

LEGISLATIVE ASSEMBLY

Wednesday 25 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.

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

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

Consideration of Legislative Council's amendment set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

CHILDREN LEGISLATION AMENDMENT (WOOD INQUIRY RECOMMENDATIONS) BILL 2009

Agreement in Principle

Debate resumed from 12 March 2009.

Ms KATRINA HODGKINSON (Burrinjuck) [10.07 a.m.]: Early intervention in New South Wales has been found by the Wood inquiry to be markedly insufficient. I have been pushing for the need for greater action on early intervention for several years. It was one of the major points raised in my submission to the special commission of inquiry on behalf of the Coalition. My contacts with service providers revealed that up to 40 per cent of families assessed for Brighter Futures assistance had to go on a waiting list due to serious under-resourcing by this Government.

When the Murrumburrah Early Learning Centre closed in November 2007 it was revealed that 10 of the 49 children attending the centre were known to the Department of Community Services [DOCS] and were considered to be at risk in their home environment. Of these 10 children, six were participating in the Brighter Futures program run by the Department of Community Services and a further four were waiting placement in this program. Similarly, when I visited a preschool in Tamworth I found to my horror that up to 15 families from one school were being forced to wait for up to two months for Brighter Futures help. The New South Wales Coalition's submission to the Wood commission stated that early intervention for families is the most appropriate way to ensure that the incidence of full-blown child abuse is reduced. It is vital to equip parents to deal with stressful situations before they escalate. [*Extension of time agreed to.*]

The number of preventable deaths from either child abuse or neglect, or under suspicious circumstances, will be reduced significantly by early intervention. However, another category of child deaths could be significantly improved with better early intervention. The Ombudsman has observed that a child whose death is reviewable is almost eight times more likely to have died from accidental poisoning and more than five times more likely to have died as a result of accidental death from exposure to smoke, fire or flames. The rates of death due to accidental drowning and other sudden deaths are also significantly higher than in the general community. While these deaths may be classified as accidental, it is reasonable to assume that had the normal levels of parental supervision expected by the community been in place, most of these deaths would not have occurred.

This also is where the Brighter Futures program is very important. It can teach parents good parenting skills. Leaving rat poison under the sink where a two-year-old can get to it may not fit into the categories of

abuse or neglect, but it is bad parenting and has led to many deaths, as the New South Wales Ombudsman has observed. In fact, it is eight times more likely than in the normal community. This Government waxed lyrical about spending \$1.2 billion over the past five years on the Department of Community Services [DOCS]. Early intervention should have been a priority, but it was not. It was not until the last year of the so-called five-year reform program that the Department of Community Services budget for early intervention was increased. How many children died in those first four years because of the failure of successive community services Ministers to prioritise early intervention?

The Coalition has raised early intervention in the Department of Community Services estimates hearings and in the one supplementary hearing that was held when I was shadow Minister for this important portfolio. I also issued many media releases and asked at least four questions on notice about this matter in this place: question numbers 4222, 3097, 1060 and 0474. Three of the four answers I received from the Minister were almost useless, as so many of us have come to expect from the Government. Both Minister Greene and Minister Burney were more intent on hiding data rather than admitting the truth of their failures.

It was not until after Commissioner Wood completed his hearings that the current Minister for Community Services provided me, in December 2008, with a reasonable reply to one of my questions. Even then, and after the reform period was over, the Minister admitted that the community service centres in Brewarrina, Cessnock, Charlestown, Cobar, Moree, Muswellbrook, Narrabri, Nyngan, Raymond Terrace and Walgett had no early intervention caseworkers. The Minister said they are being recruited. When will the Minister be able to tell us that these positions have been filled? I fear that they remain vacant. Many of these communities have large indigenous populations, and are widely recognised as having much higher rates of child abuse and domestic violence.

The Minister for Community Services should be aware of the Australian Bureau of Statistics document, the Socio-Economic Index for Areas [SEIFA]. It shows that New South Wales has an average advantage-disadvantage index of 1,011. Willoughby City Council on Sydney's North Shore has a high index of 1,174, while places like Nyngan are as low as 917; Walgett, 896; and Brewarrina, 807. These areas also have domestic violence rates up to 10 times the State average. Why has the New South Wales Labor Government ignored these areas for years? I specifically refer to recommendation 10.4 of the Wood report, which states:

NGOs and state agencies should be funded to deliver services to the children, young persons and families who fall within the groups listed in recommendations 10.1 a and b and 10.2 a and c above. These services should cover the continuum of universal, secondary and tertiary services and should target transition points for children and young persons. Such services should include:

- a. home visiting, preferably by nurses, high quality child care, preferably centre based, primary health care, school readiness programs, routine screening for domestic violence, preschool services, school counsellors, breakfast programs and early learning.

Commissioner Wood mentions preschool services specifically. The availability of preschools and other early childhood services is vitally important to the delivery of early intervention programs. Given that early intervention services are to be delivered to clients by the non-government sector, it is vitally important that preschool and other childcare groups are able to survive. This is not what is happening at the moment. In its Keep Them Safe response to the Wood report the Government does not address the recommendation that preschool services be funded. The Government's response to recommendation 10.5 commits to the funding of the Preschool Investment and Reform Plan and also to the additional \$21 million that has been announced. But clearly this is not enough.

It should be noted that New South Wales has the worst record in Australia for supporting preschool education. The 2008 Report on Government Services produced by the Federal Government Productivity Commission shows that New South Wales has the lowest participation rate—64.6 per cent—of four-year-old children at preschools. New South Wales also has the lowest real preschool funding per child population at \$726, and at \$49.20 the highest average preschool cost per child after government subsidies. This situation has built up over the life of the current State Labor Government. Obviously, the support of early childhood education is a low priority for this Government.

In the 2007-08 State Budget for the Department of Community Services, preschools and childcare services did not receive any real increase in expenditure, while child protection and out-of-home care received increases of 12.8 per cent and 18.3 per cent respectively. The 2008-09 budget provided the stopgap Preschool Investment and Reform Plan that states that it will provide places for an extra 10,500 children. But the latest Productivity Commission report stated that during 2007 some 29,650 New South Wales children missed out on

preschool in the year before starting school. Clearly, the Government has no plans for the 19,150 four-year-old children that are missing out on and will continue to miss out on preschool education in the year before primary school.

As the Government is aware, the Coalition has put forward a policy that will close this gap entirely by raising the participation rate of four-year olds attending preschool two days a week to 95 per cent, adding an additional 25,000 preschool places across the State. To do this the Coalition has committed to spending \$50 million a year for four years. I arranged for my colleagues in another place to raise the matter of preschool attendance in the latest estimates hearings. The Minister replied during the hearings that attendance rates in New South Wales are 88 per cent and the funding allocated will bring this up to 95 per cent by 2015. However, when questioned why the Minister disagreed with the Federal Government's Productivity Commission data showing that only 64.6 per cent of New South Wales four-year-olds attended preschool, the Minister stated that the Productivity Commission figures were incorrect.

The Minister then was asked to table the department's statistics that supported her claim, but she was loath to do that, as a perusal of the estimates *Hansard* makes very clear. In fact, she referred to the estimates committee's request to table the statistical documents as a trick. Clearly, the Minister is not of the same mind as the Premier when he talks about openness in government. The Minister finally agreed to take this request on notice. The Minister's subsequent response in the questions on notice was to refuse to table the department's statistics but, rather, give what I can only categorise as a back-of-a-fag-packet calculation based on figures that included an estimated number of children attending community-based preschools. The Minister is twisting in the wind on this issue, casting around to try to deflect criticism. If her statistics were to stand up to criticism, why is she so afraid of tabling them for everybody to study?

Again I ask: If preschool funding has not been increased significantly and early intervention funding has been increased only by \$21 million, what happened to the additional \$1.2 billion that was allocated as part of the so-called five-year reform package? I did not come across one non-government service provider or industry body over the past couple of years during my time as shadow Minister for this important portfolio that believed the State Labor Government was providing enough funding to allow them to meet the demand for the services they faced. The Wood commission also found that recruiting and maintaining a skilled workforce to provide services in all parts of the State is an issue for the Department of Community Services. I have raised the issue of the department's staffing on many occasions in this place. This Government faces many other important issues in response to the Wood commission report.

The Wood commission put forward a good framework for addressing the many problems that have arisen in child protection in New South Wales as a result of the years of neglect by the current Government. The real crux of the matter is how this Government will respond. The Keep Them Safe response is nothing more than a plan as, despite passing years, no responses have been implemented. I could go on ad infinitum about this very important document, but time precludes me from doing so.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [10.16 a.m.]: It is no secret that the number of children and young people in out-of-home care is on the rise. That is why the Government's action plan "Keep Them Safe: A Shared Approach to Child Wellbeing" addresses the need to strengthen the early intervention and prevention programs available to families—to help families early and to keep them together. Sadly, not all parents will be able to adequately care for their children no matter how hard we try to help them. In these cases it is foster carers who bear the responsibility of supporting children and young people. So we continue to make support for foster carers, and the development of alternative care option is a major priority. This bill clarifies the different types of foster and voluntary care arrangements provided to children and young people in need in this State.

As the special commission of inquiry noted, the New South Wales out-of-home care services system is complex and involves a range of stakeholders, including children and young persons, their families and carers, and government and non-government agencies. This bill simplifies a complex system by clarifying the legislative framework for the provision of out-of-home care placement and support services in New South Wales. In particular, the bill makes clear that there are three types of out-of-home care arrangements regulated by the care Act. These are a court order scheme for out-of-home care; arrangements made by families, which are supported by the Department of Community Services known as supported out-of-home care; and voluntary care arrangements, which generally do not involve the courts or the Department of Community Services.

The new revised scheme for voluntary out-of-home care requiring registration of carers and the development of care plans will be particularly important for those children and young people in long-term

respite care due to physical or intellectual disabilities. The new scheme, which essentially takes a light-handed regulatory approach, will ensure, via the Children's Guardian having an oversight role, that agencies and carers are appropriately addressing the needs of those children and young people in their care.

Let me take a brief moment to put a face on these foster carers, who are making an immeasurable difference to the lives of children and young people in out-of-home care placements. Over the last 30 years David and Carolyn Stedman have welcomed more than 60 foster children into their home, as well as having six children of their own and a growing number of grandchildren. Now in their 60s, David and Carolyn still spend sleepless nights giving doses of morphine to newborn babies addicted to heroin, rocking to sleep little ones whose bodies spasm as they crave to feed their unrequited addiction. In a recent book written by Simon Stuart called *Bright Lights, Dark Nights* Carolyn Stedman shares what drives her. Quite simply yet powerfully she says:

How do you love someone just a little bit? For me it is all or nothing.

I suggest that this House listens to Carolyn Stedman. How can this Government care for kids suffering abuse and trauma just a little bit? For us, it is most definitely all or nothing. *Keep them Safe* and the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009 is an expression of this commitment, which will take a fuller shape as implementation occurs over the following years. Shared responsibility, interagency cooperation and building the capacity of non-government organisations are very important. *Keep them Safe* acknowledges what non-government organisations in the community services sector have been telling government: the culture of the sector needs to change and they need to play a bigger role in delivering services into communities.

Culture change is about fundamentally changing the way we deliver services—just better—rather than doing things the same way. It will include systems change, but it should never be limited to this. The real marker of culture change will be the extent to which non-government organisations and government partners together, in a spirit of trust and willingness, share knowledge and expertise to make our services stronger. We are very much aware that government agencies need to lead by example. Initiatives such as joint training for government and non-government workers are just one example of how we will work to develop a much more positive and collaborative culture.

The Government has also heard from Aboriginal non-government organisations that they want to be empowered to be stronger voices and service providers, rather than being seen as niche organisations. Non-Aboriginal organisations have also heard this. Together we will work to implement better frameworks for caring for Aboriginal children and young people. As part of this, we will work to give local Aboriginal communities a greater say in deciding how to care for their kids. We have clearly expressed a commitment to engaging non-government organisations through workforce development and capacity-building initiatives, both of which underpin the Government's belief that care and protection of children, young people and their families is a shared responsibility between government and the community.

It must also be acknowledged that the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009 will contribute to broad interagency cooperation. It sets the groundwork for the non-government sector to play a greater role in delivering out-of-home care and is an integral part in the referral and provision of services in the child protection system. It is vitally important that the bill receives the full support of Parliament, for without it how can we keep our children safe? I commend the bill to the House and wish it a speedy passage.

Mrs DAWN FARDELL (Dubbo) [10.23 a.m.]: I support the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009. One of the most harrowing and emotional things a member can come across in their day-to-day routine as a local member is dealing with young people in care or children who are at risk of harm and need to be in care. We may sleep well at night but when something has happened in the life of a child, it affects us all, and sleepless nights follow. Therefore, this bill has my full support.

I was pleased to have the opportunity to provide a written submission to the Wood inquiry and also to speak to Justice James Wood when he visited my electorate. The inquiry was well attended by people right across the spectrum. Witnesses included foster carers, people who have lost their child and people who were imprisoned because they were a danger but they have been rehabilitated and want their child back. The inquiry also heard from grandparents who in their golden years should have been playing bowls, bungee jumping or being grey nomads but instead they are looking after their grandchildren. There is a great need for report and

inquiry and it is essential that it be done now. The Government has adopted all but five of the Wood recommendations. Indeed, whichever party comes to office in 2011, whether the Labor Government is re-elected or it is a Coalition government, it must ensure delivery of the five-year plan, and that changes are not made. I believe Minister Burney is the right person for the position. She is very intuitive, particularly with the indigenous community in my electorate.

It was disturbing to read that 300,000 reports were made to the Department of Community Services in 2008, four times the number made in 2000. That is a matter of grave concern. Indeed, many people cannot get through to the department because the telephone lines are busy. That there are more people in need than available caseworkers must be addressed. I must acknowledge the excellent work of foster carers and workers from Burnside, a non-government agency. Those people provide safe and secure out-of-home care. Reg Humphries, a marvellous fellow based in Dubbo, told me about the hands of safety. When children are assessed with respect to the type of care in which they should be placed, children are asked to trace their hand on a piece of paper and are told to write on each finger on the paper the names of five people with whom they would feel comfortable being placed by the department.

The Brighter Futures program must be extended. Early intervention is the key and I acknowledge that significant government funding is being directed towards preschool programs. Indeed, considerable funding is allocated on the birth of a child to encourage people on the right path towards raising their child. The vast majority of complaints come from family members and it is not common to have that contact in the electoral office. I welcome the fact that government departments are now coming on board. The Government, under former Premier Bob Carr, introduced a whole-of-government approach with Gordon Estate in Dubbo and families are case managed individually. This approach involves police, education, health, housing and community services and has made a significant difference in the area.

In many instances if schools have concerns they ring the Department of Community Services and the child is taken away. Grandparents may not see them for many months or even know where they are. I remember growing up in the days when if someone's mother did not feel well, Auntie Enid or Auntie Joyce would look after the children. They were not real aunts but perhaps were someone's next-door neighbour; they were just called "auntie" out of respect, in the same way that indigenous people refer to their elders as aunts. We need to revert to that approach. Many children who are referred to the Department of Community Services do not need to be referred. They can go to family members who are willing to raise them in a secure environment.

Two years ago I raised in Parliament the case of a constituent who had taken on the unofficial care of her two young grandchildren because her daughter, who suffers a drug and alcohol addiction, was a victim and perpetrator of domestic violence and on one occasion violently attacked her own mother. When the daughter was arrested, police took her children to their grandmother. But the woman knew she had the right to refuse acceptance of the children unless officials from the Department of Community Services [DOCS] were present. When acceptance occurred, all she received were two napkins—that was it.

I note that the Department of Community Services has made representations relating to this particular case. I understand that the children are receiving good care, but again the grandmother has had to step in. Many years ago I knew the daughter from my association with a sporting club. She was a lovely young girl, but she fell by the wayside due to substance abuse and she has wrecked her life completely. She needs rehabilitation, but had the signs been picked up when she had her first child and had more care been given, her life would have been better.

A lot of things are needed to help people, and I have not seen them provided. Perhaps the Department of Community Services is addressing that now with the compilation of a one-stop advice pack. In many cases carers, foster carers and grandparents know where to go, what they are entitled to and what is available for the child only when they talk to others who have learned the hard way. When the police or Department of Community Services officers knock on the door, we really need the grandparents to take the child; and when grandparents are asked to take care of a child, we really need to deliver something at the same time. If that happens in the middle of the night we need to be able to say to them, "Here is what is available for you, and we will be around tomorrow to go through those issues with you."

I am also very pleased to hear about the separate homes that will be made available to keep siblings together. I think that is a great initiative. I included in my submission the suggestion of providing facilities that are similar to those available for people with special needs, such as group homes—and there are three of those in Dubbo—and respite care. Carinya is one respite centre that comes to mind. It is very well attended and run,

and caters for people with special needs for 24-hour periods. We need similar homes, and not just for siblings, to accommodate no more than four children. Children with higher care needs deserve more attention. We need small places where such children are able to go to receive care, and these places should be in the same area in which their birth parents are living so that they can continue to have familial access. In that way, the children could be placed in a safe haven, away from their normal environment, while at the same time mum or dad, or whoever their carer may be, could be put back on the road to recovery.

The children could benefit from a safe house where they could be raised and enjoy a cooked breakfast before going to school. We have witnessed the success of many breakfast programs in my electorate. One formerly run by the Police and Community Youth Club [PCYC] has been continued by other people in the community, and it is great. Children who have been identified as truants by the school are taken to the club, where they are given basic information and instruction on hygiene and how to make their breakfast. I was very pleased to be part of that program before I was elected to Parliament.

