitment from the industry not to employ models under the age of 16 years. Discussions with the modelling industry in New South Wales confirm that many agencies are already voluntarily doing that. It should not mean a black out on teen models. They have a legitimate place. They have beautiful skin. They are entitled to exploit their advantages just as teen sports stars, teen inventors, and even teen chess players are entitled to do. It means one thing: If under the age of 16, they will still be able to model and pose for photo shoots in New South Wales, but the employer must first gain permission from the New South Wales Children's Guardian.

Finally, the Opposition notes the bill introduces increased penalties. Failure to adhere to the legislation will attract a fine that will be increased from \$1,100 to \$11,000. Given the enormous money to be made by these children, their parents and their agents in the world of advertising, this seems more than reasonable if we are to discourage unscrupulous advertising companies or, for that matter, unscrupulous professional photographers. Given the pivotal role played by agents in negotiating terms and conditions for models, their clients, I also encourage agents to recognise that they should also take responsibility for ensuring their children are protected. I was comforted by advice from Priscilla Leighton-Clark of Priscilla Modelling Agency that respectable and leading modelling agencies do this voluntarily.

Mr FRANK SARTOR (Rockdale) [10.23 a.m.]: I support the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009. As outlined by the Minister for Community Services, this bill is about strengthening the safeguards in the Children and Young Persons (Care and Protection) Act 1998 to benefit the welfare of children employed for entertainment, exhibition and still photography work. The bill will provide improved protection for children by extending the existing safeguards to models between the ages of 15 and 16 years and by increasing from \$1,100 to \$11,000 the maximum penalty for employers who do not comply with their obligations under the child employment provisions of the Children and Young Persons (Care and Protection) Act 1998. It is important to realise that the child employment provisions strengthened by this bill are in a child welfare statute and they are additional to our industrial relations laws.

The Minister has explained how requirements under the Children and Young Persons (Care and Protection) Act 1998 place an obligation on employers to provide details to the Children's Guardian of each proposed instance of employment. This in turn provides an opportunity for the Children's Guardian to assess whether the proposed employment would comply with the Code of Practice in the Children and Young Persons (Care and Protection—Child Employment) Regulation 2005. The benefit of this regulatory scheme is that it provides a means to identify aspects of employment that might be detrimental to the welfare of individually employed children, and to rectify the defects before the employment occurs so that harm to the child is averted. It is appropriate to extend the protection of that system to benefit children between the ages of 15 and 16 years employed as models. Such a change would be consistent with community views.

Last year we saw adverse public reactions to the way some girls are employed as models for fashion catalogues and fashion parades. The concern was expressed that employers were requiring child models to present themselves as adults. In response to these community concerns it is surely a step in the right direction to extend the existing safeguards in the New South Wales child welfare legislation to benefit models between the ages of 15 and 16 years, in the same way they currently assist models below the age of 15. As I noted earlier, the child employment provisions in the Children and Young Persons (Care and Protection) Act 1998 are intended to complement the industrial relations law.

For that reason I support the provision in this bill to raise from 10 penalty units to 100 penalty units the maximum penalty for employers who do not comply with their obligations under the child employment provisions of the Children and Young Persons (Care and Protection) Act 1998. The maximum penalty for an

employer who fails to comply with requirements contained in a compliance notice under the Industrial Relations (Child Employment) Act 2006 is 100 penalty units. It is appropriate for the courts to have the authority to impose a comparable penalty for the worst cases of employers who refuse to comply with the child employment provisions of the Children and Young Persons (Care and Protection) Act 1998. I urge all members to support this important bill to achieve stronger protection for children employed for entertainment, exhibition and still photography work.

Ms ALISON MEGARRITY (Menai) [10.27 a.m.]: I am pleased to support the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009. As the Minister for Community Services explained, this bill is intended to extend to models between the ages of 15 and 16 years the protection of existing legislative safeguards that are in effect for models below the age of 15 years, and to increase the maximum penalty for employers who fail to comply with their obligations under the children's employment provisions of the Children and Young Persons (Care and Protection) Act 1998. It is important to realise the bill before us is not about prohibiting children of any age from working as models, a point made by the shadow Minister, the member for Goulburn. Modelling by children is not prohibited anywhere in Australia, as shown in catalogues for many supermarkets and department stores, but it is regulated to some extent in most jurisdictions.

In Western Australia, South Australia and Queensland restrictions are imposed on children up to the age of 17 years for modelling work. In New South Wales, Victoria, the Northern Territory and the Australian Capital Territory limitations are imposed on employment of children up to 15 years of age for modelling work. The legislative obligations placed on employers in Queensland and Victoria closely resemble the New South Wales requirements because they were adapted from the mandatory Code of Practice in the New South Wales children's employment regulations. The common theme in all the regulatory regimes in Australia for the employment of children as models is the principle that employment should not have an unreasonable effect on the education of a child who attends school. In New South Wales, Victoria and Queensland the legislation goes further and contains explicit provisions that are intended to address the vulnerability of children who are employed as models because they are in a working environment controlled by adults.

I am convinced that it is not adequate to provide legislative safeguards for children only until they are 15 years old. Children are in need of such protection until they are 16 years old. Another important provision in the bill is to increase the maximum penalty for employers who fail to comply with the obligations placed upon them. Currently the maximum penalty a court may impose is \$1,100. As previous speakers have said, it is appropriate that the bill increases the limit to \$11,000. I am sure all members will agree that safeguards to protect children who are employed for entertainment, exhibition and still photography work are a serious matter and the court should be given proportionate powers to deal with employers who deliberately ignore their lawful obligations. I am very proud to support the Minister on this bill.

Ms KATRINA HODGKINSON (Burrinjuck) [10.30 a.m.]: I speak to the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009, particularly in relation to the aspect of children modelling at a young age. Young children, particularly girls, are extremely vulnerable to manipulation by an industry that can be described only as a very robust industry. Some children under the age of 16 look very mature, but their mental capacity is not at a level where they should be employed in the modelling profession. It is an area where people should proceed with extreme caution and maturity at the best of times. Just last year *Vogue* editor Kirstie Clements called for a 14-year-old model to be withdrawn from Australian Fashion Week. I supported her calls at the time. A great deal of concern was raised about the presentation of young girls within the Australian modelling industry, whether it is in still modelling, fashion photography modelling or catwalk modelling.

Obviously the younger they are, the less mature they are in body. That can be seen as a desirable aspect by the voyeuristic eyes of many in the mass public. It is up to us to ensure that the young people in society are fully protected from predators. Many in the industry and those who want to be in the industry will take young girls for a ride and try to manipulate them. There are many talent scouts in this fair city who try to poach young girls, in particular. I am sure it happens to young boys as well, but my experience from talking with young girls is that it happens to teenagers on a regular basis around Town Hall and at other train stations in the city. Talent scouts will try to get young people to sign up with their agency and get a portfolio. They will charge them \$400 or \$500 for the privilege.

These young girls, still at school, 14- or 15-years-old, are promised the world. Who knows where it could lead? They are very vulnerable and are not mature enough to make these types of decisions. They do not know enough about the ways of the world to make the right judgements. Some people in our society will oppose

this legislation. I support it very strongly. We must ensure that everything we do in this place is for the benefit of young people. The 14- or 15-year-olds who are in the modelling industry, who want to enter the modelling industry or whose parents want them to enter the modelling industry may not understand the reason for this legislation. They have to understand that we are doing this for their benefit in the long term. If they are gorgeous at 14 and 15 years of age, they will still be gorgeous at 16 and 17. They should continue with their aims and goals. It is important that we pass this legislation. I support the bill.

Ms GLADYS BEREJIKLIAN (Willoughby) [10.34 a.m.]: In speaking to the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009, I join the bipartisan debate in supporting the principal provision of this bill—that is, models between the ages of 15 and 16 years should have the same safeguards as children below 15 years of age. This issue received a lot of public attention last year and in previous years. I congratulate the fashion industry on meeting community expectations and self-regulating in this regard. The fashion industry in Australia, particularly in New South Wales, has publicly made a noble and strong position by ensuring that models within the industry are 16 years or over. I thank them for the leadership they have shown in self-regulating. This legislation confirms the position in the industry and confirms and reinforces what is happening around the world.

This issue, understandably, is an extremely emotive one. Many people feel very strongly about it, as do I. The legislation not only protects young models—our paramount concern is to ensure the safety of children—but also sends a strong message to the community about acceptable role models and standards. Many young people are influenced by what they see and read. This bill takes a strong position and meets community expectations about the way in which children are viewed and perceived. Many people in my electorate have raised this issue with me, including schoolchildren who often engage in these debates. I am pleased to see that the legislation is catching up with community expectation and the position already practised by the industry. I commend the bill to the House.

Ms LINDA BURNEY (Canterbury—Minister for Community Services) [10.36 a.m.], in reply: I thank the members for Rockdale, Burrinjuck, Goulburn, Menai and Willoughby for their contributions, and I thank the Opposition for its support of the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009. The issues raised by the members go to the heart of the matter and the object of the bill. The bill will provide important safeguards and protection to young models to the age of 16 years. The existing child employment provisions in the Act apply to children up to the age of 15 years who are employed for still photography, entertainment or exhibition work.

Exhibition work includes modelling before a live audience, photographs and films, and television or video recording. The bill will also deliver more proportional penalties for employers who are in contravention of the child employment conditions of the Children and Young Persons (Care and Protection) Act 1998. The existing maximum penalty is 10 penalty units, which means \$1,100. The bill will increase the penalty to \$11,000. As the member for Rockdale pointed out, the increased penalties are more realistic and in line with current industrial relations penalties.

It is critical that we protect young models. We recognise that there is often a difference between physical and emotional maturity. This point was well made by the member for Burrinjuck. The bill will strengthen protection for young models. I point out that this bill not only relates to young women, although the focus has understandably been on young women, but it is also about young men in the modelling industry. Importantly, the bill does not constrain employment opportunities. It does not mean that young people under the age of 16 cannot model; it means that additional safeguards are in place. When we announced this legislation, I visited Chadwick Models, one of the major modelling agencies in Sydney and Australia.

I place on record my thanks to Chadwick. I am impressed with the work that it and many other leading agencies in the Australian fashion industry are doing. They are responsible and they understand the issues around having young people, as they say, "on their books". I spoke to some of the young models, in particular Olivia. It was clear to me that Chadwick Models does the right thing by its models. I say that in embracing the bill with enthusiasm and I advise that Chadwick has implemented voluntary codes of care for a very long time. The bill aligns with concerns expressed by the community, government and the fashion industry here and overseas. 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.

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (SEARCH POWERS) BILL 2009

Agreement in Principle

Debate resumed from 4 March 2009.

Mr GREG SMITH (Epping) [10.41 a.m.]: I lead on behalf of the Opposition on the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009. The Opposition does not oppose the bill but will move amendments to it in the upper House. The bill amends the principal Act in order to enable Supreme Court judges to issue search warrants—called covert search warrants—that, in addition to authorising the exercise of powers currently able to be exercised under standard search warrants, also enable specifically authorised police officers and staff of the New South Wales Crime Commission and the Police Integrity Commission to enter and search premises covertly for the purposes of investigating serious criminal offences.

Service of occupier's notices in relation to covert search warrants may be deferred for up to six months—with possible extensions of up to three years—after entry to the premises. The Opposition will seek to amend that three-year extension to 18 months. The bill also amends the principal Act to create new powers to remove computers and similar devices from premises that are the subject of any search warrant for up to seven working days, or longer on application, for examination and to search the withdrawn things that are networked, for example, at the premises. The bill amends the Terrorism (Police Powers) Act 2002 to enable eligible persons executing covert search warrants under it to exercise similar powers under that Act. The bill also makes consequential amendments to other Acts and the Law Enforcement (Powers and Responsibilities) Regulation 2005.

The bill introduces a new class of search warrant—a covert search warrant—and also creates new search warrant powers in relation to the examination of things that can be removed. By its very nature, a covert search warrant will give power to enter and search premises without the occupier's knowledge and thereafter delay the subsequent notification to the occupier. Covert search warrants will be available only in connection with certain serious offences and may be authorised only by a Supreme Court judge. Before a warrant can be granted the issuing judge must be satisfied that it is necessary for the entry and search of the premises to be conducted without the knowledge of the occupier and specifically give consideration to the nature and gravity of the searchable offence and the extent to which the privacy of any person not believed to be knowingly concerned in the commission of the offence is likely to be affected.

New section 46A provides that covert search warrants will be able to be obtained only in relation to specified serious offences, mainly any indictable offence punishable by imprisonment for a period of seven years or more. That involves certain specified offences including, for example, car and boat rebirthing activities, the unauthorised access to or modification or impairment of computer data or electronic communications and destruction of property. On the surface there appears to be strict judicial oversight and comprehensive safeguards, which is an extreme extension of the general law, based clearly on provisions that were brought into law under the Terrorism (Police Powers) Act 2002. New section 46B provides that a covert search warrant may be issued by an eligible officer, being a judge of the Supreme Court who has been declared suitable by the Attorney General.

New section 46C provides for the issue of a covert search warrant upon application by a police officer above the rank of superintendent, as well as the commissioner or assistant commissioners or authorised staff member of the Police Integrity Commission or such positions in the New South Wales Crime Commission. The

bill makes minor changes concerning the provision of ordinary search warrants. The eligible applicant in regard to an ordinary warrant may be a police officer, but for a covert warrant the eligible applicant must be a person authorised under new section 46C. That person in either case must suspect on reasonable grounds that there is, or within 10 days will be, in or on the premises a thing of a kind connected with a searchable offence and consider that it is necessary for the entry and search to be conducted without the knowledge of the occupier of the premises.

New section 47A (2) defines the authority conferred by covert search warrants, namely entry and search of the subject premises without the occupier's knowledge, to impersonate another person for the purposes of executing the warrant, and the doing of anything else that is reasonable to conceal from the occupier of the premises anything done in the execution of the warrant. The impersonation power is novel to general statutory police powers, and undoubtedly will attract much criticism. It could be argued that this limitation may prove problematic in the future, when it might be argued that it does not cover occupiers of adjacent premises. Other provisions deal with the circumstances that may arise with a covert search warrant. New section 66 requires a covert search warrant to specify certain matters, and regulations will prescribe the forms.

Furthermore, while the issuing judge may authorise that service of an occupier's notice may be delayed by up to six months at a time, the bill provides that service may be delayed beyond 18 months only in exceptional circumstances and may not be delayed beyond three years in total. As I foreshadowed, the Opposition will seek to amend that provision in the upper House to make 18 months the final period and 12 months the period beyond which authority can be given only in exceptional circumstances. At present an occupier's notice is required to be served personally on an occupier upon entry to premises or as soon as practicable after, unless service is postponed. Service may be postponed on more than one occasion for up to six months at a time. However, amendments have been made to streamline the process.

New section 67 (8) provides for the service of an occupier's notice in relation to a covert search warrant as soon as practicable after the warrant is executed unless the service is postponed under new section 67A. New section 67A provides that postponement of service of an occupier's notice can be for a period of up to six months if the eligible issuing officer is satisfied that there are reasonable grounds. As I have already said, service of an occupier's notice may be postponed on more than one occasion but it cannot be for a period exceeding six months at a time or for more than three years. The time for executing a covert warrant is 10 days after issue rather than the 72 hours for a normal warrant, and a report must be sent to the issuing judge within 10 days of execution.

New section 75A provides that a person executing a warrant may move a thing found at the premises to another place for up to seven working days for examination if it is significantly more practicable to do so having regard to timeliness and costs and if there are reasonable grounds to suspect that the thing found at the premises is or contains a thing that may be seized under the warrant. Subsection (2) provides that the thing may be removed for an additional period not exceeding seven working days at any one time. Where a thing is removed under a covert search warrant it appears from new section 75A (3) that the person executing the warrant is not required to advise the occupier that the occupier may make submissions to the issuing judge on the matter. The issuing judge may authorise the removal of a thing for a period exceeding a total of 28 days on the basis of exceptional circumstances. This appears to apply to both covert and normal warrants. An amendment will be moved in the upper House to reduce the period to 72 hours at a time, in accordance with Commonwealth practice and statutory provision, and for the maximum period to be 10 days.

The bill appears to be in response to the Supreme Court decision in *Ballis v Randall* in 2007. As this bill has attracted considerable criticism by stakeholders such as the New South Wales Bar Association, the Law Society of New South Wales, the Council for Civil Liberties and others, it is appropriate to consider that case in the circumstances in which it was considered by the court to be an unauthorised use of a covert search warrant because the provisions in the legislation that operated at the time—the Search Warrants Act, which ultimately became part of the Law Enforcement (Powers and Responsibilities) Act, known as the LEPAR Act—had not been complied with. *Ballis v Randall* arose out of the execution of three search warrants: one authorising the search of premises at Randwick in September 2002; the second authorising the execution of a search warrant at Bondi Junction in November 2002; and the third authorising the execution of a search warrant again in Bondi Junction in December 2002.

The grounds that were relied upon in the challenge to those warrants were two-fold. The first challenged the validity of the warrants and the second asserted that the execution of the warrants was contrary to law. In relation to the first of these two aspects, the central contention on behalf of the plaintiff was that the

three covert warrants were not contemplated or authorised under the Search Warrants Act or, alternatively, they were not warrants contemplated by the Act and were accordingly invalid. At the forefront of the plaintiff's submission was the proposition that in each case it was intended that the execution be undertaken in the absence of the occupier of the premises and without notice or information to him or her, as contemplated by the Act. As such, the submission proceeded; each warrant was invalid.

Search warrants are an extraordinary power and are very useful in the fight against crime, but the courts are very careful to ensure that the law is followed to the letter. It appears that the practice of issuing covert search warrants may have been ongoing for some years, although not on a regular basis. The Terrorism (Police Powers) Act was passed for extraordinary purposes: to counter terrorism as a result of the September 11 conflagration in New York and Washington and to safeguard the people of Sydney and New South Wales and, with other mirror legislation, to safeguard people in other States and Territories in Australia. It was somewhat like the terrorism laws in Northern Ireland, England and other parts of the world where terrorism has unexpectedly killed innocent people on many occasions. This is extraordinary legislation. The general criminal investigation power for many years has included search warrants but it has not included this power. It appears that the power was being stretched because the Search Warrants Act contained some subsections that hinted at the non-service of occupiers' notices in certain circumstances, but the court held that that did not authorise the issue of covert warrants and nor did it authorise covert searches.

In the case of *Ballis v Randall* the applications for the warrants revealed that a number of persons were suspected by the Australian Federal Police of involvement in the importation of a large quantity of MDMA—ecstasy. The plaintiff's activities in the latter part of 2002 had been the subject of physical and electronic surveillance. On 25 December 2002 the plaintiff was arrested and charged in relation to his alleged involvement in the importation. The affidavit sworn in support of the warrants was by an officer of the New South Wales Crime Commission who was involved with the joint task force involving the Special Crime Unit of New South Wales Police, the Australian Federal Police and the New South Wales Crime Commission. That is how these warrants became involved in Commonwealth importation matters. However, supply and distribution are State offences.

The parties in the case reached agreement that the three search warrants were executed in such a manner as to conceal the occurrence of their execution from Mr Ballis, the occupier, until such time as service of the occupiers' notices were effected. In the judgement at page 97 and following, his Honour Justice Peter Hall stated that there was no basis for a conclusion that the statements of each of the applicants of an intention to execute the warrant covertly—which apparently were made to the issuing magistrate—influenced the valid part of the decision or was an element integral and essential to the decision to grant the warrants. The information that was otherwise provided to the authorising justices in the case of each application for a warrant relevantly addressed the matters to be classified under the Act. In other words, the intended surreptitious execution of a warrant, as disclosed by the applicants, was a matter separate and extraneous to the statutory preconditions required to be fulfilled.

His Honour felt that the intended execution of the covert aspect of the warrants was not a matter that in his opinion influenced or related to the antecedent or primary decision to grant the warrants. He was of the opinion that the warrants were issued properly. However, he looked at the question of whether the actual execution of the warrants and the non-service of the occupier's notice were appropriate and quoted recently retired High Court judge Justice Michael Kirby in the case of *Ousley v The Queen*, where he stated:

...occasionally there is a need for the enlargement of police powers beyond those traditionally enjoyed. His Honour noted the accepted approach that courts properly tend to adopt a practical rather than an unduly technical view of challenges to warrants permitting intrusion into the property and privacy of those subject to them. However, his Honour also observed that when a real defect is demonstrated "*courts err, rightly in my view, on the side defensive of the fundamental rights of the individual affected.*"

His Honour went on to say:

The Search Warrants Act provides occupiers of premises with procedural safeguards. Provisions by way of exception or qualification would be required to limit their application in particular cases."

Quoting Lord Scarman in the House of Lords decision of *Morris v Beardmore*, he stated:

When, for the detection, prevention or prosecution of crime, Parliament confers upon a constable a power or right which curtails the rights of others, it is to be expected that Parliament intended the curtailment to extend no further than its express authorisation.

Quoting Lord Wilberforce in the House of Lords decision of *Regina v Inland Revenue Commissioners*, Justice Hall said:

The courts have the duty to supervise, I would say critically, even jealously, the legality of any purported exercise of these powers. They are the guardians of the citizen's right to privacy. But they must do this in the context of the times, i.e., of increasing Parliamentary intervention, and of the modern power of judicial review. In my respectful opinion, appeals to 18th Century precedents of arbitrary action by Secretaries of State and references to general warrants do nothing to throw light on the issue. Furthermore, while the Courts may look critically at legislation which impairs the rights of citizens and should resolve any doubt in interpretation in their favour, it is no part of their duty, or power, to restrict or impede the working of legislation, even of unpopular legislation; to do so would be to weaken rather than to advance the democratic process.

That comment is apposite here because the Government is seeking to give this power by legislation, as it is entitled to do. On the other hand, it previously gave the power under the Search Warrants Act and that was exceeded by the police, according to Justice Hall in his decision on the Ballis case. The problem with this type of legislation is that there is an inevitable exceeding of the powers given, so 3 years might turn into 5 years and 28 days might turn into 50 days, and matters of that sort. Unfortunately, once given power, there is the rare example of police, often dealt with by the Police Integrity Commission, who exceed their powers and step over the mark. It is often citizens, and sometimes not the person who is properly suspected of crime, in relation to whom mistakes are made. Sometimes those people have their privacy invaded. That is why one has to be careful and why, in a sense, the Government really has to justify grounds for such an excess grant of power. His Honour Justice Hall continued:

However, in this case, whilst particular provisions of the Act curtail occupier's rights they only do so to the extent that the Act authorises. Whilst the presumption against statutory interference with fundamental rights may be displaced by necessary implication, that test is a very stringent one: *Coco* ... The presumption, as the High Court stated in that case, may be displaced if it is necessary to prevent the statutory provisions from becoming inoperative or meaningless. That principle, however, has not been contended as having application in the present proceedings.

In the written submissions on behalf of the third, fourth and fifth defendants—

basically the police—

examples are provided of what are said to be "*reasonable grounds for searching the premises in the absence of an occupier and/or postponement of the warrant ...*". The examples provided were as follows:-

- (a) Safety concerns if the warrant were to be executed in the presence of the occupier or other persons on the premises.
- (b) To prevent the risk of the search being frustrated upon police attendance (e.g., disposal of drugs before police entry).

Generally it is down the toilet or the sink. The decision continues:

- (c) The occupier being a known violent offender or having known mental instability rendering it unsafe for police to conduct a search in his/her presence.
- (d) Public interest immunity concerns insofar as the search may be part of a wider operation and any search may tip other suspected officers off when searches may be proposed with respect to other premises.

I think that should be "offenders" rather than "officers".

- (e) To prevent any compromise or frustration of any ongoing investigation.

However, be that as it may, there is not to be found in the Act's detailed regime governing the issue and execution of search warrants authorisation for their execution covertly. The provisions of the Act, in fact, point in the opposite direction. The regulatory regime is clearly intended to protect persons as occupiers of premises that are the subject of a warrant, by requiring, inter alia, that they be given a notice of rights.

The covert execution of each of the warrants was, in my opinion, clearly contrary to the provisions of the Act. It is plain that the planned covert nature of the execution in each case had the effect of negating the procedural safeguards provided for by the Act. The result is that the execution of each warrant was, in my opinion, unlawful.

Just before His Honour concluded his judgement he referred to submissions by one of the plaintiffs' counsel that expressly addressed the subject of covert search warrants. His Honour said it was correctly submitted that:

... the provisions of the *Terrorism (Police Powers) Act 2002 (NSW)*, Part 3 – "*Covert search warrants*", does not assist in the construction of the Act's provision. In deference to the submissions made, I will deal briefly with some of the matters raised.

Reference to such legislation does, at least, demonstrate, as one might expect, that the legislature has marked such covert investigative procedures as calling for specific provision, given the obvious implications such procedures have for the civil rights of occupiers of premises. This may be seen as reflected in the provisions governing the authorisation of applications for a covert

search warrant under the *Terrorism (Police Powers) Act*. Section 27C requires, inter alia, that the person giving authorisation for a covert search warrant to issue must suspect or believe on reasonable grounds, inter alia:-

- "(c) that it is necessary for the entry and search of those premises to be conducted without the knowledge of any occupier of the premises."

In this provision, the test of necessity rather than that of desirability or mere convenience has been selected by the legislature and sets the bar at a high level before authorisation may be given for such a warrant to issue.

I specifically mention that because the Bar Association, in its detailed briefing notes, has recommended an amendment. The threshold for the issue of a covert search warrant is that the eligible judge is satisfied that there are reasonable grounds to do so. That is in proposed section 48. This then throws the determination back to the applicant for the warrant as to whether the person has the specified state of mind under section 47 (3). The Bar Association says:

The justification required for the issuing of a covert search warrant under proposed s 47 (3) is pitched at an unacceptably low level—that the *applicant* "considers that it is necessary for the entry and search of those premises to be conducted without the knowledge of any occupier of the premises."

The Bar Association recommends:

Section 47 (3) should be amended to provide it is the *eligible judicial officer* who should be satisfied of the need for a covert warrant, not simply that the applicant "considers that it is necessary".

The Bar Association also states:

Secondly, the threshold requirement that the applicant "considers" a covert warrant "necessary" is too easily satisfied.

After all, the applicant has been working on the brief, is hot to trot to get more evidence so as to charge and prosecute the suspect, and hardly comes with an objective mind. The Bar Association recommends:

Section 47 (3 (b) should be amended to provide that the applicant must believe that it is reasonably necessary that a covert entry and search be conducted. This would enable an objective test with reasonable necessity to be judged objectively upon the basis or grounds that exist at the time.

The Opposition will move an amendment in the other place to proposed section 62 to specify the criteria with which judges have to be satisfied. Proposed section 62 (2) and subsequent subsections set out the criteria that judges have to take into account. Proposed section 62 (4) states that the judge is to consider—but is not limited only to these matters—the following matters: first, the reliability of the information on which the application is based, including the nature of and source of the information, and, second, if a warrant is required to search for something relating to an alleged offence, whether there is a sufficient connection between the item sought and the offence. Proposed section 62 (4) states:

In addition, an eligible issue officer, when determining whether there are reasonable grounds to issue a covert search warrant, is to consider the following matters:

- (a) the extent to which it is necessary for the entry and search of these premises to be conducted without the knowledge of any occupier of the premises.

I suggest that the expression "the extent to which it is necessary" is vague because, unlike proposed section 62 (4) (e), it does not define how satisfied a judge has to be. If someone uses a next-door neighbour's premises to get into the subject premises the judge has to consider:

- (i) whether this is reasonably necessary in order to enable access to the subject premises, or
- (ii) whether this is reasonably necessary in order to avoid compromising the investigation of the searchable offence or other offence.

Opposition members in the upper House will seek to amend section 62 (4) (a) to substitute the expression "the extent to which it is necessary" with the expression "whether it is reasonably necessary" for entry and search. We think that would help to appease the Bar Association on some of its quite proper concerns. I suspect that other Opposition speakers, in particular, the member for Ryde, will deal in more detail with the submissions of the Bar Association. In summary, I believe that it is appropriate to put on the record a press release issued on 10 March 2009 by Anna Katzmann, SC, President of the Bar Association, and entitled "New covert police powers of search and seizure threaten all of us." The press release states:

The New South Wales Bar Association is gravely troubled about the state government's proposed covert search warrants legislation, which poses a real threat to individual privacy.

What this proposal means is that police are entitled to enter the premises of all law-abiding citizens under false pretences and without notice. It is difficult to see any justification for the conferral of such extraordinary powers in a liberal democracy ...

The amendments permit entry without notice upon the premises, not only of suspected criminals, but also those of an adjoining occupier, including by impersonating another person.

It doesn't take too much imagination to recognise the risk of potentially fatal misunderstandings ... Police officers will have the power to enter our homes and take our belongings without us being any the wiser, to steal into our homes in the dead of night, if they wish, or to commit any subterfuge to achieve their purpose. If police officers executing search warrants are disturbed and mistaken for intruders, there is a real risk of serious injury to innocent people.

Although the legislation does provide that covert warrants may only be issued by a Supreme Court judge, there is no way to review their use until well after the invasion of privacy has occurred.

There is simply no evidence to support the need for these "sneak and peak" powers and general policing. The extension of these powers to a wide variety of offences, and their potential exercise by all police officers, are matters of extreme concern, particularly when corruption still affects the Police Service despite the work of the Wood Royal Commission, as the continuing work of the Police Integrity Commission demonstrates. All of us should be worried about the Government's proposals; we are all potentially affected by them.

The Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 was introduced in the New South Wales Legislative Assembly on 4 March 2009 and will be debated this week. The Association is proposing amendments which would temper the worst aspects of the legislation.

That is a taste of the comments of the Bar Association—a relevant organisation for the purposes of amendment to the criminal law. I have mentioned that these powers are an extension of those given under the Terrorism (Police Powers) Act. On 19 November 2002 the then Premier, Bob Carr—it seems such a long time ago that he was Premier, as there have been so many Premiers since—justified this legislation by saying how important it was because of what had happened in New York, Bali and elsewhere where innocent people were killed as a result of acts of terrorism. He said, among other things:

The new powers given to police are confined to limited circumstances. As I have said repeatedly, it is not my instinct to fling at police and security agencies crudely increased powers. In any democracy there must be a healthy suspicion of law enforcement powers. We must carefully monitor their use. We have time-limited the increased powers and created a special trigger before they can be invoked. That is an alternative model to just saying that police shall have these extra powers to search, and to do so in all these circumstances.

We are not doing that.

In 2002 we were not doing that. He continued:

We are saying that where there is a credible terrorist threat, or where there has been an actual incident for a period of seven days and two days respectively police will enjoy these increased powers.

The comparison between that legislation and this legislation is seven days or three years, and two days or 28 days. The bill introduced on this occasion was not to counter terrorism; it was for general police investigation. He continued:

Then the powers automatically lift unless they are specifically renewed. That is a time limit on these powers. It is a check. It is a balance. Moreover, we are making sure that in these areas—as in all areas—the police and their behaviour are subjected to the oversight of the Police Integrity Commission and the Ombudsman. So there will be that review capacity, as there ought to be. We want accountability to apply even where police are responding to terrorism.

This is how it would work: The new powers will be triggered, first, where the Commissioner of Police or a deputy commissioner is satisfied that there are reasonable grounds for believing there is an imminent threat of a terrorist attack, and the use of the new powers would substantially assist in preventing that act—which is not unreasonable—or immediately after a terrorist attack; or, second, where the commissioner or a deputy believes that the powers would assist in apprehending those responsible. Those are reasonable circumstances.

Then taking the Law Society and the Bar Association's point, as if prophetically in opposition to the bill we are debating today, he said:

The new powers are not intended for general use. In ordinary circumstances we rely on standard police investigations and the co-operation of Australian and international law enforcement and intelligence agencies. However, when an attack is imminent—

we are talking about bombs or missiles killing the innocent—

all resources must be able to be mobilised with maximum efficiency. Similarly, when an attack has just occurred, there is an increased chance of catching the terrorists, and this chance must be seized.

Certainly no right-thinking person in this community would disagree with that. He continued:

Clause 3 defines a terrorist act—and we have adopted the Commonwealth definition. This is essential to permit the maximum possible co-operation between the New South Wales Police and Commonwealth law enforcement agencies and ASIO. Everyone must be operating under the one definition. As defined, "terrorism" means "those acts intended to intimidate the Government or the public involving serious injury or danger to people, serious damage to property, or serious interference with an electronic system". Legitimate, non-violent protest cannot trigger the proposed powers.

That was Premier Carr, the man in power for the majority of the Labor Government's term of office. He emphasised that this covert search power was meant only for extraordinary situations involving the risk of terrorism or the aftermath of terrorism and not to general criminal law. Let us reflect on what was said in 2005. On 22 June the Hon. Tony Kelly, who held various ministries at the time, none of which I believe he still holds, in relation to the Terrorism Legislation Amendment (Warrants) Bill said:

The citizens of this State have a right to expect that their privacy will be protected from unjustified searches and interference from the State. Society recognises, however, that there are certain circumstances when an individual's right to privacy must be weighed against the greater public interest in order to allow law enforcement agencies to uphold the law and prevent criminal activity, especially when many lives are potentially at stake.

He talks about the Madrid bombings, which killed 191 people in March 2004, and about the Bali bombings, which killed 88 Australians and 202 people in all. These things awakened our community to the possibility that Australians could be targeted by terrorist acts both at home and abroad. The Hon. Tony Kelly, referring to the new powers set out in the bill, said:

The powers set out in this bill are not designed or intended to be used for general policing. Their use is restricted to the NSW Police Counter-Terrorism Co-ordination Command and to the units of the NSW Crime Commission assigned the task of investigating and responding to terrorism.

Yet we know in *Ballis v Randall* that in 2002 these extraordinary powers were being used for the general policing of drug traffickers. Were the Ministers aware of that? Did they make those statements knowing that in some circumstances police task forces were using these covert powers unlawfully? I do not say they did, but that was the Government's attitude in 2005. I agree with Mr Kelly's comment:

These powers are extraordinary and have been permitted only with the strictest of safeguards. These safeguards include the following. Warrants may be issued only when there is a reasonable suspicion or belief that a terrorist act has been, is being, or is likely to be committed.

He continued:

The scheme will be kept under constant legislative review through the existing review provisions in the *Terrorism (Police Powers) Act*, which requires yearly reports. The scheme is subject to independent monitoring by the Ombudsman for a period of two years. Those safeguards are an attempt to balance the legitimate needs of law enforcement and the right of privacy that all citizens enjoy.

Later in his speech he said:

The test that must be met when applying for a covert search warrant under section 27G—

this was at the time the powers came into operation, in 2005—

is that the person giving the authorisation or making the application, as the case may be, suspects ... on reasonable grounds that: a terrorist act has been, is being, or is likely to be, committed; that the entry to and search of premises will substantially assist in responding to or preventing the terrorist act; and that it is necessary for the entry and search of those premises to be conducted without the knowledge of any occupier of the premises.

One appreciates the justification for that approach if terrorists were conspiring for years to blow up a dam or some other major utility that would cause enormous destruction, but what justification have we been given for this current bill? Drug traffickers are being pinched all the time. Police have the power to intercept phone calls and to fit listening devices and videos into premises and cars. These powers are authorised under legislation and have helped the police, but now we are addressing terrorism. Powers to intercept phone calls and fit listening devices and cameras were provisions that arose naturally through general criminal law as criminals became more sophisticated. Mobile telephones with the frequent changing of SIM cards and similar matters have made it harder for police to intercept criminal planning. But what was the justification? It will help fight gangs!