Another matter that should be examined is parental contributions. The cost of a child receiving out-of-home care is absolutely enormous. I have become aware of that through the many times I have left Sydney and returned to the Dubbo electorate by plane. Some people from my electorate have taken on the care of a special needs indigenous child who is no more than two years of age. The child is badly brain damaged as a result of substance abuse by her mother during pregnancy. Foster parents have taken her into their care, and they are lovely people. I often see them on the plane, either when they or another foster carer are taking the child to Sydney to visit the child's natural mother, or when they are returning to the Dubbo electorate. On some occasions, the foster carers from the Dubbo electorate are accessing respite so the child is taken to another foster carer in another place—either a grandparent or someone else who is known to the Department of Community Services. There is enormous cost associated with that.

The Government should examine the issue of who is receiving funding that is allocated for care. Are the parents still receiving the money, and not the carer? I know of some cases involving that horribly difficult period for young people from 12 to 16 years, or in some cases 12 to 14 years. Boys, in particular, in my electorate know their rights. They are leaving foster care when, for example, their dad comes back from jail and tells them that, as he is their father, they should be with him—although the father wants them only for the funds they bring in. How long does someone have to take care of a child in a household before Centrelink acknowledges that they, and not the natural parents, should rightly receive payment?

In the particular example I have in mind, a father left town and his child went to live with the father's former partner, who already had five boys aged 12 to 13 years. Although not an official carer, the woman knew that if the boys stayed with her for three months, she would be able to fill in a form and Centrelink would pay the funds to her for their care. In the meantime, the boy was not attending school, and the boy's foster mother was fined by the education department for the boy's non-attendance. Those issues still need to be cleared up.

I do not wish to take up the time of the House unduly. I thank very much Justice Wood and all the people throughout New South Wales who contributed to this worthy inquiry. The recommendations are very appropriate. We must oversee the implementation of the recommendations over the next five years, and I am sure that their complete implementation will take the whole of that period. However, I am convinced that once the recommendations are adopted, within two years we should see a remarkable difference.

Ms NOREEN HAY (Wollongong) [10.34 a.m.]: I am honoured to add my support to the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009. I cannot imagine a more important task for government than providing for the care and protection of the children of the State. But protecting children, providing for their safety, welfare and wellbeing is not the responsibility of the Department of Community Services, or indeed of government, alone. The very clear message of the bill is that child protection is everybody's business.

The outcomes we seek as a community and the level of care we expect can be achieved only through the joint effort of the government and non-government agencies and the community working together to achieve a common goal. As the Minister outlined, the bill provides the legislative framework for the implementation of the recommendations of the report of Justice James Wood. Those recommendations signal a new era in child protection in New South Wales—a renewed commitment and a new approach to how we ensure that our most precious assets, our children and young people, are protected.

No-one in this Chamber would ever suggest that protecting children and supporting families in need is easy. We are all aware that some families face a multitude of difficulties of an ever-increasing magnitude that

are outside the experience of most Australians. For families, the odds against being able to provide a stable, safe environment for their children sometimes must seem insurmountable. It is to those families that so many of the recommendations of the commission's report and the provisions of the bill before the House are directed. In supporting the bill, I draw the attention of the Chamber to a number of the bill's most critical and progressive amendments that will facilitate collaboration and cooperation between agencies that have a stake in the New South Wales child protection system.

As members may be aware, currently in New South Wales when an agency—for example, the Department of Education and Training—has concerns about the safety, welfare or wellbeing of a child, it reports those concerns to the Department of Community Services. The report is then processed with the many hundreds of thousands of other reports received by the department each year. It may well be that the child or young person or their family is in need of particular services: perhaps parents are struggling with finances or illness or perhaps they are very young and inexperienced, or have little by way of family support. Such a family may, in reality, need one or more services—perhaps a referral to a parenting program, access to childcare services, or counselling. Currently such a family may be swept up with many other cases reported to the Department of Community Services helpline, and oftentimes prioritised after families in more apparent and/or dire need.

The new proposed referral pathways will enable families to be immediately referred to the regional intake and referral services and/or to the appropriate support services by the government agency that is already involved with the child or the family. The potential benefits of the new pathways are significant: Children and young people receive the help they need to stay out of the child protection system and stay safe, and families have the best chance of becoming stronger and remaining together. Moreover, this will of course allow child protection services to get on with the task of addressing the most serious cases in which a child has been identified as being at significant risk of harm.

Other measures that will assist in facilitating a whole-of-government approach to child protection include the establishment of child wellbeing units in the relevant human service agencies. The units will build child protection expertise across government and ensure that vulnerable children and young people receive the best possible response to the issues they face, such as a statutory child protection response or a referral to appropriate services. Furthermore, the information-sharing provisions that were outlined in detail by the Minister in her agreement in principle speech will enable the relevant human services and justice agencies to work together to develop strategies to assist children, young people and their families, without the Department of Community Services acting as an intermediary. These enable a more comprehensive assessment of need and the possibility of an immediate response by agencies to concerns about a child or young person.

I look forward to the passing and implementation of this bill and the report's recommendations. I congratulate the Government on its foresight, courage and commitment to a renewed approach to child protection and the provision of support services to children, families and communities. I also congratulate Minister Burney on her clear dedication and commitment to these changes. I commend the bill to the House.

Mr THOMAS GEORGE (Lismore) [10.40 a.m.]: In speaking to the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009 I recognise that there is enormous community concern about the wellbeing of children in this State. I am pleased to see the Minister for Community Services, the Hon. Linda Burney, in the Chamber, and I pay tribute to her. I also pay tribute to our shadow Minister for Community Services, who led for the Opposition in the agreement in principle debate and delivered a very detailed speech.

The bill seeks to amend various Acts and other legislation in line with certain recommendations in the report of the Special Commission of Inquiry into Child Protection Services in New South Wales, known as the Wood report. It amends the Children and Young Persons (Care and Protection) Act 1998 to raise the risk of harm reporting threshold to "significant". This aims to reduce the number of reports to the Director General of the Department of Community Services [DOCS] unless the circumstances causing concern for the safety, welfare or wellbeing of the child are thought to be significant. The bill extends the circumstances for reporting to include a situation where a child is not receiving an education as required under the Education Act. It also extends the circumstances to include a series of reports in addition to a single report.

The bill authorises the exchange of information between certain agencies and the coordination of the services provided by those agencies. We all realise that there is an increasing demand on policing resulting from social dysfunction within families. Such dysfunction is also placing increased demands on other human service agencies, such as the Department of Community Services, the Department of Juvenile Justice, the Department of Health, the Department of Education and Training, and so on. An analysis of these issues often identifies a

client base that is common to the majority of human service agencies. In other words, a dysfunctional family with issues such as domestic violence, drug and alcohol abuse, and mental health issues impacts on all human service agencies.

Currently there are no consistent front-line strategies that encompass a coordinated approach to deal with these problems in a holistic manner. It is true that some pilot programs are occurring across the State under which human service agencies representatives meet on a monthly basis, and those programs have had some success. I pay tribute to the superintendent of the Richmond Local Area Command, Bruce Lyons, who has been a driving force in trying to pull human service agencies together within that local area command. For example, an agency may have a problem with a family through the week. On Friday night the agency staff go home and that night neighbours bring a problem to the attention of the police. Over the weekend they find that it has been an ongoing problem all week. However, if agencies had worked together the problem could have been nipped in the bud on day one. I pay tribute to the people involved in the program in Lismore. Superintendent Bruce Lyons has certainly been a driving force and believes the program should be implemented across the State.

The cost of each agency going its own way is placing increasing pressure on agency budgets. But the main problem being experienced—and hopefully the bill will address this—is that privacy restrictions still exist between key agencies and this continues to inhibit the flow of information and intelligence between agencies, which in turn restricts the opportunities for agencies to work together effectively. I hope the Minister will address my concern in this regard. We need to implement social justice teams at the district level that will comprise representatives from each of the human service agencies who can work together from the one office, day in and day out. These teams will be able to identify at-risk clients who are common to the agencies, and develop and implement both tactical and strategic plans.

The teams will provide a much greater cost-effective response to identify and address the issues of at-risk families, as well as a coordinated and functional response that will reduce the impact on and workload of government agencies. They will also provide better outcomes for families, and particularly for children at risk. I strongly believe that the resources required for these teams could be sourced from the resources available within the various agencies. As I said, our shadow Minister for Community Services and member for Goulburn, Pru Goward, delivered a very comprehensive speech in leading for the Opposition on the bill. I will refer to a few of her comments. The member said:

I will make some observations about the work of NGOs and Opposition concerns that the great partnership might never eventuate unless there is capacity building in the NGOs and within DOCS. I am certain that the culture of DOCS needs to change to fit in with this brave new world, and I am sure that it will not be easy. DOCS will spend ever-increasing time managing contracts, and that too demands capacity building. The NGOs in my electorate ... do amazing work.

The non-government organisations [NGOs] in my electorate also do a tremendous job. I do not think one of them has not corresponded with me to express their concerns in relation to the changes. They are the unsung heroes for everything from family relationships and domestic violence to low-interest loans and tax advice. Each and every member in this Chamber would realise the work that non-government organisations do within their electorates and the community generally. I am not sure how the Government will ensure that the smaller and extremely valuable non-government organisations scattered around New South Wales will remain viable when faced with the additional pressures to be placed on them. We must ensure that the non-government organisations are in a position to continue to do their work. Other speakers in this debate have addressed at length the various provisions in the bill. As Opposition members and the shadow Minister have indicated, it is with pleasure that we will not oppose the bill.

Mr PAUL PEARCE (Coogee) [10.48 a.m.]: I speak in support of the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009, which was introduced by the Minister for Community Services, the Hon. Linda Burney. The Government's approach to the recommendations of the Wood inquiry is set out in the Keep Them Safe action plan. The objective of this five-year plan is to improve the safety and wellbeing of children and young people. The plan includes a response to each of the inquiry's 111 recommendations. The essence of the plan is to recognise that caring and supporting children is first and foremost the responsibility of parents, families and communities. The emphasis is on a collective responsibility. The action plan seeks to address the underlying factors leading to the abuse and neglect of children. These factors include poverty, isolation, domestic violence, mental illness and substance abuse.

The action plan contains key measures, including raising the threshold for reporting children at risk. The persons designated as mandatory reporters, including police, teachers, health workers and others, have at

present a requirement to report when they have reasonable grounds to suspect that children are at risk of harm. As has been mentioned previously in this debate, this has resulted in the helpline being swamped. It is now recognised that whilst the standard of care received by a number of those children was not ideal, it did not require intervention by the State. The threshold will be adjusted to a serious risk of harm. This will allow a more targeted response of a statutory nature. The delivery of services model will be changed to ensure the establishment of child wellbeing units in area health services, the New South Wales Police Force, the Department of Education and Training, the Department of Housing, the Department of Juvenile Justice, and other government agencies. The objective is to help identify at-risk children, and respond locally and earlier. The model will also ensure that a number of less serious matters are dealt with by a partnership of community organisations.

There will be extended services and a focus on prevention and early intervention. A new partnership with the non-government sector will be created. Funding will be provided to establish regional intake and referral services. This will necessitate a reform of funding arrangements. It is recognised that there is a need to work with Aboriginal communities to address the over-representation of Aboriginal children in the child protection system. There is a need to work with Aboriginal organisations to build capacity in this area. It is recognised that implementing these reforms will of necessity need, and result in, a cultural change.

The bill before the House seeks to provide the legislative framework for this ambitious and necessary program to succeed. The bill seeks to raise the risk of harm threshold so that a child or young person will not be reported to the Director General of the Department of Community Services [DOCS] unless the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. To provide for alternative mandatory reporting, arrangements under which matters relating to children being at risk of significant harm may be initially assessed within the reporter's agency instead of being reported directly to the Department of Community Services. There are also provisions modifying the framework for the provision of out-of-home care. Significantly, there are changes that seek to authorise certain agencies to exchange information concerning the safety, welfare and wellbeing of children and young people and to coordinate the services that those agencies provide.

I will deal briefly with the important elements of the bill. As the Minister said in her agreement in principle speech, the Wood inquiry found that New South Wales had the lowest threshold for reporting. Whilst this low threshold was instigated initially for the best of motives, the effect has been to overwhelm the system. As the Minister said, too many of the reports that are made do not warrant the exercise of the considerable statutory powers that exist. The objective of the changed threshold is to ensure that those powers are used where they are most needed—namely, where there is a child or children who need statutory intervention. The needs of other children who are not at risk of significant harm will be met through the changes in the child protection system, especially through expanded early intervention programs and the new referral structure through agencies such as Health, Police and Education. The objective is to refer those children directly to the services they need. This streamlined system will link families more quickly with the appropriate services.

In line with the findings of the inquiry, the penalty regime for mandatory reporters has been removed. However, all other penalties arising from disciplinary, professional or civil liability arising from breaches of statutory duty remain. These changes are reflected in items [6] to [8] in schedule 1.1 to the bill. Schedule 1.5 to the bill establishes a scheme for the sharing of information between certain agencies, primarily human services and justice or law enforcement agencies. The bill also puts an obligation on these agencies to take reasonable steps to coordinate decision-making and service delivery. The bill will authorise agencies to provide and receive information that will assist decision-making in relation to the provision of services or the management of risks to children or young people. There will be an obligation on those agencies that are requested to supply information to do so. It should be noted that information supplied under the scheme will be safeguarded to ensure rights to privacy. Further, persons so supplying the information will be protected in terms of liability.

As has already been mentioned in this debate, the role of the Ombudsman remains significantly unchanged. Item [12] in schedule 2.2 identifies changes in the access to justice provisions. As is noted, the change superficially would seem more complex. However, the effect is to raise the standing of the Children's Court within the court structure. This will have the impact of providing a greater pool of expertise in children's appeal matters within the District Court. The reforms have been welcomed by agencies working in the field of child protection, including bodies such as the Benevolent Society, the Australian Association of Social Workers, the Association for Children's Welfare Agencies, and the Aboriginal Child, Family and Community Care State Secretariat. As members will be aware, the Legislation Review Committee, in digest No. 2 of 10 March 2009,

after a detailed analysis of the bill concluded that there were no matters arising from it that required the specific attention of Parliament. I compliment the Minister on bringing this bill before the House, and I commend the bill to the House.

Mr ANDREW CONSTANCE (Bega) [10.54 a.m.]: I shall make a brief contribution to debate on the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009 in my capacity as the shadow Minister for Disability Services. At the outset I fully endorse and echo the remarks made by the shadow Minister for Community Services, who led for the Coalition in this debate. However, it is important to recognise that throughout the special commission of inquiry ongoing concern was expressed about children with a disability and the child protection system in New South Wales. In particular, many concerns related to the current state of play of the memorandum of understanding [MOU] between the Department of Ageing, Disability and Home Care [DADHC] and the Department of Community Services [DOCS]. I still believe that the MOU is not well understood among many caseworkers and support workers throughout the agencies and, as a result, children are falling through the cracks in many instances.

When I spoke to the NSW Ombudsman following his report on child deaths it was brought home to me that about 26 of the 166 cases that were known to the Department of Community Services involved children with a disability. My concern—this is echoed by disability rights advocates in this city and the cause is championed by people such as Marylou Carter—is that children with a disability are put in the too-hard basket by the department. I am concerned that siblings have been removed from vulnerable situations but the child with a disability has been left in harm's way. We must ensure that there is greater synergy across the two agencies in terms of ensuring that children do not fall through the cracks. I am also concerned that the number of placements available through the Department of Ageing, Disability and Home Care was cited as an issue in the Wood report. We all know that there is currently a crisis in that department in terms of accommodation services, but there seems to be a major issue in relation to the availability of placements should a child be placed at risk.

The response to date from the disability services Minister in this regard has been hopelessly inadequate. I have not seen a statement from the Minister in relation to the Wood inquiry. It is high time he made a statement, and made it very clear. He will need to ensure that greater resources are available for children with a disability who are exposed to the children protection system in New South Wales, and that means more placements being available. To that end, the Minister must indicate what additional resources will be made available. Another concern relates to the resourcing of the welfare units within the departments. I am concerned that the Department of Ageing, Disability and Home Care will not be resourced properly to deal with this issue. I hope that in due course the Government and the Minister see fit to ensure that resources are available to the department to ensure that it can administer a well-resourced and functioning welfare unit.

I hope that the review of the memorandum of understanding between the departments is finalised as quickly as possible. Part of that review must include an education campaign among caseworkers to ensure that they have a full appreciation of what that memorandum of understanding means, given that throughout the inquiry it was cited as a significant problem. In some instances the Department of Community Services has not been able to manage the issues around disabilities. No greater example of that was Jessie Neal, who was relocated by the Department of Community Services [DOCS] to Newcastle, well away from her family. That presented a whole raft of challenges and pain and suffering to the family who, through no fault of their own, had to deal with the difficulties associated with Jessie's disability.

Hopefully sensible resourcing of the Department of Ageing, Disability and Home Care [DADHC] and DOCS to deal with these issues will result, as a significant proportion of the children who died, and were known to DOCS, were children with a disability. I am disappointed that the Minister for Disability Services did not see fit to contribute to the debate. Greater coordination will be required between the departments, given the recognition in the inquiry of the fact that DOCS workers are not particularly skilled in dealing with issues pertaining to disabilities. In the same way it can be said that some DADHC workers are not skilled in child protection issues. It is an area that requires enormous tension and I hope to see a greater focus on that in the future.

Mrs JUDY HOPWOOD (Hornsby) [11.01 a.m.]: I wish to make a brief contribution to the Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009, a bill to amend the Children and Young Persons (Care and Protection) Act 1998 and other legislation to give effect to the recommendations of the Special Commission of Inquiry into Child Protection Services in New South Wales. The object of the bill is to amend various Acts and other legislation. The bill:

- (a) amends the Children and Young Persons (Care and Protection Act 1998 ...
 - (i) to raise the "risk of harm" reporting threshold so that a child or young person will not be reported to the Director-General of the Department of Community Services [DoCS] unless the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent,

- (ii) to extend the circumstances when a child or young person is at risk of significant harm to include the situation when the child or young person is not receiving an education as required by the Education Act 1990,
 - (iii) to provide for alternative mandatory reporting arrangements under which matters relating to children being at risk of significant harm may initially be assessed within the reporter's agency instead of being reported directly to DoCS,
 - (iv) to modify the legislative framework for the provision of out-of-home care,
 - (v) to authorise certain agencies to exchange information concerning the safety, welfare and well-being of children and young person's and to coordinate the services those agencies provide, and
 - (vi) to make a number of changes in relation to care proceedings in or before the Children's Court and the making of care orders by the court.
- (b) amends the Children's Court Act 1987 to provide for the appointment of a District Court Judge as the senior judicial officer of the Children's Court (to be known as the President of the Children's Court),
 - (c) amends the Commission for Children and Young People Act 1998 to extend the child related employment provisions under that Act (including the requirement for background checking) to a wider class of people, and
 - (d) makes a number of other agreements in response to the recommendations of the Wood Report.

I support the points made by the shadow Minister in her speech. The Opposition does not oppose the bill but recognises the enormous community concern about the wellbeing of children in New South Wales. Since 2002, DOCS has supposedly undergone a period of significant reform during which it received a healthy funding boost that brought the organisation's annual budget to more than \$1.2 billion for 2007-08. As part of this reform DOCS was supposed to review its approach to incoming child protection reports—initial risk assessment—to investigate how to make the process more comprehensive. Yet here we are in 2009 and the Government is talking about introducing an amendment that will make the reporting process less comprehensive.

The amendment proposed in schedule 1 raises the "risk of harm" reporting threshold so that a child or young person will not be reported to DOCS unless they are deemed to be "at risk of significant harm". The purpose of that reform is to reduce the number of calls to the helpline. I believe the reform will cause confusion as to the definition of "significant harm" as opposed to just "harm" and will therefore deter members of the community from making reports to DOCS when they should do so. Raising the threshold of mandatory reports of child abuse will clearly increase the likelihood that children and young people at risk of harm will go unreported and, sadly, the inevitable result will be more deaths such as those in 2007 that sparked the Wood inquiry. In 2002 DOCS boasted about the introduction of a new client and case management system, yet the Wood inquiry has revealed that the organisation has not yet installed a comprehensive electronic record-keeping framework. Recommendation 9.3 of the report of Justice Wood is:

Develop a strategy to move to electronic record-keeping and abolish the use of paper records.

The public should be rightly astonished to be told that, in 2009, an organisation charged with screening phone calls regarding children and young people at risk, tracking developments in the complex relationships between caseworkers, families and non-government organisations, and liaising with health, police, juvenile justice and other service providers, does not have a comprehensive electronic record-keeping system. The public would be further shocked to hear that e-reporting has not even yet been properly trialled to encompass NSW Health, area health services, Westmead Children's Hospital, the Department of Juvenile Justice or the New South Wales Police Force.

The Government gloated in 2002 about its review of the approach taken by DOCS to incoming child protection reports. Yet it has taken a recent inquiry for the Government to acknowledge that DOCS needs to develop guidelines for clarifying "risk of harm" reports made and information given to the helpline. It has taken this inquiry for the Government to admit that DOCS needs a systematic process of dealing with reports that keeps reporters and key agencies informed of their progress. The number of children suffering from abuse and neglect is growing in New South Wales and we urgently need to reverse this trend. The damage from abuse and neglect can last a lifetime. Of course, the cost of this damage is both human and economic, through an increase in the amount of services required, including housing, health, education and juvenile justice.

Investing in the safety and wellbeing of children is not only a moral imperative; it makes fiscal commonsense. The Wood inquiry was set up after two-year-old Dean Shillingsworth's body was found in a suitcase floating in a Sydney duck pond in October 2007. A month later, a seven-year-old girl, weighing just

nine kilograms, was found dead in her home. The Wood report was handed to the State Government after new figures revealed that the number of women and children killed in domestic violence incidents in New South Wales was at its highest level in almost a decade.

While the Opposition is glad the Government is planning on implementing the majority of Justice Wood's sensible recommendations, I note that this Government has had seven years to make prudent reforms to the workings of DOCS. However, it has taken Justice Wood's report for the Government to even acknowledge that DOCS needs to incorporate structured reporting framework, comprehensive communications systems within the organisation and with other stakeholders, and to ensure caseworker managers are adequately qualified. I shudder to think how long it will take, and how many more children and young people in the present system will fail, before this Government has properly converted Justice Wood's recommendations into action.

Mr ANDREW FRASER (Coffs Harbour) [11.08 a.m.]: Last week in a private member's statement I referred to the employment of DOCS employees in Coffs Harbour. All members are aware of the recommendations contained in the Wood report. I have noted with great interest that on a number of occasions, including her second reading speech, the Minister for Community Services has said:

... the Government has developed its action plan—Keep Them Safe: A shared approach to child wellbeing. That action plan radically changes the way the Government and community address child safety and wellbeing.

... this bill will raise the reporting threshold to risk of significant harm. This will allow the department to focus on its core responsibility—that is, those children who require statutory intervention.

... such as expanding early intervention programs and the new referral structure in organisations such as Health, Police and Education introduced by this bill.

I could go on quoting from the Minister's speech but the reality is that the Public Service Association [PSA] in Coffs Harbour has informed me that three positions in the DOCS office at Coffs Harbour are going to be axed. Those positions were basically permanent casual workers who had been filling in for long-term workers on stress leave. I am told by the PSA that those workers will not be returning to work. Two of the people who have been given notice are currently working as caseworkers on child protection matters and field operations.

Another is working on the intake and assessment of the information from Helpline. I have been told that because that person is leaving no new cases will be allocated, which will severely limit the ability of the Department of Community Services [DOCS] to assess reports. A further caseworker position, a long-term sick leave position, has not been filled. It is of great concern to me. Coffs Harbour has a very high level of reports of child abuse. These are our most vulnerable kids. I have to take the word of the Public Service Association, which has indicated to me its concerns. It took the issue to a regional level and was told that the four positions would not be filled. I ask the Minister to give an assurance that the positions will be filled urgently. That will bring some solace to the community and to those children in danger.

As the Minister has said on a number of occasions, we all have to take responsibility for the vulnerable children within our community. Given the low socioeconomic base on the north coast, for regional management to basically give those four Department of Community Services officers, who have been working there between two and three years as permanent casuals because of stress leave, their marching orders and not to replace them is a retrograde step. It does not fit with the intent of the legislation or the Minister's stated intention in this House on a number of occasions. I ask the Minister to address this issue in her reply or to take action and ensure that those positions are filled. If that happens, I would be very pleased, as would the many people in Coffs Harbour who are directly affected, not only workers but people who make referrals.

Ms LINDA BURNEY (Canterbury—Minister for Community Services) [11.11 a.m.], in reply: I thank the members who contributed to this debate. Before going to the body of my speech in reply, I will address the issue raised by the member for Coffs Harbour. I am advised—and I will clarify the advice, if necessary—that at times the department employs staff on a temporary contract. That was the case for the four individuals the member has referred to. These temporary contracts may not be renewed. As I understand it, none of the four people is being fired. The first temporary contract will not be renewed because the position will be filled by a permanent employee. I am advised that the second contract involved the temporary backfill of a position while the permanent position holder was on leave. This permanent employee will return to work. That deals with the second position. In the case of the third position, it was also a temporary backfill and the permanent employee was on secondment. This employee will also return to work. That deals with three positions. As to the fourth position, I will seek advice and get back to the member.

Mr Andrew Fraser: Will there be any break in the service?

Ms LINDA BURNEY: There will not be a break in the service. I have advised the member about three of the four positions and will get back to him on the fourth position. I hope that allays his community's concerns. I am pleased to note that the Opposition has welcomed this bill as a comprehensive response to the Hon. James Wood's special commission of inquiry. The only negative thing the Opposition could find to say in response to the bill and the Government's overall response is that we should have undertaken the reforms sooner. I note that amendments will be moved in the upper House. I am disappointed that it could not be a bipartisan approach, particularly as it relates to the protection of children. I echo the words of the Opposition spokeswoman and remind all members that what we decide as a Parliament today can make a difference.

In his report the commissioner acknowledged the significant reform undertaken in community services since 2002 when child protection received a substantial injection of funds. Justice Wood found that enormous gains had been made, despite an increasingly complex client base and a spiralling number of reports. He found the contemporary challenge facing the child protection system in New South Wales is no different to that facing all child protection systems across Australia and overseas. The Government has studied the research undertaken by the special commission into directions being taken in other jurisdictions and has carefully considered all the evidence. Members should note that, despite the comments of the shadow Minister to the contrary, there is no universally acknowledged single way ahead.

Despite the overall support for the bill, I will respond to a number of specific comments. The first is the Opposition's lack of support for the hardworking front-line staff of the Department of Community Services. The shadow Minister claims that her heart bleeds for the good people who work for the department. Yet she goes out of her way to malign their competency and work practices. She patronises them by implying that only non-government workers are capable of empathising with children. She implies that Community Services caseworkers do not live and breathe children. I have met hundreds of caseworkers, and they are deeply dedicated to their work and to the children in their care. It is an insult to suggest the staff of Community Services turn away children and turn on the answering machine at 4.45 p.m. Nothing could be further from the truth. It is an outrageous slur on both the compassion and the professionalism of our caseworkers, who are often called upon to work for hours into the evening to find a foster carer for a child. The member for Lismore reinforced that point.

I turn to the changes relating to external review within child protection. Let no-one doubt that the Government supports vigorous external review. Scrutiny by external, independent bodies is an important part of the child protection system. The Ombudsman currently has responsibility for the review of seven different categories of child deaths. These are called "reviewable deaths" under the Community Services (Complaints, Reviews and Monitoring) Act 1993. The categories of reviewable deaths are: one, children in care; two, children reported to Community Services in the previous three years; three, the siblings of children reported to Community Services in the previous three years; four, children whose deaths are or may be due to abuse or neglect or that occur in suspicious circumstances; five, children who are inmates of a detention centre, correctional centre or lockup; six, persons living in or temporarily absent from certain residential care; and, seven, persons who receive certain disability services.

The special commission recommended removing the categories of children reported to Community Services in the previous three years and the siblings of children reported in the previous three years. The special commission's view, which the Government supports, was that the automatic review of a child death by the Ombudsman simply because the child or the child's sibling was reported to Community Services within the previous three years does not improve our understanding of the relationship between child fatalities and the child protection system. For example, there is little to gain from an Ombudsman's review of the death of a child from leukaemia just because his or her sibling happened to have been notified to Community Services for a minor matter two years earlier.

The bill implements the special commission's recommendation 23.2 by removing the two categories of reviewable deaths relating to children reported to Community Services in the past three years from the definition of "reviewable death". This means that those deaths that fall solely within those categories will no longer be reviewed by the Ombudsman. If, however, the death also falls within one of the other remaining categories within the definition it would still be reviewed by the Ombudsman. I emphasise that the Ombudsman will continue to review the deaths of children that are or may be due to abuse or neglect or that occur in suspicious circumstances. This is a critically important point. Contrary to assertions made by the Leader of the Opposition in question time on 5 March 2009, the tragic death of Dean Shillingsworth would certainly have been a reviewable death under an amended Community Services (Complaints, Reviews and Monitoring) Act 1993.

Reviewable deaths that are investigated by the Ombudsman will continue to include children in care and children whose death is or may be due to abuse or neglect or that occurs in suspicious circumstances. This amendment was supported by the Children's Guardian and the Coroner. As the Opposition would be aware, where a child is reported to the Department of Community Services, the report may or may not be substantiated. The role of the Ombudsman in reviewing child deaths is to identify systemic issues that, if addressed, might prevent future deaths. Automatically including the death of every child "known to DOCS" as reviewable, does not necessarily add to our understanding of these systemic issues.

The Opposition has made comments also about the Government's decision to retain the Child Death Review Team in the Commission for Children and Young People. This decision was made after very careful and serious deliberation. The Opposition's suggestion that the Government is somehow seeking to reduce or avoid scrutiny of child deaths is false and I find it obscene. The decision to leave the team in its current location was based on the view, reached after careful consideration, that the team would be better able to carry out its function by retaining the existing arrangements.

I also point out that the Child Death Review Team has a more general research role in relation to the deaths of children. The member for Wakehurst was wrong when he said that the Child Death Review Team just does statistical analysis. It also closely examines individual child deaths. The Child Death Review Team will continue to carry out its role in relation to the review of child deaths other than those that fall within the Ombudsman's reviewable deaths jurisdiction. This would include deaths that fall within the categories that will no longer be reviewable by the Ombudsman. The Government reviewed Justice Wood's recommendation and has come to the conclusion that the Child Death Review Team's broad research role is better suited to the Commission for Children and Young People, with the Ombudsman focusing on reviewable deaths. The Child Death Review Team has a broad role that is not focused specifically on abuse or neglect, or performance of public sector agencies.

As to the matter of the Ombudsman's annual report into child deaths, the Government is implementing the special commission's recommendation that the report now be delivered every two years. The special commission was of the belief that biennial rather than annual reporting would provide a better overview of trends in child death data and result in a more meaningful discourse about what these trends mean in relation to the operation of the child protection system. It would also enable more meaningful comment about progress by agencies in implementing changes recommended by the Ombudsman.

I come now to comments made by the shadow Minister in her speech about changing the threshold to "risk of significant harm". This is a fundamental change recommended by the special commission and it is central to this package of reforms. The Department of Community Services receives around 300,000 reports a year. We need more of these dealt with by other agencies so community services can focus on the most serious cases. The shadow Minister correctly understands that a large proportion of reports to the Helpline come from police. I wish that it were so simple as to say that changing police procedures will overcome the issues that the Department of Community Services is facing. The problem is bigger than that. For example, 25 per cent of all reports in 2006-07 were non-mandatory. A way to deal with these other large categories of reports also needs to be implemented. I believe that Justice Wood's proposals provide New South Wales with a model for ensuring that reports of children at risk of harm are managed by the agency best placed to assist them and their families.

The special commission made some very pertinent points about our current threshold for mandatory reporting. Justice Wood stated that around 30 per cent of reports currently made to the Department of Community Services did not warrant statutory intervention; that New South Wales has the lowest reporting threshold of anywhere in Australia; and that the level of cooperative response to the needs of children was low. In response to these legitimate concerns, the changed definition is about getting all relevant government agencies involved in working with children and families who need additional support. It is not about lessening accountability. It is about getting services to families who currently have little or no assistance. It is not about lessening the workload of the Department of Community Services.

Under these proposals the Department of Community Services will have the same level of statutory child protection work as it has now. A change in definition will not alter the reality of when the Department of Community Services has to intervene and take a matter before the Children's Court. What will change is the additional support available to those children and families who have been identified by child wellbeing units as needing help but who do not require statutory intervention. What will change is that the Department of Community Services will have better information coming to it from the child wellbeing units about those families needing statutory intervention.

I come now to comments made by the shadow Minister regarding the presentation to this House of a full range of template documents. I must admit that she and I have different understandings of the role of Parliament. She says that templates, procedures and information technology all need to be resolved prior to coming to Parliament to gain approval for supporting legislation. I say that Parliament is in control: Parliament is to lead and Parliament is to lay down the framework for what is to occur. Only then, when Parliament has done its job, do others have the opportunity to understand the parameters of what they are being asked to do and thus the capability of producing the material described by the shadow Minister.

By allowing for a later commencement of the legislation, Parliament is both taking the lead on directing what needs to be done while at the same time permitting time for the arrangements and common intake templates to be prepared. This will be particularly important for working out the innovative approaches to be adopted for resolving disputes about contact between children in care and their families. The special commission identified that a court is not the best place to work out local, flexible and responsive ways to deal with disputes over contact. The Government supports that conclusion. However, the Government further believes that an alternative dispute resolution process should be devised to assist here. The exact nature of this process needs further work, and an expert advisory group appointed by the Attorney General is a starting point for that work.

The shadow Minister was concerned that the legislation permits the Department of Community Services to shirk its duty in dealing with requests for assistance. The Opposition proposes a limit on the department's power to manage its own workload. It is as important for the Department of Community Services as it is for any agency to have the capacity to set its own priorities—within the limits permitted by the legislation—for the use of the resources at its disposal. The provision in the bill simply clarifies the existing section 22 so as to take into account the recommendation of the special commission to amend section 21 to permit a non-government organisation to apply for assistance on behalf of a child or young person. The reference to the Department of Community Services being able to manage its workload has existed, without objection, as a note to section 22 since 2000.

The member for Goulburn and the member for Barwon are concerned that this bill makes no provision for foster carers. In saying this, they have ignored the significant changes to out-of-home care. The special commission considered the needs of foster carers. No-one can doubt the important work that they do, but this does not mean that it was necessary to recommend specifically targeted legislative changes just to demonstrate their importance. The member for Goulburn referred to the need to look at care allowances. I would be pleased to do so. The shadow Minister must have forgotten that New South Wales carer allowances are the highest in the country. They are based on research published by the Social Policy Research Centre and they are indexed in line with inflation.