The Opposition would like New South Wales to adopt South Australian legislation on this issue. The Minister for Police should be a little more careful on the subject. His solution was to introduce this bill providing police with the power to conduct covert searches: that is how we will fight gangs. Under the definition of a serious offence various other matters are included that have nothing to do with normal gang activity. Did the Government just think it could throw in a few more things? Where is the justification? I submit that there has not been any. That is why the various authorities are upset. Unfortunately, police do make mistakes, just like everybody else. Sometimes they go to the wrong house, bug the wrong phone or car and they have to pay damages to the affected persons. Is that enough when people's privacy has been invaded?

I am sure members on the other side from time to time receive visits from constituents and their friends who say they have been badly handled by the legal system in some way or another. Everyone says, "That is terrible" but, generally, once it has happened no-one can do much about it: the harm is done. Usually those people do not have the money to take the matter to the High Court or wherever. In many cases they have a psychological scar for life. The Government says that the police need this covert search warrant legislation. The Opposition will seek to amend it to at least reduce its wide-ranging application. The International Commission of Jurists representative Mr John Dowd, an eminent former Supreme Court Judge, jurist—

Mr Barry Collier: And the Liberal Attorney General.

Mr GREG SMITH: A former Attorney General and former Leader of the Opposition said:

The powers proposed to be given to police to carry out covert searches of homes and businesses of NSW citizens will exceed the powers of anti-terrorist legislation ...

The powers provided by this bill do exactly that. They go further than anti-terrorism legislation. Some of the periods stipulated in the bill are longer than those that apply to anti-terrorism offences. Embarrassingly, the problem is that mistakes are made in the application of anti-terrorism legislation as well, but at least in those cases the courts may provide a remedy. In contrast to that, in cases to which this legislation will be applied, suspects may not find out until three years after the event that a search has taken place. People might be in jail or blissfully ignorant because they have never been charged, but it will only be much later that they find out that the police have been searching all their personal effects under search powers that have been extended to three years. I concede that may be an extreme example. But when will people find out that their premises have been searched?

The time at which to challenge a search warrant and a search is when the search is being carried out. *Trimbole v Onley* is a famous case, the events of which involved the Mr Asia syndicate and which are depicted in *Underbelly*, with Bob Trimbole as the hero. The case was all about searches of Bob Trimbole's various premises to obtain evidence to show his involvement in drug trafficking, perhaps murder, and passport offences. Trimbole took the matter to appeal, as he was entitled to do—what all people are entitled to do, if a search is unreasonable, not based on proper grounds, or is excessive. But people whose premises are searched under this legislation will not have that right and will not be able to challenge the search because in some cases they will not even know that the search has occurred.

It is likely to be the case that police will photograph everything or bring in a portable photocopier and copy all the documents relating to somebody's life. There will not be time for one police officer to ask another, "Is that document relevant?", because there might be thousands of documents. Yet that is what the Government wants for New South Wales. As I have already stated, the Opposition does not oppose the legislation but will seek to amend some of its provisions. My colleague the member for Ryde, Mr Dominello, will deal in more detail with the salient points made by the Bar Association, but I will inform the House of what has been said by other law bodies. The President of the Law Society, Joe Catanzariti, has stated that the Law Society is opposed to the concept of covert search warrants:

The requirement for notice of an intended search is an important safeguard and in its absence the potential for abuse is extreme.

[It] seriously undermines the balance between the state's right to investigate and prosecute crime and the rights of individuals to carry on a proper business and their lives without fear of intrusion by the state.

The Secretary of the New South Wales Council for Civil Liberties, Stephen Blanks, said that police have enough powers:

Police will be opening themselves up to allegations that they have planted evidence or tampered with evidence when they are conducting searches without any independent supervision ...

Powers granted for suspected terrorists were being extended, showing the need for a human rights bill ...

In an article published in the *Daily Telegraph*, Simon Benson, who often supports the Government and sometimes supports the Opposition in an effort to be even-handed, referred to all the comments I have already mentioned and added:

Opposition police spokesman Mike Gallacher said the announcement would simply tell organised criminals they need to be smarter.

"They'll do so in such a way that houses are not penetrated, that the houses themselves have video surveillance . . . or are not left vacant at all at any stage," he said.

It is very difficult to enter the safe houses and headquarters of criminal bikie gangs because, as I understand it, a lot of them do not leave their premises unoccupied. While I agree that the police normally should be supported to the hilt in their fight against crime, I point out that there are limitations. Although the Opposition does not oppose the bill, I have outlined some of the limitations that should be part of the legislation.

Ms CHERIE BURTON (Kogarah) [11.34 a.m.]: The Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009 sets out the powers of police and other persons to enter and search premises under the authority of a search warrant. The object of the bill is to amend the principal Act to enable Supreme Court judges to issue search warrants which, in addition to authorising the exercise of powers currently available to be exercised under standard search warrants, also enable specially authorised police officers and staff of the New South Wales Crime Commission and Police Integrity Commission to enter and search premises covertly for the purpose of investigating serious criminal offences.

The ability to execute search warrants without compromising the progress of an investigation is essential, particularly for long-term investigations. Currently the occupier is required to be informed of the search, and this can have serious consequences not only for the investigation at hand but also with respect to investigations into associates of the occupier. Both telephone interception and surveillance devices offer similar benefits: Evidence is gathered without suspects becoming aware. However, while telephone interception and surveillance devices are important, sometimes physical evidence that can be obtained only by physically entering the subject property is required—for example, by examining diaries, correspondence, et cetera. There is a need to balance the right of the individual with the needs of the State to prevent infringements of the law and to keep the New South Wales community safe. The scheme of the legislation recognises that covert search warrants are available only in particular circumstances. To minimise the potential for misuse, the scheme provides for strict judicial oversight and limitations to apply to applicable offences.

Use of covert search warrants is not intended to be an everyday event; indeed, they will not be necessary in many cases. In the light of the views expressed by the member for Epping, who seems to think that police really should not have any powers, it is important to emphasise that safeguards are attached to the powers provided by the bill. They are not available for all criminal offences, but are limited to serious criminal offences, most of which would carry a penalty of up to seven years imprisonment or more, and that also involve the supply, manufacture or cultivation of illegal drugs; the possession, manufacture or sale of firearms; money laundering; boat and car rebirthing; unauthorised access, modification or impairment of computer data or electronic communications; organised theft; violence causing grievous bodily harm or wounding; the possession, manufacture and supply of false instruments; corruption; the destruction of property; homicide; and kidnapping. Other applicable offences include sexual offences, the illegal possession or use of explosives, sexual servitude, child prostitution and serious—I emphasise the term "serious"—computer offences.

There will be stringent judicial oversight of the scheme. A warrant is able to be issued only by a Supreme Court judge and only after he or she has considered a number of very important factors, including the reliability of information, whether there is sufficient connection between the thing sought to be searched in relation to an offence, the offence itself, and other necessary factors that should be taken into consideration before a warrant is issued. In relation to computers, we know that there has been an increase in serious computer crime. Police will still be bound by the conditions of a search warrant that is issued by a court. Despite what was said earlier by the member for Epping, police cannot simply access any computer, but only those that fall within the terms of the search warrant and are part of a network.

The powers provided by the bill are designed for situations in which police are granted a search warrant and proceed to premises only to find that the information they are seeking is located on the server or on a different computer that is linked or networked to the computer at the search premises. That most commonly occurs when multiple computers are involved and a server is situated on a different floor of the premises or in a different building. The police will still have to comply with the terms of a search warrant. I state for the record

that my constituents in Kogarah are strong advocates for increased police powers to enable police to lock up crooks. Although I cannot speak about the position of the electorate represented by the member for Epping, in my electorate the most important thing is to ensure that the police have the tools with which to do their job. That is essential. We know that crooks sometimes think they are clever and can work their way around the laws. So the laws need to be ever changing to ensure that we cut them off at the pass.

I listened to the contribution of the member for Epping, who is of the view that crooks should be able to hide behind the veil of the law. He is a great protector of crooks. He seemed extremely upset that drug traffickers are getting nabbed all over the place. I am sorry—I apologise to the member for Epping—but the ability to hide behind the veil of the law is an absolute joke. It is the responsibility of this Parliament to ensure that that veil is lifted and that crooks are caught by the police, prosecuted and locked up in jail where they belong, away from the community. It is not okay, as members opposite would have us believe with their proposed amendments, for police investigations to be thwarted. We are talking about serious crimes as I outlined earlier: drug trafficking, prostitution and child sexual offences. Police are frustrated with ongoing investigations because under the current laws if they want to search premises they tip off the offender.

Members opposite know about tip offs. Tip offs ensure that police are unable to catch crooks or conclude their investigations. Police may have done months of work, and the crooks get away with their crimes. Frankly, the community and the police are sick of it. I do not know how long I listened to the member for Epping, the Rumpole of the Bailey, quote the House of Lords in England. Our communities deserve better than that soft-on-crime approach. I am proud to be a member of this Government; since taking office it has been tough on crime and ensured, in a measured and appropriate way, that police have been given all the necessary powers to deal with crime and the changing nature of crime. Crime never stays the same. From a legal perspective, we will always have organisations that want to protect criminals. Judging by the comments of the member for Epping, it sounds like the Opposition is falling over itself to protect criminals. That is bizarre.

I consider myself to be a champion of police, because police are the front line to protecting the community. We must give police these powers because the laws should change when the nature of crime changes. The laws must enable police to conduct the type of searches or investigations necessary to successfully lock up criminals. The Opposition's argument that these powers are about going after the general public is absolute rubbish. The police have no interest in going after the general public. They are trained and skilled; their only concern is looking after the community and catching crooks. They would not waste their time going after the general public. As I said, at the end of the day the legislation has built-in safeguards to ensure that that will not happen. I will not sit here and listen to members opposite bag the police. It is simply not appropriate for them to do so. The police officers at Kogarah local area command and all the police officers I know are hardworking, honest, decent people, and all they want to do is investigate crime and lock up crooks.

Thank goodness the Government understands that and is introducing legislation to ensure that, with the changing nature of crime, police powers are updated to cover that crime. The Government is ensuring that police are able to detect crime, particularly in relation to computers. We know about computers and tip offs from members opposite. Nevertheless the Government believes that police need to be equipped with these powers. I will take a snapshot of the Parliament at the moment. We have heard from the member for Epping, and I am sure the member for Ryde will have plenty to say about how the bill is draconian, that it gives police too many powers, that police are overstepping their mark and that we need to ensure that crooks get a fair go. When we look at the other side of the House what do we see? On that side we see the champions of crooks. Members opposite are of the view that crooks should be given a fair go. The member for Epping said as much, if anyone wants to read *Hansard*. He said that all crooks should be given a fair go; it is unfair that police should have an advantage over crooks, and police should be able to catch crooks unaware. But, as always, the Government is championing the cause of police and safety of the local community.

Mr Victor Dominello: Point of order—

ACTING-SPEAKER (Mr Wayne Merton): Order! What is the member's point of order?

Mr Victor Dominello: My point of order is clear. It is one thing for the member for Kogarah to strew untruths—

ACTING-SPEAKER (Mr Wayne Merton): Order! What is the member's point of order?

[Interruption]

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Kogarah will refrain from interjecting. The member for Ryde will raise his point of order. He will be heard in silence.

Mr Victor Dominello: At no point did any member on this side of the House say that we condone—

[Interruption]

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Kogarah is a former Minister and knows the procedures in this place. I will not allow her to bully the member for Ryde. I will not tolerate such behaviour from either side of the House. The member for Ryde has the call.

Mr Victor Dominello: At no point did the member for Epping or anybody on this side—

Ms CHERIE BURTON: There is no point of order.

ACTING-SPEAKER (Mr Wayne Merton): Order! I will make that decision, not the member for Kogarah. She has been a member of this place long enough to know that.

Mr Victor Dominello: I am happy to say it five times.

Ms CHERIE BURTON: He is not even citing a standing order. Which standing order is he referring to?

ACTING-SPEAKER (Mr Wayne Merton): Order! What is the specific nature of the member's point of order?

Mr Victor Dominello: The misrepresentation by this member of what the member for Epping said. She has misled the House in an acute and offensive way.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Ryde has claimed that the member for Kogarah has misled the House and misrepresented the remarks of the previous speaker. That is not a point of order. The member for Kogarah has been a member of this place for a long time. She understands her responsibilities to present the facts. The member for Kogarah has the call.

Ms CHERIE BURTON: The member for Ryde has only just arrived in the House. It is typical of the born-to-rule attitude of members opposite that they can dish it out but they cannot take it. I am speaking on behalf of my constituency. I listened to the member for Epping and I am giving my interpretation, to which I am entitled. I am sure the member for Ryde is about to enlighten the House with his interpretation. If he cannot accept the views of other people, which is a right in our democracy, he is in the wrong place and in the wrong profession. I advise the member for Ryde to read the standing orders. Next time he raises a point of order it must relate to a procedural error. On this occasion there was no procedural error. Now he can feel free to speak and have his right in the democratic process.

Mr VICTOR DOMINELLO (Ryde) [11.47 a.m.]: I am flattered by the tuition. I am very much in support of the intention of the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009—that is, to arm specified law enforcement agencies as defined by section 46C, such as the New South Wales Crime Commission and the Police Integrity Commission, with more powerful tools to combat serious crime. Serious crimes are defined in section 46A, and are generally indictable offences punishable by imprisonment of seven years or more. These crimes include various narcotic-related offences and sexual and other serious offences.

The need to increase law enforcement powers is obvious. As crime becomes more sophisticated, the proverbial smoking gun is not necessarily that easy to find. Technology in 2009 appears only a few steps behind imagination itself. Communication with the rest of the world is now only the push of a button away. Financial transactions are becoming increasingly more complicated. These days the crime is not so much found at the scene of the smoking gun but, rather, the electronic footprint left behind in the stampede of complicated transactions. If we are serious about crime prevention and crime detection then we should ensure, as far as we are able, that the powers of the State are more advanced than the ability of criminals to avoid detection and conviction.

However, we must always be vigilant to ensure that with every increase in State power there is a commensurate increase in the power of the individual to scrutinise the actions of the State. We must ensure that there are checks and balances to safeguard against the possible abuses of State power. The protection of the individual's right against the abuses of State power in my mind is the most important bastion that we as members of Parliament are charged with defending. In this regard I share some of the concerns of the New South Wales Bar Association, especially those relating to sections 47 (3) and 48. On 10 March the New South Wales Bar Association states in its submission:

The threshold for the issue of a covert search warrant is that the eligible judge is satisfied that there are reasonable grounds to do so: s48. This then throws the determination back to the applicant for the warrant as to whether that person has the state of mind [envisaged] in s47(3). The justification required for the issuing of a covert warrant under proposed s47(3) is pitched at an unacceptably low level – that *applicant* "considers that it is necessary for the entry and search of those premises to be conducted without the knowledge of any occupier of the premises". Section 47(3) should be amended to provide that it is the *eligible judicial officer* who should be satisfied of the need for a covert warrant, not simply that the applicant "considers that it is necessary". Secondly, the threshold requirement that the applicant "considers" a covert warrant "necessary" is too easily satisfied. The Association recommends that s47(3) (b) should be amended to provide that the applicant must "believe that it is reasonably necessary" that a covert entry and search be conducted. This amendment would enable an objective test, with reasonable necessity to be judged objectively upon the basis or grounds that exist at the time.

That has a powerful resonance in relation to ensuring that the rights of the individual are maintained and preserved. The Opposition knows how important it is to arm law enforcement agencies and bodies with increasing powers so as to combat serious crimes that pervade our society, but we all have an obligation to take a deep breath and make sure that appropriate checks and balances are in place.

Mr FRANK TERENCEZINI (Maitland) [11.53 a.m.]: I support the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009, the objects of which are to amend the law to introduce a scheme of covert search warrants. The bill is part of the Government's ongoing commitment to provide law enforcement agencies with necessary powers to keep the community safe from serious and organised crime. The ability to conduct search warrants without compromising the progress of an investigation is essential, particularly for long-term investigations. The scheme provided for in the bill will extend existing search warrant powers under law to enable searches to be undertaken covertly. Those new covert search warrants will allow police to enter premises and conduct searches without informing the owners. They will allow police to gain evidence while not tipping off criminals that they are under suspicion. For example, this will allow police to ensure there is enough evidence for a prosecution before conducting a raid on a suspected drug lab or car rebirthing factory.

The Government recognises that there is a need to balance the rights of individuals with the Government's duty to prevent infringements of the law and keep the community safe. Accordingly, the bill provides for a number of important safeguards. Firstly, these powers are not available for all criminal offences, but are limited to serious criminal offences, which carry a penalty of seven years imprisonment, such as drug supply, manufacture or cultivation and money laundering. There is also stringent judicial oversight of the scheme—a covert search warrant will be able to be issued only by a Supreme Court judge and only after he or she has considered a range of specific factors. They include whether there is any other way of getting the information and whether the privacy of any person not involved in the offence will be affected. The Ombudsman will also review all warrants annually and report to the Minister for Police and the Attorney General. The Minister for Police and Attorney General will then be required to report annually to the Parliament on the use of the powers.

The bill also creates new powers for the examination and search of computers. They include enabling the removal of computers and similar devices from premises the subject of a search warrant for examination and enabling the search and examination of computers, including access to computers networked to a computer at the premises. Those search warrants are specifically designed for special investigations. They apply to specific serious cases. One has to agree that the level of sophisticated consensual crime these days is very widespread. They are not crimes that are open and visible to the public but they are committed by two consenting people who have very sophisticated means to organise themselves and many other people across the country to commit crimes of fraud, drug manufacture and cultivation, and, increasingly, computer crimes.

For example, in relation to drug supply or drug cultivation with a number of locations across a town, it would be a huge mission to organise searches. The police have to ensure that nobody is at the home and that they are not detected when preparing for the execution of search warrants. Covert search warrants specifically targeted to those kinds of activities involve a monumental amount of time to prepare and organise. Using a normal search warrant in relation to drug supply and drug cultivation would be successful to apprehend

criminals at one location but when that is executed all the other locations around the area will be alerted that the police know what they are doing. Covert search warrants will enable the police to conduct their investigatory procedures and collect information on the full extent of a criminal activity. Police will be able to raid numerous premises to seize drugs and nail down the whole of the criminal activity in an area with that important investigatory tool.

The member for Epping referred to the proposed amendment to reduce the time to 18 months in which search warrants can be used. I am concerned about that based on my 12 years experience in criminal law. For example, many investigations involve computers that have to be sent away to be decrypted, which takes time, and then investigations can take years. Often I receive briefs with statements of evidence many years old because of the time it takes to investigate. The suggestion of the 18-month time limit by the member for Epping will significantly curtail the ability of police to properly investigate, which will thwart their ability to properly investigate a matter that could well result in crooks going free. That is the sum total. In my experience that suggestion is not worthwhile. The 10-day time limit to execute the warrant is set and then it lapses, following a report that has to be sent back to the judge and the reviewing authority. It is not as though the police, after obtaining a warrant from a Supreme Court judge who has looked at all the factors, will keep it in their pocket not knowing when they will use it. If they do not use it within 10 days it lapses. There, in itself, is a safety guard in the use of the warrants. Again, the Supreme Court judge has to consider specific factors, including whether the information is available from another source and whether it is proper and reasonable to conduct that particular search warrant.

In society these days, crimes of all kinds are occurring unbeknown to many people and the law enforcement authorities. Without the proper tools to investigate crimes, what can be done? People may be arrested, houses may be raided and criminal activity may be uncovered. However, the bill enables investigation into the full extent of criminal activity. I refer again to the example I gave of drug cultivation. The full extent of that crime could be detected by a covert search warrant rather than the authorities seizing one house and thus effectively warning the crooks that many others may also be seized. By the time that has occurred, the persons involved have packed up and moved to another location, where they will start their activities again. We need these tools to investigate properly and to make real inroads in crime. That is why covert search warrants are needed, and that is why we need the balance of the safeguards provided in the bill. We need the accountability measures, including annual reporting, the Ombudsman, the Attorney General, and the Supreme Court judge formulating a package in which the right balance is obtained. For all those reasons I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.01 p.m.], in reply: I thank the member for Epping, the member for Kogarah, the member for Ryde and the member for Maitland for their contributions to debate on the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009. Although the Opposition does not oppose the bill, it has indicated its intention to move amendments in the upper House. A continuing theme in Opposition members' contributions to the debate was a concern about safeguards. It is important to emphasise the safeguards that are being put in place through this bill in relation to covert search warrants.

Firstly, covert search warrants are not available for all criminal offences but are limited to serious criminal offences, most of which carry a penalty of seven years or more imprisonment and involve drug supply, manufacture or cultivation; the possession, manufacture or sale of firearms; money laundering; boat and car rebirthing; unauthorised access, modification or impairment of computer data or electronic communications; organised theft; violence causing grievous bodily harm or wounding; possession, manufacture or supply of false instruments; corruption; destruction of property; homicide; or kidnapping. Other applicable offences include sexual offences, explosives offences, sexual servitude and child prostitution, and serious computer offences.

It is important to emphasise that there is stringent judicial oversight of this scheme. A warrant can be issued only by a Supreme Court judge and only after he or she has considered a number of factors. Those factors include the reliability of the information on which the application is based, including the nature of the source of that information. The judge must consider whether there is a sufficient connection between the thing sought to be searched for in relation to an alleged offence and the offence itself, and the extent to which it is necessary for the entry and search of those premises to be conducted without the knowledge of the occupier.

The judge must consider also the nature and gravity of the searchable offence and the extent to which the privacy of a person who is not believed to be knowingly concerned in the commission of the searchable offence is likely to be affected if the warrant is issued. He or she must consider whether any conditions should

be imposed by the eligible issuing officer in relation to the execution of the warrant. If it is proposed that premises adjoining or providing access to the subject premises be entered for the purpose of entering the subject premises, the judge must consider whether it is reasonably necessary in order to enable access to the subject premises, or whether it is reasonably necessary in order to avoid compromising the investigation of the searchable offence or other offence.

Further, while the issuing judge may authorise the service of an occupier's notice to be delayed for up to six months at a time, service may be delayed beyond 18 months only in exceptional circumstances and may not be delayed beyond three years in total. This important provision gives police ample time to complete their investigations while ensuring that the target of the search is made aware of the search. Law enforcement agencies will be required to report certain matters to the issuing judge following execution of the covert search warrant, a copy of which is to be furnished to the Attorney General. In addition, agencies will be required to report annually on the exercise of covert search warrant powers, as will the New South Wales Ombudsman, who will have an ongoing oversight role in relation to the scheme. Each of those reports will be tabled in Parliament. The scheme picks up safeguards and protections from the scheme of covert search warrants for terrorism offences, in particular the need to seek approval from a senior officer prior to making an application and the need to seek a warrant from the Supreme Court. The scheme also draws upon the operation of covert search warrants in other Australian jurisdictions.

The member for Epping raised concerns about the delay in notification being up to three years. In his view that is too long. In comparison with other jurisdictions that have covert search warrant schemes, New South Wales is the only one with a strict upper limit. Both the Terrorism (Police Powers) Act 2002 and the proposed Commonwealth scheme of covert search warrants in respect of non-terrorism offences do not have an upper limit. All they require is that the notification may not be delayed beyond 18 months unless there are exceptional circumstances. This provision is designed for complex investigations, particularly when police need more time. The bill contains a similar provision, but takes the further step of capping the upper limit at three years. This provides significantly more certainty for occupiers than do the schemes in other States while affording law enforcement authorities ample time to complete their investigations into ongoing serious criminal offences.

The member for Epping raised concerns also about the removal of material from the subject premises. What are the safeguards in that regard? An investigator still needs to get a search warrant in accordance with section 48 of the Law Enforcement (Powers and Responsibilities) Act 2002. The investigator must form a reasonable suspicion that the thing contains or constitutes a thing that may be seized under the warrant before removing it for examination. It must be significantly more practicable to take the thing than leave it, having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance. The maximum period for which a computer would be examined under a computer search warrant would be seven days, or longer on application to the issuing judge.

The investigator may apply to an issuing judge for one or more extensions of that time if the officer believes on reasonable grounds that the thing cannot be examined or processed within seven working days or in the time as previously extended. The occupier will be given the opportunity to make submissions to the issuing judge on the matter, except in the case of a covert search warrant. The examination period may be extended by only one week at a time, after which a fresh application will need to be made. The time for expiry of an examination period may be extended only three times. Any extension beyond four weeks will be permitted only in exceptional circumstances.

The question arises: Why do New South Wales police get seven days to examine a computer when Federal police get only 72 hours? The answer simply is that it is not always practicable or possible to determine whether a digital storage device—a hard drive on a computer, a disk, a memory stick or similar device—contains information that falls within the terms of the warrant. Searching for digital evidence can be a complicated technical exercise—a simple preview of a hard drive can take up to one hour per 10 gigabytes of data. The amount of information that can be stored on computers and data storage devices is increasing continually. Even the average home computer generally has a hard drive with a capacity of at least 60 gigabytes. Three 180-gigabyte hard disks examined sequentially will take up to three days in acquisition and automated analysis time alone. An investigator then needs time to examine the data, which is in addition to the time it took to decrypt the usually protected digital data. The requirement to examine the object within 72 hours post seizure presents serious resourcing difficulties for the New South Wales Police Force. The volume of requests for an expert opinion in New South Wales is growing at an exponential rate.

Geographically, the 72-hour rule presents specific difficulties when objects may be seized on a Friday in a regional or remote town and require transportation to Sydney before the examination may begin. It can therefore take up to two full days to connect a police specialist to a computer seized in regional New South Wales. The New South Wales Police Force is one of the largest police forces in the world. It has numerous requests for data examination and any period less than seven working days would have serious resourcing implications. The situation in New South Wales is unique in terms of the State's geographic size, population size and the resulting resource and workload issues for police. That, combined with increases in data storage on computers, points to the need to have a longer computer examination time.

The member for Epping raised the question of adjoining occupiers and the test involved. The issuing judge will be required to determine whether entry to adjoining premises is reasonably necessary in order to enable access to the subject premises or to avoid compromising the investigation of the searchable or other offence. The privacy considerations of affected adjoining occupiers will also necessarily be considered as part of the issuing judge's determination of whether there are reasonable grounds to issue the warrant. The New South Wales Bar Association, the member for Epping and the member for Ryde talked about the eligible issuing officer being satisfied that the covert warrant is necessary, not simply that the applicant considers that it is necessary. They suggested that new section 47 (3) (b) should be amended to provide that the applicant must "believe that it is reasonably necessary" that a covert entry and search be conducted. In relation to the first suggestion, that is already the case. As part of determining whether there are reasonable grounds to issue the warrant, new section 62 (4) (a) requires the judge to consider:

... the extent to which it is necessary for the entry and search of those promises to be conducted without the knowledge of any occupier of the premises ...

As to the second suggestion, which is the applicant's belief, a covert entry will generally be considered necessary to protect the confidentiality of an investigation, as suggested in the first amendment proposed by the Bar Association. This is a consideration rather than a belief. Belief does not seem to be an appropriate test here. This consideration by the applicant will be put to a test of reasonableness by the Supreme Court judge determining the application, who will be required to consider specifically the extent to which covert execution is necessary. Put simply, if the circumstances of the case are such that the judge does not consider covert execution to be reasonably necessary, the warrant will not be issued. The amendment proposed is not necessary as reasonable grounds are provided for in new section 63 (4). This is not a lower threshold. The test of reasonableness is already there.

The issue of a blatant breach of privacy was raised and it was claimed that police should use the powers they already have. The ability to use search warrants without compromising the progress of an investigation is essential, particularly for long-term investigations. Currently the occupier is required to be informed of the search warrant and this can have serious consequences not only for the investigation at hand, but also with respect to investigations into associates of the occupier. Both telephone interception and surveillance devices offer similar benefits. Evidence is gathered without suspects becoming aware of it.

However, while telephone interception and surveillance devices are important, sometimes physical evidence is required and that can be obtained only by physically entering the subject property and examining diaries, correspondence and so on. There is a need to balance the rights of the individual with the needs of the State to prevent infringements of the law and keep the community of New South Wales safe. This scheme recognises that covert search warrants are available only in particular circumstances. To minimise the potential for misuse, the scheme provides for strict judicial oversight and limitations upon applicable offences. The use of covert search warrants, members opposite should note, is not intended to be an everyday event and, indeed, will not be necessary in many cases.

The question was also raised as to why New South Wales did not adopt the proposed Commonwealth 10-year penalty cut-off. New South Wales considered the Commonwealth scheme in some detail but felt that it was not sufficient for the purposes of investigating New South Wales offences. Although the maximum penalty is less than the Commonwealth was proposing, the New South Wales scheme has many other safeguards that were not proposed as part of the Commonwealth scheme. For instance, the proposed Commonwealth scheme permitted notification of the occupier of the search premises to be delayed indefinitely whereas the New South Wales scheme has it capped at three years. Importantly, the proposed Commonwealth scheme, whilst imposing a cut-off of 10 years, still technically applies to offences such as labelling offences under section 8A of the Imported Food Control Act and damaging navigational aids under the Lighthouse Act. The New South Wales scheme is far more restricted and seeks to capture the most serious of criminal offences.

I refer now to how these powers differ from the covert search warrant scheme for terrorism offences. The powers in the bill before the House are very different from the anti-terrorism powers. The primary significant difference is that the current powers are not pre-emptive in nature like those in the Terrorism (Police Powers) Act 2002. Rather, they are closely aligned with the standard search warrant scheme, but with the added benefit of allowing the execution of the warrant to occur without immediately notifying the occupier. Even then the default position for notification for a covert search warrant is that the occupier must be notified as soon as practicable after it is executed. The legislation merely provides an avenue for the Supreme Court judge who issued the warrant to postpone the notification if there are reasonable grounds to do so. Even then there is an upper limit to how long a warrant may be postponed. Under the terrorism legislation the default position for notification is far less restrictive, requiring the occupier's notice to be prepared within six months following execution, and does not contain an upper limit on the postponement.

The anti-terrorism powers are pre-emptive in nature, with the search of a premises authorised on the grounds of responding to, or preventing, a terrorist act. By contrast, the powers in the bill, in the same way that standard search warrants operate, are directed towards searching for and seizing specific things connected with the commission of specific offences. In this way they are responsive powers, facilitating the gathering of evidence of crimes that have already been committed. The potential for police to plant evidence and not do their duty was also raised. I point out to members opposite that the standard operating procedures that have been developed to ensure the integrity of standard search warrants will, as far as possible, be adhered to during the execution of covert search warrants. These include: the presence of an independent police officer, the use of video cameras to record the search—if lights cannot be turned on in the premises, infrared recording is possible although the quality of the tape will be inferior—the recording of any property seized in an official property seizure book, and the systematic search of the premises one room at a time.

There may be occasions when it is not possible to adhere to all these procedures—for example, in the search of a clandestine laboratory where it could be dangerous for an independent police officer without proper training to enter the premises. However, reasons for departing from standard procedures will be recorded. Nothing in the bill alters the burden or standard of proof requirements in relation to criminal offences. If the fact that the search is conducted in the absence of the occupier raises questions as to the legitimacy of evidence seized, the onus will be on the police and thereafter the prosecuting authority to prove the case against the accused person beyond reasonable doubt. Of course, there are also the provisions of the Evidence Act. It is always open to the defence to conduct a voir dire on the admissibility of the evidence. It is also in the interests of police to take steps to preserve the continuity of evidence in order for the burden of proof, which is on the prosecution, to be discharged at trial.

The Bar Association also expressed concern about the generalised use of covert search warrants, but let me assure the House that covert search warrants will not be used in a generalised manner and they will not be an everyday event. The public concern is one of the reasons why the execution of a covert search warrant is incredibly resource intensive and logistically complex. These highly sophisticated operations involve a significant degree of planning and monitoring in order to ensure that the integrity of the operation is preserved and the safety of the wider community is protected. Before the bill commences, standard police operating procedures will be developed that will encompass, among other things, essential public safety considerations. The Legislation Review Committee wrote to the Attorney General about public consultation and about how often reports would be tabled in the Parliament. Let me answer the last question first. Reports will be tabled annually in this Parliament. In relation to public consultation it is not unusual for the Government not to consult with external stakeholders prior to introducing legislation of this nature.

I am sure members appreciate that in these kinds of matters it is vital that criminals, especially those engaging in organised illegal activities, are given as little advance warning as possible of the new tools at the disposal of police. Accordingly, in this case the Government took the decision to maintain absolute confidentiality around the consideration of these powers. This is especially so, given that the views of organisations and stakeholders on these kinds of issues, including the Bar Association and the Public Defenders Office, are well known. The Government was therefore able to consider these views in creating the new powers. That is why a number of safeguards are in place to ensure that covert search warrants are used only in appropriate and necessary circumstances.

The Hon. Michael Gallacher, the Leader of the Opposition in the upper House, shadow Minister for Police and a former police officer, said that the announcement of this legislation would simply tell organised criminals that they needed to be smarter. I say to him that this is a message to organised criminals that we will catch them. The bill introduces important and necessary law enforcement powers to assist in the investigation of

serious criminal offences. The powers are appropriately measured and are accompanied by strict judicial oversight and comprehensive safeguards. The Government has taken the time and care necessary to get this bill right and, in particular, to achieve the correct balance between providing law enforcement with necessary powers to combat serious crime and the need to safeguard individuals' rights and liberties by putting in place strong oversight and accountability mechanisms. 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.

PARKING SPACE LEVY BILL 2009

Bill introduced on motion by Mr Paul Lynch, on behalf of Mr David Campbell.

Agreement in Principle

Mr PAUL LYNCH (Liverpool—Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs) [12.24 p.m.]: I move:

That this bill be now agreed to in principle.

On behalf of the Minister for Transport I am pleased to introduce the Parking Space Levy Bill 2009. The bill seeks to update the Parking Space Levy Act 1992 to ensure that its policy objectives and provisions remain relevant. The parking space levy was introduced in 1992 with the support of all members. The object of the Parking Space Levy Act is to discourage car use in business districts and to use the revenue raised to provide facilities and services that encourage the use of public transport. The object of this legislation remains relevant today. The community wants this Government to focus on reducing congestion on our roads and to provide public transport services that effectively support our transport needs.

The levy applies to part of the City of Sydney and to North Sydney and Milsons Point, or category 1, and the central business district areas of Bondi Junction, Chatswood, St Leonards and Parramatta, or category 2. These areas already have a good network of public transport services. The levy is currently the sole source of income for the Public Transport Fund. It is the principal source of ongoing capital funding for multi-use interchanges for rail, bus, ferry and taxi services, and for commuter car parking facilities at transport interchanges in the urban transport network. Since its inception, the parking space levy has funded a number of major and minor projects. Significant among these are the Parramatta bus interchange, interchanges on the transport network, and the extension of the light rail system to Lilyfield, in addition to numerous interchanges, commuter car parks and wharf upgrades.

Current projects being funded by the levy include: the Holsworthy, Wentworthville and Woy Woy commuter car parks, Morisset, Windsor and Tuggerah interchanges and car parks, Hurstville interchange, Bundeena and Cronulla wharf upgrades, along with the ongoing maintenance work required on some of the previously constructed facilities. In addition, the Government has also announced a further \$56 million over three years for more commuter car parks. Already announced as part of this program are additional commuter car parks for Wollongong, Emu Plains and Quakers Hill. The parking space levy program had not been subject to a comprehensive review since its inception in 1992. In light of this, and consistent with the Government's commitment to review regulations periodically, there was a review of the Act and regulation.