The member for Barwon was concerned about the lack of powers held by carers when children were removed from their care. These powers already exist in section 245, which renders a decision to remove a child from a carer as a decision reviewable by the Administrative Decisions Tribunal. That review also carries with it the obligation to explain to the carer the reason for the removal and provides a mechanism for internal review of that decision. I am unclear about the position being adopted by the Opposition. On the one hand, the member for Barwon is saying that the Department of Community Services restores children to their families too frequently. On the other hand, the member for Wakehurst is saying that there are too many children in out-of-home care, that an insufficient number have been restored to their families and that this is a failure on the part of the department.

The member for Wakehurst complained that the bill does nothing to ensure service delivery to Aboriginal children who receive a care allowance. Clearly, the member must have overlooked the provisions in proposed sections 153 and 155, which call for care plans and reviewing of these very situations where the department provides support for family arrangements. The member for Goulburn and the member for Wakehurst suggested that there is not enough in the Government's response for Aboriginal children. I am offended at this suggestion because of my deep commitment to redressing the overrepresentation of Aboriginal children in the child protection system. While providing significant initiatives, the Government's response recognises that legislation is not needed to introduce them. Rather, the Government will work with Aboriginal organisations to build their capacity to provide services earlier to Aboriginal children and families, and to play a bigger role in the provision of out-of-home care.

The special commission emphasised the many reasons for the overrepresentation of Aboriginal children in the system and the need to tackle systemic disadvantage to improve outcomes for Aboriginal children. The

Government's action plan *Keep Them Safe* outlines a comprehensive set of special measures to work towards reversing the current intolerable trends and a commitment to consider how all actions in the plan will contribute to improving outcomes for Aboriginal children. Further confusion amongst the Opposition can be seen in the member for Wakehurst calling for the dismantling of the Helpline because it removes local response, but the shadow Minister saying there is a need for even greater centralisation to collect data and establish trends. Both views cannot be right. The member for Barwon says that the Helpline has reduced contact between Department of Community Services staff and local services. The Helpline was introduced as a result of a police royal commission to get greater consistency in the way that reports are considered, and it has achieved that.

It is now time to move to the next stage to get greater action to support families who do not need the full weight of a statutory child protection process response. Mandatory reporters will be encouraged to refer families where children do not meet the new threshold for support and services that can assist them. As well, the department and other services will be working to provide better responses to frequently encountered families—that is, families that every agency knows well but whose problems none on their own can resolve. The member for Barwon would have all agencies and families going to the department directly for help. It did not work in the past, and it will not work now. The new system creates multiple pathways for families and children to have their needs met.

The shadow Minister was concerned that there was not more in the bill for non-government organisations. That is because the special commission's recommendations about an enhanced role for non-government organisations does not require legislative change to be implemented. The Government values the contribution of non-government organisations in providing services and supports an expansion of their role. The Government has committed more than \$100 million in the stage one funding package to the non-government sector. It is claimed that the previous \$1.2 billion budget enhancement provides little additional support to the non-government sector. That is totally wrong. More than \$200 million of that funding was spent in the non-government sector in providing early intervention and out-of-home care services. As a result, expenditure on non-government services increased by 27 per cent between 2002-03 and 2008-09. Justice Wood acknowledged the significant progress achieved with the 2002-03 package.

The member for Barwon said that we should not hire more staff at Bourke and that we should instead use local non-government organisations. I make no apologies for the level of resources that are being provided to Bourke and other places where the community has asked that the Department of Community Services have a stronger presence. However, more is needed than can be provided by the department. Non-government organisations are now playing a greater role in providing services to more remote parts of New South Wales where they have not traditionally had a presence. In the past few years, contracts for early intervention services have been signed with a range of organisations and we are now doing the same with agencies providing out-of-home care. Together with local services such as safe houses and Aboriginal services, they are building a system that protects children and supports families so that the department can concentrate on meeting the needs of children who are at significant risk. In fact, I was at the Wilcannia safe house just last week. I have sought to respond comprehensively to the issues raised by an Opposition, which has acknowledged the general merit of this bill. I have done so in detail and set out sound reasons for the amendments. 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.

VICTORIAN BUSHFIRES

Condolence Motion

Debate resumed from 13 March 2009.

Ms TANYA GADIEL (Parramatta) [11.37 a.m.]: I join the Premier, the Leader of the Opposition and all members of this Parliament in offering my condolences to the victims of the Victorian bushfires. It has been almost two months since the bushfires took hold of northern Victoria, yet the pain and suffering of the victims is

still raw. The material losses, whilst devastating, are nothing compared to the loss of life and the anguish of the families and friends left behind. As members know, 210 people have lost their lives and 2,000 people have been displaced as a result of this disaster. That is an unprecedented number. And the fires have continued to burn over a number of weeks. Without a doubt, 7 February will continue to haunt this country as we all come together to heal. Australia has had more than its fair share of natural disasters, but this will go down as one of the worst. The facts are staggering. More than 410,000 hectares of public and private land has been burnt and fires reached speeds of up to 120 kilometres an hour. Fire crews built more than 1,250 kilometres of control lines to try to control the fires, which is approximately the distance from Melbourne to Port Macquarie.

Each time we face these disasters, Australians come together and grow stronger as a nation. This time is no exception. Through all the stories of loss and despair, there have also been stories of incredible sacrifice and generosity. More than \$224 million has been donated by generous Australians and people from around the world to help those affected to rebuild their lives. That is not to mention the thousands of household items that were given—from children's clothes, to household effects, to caravans—to people whose houses were destroyed. For those who lost everything, every little bit counts. I acknowledge the work of the firefighters and volunteers over the past six weeks. Their efforts in containing and fighting these fires has been nothing short of remarkable. Volunteers from around Australia came to see what they could do, and New South Wales was also proud to provide assistance.

Community groups also came together to contribute and helped to relocate people. Volunteers helped staff community centres and administer first aid and medical assistance. In the electorate of Parramatta the community came together to offer whatever assistance it could. Schools participated in the raising of money, local supermarkets collected goods to be donated and community groups gave what they could. The Lord Mayoress also put on an outstanding local event with bands to raise money for the bushfire victims. To all those people from Parramatta who contributed, I say thank you; I am proud to be your local member of Parliament. To the people of Victoria, I say you have our love and support. You are our southern cousins, you are our family and we are with you.

Mr RUSSELL TURNER (Orange) [11.41 a.m.]: I too wish to speak on this motion, as many members of this House have since 7 February. While the fires are now out, they raged with enormous intensity for a couple of weeks before they were extinguished. Other members have spoken about how many thousands of hectares and how many homes were lost, how many lives were lost, the livestock that was lost—cattle, sheep, goats and domestic livestock—and the cats, dogs and native animals that were lost. We will never know how many thousands of native animals were lost. Although it is some weeks since the fires, today I will raise some issues. I thank the Rural Fire Service brigades from all over Australia, particularly from the electorate of Orange—whether they be from Cumnock, Mudgee or other towns and villages within my electorate—who sent volunteers.

I thank all local service clubs, whether they be Rotary or the Country Women's Association. I thank the Red Cross for the enormous amount of work it put into being the major source of collecting and collating the majority of donations that were made throughout Australia. I also thank the banks and the other organisations that were involved. The member for Parramatta said that \$244 million has been raised. That is an enormous amount of money given the fairly tough times in Australia at the moment. It shows the generosity of people, and it makes us all very proud to be members of Parliament. Wonderful people have made donations, whether they be corporate donations or \$5 from a pensioner. All the donations are important.

I will speak about some of my experiences. I remember as a young lad living at French's Forest. As I have said before, in those days French's Forest was a forest. I remember on two occasions walking home from school through bushfires that had gone through French's Forest. That gives me some understanding of the intensity of the fires in Victoria, because of the gases and fuel the eucalypts emit in a hot fire. I remember the cowpats, as we call them, still smouldering in the paddock around the house. On one occasion the curtains had been burnt where the windows of our fairly basic fibro cottage had been left open. My father, trying to keep the sparrows out of the roof, had stuffed the eaves with newspaper, and some of the newspaper had caught fire. We were very lucky on those occasions that our humble home at French's Forest did not go up in smoke like the thousands of homes in Victoria.

I remember the various bushfires that went through Cargo when I was farming there. There were a lot of grass fires. It is great that this season there have been no major bushfires in the Central West. We had some fires from lightning strikes but we did not have the disaster of fires that were deliberately lit. I thank the local fire brigades for the work they have done at home, not just those who went to Victoria. One must remember you

cannot leave your own area unguarded altogether. I thank all those who were on duty and on call throughout the Central West during this enormous fire season we have gone through. Let us hope we do not experience anything of that level for years to come.

I remember the big hot fires on Mt Canobolas, among the radiata pine forests, in two particular years in the 1980s. The trees were 15 or 20 years old, nearly ready for milling, but the fires were so hot they were reduced to stumps about half a metre out of the ground. That gives people an idea of the intensity and the heat of a hot fire, when all that is left is white ash on the ground. It is absolutely frightening. In the case of the Victorian fires, there was nothing anyone could do until the wind dropped and the heat dropped. Only then could people move in to slow down those fires. The fires around Mt Canobolas were nothing like what people went through in Victoria, but they give us an idea of what can happen from time to time.

We have heard calls for more controlled burning. When the recommendations of the royal commission are handed down, whether they are to do with controlled burning or fuel levels on the ground, one can only hope that everything is still fresh in our minds and that those recommendations are carried out. Far too often in the past we have forgotten things. Farmers quickly forget about keeping the fuel down around their sheds and homes. People living in areas of Orange and in small towns and villages all over Australia like to live in a natural setting, with trees, native plants and fauna around them. However, quite often that becomes dangerous and volatile, as has been proven in Victoria. I can only hope that when the recommendations of the royal commission are released governments all over Australia—Federal, State and local—will carry them out as far as possible.

It has been a few weeks since the Victorian fires and things are starting to emerge. Over the past few weeks I have spoken to the President of the New South Wales Farmers Association, Mudgee branch. Farmers in that area were very quick and got together six, seven and even up to 10 trailer loads of hay. They sent one load to Victoria and had to pay the cost of the freight. They have more hay ready to go down but there has been a lack of response from the Victorian farmers association. We are not sure whether they do not need the hay or whether there is enough down there, but the Mudgee branch of the New South Wales Farmers Association has been told that it has to cover the cost of any hay it donates. One would think that some of the \$224 million that has been raised could go towards the freight of that hay.

It was a very generous donation by Mudgee, and I am sure such donations have come from all over New South Wales. However, the farmers in Mudgee cannot afford to freight more hay down to Victoria, because it is a few thousand dollars a load. I hope the Victorian farmers do not need the hay, that there is plenty down there to get them through until the spring rains and spring growth, and that stock is not in danger. That would be fantastic, and I hope that is the case. I thank everyone who has assisted and those who are continuing to assist the victims of the Victorian bushfires. I wish them a speedy recovery. I hope that people are able to get back into their homes as quickly as possible.

Ms LINDA BURNEY (Canterbury—Minister for Community Services) [11.50 a.m.]: Today I echo the sentiments expressed by others in this House, to express our sympathy and remember the victims of the bushfires in Victoria. The level of destruction caused by these fires was unimaginable not only in Australia but also across the world. The worst of it was the human tragedy and the stories of families and friends who were unable to find each other. This will remain with us forever, as will the united grief of those burned communities, brought together in loss. We have seen, in Victoria, the very worst of what the Australian environment can do, and the very best of what Australian people can do in times of crisis. In our society, there are people who live in far-flung locations, remote places and isolated communities. There is nobody who is not dependent on the skills of others. Every single person has human needs—physical, emotional, spiritual—that can be met only by the presence of their many neighbours

This is the interdependence of many—many individual threads. When we talk about the fabric of society, it is these many connections that we mean. It is in times of disaster and calamity that we realise that no matter how vulnerable each single thread might be, it is the pattern and weaving of the whole that matters. I pay tribute to the way people in Victoria and New South Wales, indeed across Australia—in fact, internationally—have responded to this disaster. From the first moment after the flames passed through, communities joined together to share food, get help and comfort each other. Australians across the country donated in every possible way to help share the grief. Victorians who had lost all of their possessions told journalists they were happy to still know that their loved ones had made it. Unfortunately, so many did not. It is at moments of grief and tragedy that we have our minds concentrated on the things in our lives that genuinely matter; the relationships we have with our families and community.

In this State, it is the Department of Community Services that takes responsibility, through the State Disaster Recovery Centre, for disaster recovery. The Government is able to establish evacuation and recovery centres when disaster strikes and to provide immediate financial relief. It is the community response, however, which makes the difference. It is the community sector—through groups such as the Salvation Army, Anglicare, St Vincent de Paul, Adracare and the Red Cross—who are there to lend a hand. When disaster cuts the threads of individual people's lives, they are there to give a shoulder for the tired, a hot meal for the hungry, guidance to the lost and comfort to the needy. Major-General Cantwell, who was put in charge of the immediate disaster recovery by the Victorian Government, knew that it was these threads of community that mattered the most. He recognised that disaster recovery has to be a community effort, and has to be sensitive and meaningful. He said that recovery authorities could not keep people away from the ruins and the remains of their memories. He said:

Residents have this strong emotional need to sift through the ruins, find the trophies that might have survived, the medals from grand dad, the door knocker that might have survived, some relic.

Those threads of community also reach across time, linking the present with the past, connecting the living and the dead. I offer my sincerest condolences to the victims of the Victorian bushfires. On 7 February 2009 Australia changed forever. That day will always be symbolised by the Prime Minister's announcement that from here on in flags will fly at half-mast on 7 February.

Mr JOHN WILLIAMS (Murray-Darling) [11.54 a.m.]: The tragedy of last month's Victorian bushfires will long remain in our thoughts. The death toll of the Saturday 7 February 2009 fires surpasses the toll from the 1983 Ash Wednesday bushfires in which 75 people died in Victoria and South Australia, and the Black Friday bushfires of 1939 in which 71 people died. It is in times of disaster such as this that the true Australian spirit shines through. Within hours of the severity of the disaster being made public people began putting up their hands to help. Emergency services personnel from across Australia and around the world converged on the fire zone; others donated money and goods to the victims. Condolence books were placed in both my Deniliquin and Broken Hill electorate offices, which members of the community took the opportunity to sign. I thank each and every one of them for their thoughts and words.

Many fundraising events were held in Murray-Darling. More than 1,000 people gathered in Broken Hill's Sturt Park on the afternoon of Sunday 22 February 2009 to raise money for the victims of the Victorian bushfires. I thank benefit concert organiser, Chrissy Murphy, for her efforts in raising more than \$10,000 from the six-hour concert. The small town of White Cliffs raised more than \$7,000 for the victims of the Victorian bushfires, an exceptional effort given that fewer than 100 people live there. The money was raised during a street party on the night of Saturday 14 February. The Deniliquin community held a number of events to raise funds in support of the bushfire appeal. These included a sausage sizzle at Deniliquin Mitre 10 Solution, a raffle at the Globe Hotel and donation tins at the Dublin café and St George Bank. In addition, students at South Public School held a casual day, Deniliquin High School raised \$373 in collection tins and students at St Michaels Primary School held a fundraising day. Deniliquin Children and Family Interagency Group raised \$3,450 by creating a gold coin chain.

Concept Computers donated profits from one day's sales. Deniliquin RSL Club held a fundraising dinner on Saturday 21 February 2009. Browns Rural Supplies and Betta Electrical donated goods. The Buchanan family collected goods to truck to the fire-ravaged area. Deniliquin IGA, as part of the IGA Community Chest, donated \$1.5 million. Vacant housing in Deniliquin was offered to bushfire victims. Conargo Shire Council, Intereach, Dunbar Removals, Fellows Transport and Deniliquin Freighters joined forces to deliver much-needed supplies to victims. Even the small township of Booligal held a fundraiser, and Echuca-Moama joined in a major fundraising event. Once the severity of the disaster was made known, firefighters from all across the Murray-Darling electorate made their way to the fire front—Country Fire Authority members, New South Wales Rural Fire Service members and National Parks and Wildlife Service employees.

A second wave of firefighters from western New South Wales was sent to the Victorian fires in the week following its beginning to replace the first local strike teams sent there in the first week. Eight firefighters from Wilcannia, White Cliffs and Silverton left the region to complete three 12-hour shifts. They arrived at the base camp to be briefed on what was required of them and they then set about their task. Three firefighters from Deniliquin still remain in Victoria helping to control blazes. Within days of the disaster I received calls from Steve Holmes of Silver City Steel, who had gathered fodder from South Australia and the area surrounding Broken Hill, offering to take it down to the disaster zone. Ian "Bluey" Turner from Mathoura offered the donation of fencing supplies stating that he was prepared to coordinate a scheme, using unemployed staff and fencing contractors to replace fences that had been destroyed.

All of this generosity was immediate and heartfelt. Those who had never experienced a bushfire empathise with those who had so recently experienced one and those who had experienced a similar event sympathise with them. While not all of us can know what it is like to lose everything—family and friends, as well as prized possessions—we can all help someone who has lost everything. These fires are a tragedy; there is no other word to describe them. Our only hope is that we learn from the experience and pray that such an event never happens again. People in my electorate are concerned about the red gum forests at Barmah forests being locked up and the potential for another bushfire event similar to that in Victoria. I offer my condolences and those of my constituents to all the victims affected by the Victorian bushfires.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Regional Development) [12.01 p.m.]: Black Thursday, 6 February 1851, 12 lives lost and 25 per cent of Victoria burnt out; Red Tuesday, 1 February 1898, 12 lives lost and 2,000 buildings destroyed; Black Friday, 13 January 1939, 71 lives lost and 650 buildings destroyed; Ash Wednesday, 16 February 1983, 47 lives lost and 2,000 houses destroyed; and, sadly, Black Saturday, 7 February 2009, 210 lives lost and more than 2,000 buildings destroyed. There have been more than 30 major fires across Victoria since 1851. As a result of those fires hundreds of lives have been lost and thousands of properties have been destroyed. The good people of Victoria have been through the world's worst fires. But this year's fires stand out as the worst of the worst. This year entire communities were destroyed, homes were destroyed, lives were lost and futures were changed as the communities were engulfed by nature's wrath.

The people of Wollondilly also endured tragic fires a few years ago, and for many in our community the healing continues—as it will for those communities in Victoria for many years to come. In my electorate of Wollondilly people grieved when they heard of the disaster, the devastation, and the loss of so many lives during the recent Victorian bushfires. The news was frightening for our community, as many towns and centres in Wollondilly are very similar to those in country Victoria. We have also experienced firsthand our share of devastating bushfires. In the Christmas bushfires of 2001, 38 homes across the shire were destroyed.

I was pleased when I heard that the Wollondilly Rural Fire Service, of which I am a member, was able to send five brigades to Victoria to assist in fighting the raging fires. The brigades were from the towns of Bargo, Yanderra, Cawdor, Buxton and Pheasants Nest. We have 17 brigades across the shire, and it was great that we were able to send some units to Victoria. The brigades were ably led by their captains—Greg Green, Geoff Morrell, Denis Cox, Graham Whitely and Ken Chalker—who are very fine gentlemen, as are all the other members of the local brigades. A number of volunteers who were not members of these brigades also travelled to Victoria to help where they could. In total, around 70 volunteers gave of their time to travel to the southern State, where they remained on roster for a period of three weeks.

I take this opportunity to thank personally the families and employers of those volunteers for their understanding, compassion and support of these dedicated members of our community as they went to the aid of our cousins to the south. As a community we sympathise and understand the heartache and grief the people of Victoria are going through as a result of the greatest natural disaster this country has seen since Cyclone Tracy demolished Darwin. The Victorian bushfire tragedy has removed entire communities, and the rebuilding will take a long time. Our hearts are with the people in Victoria. To the families who have suffered the loss of loved ones and to those who have suffered injuries and the loss of all they owned, on behalf of the community of Wollondilly I express our sincere condolences and deepest sympathy.

The fires in Victoria have taught us a lesson: We need to be very mindful of our environment. We live in a country that is the driest continent on earth and we have the capacity to experience the wonders of what nature has to offer, but we also have the capacity to experience the tragedy that nature can throw at us. To all the people in Victoria who were impacted by the fires, the people of Wollondilly and I extend to you our sincere wishes for a brighter future as you rebuild very important communities in your part of the world.

Mr DONALD PAGE (Ballina) [12.04 p.m.]: On behalf of the people of the Ballina electorate I offer my condolences to the families and friends of all those affected by the Victorian bushfires. I also pay tribute to all those who tried so valiantly to reduce the loss of life and contain the bushfires when they began on Black Saturday, 7 February. More than 200 people lost their lives in the most horrendous of circumstances. More than 500 people suffered serious injuries, and over 2,000 homes were destroyed. Those who survived the fires will bear the scars forever, as they live with and relive over and over again the terrible tragedy of the fires. The personal tragedies will be indelibly etched into the hearts and minds of all those affected. Many families will never be the same again. Many have lost loved ones, and I extend my deepest sympathy to those people in particular.

I would like to highlight the wonderful contribution of the volunteer firefighters from Victoria and across our nation who responded so quickly and so bravely to the challenge. Volunteers from throughout New South Wales responded to the call. I especially acknowledge and thank all those from the North Coast of New South Wales, and from the Ballina electorate in particular, for their dedicated efforts in helping to save lives and property. Fifty firefighters from the Ballina electorate alone went to fight the fires, including nine from Alstonville, two from Billinudgel, two from Byron Bay-Suffolk Park, eight from Lennox Head, nine from Main Arm, seven from Mullumbimby, three from Newrybar, eight from Wardell and two from Wilsons Creek. I take this opportunity to thank all those firefighters. I also thank their employers for making it possible for them to go to Victoria.

I also congratulate the thousands of people in my electorate who have so generously donated money to help those affected by the fires as they try to rebuild their lives. Their generosity has been outstanding. I am not sure exactly how much money in total has been donated to the various bushfire appeals. However, I note that an article in the *Northern Star* on Saturday 14 February—only seven days after Black Saturday—reported that \$80 million had already been raised. Australians are indeed a very generous people, especially when responding to disasters. We saw that with the tsunami a few years ago, we saw it with Cyclone Larry, and we saw it again in relation to the Victorian bushfires.

For many of us who wanted to help in some way, giving money or offering other support was the only way we could provide practical assistance. I note that the Red Cross Bushfire Appeal will close on Friday 17 April. This appeal has so far raised a massive \$250 million. Funds have already been distributed to people and businesses affected by the fires. The immediate emergency may be over, but families and communities still face significant recovery challenges. I applaud the Red Cross for its work in support of all those affected by the Victorian bushfires. Three factors affect a bushfire: weather conditions, topography and fuel load. We cannot change the weather. We can have regard to topography when we build our homes. Importantly, we can influence the fuel load. The one clear lesson from these bushfires is to reduce the fuel load wherever this can be done safely.

We must take seriously the need for hazard reduction burns and empower local brigades to reduce the fuel load when required. We will never forget the collective and individual tragedies that these bushfires have wrought, in both human and environmental terms. We will always remember the victims, their families and their friends. We must do everything we can to minimise the chances of this type of tragedy happening again. We must embrace the policy of increasing the ability to conduct safe hazard reduction burns when appropriate. In the past many inquiries were held after major bushfire events and they all recommended more hazard reduction burning. But governments have not heeded this advice. Let us hope they do in future. Again, on behalf of the people of the Ballina electorate I extend my sincere condolences to all those affected by the Victorian bushfires.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [12.08 p.m.]: No words can compensate for the loss experienced by the families and communities of Victoria who on 7 February were the unfortunate victims of one of the worst post-war disasters in this country. The anguish suffered by people who have lost family and friends cannot be comprehended. I spent much of my youth growing up in small rural communities, and I understand how close and interconnected many small rural towns, hamlets and communities are. Observing the devastation inflicted by this firestorm on house after house, street after street, town after town, is devastating. The stories of heartbreak, loss and tragedy, as well as the stories of hope and human resilience, courage and bravery, that came pouring from our televisions as this event unfolded cut us to our very core.

I and many in my community shed tears of sadness and sympathy, and we shared joy as people were reunited with loved ones. I am deeply touched by this tragedy, as was the entire community in the electorate of Shellharbour. Many of my constituents gathered together on 16 February at Shellharbour City Memorial for a combined church service in honour of the bushfire victims—the 210 people who lost their lives and whom we will remember forever. To the people of Victoria, please know that during this time of darkness the entire Australian nation and the community of the electorate of Shellharbour are walking with you and supporting you.

At the combined church service the residents of the electorate of Shellharbour came together to offer their love and support to our fellow citizens in Victoria who lost a loved one, a friend, a home and, in some cases, an entire town. The service was coordinated by Shellharbour and Warilla Baptist Church Pastor Lloyd Olenshaw and Shellharbour Citizen of the Year Pastor Brian Pember, Pastor Graham Abrahams from Shellharbour Uniting Church, Father Brian and Father Honorio from the Catholic Church, Reverend Michael Williamson from the Anglican Church, and Reverend Ian Renitis from the Shellharbour Village Anglican

Church, as well as the Salvation Army. The service also recognised and thanked all those emergency and volunteer services personnel who have been working so hard to fight the fires and rebuild communities. At the service were representatives of the Rural Fire Service, Red Cross, Salvation Army, State Emergency Service, police, military, Ambulance Service and hospitals.

The community of the electorate of Shellharbour has been working hard collecting money and goods, and volunteering to help with the rebuilding. Local schools have held many fundraising activities and collected about \$20,000 in total, with Bendigo Bank providing an additional \$5,000. Individual schools involved in the fundraising effort included: Balarang, which held a back-to-front day that raised more than \$1,200 for the Wildlife Information Rescue and Education Service [WIRES], and this sum was matched by the Bendigo Bank; Lake Illawarra South, which raised more than \$900; Dapto High, which raised more than \$2,000; Lakelands, which raised \$1,054; Barrack Heights, which raised more than \$900; and Warilla North—a very small school—which raised \$300 as part of a mufti day. Oak Flats Public School, with the assistance of the parents and citizens association and local businesses, raised more than \$2,000, which was matched by the Bendigo Bank. Oak Flats also raised \$2,400 from a bushfire barbecue, which was matched by the Bendigo Bank. Mount Warrigal Public School raised \$1,100, Warilla High School raised \$1,650, Kanahooka High School raised \$1,685, and Shellharbour Public School raised \$1,500.

They are but a few examples of the efforts of young people in our community who were touched by, and concerned for, their peers in Victoria and who sought to support them. Many police and rural firefighters from the Shellharbour electorate also provided relief to exhausted Victorian crews. I spoke to many of them upon their return. They told me of their experiences and how they were affected by visiting sites that showed no evidence of a town ever having existed—and not only that town, but the next town, the next town and the town after that. One person described it as "the end of the world". But they all spoke of the triumph, generosity, resilience and overwhelming sense of community. Our condolences, thoughts and support are with those who have been affected in Victoria.

Mr GREG PIPER (Lake Macquarie) [12.12 p.m.]: On behalf of residents of the electorate of Lake Macquarie I place on record our collective concern and shared grief for all those affected by the Victorian bushfire tragedy some seven weeks ago. Along with others throughout the State and Australia, and around the world, we watched the unfolding tragedy in horror and were shocked as the death toll continued to rise. Other members have cited statistics and told stories of horror, grief, heroism and hope from the affected areas. I simply pass on the collective best wishes and concern of our residents and recognise just a few of the many from Lake Macquarie who responded quickly and generously.

Jodi Dyet, a Coal Point resident, wanted to organise assistance for the victims. She contacted the Salvation Army in Melbourne and made arrangements for it to distribute collected goods. Toronto Workers Club made its car park available as a drop-off point for donated goods, while John Farragher Removals agreed, within an hour of the request, to transport the goods to Victoria. Jodi made a few phone calls to local schools that she believed would like to be involved, and the drive was publicised through school newsletters. She found wonderful support in Meg Davey, the office manager at Toronto Public School. Coincidentally, Meg had been discussing a similar project with staff at the school, so she and Jodi teamed up. Meg enlisted the support of 18 schools in the immediate area and the project gained momentum.

Jodi contacted local newspapers, radio stations and television, resulting in good coverage for the collection. She then heard from Newcastle City Council, the Department of Housing and Energy Australia in response to the publicity. The response was so strong that a number of deliveries were made during the three weeks leading up to the collection date originally chosen. I understand that on that day there was a continual convoy of vehicles dropping off every conceivable item—new as well as used—ranging from cots to dog food, toiletries and baby needs, linen and bedding, clothing and toys. Many donors purchased the items specifically in order to donate them.

A large number of those who dropped off goods remained for the rest of the day, assisting in receiving and packing goods. I am told that this included one elderly gentleman who dropped off some items at 9.00 a.m. and stayed until 4.00 p.m. The driver of the semitrailer did a terrific job packing the vehicle with 100 cubic metres of goods, and John Farragher Removals has a load of 70 cubic metres that will be delivered in the next few weeks. Jodi commended the staff at John Farragher Removals and the Toronto Workers Club—particularly Joanne, who coordinated the packing of boxes and helped load the semitrailer.

With the huge response making it impossible to fit all the donations into the semitrailer, it was decided that surplus items would be donated to local charities, with the proceeds of sales going to the Victorian Bushfire

Appeal. Cardiff Rent-a-Car and Calson Engineering at Teralba donated the use of vehicles to deliver the goods to the charities. Joanne at the Toronto Workers Club made particular mention of the outstanding efforts of Jodi Dyet and her family, and Meg Davey and the staff at Toronto Public School, who spent as much time as possible assisting in the car park on the day.

This has been an unimaginable tragedy. I thank the residents of Lake Macquarie, as well as the broader community of New South Wales and Australia, for their response. The New South Wales Government's response was also rapid and generous, and the Premier and his Government should be commended for this. As always, our emergency services personnel and members of charitable organisations did us proud in their response. The hearts and thoughts of Lake Macquarie residents remain with the affected people, families and communities in Victoria who will struggle to recover. Judging from the courage and spirit we have seen displayed by the individuals and communities in the affected areas, I believe that with assistance and time they will recover. The condolences of the residents of Lake Macquarie go to all affected by the Victorian bushfire tragedy.

Ms ALISON MEGARRITY (Menai) [12.16 p.m.]: Members would be well aware that the Menai electorate has been no stranger to the terror and devastation of bushfires over the years. In December 2002 thousands of hectares were burnt out, thousands of homes were threatened and several homes were destroyed. I vividly recall standing with former Premier Bob Carr in the remains of a burnt-out house at Sandy Point, struggling to find any meaningful words of consolation for the woman who had lost her home and every one of her possessions. I can only imagine what it would have been like to stand in country Victoria last month and see whole towns and villages destroyed.

I received at least some degree of insight from the frontline due to a daily email update from David Brown, captain of the Sandy Point Rural Fire Brigade. David was among the first Menai electorate Rural Fire Service [RFS] members to leave his family and work and to volunteer his services in Victoria. I received my first email from David early on the morning of Monday 9 February 2009. He said that the day before—which was his first day there—he had worked a long 19-hour shift. He rhetorically asked: "Who knows what today brings?" Then he signed off with, "Well, it's time to get back to work. Until the next email, David." I could not help but reflect on the volunteer status yet incredibly obvious dedication of a Rural Fire Service member who would willingly work a demanding 19-hour shift in such horrendous conditions, let alone turn around the next day and be willing to do it all again. I sent a message back to David saying that my thoughts and prayers were with him and his mates and that I was looking forward very much to his safe return. David's group email the next day, Tuesday 10 February 2009, began brightly, as follows:

Hi all, I can report that all RFS crews involved in our taskforce are all good and safe.

We have been very busy in Dederang over the last two days with 100 spot fires impacting on property. The main fire front is still in the ranges to the west of the town, but with the change in the winds the town could now be under threat from the fires to the east of the town. The township is still very much under threat.

We are all learning something new about fire behaviour every five minutes.

Till tomorrow, David.

Captain David Brown and members of the Sandy Point brigade were not the only Rural Fire Service volunteers from my electorate to provide invaluable assistance to their Victorian colleagues. Every brigade in the Sutherland shire contributed in some way by sending down firefighters and/or firefighting resources. On Thursday 12 February the *St George and Sutherland Shire Leader* reported that the Sutherland Rural Fire Service manager, Superintendent John Cook, briefed the local crews before they headed to the airport. He said:

I'd like to thank you all for volunteering to go to Victoria. It's great that all of your employers have allowed you time off. It will be different fire to what you were used to here. It will be hard work and the days are long. Some of the scenes you will see may be horrific.

He appropriately concluded his remarks:

Good luck and God bless.

The group addressed by Superintendent Cook that day was led by Bruce Angus, a longstanding member of the Rural Fire Service in his Illawong brigade who more recently demonstrated his expertise in a wider leadership role within the service. Before his departure for Victoria, Bruce said:

This exceeds our previous experience but we've got some good people to work with.

He said that his wife was apprehensive about the departure, but proud of the Sutherland volunteers. He said:

She understands the role we play.

Sutherland shire volunteers maintained an ongoing presence in Victoria for weeks. One of the vital roles they performed was to ensure there were no spot fires or breaks in containment lines. In a later *St George and Sutherland Shire Leader* article on 24 February, Illawong resident Adam Nicholls spoke about his time in the Rural Fire Service. He said:

It becomes like a second family to you. It's definitely one of the best things I've ever done. I highly recommend it.

Unfortunately, many people in our community are genuinely unaware of the significant amount of time and effort put into training every week of the year by our local Rural Fire Service brigades. These people sacrifice time with their families or personal pursuits, such as a hobby or leisure activity, to keep up to the standards required to maximise their safety and that of the other team members in emergency situations. I was very moved by the description in this House by the Minister for Emergency Services, Steve Whan, of the travellers at Sydney airport who broke into spontaneous applause when the first round of Rural Fire Service and NSW Fire Brigades crews arrived home on 12 February 2009. Some days later I saw the footage on television and, like the Minister, I felt quite emotional at the sight.

One local Rural Fire Service member told me that he was actually relieved to be able to do something practical and positive to assist in the Victorian tragedy. The overwhelmingly sad images portrayed in newspapers and on television seemed to motivate everyone to help in whatever way they could. Local councils donated money, virtually every school and workplace in my electorate had a fundraising mufti day, and local churches and businesses took up collections and facilitated the donation of clothes, books and other goods to the people left homeless. Many people took the opportunity to come to my electorate office and sign a special condolence book. The thoughts they expressed will be added to those collected here at the New South Wales Parliament, and forwarded to the Victorian Parliament. I will share with the House one extract from the beautiful words expressed in the Menai electorate condolence book. The Tummarello family wrote:

To all the Victorians who have been affected by this devastating catastrophic disaster, our family is so sad for you all. Our hearts are aching and we hope that one day your lives will become easier and that you may be able to smile again.

I will conclude with the sentiment expressed on the front page of the condolence book. It serves as an all-encompassing introduction to the individual messages that followed. It reads:

To those who have lost their lives, we offer our enduring remembrance.
To those who have lost loved ones, we offer our sympathy and love.
To those whose communities have been torn apart, we pledge our support to rebuild.
Tragedy has touched the lives of many, but from this moment of sorrow we will emerge together.

Debate adjourned on motion by Mrs Dawn Fardell and set down as an order of the day for a later hour.