The result of the review process was that the Act and regulation were found to be generally meeting their objectives. However, opportunities for improvements were identified in a number of areas. These included: clarifying the boundaries of the levy areas, freeing up the restrictions that limit the way the levy proceeds are used, and simplifying the administration by clarifying a few rules and definitions. The changes identified would not result in the addition of any new spaces that had not been intended to be captured by the original Act or add

to a general increase in revenue. However, there may be some minor impact on owners of spaces who have relied on loose definitions to seek exemptions and thus avoid their obligations to the community in reducing congestion and its impact on the environment.

It was clear that legislative amendments were essential to provide more certainty for parking space owners and enhance the administrative efficiency of the parking space levy legislation. In addition, a number of provisions under the parking space levy legislation had to be amended or removed to ensure coherent application of the legislative obligations in conjunction with the provisions of the Taxation Administration Act 1996. The resultant changes are detailed in the new bill and associated regulation. Clarifying the current Acts, the category 1 area, City of Sydney, is defined by the local government area. With the boundary alterations on 8 May 2003 and amalgamation with South Sydney Council on 6 February 2004, a number of suburbs were added to the original City of Sydney levy area.

A temporary solution was implemented that grants an exemption for these areas on an annual basis, but creates uncertainty for property owners in the extended area of the City of Sydney. Redefining the City of Sydney area was a key issue of the review. The Government proposes to adopt the review recommendation that the City of Sydney area be defined by a map based on the pre-May 2003 council area. The bill before the House now defines the City of Sydney as demarcated by a map, like all the other levy areas. All category 1 and category 2 areas that are subject to the parking space levy have now been prescribed by the regulation.

To best match the objective of the parking space levy legislation, revenue should be available for projects that best enhance the use of public transport. This is supported by the responses at public forums and public submissions during the review of the Act. The current limitation on using levy revenue only for infrastructure and maintenance should be removed from the Act and regulation. It was noted that this could mean the inclusion of initiatives such as public information, utilising new technologies to communicate with commuters, and funding to assist with the ongoing management of transport infrastructure. To confirm this change in the broader application of the levy, the name of the fund has been amended to the Public Transport Fund.

As can be seen from our recent announcements concerning \$56 million in new infrastructure from the levy, our commitment to use those funds predominantly for infrastructure continues but other initiatives should be able to be pursued if they lead also to the goal of encouraging the use of public transport. The current legislation suffers from a lack of substantive definitions, instances of ambiguity and drafting inconsistencies. This has resulted in an increase in administration costs, a number of levy owners incorrectly claiming exemptions and thus a potential revenue leakage.

The addition or further refinement of definitions for terms used in the legislation simplifies the administration of the legislation while providing certainty to parking space owners. The legislative amendments incorporated in this bill are relatively minor and are recommended so as to confirm current operational practices. The particular amendments are as follows. The lack of definition has created difficulties about who is ultimately responsible for payment and lodgement of the return in relation to the definition of "owner". This confusion is especially pronounced where a property is subject to a long-term lease or the owner is an overseas or shelf company.

Defining "owner" and making interested parties—that is, lessees, licensees and sublessees—jointly and severally liable will ensure that the administration of the parking space levy is more efficient. The efficiencies are gained by removing the Office of State Revenue from any disputes between interested parties about who is liable and any objections between the various parties, as all parties are jointly and severally liable. The definition of "a parking space" has been clarified to address the emerging practice where more than one vehicle is parked in a designated space, either by the use of mechanical stacking devices or marking spaces so as to allow two cars to park in the one space. Currently a parking space is exempt if the space is either set aside or used exclusively for an identified purpose listed under the Act or regulation.

The existence of the term "set aside" allows the abuse of exemptions that would undermine the spirit of the legislation. For example, a parking space owner could claim that a parking space is set aside for services on a casual basis, but then use that space for other purposes. Enforcement by the Office of State Revenue is impracticable. Therefore, in keeping with the intention of the legislation, exemptions will be allowed only where a parking space is used exclusively for a listed exemption and the term "set aside" is removed. In keeping with the refinement of the Act to simplify the administration of the parking space levy legislation, all exemptions are now prescribed together under the regulation. Importantly, this bill does not alter the existing arrangements concerning exemptions from the levy.

In relation to the definition of "loading/unloading" zone, this exemption currently is being claimed for on grounds that are not in keeping with the original intent of the exemption. For example, claims for an exemption are being launched to load minor items while substantially using the space for a non-exempt purpose. Removal of the term "set aside" will assist with minimising the abuse of this exemption. However, the exemption is also being defined to clarify that an exemption will be granted only if the vehicle immediately vacates the parking space once the loading or unloading has been completed.

The original intention of the exemption regarding services on a casual basis was to allow parking spaces designated for use when providing services for the maintenance and improvement of a building or facility, such as air-conditioning maintenance and electricians. However, claims are being made on the grounds that the parking space is used for casual employees, contractors and consultants. A new definition for this exemption is included in the regulation to minimise this practice.

Under the Act parking space levy liability is assessed once per year on 1 July for parking spaces that existed during the previous financial year. The period for which the levy assessment is issued has been misinterpreted and misapplied by parking space owners when assessing their liability for the levy. The calculation and liability of the levy is based on actuals and not estimates. Sections 9 and 13 have been removed from the Act and redrafted in the regulation so as to clarify the relationship between the liability date and assessment period. Under clause 7 (3) if parking spaces are not formally delineated a formula is used whereby a total area is divided by 25 square metres to determine the number of spaces.

However, the Office of State Revenue audit program has identified that more motor vehicles are being parked into a space less than the 25 square metres formula estimates. Accordingly, the formula is revised to 18 square metres, a value that reflects what is actually occurring. Currently the six leviable areas are either prescribed under the Act or under the regulation. These amendments simplify this situation by removing references in the Act and prescribing all areas under the regulation. In conclusion, the bill is necessary to ensure the effective administration of the parking space levy scheme and to enable the Government to deliver on its policy directions for public transport. 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.

BARANGAROO DELIVERY AUTHORITY BILL 2009

Agreement in Principle

Debate resumed from 4 March 2009.

Mr Brad Hazzard: By way of clarification, Mr Acting-Speaker, I will lead for the Opposition on this bill but the member for Sydney will present her contribution first.

Ms CLOVER MOORE (Sydney) [12.35 p.m.]: I welcome the introduction of the Barangaroo Delivery Authority Bill as a significant step forward in the development of the 22-hectare former ports land with a 1.4 kilometre foreshore on Sydney Harbour. It is close to the central business district, which is so vitally important to Sydney's future. In my capacity as the local member of Parliament and as Sydney's Lord Mayor I have always taken a keen interest in this site and its potential to help secure Sydney's position as a globally competitive, globally connected and environmentally sustainable city. With the impact of the global financial crisis, development of major sites like this are even more important to help stimulate the economy by providing jobs and investment through the construction phase as well as increasing Sydney's future capacity for growth when the economic cycle improves.

More than ever before, we need to be smart and strategic about investment in our cities, which is where the majority of Australians live, to better position the national economy for the future. Australia can no longer rely on a mining boom to drive economic growth. The capacity and productivity of our cities is now central to securing Australia's future economic development. As Sydney is Australia's leading and only global city, its role is crucial. It is estimated that the gross domestic product [GDP] generated in the City of Sydney local government area in 2007-2008 was approximately \$74 billion. This represents more than 8 per cent, or nearly one-twelfth, of the total national Australian economy, over 30 per cent of the Sydney metropolitan area's and almost one-quarter of the New South Wales GDP.

Most importantly, the majority of this economic activity is in those industries dominant in the global economy, including business and financial services and telecommunications. The city is also Australia's face to the world: more than half of all international visitors and two-thirds of all international business visitors come to Sydney. Consequently, the city is the prime driver of the Australian economy. In the past decade the city's economy grew at a rate that averaged over 1 per cent more than the Australian average. Of greater significance than the global financial crisis is the challenge of global warming. It is not a question of either/or but how we can address global warming and the global financial crisis at the same time. Investing wisely and strategically in large urban renewal sites such as Barangaroo can help us prepare for a more sustainable future and facilitate a transition to a new lower carbon economy.

The City of Sydney developed the Sustainable Sydney 2030 vision last year, which highlighted the opportunity for innovative sustainable development on large urban renewal sites such as Barangaroo to significantly improve Sydney's environmental performance and increase economic capacity at the same time. Sustainable Sydney 2030 highlights the potential for large urban renewal areas to incorporate innovative green building technologies and new environmental measures, such as the use of local co- and tri-generation to power whole city precincts and take them off the electricity grid. This is the sort of exciting potential that could be realised on the Barangaroo site. I was pleased to hear the Premier's announcement of plans to locate a new ferry hub at Barangaroo, as well as a station for the new CBD metro line, to improve public transport access for the thousands of new workers, visitors and residents in this part of the city.

But I still take the view that more is needed and an extension of the existing light rail service through a new city loop along Hickson Road would be of enormous benefit to the entire city, as well as providing access to Walsh Bay and Barangaroo. Improving Sydney's transport and reducing traffic congestion throughout the inner city and beyond is essential to securing the economic future of Sydney, New South Wales and, indeed, the nation. I welcome the commitment to public space on the site, with the new headland park at the northern end and an extensive waterfront area, which will enable a continuation of the Sydney Harbour Foreshore Walk and provide an exciting new pedestrian promenade.

While the creation of the new headland park and enlarged northern cove is an exciting opportunity, it also presents challenges in establishing its connection and relationship with the remainder of the site. It should be integrated with active uses and provide attractive and safe destinations for people by day and at night. I am sure there will be continuing discussion of these and related issues, such as the level of public car parking to be provided on the site. A great deal of work lies ahead in realising the enormous potential of this massive waterfront site and to achieve the best possible outcome for Sydney's future.

I was pleased to be offered a place on the board of the Barangaroo Delivery Authority as it provides an opportunity to participate in some of these important decisions as the project progresses. I note the appointment of Mr John Tabart as the new Chief Executive Officer of the Barangaroo Delivery Authority. Among other things, Mr Tabart was formerly the Chief Executive Officer of VicUrban, which is the developer responsible for the \$16 billion Melbourne Docklands project. I visited Docklands during the week before last, and one aspect of the development that really impressed me was the decision to put in light rail first so that transport infrastructure was in place from day one.

As a member of the Barangaroo Delivery Authority's board I will work to promote public interest outcomes and to ensure that the site has sustainable transport and development, and that it achieves world-class design excellence, retains an active harbour frontage, and is well integrated with the city, in keeping with the Sustainable Sydney 2030 goals. I welcome the commitment by the Minister for Planning and the Premier to work in partnership with the Council of the City of Sydney. It is essential that the Council of the City of Sydney and the State Government work cooperatively to achieve the best outcome for this significant Sydney waterfront site. I commend the bill to the House.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.41 p.m.]: I am delighted to take this opportunity to speak to the Barangaroo Delivery Authority Bill 2009. The legislation is very exciting indeed and it will have a major impact on the history of Sydney and the nation. Sydney has been fortunate that in recent times industrial sites of the nineteenth and twentieth centuries have become available at convenient stages to enable them to be rejuvenated for community use in the twenty-first century. That was the case with Darling Harbour in the 1980s, and Homebush Bay and Pyrmont in the 1990s. Barangaroo is the latest such case: nineteenth and twentieth century port facilities of east Darling Harbour have become available for redevelopment as public open space and commercial activities.

Barangaroo is an interesting historical area. Its historical roots go back to the earliest days of white settlement in this nation. Barangaroo is Gadigal land. Maritime uses of that land by the early settlers of Sydney involved the movement from that land of the first peoples. It is fitting that the Government chose the name of an important indigenous person for the name of this important new part of Sydney. Barangaroo was a Gadigal woman who married Bennelong, an Aboriginal man whose name has been given to the site of the Sydney Opera House. Bennelong became famous because of his relationship with the first white settlers, but his wife, Barangaroo, was less amenable to the Europeans and was extremely proud of her own culture.

When Barangaroo was first introduced to the settlers in 1790 she was described as a determined, independent and feisty woman who struck out at soldiers who were beating a convict. It should be noted also that this week we celebrated International Women's Day. It is appropriate to debate legislation associated with an area that has been named in honour of one of Australia's very famous women, Barangaroo, and to highlight that this very special location is being named after her. Barangaroo refused to conform to European standards of dress and behaviour, and was determined to maintain her connection with the land. Designating the site under Barangaroo's name complements the use of her husband's name at nearby Bennelong Point—reminding all Australians that indigenous people have long been present in the Sydney Harbour area.

There is another interesting historical coincidence associated with considering legislation dealing with the east Darling Harbour part of Sydney at this time of global financial difficulty. Barangaroo fronts Hickson Road, which became known as the Hungry Mile during an earlier financial crisis in the 1930s. People still have vivid memories of the hardship endured in the 1930s and when unemployed persons walked the Hungry Mile. The Hungry Mile is the name that harbour-side workers gave Hickson Road in the Great Depression. Wharfie poet Ernest Antony made the name famous in the 1930 poem the *Hungry Mile*. A proposal to acknowledge the site's historical significance to waterside workers, by identifying part of Hickson Road as the Hungry Mile, is currently being considered by the Geographical Names Board. I hope that proposal meets with success.

The bill sets up a government agency with specific functions to deliver an outcome to the people of New South Wales that will provide enhanced public open space on Sydney Harbour along with buildings and facilities that will increase the commercial activities of the area. I recall the extraordinary visual images of events that took place to celebrate World Youth Day in the east Darling Harbour foreshore area, which soon will be known as Barangaroo. For many Australians and other people throughout the world those images would have been the first opportunity they had to see the new precinct. I vividly recall that almost 500,000 people gathered for the mass that initiated World Youth Day celebrations. It was a profound personal experience not only to be on the site that day but also the next day seeing many aerial photographs and television images of thousands of people in that most beautiful location. It showed another face of Sydney to people around the world—a face of Sydney that people in Australia and elsewhere had never seen before. It was fascinating.

This project will be another way of showcasing Sydney to the world. As Barangaroo is developed with parks and offices in a unique location much more of the beauty of the harbour foreshore areas will be revealed to the world. The Barangaroo project will renew attention on Sydney and convert that to investment and jobs for New South Wales. That will be most obvious during the construction phase when an estimated \$3 billion in funds will be injected into the development and will flow through to our economy, creating approximately 4,000 jobs over the project's cycle. In the long term Barangaroo will play a key role in attracting new regional and global headquarters of companies to Sydney that may otherwise have been located elsewhere. In turn that will generate long-term financial, skills and cultural investment in Sydney well beyond the life cycle of the project. I am delighted to commend the bill to the House. I congratulate the Minister on the introduction of the bill.

Mr BRAD HAZZARD (Wakehurst) [12.47 p.m.]: I lead for the Opposition in debate on the Barangaroo Delivery Authority Bill 2009. The Opposition closely examines State Government legislation in view of the Government's record of 14 years of incompetence. The Opposition has examined this bill in great detail. It is a very significant bill because it deals with 22 hectares of iconic Sydney Harbour foreshore land. As the member for Sydney acknowledged earlier, the site is in a part of Sydney that warrants very special and careful attention regarding its future.

At the outset I make it very clear that the Barry O'Farrell-led Coalition is 100 per cent supportive of appropriate development of the site. However, we want to see development that harmonises with development around Sydney Harbour and the Sydney central business district. We share sentiments expressed by so many people who are concerned to ensure that the site will be developed in an environmentally appropriate manner that will also reflect the aesthetic qualities of the area. The site of 22 hectares is currently being considered for three precincts comprising the southern precinct, which will be office space, the northern precinct, and the headland park area.

Recently, the southern precinct was the subject of much discussion, and on 25 February 2009 the Premier announced that the available office space would be increased. The commercial floor space at Barangaroo increased by 30 per cent, which represents roughly an extra 120,000 square metres of office space. Apparently that is what the various consortia considering developing the site would like to see. There are issues around whether the office space should be increased, but it is a fait accompli. It is unfortunate that the decision has been taken at a time when there is a lack of jobs or a diminishing number of jobs. Nevertheless, as Ken Morrison from the Property Council pointed out, the project must be considered in the long term. We acknowledge that development of the southern precinct will offer amazing opportunities. Indeed, there will be other opportunities, depending on what happens in the northern precinct. Precisely what path will be followed for the future development of the site remains to be seen.

The proposed development of the Barangaroo site has included variations on a theme. There have been many different interpretations and viewpoints on how it should be developed. My recollection is that Bob Carr had a vision—Bob was inclined to have visions about what should happen with Sydney. I recollect that he wanted something akin to the Opera House sitting on the headland at the Barangaroo site. That other great Labor icon, Mr Paul Keating—he is currently involved in the review process for the area, particularly the headland park—has a different view. He thinks we should have, and strongly supports, a headland park. I acknowledge that the Minister for Planning offered a briefing with Paul Keating, and the Leader of the Opposition and I took up that offer. We well understand Mr Keating's commitment to the headland park.

We understand that there are many different views. Nevertheless, the briefing was valuable. It was an opportunity for Mr Keating to stress his concerns about ensuring that the headland park proceeds. I will return to that in a moment. I understand that three consortia are interested in tendering for the southern precinct site. The closing date for tenders is 31 March. I believe that the closing date was originally in November or December but for various reasons—they may have related to the recession that was moving in on us—the deadline was extended. The Coalition has no problem with the deadline being extended because it is critical that the consortia have the opportunity to adequately address all the Government's requirements in relation to the tenders.

The recession means less money and perhaps a lesser need for office space in the shorter term. It has already had an impact on the Minister for Planning's pronouncements about the headland park and how it would be financed. The new Premier made various pronouncements; the Minister made an announcement that the State Government would provide funding and then announced that it would not provide funding for the headland park. Without going back over public records, funding seems to be an issue. Clearly, former Prime Minister Paul Keating would like to see the headland park project move forward as a matter of priority, and there seem to be good arguments for that. If the headland park is developed the southern precinct may increase in value—it would certainly increase the attractiveness of the southern precinct—and it may provide better direction in terms of how the northern precinct should be developed.

That is not to say that the Coalition is necessarily of the view that the headland park is the only solution. However, those in government with a decision-making capacity seem to be heading towards that solution. If that position is accepted and a headland park is developed, the Coalition believes that the Government should honour its clear obligation to fund the park and get the project underway. On this occasion the Coalition has no problem in supporting Paul Keating's view that the money should be found and the park development should proceed. Of course, that could act as an immediate economic stimulus in terms of engaging various tradesmen and the like who would be involved in developing the headland park.

The Government has not briefed us on the precise details of what the various consortia are required to do in terms of their funding models—although the Government may brief us after this. Last night the Minister referred to me as flip-flopping. Perhaps she has flip-flopped on this issue, which is understandable because she is under pressure from Treasury. There may be a funding opportunity if the Government requires the consortia to provide money up-front. The Opposition would be pleased to have a briefing—I am sure the *Sydney Morning Herald* and the *Daily Telegraph* would like to be informed—on how the Government proposes to raise funds to proceed with the headland park envisaged by Mr Keating. If that is to be included in the funding models currently being addressed by the consortia, so be it.

From the community's point of view, if a park is the solution, it is only reasonable that the Government find a way to fund it and proceed with the project. The Government should not delay the development until the various companies submit their development proposals. One assumes that funding is also required to remediate the site. Between the southern precinct and the northern precinct, sitting basically on the boundary and moving slightly into Hickson Road, is an area that requires major remediation. I assume that the Government has

indicated to the various consortia that it wants money from them to remediate the site. It is appropriate for the Government to be more transparent. The new Premier promised that he would turn over a new leaf on the 14 years of a Government that tended not to be transparent—indeed, the opposite was the case. Perhaps now is the time to say to the Government and the Premier, "Come on, deliver what you have promised. Tell us how this remediation will be undertaken"—it is critical that remediation be undertaken—"and how you will fund the park."

I will turn to the detail of the bill in a moment. It is interesting that a Barangaroo Delivery Authority is being established. There are reasonable arguments, with which the Coalition has some sympathy, for a delivery model that is focused on getting a major project, particularly one as important as Barangaroo, underway. At the same time as establishing a Barangaroo Delivery Authority the Government acknowledged that it has removed control of Barangaroo from the Sydney Harbour Foreshore Authority [SHFA], which was doing a reasonable job. On several occasions the Government and the Minister have acknowledged that the authority seemed to have the task well in hand in terms of reaching the current position.

However, there seems to be an issue about whether a stand-alone model would be better for delivering the project. A stand-alone model is a reasonable proposition. Bearing in mind other experiences—for example, a separate model successfully delivered the new Docklands area in Victoria—it is strange that the Government has decimated the Growth Centres Commission in western Sydney while pushing forward with the Barangaroo Delivery Authority. The Minister has put her best gloss on that and she may even believe in it. I would like to think she believes that the Growth Centres Commission will work better once it is absorbed by the Department of Planning.

The Minister is kidding herself if that is what she thinks, or maybe other members of the Government have convinced her to adopt that model. On the one hand the Minister has effectively destroyed the singularity of purpose of the Growth Centres Commission by moving it to a department that clearly needs some major support in other ways anyway, that is, presiding over a very dysfunctional planning system and on the other hand creating another stand-alone authority. The inconsistency of this Government is incredible. Members of the Opposition see the value in a stand-alone authority, but issues are raised in our minds as to what is the real purpose of the Government using this process. It has been suggested that the Sydney Harbour Foreshore Authority is being lined up for an entirely different purpose that may well lead to the disposal of a number of lands in its portfolio. Time will tell.

As the member for Riverstone correctly observed, this bill has iconic aspects including its name: Barangaroo, the name of the wife of Bennelong. She was a Gadigal woman from the Eora nation, who, I think, died in child birth, as was pointed out to me by the member for Wagga Wagga, who is a great student of history. She and her child were buried in the precincts of the first Government House. As the Minister said in her second reading speech, the bill establishes the structure for the Barangaroo Delivery Authority. Generally the Opposition does not have issues with the functions of that authority, which are contained in division 1, clause 14 of the bill. The Opposition is concerned about clauses 16, 17, 18 and 19 of division 2, in particular clauses 16, 17 and 18, which I raised with the Government. The bill was presented to the Opposition as being one that will allow the sale of lands within the control of the Barangaroo Delivery Authority. Clause 15 (1) states:

- (1) The Authority may, with the consent of the Minister and subject to such conditions as the Minister thinks fit, sell, mortgage, lease, exchange or otherwise dispose of or deal with any land vested in the Authority (other than the Barangaroo Headland Park) and grant easements or rights-of-way over land vested in the Authority or any part of it.

The very observant member for Baulkham Hills asked me to look at that clause and, low and behold, I discovered that the Sydney Harbour Foreshore Authority, which currently manages the land, does not have a similar right to sell land within its control. The Opposition tries to be helpful to ensure that good legislation comes out of this place and on occasions Ministers listen, as has happened on this occasion. The Minister has indicated that it was not the Government's intention to go beyond the current arrangements, which are contained within the Sydney Harbour Foreshore Authority legislation, that is, a limitation to 99 years and not to sell the freehold or, as it is referred to in clause 18, the fee simple.

The Government has foreshadowed an amendment, which the Opposition is pleased about because of its concerns that the Barangaroo Delivery Authority can, *carte blanche*, sell off some of the most iconic assets of the community. It is far better to limit that land to 99-year leases. Earlier the Minister handed me an amendment that seems to remove the capacity of the Government to sell the land. Accepting that that amendment will be moved shortly, the Opposition will not object to it. Clause 18 states:

- (1) The Authority has no power to sell or exchange the whole or any part of the Barangaroo Headland Park, or to otherwise dispose of the fee simple estate in that land, except by way of surrender to the Crown.
- (2) However, the Authority may, with the consent of the Minister and subject to such conditions as the Minister thinks fit, lease, mortgage or otherwise dispose of an interest (other than the fee simple) in the Barangaroo Headland Park or affect or create an estate or interest in the Barangaroo Headland Park.

I accept that the headland park is particularly significant to the community—it is obviously of particular significance to the former Prime Minister, Paul Keating—so I have conveyed to the Minister and Government advisers in the past half an hour that Barangaroo headland park can be leased or mortgaged. One would have thought that a public domain, space to be used by the community at an iconic place in Sydney, should not be the subject of a lease or mortgage. I ask the Minister to explain the mortgage concept. I am not imputing an improper approach or malice, but the explanation I have had thus far from government staff is that the authority needs to be able to lease or mortgage areas that may be an adjunct to the park, such as a kiosk or a car park. If that is the Government's intention, the Opposition is not concerned, but the way clause 18 is constructed does not limit it to that. I can almost envisage a lease for a rollercoaster on the headland park. Heaven only knows what Paul Keating would think about it.

The bill does not stop the authority from leasing the area for purposes other than what Mr Keating would envisage as an iconic headland park fronting Sydney Harbour, that is, passive recreational space interfacing between the central business district and the harbour. If the Government intends to lease areas only for the purposes that Government staff have indicated thus far then I suggest that before the bill is sent to the Legislative Council the Government narrow the wording to specifically reflect the Government's intent, that is, to lease kiosks and car parks. It would be quite an easy exercise, but that is a matter for the draftsman. I do not understand why the authority would want the right to mortgage what is passive open space. Even this Government should not mortgage assets that will be passive recreational areas for the community.

I ask the Government to consider that; but it will not have time to do so today as I understand the Minister wants the bill to pass through the lower House today. On behalf of the community I ask for an explanation as to why, when lands are transferred from the Sydney Harbour Foreshore Authority to the Barangaroo Delivery Authority, there is suddenly an ability to lease lands for up to 10 years without ministerial consent. Currently, the Sydney Harbour Foreshore Authority is able to lease lands for up to five years only without ministerial consent. Why the doubling? What is the purpose? It seems unnecessary, and I wait to hear the Government's response. Clause 16 of the bill states:

Acquisition of land

- (1) The Authority may acquire land, for the purposes of this Act, by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

Clause 14 (4) of the bill appears to contain a limitation on that. It states:

The Authority may only exercise its functions with respect to land outside Barangaroo with the approval of the Minister.

One of the issues of the property sector is that the Sydney Harbour Foreshore Authority is limited in its capacity to acquire land. On current planning, Barangaroo will have a walkway to Wynyard railway station, an area that follows approximately the passage of people who work at the southern end of the precinct. It is proposed that the walkway will be improved. If this provision is for that improvement only, that should be laid out. The bill gives the Government carte blanche to acquire land through the Barangaroo Delivery Authority, not necessarily, as I interpret the bill, related directly to Barangaroo. I anticipate that is the Government's intention, and I hope it is the case. If so, I ask the Minister for Planning to clarify that in her response and to give assurances. People would be quite concerned that the capacity of the authority to acquire land will know no bounds. I hope the Government will clarify that that provision relates to land that is immediately adjacent to, and that is absolutely necessary for achieving the development of, the Barangaroo site.

The Opposition will not oppose the bill. I acknowledge that in the consideration in detail stage, we can deal with omitting the power of sale. I thank the Minister for Planning and her staff for their courtesy on this bill. I thank also my staff, Lee Dixon, who again had to get her head around the contents of a bill in order for us to work out that it did not deliver what the Government intended. With the Coalition's support the Government will be able to produce a bill that delivers what it intended.

Mr JONATHAN O'DEA (Davidson) [1.13 p.m.]: I support the Barangaroo Delivery Authority Bill 2009, which attempts to improve infrastructure delivery in New South Wales. As the public is well aware,

the New South Wales Government struggles with infrastructure delivery. It is fair to say that the public does not trust the New South Wales Government to deliver infrastructure projects in full, on budget and on time. The bill attempts to ensure that the important Barangaroo development is implemented in a professional manner. While I support the bill, the New South Wales Government's record engenders certain scepticism that it will deliver the desired outcomes.

The objects of the bill are to establish the Barangaroo Delivery Authority and to provide for its functions and other matters relating to the development of Barangaroo. Clause 9 establishes a board of the authority consisting of the Chief Executive Officer, the Secretary of the Treasury, a nominee of the City of Sydney Council approved by the Minister, and not more than four persons appointed by the Minister. The authority has a number of functions including to promote, procure, facilitate and manage the orderly and economic development and use of Barangaroo, including the provision and management of infrastructure, to liaise with government agencies with respect to the coordination and provision of infrastructure associated with Barangaroo and to undertake the delivery of infrastructure associated with Barangaroo or that relates to the principal functions of the authority.

The bill also gives the authority a number of ancillary functions including the power to acquire land by compulsory process for the purposes of the proposed Act and the power to dispose of or otherwise deal with its land, other than the Barangaroo Headland Park, with the consent of the Minister. However, I note the foreshadowed amendments discussed by the shadow Minister for Planning, the member for Wakehurst. The New South Wales public has a right to be sceptical about Labor's ability to deliver major infrastructure projects. The recently opened Chatswood to Epping rail project experienced major delays and a massive budget blow-out, despite delivering only half of the originally promised track distance. I emphasise also the importance of transparency in infrastructure delivery. Transparency is fundamental to the New South Wales Government restoring some trust in the New South Wales public. The public has a right to know detailed information about what is expected to be delivered, when, and for how much taxpayers' money.

The public does not want delays, cost blow-outs and constant reannouncements of existing projects. Let us hope that the Barangaroo Delivery Authority offers the transparency the public deserves. The authority is subject to the control and direction of the Minister for Planning, who has significant power in appointing and approving members of the board of the authority, which is of potential concern given Labor's record of appointing mates and party or union hacks in key government positions. While I have no doubt that Mr Paul Keating brings certain skills to his position as head of the Public Domain Review Panel, the New South Wales Government must avoid perceptions of cronyism. I welcome the oversight of the Independent Commission Against Corruption, the Ombudsman and the Auditor-General, who will perform an annual audit. In addition, I welcome the disclosures required under schedule 1 to the bill.

As previously mentioned, the authority has the power to dispose of land other than the Barangaroo Headland Park, with the consent of the Minister, subject to foreshadowed amendments. New South Wales taxpayers can only hope that the authority and the Minister do not mismanage the disposal or long-term lease of land, particularly when we consider how this Government handled the Walsh Bay development. The Government entered into a profit-sharing arrangement under which it ultimately received less than \$4 million after tax under a distorted profit-sharing arrangement in relation to Walsh Bay when, on good authority, it should have received at least \$30 million.

That type of mismanagement, especially within New South Wales Maritime, is completely unacceptable. New South Wales taxpayers deserve better. The authority and the Minister must ensure maximisation of value in the public interest from any disposal of land or long-term lease of land, assuming adoption of the now foreshadowed amendments. While the development of Barangaroo will provide much-needed stimulus for the New South Wales economy, the global financial crisis will impact on the take-up rate of office space, as the newly appointed chief executive of the development authority, Mr John Tabart, has already admitted. On 4 March 2009 he said:

The global financial crisis is going to affect the short-term occupancies of any project and any developments now in Australia and in the rest of the world.

In the interests of transparency the authority should keep the public informed regarding the impact of the global financial crisis on the development but not use the crisis as an excuse for poor outcomes. The New South Wales Government can only improve on its infrastructure delivery. This bill provides a reasonable platform on which the Government can demonstrate that it can deliver an infrastructure project in full, on budget and on time. However, one would forgive anyone for a hint of scepticism.

Ms KRISTINA KENEALLY (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [1.20 p.m.], in reply: I thank the members who have participated in this debate—the member for Davidson, the member for Sydney, the member for Riverstone and the member for Wakehurst, the shadow Minister for Planning. I thank the member for Sydney for her support for the bill and her positive comments about the ferry and the metro station, and the appointment of John Tabart. I place on record that we look forward to working with the City of Sydney on its Sustainable Sydney 2030 plan for the Barangaroo development, and on our Metropolitan Strategy. I am pleased that the Mayor, Clover Moore, is on the board of the authority.

I also thank the member for Riverstone for acknowledging the history of the site and recalling that it was really first brought back into people's imagination through World Youth Day, and also for acknowledging and honouring the woman, Barangaroo, after whom the site is named. The shadow Minister for Planning has been a very thoughtful and helpful partner in bringing this bill to the House, and I appreciate his cooperation. As he has intimated, I am happy to confirm the Government will move an amendment to the Barangaroo Delivery Authority Bill that will clarify the sale of land at Barangaroo. The shadow Minister stated, and I can confirm, that it was never the Government's intention to sell the land freehold. It was always our intention to sell it via a 99-year lease. I can specify that we never intended to sell the land at Barangaroo Headland Park. I will move that amendment in the consideration in detail stage.

The member for Wakehurst also raised the potential leasing of Barangaroo headland park and the possibility of mortgaging at the park. I might observe that leasing occurs in many of the parks in the city, whether the Botanic Gardens, Centennial Park or Sydney Park. It is about facilitating the leasing of car parking, kiosks and cafes. Many parks around the city have commercial arrangements and provisions for leasing. That is entirely what this provision is about. Similarly the bill will allow us to enter into mortgage arrangements with the people who will operate those facilities. This is entirely consistent with the types of arrangements at other parks around the city, but I will take the member's concerns on board and consider whether any further clarification needs to be provided. I confirm to the House that that is entirely our intention.

The member for Wakehurst also raised the question of why this bill allowed 10-year leases to be entered into without ministerial approval when the Sydney Harbour Foreshore Authority [SHFA] was limited to five-year leases. I advise the House that this reflects commercial reality. The SHFA has been experiencing some administrative difficulty in having to regularly renew five-year leases. This is an administrative change from the SHFA. It recognises and accurately reflects the current commercial reality. I thank all members for their contributions and flag that I will introduce amendments in the consideration in detail stage.

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

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Ms Kristina Keneally.

Consideration in Detail

Clauses 1 to 16 agreed to.

Ms KRISTINA KENEALLY (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [1.24 p.m.], by leave: I move Government amendments Nos 1 to 4 in globo:

No. 1 Page 8, clause 17. Insert after line 17:

- (1) The authority has no power to sell or exchange the whole or any part of any land vested in the Authority (other than the Barangaroo Headland Park), or to otherwise dispose of the fee simple estate in that land, except by way of surrender to the Crown.

No. 2 Page 8, clause 17 line 18. Omit "The". Insert instead "However, the".

No. 3 Page 8, clause 17 lines 19 and 20. Omit "sell, mortgage, lease, exchange or otherwise dispose of or deal with any land". Insert instead "mortgage, lease or otherwise dispose of an interest (other than the fee simple) in land".

No. 4 Page 17, clause 30. Insert after line 2:

- (5) This section has effect despite sections 17 and 18.

I reiterate what I said in my speech in reply to the debate. These amendments clarify the Government's intention that the sale of land at Barangaroo is only to be done via a 99-year lease. We have no intention of disposing of the fee simple estate in that land.

Mr BRAD HAZZARD (Wakehurst) [1.25 p.m.]: As indicated during the previous stage of the bill, the Opposition raised the capacity to sell freehold title in fee simple with the Government and we are pleased that the Government has agreed to move these amendments. There are subset consequent amendments, particularly No. 4, that I am not 100 per cent certain about because I was only handed it just before I started speaking. However, after a quick scan of the amendment, it appears to limit the Government's power to sell land and therefore land at Barangaroo will be disposed of only by way of 99-year leases and will eventually come back to the public. If each of amendments Nos 2, 3 and 4 has that effect there will be no difficulty. For the purposes of progressing the bill we will not oppose the amendments and we will look at them more closely when they move to the upper House. Based on the undertakings from the Minister and explanations from staff I expect the amendments will have the effect that we asked for. For that reason we will not oppose the amendments.