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

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

VICTORIAN BUSHFIRES

Condolence Motion

Debate resumed from an earlier hour.

Mrs DAWN FARDELL (Dubbo) [12.25 p.m.]: I speak on the condolence motion on behalf of the community of the electorate of Dubbo. Many members have spoken on this motion. The fires have now been extinguished, but the sympathy for those affected by the fires and the work ahead for the Victorian Government are ongoing. I will briefly mention the support given by my community to the Victorian people who were affected by the bushfires. Emergency services workers and volunteers offered their services, and donations came from members of my community. Sharon Lane from Dubbo, who suffered her own tragedy two years ago with a

life-threatening tumour, organised a concert at the local RSL. It was well supported by the community. That is an example of the people and organisations across Australia who have made a huge contribution to the bushfire appeal. The support from overseas has been noteworthy as well.

As with any grieving process when people lose a loved one—a husband, wife, a child—a great deal of attention is given to the grieving community at the time of the tragedy. But we must also remember them six months down the line. We tend to think they are on their feet and will be all right. It will take a long time for the people in Victoria to recover from this incident, and they will need the continual support of all Australians. On behalf of the wonderful community in the electorate of Dubbo, I express our deepest condolences and I thank all the members in my community for their support.

Debate adjourned on motion by Mr John Aquilina and set down as an order of the day for a later hour.

HEALTH LEGISLATION AMENDMENT BILL 2009

Bill introduced on motion by Dr Andrew McDonald, on behalf of Ms Carmel Tebbutt.

Agreement in Principle

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [12.28 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to bring before the House the Health Legislation Amendment Bill 2009. The bill proposes a range of minor amendments to a number of pieces of health legislation—that is, the Drug and Alcohol Treatment Act 2007, the Health Administration Act 1982, the Health Care Complaints Act 1993, the Health Services Act 1997, the Medical Practice Act 1992 and the Mental Health Act 2007. I will firstly address the amendments to the Health Care Complaints Act 1993, which are set out in schedule 1.3 of the bill. In June 2008 the joint parliamentary Committee on the Health Care Complaints Commission issued a report entitled "Report on the Investigations by the Health Care Complaints Commission into the Complaints Made Against Mr Graeme Reeves".

The report followed an earlier review into the matter of Mr Reeves, which was conducted by retired Federal Court judge Ms Deidre O'Connor. The report noted that two of Ms O'Connor's recommended amendments to the Health Care Complaints Act had not yet been implemented. These recommendations related to strengthening the Health Care Complaints Commission's powers under sections 21A and 34A in relation to the assessment and investigation of complaints. The report supported Ms O'Connor's proposed changes and recommended they proceed.

The investigation of a complaint by the Health Care Complaints Commission has two distinct phases: the assessment phase, during which the commission determines if the complaint will be investigated, or managed in some other appropriate manner; and the investigation phase. During the assessment phase of a complaint, section 21A only gives the commission a limited power to obtain hospital and medical records and documents relating to a health practitioner's practice. During the investigation phase of a complaint, section 34A does not limit the documents and information the commission may obtain, but does provide that the commission is only able to obtain such information from a complainant, the person against whom the complaint was made or a health service provider.

Ms O'Connor recommended amending section 34A to give the Health Care Complaints Commission the power to compel any person to produce documents or information to the commission during the investigation phase of a complaint. In addition, Ms O'Connor recommended amending section 21A to allow the commission to exercise all of the powers under section 34A during the assessment phase of a complaint. This bill adopts the recommendations concerning sections 21A and 34A of both the joint parliamentary committee and Ms O'Connor. The amendments to sections 21A and 34A will assist the commission in the timely assessment and investigation of complaints and will help protect members of the public by ensuring the commission has the power to compel the production of evidence held by any person that may assist in the commission's assessment or investigation of a complaint.

The remaining amendments to the Health Care Complaints Act are of a mainly administrative nature and seek to ensure the efficient and smooth operation of the Health Care Complaints Commission. The first

series of amendments concerns the power of the commission under sections 28 and 28A to provide information to the parties to a complaint and to persons whose treatment is the subject of a complaint. As sections 28 and 28A currently stand, different rules apply to the provision of information by the commission to a person who is a party to a complaint and a person whose treatment is the subject of a complaint. Under section 28 the commission must, unless an exemption applies, give the parties to a complaint notice of the action taken or decision made by the commission following an assessment of a complaint.

Under section 28A the commission is to use its best endeavours to notify a person whose treatment is the subject of a complaint of the outcomes of the assessment of the complaint. The bill amends section 28A of the Health Care Complaints Act to bring the relevant provisions into alignment and to ensure that the commission, on the same basis, can provide information to or withhold information from both a party to a complaint and a person whose treatment is the subject of a complaint. The bill also contains amendments to sections 41 and 45 of the Health Care Complaints Act to provide that the Health Care Complaints Commission may provide the outcomes of an investigation report to any person to whom it could have provided its assessment decision under section 28A and to any other relevant person or organisation. Section 45 has been amended also to allow the commission to provide a copy of its report to the complainant.

Section 41A of the Health Care Complaints Act is to be amended to ensure that the commission may issue a prohibition order against an unregistered health practitioner if the practitioner poses a risk to the health or safety of members of the public rather than just the health of members of the public, which is the case under the current wording of the section. The bill also sets out a series of amendments to part 6A of the Health Care Complaints Act. Part 6A establishes the position of the Director of Proceedings and sets out the powers, duties and functions of the Director of Proceedings. The Director of Proceedings is the independent arbiter of whether complaints about health care practitioners are to be prosecuted before disciplinary bodies. When a decision is made to prosecute a complaint, the Director of Proceedings is also responsible for undertaking that prosecution.

The functions of the Director of Proceedings are in some ways analogous to the functions of the Director of Public Prosecutions. Part 6A was inserted in the Act by the Health Legislation Amendment (Complaints) Act 2004, which commenced operation in 2005. In the intervening four years a number of minor deficiencies with part 6A have been identified. The proposed minor amendments to part 6A will address these deficiencies by allowing the Director of Proceedings to refer matters back to the commission in instances where he or she declines to prosecute a complaint before a disciplinary body; to allow the director to notify parties of his or her decision regarding prosecution of a complaint; to allow the director to delegate his or her functions so as to avoid conflicts of interest; and to allow the director to exercise functions imposed on the commission by Acts other than the Health Care Complaints Act.

The final amendments to the Health Care Complaints Act are intended to ensure that the officers of the Health Care Complaints Commission may not be compelled in any legal proceedings to give evidence or produce documents in respect of any information obtained in exercising a function under the Health Care Complaints Act. The amendments to section 99A of the Health Care Complaints Act afford the commission an exemption from being required to produce documents and information in legal proceedings, similar to those enjoyed by other investigative bodies, including the Legal Services Commission, the Ombudsman, the Police Integrity Commission and the Independent Commission Against Corruption.

Importantly, however, the commission will still be required to produce documents and information in respect of proceedings under the Royal Commissions Act, an inquiry under the Ombudsman Act, proceedings before the Independent Commission Against Corruption or proceedings under part 3 of the Special Commissions of Inquiry Act. While the amendments will ensure that the commission is not compellable in legal proceedings, the bill inserts a new section 99B to give the commission a discretion to disclose information obtained in exercising a function under the Act to a number of relevant persons and bodies, such as the Minister for Health, a court or tribunal, the police or a prosecuting authority, any body regulating health service providers in Australia, a health practitioner the subject of a complaint, or the complainant. Importantly, the proposed section 99B only allows the commission to exercise its discretion if it is satisfied that the public interest in disclosing the information outweighs the public interest in protecting the confidentiality of the information and the privacy of the person to whom the information relates.

Schedule 1.1 to the bill amends the Drug and Alcohol Treatment Act 2007. Section 21 of the Drug and Alcohol Treatment Act allows an accredited medical practitioner to grant a leave of absence to a person detained in a treatment centre under the Act if the person is medically fit. Unfortunately, section 21 currently prevents a person being given a leave of absence for medical purposes. The bill rectifies this by amending section 21 so as

to ensure that a leave of absence can be granted for the purpose of obtaining medical treatment. The bill also inserts a new transitional provision into the Drug and Alcohol Treatment Act. The Drug and Alcohol Treatment Act allows for the short-term involuntary detention and treatment of a person with a substance dependence in a declared treatment centre.

The Act is being trialled as an alternative to the Inebriates Act 1912 in treating persons with a substance dependence. The Drug and Alcohol Treatment Act applies only to the area prescribed by the regulations and the Inebriates Act will not apply to the prescribed area. The Drug and Alcohol Treatment Act currently applies to the catchment area, apart from Cumberland Hospital, of Sydney West Area Health Service. Cumberland Hospital has been excluded from the prescribed area to allow those patients receiving treatment under the Inebriates Act prior to the commencement of the Drug and Alcohol Treatment Act to continue their treatment.

However, if in the future the prescribed area is expanded it is important to ensure that patients who will be receiving current treatment under the Inebriates Act are not prevented from continuing their treatment under that Act. As such, the new bill inserts proposed new section 55A into the Drug and Alcohol Treatment Act, which will allow for people who have been detained for treatment under the Inebriates Act within an area subsequently prescribed to continue to be treated in accordance with that Act rather than the Drug and Alcohol Treatment Act. This will ensure that patients receive continuity of care.

Schedule 1.2 to the bill makes a number of amendments to the Health Administration Act 1982 relating to the appointment of members of the Medical Services Committee. The Medical Services Committee is established under section 20B of the Health Administration Act to provide advice to the Minister for Health and the department relating to matters affecting the practice of medicine in New South Wales, including existing and proposed legislation and administrative arrangements. Section 4 of the Health Administration Act provides that members of the Medical Services Committee may be appointed to a maximum of five two-year terms of office.

The nomination and appointment process for appointment to the committee can take up to 12 months and the requirement to undertake this process every two years means there is almost a perpetual cycle of appointments underway. The proposed amendments to the Health Administration Act allow members of the Medical Services Committee to be appointed for a maximum of three four-year terms. These amendments will reduce the administrative burden associated with the appointment of members of the committee to allow for a more stable membership and to bring the terms of office of the committee into line with other similarly appointed bodies, such as the New South Wales Medical Board.

Schedule 1.4 to the bill amends provisions of the Health Services Act 1997 in relation to board-governed health corporations and to protections offered to experts who assist in performance and conduct reviews within New South Wales Health. The Health Services Act establishes a number of board-governed health corporations, being the Clinical Excellence Committee, HealthQuest and Justice Health. Section 49 of the Act provides that the Minister for Health must appoint a member of staff of New South Wales Health, who is employed in connection with a health corporation, to the board of that board-governed health corporation. However, there are a number of difficulties in the smaller board-governed health corporations in requiring a member of the staff to be appointed to the board.

In the smaller corporations there may not be a staff member with both the skills and expertise to perform as an effective board member. A staff member may encounter difficulties in maintaining the strict confidentiality of board business and may experience a conflict of interests between their responsibilities as a board member and their responsibilities as an employee. As such, the bill amends section 49 of the Act to provide that in the case of a board-governed health corporation with less than 50 staff members, the Minister is not required to appoint a member of staff of New South Wales Health. Despite this amendment, it will still be open to the Minister, if appropriate, to appoint a staff member to the board of a board-governed health corporation. The bill also amends section 51 of the Health Services Act to clarify that where the position of chief executive for a board-governed health corporation is an executive position within the meaning of part 3 of chapter 9 of the Act, all provisions of part 3 of chapter 9 apply to the appointment and employment of the chief executive.

The final amendment to the Health Services Act relates to section 139. That section was inserted into the Health Services Act in December 2007 and provides protection from personal liability for any person who in good faith assists in a review of the performance or conduct of a member of New South Wales Health or a visiting practitioner. Any liability that arises attaches to the public health organisation concerned, or the director

general of the Department of Health. Section 139 assists public health organisations in obtaining the assistance of health practitioners and other experts in assessing and reviewing the professional performance or conduct of visiting practitioners and employees within the public health system. However, section 139 currently does not apply to a person who in good faith assists in the review of the performance or conduct of an employee of a non-declared affiliated health organisation. This is because while non-declared affiliated health organisations are part of the public health system, their employees are not members of New South Wales Health. The bill rectifies this by amending section 139 to extend the protection afforded in section 139 to persons who are employed by non-declared affiliated health organisations.

Schedule 1.5 to the bill amends section 177 of the Medical Practice Act. Section 177 deals with issues relating to representation of a medical practitioner and a complainant at proceedings before a professional standards committee. The professional standard committee is a body established under the Medical Practice Act to inquire into complaints of unsatisfactory professional conduct not amounting to professional misconduct against medical practitioners. Proceedings before a committee are inquisitorial, and following an inquiry a committee may take a variety of actions, including reprimanding a practitioner or imposing conditions on a practitioner's licence, but may not cancel or suspend a practitioner's registration.

Under section 177 of the Act neither the complainant, being the Health Care Complaints Commission, nor the medical practitioner the subject of a complaint may be represented by a legal practitioner at an inquiry, although a legal practitioner is entitled to be present at the inquiry and may advise the practitioner. The Health Care Complaints Commission is generally represented by a person who has legal training but who is not a legal practitioner. The lack of legal representation before a professional standards committee has caused some concern among the medical profession, particularly in light of the 2008 amendments to the Medical Practice Act which, among other things, amended that Act to require hearings of a professional standards committee to be held in public and decisions of the committee to be published unless a committee forms the view that it is not in the public interest to do so. As hearings of a professional standards committee are now held in public and decisions are published, there is a greater need for medical practitioners and the commission to be able to seek legal representation if required.

The proposed amendments to section 177 will achieve this by allowing a practitioner or a complainant before a professional standards committee to be represented by a legal practitioner. The proposed amendment assists in protecting people's rights and will bring section 177 into line with section 162, which allows a practitioner or complainant to be legally represented in proceedings before the medical tribunal. However, the Government is keen to ensure that proceedings before the professional standards committee do not become overly legalistic and process driven. Therefore, proposed section 1.55 of the bill will commence on proclamation rather than assent to allow for a code of conduct regarding the use of legal practitioners in proceedings before the professional standards committee to be developed.

The final amendments in the bill are contained in schedule 1.6 and concern sections 52 and 142 of the Mental Health Act. Section 52 of the Act relates to applications for community treatment orders. When an application for a community treatment order is made, section 52 requires an affected person to be given written notice of the application and a copy of the proposed treatment plan. It also provides that the application must be heard no earlier than 14 days after the notice is given. Section 52 (2) currently provides that, where an application is made in respect of a person the subject of a current community treatment order, section 52 does not apply. The bill amends section 52 (2) to make it clear that when an affected person is the subject of a current community treatment order, the requirement to give the person written notice of the application and a copy of the treatment plan applies, but a 14-day notice period does not apply.

This amendment has been made because when an affected person is the subject of a current community treatment order, the requirement to give a 14-day notice period before determining the application may prevent continuity of care where, for example, an administrative oversight or error results in the 14-day notice period not being complied with. However, regardless of whether the person is the subject of a current community treatment order or not, it is appropriate to provide the person with written notice of the application and to provide a copy of the proposed treatment plan.

The proposed amendments to section 141 of the Mental Health Act provide that the President of the Mental Health Review Tribunal may be employed as a full-time or part-time member, which will bring the position of the president into line with the position of the deputy president, who may be appointed on a full-time or part-time basis. As a result of the amendments to section 141, the bill also makes a consequential amendment to the Statutory and Other Offices Remuneration Act 1975. I commend the bill to the House.

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

INDUSTRIAL RELATIONS AMENDMENT (JURISDICTION OF INDUSTRIAL RELATIONS COMMISSION) BILL 2009

Bill introduced on motion by Mr Barry Collier, on behalf of Mr David Campbell.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.52 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to bring before the House the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Bill 2009. The bill responds to the adverse impacts of the insidious WorkChoices regime on the New South Wales industrial relations system by transferring the work of Industrial Magistrates to the Industrial Relations Commission. Since the introduction of the WorkChoices legislation in March 2006, the workload of the Industrial Relations Commission has fallen significantly due to the WorkChoices laws abolishing the rights of many New South Wales workers to seek redress before the New South Wales Industrial Relations Commission. Although it is now a landmark in Australian history and the Australian people rejected the draconian WorkChoices laws, compelling the Commonwealth and New South Wales governments to work collaboratively to restore fairness and balance to employment relations, it is unlikely that the pre-WorkChoices level of work will return to the commission. Therefore, it is appropriate that the Government consolidates the industrial jurisdiction in one court and tribunal.

This Government is committed to maintaining the Industrial Relations Commission and Industrial Court of New South Wales. The Industrial Relations Commission has a long and distinguished history of determining industrial disputes for workers of New South Wales. The Industrial Relations Commission is the legal successor of the Industrial Commission, which existed between 1927 and 1992, and the Court of Arbitration, which existed between 1901 and 1927. The Industrial Court has the status of a superior court of record and is recognised for its expertise in dealing with complex matters of employment law.

A number of strategies have been progressed to address the reduced workloads currently being experienced in the Industrial Relations Commission as a result of WorkChoices. The number of members within the commission has been reduced and members have assisted other courts and tribunals including the Supreme Court, the Administrative Decisions Tribunal and the Medical Tribunal. Industrial Magistrates manage the industrial jurisdiction of the Local Court of New South Wales. Industrial Magistrates hold dual appointments as magistrates of the Local Court. The Chief Industrial Magistrate almost exclusively manages the workload of Industrial Magistrates. Industrial Magistrates currently have both civil and criminal jurisdiction under various legislation. Industrial Magistrates deal with the recovery of money owing under industrial instruments under chapter 7, part 2, of the Industrial Relations Act 1996; the imposition of civil penalties for breach of industrial instruments under chapter 7, part 1, of the Industrial Relations Act 1996; the review of notices issued by WorkCover under the Occupational Health and Safety Act 2000; and criminal prosecutions under the Occupational Health and Safety Act 2000, and other various industrial laws.