Question—That Government amendments Nos 1 to 4 be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 to 4 agreed to.

Clauses 17 and 30 as amended agreed to.

Clauses 18 to 29 and 31 to 51 agreed to.

Schedules 1 to 4 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Ms Kristina Keneally agreed to:

That this bill be now passed.

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

[The Acting-Speaker (Mr Thomas George) left the chair at 1.28 p.m. The House resumed at 2.15 p.m.]

PHOTOGRAPHS OF LEGISLATIVE ASSEMBLY

Privilege

The SPEAKER: At the sitting on Thursday 5 March 2009 the member for East Hills raised the issue of the actions of a photographer in the Speaker's Gallery taking photographs of members who did not have the call. Such action is not authorised by the guidelines in place for still photography, by which photographers agree to abide when they seek approval for photography. However, there has been a practice over the years for photographers to take file photographs, having advised the Speaker that this was their intention. In these circumstances members would be advised accordingly. On Thursday I was not advised of the photographer's intention beforehand. I have since received an apology for this lapse. For the information of members I will table a copy of the rules that are currently in force. I ask that photographers comply with the guidelines in future to ensure the orderly conduct of business of the House. Blatant disregard of the rules will be dealt with accordingly.

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr NATHAN REES: I inform the House that in the absence, due to illness, of the Minister for Transport, and Minister for the Illawarra, the Minister for Roads will answer questions on behalf of that Minister.

BUSINESS OF THE HOUSE

Routine of Business

[During the giving of notices of motions to reorder business.]

The SPEAKER: Order! The Minister for Finance will come to order. I call the Minister for Finance to order.

QUESTION TIME

ROYAL NORTH SHORE HOSPITAL REDEVELOPMENT

Mr BARRY O'FARRELL: My question is directed to the Premier. A year after the Government pledged never to repeat the Bathurst hospital bungle—

The SPEAKER: Order! I call the member for Bathurst to order. The House will come to order. The Leader of the Opposition will continue with his question.

Mr BARRY O'FARRELL: —how is it possible that the \$1 billion Royal North Shore Hospital redevelopment will result in 16 of the 18 operating theatres being too small to treat patients from across the State needing major trauma, cardiac, spinal and cancer surgery? Will patients and taxpayers ever stop paying for this Government's incompetence?

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

Mr NATHAN REES: The simple fact of the matter is that the Leader of the Opposition is wrong. Let me outline the ways. This Government has invested \$950 million to build a state-of-the-art hospital on the North Shore—a superb facility not just for families on the North Shore but also in Willoughby and in Ku-ring-gai.

Mr Barry O'Farrell: Across the State.

Mr NATHAN REES: Across the State—an investment in jobs and in public health care for New South Wales families. The Minister for Health gave a very detailed answer on this matter in the other Chamber earlier today. His advice is that the theatres planned for the Royal North Shore Hospital meet or exceed the Australasian Health Facility Guidelines. They are the same or larger than our other prestigious teaching hospitals, some of the best in the world. I refer to the Australasian Health Facility Guidelines, to wit, the official advice: 18 new state-of-the-art operating theatres. The new hospital will have six theatres at 42 square metres; 10 theatres at 52 square metres; and two additional theatres, which will be used mainly for trauma, at 56 square metres. The relevant Australasian Health Facility Guidelines, under "Standard Components", state: "Operating Room—Large, 52m²".

Mrs Jillian Skinner: They have been superseded. You know that.

Mr NATHAN REES: No, I will come to that.

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

Mr NATHAN REES: Standard components—

Mrs Jillian Skinner: Out of date.

Mr NATHAN REES: You are wrong again, Jillian. The guidelines further state: "Standard components: Operating Room—General 42m²". So, that is six theatres at 42 square metres, 10 theatres at 52 square metres, and two additional theatres that will be used for trauma predominantly at 56 square metres. All theatre sizes are consistent with current national health facility planning guidelines. These guidelines are under constant review—if the Coalition had a policy subject to review, it would know what we were talking about.

The SPEAKER: Order! Opposition members will come to order.

Mr NATHAN REES: These guidelines are under constant review and there has been a discussion paper circulated for comment mooted operating theatres for trauma of up to 60 square metres, but there has been no change at this time.

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

Mr NATHAN REES: The Opposition is simply wrong on this matter. These operating theatres—

Mrs Jillian Skinner: Point of order—

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

Mrs Jillian Skinner: My point of order is relevance under Standing Order 129. This is not my assertion; this is from the doctors. The doctors are telling us.

The SPEAKER: Order! The member for North Shore will resume her seat. That is not a point of order.

Mr NATHAN REES: Let me make it crystal clear. These operating theatres are entirely in conformity with existing guidelines. For the first time doctors, nurses, allied health professionals, administrative and support staff had the opportunity to review and provide their input on three proposed designs before the award of the tender. The schematic design consultation involved more than 200 staff, a quarter of which were medical clinicians. Each of the 48 groups met three or four times to review the plans for their departments and to comment on the relationships between the rooms in each department.

The new theatres will be digitally integrated. Surgeons will be able to access patient files and diagnostic information online in theatre. They will look at patient x-rays and see records that also include pharmacological history and patient history. Images from these theatres can be boomed in real time or as recorded images to other teaching facilities anywhere in the world. That is state of the art. This is the product of ongoing consultation with clinicians. It is very disappointing when the New South Wales Opposition tries to tear it down for its own base political purposes.

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

FEDERAL STIMULUS PACKAGE AND HOUSING

Ms ALISON MEGARRITY: My question is addressed to the Premier. What action is the Government taking to help create jobs through the housing industry and deliver the Rudd Government's stimulus package?

Mr NATHAN REES: I thank the member for her question and long-standing interest in this matter. The Rudd Government's \$6.4 billion package to boost social housing is a once-in-a-lifetime opportunity to secure jobs and investment in New South Wales. Delivery of the national building plan is a task bigger than the Olympics and, like the Olympics, this Government will deliver. We live in difficult times and with unprecedented economic challenges. The New South Wales Government will use every lever at its disposal to invest in a better future for our State, supporting jobs and easing the pain on families. This morning I addressed an industry briefing outlining how we will deliver the social housing boost funded by the Federal Government. In effect, it was a call to arms to the private sector. I made the point, as I have done before, that if we are to see our way through this crisis, we need to work together: the public sector working in partnership with the private sector. Key to the delivery of all elements of the stimulus package will be the work of private sector operators.

Through the Rudd Government's package we expect to have 17,000 people over the next two to three years, delivering an extra 37,000 jobs and apprenticeships. That comes on top of the \$56 billion infrastructure program we have for the next four years, which supports more than 154,000 jobs each year. We have already announced recently 6,000 government apprenticeships and cadetships. We are spending \$1.6 million on infrastructure in New South Wales every hour of every day. We will move quickly to take advantage of the opportunities that the Federal Government's package presents us. The Prime Minister has asked for 75 per cent of the properties to be ready for tenants to occupy by December 2010. So, we need to move quickly. That is why today I asked the private sector to nominate building projects we can deliver in partnership to boost social housing across New South Wales.

The construction industry and the jobs they support are doing it tough at the moment. Many are without finance or the resources to complete or start their projects. Despite the slowing down of the housing industry, Australian Bureau of Statistics data released today shows that New South Wales housing finance approvals are in better shape than much of the rest of the country. The Government's decision to increase support paid to first home buyers is paying dividends. In the year to January 2009, approvals for first home buyers in New South

Wales increased to 31.8 per cent compared to a 3.2 per cent increase in Victoria, a 13 per cent increase in Western Australia and an average increase of 19 per cent across Australia. The Government wants to add approximately 3,000 new homes for social housing by buying land with potential for residential development, land with an existing development application, land with a building contract, and projects that are under construction or completed developments that are appropriate for social housing.

As part of the nation building and jobs plan, we will submit an application for funding to the Federal Government. To do that effectively, we need to know the properties that may potentially be funded as part of that package. I am pleased to say that we are interested in small to medium size developments, ideally of between six and 20 properties, but we are also happy to look at larger complexes. Together with the Federal Government, we are investing approximately \$3 billion over the next three years to construct approximately 9,000 new homes. On Monday of this week newspapers carried advertisements to invite tenders for projects in Unanderra, Gilgandra, Cessnock, Armidale and Kanwal. In total, seven projects in one day will provide 39 houses or units in areas of need across New South Wales. Construction is needed not only to stimulate the industry but also to restore \$1 billion in funding that the Howard Government ripped from the social housing sector.

The SPEAKER: Order! The House will come to order. The Premier has the call.

Mr NATHAN REES: The Opposition's record on public housing is particularly interesting. We had to look hard, but eventually we came across a passing Opposition reference to public housing, but it was not one made by the Leader of the Opposition. We went back to the archives, back to the days—

Mr Joseph Tripodi: Jack Lang?

Mr NATHAN REES: Not that far back.

Mr Adrian Piccoli: Peta Seaton?

Mr NATHAN REES: He is ahead of me, but not that far back. We went back to the days when the member for Vacluse occupied the place of the Leader of the Opposition and when the current Leader of the Opposition was the shadow Treasurer. The last idea we got from the Opposition and from the Debnam-O'Farrell team—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129 and to the good question directed to the Premier about housing, et cetera. Taking into account all of the problems that exist in New South Wales, it is inappropriate for him to diverge to a topic that is completely irrelevant to the question.

The SPEAKER: Order! I will listen further to the Premier. The Premier has the call.

Mr NATHAN REES: The people of New South Wales are entitled to know the alternative position, and I will quote what the member for Vacluse told the ABC in 2006, "We'll actually be renting from the private market not building new houses."

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. The question was about Government plans and the Rudd Government package and the like. It had nothing to do with whatever happened in 2006 or the member for Vacluse. Mr Speaker, if you expect members of this Chamber to behave appropriately, you have to bring Government members into line and direct them to abide by the standing orders.

The SPEAKER: Order! It is relevant in responding to a question to comment not only on the Government's position but also on alternative proposals. That is relevant information for the community. I will listen carefully, and if there are any attempts to deviate, I will draw the Premier's attention to the question. The Premier has the call.

Mr NATHAN REES: As I was saying, \$3 billion will be spent by the Government on public housing over the next few years compared with nothing at all from the Opposition. Opposition policy has not changed since April 2006. While the Government is building and creating jobs, the Opposition stands for zero.

ROYAL NORTH SHORE HOSPITAL REDEVELOPMENT

Mrs JILLIAN SKINNER: My question is directed to the Premier. What breathtaking incompetence would lead his Government to locate a helipad—

Mr John Aquilina: Point of order: Last week you gave several rulings on this matter. The language being used during question time by a number of Opposition members is utterly inappropriate; it is argumentative, not factual, and does not seek facts.

The SPEAKER: Order! I will ask the Deputy Leader of the Opposition to restate her question so that it is in order.

Mrs JILLIAN SKINNER: My question is directed to the Premier. What would lead his Government to locate the helipad at the \$1 billion Royal North Shore Hospital redevelopment on top of an old building, requiring two lift rides and a quarter of a kilometre trolley ride across a walkway to get to the new operating theatres or intensive care unit?

Mr NATHAN REES: As a prelude to responding in detail to the question, I point out that on most occasions when the Deputy Leader of the Opposition asks a question regarding Health, she is simply wrong.

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

Mr NATHAN REES: A review of current and future helipad operations at the Royal North Shore Hospital is underway in the context of resolving the functional relationship between the recently built Douglas Building and the new acute care services development. The Douglas Building currently includes, among other services, the emergency department, maternity services and the helipad. Expert assessment and advice—I emphasise "expert assessment and advice"—is being obtained by New South Wales Health, Health infrastructure and the area health service to assist in this process, and clinicians are being consulted as part of that. On a day when more than 700 surgical procedures will be performed by the hardworking doctors and nurses across our health system, and when our health system, despite ongoing challenges, is rated not by us but by the Australian Medical Association [AMA] as the best in Australia, the Deputy Leader of the Opposition has the hide to undermine a \$950 million new hospital that will serve the people of New South Wales.

Let me run through the Opposition's record: Bellingen hospital, downgraded; Port Macquarie Base Hospital, closed, privatised, and paid for twice by the taxpayers; Hawkesbury hospital, closed and a private hospital opened; Marrickville hospital, closed; Parramatta, downgraded; Wallsend, downgraded; Yeoval, downgraded; Quandialla, downgraded; Kiama, closed and then reopened by the Australian Labor Party; South Sydney, closed; St Margaret's, closed; St Joseph's, downgraded; Gladesville, closed to patients; Binnaway, downgraded; Mosman, closed; Western Suburbs, closed; Lidcombe, closed; Balmain, downgraded; Rachel Forster, closed; Bulli, downgraded.

Mrs Jillian Skinner: Aha!

Mr NATHAN REES: I have more! This is your policy.

The SPEAKER: Order! Government members will cease interjecting. The member for South Coast will cease interjecting.

Mrs Jillian Skinner: Point of order: My point of order is relevance. The Premier has named some private hospitals among those he referred to as having been closed. That is not part of the question, and never was.

The SPEAKER: Order! There is no point of order. The House will come to order. I call the member for Clarence to order.

Mr NATHAN REES: I will continue: Bonalbo, downgraded; Sydney, downgraded; Lithgow, downgraded; Chatswood, downgraded; Portland, downgraded.

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

Mr NATHAN REES: The Opposition pushed for the closure of Camden and Auburn hospitals, and the Glebe homeopathic hospital was closed. The Government: builders. The Opposition: wreckers!

LOWER HUNTER REGIONAL CONSERVATION PLAN

Mr FRANK TERENCE: My question is addressed to the Deputy Premier, Minister for Climate Change and the Environment, and Minister for Commerce. What action is the Government taking to protect the environment of the Lower Hunter?

The SPEAKER: Order! The member for Coffs Harbour will come to order.

Ms CARMEL TEBBUTT: I thank the member for Maitland for his question. I know he has a genuinely strong commitment and pride in his area, as he should. The New South Wales Government has pioneered a truly innovative approach to development and conservation in New South Wales. Today marks another milestone with the release of the Lower Hunter Regional Conservation Plan. The plan sets out a 25-year program to drive conservation efforts in the Lower Hunter area. It sits alongside the Lower Hunter Regional Strategy, which outlines the provision of sufficient appropriately placed housing and employment land to cater to the region's projected growth over the next 25 years.

The Lower Hunter Regional Strategy is based on population growth projections forecasting that there will be an additional 160,000 people in the region by 2031. The regional strategy plans for up to 66,000 new jobs and 115,000 new dwellings in the region over the next 25 years. That is significant growth, significant employment needs and significant accommodation needs. It is an ongoing challenge for this Government to ensure that, in meeting these future employment and housing demands, we also ensure that we protect the unique conservation values of the Hunter. That is why the Government has come up with this innovative strategy where we link conservation plans and regional strategies together.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Ms CARMEL TEBBUTT: We recognise that good development and good conservation outcomes are best achieved by strategic planning at a regional level. That is what our approach achieves. The Lower Hunter region is a highly diverse area. As members know, it has spectacular beaches, beautiful lakes, forests, valleys and mountains.

[Interruption]

I accept that it is different to my area of Marrickville, but I like to visit the Lower Hunter. It has a range of biodiversity values, including wetlands, and is home to a number of threatened species. It also has important Aboriginal heritage values. The regional conservation plan assesses the unique environmental values of the Lower Hunter, identifies priority areas and provides guidance for councils, developers, the community, and catchment management authorities. The Government already has a strong record on conservation in the Hunter. For example, stage one of our response provides for the establishment of 20,000 hectares of new conservation reserves in the Lower Hunter. This includes expanding the size of the existing national parks at Wollemi and Yengo, as well as creating a green corridor stretching from Watagan to Stockton.

The SPEAKER: Order! I call the Leader of The Nationals to order. I call the member for Coffs Harbour to order for the second time.

Ms CARMEL TEBBUTT: In addition, a further 11,000 hectares of privately owned lands are being dedicated for conservation. The creation of 31,000 hectares of conservation reserves in the Lower Hunter ensures the protection of areas of critical biodiversity value, and will provide increased recreational and economic opportunities for the communities of the Lower Hunter. The Government has an enlightened approach to protecting areas of high conservation value. Stage two, the regional conservation plan, exemplifies that approach. The plan sets out a range of mechanisms, which offset the anticipated impacts resulting from development of the Lower Hunter, including development of the employment lands identified in the Lower Hunter Regional Strategy.

The regional conservation plan identifies tools and mechanisms that can be used in the medium and longer term to complete important flora and fauna corridors. The plan provides guidance for local councils in development of new local environment plans. These local planning instruments will in turn assist councils that

seek biodiversity certification of land within their region. That is yet another innovative approach from the Government on how we manage conservation and development pressures in an enlightened way. The plan will inform revision of the catchment action plan by local catchment management authorities by helping them to focus on the highest conservation value areas within the region.

The plan also identifies important areas that should be the focus of other mechanisms, such as voluntary conservation agreements, locations for bio-banking offsets, protective covenants and other voluntary mechanisms. The Lower Hunter is truly a unique area. It has high conservation values. Its rich, natural and environmental resources provide much for their local communities in terms of employment, recreational opportunities, amenity and quality of life. The Government is committed to ensuring that we protect areas of high conservation value, and the Lower Hunter regional conservation plan delivers on our commitments.

HEALTH SERVICES EXPENDITURE

Mr ANDREW STONER: My question is directed to the Premier. After a situation arose earlier this year, when a patient was transferred four times between Coonabarabran hospital and Dubbo hospital at a cost of about \$10,000, because Coonabarabran is not equipped with tubes worth less than \$100 each for patients who cannot swallow, is it any wonder that the health service does not have enough money for basic equipment or to pay its bills on time?

Mr NATHAN REES: I will seek a report on the Leader of The Nationals' assertion in his question. More than 250,000 surgeries are performed each year, and there are more than 2.3 million attendances at our emergency departments. Waiting times for urgent surgery are well below the national agreed benchmark of 30 days or 10 days, and our emergency departments outperform those in every other State in meeting waiting time and triage benchmarks. That is a tribute to the doctors and nurses who work in our system. I have just catalogued the Coalition's record on hospital closures and downgrading.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129. The Premier has admitted that he does not know the answer to the question and will seek information. For him then to go on with the same diatribe he used last time is a breach of the standing orders.

The SPEAKER: Order! That is not a point of order. The Premier has the call.

Mr NATHAN REES: We are channelling about \$3.8 billion into rural health this year. That is more than double the investment of just seven years ago. Some \$1 billion is being invested in the Hunter, \$700 million across the North Coast, and \$1 billion across the greater western and greater southern areas to improve health services in rural and regional New South Wales. We have built 17 major hospitals and health services for communities living in and around places like Young, Broken Hill, Coffs Harbour and the Tweed.

As well as bricks and mortar, we are rolling out more services across the State. For example, we have provided new renal dialysis units in Goulburn, Moruya, Griffith, Bega, Bathurst, Forbes and Manning. That is on top of expanding existing services at Wagga Wagga, Armidale, Kempsey, Dubbo, Broken Hill and Orange. There is no easy solution in health, in many instances. The health system in this State struggles at times, as do the health systems in every other State and, indeed, in every jurisdiction around the advanced world, with shortages of skilled clinicians and so on. However, the 110,000 people who work hard in our system every day deserve our support, not our denigration.

MOTORCYCLE SAFETY

Mr GRANT McBRIDE: My question is addressed to the Minister for Roads. What action is the Government taking to reduce the number of accidents involving motorcyclists in New South Wales?

Mr MICHAEL DALEY: I can advise the House that this morning I was with the Premier when he announced important changes to our motorcycle licensing system that will help reduce the number of novice drivers involved in crashes on our roads. We are introducing a new graduated licensing scheme for motorcycle riders, which is similar to the system already in place for car drivers. These are tough economic times and more and more people are using motorcycles, scooters and the like because of the obvious savings that are available. Saving riders' lives and preventing injuries is a critical road safety challenge for the Government.

It is a simple but unfortunate fact that motorcycle riders are more likely to be killed or injured than people in cars. Obviously the very thing that makes those sorts of vehicles so attractive—the freedom and flexibility they offer—also makes riders more exposed and vulnerable in traffic and in accidents. Young motorcycle riders in particular are overrepresented in crashes and injuries on our roads. The New South Wales Centre for Road Safety said that 20 per cent of all drivers and motorcycle riders involved in fatal crashes in 2007 were aged between 17 and 25, but this age group accounted for only 15 per cent of all licence holders.

So 20- to 24-year-old riders are more than 2½ times more likely to be involved in a crash than older motorcycle riders. For those under 20, the figure is a startling one—it rises to five times the incidence of crashes. No doubt these statistics worry mums and dads around the State when their children come home and tell them they would like to get a motorcycle licence. Tragically, around 350 novice riders were involved in crashes in which they were injured in New South Wales last year. In a number of those cases families got the ultimate knock on the door from a policeman, who notified them that their loved one—often their child—would not be coming home. Our job is to make the situation safer for young people.

The number of motorcycle registrations has risen by 55 per cent over the past five years, compared with a simple 0.3 per cent increase in new passenger vehicle registrations for the same period. That massive increase speaks for itself and reflects the times we live in. The number of motorcycle licences has increased by 10 per cent over the past five years compared with only a 6 per cent increase in driver-only licences. In 2007 there were 61 fatalities, down 66 from the year before. Those figures show we have more to do for young, novice riders.

The SPEAKER: Order! The member for Clarence will cease interjecting. I remind him that he is on two calls to order.

Mr MICHAEL DALEY: We need to ensure that they have spent enough time in the learning and provisional phases to prepare them adequately to ride in challenging conditions whether that is on city or country roads. The graduated licensing scheme for car drivers introduced by the Government in 2000 has proven to be a positive road safety initiative for young drivers. New South Wales now has one of the toughest testing regimes in the world but we know we cannot be complacent when it comes to the safety of young drivers and riders on our roads. The new graduated licensing scheme for motorcycle riders will make the first years of riding safer. It will align the process of obtaining a rider licence with that of a car licence.

Under the changes announced today, a new P2 rider stage will be introduced for motorcyclists for the first time. This will extend the minimum provisional period for motorcycle riders from one to three years, that is, 12 months for P1 riders, followed by two years on a P2 licence, the same as cars. It means that the earliest someone can now get an unrestricted rider licence will increase from age 18 to age 20. These are the same P1 and P2 phases as a car driver, which also means that rider restrictions will be in place for longer. Importantly, this will now mean that provisional riders will need to comply with the same conditions as provisional drivers—zero blood alcohol content, specific speed restrictions and tailor-made demerit points allocation that sends a very strong deterrent message to novice riders about road safety. The current learner and provisional restrictions on motorcycle size and engine power will also be extended to include the P2 period.

The P1 phase will have a requirement for all novice riders regardless of age but there will be an exemption from the P2 phase for riders over 25 who also hold an unrestricted car driver licence. We are giving a break to riders who are more mature. This recognises the car driving experience of the applicant and is in line with other Australian States. Zero tolerance to speed will continue to apply to P1 riders. It will also apply to learners when our new learner demerit points scheme comes into force shortly. This is about saving lives and reducing the number of young people injured and killed on our roads by ensuring novice riders gain more experience.

This scheme will be implemented in early June following the necessary legislative and computer system changes. The Roads and Traffic Authority will also start a comprehensive campaign to alert people to the changes. Young riders need to start a lifetime of driving with good habits, which will keep them safe on our roads. This is not only about keeping young drivers safe but also keeping the rest of the community safe. Members of the Government are committed to improving safety on our roads and driving down the road toll, which is at a record low.

EARTH HOUR

Ms CLOVER MOORE: My question is addressed to the Deputy Premier, Minister for Climate Change and the Environment. Given that Earth Hour started in Sydney in 2007 as a call for action on global warming, and the action went global in 2008 and is expected to have one billion participants this March, will the Minister inform the House what support the Government will give to Earth Hour this year?

[*Interruption*]

The SPEAKER: Order! I call the member for Coffs Harbour to order for the second time. I call the member for Murray-Darling to order for the second time.

Ms CARMEL TEBBUTT: I know that the member for Sydney not only has a deep commitment to Earth Hour but also is responsible, together with the *Sydney Morning Herald* and World Wildlife Fund, for it coming into being, for which I congratulate her. As she pointed out Earth Hour has grown enormously in breadth and involvement since its introduction in 2007. Many members will remember the start of Earth Hour in 2007 in Sydney, something which Sydney and the people of New South Wales should take pride in because it has now become a global event. The member for Sydney is very proud of Earth Hour. Last year, 370 towns and cities took part across many countries throughout the globe. I am advised that so far this year 1,066 cities and towns—a threefold increase—in 80 countries around the world will be a part of Earth Hour, which is a remarkable achievement.

The desire of people right across the globe to be part of Earth Hour by simply turning off lights for one hour demonstrates an enormous community goodwill, awareness and desire to do something about climate change. It is somewhat symbolic but powerful and can be used to hook people into becoming involved in more substantial activities to address climate change. No doubt the Government and New South Wales will once again rise to the challenge of Earth Hour. It is of particular importance because at the end of this year governments from across the globe will gather in Copenhagen. I know there is a real desire for Earth Hour to be extremely successful this year as a lead into Copenhagen. We want to make sure that Sydney shines—or does not shine—once again as part of Earth Hour. The iconic Sydney Opera House and the Sydney Harbour Bridge will be among the first internationally recognised landmarks to go dark. The Government has always been a strong supporter so the Premier will once again require chief executive officers of agencies to turn off the lights of government buildings.

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Ms CARMEL TEBBUTT: The Government challenges all businesses to turn off the lights particularly in the big city landmark buildings. We want Sydney dark for more than one hour but definitely dark for that one hour. I announce that the Government will provide a \$100,000 sponsorship to the World Wildlife Fund as part of Earth Hour to make sure that Earth Hour is a success. It is not surprising that the Opposition is not paying much attention in relation to Earth Hour.

Mr Barry O'Farrell: I went to the launch last year.

The SPEAKER: Order! The House will come to order, including the Leader of the Opposition and the member for Coffs Harbour.

Ms CARMEL TEBBUTT: I accept that the Leader of the Opposition attended the launch of Earth Hour last year. The real challenge for the Opposition with regard to climate change is the referendum that is taking place at this time in Canberra to show whether it does or does not support a carbon pollution scheme. The Leader of the Opposition should come clean with the people of New South Wales because Earth Hour is important and symbolic but it is one night of one day of the year.

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

Ms CARMEL TEBBUTT: We need long-term sustainable action to address climate change, to which the Government is committed but the Opposition does not have a genuine commitment to address it. The Leader of the Opposition should come clean and demonstrate his credentials by releasing a policy to show that he supports the carbon pollution reduction scheme and related complimentary activities in New South Wales

because that is the real issue. Earth Hour is important. As I said, I congratulate the member for Sydney on her commitment to turn Earth Hour into a truly global event. We will not successfully address climate change unless we can manage to use Earth Hour as a means to get people to take long-term sustainable action. Governments have to show leadership and, frankly, so do the Oppositions, something that is clearly lacking on the other side of the House.

OUT-OF-HOME CARE

Mrs KARYN PALUZZANO: My question is addressed to the Minister for Community Services. What action is the Government taking to improve the out-of-home care system in New South Wales?

Ms LINDA BURNEY: The Government's response to the Wood inquiry shows the importance we place on the care and safety of children. The *Keep Them Safe* report is a considered, detailed response to a difficult social policy issue. It was developed in partnership with our colleagues in the non-government sector and to each and every reform we applied a test. The test was: will this achieve better outcomes for children? That remains the Government's guiding principle. The Opposition's politically motivated actions of the past few days have overshadowed important reforms. Frankly, that is reprehensible. The Opposition has never had a policy on child protection—well, actually, it did have one—it was a policy of "let's rip the heart out of the Department of Community Services".

The SPEAKER: Order! Government members will cease interjecting.

Ms LINDA BURNEY: The Opposition slashed a thousand jobs from the department. It took the Government millions of dollars and many years to put it back together.

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

Ms LINDA BURNEY: The Opposition systematically plundered the Department of Community Services, and the Leader of the Opposition knows it.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. The Minister is clearly digressing from the question. She was doing so well, and she does well when she sticks to the pre-written script. She does not ad lib very well. For her own benefit, she should stick to the script.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister has the call.

Ms LINDA BURNEY: That is pretty rich, coming from a vandal. The Community Services portfolio requires a deep understanding of the issues facing the most disadvantaged people in our society.

The SPEAKER: Order! Members will cease interjecting.

Ms LINDA BURNEY: To use vulnerable children for political gain says much about the Opposition's values and priorities.

The SPEAKER: Order! Members will cease interjecting. I call the member for Barwon to order. I call the member for Barwon to order for the second time.

Ms LINDA BURNEY: In New South Wales 14,000 children are in out-of-home care. One-third of those children are Aboriginal. It is deeply concerning to me that not only so many children are in care but that this figure is growing. Underlying those statistics are families struggling with poverty, mental illness, domestic violence and drug and alcohol abuse. That is why *Keep Them Safe* is built on the principle that child protection is a shared responsibility. Prevention and early intervention are critical so that in the long term we can reduce the number of children suffering abuse and enduring neglect. However, there will always be children whom the courts determine cannot live at home.

No matter how difficult or dangerous a child's family situation, it is still distressing for a child to be taken away from his or her parents and placed in care. Research supports the commonsense view that where possible brothers and sisters should be placed together. But this is challenging; there are not enough foster carers, and certainly not enough carers who have the ability to take in several children. You need more than a

big heart to take in a group of children from one family; you need a big home, you need financial resources and you need practical help from the agency that supports the placements.

Today in the gallery are two very generous people: Michael and Carol Lowerson. Michael and Carol are long-term carers with Wesley Dalmar at Penrith, a major provider of out-of-home care services. Michael and Carol have a 20-year-old son and four foster children aged 5, 8, 11 and 12 from one family. The oldest two children were placed with the Lowersons in 1997, and the younger ones shortly after their birth in 2001 and 2003. Three of the children have health issues, but that did not deter Carol and Michael. They offered their home and their love to the littlest when she was born. Today when I met foster parents Carol and Michael, they said:

The kids have their moments like any brothers and sisters ... but it's good that they are able to grow up together.

Michael and Carol are actively involved in the children's education and wonderfully supportive of the children maintaining a relationship with their birth parents. That is really important. The children have a 13-year-old brother who is with another Wesley Dalmar carer, because he has special needs. They have a younger sister in care with her natural father. Wesley Dalmar and the Lowersons organise frequent contact between all the children, and with their birth mum. Thanks to the open and accepting attitudes of Michael and Carol those children have not had to deal with separation from their brothers and sisters and have been able to maintain a loving relationship with them.

That is a great story, and we need to hear more of them. This morning I announced the allocation of \$25 million to keep brothers and sisters together in out-of-home care placements provided by non-government agencies. That \$25 million will keep brothers and sisters together, and that means 500 children in out-of-home care in New South Wales will be able to grow up with each other. It will help carers cover the costs of having several children in the one home. Further, it will support family group homes. These are innovative solutions for sibling groups of four, five or six, providing a home large enough for a foster carer to move in and care for the children without needing space in his or her home.

I advise the House also that for the first time sibling placements will be part of the Service Funding Agreement between our non-government partners and the Department of Community Services. Under their contracts, non-government agencies will be required from now on to provide placements to enable brothers and sisters to stay together. The more support we can give those children, the more likely they are to go on to a life of choice not chance.

Today in the gallery is another visitor, Carissa Scammell, whom I was thrilled to meet earlier today. Carissa was taken into care with Wesley Dalmar when she was nine years old. She is an amazing young woman now aged 24 years, and living at Wyong. When I spoke to Carissa she said that growing up with her two brothers helped her cope, because it was an experience that they shared. Carissa's caseworker, Nigel Lindsay, is also in the gallery. Nigel provided support to Carissa as a child. The relationship between those two exemplifies what is possible in a relationship between a skilled and compassionate staff member and a child in care. Nigel became such a good friend and mentor to Carissa that when she married in 2007 Nigel was the person who gave Carissa away, at her request. I congratulate both of them on finding life-long friends, something that does not always happen.

When a child comes into care they have travelled a rocky road, in many cases an unimaginable journey. I am hopeful that the direction the Government has announced today will prevent more brothers and sisters from being split up. It is so important to preserve and strengthen relationships between brothers and sisters in care, for both now and for later in their lives. I thank and commend all foster carers for providing loving and stable homes for children, and the caseworkers in both government and non-government agencies who support them.

ORANGE BASE HOSPITAL STAFFING

Mr RUSSELL TURNER: My question is directed to the Premier. When will the Premier overrule the Greater Western Area Health Service administrators who told doctors at the Orange Base Hospital that they "don't have the funds" to pay for a much needed extra shift for four nursing staff between 7.30 a.m. and 1.30 p.m. on Sundays, so that operating theatres are open full time on weekends instead of frequently being closed for 10 hours, meaning that patients often cannot have urgent surgery on Sundays?

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

Mr NATHAN REES: I will seek a report on the details of the matter. However, I do say that the operational circumstances of any hospital and the policy relating to that will be guided by the experts.

WAR MEMORIALS RESTORATION

Mr DAVID HARRIS: My question is addressed to the Minister Assisting the Premier on Veterans Affairs. What action is the Government taking to honour the sacrifices of those who have served our country in military conflicts?

Mr GRAHAM WEST: The sacrifices involved in serving our country are well known to many New South Wales families. Our war memorials honour the memory of those who made those sacrifices and are an important legacy for future generations. That is why the New South Wales Government is today announcing funding to conserve memorials in communities across our State. Eleven memorials will receive a total of \$85,000 under the Community War Memorials Fund, and the next round of grants is already open. The New South Wales Government is this year committing a total of \$250,000 towards the restoration of our community memorials. This does not include the almost \$500,000 granted by the Government this year for the management and maintenance of the Anzac War Memorial building in Hyde Park.

The Community War Memorials Fund was announced in April 2008 to help our local communities protect and restore war memorials. In acknowledging the importance of these memorials to New South Wales, the State Government offers these grants twice a year. The majority of the State's memorials were built at the end of the First World War. As such many of our memorials require ongoing work to keep them in prime condition. These ongoing repairs and the maintenance of community memorials will deliver jobs to New South Wales. Both tradespeople and artisans will be employed across the State to undertake this work. In Toukley, on the Central Coast, where many of our veterans now live, we are announcing \$10,000 for the Toukley sub-branch of the Returned and Services League. We are announcing \$4,878 for the restoration of the Braidwood War Memorial and \$10,000 for the Burwood Park War Memorial Arch.

Ku-ring-gai Council is the recipient of two funding grants, with \$10,000 allocated to the Turramurra Memorial Gates and another \$10,000 for the Fallen Memorial Gates in Lindfield. We are also allocating \$10,000 to the Mendooran-Merrygoen Memorial Club Honour Wall and \$7,800 for the conservation of the Coledale War Memorial. The sum of \$2,690 will be allocated to the restoration of the Fairfield War Memorial and \$5,500 will assist in the protection of the Illabo Cenotaph and Memorial Ground. Finally, the Medowie War Memorial will be restored with a \$5,000 grant from the Government and O'Connell Anzac Memorial Avenue will be conserved with a \$10,000 grant. By restoring community war memorials this Government is ensuring the sacrifices made by our former service men and women are not forgotten. The next round of applications for grants will close on April 17 in advance of Anzac Day.