This bill transfers the jurisdiction of Industrial Magistrates to the Industrial Relations Commission and abolishes the positions of Chief Industrial Magistrate and Industrial Magistrate. The abolition of the position of Chief Industrial Magistrate and Industrial Magistrate will free Chief Industrial Magistrate Hart to return to the general bench to deal with the core business of the Local Courts. The transfer of jurisdiction from industrial magistrates to the Industrial Relations Commission is subject to the exception that the civil jurisdiction of Industrial Magistrates to deal with recovery of wages will be retained by magistrates of the Local Court in locations outside the metropolitan area.

The purpose of this exception is to avoid inconvenience to parties that are geographically remote from the Industrial Court in Sydney. It is important to preserve easy access to justice for parties seeking to recover minor claims in relation to recovery of wages and salaries. I would also note on this point that the Industrial Relations Commission has a significant regional presence in New South Wales. It has a permanent presence in Newcastle and Wollongong and regularly travels to regional New South Wales to conciliate, arbitrate and adjudicate matters. This commitment to regional New South Wales will continue.

I now turn to some of the more significant provisions of the bill. Schedule 1 [11] amends section 364 of the Industrial Relations Act to provide that designated Local Courts will have jurisdiction to make orders for the recovery of remuneration and other amounts payable by employers instead of an Industrial Magistrate. Schedule 1 [18] inserts a list of designated Local Courts. The list includes Local Courts located in 64 country and regional areas to ensure access to justice across the State. Schedule 1 [12] to the bill amends section 371 of the Industrial Relations Act to make it clear that either a commissioner or a deputy president of the commission will be able to undertake conciliation on behalf of the Industrial Court and make orders to give effect to the terms of any settlement resulting from the conciliation.

Schedule 1 [14] to the bill amends section 380 to enable the Industrial Relations Commission to refer applications for orders for the recovery of money to a designated Local Court if that is more appropriate and convenient to the parties. Schedule 1 [15] removes the provisions relating to the appointment of the Chief Industrial Magistrate and Industrial Magistrates under chapter 7, part 3, of the Industrial Relations Act 1996. Schedule 1 [16] removes the criminal jurisdiction of Local Courts—whether or not constituted by an Industrial Magistrate—so that only the Industrial Court will have jurisdiction to deal with these prosecutions.

Schedule 1 [20] provides transitional provisions on the commencement of these reforms that permit pending matters before an Industrial Magistrate to be concluded by a magistrate of the Local Court. The abolition of Industrial Magistrates will allow the Industrial Relations Commission to absorb the bulk of this work while allowing Local Courts in country and regional areas to deal with minor civil matters. It will also enhance the role of the Industrial Relations Commission as the primary industrial law dispute resolution forum within New South Wales. The people of New South Wales have been well served for over 100 years by the Industrial Relations Commission of New South Wales and they will continue to be well served by the commission. I commend the bill to the House.

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

REAL PROPERTY AND CONVEYANCING LEGISLATION AMENDMENT BILL 2009

Bill introduced on motion by Mr Barry Collier, on behalf of Ms Kristina Keneally.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [12.59 p.m.]: I move:

That this bill be now agreed to in principle.

The Real Property and Conveyancing Legislation Amendment Bill 2009 makes a number of significant reforms in the area of land law that will protect the Torrens Assurance Fund from unreasonable claims, combat identity fraud, streamline procedures for removal of abandoned easements and impose a duty on mortgagees when exercising a power of sale. The amendments, which are the result of the Government's ongoing and continuous review of the Real Property Act and the Conveyancing Act, are aimed at ensuring the community's continued confidence in the Torrens system of land title registration. New South Wales has a world-class system of land title registration known as the Torrens system, which is embodied in the Real Property Act 1900. Most privately owned land in New South Wales is held under the Torrens system, the object of which is to provide certainty of title.

This is achieved through provision of the Torrens Register, which records current title ownership and other interests affecting land. All land recorded in the register is guaranteed by the State Government as to its accuracy and completeness of title. A person who has an interest recorded in the register can rest assured that, subject to a few exceptions, the interest cannot be defeated by another unregistered interest nor can the person's title be set aside because of some defect in the history of the title prior to the registration of the interest. This is known as the principle of indefeasibility and is the cornerstone of the Torrens system.

The Real Property Act, like any other Act, is subject to partial or total repeal by later legislation. Such legislation, often quite unconnected to the Real Property Act, can impose statutory exceptions onto a registered proprietor's otherwise indefeasible title. As a result the register can be misleading, for although the Real Property Act purports to make the register conclusive, the registered title may in fact be subject to interests that are not required to be disclosed on the register. In some instances this is inevitable. A person's interest in land is, after all, a private right that must defer to the public interest. There are occasions when certain statutory interests

must take priority over private interests recorded on the register. An example is land tax. Section 47 of the Land Tax Management Act 1956 imposes a statutory first charge on the land that has priority over all other encumbrances until the land tax is paid.

In an attempt to limit and clarify the extent of the statutory exceptions the bill proposes to amend section 42—the key section of the Real Property Act—which establishes the features of indefeasibility. The amendment provides that section 42 is to prevail over any inconsistent provision of any other Act or law unless the inconsistent provision provides otherwise. During preparation of the bill the Department of Lands undertook a review of New South Wales legislation to identify any existing provisions that could potentially impact on the principle of indefeasibility. An amendment is to be made to those Acts that are intended to create unrecorded statutory interests in land to confirm that the provisions of the identified Act will override section 42 of the Real Property Act 1900. Around 20 Acts have been identified as requiring amendment. These Acts, which include the Land Tax Management Act and the Local Government Act, are set out in schedule 3 to the bill. This amendment is necessary to protect the Torrens system of land title and the billions of dollars of land transactions that occur every year in reliance upon the security of the Torrens system.

I will now move on to the most significant amendment that this bill proposes to make to the Real Property Act, and that is the section that deals with mortgages. As members of the House may be aware, identity fraud is one of the fastest-growing crimes in Australia and costs the Australian community billions of dollars every year. Protecting the community from identity fraud is an important task that we take seriously. The department has been involved in an increasing number of claims for compensation relating to mortgage fraud involving what appears to be a lack of due diligence by some lenders in verifying the identity of borrowers. While the Torrens Assurance Fund may be available to compensate innocent landowners who are the victims of a fraudulent mortgage, it is preferable if the fraudulent mortgage can be avoided in the first place. The mortgagee, who is dealing directly with the fraudster, has the best opportunity to prevent a fraud. The amendments this bill proposes are intended to encourage due diligence in mortgagees' loan approval practices.

The majority of cases of fraudulent mortgages in which the Registrar-General has been involved are with those mortgages that are commonly known as low-doc loans. These loans are usually offered by lenders of last resort who lend at excessively high interest rates. Usually these types of loans are not covered by the consumer credit code and in many cases the lender has not performed due diligence. Disturbingly, it appears that the value of the property to be used as security for the loan is usually the only qualifying requirement for a low-doc loan to be granted. The nature of these loans I have described presents a perfect opportunity for fraudsters to perpetrate their crime; the department has many examples of claims of compensation based on these types of loans.

For example, a few years ago the department was involved in a claim for compensation made by elderly property owners whose title was encumbered by registration of a mortgage they did not sign and knew nothing about. The son of the property owners, together with an accomplice, obtained a loan of \$750,000 at upwards of 12.5 per cent interest per month, pretended to be the owners of the property and purported to give a mortgage over it as security for this loan. The lender appears to have done little or nothing to confirm that the borrowers were the persons recorded in the freehold land register as the owners of the then unencumbered property and to verify that the borrowers were able to service the loan. It appeared that the value of the property alone—more than \$1 million—was enough to satisfy the grant of the loan.

Soon the borrowers defaulted on the loan and it was only when the mortgagee came to exercise its power of sale that the true owners found out that a mortgage was registered on their title. The fraudsters were apprehended and sent to jail, but in the end the Torrens Assurance Fund had to compensate not only the owners but also other parties that were affected by the fraud. This included paying the lender's legal costs. This claim resulted in payment of in excess \$2 million from the Torrens Assurance Fund. As this example indicates, there is clearly potential for our State to be liable for payment of large amounts of compensation for fraud. Questionable lending practices or wilful disregard of matters that might raise doubts in a prudent person's mind unfortunately do not currently disentitle a lender from recovering its loss under the Real Property Act 1900.

This bill proposes to amend the Real Property Act 1900 to require mortgagees, that is the lenders, to take reasonable steps to confirm the identity of the mortgagor, that is the borrowers, before presenting a mortgage for lodgement and registration. If the mortgagee fails to comply with the requirement to confirm the identity of the mortgagor and the execution of the mortgage involved fraud against the registered proprietor of the mortgaged land, the Registrar-General may cancel any recording in the register with respect to the mortgage. The reasonable standard required to be taken by mortgagees for identification under the proposed amendments

will be established by the guideline to be known as the Registrar-General's Directions. In most cases the reasonable standard will, at minimum, be the equivalent to the 100-point check that is common to financial institutions.

The Registrar-General's Directions is intended to be available on the department's website. It will also be necessary for the mortgagee to keep a written record of the steps taken to comply with this requirement and a copy of any associated documents. The Registrar-General may require the mortgagee to answer questions and produce documents in determining whether the mortgagee has complied with their obligation to verify the identity of the borrower. If a mortgagee refuses to comply with a request of this nature the Registrar-General will have the power to either put a notation on the title to alert anyone dealing with the property that the mortgagee has not complied with the requirement to verify the identity of the borrower or, if the mortgage has not yet been registered, refuse to accept the mortgage for lodgement.

Further, the Registrar-General will have the power to cancel any recording of a mortgage if the mortgagee has failed to comply with the Registrar-General's request to answer questions or provide documentation and the Registrar-General considers that the mortgage is fraudulent. The Registrar-General will notify the mortgagee of its intended action before it cancels the recording, as well as anyone who the Registrar-General thinks appropriate. A mortgagee whose mortgage has been cancelled under these provisions will not have any recourse to compensation from the Torrens Assurance Fund. In addition, the bill proposes to amend the Real Property Act 1900 to give power to the Registrar-General to rectify the register where a person has been deprived of an estate or interest in land as a result of fraud.

The principle of indefeasibility is the lynchpin of the Torrens system. These amendments will prevent unscrupulous lenders from relying on, and benefiting from, the very feature of the Torrens system, which is intended to provide security of title for people holding property interests in New South Wales. The Government can assure the community that this amendment should have little or no impact on lenders who already undertake reasonable due diligence measures as part of their normal lending practice. In order to further limit the opportunity for identity fraud to occur, the bill places stricter obligations on persons acting as a witness in signing documents relating to land. The attesting witness plays an important part in the prevention of fraud in property dealings and should take care in providing what is essentially a reference as to the identity of the party.

A witness who falsely or negligently certifies the identity of a party to a dealing to the Registrar-General may be held accountable both to the Registrar-General and to the landowner where loss occurs as a result of a fraudulent or negligent certification. In a recent case in which the Registrar-General was involved a Justice of the Peace attested to both the mortgage and a statutory declaration by impostors posing as the landowners of a property. The witness neither knew the signatories nor made any effort to check their identity, relying solely on an introduction at the time she was asked to attest their signatures. It turned out that the person who made the introduction was the perpetrator of the fraud and the persons introduced as the landowners were impostors. Unfortunately, the true landowners, who had no knowledge of the fraudulent transaction, became victims of a property fraud that resulted in a mortgage being recorded against their land. The court found that the witness had not given a false certificate under section 117 of the Act, as she had no reason to suspect the introduction by a person whom she did know.

In order to limit the opportunities for identity fraud it is proposed to clarify the obligation on attesting witnesses to specifically provide that a person who witnesses an instrument executed by an individual either must have known the person for at least 12 months or taken reasonable steps to identify the person signing. The reasonable steps will be the same steps that mortgagees will require to identify mortgagors, as I have previously explained. The Registrar-General may refuse to register any dealing that does not bear a certificate by the attesting witness or where in the circumstances it appears that the certificate is false. The bill also proposes to amend the Real Property Act 1900 to address the issue of excessively high interest rates that are applied to some of the low-doc loans that have subsequently been shown to be fraudulent. As I said previously, the department has noted some of the exorbitant interest rates, some in the vicinity of 20 per cent and at times upwards of 60 per cent.

Cases of mortgage fraud usually result in default in payment since the fraudsters never have any intention of repaying the loan. At this time the lender who has now registered his mortgage wishes to exercise his right to sell the property to recover the money owing. However, this money includes interest at rates well above the standard interest rate, and since there has been no fraud by the mortgagee this interest is indefeasible. The usual consequence of this is that the Torrens Assurance Fund is liable to pay the principal and the interest.

In this regard the bill proposes to amend the Real Property Act 1900 to limit the amount of compensation, in particular the interest and costs component of a claim payable by the Torrens Assurance Fund in respect of a mortgage obtained by fraud. The limit will be 2 per cent above the interest rate charged on most loans by reputable lenders in Australia. This amendment will benefit the landowner who is a victim of the fraud and who wants to retain ownership of the property, in most cases because it is the family residence. The mortgagee will not be able to recover interest at exorbitant rates by exercising its power of sale, and the landowner will be able to negotiate with the mortgagee to obtain a discharge of the mortgage in exchange for the amount of compensation to which he or she is entitled.

I briefly touched upon the Torrens Assurance Fund when explaining compensation. The Torrens Assurance Fund has always been an integral part of the Torrens system. The purpose of the fund is to compensate persons who, without any fault on their part, have been deprived of their property. The bill proposes a number of amendments to the Real Property Act 1900 with regard to the Torrens Assurance Fund by excluding certain claims. As members will see, these amendments will strengthen the Fund and allow it to operate as it was intended. The first of these amendments the bill seeks to make to the Real Property Act 1900 is to provide that any claim for compensation is limited to the market value of the land plus any legal valuation or other professional costs. There have been instances where a claim for compensation by a developer included future economic loss, insurance costs and depreciation costs of cars. The amendments contained in the bill make it very clear that these types of claims are not claimable under the Torrens Assurance Fund.

In this regard the bill also proposes to amend the Real Property Act 1900 to make it clear that compensation payable from the Torrens Assurance Fund does not extend to compensation for personal injury. There have been instances where a claimant has sought compensation for nervous shock and emotional stress, again items that are not compensable under the Torrens Assurance Fund. The bill also proposes to amend the Real Property Act 1900 to make it clear that proceedings for compensation for loss or damage suffered as a result of the operation of the Real Property Act 1900 are to be commenced in the Supreme Court rather than any court of competent jurisdiction, which is currently the case, and that such proceedings may only be taken against the person whose acts or omissions have given rise to the loss or damage claimed in the proceedings, or the Registrar-General. The amendment seeks to address the situation where a claimant sought to double its chances of recovering compensation against the State of New South Wales and perhaps to side-step the many provisions of the Real Property Act that were not to its advantage by the additional claim against the State.

The bill will also introduce amendments to the Real Property Act 1900 regarding information brokers. An information broker is a person who has entered into an agreement with the Registrar-General to make information in the register available to the public. Given that the State guarantees interests recorded in the register, any information from the register that is inaccurate or false can entitle a person to a compensation claim if loss or damage occurs as a result of error in the register. It is important that any information in the register is reported accurately. To this end the bill adds a provision to the Real Property Act 1900 to make it clear that compensation is not payable from the Torrens Assurance Fund in respect of loss or damage that is a consequence of any fraudulent, wilful or negligent act or omission by any information broker.

The bill proposes to amend the Real Property Act 1900 to provide that compensation is not payable where the loss or damage arises from the execution of an instrument by an attorney, under a power of attorney, acting contrary to or outside the authority conferred on him or her by the power of attorney. The Act already expressly excludes liability for acts by trustees, and further to this the bill adds a provision in the Real Property Act 1900 to the effect. This amendment is intended to protect the Torrens Assurance Fund from claims against victims of unscrupulous attorneys who abuse their position and act outside their powers and the best interests of the principal. Compensation for loss or damage in land through the actions of an attorney should be taken in the appropriate manner that is provided for under the Powers of Attorney Act 2003, that is, in either the Supreme Court or the Guardianship Tribunal.

The bill also proposes to amend the Real Property Act 1900 to provide that no compensation is payable where the loss or damage arises from the recording of a Registrar-General's caveat or the removal of such a caveat by the Registrar-General. As the State guarantees recordings in the register, it is important that where a doubt is raised concerning the validity or authenticity of any transaction with land or a genuine fear exists that land may be the subject of an unauthorised transaction, the Registrar-General has a means of preserving the register in its current form while any doubts are resolved. The bill also proposes to amend the Real Property Act 1900 to provide that no compensation is payable where the loss or damage is the result of an easement not being recorded in the register—except where the easement is not recorded in the register due to an error on the part of

the Registrar-General. The amendment also provides that no compensation is payable where the loss or damage arises from the improper exercise of a power of sale and where the loss or damage arises from the operation of section 129 of the Corporations Act 2001 of the Commonwealth.

In addition to the amendments designed to protect the Torrens Assurance Fund the bill proposes to amend the Real Property Act 1900 with regard to the obligations of a person making a claim for compensation for loss or damage. Currently a claim for compensation may be made on an administrative basis and it is intended to resolve claims without the need for the parties to go to court, thereby saving time and costs. To better this object the claimant is required to cooperate fully with the Registrar-General and provide sufficient information so as to allow the Registrar-General to assess the validity of the claim and to make an informed offer of compensation.