I would also like to draw the attention of the House to the fact that tomorrow 15 vessels from the Royal Australian Navy will sail into the harbour and on Saturday there will be freedom of entry to the ships. They will be led by HMAS *Parramatta*, which has returned from the Gulf. I also advise that tomorrow I will be absent from the House to farewell a World War II veteran, my grandfather. I thank the Opposition for giving me a pair for divisions. John Doherty was aged 86. He survived a sniper's bullet in World War II as a Bren gunner, and snakebite. He also survived missions over France as an Air Force navigator, but succumbed to pneumonia on Sunday. He like other veterans served his country in both war and peace, and I am proud of his legacy and service. I am proud to represent veterans issues in New South Wales.

HEALTH SERVICES EXPENDITURE

Mr NATHAN REES: Earlier in question time I was asked by the Leader of the National Party, the member for Oxley, about a patient who was treated at Coonabarabran Hospital. I am advised that the patient is a resident of Cooinda Nursing Home. On New Year's Day the patient's percutaneous endoscopic gastrostomy tube, or PEG tube, was found to be dislodged. This is a tube that goes directly through the abdominal wall into the stomach. The local visiting medical officer was notified and when she attended Coonabarabran Hospital there were two unsuccessful attempts to reinsert the PEG tube. The visiting medical officer then contacted Dubbo Base Hospital and arranged for the patient to be transferred to Dubbo for replacement of the tube under gastroscopy guidance.

The point made by clinical experts is that hospital facilities do not stock PEG tubes. PEG tubes are initially supplied to patients from the hospital of origin where the patient has undergone their initial surgery. The tubes are individually sized and fitted. There is no one size fits all or standard size. The Government is committed to ensuring that hospitals are appropriately staffed and resourced to meet the health needs of local communities. But PEG tubes are individually sized and fitted and I am advised that it is not clinically appropriate for facilities to stock them.

Question time concluded.

MEMBER FOR BATHURST CONDUCT

Privilege

The SPEAKER: Order! I refer to proceedings at yesterday's sitting when the member for Murrumbidgee raised an issue of privilege, a matter concerning the member for Bathurst approaching the staff of the Leader of the Opposition sitting in the advisers' area behind the Chair. I should say that this is not a matter of privilege. I would like to say first, however, that all staff, both Government and Opposition, have responsibilities and obligations to conduct themselves quietly and professionally at all times and in particular in the precincts of the House. I remind the House that persons occupy the area behind the Chair only at my discretion.

Second, if members have concerns about the conduct of any member of staff present in the advisers' area of the Chamber or any person present in the gallery they have an obligation to raise this directly with the Speaker. They should desist from challenging staff directly. Further, since the events of yesterday I have spoken to the member for Bathurst and the member has offered an apology to me, which I convey to the House. He has also advised me that he has apologised in writing to a female member of the personal staff of the Leader of the Opposition. I take the opportunity to remind all members of their obligation to conduct themselves in such a manner as to uphold standards that would meet community expectations.

Mr Adrian Piccoli: Mr Speaker, further to your statement and on a point of privilege, it is not appropriate for the member for Bathurst to make an apology to you that you pass on. I think it is appropriate that the member for Bathurst stand up and make the apology to Parliament.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I have met with all the staff members involved and they are aware of what actions they may or may not wish to take. The matter is not to be debated.

Mr Brad Hazzard: That is protecting him.

The SPEAKER: Order! It is not protecting him. I have made my ruling and the matter is concluded.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Censure Motion

Mr ADRIAN PICCOLI: I seek leave to suspend standing orders so as to move a motion of censure against the member for Bathurst.

Leave not granted.

The SPEAKER: Order! The House will come to order. I remind the House of my earlier ruling. Members will conduct themselves in accordance with community expectations.

PETITIONS

Drink Container Deposit Levy

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

National Parks Tourism Developments

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

Tumut Renal Dialysis Service

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

Pambula Hospital

Petition seeking the reinstatement of services to the Pambula Hospital and better co-ordination between Pambula and Bega hospitals, received from **Mr Andrew Constance**.

CountryLink Pensioner Booking Fee

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

South Coast Rail Services

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

Rural Rail Branch Lines

Petition requesting that the proposed closure of rural rail branch lines be rescinded immediately, received from **Ms Katrina Hodgkinson**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Caged Birds Trade

Petition requesting that legislation be introduced to stop the trade of caged birds, and ban trading and selling of Australian native birds, received from **Ms Clover Moore**.

Pet Shops

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

Sow Stalls

Petition requesting a total ban on sow stalls, received from **Ms Clover Moore**.

Alstonville Tropical Horticulture Centre

Petition opposing the closure of the Alstonville Tropical Horticulture Centre, received from **Mr Donald Page**.

Coal Distribution Practices

Petition requesting that the Mining Act 1992 be amended to provide safer health and environmental practices for the distribution of coal, received from **Mr George Souris**.

Gunnedah Policing

Petition requesting that Gunnedah police station be staffed 24 hours, and a strong and visible police presence be maintained, received from **Mr Peter Draper**.

Shoalhaven Local Area Command

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

Culburra Policing

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

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Wagga Wagga Police Communications Centre

Petition requesting the retention of the Police Communications Centre in Wagga Wagga, received from **Mr Daryl Maguire**.

Shoalhaven Mental Health Services

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

OUT-OF-HOME CARE

Personal Explanation

Ms KATRINA HODGKINSON, by leave: I wish to make a personal explanation. Today the Minister for Community Services impugned my reputation by insinuating that I had announced a policy to get rid of 1,000 Department of Community Services workers, when nothing could be further from the truth. Her statement, which was a lie, is a slight on Opposition members. I held the shadow portfolio for almost two years so I know that is not Opposition policy. The Minister, who made that assertion during question time, is incorrect. She should withdraw her statement because it is a lie.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.21 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Low Range Speeding Infringements] have precedence on Thursday 12 March 2009.

On Monday 2 March the Minister for Roads announced that demerit points for low-range speeding offences would be reduced from three to one—four months after he initially flagged that the former system was unfair. The Opposition welcomes this change, which reflects a policy that it announced in the *Daily Telegraph* on 24 February. In typical fashion for this incompetent Labor Government, the Minister told the drivers of New South Wales to expect it to take six months to implement the scheme. Before there is any relief for drivers from a demerit system acknowledged by the Minister and the Government to be unfair, 10 months will have elapsed. That is why this motion deserves precedence. As far back as 14 November last year the Minister said:

I still say losing three points for low-range speeding five, six or seven kilometres over the limit is harsh; it is unfair. I will be lowering that.

We all thought, "Beauty." However, we waited another five months before the Minister announced the change and we will have to wait another six months before he implements that change. That is why this matter deserves to be debated first thing tomorrow. In reality, many drivers will continue to be caught by a system that the Government now acknowledges to be harsh and unfair. I have already been contacted by some of those drivers, who have asked me, "How many points will I lose? The Minister said he would reduce the number of demerit points and I should lose only one point." However, that is not the case; drivers will lose three points, which is simply unfair.

At the moment drivers in this State who are caught driving three, four or five kilometres over the speed limit and who are unlucky enough to be caught during a period of double demerit points will lose half their licences. If they do it again in a three-year period they will lose their whole licence for such a trivial offence, which is unfair. It is disgraceful that the Minister continues to drag his heels in relation to the implementation of these announced changes. Last year 229,710 people in New South Wales lost their licences. More than 60,000 of them had run out of demerit points, including the Hon. John Della Bosca, who resorted to riding his pushbike around town. I am sure that all members fondly recall seeing photographs of the Minister, and Warren's cartoons in the *Daily Telegraph*.

However, I digress. In 2008 the total number of licences lost was up 50 per cent on the 2007 figure of about 40,000, and it was almost double the 2006 figure. In 2003 only 16,000 people lost their licences but by 2008 that figure had increased to 229,710. This system is having dire consequences, not because people's licences are being suspended but because many of them are losing their jobs as a result. Many jobs in New South Wales require a drivers licence. This motion deserves precedence because this is the worst possible time to keep in place for another six months a system that this Government acknowledges is harsh and unfair. More and more people will lose their jobs at a time when the labour market is weak due to what we constantly hear referred to as the global financial crisis.

Every day of delay in implementing the changes announced by the Minister on 2 March will cost the people of New South Wales. A recent NRMA survey of businesses found that 23 per cent had been forced to take drivers off the road after they lost their licences through demerit points. As I said, that is disgraceful at a time when people are worried about their jobs. The Minister announced these changes on 2 March and he said that it would take six months to implement them. We do not care about those administrative issues; it is up to the Roads and Traffic Authority and its computer program to fix that. Over the next six months people should not lose up to three demerit points because this Government does not have its administrative act together. I have been told that the Government is happy for drivers to continue to lose their licences at a record rate for the next six months because it profits from licence renewal fees. If that is true—and I would like the Minister to comment on my statement—it is outrageous to profit from the misery of those who are losing their licences and their jobs as a result of this Government's policies.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.25 p.m.]: The Minister for Roads introduced extensive changes to the demerit points system. I am advised that those changes will take some time to implement because it requires changes to the DRIVES system of the Roads and Traffic Authority, which manages licensing and registration in New South Wales. These changes must also be made available for exchange with other Australian States. I have been told that the changes must also be made to the computer systems of the State Debt Recovery Office as well as to the computer systems of the police and the courts.

This massive task cannot be completed magically overnight. The Minister informed me of the need to ensure that these changes are rigorously tested, and we want to get it right the first time. The Minister for Roads asked the Roads and Traffic Authority to make this its number one priority. He has spoken and written to the Treasurer and to the Minister for Police to fast track these changes. Despite the clamouring from Opposition members, who have no responsibility for implementing anything, the Government is doing all it can to get this done without delay. To Opposition members this is all about slick words and headlines. This motion is not about policy or implementation; it is all about criticising the Government. For as long as members sit on the Opposition side of the House they will never be able to implement any policy.

The SPEAKER: Order! Opposition members will remain silent.

Mr JOHN AQUILINA: This Government is more interested in implementing policy. Opposition members should be more worried about getting the message out to members in their local communities that they should slow down and drive safely. That is the message that they should be conveying to people in their local communities, which is more important than the parliamentary antics and media stunts for which the Leader of the Nationals is well known. The Speaker, who is a country member, would be aware that fatal crashes on country roads account for two-thirds of all road fatalities in New South Wales.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: There are higher speed limits, less forgiving road environments, and the roads have a greater mix of cars and trucks. Crashes at higher speeds will be more severe and are more likely to end in serious injury or death. That is a fact, unlike the world of fiction in which Opposition members live. These numbers reveal that there is a problem on our country roads. However, the Leader of the Nationals is unaware of that problem. Opposition members should remember that a press release is not a policy. They are slick at issuing press releases but they do not know how to put together a policy or to implement one. On the other hand, the Government is addressing the risks and making sensible changes. In 2007 there was a 7 per cent reduction in the

number of fatal crashes on our country roads—from 290 in 2006 down to 270 in 2007. That is a drop of 20 crashes, which represents real gains. If Opposition members had paid any attention they would be aware that in 2008 this Government produced the lowest road toll since the Second World War. What do Opposition members have to say about that? This Government's road policies are working.

Mr John Williams: Point of order: My point of order relates to relevance under Standing Order 129. The member for Riverstone, who is debating the matter, is virtually reversing a decision that was made by the Minister.

The SPEAKER: Order! I will listen further to the Leader of the House.

Mr JOHN AQUILINA: Standing Order 129 relates to relevance and what I am talking about is relevant to this debate. The motion relates to speeding, to crashes and to fatalities. This Government is intent on making our roads safer and it is intent on creating a safe environment for people on our roads. We are the party for road safety. We are the Government for road safety, unlike those opposite who think this is all a big joke. Opposition members can keep harping on the sidelines, but this Government will keep on getting the job done. We oppose the motion of the member for Oxley on the grounds that the Opposition has absolutely no idea how to implement policy. This motion is typical of the Opposition, which has no real policies for road safety—or, indeed, anything else. It is an Opposition focused on the headlines, as is the member for Oxley—

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: They have no idea how to implement or develop policy. That is why we oppose the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 40

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

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

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

Tellers,
Mr George
Mr Maguire

Noes, 48

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

Mr Gibson
Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Koperberg
Mr Lulich
Mr Lynch
Mr McBride
Dr McDonald
Mr McLeay
Ms McMahon
Ms Megarrit

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

Tellers,
Mr Ashton
Mr Martin

Pair

Ms Goward

Mr Campbell

Question resolved in the negative.**Motion negatived.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****Federal Stimulus Package and Housing**

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [3.36 p.m.]: My motion should be accorded priority because over the next three years the Commonwealth and New South Wales governments will invest \$3 billion to build 9,000 additional social housing dwellings. The motion should be accorded priority because it refers to the delivery of 37,000 jobs and extra housing in New South Wales. This motion should be accorded priority because we are investing in a better future. This Government is supporting New South Wales jobs during the global financial crisis by investing \$56 billion in infrastructure for a better future over the next four years.

This motion should be accorded priority because that \$56 billion will underpin 134,000 jobs each year. New South Wales is spending \$1.6 million on infrastructure every hour of every day. This Government is supporting jobs and working families while the Opposition is not. This motion should be accorded priority because Opposition members will be called to vote for it to show their support for New South Wales jobs and the infrastructure spend. The Opposition should put politics aside and declare its support for the Rudd housing stimulus package and sustain construction, jobs and the economy.

Royal North Shore Hospital Redevelopment

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [3.38 p.m.]: My motion should be accorded priority because it relates to a matter of life or death. I urge the House to ensure that investment of approximately \$1 billion will result in a hospital that will be able to treat patients not only immediately after it is completed, but also approximately 40 years after it becomes operational. The motion of which I have given notice draws attention to the failure of the New South Wales Labor Government to properly manage major infrastructure projects, thereby jeopardising the jobs of doctors, nurses and others who work in the State's hospitals. The motion should have priority because it highlights the refusal of the Government to listen to doctors and to act on their concerns.

The Government plays games with definitions. Today the Premier spoke about the size of operating theatres. He referred to the operating theatres emerging issues paper identifying the size and scope of operating theatres. I have a copy of that document, as has the Premier, I am sure. On the very first page the point is made that all States and New Zealand were represented at the conference that discussed emerging issues. It is interesting to note that one of the New South Wales representatives was none other than Dr Patrick Creegan, who was mentioned by the Minister for Health during an interview today as one of his advisers. Dr Creegan was the New South Wales representative on the panel. And what did the panel have to say about the size of operating theatres?

Page 3 of the document states that there was agreement on a universal operating theatre model measuring 55 square metres to suit most procedures in larger hospitals of level five and six, and the Royal North Shore Hospital fits into that category. It treats patients who have major surgical requirements and it is a level six hospital. On the same page there is a recommendation of a model of between 55 and 56 square metres for dedicated theatres catering for specific purposes, including cardiac, complex orthopaedic, neurology, liver transplant and major trauma procedures. That is exactly what the Royal North Shore Hospital does. It accepts patients from all over the State. It is a statewide trauma centre for people who have serious conditions.

Page 4 of the document refers to the layout of operating suites of the largest hospitals and states under "Consensus" that operating suites, the emergency department and other parts of the hospital, such as the intensive care unit, high-dependency unit, labour and delivery units, neonatal and infant intensive care units, and helipad, need to have an immediate functional relationship with theatres. Yet we know, not because I said so—contrary to what the Premier would have us believe, although I am very happy for him believe that I know so

much—that these issues have been drawn to the attention of the public and the media by the doctors themselves, and not only by Dr Tony Joseph, who is the very well-respected head of trauma at the Royal North Shore Hospital and chair of the Medical Staff Council, but by the Royal Australasian College of Surgeons.

Does the Premier think that the Royal Australasian College of Surgeons got it wrong? Does the Premier think that all the other doctors at the Royal North Shore Hospital got it wrong? The Premier's attack on me in Parliament today was an attack on front-line health professionals, such as the doctors and nurses who have been screaming out to have their concerns addressed. The Minister for Health told the upper House today that doctors and nurses have been listened to. Supposedly the Parliament listens to people, but does it act on concerns that are raised? No. The Minister for Health has not acted on the concerns raised by these fantastic doctors, some of whom spoke to the Leader of the Opposition, Barry O'Farrell, and me today when we were outside the Royal North Shore Hospital with members of the media. They are very well-respected doctors who are leaders in their field. That hospital is held together by such clinicians. They are the kernel of that hospital's expertise and they provide world-class treatment, but the Government snubs them and refuses to listen to their concerns.

Sixteen out of eighteen Royal North Shore Hospital operating theatres are too small to have modern equipment in them. The helipad is on an old building, the Douglas Building, which is 250 metres from the adjacent building, necessitating construction of a walkway of that length between two buildings. Patients who have been transported by helicopter have very serious illnesses. When they arrive on the helipad, they will have to descent in a lift, go across a walkway, and then take another lift to their destination. That design certainly is not consistent with the guidelines. The motion of which I have given notice should be given priority because it is about patient care and the ineptitude of the Government in planning for hospitals that not only must meet immediate needs but also future needs. The motion should be given priority.

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

The House divided.

Ayes, 48

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

Noes, 39

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

Pair

Mr Campbell

Ms Goward

Question resolved in the affirmative.**FEDERAL STIMULUS PACKAGE AND HOUSING****Motion Accorded Priority****Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [3.53 p.m.]: I move:

That this House:

- (1) welcomes the Federal Government's investment in affordable housing in New South Wales as part of the \$42 billion Nation Building and Jobs Plan;
- (2) notes that the Opposition refuses to support the Federal stimulus package to provide more affordable housing in New South Wales; and
- (3) calls on the Opposition to put politics aside and declare its support for the Federal housing stimulus package to support construction, jobs and the economy.

Over the next three years the Commonwealth and the New South Wales Government will invest \$3 billion to build about 9,000 additional social housing homes and deliver an extra 37,000 jobs and extra apprentices across New South Wales at a time when they are most needed. This investment will trigger a wave of social housing construction not seen in New South Wales since the mid 1980s, and is sorely needed after the Howard Government ripped \$1 billion worth of funding from the social housing sector. The New South Wales Government is moving fast to secure this investment. We are cutting red tape, fast-tracking proposals and finding new and creative ways of partnering with the private sector to meet our goals.

Today the Premier and the Minister for Housing briefed about 100 representatives from the construction industry. As the Premier said, it is a call to arms for the construction industry to support jobs in tough and uncertain economic times, and to ensure that the industry has the financial resources to start and complete projects. We want to partner with the industry and take over projects to increase social housing and secure jobs in New South Wales. As the Premier said, the industry is spending \$1.6 million every hour of every day. Today the industry was told that we want to add about 3,000 new homes for social housing by buying land with potential for residential development, land with a development application, land with a building contract, and projects that are under construction or completed developments that are appropriate for social housing.

In addition to those 3,000 new homes, the New South Wales Government will soon be constructing modern social housing on existing Housing New South Wales land. We are embarking on a massive program. We expect that the Federal Government's nation building package will allow us to build about 6,000 new social housing homes. New South Wales is investing \$808 million over the next two years. Both the Federal and State investment means that about 9,000 new public housing homes will be built and 17,000 people will be housed in New South Wales in the next two to three years. It is a true measure of a Labor Government's commitment to a fair go in hard times. It is important to note that we will not buy or build great numbers of new social housing homes in one location. Healthy communities need a good mix of residents and, while we want to increase the amount of affordable housing in New South Wales, we are also determined to encourage better and stronger communities. We want to hit the ground running because we know that we need to move quickly to take advantage of this unprecedented opportunity. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

This infrastructure spending is rightly tied to tight construction deadlines to ensure that the benefits of the stimulus package, benefits for public housing tenants, translate into benefits for jobs and the economy. The Prime Minister has asked that 75 per cent of these properties be ready for tenants to move in by 2010. The New South Wales Government has already taken the first and important step by amending the infrastructure State environmental planning policy [SEPP] and appointing an Infrastructure Co-ordinator General to oversee all aspects of the Nation Building and Jobs Plan. Changes to the infrastructure SEPP will allow this Government to give streamlined planning approval to public housing projects funded by the stimulus package. We have before us an opportunity and a major challenge to build more than 6,000 new homes in New South Wales by 2010.

The Minister for Planning, together with the Minister for Housing, has included provisions in the infrastructure SEPP to extend locations where public housing can be built. The changes extend the areas where social housing can be built to within 800 metres of all metropolitan rail stations and within 400 metres of commercial centres in 32 nominated regional cities and towns. Another change to ensure that we meet our target of 6,000 new homes built by 2010 is to allow Housing NSW to self-approve developments of up to 20 dwellings and up to 8.5 metres in height in residential zones instead of going through a council development process. Housing NSW will be required to notify the local council and adjoining occupiers and take their views into account.

Another important aspect is the "Seniors Living Policy: Urban Design Guidelines". As the Premier announced, he will be progressing special legislation to ensure that all projects under the Rudd stimulus package can commence without delay. Among other powers, the Infrastructure Co-ordinator General will have the ability to authorise projects, having regard to environmental impacts and the appropriateness of the development. In addition to that is the \$220 million renovation rescue package that the Premier announced in December, long before the stimulus package, and the \$140 million that Housing NSW would normally spend on maintenance. But the Opposition fails to support this package.

Mr CHRIS HARTCHER (Terrigal) [4.00 p.m.]: I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead:

- (2) notes the failure of the Government to provide land and infrastructure in New South Wales;
- (3) notes the failure of the Government to maintain and augment public housing in New South Wales; and
- (4) condemns the failure of the Government to adequately support public and private housing.

The Government has the worst record of any State in Australia in relation to both public and private housing. A caution in a report by the Australian Competition Policy Research Alliance, based at the University of Newcastle, states:

The New South Wales Government has been warned there will be an exodus of residents to Victoria and Queensland unless it starts to address the problem of housing affordability.

Ms London, on behalf of the university, said:

If the other states are addressing these sorts of problems and issues, they become much more attractive ...

As a state, we are less competitive in creating the right environment for our people to live in ...

NSW Government needs to look at recent initiatives undertaken in other states to remove affordability barriers.

In New South Wales the contribution by the State Government has been the introduction of the infrastructure State environment planning policy [SEPP], which allows the Department of Housing to move public housing or housing that it designates into any area in the State already zoned residential as long as it is within a certain distance from a railway station. In Nowra alone, the council and the community will have no involvement or say in relation to something like 20 sites that can be overridden by the State Government. Buildings can be three stories high—8.5 metres—without infrastructure, resources or adequate planning. The ongoing problem that has been faced again and again in western Sydney is that public housing is simply dumped in areas without support, and then the State Government wonders why they have become cauldrons of unrest and discontent. The same will happen right across the State as housing developments are simply dumped in areas and community concerns are ignored.

The Government not only has the worst record of providing for housing affordability and stamp duty concessions but it also has an extraordinary record in relation to vacancy rates in public housing. According to figures released for the Australian Institute of Health and Welfare, public housing in New South Wales lies vacant twice as much as is the case in Victoria. There were 311,00 vacant dwelling days in New South Wales compared with 166,000 in Victoria and 12,000 vacancy episodes in New South Wales compared with 4,700 in Victoria. Houses administered by the Department of Housing lie vacant at three times the rate in Victoria. This demonstrates the sheer incompetence of administration within the Department of Housing in this State. Not only do thousands of houses lie vacant; thousands are underutilised. The Australian Institute of Health and Welfare said that in New South Wales 11,900 houses were underutilised as against only 5,000 in Victoria, which has a comparable population and need—twice the rate! Once again the administration in Victoria is twice as good as that in New South Wales.

It all comes down to poor and inept administration by this Government. In the electorates of members opposite the Government wants to pull down Department of Housing accommodation. The member for Macquarie Fields, who is in the Chamber, has tried to reassure residents in a public housing estate as their houses get pulled down and fewer houses get erected to take their place in public housing, and he has tried to pour soft soap on them. I have met with them there and they told me a week earlier he promised them all the things in the world, yet they knew that the number of houses would be reduced, not augmented by this Government. The Rudd stimulus package is designed to stimulate housing in New South Wales but it is significant that 95 per cent of housing and 95 per cent of housing construction are done by the private sector. What has the State Government done? It has introduced a SEPP that addresses the issue of public housing—that is, only 5 per cent of the market!

This Government runs a department three times more inefficient than the Victorian equivalent, according to reports of the Australian Institute of Health and Welfare, and does not address the issue of private housing—95 per cent of the market. To stimulate housing, to put Mr Rudd's so-called stimulus package to work and to create jobs the private sector needs to be involved. What has the State Government addressed? It has addressed the public sector, the only way it can sit on its hands and introduce planning policies signed off by the Minister for Planning, who is great at looking at television cameras. She is one of the best at looking at television cameras and saying honeyed words but delivering nothing to the people. The television cameras get the lot; the community gets zero. I congratulate the Minister: every aspiring Labor politician could learn from her.

At the end of last year, Bankwest conducted an analysis of residential stamp duty in the housing market in Sydney and made a number of major findings, which will be outlined by the member for Castle Hill, who has a taken huge interest in housing and the housing program in western Sydney. The bottom line is this Government talks the talk but does not walk the walk. This Government imposes the taxes but does not use the taxes for the benefit of the State. This Government cannot administer. This Government is a failure.

Mr ALLAN SHEARAN (Londonderry) [4.07 p.m.]: On Monday the Federal housing Minister announced a \$130.4 million investment in New South Wales for social housing repairs and maintenance as part of its Nation Building and Jobs Plan. In addition, the New South Wales Government is already investing \$140 million in maintenance. Late last year the Premier announced that \$200 million in maintenance funding would be brought forward to further stimulate the economy and create more jobs. For those who cannot add up quickly, that is a \$470.4 million investment in social housing maintenance over the next two years. That investment will be used to upgrade approximately 100,000 properties that will directly benefit, with projects that include new kitchens, bathrooms, painting, new carpet, plumbing and rewiring. Those combined measures mean we will reduce the backlog of maintenance in social housing by up to 75 per cent over the next two years.

Of course, the backlog would not be such an issue if the Howard Liberal Federal Government had not ripped a billion dollars worth of funding from the social housing sector over the decade it was in government. Now is our time to reinvest to make up for the Liberal-Nationals Coalition's disregard for public housing. This new investment will make sure that people in public housing have a safe, secure and comfortable place in which to live. It is also great news for the economy: 630 new jobs will be created in the next four months and a further 1,800 new jobs in the 2009-10 financial year, with additional employment being created indirectly as the projects roll out. Those extra jobs mean so much to towns and communities across New South Wales. Families will be given a big boost in these uncertain economic times. New South Wales is well placed to take full advantage of this investment.

In August last year the Government launched the single biggest residential maintenance contract in the Southern Hemisphere, which helps us save millions of dollars of taxpayers' money. As part of the Government's commitment to create new jobs some firms are required to take on 250 apprentices across the State—a massive boost in training opportunities for young men and women from social housing areas. The new system encourages more proactive maintenance and improves the way tenants can report any repairs that are needed. Because Housing NSW undertakes regular property inspections the scope of work for each property has already been completed and formulated into a four-year program of work. This allows the Government to immediately accelerate its maintenance work and take full advantage of this new investment.

Things such as cupboard hinges, sticking doors and tap washers will be regularly maintained to stop them from becoming bigger problems. Tenants will also see a lot of painting work, and the installation of new kitchens and bathrooms over the next two years. This proves that both the Federal and New South Wales Labor governments are committed to investing in jobs—investment that will make a real difference to people doing it tough in New South Wales. The Opposition needs to outline to the New South Wales public why it does not want more jobs and why it does not want more investment in New South Wales.

Mr MICHAEL RICHARDSON (Castle Hill) [4.10 p.m.]: I am not surprised that the Rees Government is delighted by the Federal Government's stimulus package for housing, because this Government's record on housing is absolutely abysmal—in fact, it is the worst in the nation for both public and private housing. New South Wales has the highest housing taxes in Australia, and that is why last year new housing starts fell by 6.2 per cent in New South Wales compared to 3 per cent in South Australia, 1.8 per cent in Western Australia and 1.2 per cent in Victoria. When housing and apartment starts go down the rents go up, so the affordability of housing suffers further for those who can least afford it—the renters.

The member for Terrigal mentioned the Bankwest residential stamp duty report. The findings are nothing short of disgraceful. By capital city, the median stamp duty bill as a percentage of household income is highest in Sydney at 24 per cent and lowest in Brisbane at 9 per cent. Sydney has the highest median residential stamp duty bill of any capital at nearly \$20,000. Homebuyers in the Tweed in northern New South Wales have seen the biggest increase in stamp duty bills as a percentage of household income over the past five years, at 12 percentage points.

Mrs Karyn Paluzzano: Point of order: I refer to Standing Order 76, which requires the member for Castle Hill to speak to the motion or amendment before the House. This motion is about supporting social housing; supporting the stimulus package. The member is not speaking to that issue.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Castle Hill has the call.

Mr MICHAEL RICHARDSON: It is actually about affordable housing, and that is in the motion moved by the member for Penrith. She mentioned the Nation Building and Jobs Plan of the Rudd Government, which was also referred to in the amendment moved by the member for Terrigal. The Government is proposing to allow, under the public infrastructure State environmental planning policy, public housing to be built within 1,800 metres of a railway station, without any input from the local community, steamrolling over the local community and local community opinion. That will have grave repercussions for the Government. In my electorate there is one railway station, Carlingford, and one direct service to the city each day, but none in return.

Dr Andrew McDonald: Point of order: I refer to Standing Order 76. The member is not talking about the motion before the House.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I have heard enough on the point of order. The member for Castle Hill has the call.

Mr MICHAEL RICHARDSON: The member for Macquarie Fields is an intelligent man. He should exercise that intelligence sometimes. New South Wales has an infrastructure crisis. [*Time expired.*]

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [4.13 p.m.]: The construction industry and the jobs supported by it are doing it tough. The global financial crisis and the restriction of credit mean that many companies do not have the finance or resources to complete or start their projects. The tragic result is that families are doing it tough just trying to keep a roof over their heads. What is the Opposition's plan? Nothing, except to vote against the very things that will help. We need secure jobs, investment and resources. This has been said before, but let me repeat it because it is important: over the next three years, the Commonwealth Government and the New South Wales Government will invest \$3 billion to build 9,000 additional social housing homes and deliver an extra 37,000 jobs and apprenticeships across New South Wales at a time when it is needed the most.

That is a true measure of how committed this Labor Government is to a fair go for all in hard times. These new jobs and new homes for people who are really doing it tough make it all the more astonishing that the New South Wales Opposition opposes this much-needed economic relief package. Now is not the time to say "every man for himself". Now more than ever governments have to offer security to our families; they need to know that they have a home and a job. That is why the State and Federal Labor governments are doing all they can to provide thousands of jobs and secure investment in New South Wales.

During the Howard years public housing suffered from chronic underinvestment. Sadly, it looks like members opposite are happy to continue that trend, by voting against the jobs we need. However, this will not happen because on this side of the House the Rees Labor Government is committed to ensuring that the people who need our help the most can count on a roof over their heads. The Premier has made it very clear that the

New South Wales Government is committed to a fair go by doing everything in its power to deliver jobs, jobs and more jobs.

The Federal Government's nation building package, targeting social housing and the investment that the New South Wales Government is also delivering, will create an extra 37,000 jobs and apprenticeships over the next few years. As the Prime Minister has said, these are extraordinary times and they call for extraordinary measures. This is the biggest crisis since the Depression. If we do not take steps now to get the economy working, we face a repeat of the misery of the 1930s. Every day there are reports about people losing jobs. These are real problems, we need a real boost to employment that will make a difference to the economy. We cannot afford an Opposition that votes down measures that protect families and jobs or, even worse, an Opposition that does not know what it supports.

ASSISTANT-SPEAKER (Mr Grant McBride): I acknowledge the presence in the gallery of school captains from Narrabeen Sports High School, Northern Beaches Christian School, Pittwater High School, Barrenjoey High School and the Hamazkaine Arshak and Sophie Galstaun School. I welcome them to the New South Wales Parliament as guests of the member for Pittwater.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [4.16 p.m.], in reply: As Penrith is very near Pittwater in the alphabet, and as Parliamentary Secretary for Education, I extend a welcome to the school captains and wish them well in their further studies. However, if they had been present to listen to the debate they would have heard members on this side of the House supporting jobs, jobs in construction and the Rudd Labor Government. Members opposite did not say that during the Howard Federal Government \$1 billion was ripped out of the heart of the New South Wales social housing budget. This bent in the stimulus package, building future housing in New South Wales, involves \$3 billion, 9,000 homes and 37,000 jobs.

The students in the gallery should watch very carefully to see how their local member votes on this matter. Will he support jobs, social housing and jobs that could involve apprenticeships? Some of those students may wish to undertake an apprenticeship or traineeship. The stimulus package promotes those jobs, and the students should watch to see how the member for Pittwater votes on this matter. This is great news for the New South Wales economy and it is keeping people from struggling and keeping their heads above water. These extra jobs are coming to town, to communities across New South Wales, and will be a big boost to families in these tough, uncertain economic times. We have made it clear to the Federal Government that New South Wales is ready, willing and able to deliver its massive infrastructure package.

However, members opposite have declared that they do not support the \$42 billion economic stimulus package—although that depends on to whom one talks. There is confusion among members opposite about how they feel about this package. We have seen evidence of a serious rift in the Coalition about this issue, and publicly they contradict each other over whether they support the package or not. The Coalition Treasury spokesman backs Malcolm Turnbull but the Education spokesman backs Kevin Rudd. The Leader of the Opposition, as usual, has refused to take any position.

Mr Michael Richardson: Point of order: My point of order is relevance. This is not a debate about Federal politics; this is a debate about money coming into New South Wales for public housing. It has absolutely nothing to do—

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I have heard enough on the point of order. The member for Penrith has the call.

Mrs KARYN PALUZZANO: Opposition members had an opportunity to make a commitment to social housing and they gave zero, zip, support to it—*niente*. Look at paragraph (3) of the motion. The Leader of the Opposition has refused to take a position. There has never been a more important time to put politics aside. I call on members opposite to declare their support for the Rudd Government's housing stimulus package to support construction jobs and the economy in New South Wales.

Question—That the words stand—put.

The House divided.

Ayes, 53

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

Noes, 34

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

Pair

Mr Campbell

Ms Goward

Question resolved in the affirmative.**Amendment negatived.****Motion agreed to.****EDUCATION AMENDMENT BILL 2009****Bill introduced on motion by Mr Nathan Rees.****Agreement in Principle****Mr NATHAN REES** (Toongabbie—Premier, and Minister for the Arts) [4.30 p.m.]: I move:

That this bill be now agreed to in principle.

In introducing the Education Amendment Bill today the Government is delivering the most comprehensive change to education and learning in New South Wales of any State in Australia. This is the culmination of an extensive consultation period but, importantly, the implementation of research-based policy development. I move to legislate for the single most significant education policy advancement in New South Wales since the

Second World War. From 2010 all students in New South Wales will, as a minimum, complete year 10 and, until they are 17 years old, continue to be engaged in some form of education, training or employment. This reform provides additional educational opportunities for every school student in New South Wales that will ultimately enhance their employment capacity, enhance their earning potential over the course of their employment, and set New South Wales up for the long term as a clever State. It is a reform that is overdue.

Compulsory attendance until 15 years of age was set in 1943 and today remains in place. Of the 30 OECD nations only students in Greece, Korea and Portugal leave earlier. I want to put in place a system that enables every student to maximise his or her learning potential and this is a vital part of the structure that our schools, TAFEs and universities need to deliver to those students. In New South Wales we can be rightly proud of the education system that we have built. The results of national and international tests demonstrate that our students are doing well. But this bill sets a new standard for what our young people can achieve. We know that many young people are missing out on the opportunities that educational attainment can bring. Young people who leave school before completing year 10 are particularly at risk of being left behind at a time when more and more jobs require higher skill levels and further qualifications.

This is a fundamental shift that sets New South Wales students and our State up for the future. All Australian States, except Victoria and the Northern Territory, have adopted a policy of engagement in school, training or work until 17 years of age. I want to emphasise the compelling weight of the body of research in this area. National and international evidence indicates that young people who complete 12 years of education have greater opportunities for further education and sustainable employment. In 2006 the Productivity Commission found that early leavers tend to be less likely to work and to earn less when they are employed. The Australian Bureau of Statistics had this to say about unemployment rates:

Early school leavers are two a half times more likely to be unemployed.

Access Economics conducted research that showed that, on average, early school leavers would earn lower wages over a lifetime and would be more likely to be unemployed for periods of their lives. Those who complete school are more likely to pursue further study or training and will have higher completion rates in later vocational education or skills training—a study by Karmel and Woods, Australian academics who write in the field of vocational education. Karmel and Nguyen said that women who complete year 12 are 14 per cent more likely to be employed than those who do not and earn, on average, 8 per cent more.

There is also evidence of health benefits and behaviours that place a person's health at risk are reduced. The Bureau of Crime Statistics and Research suggests a lower likelihood of criminal conviction or imprisonment the longer an individual is in school. In Britain we are told that 16-year-olds to 18-year-olds not in school, or work, or training are more likely to experience depression or ill health by the age of 22. The Australian National University Centre for Economic Policy Research estimated the benefit to be 10 per cent a year in increased income for every additional year of education. In short, it stacks up. The advantages of staying on at school also compound with early school leavers 2½ times more likely to be unemployed.

I will talk briefly about the benefits to our economy. Applied Economics estimated a gain of between \$1.5 billion and \$2.7 billion to the New South Wales economy if early school leaver numbers were halved by the year 2050. The OECD asserted that an additional year of education is estimated to raise the level of productivity by between 3 per cent and 6 per cent for a country with Australia's current average educational level. Our stability now and our prosperity into the future depend on this State developing a highly skilled workforce—a workforce that allows our business sectors to be innovative and competitive. And we are strongly placed to promote and support higher retention rates in our schools.

For the students we will deliver a thoroughly modern curriculum, a balance of academics and vocational training in our schools. We will deliver a variety of secondary schools, senior colleges and specialist schools. We will deliver university links and we will deliver a massive capital works programs at schools and TAFEs. We will also deliver 25 new trade schools and our Learn or Earn skills package that guarantees a place in TAFE for anyone under 18 who is not at school and is unemployed. We will also guarantee programs for job preparation in schools and TAFE, funding for schools that are serving disadvantaged students and families, partnerships with industries, and an expanded New South Wales Government apprenticeships and cadetships program.

Our approach has strong community support. Our reform is strongly supported by detailed submissions from the Business Council of Australia, the New South Wales Parents and Citizens Federation, and from the

New South Wales Catholic Parents Association. We expect that numbers will increase gradually in our schools to about 8,900 additional students per year, either still at school or in vocational education and training. This includes students who currently leave before the end of year 10 and students who leave before turning 17 years old and do not go on to employment. Providing for these students at school and TAFE will cost around an extra \$98 million per year.

I turn now to the specific provisions of the bill. It creates a new section 21B in the Act. This section defines the minimum school leaving age as the age at which a student completes year 10 of secondary education, or the age of 17 years, whichever occurs first. Year 10 can be completed in a number of ways: it can be completed while attending a New South Wales government school or non-government school, or by being registered for home schooling where such registration covers the completion of year 10. The Education Act 1990 currently provides that the registration for home schooling is subject to the condition that the child receives instruction to meet the minimum curriculum requirements for schools. These minimum curriculum requirements already apply until the end of year 10.

A child will have completed year 10 through home schooling when he or she is registered to do so under the Education Act and has met the conditions upon which his or her registration is granted. Recognition will also be given to the achievements of children who have completed the equivalent of year 10 outside New South Wales. The Director General of Education and Training, or a prescribed officer, will be given the authority to decide that the education a child has received is equivalent to the completion of year 10. The system will have the flexibility to allow for the special circumstances affecting particular students. The Minister will have the power to approve the completion of education in such special circumstances so that it would amount to the completion of year 10.

Section 21B also introduces a new concept for education in New South Wales, which is that every young person must participate in some form of education or training or be in employment from the time he or she completes year 10 until he or she reaches 17 years of age. For the majority of students this will simply mean that they stay at school and study for the New South Wales Higher School Certificate, and go on to further education or employment, as is currently the case. For others the options for this participation phase include a vocational course or an apprenticeship, or traineeship. A small number of gifted students may take advantage of the accelerated learning pathways that lead to early entry to higher education.

Where individual circumstances arise that require a more flexible solution, this can be done at the discretion of the Minister. This bill is about a better future for every young person in New South Wales. We acknowledge that for some young people this will require us to work with them to develop a unique solution that best meets their needs. I wish to emphasise that the Rees Government has listened to the community in allowing students to take up employment as part of the range of options in the participation phase. The Government recognises that for a small number of students continuing in educational training past year 10 may do little to improve their future. We acknowledge that there needs to be some flexibility for young people whose interest and talents are best developed in whole or in part in the workplace.

Section 21B (3) contains that flexibility. It allows young people to undertake paid work or a combination of paid work and education and training. As this bill is essentially about encouraging greater participation in education or training, the paid work options are generally only available to young people who have already reached the age of 15. In general, we would not want a child of, say, 12 accelerating through year 10 and then directly joining the full-time workforce. If there are exceptional circumstances that warrant a younger child participating in paid work, the option exists to seek an exemption from the Minister. The bill also provides flexibility for young people for whom life does not necessarily operate according to plan. Section 21B (4) allows a young person to cease participation for a period of three months in any 12-month period. We understand that a young person may decide that the option he or she has chosen does not suit him or her.

The Rees Government recognises, particularly in this economic climate, that employment may cease or a student may face suspension. The bill provides the breathing space that these young people need to get themselves re-established in a suitable form of participation. However, if a period of unemployment extends beyond three months, we believe it is in the young person's best interests either to return to school or to take up a training place—alternatives that we can guarantee will be available. The Education Act makes parents primarily responsible for the participation of their children in compulsory education in New South Wales. Parents face prosecution if their children do not participate in compulsory education. This bill is a watershed in New South Wales education. It marks a renewal of our commitment to our young people and it means a redoubling of all our efforts to make a better future for them. 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.

NATION BUILDING AND JOBS PLAN (STATE INFRASTRUCTURE DELIVERY) BILL 2009

Message received from the Legislative Council returning the bill with an amendment.

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 11 March 2009

Page 5, clause 8, lines 18-23. Omit all words on those lines. Insert instead:

(3) In this section, authorised person means a government agency or member of staff of a government agency.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [4.41 p.m.], on behalf of Mr Nathan Rees: I move:

That the House agree to the Legislative Council amendment.

Mr BRAD HAZZARD (Wakehurst) [4.41 p.m.]: This amendment is one of a series moved by the Greens in the upper House. I seek clarification as to whether it is the only amendment supported by the Government.

Ms Kristina Keneally: Yes.

Mr BRAD HAZZARD: On that basis, and having in mind that the Opposition has indicated already that it will not oppose the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009, the amendment is not opposed.

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

Motion agreed to.

Legislative Council amendment agreed to.

Message sent to the Legislative Council advising it of the resolution.

CRIMES (APPEAL AND REVIEW) AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 4 March 2009.

Mr GREG SMITH (Epping) [4.43 p.m.]: The Crimes (Appeal and Review) Amendment Bill 2009 amends the Crimes (Appeal and Review) Act 2001 to allow an appeal court to set aside a conviction for the purpose of making an order under section 10 of the Crimes (Sentencing Procedure) Act 1999; to make it clear that a person may appeal against both conviction and sentence; to provide that an appeal against conviction is by way of rehearing on the evidence given in the original Local Court proceedings rather than on the basis of certified transcripts; to enable an appeal court to remit certain matters to the original Local Court where the defendant has been convicted in his or her absence; to provide that an appeal against certain suspensions and disqualifications of driver licences does not automatically result in the stay of the suspensions or disqualifications; to remove the current requirement that an appeal court direct that costs be paid to the registrar of a Local Court; and to require appeals made to the Land and Environment Court to be lodged with the registrar of that court rather than with the registrar of a Local Court.

The bill amends also the Crimes (Domestic and Personal Violence) Act 2007 to require the District Court on certain appeals against orders made under that Act to make interim apprehended domestic violence orders or interim apprehended personal violence orders, as the case requires, and to allow a person who has had an application for an apprehended violence order dismissed in their absence to apply for the annulment of that dismissal. The bill also amends the Criminal Procedure Act 1986 to enable certain accused persons to rely on written pleas instead of attending personally at certain Local Court hearings. It amends also the Crimes

(Domestic and Personal Violence) Act 2007, the Local Courts Act 1982 and the Local Court Act 2007 to make it clear that the provisions of the principal Act relating to appeals against conviction apply to certain appeals under those Acts.

The Opposition will not oppose the bill, nor seek to amend it. The bill follows a statutory review of the Act under section 120, which was tabled in Parliament in August 2008. The review conducted by the Attorney General's Department sought to ensure that the Act operated in accordance with its stated objectives—that is, to provide a streamlined and simple appeal process while still affording an appropriate opportunity for aggrieved parties to seek redress against decisions of the court. This bill seeks to enact the majority of the recommendations from this report. Recommendations 8 and 9, which deal with transcripts on appeal matters and manifest inadequacy or excess, are not dealt with in this bill as the Attorney General's Department is consulting further on these recommendations.

The bill will make the following changes to the Crimes (Appeal and Review) Act 2001. It will clarify that a court of appeal has the ability to quash both the sentence and the conviction in a severity appeal. There is some confusion about the current wording. The need for this amendment arose from several decisions in the Land and Environment Court. Section 11 also is amended so that persons refused annulment of sentence applications by the Local Court under section 4 may appeal to the District Court against the sentence. Clarification also is made to outline that individuals can appeal against conviction and sentence. The District Court can remit to the Local Court matters that were originally undefended hearings in that court. The bill allows the District Court finality on appeals that were originally dealt with in the Local Court in the absence of the defendant by making the appeal a proper severity appeal.

Rehearings no longer will be by transcripts of the evidence, but by rehearing the evidence. But that is not necessarily correct. The current procedure is that parties must have certified copies of the transcript. That process adds delay as it means extra checking of the transcripts of evidence. Surely by agreement it would be more practical if the parties could clarify transcript errors at the appeal court, especially when there may be physical exhibits also that need to be tendered to the District Court. Of course, those exhibits cannot be tendered by a certified transcript. The bill allows for the recognition of the role of the Land and Environment Court in certain matters.

Changes are made to ensure that the suspension of a driver's licence is not stayed in matters where a suspension already was in existence before the appeal process—for example, in a high-range offence when a person would have had their licence removed immediately. Once a person has lodged an appeal, as I understand it, a stay is operated and they are given back their licence, which seemed to be an anomalous process. Whilst the question of how easy it is to lose a licence certainly will be controversial during the two years before the next State election—more than 200,000 people a year lose their licence under the points system—admittedly changes are being made. Nevertheless, it seems harsh that many people lose their licence when they are quite fit to drive. I am sure that changes to the relevant law will be made. It is not stipulated that costs will be paid to the Local Court registrar under a section 72 order for costs.

Amendments to the Crimes (Domestic and Personal Violence) Act allow a person who is absent from an initial hearing when their application for an apprehended violence order has been dismissed to seek an annulment of the dismissal if the person can show that his or her absence was due to sickness or misadventure. Currently an interim apprehended violence order is made in relation to matters that are remitted to the Local Court for hearing following an appeal under section 11. Changes will be made to the Criminal Procedure Act for cases in which an accused enters a written plea and he or she is not required to attend court, but is taken to have attended court.

There are arguments in favour of supporting the bill. The bill makes changes that are in line with recommendations made under a statutory review of the Act. The bill seeks to ensure that the objects of the Act are met and that the operation of the legislation is efficient from the point of view of those in practice. Many of the changes seek to make efficiency savings at the Local Court level and to streamline the operation and cooperation between different levels of courts. Arguments against supporting the bill include that convoluted language has been used, which may lead to future confusion in the operation of the Act. As a result of some relaxation of the current law, it may lead to longer hearings in the District Court—although that is perhaps unlikely. I am unsure whether the Crimes (Appeal and Review) Act satisfactorily picks up appeals against orders for costs made in committal proceedings when the Crown appeals against the order. I have not noticed any change to the law, and the law as it stands is not a very satisfactory way of dealing with such matters.

My learned friend the member for Miranda, Mr Collier, may correct me based on his encyclopaedic knowledge of the legislation, but it seems ridiculous to have a rehearing of a case to determine the order. I was involved in a case in which somebody else had dealt with the committal and the Crown lost the case. The case continued for 96 days. I appeared in the appeal against the order for costs, which amounted to millions of dollars. Of course we won, but there were issues about whether the court had to read the whole transcript of the appeal to work out whether it was appropriate to order costs. There must be a better way of sorting out those problems.

Mr Barry Collier: Could both counsel not have made submissions? It could have been resolved by submissions, surely.

Mr GREG SMITH: Yes, but it was supposed to be a hearing de novo on the transcript of proceedings that had continued for 96 days—which would have been a bit much, just to work out whether costs should have been awarded against the Crown. That may have been rectified, but I have not noticed any change to the law.

Mr Barry Collier: Maybe you could pass that on to the Attorney.

Mr GREG SMITH: Yes. Apart from that, it appears that various parties have been consulted on the preparation of the bill. I notice that the Law Society's criminal law committee supports amendments to allow an appeal court to set aside a conviction for the purpose of making an order under section 10 of the Crimes (Sentencing Procedures) Act 1999—and I am sure that is so—and to clarify that a person may appeal against a conviction and sentence. The amendments address the Law Society committee's request of the Attorney General for amendments relating to appeal procedures in the Land and Environment Court and the decision in *Advanced Arbor Services Pty Ltd v Strathfield Municipal Council* [2006] NSWLEC 485, which was decided on 8 August 2006. Apart from the points I have already made, I state that the Opposition does not oppose the bill.

Mr FRANK TERENCEZINI (Maitland) [4.54 p.m.]: For a number of reasons, I support the Crimes (Appeal and Review) Amendment Bill 2009 because it clarifies various parts of the Act that in some ways already have been adopted in practice. Amendments to section 10 relate to a severity of sentence appealed against in the District Court. It should be clarified that a judge who hears an appeal on the grounds of severity of sentence is able to set aside a conviction and enter a section 10 dismissal of the conviction. The effect of that will be that, although the offence has been proved, no conviction will be recorded. As part of the sentencing procedure that should be clarified, and I am pleased that an amendment has been made to clarify that position.

Another important amendment relates to circumstances in which a defendant does not appear and is convicted and sentenced in absentia. Before this bill was introduced, a person could apply to have a conviction set aside or annulled and could also apply to have the sentence annulled. This bill will remove the procedure for having the sentence annulled because, if the application for annulment is refused, an appellant could appeal to the District Court against refusal. If successful, the appellant could go back to the Local Court to be re-sentenced. If the appellant believed that the new sentence was too harsh, he would be able to go back to the District Court again. The matter would be going backwards and forwards between the Local Court and the District Court, which in my view, based on my experience, is unnecessary.

This amending bill will clarify that a defendant who did not appear at the hearing and was convicted and sentenced in absentia will still be able to appeal in relation to conviction, which is fair. But as far as sentence is concerned, they will have to appeal against the severity of the sentence to the District Court. That is an appropriate appeal process in relation to review of a sentence instead of a matter passing backwards and forwards between a Local Court and a District Court, which uses time and resources. The amendment preserves fairness to the defendant but simply reduces the time and resources allocated to the current process. I am pleased that that amendment is included in the bill as a result of wide consultation with relevant stakeholders.

The amendments also provide for circumstances in which an application for an apprehended violence order is the subject of an appeal to the District Court. In those circumstances, a judge will be able to make an interim apprehended violence order to apply during the period between when the matter is finalised in the District Court and is commenced in the Local Court. That is a very good amendment because it will retain protection for the victim until the matter is finally determined. For all the reasons I have stated and because my experience tells me that these amendments provide good clarification, I support the bill.

Mr FRANK SARTOR (Rockdale) [4.57 p.m.]: I support the Crimes (Appeal and Review) Amendment Bill 2009, which introduces a number of amendments to the Crimes (Appeal and Review) Act that

arise from a recent statutory review undertaken by the Attorney General's Department. While the amendments provided in the bill for the most part are technical in nature, nonetheless several provisions will have a significant impact on the administration of justice in the State. Some of the matters have been dealt with by speakers who have preceded me in this debate. The first relates to the imposition of licence sanctions for serious traffic offences under the Roads Transport (General) Act 2005. Currently police are able to immediately suspend a person's drivers licence when laying charges for a range of offences, including high-level drink driving, street racing and excessive speeding.

People who commit such offences are an immediate danger to the community. Therefore, it is appropriate that they be suspended from driving until the court makes a determination. Under current provisions, the suspension of a licence applies until the matter comes before the Local Court. If the person is found guilty of the offence, the court may impose a determinate licence suspension or disqualification. If the person then seeks to appeal that decision, section 63 of the Crimes (Appeal and Review) Act stays the execution of the sentence. That means that the person will have their licence returned until their appeal is considered by the District Court. That has the potential to undermine the objective of protecting the community from unsafe drivers. This bill therefore seeks to address this anomaly. It will ensure that a licence sanction continues to have effect during the appeal period unless the appellate court is satisfied that a stay is appropriate.

The bill also contains a number of provisions that will provide greater protection for victims of domestic violence. The bill creates a new right for an applicant in apprehended violence proceedings to apply to the Local Court to annul a decision to dismiss their application if that decision was made in their absence. At present if a defendant is prevented from attending court by illness or misadventure an apprehended violence order is made in their absence. They may apply to the court to have the order annulled and the proceedings reheard. However, an applicant for an apprehended violence order who is similarly prevented from making it to court currently has no right to apply to seek that an order from the court to dismiss the application be annulled when that order was made in their absence. The bill introduces new provisions to the Crimes (Domestic and Personal Violence) Act to rectify this anomaly.

The bill also addresses a problem that may arise where a District Court dealing with an appeal quashes an apprehended violence order and remits the case to the Local Court for rehearing. At present when the District Court quashes the order and remits the case to the Local Court a victim of violence will not be subject to any protective orders until such time as the matter comes back before the Local Court. The bill addresses this gap in protection by requiring the District Court, when quashing the order and remitting the matter to the Local Court, to make an interim apprehended violence order. These changes in the bill reflect the Government's ongoing commitment to ensuring safety on our roads as well as protecting victims of violence. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.01 p.m.], in reply: I thank the member for Epping, the member for Maitland and the member for Rockdale for their contributions to the debate. I note that the Opposition does not oppose the Crimes (Appeal and Review) Amendment Bill 2009; nor will it seek to move any amendments to the bill. The Crimes (Appeal and Review) Act provides the opportunity for aggrieved parties to seek redress against the decisions of magistrates. An effective appellate system is a fundamental part of the justice system in that it provides a mechanism to correct errors and promote public confidence in the judiciary. The report on the operation of the Crimes (Appeal and Review) Act 2001 contains sensible and practical recommendations to improve the way in which the appeal and review process works. The recommendations are supported by the heads of the Supreme Court, the Land and Environment Court, the District Court and the Local Court.

It is worthwhile noting that a number of the submissions to the review of the Act commented that in general terms the objectives of the Act remain valid and the provisions remain substantially effective in achieving these objectives. The bill contains a number of amendments that implement recommendations contained in the report, and will further improve the way in which appeals and reviews against the decisions of magistrates are conducted. The bill will, firstly, clarify the power of the District Court or the Land and Environment Court to overturn a conviction on a severity appeal in order to impose a non-conviction sentencing order; secondly, ensure that victims of domestic violence are better protected during appeal and review processes; thirdly, allow defendants to lodge an appeal against both the severity of the sentence and the finding of guilt in the one appeal notice; and, fourthly, create an exception against a stay of a sentence in relation to serious traffic offences where the defendant was suspended from holding a licence when the charges were laid.

The bill will also resolve several minor administrative and procedural matters. Item [6] amends section 18 of the Act to provide that an appeal against conviction is to be by way of rehearing on the basis of evidence given in the original Local Court proceedings, except where the District Court gives leave for fresh evidence as allowed in section 19. This amendment is intended to implement recommendation 7 of the Statutory Report on the Crimes (Appeal and Review) Act by making it clear that the District Court is able to rely on all evidence that was before the original Local Court. The term "evidence" in this context includes the transcript of the original proceedings, exhibits, statements and other material that was tendered before the Local Court. The new provision overcomes the problem highlighted by the Court of Criminal Appeal in the decision of *Charara v The Queen*, (2006) New South Wales CCA224. In that case the court noted that the term "certified transcripts of evidence" did not include other material that was before the original Local Court and that this placed the District Court at a disadvantage in an appeal hearing.

The term "certified transcripts of evidence" is replaced with a broader term, "evidence", so that the District Court may rely on transcripts of evidence, as well as other evidentiary material that was before the Local Court. In effect, the amendment ensures that the rehearing will be based on all the evidence before the Local Court, including transcripts of evidence, together with other evidentiary material. The member for Epping expressed concern about the procedures followed in the District Court when the Crown appeals against a cost order made against it in committal proceedings in the Local Court. In particular, the member is concerned about the consistency of the procedures that seem to be followed by various judges in the District Court. The Government is always willing to listen to suggestions for positive improvements to the administration of justice in this State. I will refer the member's concerns to the Attorney General, and he can look at the relevant provisions of the Crimes (Appeal and Review) Act and give his considered judgement and opinion on that section. Having said that, 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 Legislation Council with a message seeking its concurrence in the bill.

ASSOCIATIONS INCORPORATION BILL 2009

Agreement in Principle

Debate resumed from 4 March 2009.

Mr GREG APLIN (Albury) [5.06 p.m.]: I lead for the Opposition on the Associations Incorporation Bill 2009. At the outset I indicate that we will not be opposing the bill but we will be making comments, hopefully of a constructive nature, for the Minister to consider and take on board. The purpose of the Associations Incorporation Bill 2009 is to update the existing 1984 Act to cover contemporary situations and provide enhanced financial protection for members of associations. There are more than 35,000 incorporated associations in New South Wales, and they range from scout groups and fishing or sporting clubs to associations with an annual turnover exceeding \$500,000. It is instructive to consider what are incorporated associations. The Office of Fair Trading website describes them thus:

Incorporation under the Associations Incorporation Act 1984 gives an entity certain legal advantages in return for accepting certain legal responsibilities.

Associations do not have to be incorporated, however becoming incorporated provides community groups with a simple and inexpensive means of becoming a legal entity and helps to protect members in legal transactions.

The Associations Incorporation Act 1984 commenced in 1985. A first review of the Act and regulations in 1989 led to amendments in 1992. A further review of the regulations took place in 1999. A fresh round of Office of Fair Trading community discussion papers and reviews in April 2003 appears to have gone nowhere. Indeed, the recommendations of the review were not made public. An exposure draft for the current legislative review was

released in early 2008. As members are aware, this bill was introduced on 4 March. The bill appears to have resulted not from any media or community outcry but from a periodic review of an ageing statute.

Following community consultation, it appears that several key concerns of stakeholders that were raised in submissions to the exposure draft were addressed. The bill introduces such measures as tighter financial reporting and auditing requirements for larger incorporated associations. It simplifies and modernises administration, for example, to allow for postal voting and the holding of a meeting in two places at once, allowing members to contribute via communication technologies, which have advanced since 1984, such as phone, email or voice over Internet protocol. It updates penalties and new offences to deal with committee members who use their position or information dishonestly. It creates a broader definition of "pecuniary interests" to be disclosed by committee members, and it expands the section on cancellation of registration, insolvency and winding up.

The bill pushes to cover large and small incorporated associations, introducing a two-tiered financial reporting system. Tier 1 associations—the high annual financial receipts type group or those with substantial assets—will have to meet raised standards of financial record keeping and reporting, including a requirement to have their accounts audited. Tier 2 associations face more modest financial requirements. Thresholds are yet to be set for the transition points, that is, for annual receipts or assets. In a briefing with the Minister's staff a transition point of \$200,000 in annual receipts was mentioned as a possibility. This is, in fact, the cut-off for compulsory audit in Victoria's Associations Incorporation Act 1981. There is no word at this point on the asset value threshold. The Opposition is concerned that some incorporated associations may have accumulated assets of considerable value over time, such as simply through property revaluation. There is no detail in the bill about this; it will be left to regulation.

But assets alone should not tip an incorporated association into high-level compliance obligations; annual receipts should always be taken into account. Arguably, receipts should be averaged over the past three years to allow for peaks, such as upon sale of an asset or after an unusual increase in membership fees. A problem may arise if equity unencumbered—accumulated surplus, that is—is counted. Many non-government organisations are employers and they need to put aside funds to cover staff provisions and the loss of a source of funding. For example, one private incorporated association water scheme, with approximately 20 members, has pasture land and equipment assets approaching \$1 million yet its turnover is only approximately \$20,000 per annum to cover water fees. That incorporated association could possibly be forced into tier 1 financial obligation unless the tier 1 and tier 2 threshold is clarified.

The bill is an attempt to streamline administration for incorporated associations. However, there is a concern among grant-dependent incorporated associations that, while they might meet financial and other requirements of government funding bodies, they could find themselves in breach of the Associations Incorporation Act and therefore liable to penalties if the requirements do not match. One concern has been expressed about the threshold for tier 1 incorporated associations and the requirement to have a financial audit. We need to ask: What is the Government doing to match the requirements of this bill with the requirements of government funding bodies? The Victorian Government's Action Plan: Strengthening Community Organisations, dated April 2008, action 9, headed "Ensuring service agreement consistency states:

Departments will jointly explore opportunities to drive greater consistency in service agreement and accreditation systems by aligning quality and accountability requirements.

Action 10, headed "Grants reform", states:

The Department of Treasury and Finance and the Department of Planning and Community Development will investigate the feasibility of streamlining the financial and accounting terms used in discretionary grant agreement reporting and will promote the use of a standard chart of accounts and data dictionary by grant applicants.

This bill raises the question as to whether grants will be in tune with that threshold that is to be introduced by regulation. Will government agencies take their cue from this legislation? The audit is the main requirement. If a grant body does not need it this bill might require it. The bill creates an overarching document, which creates offences not envisaged by the funding bodies. The same cut-offs and deadlines would be preferable. It is not really up to little organisations to work that out because under this bill they could be guilty of offences. Yet under grants funding the worst that could happen to them is that they might lose funding. The question therefore is: Has the Government streamlined these provisions through the various agencies to avoid creating different sets of deadlines or, to put it another way, to make it easier to live in compliance? Provisions requiring incorporated associations to take out public liability insurance have slowly been removed, beginning with amendments to regulations in 2002 and completed by this bill. The Minister in her second reading speech states:

While the office of Fair Trading strongly advises associations to hold insurance for their association it has not been mandatory under the legislation since 2002.

It could be argued that this is a failure of governance. The public expect organisations to have liability insurance, particularly where the incorporated associations has land and/or engages in activities of potential danger to the public. During the insurance crisis of the early part of this decade it seemed reasonable to do away with mandatory insurance as it was difficult or sometimes impossible to obtain and it was certainly expensive. The Government should consider sourcing interested insurance companies, negotiating affordable premiums, with a view to making public liability mandatory. Incorporated associations get the protection of limited liability and in return should ensure the public has a remedy in insurance when needed. This is particularly relevant to those associations that provide services on behalf of government agencies, such as the Department of Community Services, the Department of Ageing, Disability and Home Care, and New South Wales Health. It could be argued, as I stated, that this might be seen as a failure of governance to leave a loophole where people could be injured or cause damage leading to injury. As it stands, clubs are able to not take out insurance. If associations have assets or buildings why is insurance, in fact, discretionary?

The existing Act prohibits "trading" by incorporated associations. The bill removes that important word while expanding the definition of securing "pecuniary gain" for members, which is a prohibited activity. Trading of any sort clearly should remain prohibited. The bill does not mention the existence of roles of secretary and treasurer. The focus is on public officers. The bill should require incorporated associations to have a secretary and a treasurer to ensure these roles exist as part of a structure of every incorporated association. I consulted the Council of Social Service of New South Wales [NCOSS], which is the peak body for the non-government human services sector in New South Wales and claims to represent more than 7,000 community organisations and more than 100,000 consumers and individuals.

The submission of NCOSS stated in general that large parts of the Associations Incorporation Bill 2009 are written in obtuse legalese, making it largely inaccessible to the majority of groups currently incorporated under the Act or wishing to incorporate under the Act. NCOSS said the bill is very different from the exposure draft that was available for comment in 2008, and to which it and several other stakeholder groups provided responses. NCOSS said that while some of the concerns had been addressed, for example, the conflation of the roles of public officer and secretary, others, such as the duties and requirements of management committee members and associated penalties for breaches, have been reconfigured in the bill but still remain a concern. What are some of those specific concerns?

A number of the new provisions in the bill generally follow sections of the Corporations Act 2001, according to NCOSS. In fact, NCOSS says that this Act is referred to at least 32 times in the new bill. It concludes that this appears to be a very derivative approach to the setting of a regulatory framework, particularly as the needs of small not-for-profit groups are often different from those of companies covered by the Corporations Act 2001. NCOSS noted instances where the new bill generally follows sections of the Corporations Act 2001 and that these sections are insubstantive and they include the "basic features of associations", "association powers" and "assumptions people dealing with associations are entitled to make". The vast majority of the over 37,000 registered associations in New South Wales, according to NCOSS, are small sporting associations.

The sector that NCOSS represents is composed of about 6,400 small-to-medium sized non-government not-for-profit organisations that receive government funding to deliver social services to their communities. Those groups are incorporated as associations because the Corporations Act 2001 is not considered appropriate for small-to-medium sized not-for-profit non-government organisations. So it remains unclear why so many of the sections in the new bill are derived directly from the Corporations Act 2001. NCOSS also expressed concern about the number of new offences created in the bill, along with the associated penalty notices and fees. NCOSS stated that a number of them are excessive: it believes they are likely to have a pronounced negative impact on the capacity of the sector to retain and recruit committee members.

Criminal penalties for non-compliance are their concern. Members of incorporated associations are tuned into grants requirements and therefore there will be differences between their obligations to government departments and their responsibilities under the bill, which, of course, can lead to penalties unless the two are coordinated. There is a concern that the Government is pushing large organisations into the framework and may, therefore, be less attuned to the needs of the smaller groups. The criminal offences do not distinguish between the two tiers. This is an important fact to be taken on board by the Minister. The penalties are not separated for large and small associations. It is seen as rather heavy handed as small associations are usually run, as we know, by volunteers. It is said that the bill is all stick and no carrot.

As recommended in the submission by the Council of Social Service of New South Wales [NCOSS] to the exposure draft, it will be critically important that committee members receive adequate training and resourcing to enable them to understand the implications of the new bill and their responsibilities. A less punitive approach, one based on education and resourcing, is therefore required. Volunteer committees need help from the Government to understand their new and enlarged responsibilities. Therefore, education and awareness campaigns should be funded and run by the Government. Under the heading "Financial Reporting and Consistency with NSW Funding Agencies", NCOSS stated:

Financial reporting—Tier 1 and Tier 2 associations has replaced small or medium, but until the regulations are available, it is still unclear how these categories will be determined. For example what constitutes "significant income or assets?"

...

NCOSS recommended in its submission to the Exposure Draft in April 2008, that whatever definitions are used to determine financial reporting requirements, they are consistent with the major funding agencies in NSW. There is no indication that the Bill has taken account of this recommendation, however there will be the opportunity to address this in the regulations.

I bring to the attention of the Minister the Law Society's comments on the Associations Incorporation Bill 2009. The Business Law Committee had two particular concerns, which I wish to raise. The committee stated:

- i. Section 36 provides that the public officer is automatically an authorised signatory, but all other signatories must be appointed by the Committee. It does not appear that Committee members are automatically authorised signatories. Therefore the Committee needs to appoint some or all of the Committee members and any other members it wishes to be authorised signatories. This is important as section 22 requires two authorised signatories.
- ii. It is unclear how a person can confirm who the authorised signatories are. This is an issue as section 23(4) does not permit a person to make an assumption, as set out in section 24, if it is suspected the assumption is incorrect. It appears the authorised signatories will not be part of the searchable public record and therefore reliance on the assumptions may become problematic.

Having raised these issues with the Minister, I request that she take them on board and attempt to address them, particularly with the regulations that will define the differences between tier 1 and tier 2. Certain other aspects will be taken up by my colleagues.

Mr GERARD MARTIN (Bathurst) [5.23 p.m.]: I strongly support the Associations Incorporation Bill 2009. Associations are non-profit organisations, in the main run by volunteers, which provide services to the community that may otherwise be unavailable. Members would have dozens, perhaps hundreds, of organisations in their electorates, and associations in the Bathurst electorate run everything from a community-owned private hospital to an association in the remote little village of Burruga that runs its reticulated water scheme, bus service, general store and a community club. Those facilities would not exist in the isolated village of Burruga, situated south of Bathurst, if not for incorporated bodies. Similarly, in Black Springs the community runs a range of recreational and other activities. Anything provided by this bill will affect those organisations.

It is vitally important for the law that regulates associations to strike the correct balance between accountability and ease of operation. We certainly do not want to burden associations with unnecessary red tape or restrictions. The bill achieves that balance. The Associations Incorporation Act was passed by Parliament in 1984, so we are now 25 years down the track. While there have been amendments to the Act along the way, parts of it are not up to date with current technology and changes to corporations law. The bill will strengthen the accountability of associations as well as enhance the efficiency of the administration and regulatory processes without introducing onerous requirements; and that should be stressed.

The bill streamlines the current financial reporting requirements by creating a two-tiered system, as mentioned by the member for Albury, based on a financial threshold. Associations above the prescribed threshold will be required to audit their accounts, similar to the system that has been successfully applied in Victoria. The bill shows great foresight in making this financial threshold a prescribed matter. The financial threshold is based on the gross receipts and gross assets of the association. I take on board the comments of the member for Albury in relation to assets. I am sure those comments will be addressed by the Minister in reply. Having the amount of the threshold prescribed by regulation allows for greater flexibility and the ability to easily recalibrate the threshold according to future needs. So flexibility is built into the system, and that is important.

I know that requiring smaller associations to audit their accounts would result in significant financial costs. There is a general view that associations that have a low income and therefore engage in low-level transactions with either the public or creditors are considered to present a low risk of insolvency and other

financial issues. The bill recognises that situation. Consequently, incorporated associations below the prescribed threshold will not be required by the Act to have their accounts audited. Importantly, their current fiduciary responsibilities, including presenting financial accounts to their members at annual general meetings, will remain. That provides transparency.

This approach is consistent with the intention of the Act and it takes into account the voluntary nature of the work undertaken by many small community-based associations. As part of modernising the Act the bill removes the requirement for associations to use a common seal when executing its documents. That is an unnecessary and archaic requirement and just adds costs to cash-strapped associations. Its removal is consistent with the changes made over the years to the Commonwealth Corporations Act 2001. The bill will make the signature of two authorised signatories sufficient for an association to legally execute documents. One reform in the bill that emphasises the importance of accountability without imposing any additional red tape is the new provisions prescribing explicit statutory duties for members of the management committee. These provisions will provide additional protection to members of associations and those who deal with them, which is important in encouraging people to take up positions in associations.

These provisions place clear statutory duties upon management committee members and prohibit improper use of information and positions within organisations. Currently members of a management committee of an association are significantly under-regulated in comparison with directors of other types of organisations. In fact, there are currently no express statutory duties in respect of the management of an association's affairs. While they are subject to limited statutory duties in the event of a winding up or a cancellation, that lack of general statutory duties means that the improper use by a management committee member of his or her position, or the information that he or she had access to, is not subject to any compliance measures under the Act. Currently there is no power for the regulator to prosecute when presented with extreme cases of improper use of position, or information, with the intention of achieving an advantage or to the detriment of the association.

These are very rare occurrences but when they do occur they can cause great distress and hardship to members of the associations, organisations or individuals who deal with the associations and the associations themselves. Added to that, there may be difficulty in prosecuting committee members as it may be financially prohibitive for an association or its members to bring proceedings against a committee member. If the committee itself is in breach of its duty it is very unlikely to bring proceedings against itself.

In line with these changes and changes to all other forms of incorporation, committee members will also be required to disclose any direct and indirect pecuniary interest and the extent of such interests in any matters being considered by the committee. I think all members in this Chamber would agree that this is plain common sense. All other forms of incorporation and government require this of their members and directors, so it should not be any different in this case. It is also consistent with provisions in other State jurisdictions, such as South Australia and Victoria, which have similar requirements for committee members. In conclusion, the bill strikes a balance in strengthening the accountability of associations without unduly increasing their regulatory burden and will bring the Associations Incorporation Act up to date for the modern era. For those reasons I commend the bill to the House.

Mr JOHN TURNER (Myall Lakes) [5.30 p.m.]: As the shadow Minister, the member for Albury, has indicated, the Opposition does not oppose the Associations Incorporation Bill 2009. Amongst other things it will tighten financial reporting and auditing requirements for the larger corporations, which are referred to as tier 1. It will simplify and modernise administration; for example, to allow postal voting and the holding of a meeting in two places. That will be a great advantage to people in rural and regional New South Wales and associations that have a wide-ranging membership. Penalties will be updated and new offences will deal with committee members who use their position or information dishonestly. Unfortunately, in my electorate recently one of the directors of a club association thought that he should be given some of the money from a raffle for the effort he put into undertaking it. That will not happen any more. That would obviously be caught under the pecuniary interests and general dishonesty provisions anyway.

I believe these changes are worthwhile. As the member for Baulkham Hills will know, we were incorporating these associations many years ago, in 1984, for a variety of organisations and people in the community. They have served their purpose very well, but it is certainly time to look at the process and bring it up to date. I am a bit concerned that again there has been a fair time lag in bringing in this legislation. There was a community discussion paper and review in 2003, which did not appear to go anywhere, and the exposure draft was released in early 2008 and we are now nearly a quarter of the way through 2009. Having said that, the legislation is now before us for scrutiny. The member for Albury raised some matters in relation to the assumptions in section 23 and section 24. I have some concerns about those but I will take the legislation at face

value and hope that those sections will work in the manner in which they are designed. Quite a bit will be left to regulations so we will have to keep a close eye on that.

The last matter I want to talk about is insurance. It has always been a concern of mine for my constituents and also when I was shadow Minister for Fair Trading some time ago. I agree with the member for Albury that the Government should get together with like agencies and produce insurance that is available at reasonable cost to associations. Even though the need to have insurance was removed in 2002, it would be a foolish director of an association who did not have insurance for their association. There are some types of associations that could go without insurance. As I recall, the Government some time ago brought together a group of insurers under a name that escapes me to provide insurance to associations at a reasonable rate. I made representations on behalf of one of my associations and it looked very good on the face of it, but when you cut through to the fine print you found the insurance did not cover volunteers. Of course, that makes such insurance worthless to an association because most associations are made up of volunteers. It is still a vexed question and I really would like the Government to concentrate on finding a common formula that will safeguard honest, decent people in most of these associations who are doing good work for their community. They should not have to look over their shoulder to see whether their house or assets are on the line. We support the bill.

Mr FRANK TERENCEZINI (Maitland) [5.35 p.m.]: I have great pleasure in supporting the Associations Incorporation Bill 2009. This bill was introduced to provide a simple and inexpensive means of incorporation for small non-profit organisations as an alternative to incorporation as a company. I am told that there are 35,000 associations registered under the Act. These associations provide vital community services ranging from local sporting clubs to community support groups and before and after school care. These kinds of community organisations are mainly run by volunteers and are an important part of our society. Incorporation as an association provides important legal protections for these hard-working individuals who give up so much of their spare time to make a contribution. All members have their share of volunteers in their electorates: I certainly do; I am blessed with an enormous number of volunteers who give up their time to do all sorts of things. They do a magnificent job. That is why I am so happy to see this amendment, which will help them.

The Act has been reviewed and will be replaced with an updated and streamlined Act that maintains the intent and fundamentals of the current legislation but removes some unnecessary red tape burdens. The changes that are being made are the result of an extensive consultation process. Major stakeholders and interested parties were invited to submit written comments at key stages of the review, namely, in response to a consultation paper and an exposure draft bill. Written submissions were received from the Council of Social Service of New South Wales [NCOSS], sporting and community groups, solicitors and accountants, the Law Society of New South Wales, government bodies such as NSW Sport and Recreation, and the Office of the Registrar of Indigenous Corporations. Consultation meetings were also held with NCROSS, Canterbury Bankstown Migrant Resource Centre and peak sporting organisations. I acknowledge the contributions of all the organisations and individuals that assisted in the development of this bill. It is a significant step forward.

The resulting legislation addresses the concerns of stakeholders as well as incorporating their suggestions for improvement. One of the changes the bill makes is to clarify the role of the public officer. The public officer is the formal point of contact for an association, and is required to keep records and the register of the members of the management committee. The current Act requires that documents be kept at the public officer's residential address. This bill introduces flexibility by providing that the public officer may keep these documents at either their work or residential address. This overcomes privacy concerns for the public officer particularly when an association has been formed to deal with sensitive family or personal issues.

The review found that where there has been internal conflict in an association some public officers have failed to hand over the association records when their term expired. So the association has had to take court action to obtain its records. This is an unnecessary expense for a non-profit organisation because, as we all know, they make every attempt to raise as much money as they can—and their task is becoming increasingly difficult. It was proposed that the legislation explicitly state that the outgoing public officer must hand over all records and documents relating to the association. An association's documents provide a historical record and continuity of an association's affairs.

These documents are important to the continued operations of the association, especially given the sometimes frequent turnover in the membership of a management committee. Consequently, the bill clearly prescribes that members of the management committee must hand over all documents to the incoming management committee upon vacating their position. The overhaul of the regulation of associations that will be achieved by this bill will benefit both the incorporated associations and the communities that they serve. For that reason I commend the bill to the House.

Mr WAYNE MERTON (Baulkham Hills) [5.39 p.m.]: I support the Associations Incorporation Bill 2009 which, it is fair to say, was dealt with extensively by other speakers. About 35,000 incorporated associations in New South Wales, ranging from scouting groups to fishing and sporting clubs and associations, have an annual turnover exceeding \$500,000. Many groups simply could not function if they did not become incorporated. One would need only a limited knowledge of law to understand the liabilities that could be incurred by unincorporated groups. Many organisations simply would not exist if people did not join because they could become jointly and severally liable for any acts involving personal liability. The original legislation has been around since 1984, the world has moved on, many things have happened since then and it is time to review the legislation.

The member for Myall Lakes, many other members and I have had constituents coming into our electorate offices and asking us to assist them to incorporate their associations, whether they be charity or local groups. I will not canvas in detail the matters that were dealt with earlier by other members, but one issue of grave importance remains. The collapse of HIH Insurance made it difficult for those groups to obtain insurance and to continue to operate. A fundamental principle in the 1984 legislation required organisations to obtain public liability insurance before becoming incorporated. The HIH collapse made public liability insurance expensive and some groups were in jeopardy of not being able to continue to trade. The member for Myall Lakes said earlier that the State Government got together a group of insurers who, subject to some restrictions, created a pool of insurance funds to enable those associations to operate. Under this legislation the requirement for associations to obtain public liability insurance has disappeared. The Minister said:

Amendments to the regulations in 2002 had already removed any prescribed requirements for insurance.

That might be so but it does not mean that amendments to the regulations in 2002 are correct and appropriate for 2009, nor does it mean that they were appropriate for the past six or seven years. Liability insurance is essential for any entity that is running a business, incorporated or otherwise. If a group is dealing with a member of the public and that member suffers personal injury, he or she should be entitled to compensation. In the case of an incorporated association with limited assets, which inevitably is the case, a plethora of victims could lodge compensation claims. I concede that that might not happen often, but we need only one claim from some poor injured person who has no right to compensation or retribution and his or her life would be destroyed: no-one would pick up the tab for the medical bills—apart from the taxpayers—and he or she would receive no compensation for the loss of his or her enjoyment of life.

The Government must look carefully at this fundamental issue of public liability insurance. Many of these groups have little if any assets, and that leaves potential victims unprotected. The Government could meet with insurance companies or carry the cabana and become an association insurer. We must preserve incorporated associations in New South Wales as those small groups of people do a wonderful job. As the member for Bathurst said earlier, some of the organisations in his electorate would not exist and the towns to which he referred would not have facilities if those groups did not become incorporated. The Government must provide some form of insurance to those groups and to those with whom they deal.

If I were a member of a group and someone was involved in an incident and was injured, and those running the group had no personal liability insurance, I would feel sick to my stomach knowing that that member of the local community was not entitled to any compensation. I ask the Minister and the Government to revisit the issue of compulsory public liability insurance. If the Government is prepared to allow these organisations to continue—and so it should—they should be offered an insurance package that is affordable and gives members of the public the protection they deserve if someone is unforeseeably involved in an accident.

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

PRIVATE MEMBERS' STATEMENTS

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

GOULBURN REGIONAL DEVELOPMENT

Ms PRU GOWARD (Goulburn) [5.45 p.m.]: Tonight I inform the House of a regional development initiative in Goulburn that shows great promise. Goulburn, which is located in the south of my electorate, is commonly recognised as Australia's oldest inland city. It is a town of extraordinary history: bushrangers, convicts, railways, prisons and even an arcane dispute over the Anglican cathedral. It is also a town with a number of economic lives. For some years Goulburn thrived as a gold town, and then as a railways town and a fine wool region. However, Goulburn suffered, as did many other towns, from the growth of industry and cities

elsewhere, and the restructuring of Australian agriculture in the 1980s and 1990s. The expansion of Canberra, just under 100 kilometres down the road, also sucked the life out of its surrounding areas until Canberra itself reached that point and size where satellite towns such as Queanbeyan, Bungendore and Yass began to prosper.

Tantalisingly, Goulburn remained just out of reach for commuters and it, unlike other towns, did not grow. Even Gunning and Collector enjoyed the spin-offs that Goulburn did not enjoy. The city's schools, cathedrals, outstanding building stock and varied industry appear to have been ignored in successive economic booms and industry restructures. To be honest, there would be many who thought that that was a good thing. Goulburn remains a town dominated by families who have lived there for generations. It has remarkable community coherence and could never be said to have a suburban mentality. It is truly a place on its own and many are determined to ensure that it stays that way and preserves what is good. However, the past few years have brought to a head the tension between the preservation of what is today almost a unique country town lifestyle and development in New South Wales. In this decade drought and world famous level 5 water restrictions very nearly sounded the death knell for Goulburn, and the people knew it.

Last year a concerned group of Goulburn citizens decided it was time to think differently. They came from across the Goulburn community—some from the oldest of families such as Jim Maple Brown; some from the group of relative newcomers such as Tron Alstergren and Graeme Hewitt; and others who are local entrepreneurs such as the Kellys, as well as local businessmen such as James Mifsud and Rowan Begg. They joined the group's mentor and founder, Neville Newton, of Southern Meats, the town's largest private sector employer. Goulburn Region Enterprise Inc., [GRE] conceived in defiance and gloom about the city's reputation as the town with no water and nurtured by hard work, was finally delivered, less than a month ago, as a healthy infant. Eight hundred people attended the town meeting that started it all, so worried had the local community become about the future for their children and themselves. GRE took its soundings, conducted its research and looked at other inland cities and towns that had similarly languished until a group of locals decided to get things going.

Some common themes emerged: the importance of providing higher education opportunities, identifying and marketing Goulburn's competitive advantages, working closely with local government and chambers of commerce to reduce red tape, and identifying investment opportunities. Of course, the great advantage of Goulburn is its modest cost base and location right on the Hume Highway. It is less than an hour from a major airport, it has a local airstrip and a rail hub available; it is an ideal intermodal centre of road, rail and air; and it is all within the most heavily populated corner of Australia. The challenge for GRE is making sure the rest of the world knows about it.

The first aim of GRE is to promote the city and the region as an ideal place to invest and raise families, to live and to do business. Goulburn is one hour from Canberra, two hours from Sydney and less than two hours to the South Coast and Wollongong, so who could disagree? Many of the older members who have skied in years gone by will remember the Paragon Cafe as a stop-off point between Sydney and the ski fields. The highway bypasses the main street today, but the Paragon Cafe is still there and is not only surviving but also thriving. I remind people to book for Sunday night if they want to be sure of a booth. The schnitzels are great and the competition is fierce.

Success makes its own luck. While the mining downturn in Western Australia is that State's misfortune, it has proved an opportune time for us to attract Western Australian businesses looking to relocate to the eastern seaboard. GRE knows this is an opportunity and is working it hard. When local farmer Tom Hughes, QC, AO, launched GRE at the beautiful Goulburn racecourse, with local musicians and Roses' catering, we were determined to promote the city beyond its limits. Christine Faulks, chief executive officer of the Canberra Business Chamber, was able to join us. We thank her for recognising the potential our city represents. Since that launch only three weeks ago, thanks to Roger Lucas there have already been follow-up meetings with the Capital Region Authority, as well as other regional connections. Well done GRE: Tronn, Graeme, John, Julie, Rowan, Jim and the team, and thank you to Neville Newton for making sure it happened. The hope is already working.

CANTERBURY CITY COMMUNITY CENTRE

Mr ROBERT FUROLO (Lakemba) [5.50 p.m.]: In my inaugural speech I outlined some of the challenges faced by the people of the electorate of Lakemba. Some statistics that bring these challenges into focus are contained in the Australian Bureau of Statistics index of socioeconomic indicators. The suburb of Lakemba is ranked thirty-first of the 600 suburbs on the scale, with the city of Canterbury ranked seventeenth of

all New South Wales local government areas. Lakemba is characterised by low-income levels, high-density housing and high-housing stress, with 55.7 per cent of the population born overseas and fewer than 18 per cent of people speaking English at home. Further, one-third of the residents arrived in Australia in the last four years. Of those residents, 60 per cent live in flats and nearly 50 per cent live in rented accommodation. These are sobering statistics and highlight the need for effective delivery of key services by both government and non-government organisations. Despite these challenges, the people of Lakemba are well served by the New South Wales State Government and by the wonderful people in local neighbourhood centres.

I share with the House the wonderful work of the staff and volunteers of the Canterbury City Community Centre located in Lakemba, locally known as the 4Cs. Along with many other neighbourhood centres, the centre was established following the Whitlam Government's Area Assistance Scheme in 1972. It plays a pivotal role in critical services to the disadvantaged people of my local area. Programs run by the centre include: beginner English classes; welfare assistance to local families; childminding, to help parents attend courses and programs; women's information seminars; tax help programs; Seniors Week programs; garden care programs for the elderly and disabled; the Skills Training and Resource Service [STARS] program, which is a training and recruitment service for volunteers which last year helped train and place 565 volunteers; and the establishment of the Canterbury Men's Shed for older retired men, amongst many other programs.

I place on the record my appreciation, and that of the thousands in my community, of the work of Liz Messih, the board, the staff and the volunteers of the 4Cs centre. But I also wish to highlight the struggle that this and many other neighbourhood centres face. The Community Services Grants Program provides funding for neighbourhood centres. The formula used for the funding of centres has remained unchanged for more than 20 years and no longer reflects the relative needs of areas such as Lakemba. To put this in context, the 4Cs centre received only \$37,293 in the 2008-09 financial year for the services and programs I outlined earlier. The role of neighbourhood centres such as the 4Cs is critical to the communities they serve. The funding formula of those services should reflect the relative disadvantage of local communities and funding should be increased to centres such as the Canterbury City Community Centre. This will enable them to continue to provide the essential services so necessary in our local areas.

Mrs BARBARA PERRY (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)) [5.55 p.m.]: I congratulate the member for Lakemba on highlighting the great community services provided by neighbourhood centres. The electorate of Lakemba is not dissimilar to my electorate of Auburn, and the needs of the people of Lakemba and Auburn are similar. Resources are essential and are made available by various levels of government working in partnership with neighbourhood centres. I commend the staff and volunteers of the neighbourhood centre referred to by the member for Lakemba in servicing their challenging and needy community. I also thank the neighbourhood centres in my electorate—the Auburn Neighbourhood Centre and the Chester Hill Neighbourhood Centre—for their assistance to local communities that are currently struggling to cope with demands in this time of economic downturn. We take our hats off to all neighbourhood centres and pay tribute to them.

BALLINA ELECTORATE HEALTH SERVICES

Mr DONALD PAGE (Ballina) [5.56 p.m.]: I outline my concerns about health services in the electorate of Ballina. I want to discuss the apparent doctor shortage at the Ballina, Byron Bay and Mullumbimby hospitals, and the loss of the mobile breast screening vans, which were visiting Ballina and Byron Bay. The media revealed this week that Ballina District Hospital is facing a doctor shortage, leading to the hospital reducing the number of patients it can accept. While I understand that the rosters have been filled for all shifts over the past 12 months, and are covered for March, it would seem that there simply are not enough doctors being rostered on.

Doctors are now very publicly complaining about their excessive workloads and the potential risks to patients. Byron Bay and Mullumbimby hospitals have also stated that they are in danger of not having enough doctors to provide emergency treatment to patients. Should this be the case patients are likely to be diverted to Tweed Heads, as all surrounding hospitals are facing similar doctor shortages. I am extremely concerned about this situation and implore the Minister for Health to urgently allocate the resources required to fix this potentially life-threatening situation. If the situation continues, and emergency patients are diverted from Ballina, Byron Bay or Mullumbimby to Tweed Heads, there will be very real risks to the wellbeing of patients.

Prior to June 2008 mobile breast screening vans visited Ballina and Byron Bay on an annual basis. I am appalled at the decision to cease this vital early cancer detection service in my electorate. I am told it is because

a fixed unit was installed at Tweed Heads and that there is an existing unit at Lismore. It appears the New South Wales Labor Government considers that it is acceptable for women in Ballina and Byron Bay to travel to either location to access their free mammogram. Yet in February and April last year former Premier Morris Iemma announced that the New South Wales Government would spend \$26 million statewide to upgrade the BreastScreen program. This upgrade included the launch of vans equipped with state-of-the-art digital mammography technology. Where are these vans? Why do communities the size of Byron Bay and Ballina not have access to this mobile technology?

The cessation of this service will result in fewer women being screened for breast cancer in the electorate of Ballina—an outcome that should not be acceptable to anyone. However, the Government seems perfectly happy to justify the removal of this service. The regional areas of New South Wales are suffering death by a thousand cuts to their health services. This is yet another example of the declining state of the New South Wales health system. Breast cancer affects one in eight Australian women. Early detection is the key factor, which determines a woman's survival and recovery from the disease. Every year 12,000 women are diagnosed with breast cancer. The aim surely must be to increase the number of women who are screened for breast cancer. Removing the mobile vans from my electorate will certainly result in fewer women accessing their free mammogram.

In an area that virtually has no public transport options, many women will find it difficult or just too hard to go to their nearest screening centre. I believe the vans are still visiting areas that are one hour or more from the nearest fixed unit. There seems to be a presumption that every woman in the Ballina electorate has a car at their disposal or will be able to access public transport to get to and from their nearest screening centre. That is simply not the case. Many women in the target group, that is, 50 to 69 years, are in the workforce. They work nine to five and getting to a regional centre during their lunch hour is impossible. Also, many have family commitments. It is much more convenient for these women to access a mobile breast screening unit if it is readily available in their town. For example, they can visit the unit during their lunch hour if they work or in between their schoolchildren obligations at the beginning and end of each day.

I have been contacted by a number of women in my electorate who are very concerned about the loss of this service, for all the reasons I have mentioned. It now will be much more difficult for them to juggle their busy daily lives and make time for this very important screening process. Up until now it has taken half an hour out of their day to visit a mobile van in Ballina. It will now take a minimum of two hours travel to and from Lismore and to undergo the screening—assuming there is no waiting time. If the breast screening service is readily available women will use it. If it is not, they are much less likely to access it. This means early detection is less likely and the incidence of breast cancer will be higher. Prevention is always better than cure. Reducing the number of mobile breast screening vans is a giant step backwards in the fight against breast cancer. I call on the Minister for Health to review this situation and return this essential health service to the Ballina electorate.

ST PAUL'S CATHOLIC PRIMARY SCHOOL

ST CLARE'S CATHOLIC PRIMARY SCHOOL

Mr GEOFF CORRIGAN (Camden) [6.01 p.m.]: On Sunday 15 February 2009 it was my great pleasure to attend the opening of extensions to two local Catholic schools, St Paul's and St Clare's, in my electorate. Both these schools are in the Wollongong diocese. I thank Bishop Peter Ingham, Bishop of Wollongong, for blessing and opening both these magnificent extensions to wonderful local primary schools. Bishop Ingham is the personification of Christianity. He is a humble man with seemingly boundless energy and speaks appropriate and encouraging words at every function I have attended. I was particularly impressed last year by Bishop Ingham's sensible and calming comments about another faith school that was to be built in Camden. He brought sense to the debate from a religious point of view.

In the morning, the St Paul's Catholic Primary School extensions were opened. These extensions provide magnificent new classrooms and administrative facilities. Blessed Mary MacKillop and the Sisters of St Joseph founded St Paul's Catholic Primary School in 1883. When I first moved to Camden in 1980 St Paul's still had a convent and the Sisters of St Joseph were still running the school. The redevelopment was particularly significant to me, as St Paul's church, which is part of St Paul's school, is where I married my wife, Sue, in 1976. I watched as the church expanded and now the school that surrounds the church is expanding. I will not attempt to name all those responsible for the wonderful extensions, but it would be remiss of me not to mention parish priest Father Michael Williams, who was praised for his efforts at both St Paul's and St Clare's.

The St Paul's school extensions were built by funding from the Federal Government, by the parents and through a loan. The New South Wales Government assists private schools through the School Building Interest Subsidy Scheme. In the case of St Paul's the subsidy will total \$995,400 over the 20-year period of the loan. I congratulate all the St Paul's community who have worked tirelessly to provide what is virtually a new school in the centre of Camden. I particularly thank principal Christopher Paton for inviting me and for his leadership of the school. In the afternoon I was at St Clare's Catholic Primary School at Narellan Vale. St Clare's was established in 1994 to serve the needs of the developing suburbs of Narellan Vale, Mount Annan and Currans Hill. The program for the day stated:

From its humble beginnings in 1994 with a student enrolment of 45, a staff of four and just one building, St Clare's today is currently operating as a three stream school in Kinder to Year 6. It has an enrolment of 609 and a staff of 46 that are catered for in a range of modern, attractive and well-resourced buildings.

Again, the Federal Government, parents' contributions and the New South Wales Government's School Building Interest Subsidy Scheme funded the St Clare's extensions. The New South Wales Government will contribute just over \$1 million by subsidising the interest over the 20-year period of the loan. I thank principal Kevin Devine for his invitation to attend the opening and for his leadership of the school. It would be very difficult to mention everyone involved. Both schools had the same program on the day: an acknowledgement of the indigenous owners of the land; an official welcome by the principal; the rites of passage with a greeting and the opening by the Bishop; the procession to the buildings; a closing prayer; and an address by the Director of Schools.

I was unable to take part in the procession, but Bishop Ingham, together with Father Michael Williams at St Paul's and the principals, blessed each of the rooms. It was a wonderful day at both St Paul's and St Clare's. I am always impressed with the little jokes that Bishop Ingham likes to tell at functions. On this day he told a joke about a small boy of 11 who asked the librarian for a book by Shakespeare. The librarian asked, "Which one?" "William", replied the boy. The first time he told it the laughs were a bit delayed, but at St Clare's the response was quicker. I congratulate both St Paul's and St Clare's schools on their magnificent new extensions. I look forward to visiting those school communities again in the near future.

HORNSBY ELECTORATE TRAFFIC ARRANGEMENTS

Mrs JUDY HOPWOOD (Hornsby) [6.06 p.m.]: Today I want to speak about work the Roads and Traffic Authority is currently undertaking in my electorate. Firstly, I want to mention existing traffic issues in Mount Colah. After 20 years, lights are still required at the Mount Colah intersections of Excelsior and Foxglove roads and improvements are required at the intersection of Yirra Road. Local residents and the local media have pushed for the need for traffic lights at these intersections and other issues. Secondly, I want to deal with the widening of the F3 as it passes through my electorate. The *Hornsby and Upper North Shore Advocate* and the Berowra *Bush Telegraph Weekly* have been exceptional in their coverage and support of the local residents.

The meetings I have had with the Roads and Traffic Authority through the Hornsby Shire Council's Hornsby Traffic Committee have been informative and cooperative. I look forward to assisting in the delivery of many traffic solutions. An issue associated with the widening of the F3 freeway is the noise emanating from stripped asphalt and exposed concrete, which is currently taking place on the northbound lanes and vehicular travel. The solutions provided by the Roads and Traffic Authority to the road widening issues leave a lot to be desired. A facts sheet sent to my office and to many concerned residents in December 2008 states:

The need to widen the F3 freeway to achieve a consistent three lanes in each direction between Wahroonga and Calga is a result of:

An increase in population of the NSW Central Coast

An increase in road freight numbers

An increase in general traffic on the F3 Freeway.

A sceptic would say it is all about the increase in population on the Central Coast, not the amenity of the people who live in the Hornsby electorate along the path of the F3 to Wahroonga. A letter in relation to the resurfacing work, which was sent to my office from Michael Daley, Parliamentary Secretary for Roads, dated 15 July 2008, states:

I am pleased to advise that resurfacing work, using open graded asphalt, on the F3 Freeway is currently scheduled for September 2008. It is anticipated that this work will significantly reduce noise levels in Berowra.

This has presented much confusion for residents, as it was never intended to put asphalt on that section of road. Martin Harding pointed this out to me in his letter of 1 August 2008:

I spoke at length to Neil Forrest, Asset Manager for the RTA; he was unable to shed light on the asphalt statement, merely reiterating the diamond grinding procedure and Berowra's lack of involvement in this venture.

Martin Harding has written to me many times about this problem. Three sections of the F3 travel through my electorate, all of which have been dealt with differently: the Wahroonga to Mount Kuring-gai section is different to the Mount Kuring-gai to Berowra section, and the Cowan area up to the Hawkesbury River is different again. In the non-residential area we have A-grade surface replacement of asphalt, but the other areas I have mentioned have a mixture of diamond grinding. Mount Kuring-gai to Wahroonga has diamond grinding of new and old work and the other area has diamond grinding only of new work. Residents are confused that the same treatment was not applied to both areas.

Helen Cowell, Chris George, Peter and Maureen Miles, David McCarthy, John Bladon, Shawn Buchan and many others have written to me and I have spoken personally to Fay Grimmond about this problem. Today I met with Guy Russell, a very concerned constituent of Mount Kuring-gai. He wants a totally independent measurement of the grinding process trial, and calls on the Roads and Traffic Authority to involve local residents in more consultation.

DRUMMOYNE ELECTORATE WOMAN OF THE YEAR NOMINEES

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [6.11 p.m.]: This year as the member for Drummoyne I had the great pleasure of nominating Maureen Heywood, Chief Executive Officer of Canada Bay Club, as the woman of the year for the Drummoyne electorate as part of the State Government International Women's Day Awards. International Women's Day is an important time to recognise the achievements of women and the leadership women provide in a local community. By recognising the outstanding achievements of women, we not only provide role models but also encourage the community to nominate women for honours. This nomination is about recognising Mrs Heywood's work as an outstanding woman in my community; a woman who is representative of all talented women in my local community and who gives her time and experience to other women.

Maureen is extremely resourceful and creative in looking for new ideas to benefit the business. She coordinates community activities and programs for various local businesses and sporting organisations. Maureen works closely with her board of directors and staff as part of a team to solve problems and difficult issues to achieve the best possible results. She is well organised and experienced and has learned to adapt to changing circumstances, and she has experience in all aspects raised by staff, patrons, unions and contractors. She is a dedicated and successful businesswoman in the Drummoyne electorate. Maureen is well known for her positive attitude towards people and business life, and she enjoys any challenge. Her success as chief executive officer at the club is highlighted by increases in membership under her leadership. With the assistance of dedicated staff she has made Canada Bay Club a family friendly venue offering fine dining, great entertainment and children's services.

In 2008 the Canada Bay Club was awarded the Outstanding Human Resources Management Award at Clubs NSW Annual Awards. This was the first time the Canada Bay Club had entered the Clubs NSW Awards for Excellence. I have no doubt that Maureen Heywood was instrumental in the club achieving this award through her motivation and good staffing practices. Maureen Heywood is a role model to women in business and in encouraging women to achieve top managerial positions in the club industry. She joins three other women in the State seat of Drummoyne whom I had the pleasure of nominating in 2006, 2007 and 2008. Marie Piccin is a leading businesswoman in our community who runs Angelos on the Bay restaurant at Cabarita. She is active in her local chamber of commerce and a mentor to many women in my electorate who run small businesses.

Coral Shankley is a diabetes nurse educator at Concord hospital, who has run numerous diabetes programs and is considered an extremely proficient nurse. Karen Willis is from the New South Wales Rape Crisis Centre at Drummoyne. We all know Karen from the tireless work she undertakes in running a 24-hour rape crisis service throughout New South Wales. She has made major recommendations to the Government's task forces in relation to domestic violence and rape issues. I congratulate those three women on being outstanding individuals; they have been fantastic representatives for my community. Whilst we celebrate International Women's Day every year and we have come a long way in the past century with women's issues, I note that Australia is one of the few countries that still does not have a paid parental leave scheme. When we celebrate International Women's Day we need to reflect on that and other issues on which we need to make inroads in Australia.

Of course, more than a century ago women achieved the right to vote, but as I walked along the corridor coming to the Chamber I noted that in 1970 we did not have one female member in this place. The fine achievement is that after 39 years close to 25 per cent of elected members in this House are women. Pope Benedict remarked on International Women's Day that the washing machine had been a great revolution for women in emancipating them from home duties. I have to agree with him. International Women's Day is not only about achieving great things, but also can be simply about modern innovations, such as the washing machine—an appliance that truly has emancipated us from a great deal of housework, especially when we have children! I look forward to nominating other women for future International Women's Day Awards.

TWEED HEADS FIRE BRIGADES

Mr GEOFF PROVEST (Tweed) [6.16 p.m.]: Once again I am 100 per cent for the Tweed. Today I shall talk about the Tweed's local fire brigades. On Monday 23 February I had the pleasure of visiting the Tweed Heads fire station. I spent quite a number of hours there and was very impressed with the high level of training, dedication and commitment shown by the team. The Tweed Heads fire station houses a team of committed and devoted officers, with whom I had the pleasure of meeting. I saw them attend to several fires and carry out their duties very professionally. Within the Tweed electorate we have 5 permanent station officers and 16 permanent firefighters, 1 retained captain and 17 retained firefighters, 2 main pumping appliances and 1 dedicated Hazmat vehicle that has a service radius of around 100 kilometres. In 2007-08 Tweed firefighters attended 1,016 calls and undertook 296 community safety activities, equalling about 1,960 people hours.

The Tweed electorate has one of the highest percentages of people aged over 65 years, many of whom are at risk from time to time. The dedicated officers within our fire brigades take time out to attend to check on smoke alarms and help those people prepare for the worst inevitable event. The Tweed Heads fire station is supplemented by the Tweed River and Kingscliff fire stations. In 2007-08 Kingscliff had 15 retained firefighters undertaking 410 calls, 69 community services activities and 17 community safety awareness activities. The Tweed shire is one of the fastest-growing regional areas in New South Wales with 2 new housing estates, each boasting 5,000 new homes in the near future, a trend likely to continue.

Government services in the area have a responsibility and duty to the community, and I take great interest in them. I am fully aware of the local issues and I respect and regard front-line staff who serve the community so well. It is a pleasure to mix with people who take their commitments so seriously and at times put their lives at risk for the rest of our community. The Hazmat unit is a vehicle that assists with the detection and treatment of chemical and oil spills. The Tweed firemen are highly trained in the professional use of this unit, which is used to deal with hazardous and toxic incidents within a 100-kilometre radius. With an international airport within the electorate—the Gold Coast airport—an appliance of this kind is crucial to the safety and protection of the community. Another appliance often used in the brigade is the jaws-of-life. This tool consists of cutters, spreaders and rams that are used to pry open vehicles involved in accidents when a victim is trapped.

Given that one of the State's busiest major roads—the Pacific Highway—runs through the middle of the electorate, appliances of this kind are paramount to the safety of the community. The State Government's refusal to upgrade the Sexton Hill section of the Pacific Highway further emphasises the need to have staff trained in the use of these devices. While Sexton Hill remains a highly rated black spot on the Pacific Highway accidents are inevitable, and unfortunately will continue. The Tweed Heads fire station received a new appliance last Friday 6 March, for which, I point out to the Minister for Emergency Services, the community and I are extremely grateful. However, it should be noted that the appliance it replaced was more than 27 years old. I must mention Superintendent Garry McKinnon, zone commander; Inspector Gary Meagher; station officer Martin Maher; senior firefighter Richard Fraser; senior firefighter Adam Westerman; qualified firefighter Richard Ducuc; Captain Michael Watson; and Deputy Captain George Sutherland.

The brigade's continued dedication, commitment and passion in protecting the Tweed Heads community is appreciated and applauded, particularly by me and by the local community. As I said, I know most of these people personally and I have seen them in action throughout the shire. Late last year I had the opportunity to ride with the police and attend an accident scene and I witnessed firsthand the use of some of these devices in saving the lives of people on our roads. It is a great pleasure to stand shoulder to shoulder with these people. Once again, I am 100 per cent for the Tweed.

MENAI ELECTORATE WOMAN OF THE YEAR NOMINEE

Ms ALISON MEGARRITY (Menai) [6.21 p.m.]: On 5 March in this Parliament we celebrated the achievements of New South Wales women at a reception held just a few days before International Women's Day on 8 March. The event specifically recognised women nominated for the prestigious award of New South Wales Woman of the Year 2009. Nominees were drawn from all parts of the State and from a broad range of fields,

including the community, arts and sport. A commemorative booklet contained a brief summary of each woman's contribution. As the Minister for Women said, the summaries provided "just a glimpse into the energy, passion and commitment of these women". The entry describing the Menai electorate nominee for Woman of the Year, Cheryl Koenig, said:

Nominated for her commitment to raising awareness of brain injury, Ms Koenig has written a book "Paper Cranes: a mother's story of hope courage and determination". Proceeds from the book have been donated to every major brain injury unit in New South Wales.

I certainly agree with the Minister's assessment of those summaries as the extract I just shared with the House only alludes to the remarkable story that eventually led Cheryl and her family to the parliamentary precinct last week. Cheryl met her soul mate, as she describes Rob, while still at school and married at the relatively young age—by today's standards—of 19 years. They have two treasured sons: Christopher, known as Chris, is 22 years old; and Jonathan, known as Jono, is 24 years old. When he was just 12 years old Jono was almost fatally injured in an horrific car accident. In fact, his family was told to prepare for the very worst outcome. Miraculously he pulled through, but his doctor's prognosis was that Jono would most likely never walk, talk or even eat again. I can advise the House that I saw him do all those things very well last Thursday. On top of that, I believe he can ski, swim laps, play the piano and tennis—albeit not at the same time. Somehow he finds the time to do all those things while working five days a week in three part-time jobs.

By refusing to accept such a bleak prognosis after Jonathan's accident, Cheryl has demonstrated just how much one mother's love and determination can achieve for her own child and her immediate family. But Cheryl's courage has extended well beyond her home and into a tireless quest to raise the wider community's awareness about brain injury and to assist other families facing similar challenges. She is a consumer representative on a range of fundraising and policy committees and a vocal advocate for the often unsung role of carers. Cheryl's effectiveness in these public roles is demonstrated by the fact that the Minister for Disability Services also nominated Cheryl for the Woman of the Year award.

Cheryl has written two books that were published by NSW Health: *There's always hope...Just alter the dreams* and *The Courage to Care*. Her third book, *Paper Cranes—A Mother's Story of Hope, Courage and Determination*, was released just one year ago. It was a particular honour for me to nominate such a passionate and committed woman from our local area for this award. But I acknowledge the touching fact that her younger son, Chris, also nominated her. I also take this opportunity to thank the *St George and Sutherland Shire Leader* for its coverage of the important message that Cheryl has tried so hard to publicise. Sadly, over the past decade she has found that the more mainstream media outlets have not found the subject as newsworthy. It is fitting to close this tribute using Cheryl's own reflection about her latest book, *Paper Cranes—A Mother's Story of Hope, Courage and Determination*. She said:

"Paper Cranes" is two journeys in one story; the incredible journey of Jonathan's fight back to be the best he possibly can, and the emotional journey that I share as his mother - at first grieving for the talented son I lost, and then reaching a place of understanding and accepting him for all that he is now. It is only through writing of our "combined journeys" that I came to the realisation of how important it is to validate and accept an individual for who they are and whatever contribution they make to society. Hopefully this philosophy will be imparted onto the reader.

Cheryl came to the House last week as one of 10 finalists and left as the New South Wales Woman of the Year. I am sure that every member of this House will join me in congratulating her and wishing her well in her relentless campaign to improve our community's awareness of this vital issue.

Mrs BARBARA PERRY (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)) [6.26 p.m.]: I join the member for Menai in honouring and paying tribute to Cheryl Koenig. Through the member for Menai I had the privilege of meeting Cheryl after the event. I met Cheryl's husband and her beautiful sons, Jono and Chris. Jono is a vibrant, talented young man who obviously enjoys life and is very proud of his mother. In fact, both boys and their dad are very proud of Cheryl. Today I pay tribute not only to Cheryl but also to the three men in her life: the three men who have been a support for her just like the men in the life of the member for Menai—her husband and her two boys—and the men in my life—my husband and our five boys—have been a support for us. With their support, we have the courage, determination and ability to do what we do. Cheryl's message is so important. Her advocacy is amazing, as is the fact that she is out in the community supporting other carers on their journeys. As a community we can learn much from Cheryl's journey. She offers great hope and is an inspiration to us all. I thank Cheryl. She is very deserving of the title and the honour of being the New South Wales Woman of the Year 2009.

SOUTH NARRABEEN AND NORTH PALM BEACH SURF LIFE SAVING CLUBS INDIGENOUS CHILDREN'S PROGRAMS

Mr ROB STOKES (Pittwater) [6.28 p.m.]: Many members would be aware of the invaluable services provided by surf life saving clubs along the New South Wales coast. We in Pittwater are extremely fortunate to have 11 surf life saving clubs operating in our community. They are outstanding organisations, established and maintained by community volunteers. Their proud history of commitment and service to local communities is rightly acknowledged. It is due to the dedication and professionalism of these volunteers that New South Wales beaches are among the safest in the world.

Equally commendable—yet, more often than not, unappreciated—is the community engagement facilitated by these clubs. By harvesting the spirit, commitment and goodwill that exists within surf clubs, two Pittwater clubs have initiated programs involving indigenous children from remote communities. I recently had the pleasure of experiencing the success of these programs firsthand. In late January the South Narrabeen Surf Life Saving Club hosted more than 50 Koori kids from the remote New South Wales community of Brewarrina. The program, appropriately named Bush to Beach, has been operating for four years and its continuation is due to the admirable efforts of volunteers, including Ken Passmore, Peter Clarke, club president Peter Madden, and Jack Cannons, AM—to name only a few—as well as the amazing leadership of Aboriginal elders such as Les and Joyce, who somehow organised 50 kids to travel more than 600 kilometres in two minibuses.

The kids come and stay for a weekend in the clubhouse, where volunteers cook the meals, provide some entertainment and give lessons about beach safety while enjoying the water. Many of the children have never before experienced the excitement of the ocean, and the expressions on their faces were truly breathtaking. I will read an extract from an email I received from South Narrabeen surf club member and program organiser Ken Passmore. He wrote:

One of the great things that happened on Friday evening was when the big group of children and carers went for a walk along the beach towards Collaroy after dinner. A number of carers came to me afterwards with the most amazing smiles on their faces. They told me that people were coming out of their houses and units along the beach, clapping, whistling and waving to them as they walked. They claimed it to be a truly amazing experience, which made them feel like celebrities.

Club members and volunteers participating in the program were equally moved. They remarked on the incredible connection they established with the Brewarrina children during their stay as well as an increased appreciation for indigenous cultures, ideas and identity.

At the opposite end of the Pittwater electorate, the North Palm Beach Surf Life Saving Club also conducts an entirely different program with a group of indigenous teenagers selected by the Jawoyn Association for communities in the Northern Territory under a program known as Outback to Beach. That program, which is made possible by the generosity of volunteers including Dr Terry Kirkpatrick, Maryanne Hampton, Graeme and Warren Howard, Michelle Rae and Max Clinton as well as many wonderful sponsors, aims to provide an enjoyable and rewarding experience through developing skills, confidence and knowledge. It also provides a unique opportunity for local kids from the Pittwater area to meet indigenous kids and gain greater appreciation and respect for Aboriginal cultures and beliefs.

The two initiatives carried out in the Pittwater area demonstrate how simple yet practical measures, initiated at a grassroots level, can contribute to reconciliation between indigenous and non-indigenous Australians. Our prejudices feed on distance and misunderstanding. Reconciliation will become a reality, and not just a catchphrase, only if we can reduce the gulf between our communities, reduce the space in which our intolerances find voice, and forge new connections based on shared principles and experiences. This is a very practical task and our surf clubs have taken the initiative.

People from the world over flock to New South Wales beaches, and our beaches have a long history of providing a setting of peace, beauty and fun for people from many different backgrounds where they can swim, relax and laugh together. By drawing upon both this mutual enjoyment of the beach and their widespread respect and community standing, our surf lifesaving clubs have built a bridge between indigenous and non-indigenous Australians. Simply talking about reconciliation results only in insufficient and merely symbolic outcomes. We should follow the example of smaller community organisations, such as South Narrabeen and North Palm Beach surf clubs. Their actions have formed mutual relationships, respect and friendships, which are rightly seen as the cornerstones of the reconciliation process.

I congratulate both the South Narrabeen and North Palm Beach surf clubs on the successful continuation of their programs involving rural indigenous communities. I wish them and all other surf clubs in

Pittwater the very best of luck as well as a very safe trip to Western Australia when they participate in the national titles. I commend the Bush to Beach program to the House and suggest to other members that this is a great initiative to introduce to their communities and local surf clubs in the hope that more surf clubs will take it up.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.33 p.m.]: I thank the member for Pittwater for drawing to the attention of the House an excellent program that has been championed by Surf Life Saving New South Wales: the Bush to Beach program. The program operates in other electorates and is very effective in improving the understanding by rural people of the hidden dangers of our beaches. As many people who live in coastal communities know, the people who are most at risk at the beach are those who are on holidays or who are visiting from rural communities and do not understand the dangers of the beach, as beautiful as the locations are. I commend the member for Pittwater for the leadership role played by surf life saving clubs in reconciliation. The Bush to Beach program is certainly a great initiative by Surf Life Saving New South Wales.

RIVERSTONE WEST PRECINCT

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [6.35 p.m.]: Yesterday I had the great honour to accompany the Premier and the Minister for Planning, the Hon. Kristina Keneally, to my electorate for the announcement of the Riverstone West Precinct. It is one of the best projects that I have been associated with in more than 30 years in public life, consisting of four years as Mayor of Blacktown and more than 27 years as a member of this House. I state for the record some of the facts associated with the release that will result in a major transformation taking place in Sydney's north west. It will involve the provision of approximately 12,000 jobs, which will be vital to the district and 8,300 of which will be in a business park setting adjacent to Riverstone railway station. The precinct will provide up to 250,000 square metres of commercial office floor space. Approximately 3,700 of the 12,000 jobs will be in light industrial and general industrial areas. There will be approximately 500,000 square metres of industrial floor space, and the precinct will offer a diverse range of job opportunities.

As far as land use in the precinct is concerned, 16 hectares will be zoned commercial use, 72 hectares will be zoned industrial use, 16 hectares will be zoned for light industrial use, but 76 hectares will be zoned for environmental conservation, including a 58-hectare environmental corridor comprising riparian corridors and native vegetation. The wetlands and conservation areas in the district will be well and truly looked after and will provide a fresh breathing space for the local community. There will be 39 hectares of private recreation land, and I will deal with that in more detail later. The precinct will also feature a freight transfer facility and a new electricity substation.

The precinct will make use of the existing Blacktown to Richmond rail line to promote an intermodal facility, which will include a rail spur line to provide for freight transfers to take place inside the precinct. Such a facility will enable warehouses to load and offload goods inside the precinct and transport them along the main rail line. Potential exists for the location of a sustainable energy plant to be sited in the vicinity of the current pollution control plant as well as a TransGrid substation. Part of the north-west growth centre will accommodate 70,000 new homes in the next five to 30 years. Adjacent to the Riverstone rail line and the Alex Avenue precincts will be a release of land to accommodate more than 15,000 new housing lots. The exhibition period for the proposal expired on 6 February this year, and final plans are being considered by the Department of Planning.

The facility will have access to two existing rail stations, Riverstone and Vineyard, which will undergo substantial redevelopment and refurbishment. The Vineyard business area of the precinct will comprise 12 hectares of light industrial land characterised by allotments that will be 2,000 square metres in area and buildings up to 18 metres in height. In the Riverstone West industrial and intermodal precinct, there will be 76 hectares of general industrial zoned land and the intermodal terminal, and the precinct will be characterised by one-hectare minimum allotment sizes and buildings of up to 18 metres in height.

The development will include a recreation precinct adjoining the TransGrid site and will provide privately owned and managed regional football facilities. Football New South Wales is moving to the location, and the facilities provided will be able to cater to the needs of future and wider populations. Provision has been made for 24 hectares of sporting fields comprising, for example, 10 fields, one with a stadium, four tournament fields and five training fields as well as a 2.5-hectare sports centre. There will also be pedestrian access from Vineyard station. Provision will also be made for construction at some time in the future of a swimming pool,

hotel accommodation, a sports high school incorporating boarding school accommodation, and a restaurant, clubs and bar with gaming facilities. As the Riverstone West business park will directly adjoin the Riverstone town centre and railway station, it represents a major transformation for the area. The precinct will include a high-density business park and activity hub that capitalises on its location and will provide high-value employment. I am delighted to support this outstanding development and look forward to making future progress reports to the House.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.39 p.m.]: I thank the member for Riverstone and Leader of the House for drawing to the attention of the House the visionary approach to land use in Riverstone West. The project will lead to significant expansion and development in his electorate and generate 12,000 jobs. That is evidence of the good work the member for Riverstone does in supporting changes in land use in his electorate. It is pleasing to note that planning for the precinct in Riverstone West includes provision for good environmental outcomes and maintenance of the wetlands. That is excellent. The precinct will also provide necessary social facilities and infrastructure to support a growing community. I commend the member for Riverstone for his hard work.

TAFE ENROLMENTS

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.40 p.m.]: Although not much good news is forthcoming from the global economic crisis, I have some good news to report to the House today. One of the positive stories from my Northern Tablelands electorate is an overall increase in TAFE enrolments of 15 per cent this year. Part of that increase is attributed to people wanting to upskill because of the uncertain job market. The increase in enrolments has been recorded across the New England Institute catchment and is consistent at the Armidale, Glen Innes, Tenterfield and Inverell campuses in the Northern Tablelands. Other reasons being given for this increase in enrolments are that more school leavers are enrolling immediately in TAFE, the breadth and range of courses now being offered, the value given to TAFE qualifications in the marketplace, and the flexible delivery of courses and training.

Last week the Deputy Prime Minister, Julia Gillard, outlined the Federal Government's vision for its education revolution in the tertiary sector. She singled out the forging of closer relations between TAFE colleges and universities as part of the drive to engage more students from lower socioeconomic backgrounds in higher education. In my area, that process is already underway. The New England Institute signed a memorandum of understanding with the University of New England last year. Through this agreement, negotiations on articulation in counselling, social work, health, nursing, and tourism and hospitality are underway. Such arrangements have existed for some years. Students undertaking the TAFE Diploma in Children's Services are articulating directly into the University of New England Bachelor of Education (Early Childhood). This innovative arrangement sees students complete their Diploma in Children's Services, work in a children's service for one year and then become eligible to apply for entry into the third year of the Bachelor of Education (Early Childhood). Enrolments in children's services courses have increased again this year.

The institute and the University of New England have a further successful joint venture through access centres that are available to both TAFE and University of New England students. These centres offer students IT facilities, online access to course work and other facilities that otherwise may be unavailable because of isolation and distance. They are located at Glen Innes, Inverell, Tenterfield, Coonabarabran, Gunnedah, Moree, Narrabri and Quirindi. TAFE provides a wide range of delivery strategies from the traditional face-to-face tuition in the classroom to more flexible delivery modes such as online and workplace training. The Diploma in Occupational Health and Safety course, run through the Tenterfield campus with students enrolling from across New South Wales, is an excellent example of successful online delivery. Fast-tracking carpentry apprenticeships online is another example. Through this scheme stage 1 apprentices who enrolled last month will complete 120 hours of training by July this year, reducing by 168 hours the time taken for first year apprentices to complete their training. Apprentices will commence stage 2 of their training in July and be halfway through their apprenticeships by the end of the year.

Community partnerships are now a part of every TAFE campus in the Northern Tablelands. Inverell, Glen Innes and Tenterfield staff are working with Best Employment to improve employment opportunities for clients. Glen Innes and Inverell are involved in the establishment of Sorry Gardens in their communities. The Inverell campus has been an active partner in the development of the Men's Shed, which is a very successful operation. The Armidale campus is offering a series of innovative workshops, including Living Sustainably, involving a range of community organisations as a follow-up from the TAFE commitment to Armidale's Sustainable Living Expo. The New England TAFE has also entered an innovative training partnership at

Hillgrove Mine outside Armidale. It is a new work-based training model to provide the company with qualified trainees quickly and efficiently by recognising their existing in-house training.

This innovative technology-based recognition system minimally disrupts Hillgrove's productivity because it is built on the mine's existing workplace training infrastructure. Existing workplace training and documentation is mapped to the training package qualifications for staff. A similar arrangement with Armidale Dumaresq Council is providing qualifications for outdoor staff in civil construction. This is undertaken through recognition of existing skills, and then gap training onsite with employees. When the Deputy Prime Minister, Julie Gillard, spoke at the Big Skills' Conference in Sydney on Friday, she described TAFE and the community sector as "the engine rooms for much of Australia's training effort and success". TAFE in my electorate, through its innovative programs and community involvement, is already fulfilling this brief and should receive strong Government backing, now and into the future.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [6.45 p.m.]: I thank the member for Northern Tablelands and Speaker of this House for bringing to our attention the innovative programs that TAFE is offering in his electorate. As we all know, the Speaker is a hardworking local member. I am particularly interested in, and appreciate, the courses that TAFE has to offer in remote and rural communities, particularly when they are offered in a flexible and innovative manner. This enables students from remote communities to participate in education and to obtain skills so that both their families and communities can continue to grow. I commend the Speaker for bringing this issue to the attention of the House and I agree with his sentiments about TAFE New South Wales providing excellent services.

The DEPUTY-SPEAKER: I can only concur with the Speaker. As a graduate from the University of New England and hailing from that area, I know it is a sensational university. It has always been very good at providing distance education. In fact, it is sensational at whatever it does. I understand that the university has a new chancellor who is doing an outstanding job. I cannot imagine who that could possibly be, Mr Speaker.

CONDOBOLIN AGRICULTURAL RESEARCH AND ADVISORY STATION

Mrs DAWN FARDELL (Dubbo) [6.47 p.m.]: I draw to the attention of the House the plight of the Condobolin Agricultural Research and Advisory Station, which has been providing groundbreaking research and crucial advice to the farming communities of New South Wales since 1910. It is the key grain research station in the Central West. The State Government is now threatening the station with closure. Farmers in New South Wales have endured almost a decade of unusually dry weather. If this is the result of climate change, things may not improve in our lifetime; in fact, they may well get much worse, forcing our farmers to learn new ways to grow their crops in a drier, hotter environment. That is exactly the sort of information that the Condobolin research station has been working on. It is extremely unwise to propose to axe this key research institute.

Last year we saw the international price of a bushel of wheat jump to unimaginable highs—breaking all previous records—following the failure of crops in many key wheat-growing regions across the world. The food crops that farmers grow in western New South Wales are crucial, not only for the lucrative export income they generate for our economy. Let us not forget that agricultural products remain one of this country's main exports. Given that the fortunes of our mining sector are currently on the slide, agriculture may soon again emerge as our dominant export industry. If farmers do not have sound scientific advice and research assistance to keep producing crops in a warmer, drier climate we will see farmers going out of business as their crops fail. Crops wither, the farmers go out of business, and there is a dramatic fall in the tonnage of wheat we produce in this country.

The most obvious impact for the ordinary Australian will be a dramatic rise in the price of that basic food staple, a loaf of bread. Every individual and every family in this State will experience a steep hike in their weekly grocery bill as food prices spiral. If we do not conduct the research necessary to help farmers keep growing crops in a hotter, drier country, it is feasible that we could end up importing grain from overseas; that is, from countries like the United States where higher rainfall and greater public backing for the farm sector will ensure that grain crops survive. Just imagine Australia being forced to import grain, given the low value of the Australian dollar!

The Minister for Primary Industries has established a steering committee through which the Condobolin Agricultural Research and Advisory Station can work with stakeholders, industry and community to come up with a new funding formula. The aim is for the research station to source financial support from the

private sector so that it can remain open. The alarm bells are already ringing in Condobolin. This is not the way to go. Local farmers are already of the view that this steering committee is a deliberate strategy to keep key stakeholders quiet. Concern has been raised that by roping them into this committee the most vocal supporters of the research station and those with the best knowledge of its importance are being silenced while they toil away at this misguided pursuit of commercial funding in the hope of saving it.

Key movers and shakers are unable to speak out publicly for fear of jeopardising a positive outcome for the new funding formula they have been forced to create. The committee has been told to report back by the end of this month. Farmers and other members of the rural community are contacting my office, desperate for someone to stop this misguided plan going ahead. They are adamant that bringing in private investors would inevitably compromise independent research. They are already experiencing great frustration about the lack of independent research available for many new grain varieties developed by commercial interests. Today we are all watching the collapse of the global financial system and the devastating worldwide implications. Governments and the public at large brought about that collapse by placing too much trust in the commercial sector to behave ethically and to do the right thing.

Rural communities in western New South Wales are outraged and shocked that the State Government is considering closing the Condobolin research centre. The Minister's proposal to pass the buck, forcing the community to pass the hat around and to drum up private funding to keep the centre open is misguided to say the least. Given the years of drought and the economic downturn, now compounded by the global financial crisis, it is unlikely that a desperate steering committee will have much hope of coming up with a magical external funding solution. I urge the Minister for Primary Industries and the Premier to review the short-sighted plans for the Condobolin research centre.

Research may not be cheap, but the gains that independent science can make in conjunction with a supportive farming community not only will ensure the viability of rural communities such as Condobolin, Tullamore and Tottenham, but also will be crucial for the ongoing food security of this State and this country. The public investment necessary to keep the Condobolin Agricultural Research and Advisory Station will be money well spent. I again urge the Minister for Primary Industries and his Government colleagues to put an end to the current uncertainty and instead guarantee the future of the publicly funded agricultural research at Condobolin.

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

Private members' statement noted.

The DEPUTY-SPEAKER: Order! Private members' statements having concluded, the House will now consider the matter of public importance.

WOMEN IN COMMUNITY SERVICE

Matter of Public Importance

Ms ALISON MEGARRITY (Menai) [6.52 p.m.]: I ask the House to note as a matter of public importance women in community service. I am relatively certain that every member of this House would acknowledge the vital role played by women in the service of our communities every day, year after year. I grew up in country New South Wales and I vividly recall that every time there was a local wedding a group of women would get together and cater the reception, at little or no cost to the bride and groom and the family. These alliances were naturally formed through associations, such as the church, the Country Women's Association or some other informal way of getting together. Every year I have the honour of hosting the annual charity for the Friends of Multiple Sclerosis and the Horizon Committee in the precincts of Parliament House. The latter is a fundraising organisation for the Royal Institute for Deaf and Blind Children. Invariably I look across at those assembled for the luncheons and see mostly women's faces, wall to wall looking back at me. I remember thinking on more than one occasion that it is highly unusual for women to have the numbers in the parliamentary precinct.

In my electorate women perform vital roles everywhere, often in a volunteer capacity. I have noticed that it is quite common that even when women are in paid employment—that is, to perform a certain role—they seem to go well above and beyond the requirements of that role without complaint. One such woman who

comes to mind is Mary Skuse. Mary is employed by Hammond Care, which is an aged-care provider in my electorate that also specialises in dementia care. Mary does her job, but every time there is a one-hundredth birthday party or some other special function, it is she who pulls it all together; she does it all for the person she is caring for and their family. Indeed, every time Hammond Care has a spring fair, Mary puts craft work out for sale that she has done at night and on weekends to raise money for Hammond Care's ongoing expenses. As I said, Mary does a great job, which is unsung in our community.

I think everyone would acknowledge that no Government, Federal, State or local, no matter how efficient or well resourced, could undertake the valuable contributions made by people like Mary Skuse in our communities. It is important that we take the time to formally acknowledge such contributions at every possible opportunity. Fortunately, given the busy pace of modern life, a few specific days are set aside in the calendar for this purpose. Last Thursday I was delighted to join the Premier and the Minister for Women, as well as many of my colleagues from both sides of the House, at the Premier's reception to mark International Women's Day where the winner of the New South Wales Women of the Year was announced. This award acknowledges and celebrates the achievements and outstanding community service of women across the State.

International Women's Day is celebrated around the world on 8 March every year to acknowledge the economic, social and political achievements of women. It is a perfect time to highlight the vital contribution women make to our communities. By celebrating the outstanding success of talented women, we not only provide role models to other women and girls but also encourage the community to nominate women for honours. Women can sometimes be reticent about receiving recognition for their achievements and can be too humble about their accomplishments. Consequently, many of the extraordinary things women do in our communities can be overlooked.

All New South Wales Ministers and local members were given the opportunity to nominate a woman for the award, and nominations were also invited from the general public. I take this opportunity to sincerely thank all those who nominated the 87 outstanding candidates who were put forward for this year's award. Ten finalists were chosen, and I will tell the House a little about the inspirational women who came from communities across New South Wales. All members would know world champion surfer Layne Beachley, who has not only made major contributions in her sport but also provides support, mentoring and opportunities to young women through her Aim for the Stars Foundation. She also works with Planet Ark, UNICEF and the National Breast Cancer Foundation.

Rhonda French is a Wiradjuri woman and a leader in her community who works and volunteers to promote positive health, education and cultural outcomes for the Tumut Aboriginal community. One of Australia's most accomplished businesswomen, Sue Ismiel, emigrated from Syria when she was 15 and has since become a successful entrepreneur and passionate philanthropist. Patricia Johnson has been a State Emergency Service volunteer for more than 40 years and averages 20 hours per week service on top of her other work and family commitments. As I said, that is not uncommon. Rozita Leoni is an outstanding volunteer community worker who, as a public housing tenant, is a member of numerous local tenant groups.

Wendy McCarthy, AO, has worked for more than 40 years as a teacher, mentor and public advocate for women in the community, including representing Australia internationally at meetings concerning women's health. Pauline Plant established the Yamba Breast Cancer Support Group and Breast Awareness Program, and is an active member of the Yamba community, where she participates in a total of 10 local committees working on a variety of projects. Jan Savage is a volunteer fundraising coordinator for Cancer Care New South Wales. The Vice President of Women in Film and Television, Ana Tiwary, was another finalist. I am sure all members join me in congratulating these outstanding finalists.

I am particularly pleased to tell members that the winner of the New South Wales Woman of the Year was Cheryl Koenig, who was nominated for her commitment to raising awareness of brain injury. I have advised the House about this previously, but I will give a recap. At the age of 12, Cheryl's son Jonathan was involved in a horrific car accident and was given little chance of survival. He miraculously pulled through, but doctors predicted that due to his extremely severe traumatic brain injury he would most likely never walk, talk or even eat again. Cheryl refused to accept this prognosis and set out on a relentless and ultimately successful quest to save her son and prove those predictions wrong. Her fervent hope that one day he would be well again was poignantly expressed by his many school friends who filled their school prayer room with hundreds of handmade paper cranes, which are symbols of hope and healing.

Many years on Jonathan has completed a TAFE course and is currently learning to drive, as well as doing a number of other activities. He works five days a week and has three different jobs. We pay tribute to Cheryl because of the amount of her free time she has given to improve government policy and services for those who have suffered a brain injury and their families. She is a consumer representative on many different committees. She was also recognised for her extensive work in fundraising. She helped to raise an amazing \$160,000 to buy a wheelchair-modified bus for patients from the Liverpool Brain Injury Unit. She has written books and donated the proceeds to every major brain injury unit in New South Wales. The message shining through her latest book is that together with persistence, determination, family and love, almost any challenge faced can be overcome. The reception was a great opportunity for people to come together and celebrate the achievements of New South Wales women. I thank the House for its attention.

Ms PRU GOWARD (Goulburn) [6.59 p.m.]: It is a pleasure to speak on women in community service. It is such an important role played so uncomplainingly by so many women. At this time of year when we celebrate the achievements of women it is important that we spare just seven minutes for members on each side of the Chamber to think about women who are not heads of major enterprises or aiming to be Prime Minister but who keep our communities together. They are the glue. The figures are instructive: 2.5 million Australians care for somebody. The majority of them are women. Women are more likely to be carers than men—17 per cent of women and 14 per cent of men. They tend to be older and significantly in the 35 to 54 age group, when many of them are expected also to be in paid work. Some 22 per cent of mothers and 15 per cent of fathers are carers. About half of these are caring for their child, a child with a disability; the other half are combining raising young children with the care of another relative or friend.

Even in the professional work of community services, women dominate. They dominate in social work at universities, they dominate in the social work professions and the psychology professions. In our own Department of Community Services 82 per cent of staff are female, and even when it comes to the Senior Executive Service, 81 per cent of the Senior Executive Service members of the Department of Community Services are female. That is quite pleasing because I can think of many other departments where women make up the majority of staff but certainly nothing like the majority of members of the Senior Executive Service. Why is this? Are we born nicer? Are we born kinder? Is this the way we are made to be by our parenting role? Is this the result of some sort of domination or exploitation? It is hard to know except that it works for women.

Every survey on happiness and wellbeing demonstrates that women are happier than men. If you want to see a person living in a happy place you will look for the nearest woman over 40 in a country town. By all accounts they are the happiest of all. They care, they volunteer. When men are registered as carers and are doing the work of carers they tend to be, mostly, caring for disabled wives, whereas women will care for a range of relatives although, as I said, 15 per cent of fathers also care for disabled children. They do this because it is the cultural expectation but I think they do it because women are quite shrewd about the impact this has on their own sense of wellbeing and the example it sets for the community, and it is part of social capital. You would not have social capital without women doing the caring. There is a serious and down side to this, and that is retirement—not that carers ever retire until the person for whom they are caring dies.

The point I am making is about superannuation. In Australia we have progressively and for very good reason moved from a universal pension scheme to a superannuation-based retirement that is based on one's contributions and earnings during one's working life. The gap between men and women in retirement has become stark. The average superannuation balance achieved in 2004 was \$56,000 for men and just under \$24,000 for women. The average retirement payouts in 2004 were \$110,000 for men and \$37,000 for women. The Association of Super Funds Australia estimates that the average retirement payouts in 2006—the figures were not available when I last looked—were about \$130,000 for men and \$45,000 for women.

This is not just because women stay home and look after the children. This is not because women are stupid and earn less than men. Of course, this is not the result of that at all, but I hope the irony is apparent. This is because women spend so much of their lives in unpaid voluntary work of some form or other. This is because they are the majority of carers. This is because they look after ageing relatives, disabled children, the lady next door and, of course, disabled husbands and partners. This is the result of being the glue in the community, but when they reach retirement they live as poor old ladies. They live on pensions. Even though they might have worked, they have nothing like the level of savings necessary to support them in a decent and comfortable old age. They live dependent on the public health system, with arthritis, with operations that will never come because it is never their turn on the public hospital waiting lists. They are the ones who will live longer in

retirement and more poorly. That is the reward we give them for being the glue, for being Australia's social capital, for being our unpaid carers, supporters and volunteers.

It is time this issue of superannuation for women was dealt with. Given that it is the consequence almost entirely of their social responsibilities—responsibilities we would not for a moment take away from them, and not for a moment could we do without them acquitting those responsibilities—it is time this country faced up to the fact that women, if they are to live in dignity in their old age, if their social contributions over their lifetimes are to be recognised and supported, must be rewarded with a co-contribution that is a permanent deliverer of additional benefits to women to ensure we recognise and honour the efforts they make on our behalf.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [7.06 p.m.]: Women from all parts of New South Wales make an incredible contribution to communities right across the State. One of these women was recognised on Monday night when Orange-based regional development advocate Kim Currie was announced by the Premier as the winner of the 2009 New South Wales Royal Women's Award at a special gala dinner held here at Parliament House. Kim is a passionate advocate of food and wine for the Central West. She has been recognised for her commitment to improving agri-tourism and using farmers markets and other initiatives to boost awareness of food production efforts in New South Wales—and help, in the process, to strengthen rural communities. Kim is the inaugural executive officer of Taste Orange, which is the marketing arm of the Brand Orange regional development project. It was established in 2006 to create an effective umbrella for the marketing, promotion and development of the Orange region, based primarily on wine, and food production.

Taste Orange runs four key events a year: Slow Summer, held in February; Orange Food Week, in April; Frost Fest; and Orange Wine Week. These are incredibly successful events in the Orange region, but Taste Orange also promotes food and wine from the region to other parts of New South Wales through events such as Taste of Orange at Bondi held each year. Under Kim's leadership Taste Orange now produces the region's visitors guide and produces an annual publication with quarterly events featuring enticing and easy to read pages on food and wine, on heritage, arts and music, sports and outdoor activities and things to do with kids. Kim's energy and enthusiasm for the innovative promotion of food and wine in the Central West is well known, and offers a great example to other rural communities across the State to promote their products to consumers.

The 2009 Rural Women's Award saw one of the largest and most diverse range of applicants attracted by the award in recent times, and indicates the depth and talent in our rural communities. Kim plans to use the prize she received to tour other international food producing regions and bring back even more innovative ways to help rural communities use wine and food production to boost agri-tourism. I know members will join me in congratulating this year's winner, Kim Currie, and all the nominees for the 2009 Rural Woman of the Year Award.

Ms ALISON MEGARRITY (Menai) [7.09 p.m.], in reply: I thank members for their contributions to the matter of public importance today. I join the shadow Minister in acknowledging that an overwhelming proportion of women are carers of their loved ones. It is certainly a demanding role that requires a great deal of personal sacrifice. Anyone who knows someone who performs that role could not but agree with that statement. The shadow Minister also talked about the range of women's social contributions and how they really should be recognised and supported by us all. I thank the member for Wallsend for advising the House about the quite remarkable achievements of Kim Currie, winner of the 2009 Rural Woman of the Year Award. Members might recall the Premier mentioning in the House last week that at the Premier's reception for International Women's Day another special woman was featured whom we all know for her service to the wider community and her courage and determination in the face of adversity.

I speak of Jane McGrath. Jane was awarded the first ever special recognition award honouring her work in raising funds for breast care nurses and raising awareness of breast cancer. Jane's outstanding contribution to the Australian community through the McGrath Foundation, in the face of her own illness, rightly deserved a special honour at this International Women's Day. Her good friend, Tracy Bevan, who showed an incredible sense of humour in the face of an emotional moment for her, accepted the award. We all felt we knew Jane a little better after hearing the words of her good friend and about their time together. Jane's death was definitely a sad loss but she made a valuable contribution during her relatively short life—just like so many other women out there today, tomorrow and the day after who keep the wheels turning and community events happening.

This is a timely opportunity to say that we acknowledge that. We congratulate all the wonderful nominees and finalists for the New South Wales Woman of the Year award. I cannot help noting specially and mentioning Cheryl Koenig, the Menai electorate Woman of the Year and also a very worthy winner of the New South Wales Woman of the Year award. I take this opportunity to wish her all the best in her quest, not for personal glory, because that is not what she seeks. Her quest is community awareness of brain injury. At the reception, Cheryl encouraged everyone who was present to meet Jonathan and find out about his contributions and the joy he has in his life, which is in a way a tribute to the whole family and also to what is possible. I congratulate all the nominees. We should all take this opportunity to pay tribute to them.

Discussion concluded.

**The House adjourned, pursuant to sessional orders, at 7.12 p.m. until
Thursday 12 March 2009 at 10.00 a.m.**