In many cases the obligation placed on claimants by the Act has not been sufficient to ensure compliance to allow the claim to be dealt with expeditiously. Therefore the bill proposes to amend the Real Property Act 1900 to provide that the person making a claim must provide information to the Registrar-General that he may require to enable the assessment of all aspects of the claim. A person making a claim may be required by the Registrar-General to verify any information he or she has given by way of statutory declaration. The Registrar-General will have the power to refuse a person's claim of compensation if this requirement is not met after a period of notice, being two months.

The bill proposes to amend the Real Property Act 1900 to provide that penalties may be imposed by the Supreme Court on the claimant if court proceedings are commenced by the claimant following a refusal of the administrative claim by the Registrar-General. This is designed to ensure compliance with the Registrar-General's request to the person making a claim to provide information and not to sidestep the administrative claim process. These penalties will also apply in instances where a claimant fails to cooperate fully with the Registrar-General where court proceedings are commenced by the claimant with the leave of the court or the consent of the Registrar-General under section 132 (2).

The bill also proposes to amend the Real Property Act 1900 to make it clear that court proceedings for the recovery of compensation from the Torrens Assurance Fund may only be commenced if the administrative proceedings have been commenced and determined, or by leave of the court, or with the consent of the Registrar-General. If court proceedings are commenced following the determination of administrative proceedings the court proceedings must be commenced within three months of the date of the determination, rather than the current time period of 12 months.

The bill proposes to make amendments to the Real Property Act 1900 regarding the Registrar-General's right of subrogation. It is proposed to amend the Act to make it clear that the Registrar-General may also claim against any person against whom the compensated person would have a claim in relation to the loss and not just persons who caused or contributed to the fraud. This includes, for example, claims in negligence, claims pursuant to any contractual indemnity and claims on insurance. The bill will amend the Act to allow the Registrar-General to recover any payment of compensation from a claimant who has received a further payment on account of the compensable loss from another source. This provision ensures that a person who has suffered loss does not double-dip and receives only what he or she is entitled to.

The last of the amendments that this bill proposes to make to claims for compensation are claims relating to easements. In general terms an easement may be described as a right belonging to a parcel of land for the owner of that parcel to use a parcel of land owned by someone else. A common example of easements is for drainage, sewerage and transmission lines. I spoke previously about the indefeasibility of title and that the interests recorded on a person's title are conclusive. There are exceptions. Easements are one of the exceptions to indefeasibility and always have been. As a result, the Torrens Assurance Fund has been subject to claims for compensation for loss because the register did not disclose the existence of an easement affecting a person's title.

The bill proposes to amend the Real Property Act 1900 to provide that the Torrens Assurance Fund is not liable for easements that are not recorded in the register, unless the easement is not recorded due to an error caused by the Registrar-General. The error of the Registrar-General in not recording an easement in the register, however, does not extend to a failure to make searches or inquiries as to the existence of any easement in relation to the creation of a qualified folio of the register. The bill proposes to amend the Real Property Act 1900 to bar any claims for compensation relating to abandoned easements in situations where the person making the claim had notice that the Registrar-General intended to cancel a recording of the easement and did not lodge a caveat to prevent the easement from being cancelled.

Under the Act an easement is considered abandoned where it has not been used for at least 20 years. The amendments proposed by the bill are not designed to make a claim of compensation on the Torrens Assurance Fund more difficult; on the contrary these new measures will ensure that the Torrens Assurance Fund is available to those persons who have legitimately, through no fault of their own, been deprived of land due to the workings of the Torrens system. The proposed amendments will protect and benefit landowners in New South Wales in the ways I have explained, and will also minimise the State's exposure to claims for compensation that are not within the spirit for which the fund was designed.

I move to the amendments to the Conveyancing Act 1919, another important piece of legislation affecting land in New South Wales. This Act deals with the general law of property, and simplifies and improves the practice of conveyancing. The first of these amendments that the bill proposes to make is to the Conveyancing Act 1919 to clarify the standard of care owed by a mortgagee who exercises its power of sale over real estate. When a borrower defaults under a mortgage the lender can step in and sell the mortgaged property in an effort to recover the money owed. There is a concern in the community that lenders do not always take steps to achieve the highest possible sale price. Rather the temptation exists for lenders to look after their own interests and sell the property at a price that merely ensures that their debt is covered but which may be below market price.

The bill therefore proposes to impose a duty of care on mortgagees and chargees when exercising a power of sale in respect of mortgaged or charged land, requiring the mortgagee to take all reasonable care to ensure that the property is sold for not less than its market value at the time of the sale. The proposed amendment will be similar to a provision in the Commonwealth Corporations Act, which requires that where property of a corporation is sold by a controller—defined to include a mortgagee—the controller must take all reasonable care to sell the property for not less than the market price.

The bill proposes to amend the section of the Conveyancing Act 1919 that deals with abandoned easements. As I have previously explained, easements that have not been used for at least 20 years may be considered abandoned. Under section 49 of the Real Property Act 1900 a person may apply to have an easement removed from the register if it can be proven that the easement is abandoned. As it has proven almost impossible to establish abandonment according to the complex rules that apply at common law, this provision provides a simplified statutory basis for abandonment of easements. As such the provision allows a practical means of removing from the register notifications of easements that are no longer relevant to the land.

However should someone dispute an application to the Registrar-General for abandonment of easement, the issue will be dealt with by the Supreme Court under section 89 of the Conveyancing Act 1919 and not section 49 of the Real Property Act 1900. In the small number of cases that have been litigated under section 89 of the Conveyancing Act 1919 it has become apparent that there is a conflict between section 49 of the Real Property Act and section 89 of the Conveyancing Act 1919. In adjudicating on a disputed application for abandonment of easement, the Supreme Court under section 89 of the Conveyancing Act 1919 applies the common law rules of abandonment that require an applicant to establish that the owner of the easement intended to abandon the easement.

The difficulties in supplying such evidence to the court make it almost impossible for an applicant seeking abandonment to succeed. This difficulty was part of the reason for the introduction of the objective test of 20 years non-use that is applied in section 49. Accordingly it is also proposed to remove the inconsistency between the two sections by providing that the court may apply the same criteria as that applied by the Registrar-General under section 49 of the Real Property Act. This may be achieved by providing in section 89 of the Conveyancing Act 1900 that where an application is made to the court for an order extinguishing an easement, abandonment may be inferred if the court is satisfied that the easement has not been used for at least 20 years.

Finally, the bill makes some amendments by way of statute law revision. It clarifies various points concerning the Torrens Assurance Fund and also replaces some outdated references to the Legal Profession Act 1987, and repeals the Land Agents Act 1927. Although lengthy, the bill contains a variety of provisions that are long overdue and are designed to make land administration more effective and less expensive. I commend the bill to the House.

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

[The Acting-Speaker (Mr Thomas George) left the chair at 1.29 p.m. The House resumed at 2.15 p.m.]

QUESTION TIME**STATE TRIPLE-A CREDIT RATING**

Mr BARRY O'FARRELL: My question is directed to the Premier. Given the Premier told the House last September that New South Wales was facing "a once in a century financial crisis" and claimed that the mini-budget priority "was to maintain the State's triple-A credit rating", is not his admission that New South Wales is set to lose its triple-A credit rating further proof of his economic incompetence?

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

Mr NATHAN REES: If the Leader of the Opposition ever wants a lesson on the triple-A credit rating, he only has to knock on the door of my office and I will be happy to provide him with one.

Mr Barry O'Farrell: How to lose it.

Mr NATHAN REES: I will come to your plan shortly.

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

Mr NATHAN REES: The State's triple-A credit rating has recently been reaffirmed by both Moody's and Standard and Poor's. This is because the New South Wales Government is committed to defending the triple-A credit rating by continuing our record as good financial managers. We have delivered 12 successive budget surpluses, while at the same time investing heavily in the State's infrastructure. The facts are clear; I will mention just a few. We built and managed the best ever Olympics with no debt hangover. We have invested more than \$9 billion in rebuilding and upgrading public hospitals across the State. We have completed 94 railway station upgrades. Recently we opened the Epping to Chatswood rail line. However, in these uncertain economic times nothing can be taken for granted. In this New South Wales is not alone, and governments all over the world are faced with similar circumstances. To get the State budget back on track we took some hard decisions in November last year.

Mr Brad Hazzard: Wrong decisions.

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

Mr NATHAN REES: We did so whilst retaining a stimulatory fiscal approach. Let me give the House more facts. We have the largest capital program of any State in Australia—\$56 billion over four years, underpinning 150,000 jobs every year.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: We are reducing the burden on New South Wales businesses by cutting payroll tax to the extent of \$1.9 billion over four years; we have cut developer levies; and we will invest in critical infrastructure and jobs. We will borrow more and State debt will grow, but grow responsibly, from \$27 billion to \$40 billion. Most importantly, in this tough budgetary climate, we have protected front-line services. Our fiscal strategy is stimulatory, as it should be. It is very straightforward: Losing a triple-A credit rating means that more money is required for interest payments if, indeed, one can access credit. That is why we are committed to a triple-A credit rating. The triple-A credit rating enables us to borrow to fund \$56 billion of infrastructure, underpinning 150,000 jobs each year for the next four years. We welcome the Federal Government's announcement earlier today of extending the Commonwealth guarantee to State Government borrowings. This is an appropriate response to the current dislocation in capital markets.

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

Mr NATHAN REES: These Commonwealth guarantee arrangements were negotiated at today's ministerial council and Loan Council meetings held in Canberra between the Commonwealth and State Treasurers. I am advised that the guarantee will be available to all States on an optimum basis, with a differential fee charged depending on rating. Our approach is fiscally responsible: 180,000 jobs each year for the next two years and 150,000 for the next four years.

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

Mr NATHAN REES: The Opposition may be indifferent to the employment prospects of the people of New South Wales; we certainly are not. Our position is fiscally responsible—it is the largest infrastructure spend in New South Wales this year, underpinning 150,000 jobs each year, in contrast to the Opposition's \$17 billion in unfunded promises over and above our responsible approach. Our approach could not be more different to that of the Opposition. This morning in a radio interview the member for Manly told Grant Goldman—

The SPEAKER: Order! The House will come to order. Members will cease interjecting.

Mr NATHAN REES: The member for Manly said:

We would never deliver a budget where expense growth grows faster than revenue growth.

In other words, the Coalition will always run a surplus. In the current economic circumstances where revenues have fallen, this can mean only one of two things: either the Coalition will cut services—fewer nurses, fewer teachers, fewer police officers—

The SPEAKER: Order! The House will come to order. I call the member for Willoughby to order. I call the member for Epping to order.

Mr NATHAN REES: As always in matters fiscal, the numbers tell the story: Fewer nurses, fewer teachers, fewer police, no pay rises—that is the recipe.

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

Mr NATHAN REES: That is the only way the Coalition can meet that commitment, and it knows it.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, relevance. Clearly, what the Premier is going on about is not relevant to the question asked. He should refer to the 400 job cuts up in the Tweed.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. That is not a point of order.

Mr NATHAN REES: It is absolutely directly germane to the triple-A rating. The shadow Treasurer gave a commitment this morning that the Coalition would always maintain a budget surplus. The only way a government can do that when revenues fall, as they have in New South Wales and other States, is to cut services, and the Coalition knows that is the case. It is a tried and tested recipe from the Coalition—tried and tested in the last election campaign: it was going to axe thousands of jobs. That is the only way to maintain a budget surplus.

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

Mr NATHAN REES: It is the only way to maintain budget surpluses when revenues fall.

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

Mr NATHAN REES: On top of that, I refer to the \$17 billion in additional unfunded expenditure. We are very clear about our commitment to the retention of a triple-A credit rating. If the Coalition were ever anywhere near the Treasury benches we would be talking about a triple-C rating at best. The Coalition's policy is a recipe for high unemployment and fewer front-line services. We certainly will not have a bar of it as we go around New South Wales building infrastructure, providing jobs in rural and regional New South Wales and supporting employment, with \$1.6 million spent every hour in this State on infrastructure.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. I call the Leader of the Opposition to order.

Mr NATHAN REES: I will go through the jobs. Last week, Tallawarra Power Station in the Illawarra: 600 jobs in construction; 28 now that it is operational. The week before, Eastern Nomad industries: a \$17 million contract and 48 additional jobs—a direct result of our intervention. It would not have happened on

the Coalition's watch. The Opposition has opposed the stimulus package and it continues to oppose it. The Opposition is fiscally irresponsible. The Coalition's policy position has been flushed out this morning—it will always maintain a surplus, and there is only one way to do that in the current climate: to cut services. The Opposition knows it.

TRANSPORT SERVICES

Ms ANGELA D'AMORE: My question is directed to the Premier. What is the latest information on improved transport services in Sydney?

Mr NATHAN REES: I thank the member for her question and for her longstanding interest in this most important matter. The New South Wales Government is investing in a better future. As we announced today, that means more buses, better services and the creation of jobs.

Mrs Jillian Skinner: A platitude.

Mr NATHAN REES: You can't catch a platitude, Jillian!

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

Mr NATHAN REES: More buses, better services and the creation of jobs. This is the mark of a good government and a government that delivers. We said we would improve public transport.

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

Mr NATHAN REES: Today with the Minister for Transport and the Minister for Planning, I announced four additional Metrobus services that will carry an extra 250,000 passengers each week and provide jobs for up to 300 people as drivers. That represents an investment of \$50 million in new buses. However, the Leader of the Opposition will not allow the shadow transport spokesperson to—

The SPEAKER: Order! Members will cease interjecting. The Premier will direct his comments through the chair.

Mr NATHAN REES: The new services will go from Rosebery to Lane Cove, from Enmore to Spit Junction, from Bondi to Chatswood, and from Drummoyne to Randwick.

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

Mr NATHAN REES: Last October I rode on the route 10 Metrobus on its first day of operation. Since then, more than 600,000 people have used the service between Leichhardt and Kingsford. It services Broadway, the University of Technology, Sydney, and the University of New South Wales. The feedback is overwhelming and it is a great service. Mr Barr-David contacted State Transit's customer feedback line and stated:

I was very pleased when I had a trip on a Metrobus recently and noticed the digital and spoken indicator for the bus stops. My wife and I as well as other senior citizens will find it much easier to get around.

A happy customer.

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

Mr NATHAN REES: Ms Mulrenan also stated:

I love the new number 10 service, I have been using it to get to St Vincent's Hospital from Leichhardt, where I live and the staff are all so friendly and courteous.

The New South Wales Government has been very encouraged by this feedback and has responded with a major expansion of the Metrobus network across Sydney. From October, the Government will begin rolling out new services across another four Metrobus routes. High-frequency, high-capacity buses will provide services along some of our busiest corridors to suburbs on the fringes of the central business district. These are prepaid-only services providing a simple way to get around Sydney and attracting more people to public transport. During the

peaks, services will run every 10 minutes and at other times they will run every 20 minutes. The Metrobus network will connect places of work, shopping and entertainment, and hospitals. The Government wants to move as many people as possible and it wants to do it quickly and efficiently.

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

Mr NATHAN REES: The Metrobus trial is testing different seating arrangements to fit more people on these buses. The evaluation of this aspect of the services continues. We will talk to commuters, operators and transport experts about seating arrangements that best suit their needs. The evaluation will be completed before the October rollout with a final arrangement agreed. These new services are in addition to the improvements the New South Wales Government has already made, including the provision of an additional 300 buses for Sydney commuters and the speeding up of the delivery of 150 bendy buses. A new \$18 million factory in the Hunter is building those buses, creating—guess what—250 jobs in the region. These jobs are stacking up. Another 7,000 jobs are on the way to Warnervale, in the member's neck of the woods.

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

Mr NATHAN REES: Of course, all Sydney metropolitan and outer metropolitan areas will benefit from the 300 buses we have on order. We have already delivered eight of the buses and they are now on the road providing better services to people in the Illawarra. I had the pleasure of riding one just last week when we introduced a new free central business district shuttle service for the people of Wollongong. That service has already attracted huge numbers of residents, students, shoppers and visitors. It is good news and members opposite might hear about it more than once. The people of the area love it. Nearly 8,000 people used that new service in the first three days of operation.

People are also flocking to the hugely popular Sydney central business district shuttle bus that was launched some months ago. There is growing confidence in our public transport system, and that is demonstrated by the increases in patronage on rail, bus and ferry services. I remind members that patronage increased on the CityRail network by 5.2 per cent in 2007-08, which represents an additional 280,000 passenger journeys every week. That is a comprehensive vote of confidence in our public transport system. This Government has also delivered the \$2.3 billion Epping to Chatswood rail link.

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: The member for Epping should just say thank you. That rail link will provide better services for about 10,000 people each day, including those from the member for Epping's—

Mr Adrian Piccoli: Point of order: The member for Parramatta is not saying thank you.

The SPEAKER: Order! What is the member's point of order?

Mr Adrian Piccoli: I refer to Standing 129 because the Premier is getting off the track. It has also been 15 minutes since question time started and this is only the second answer. Mr Speaker, I refer you again to the ruling you made yesterday about the length of answers.

The SPEAKER: Order! I will hear further from the Premier.

Mr NATHAN REES: The member for Parramatta has thanked us for the restoration of the ferry service, and that will come on line in due course. I remind members opposite that each day 10,000 people benefit from the Epping to Chatswood rail link that this Government opened last month.

Ms Gladys Berejiklian: It is a shuttle service.

Mr NATHAN REES: Would the member for Willoughby like it stopped? Is the member asserting that she would scrap it?

The SPEAKER: Order! The House will come to order. I call the member for Willoughby to order for the second time.

Mr NATHAN REES: The Government has spent \$439 million on 122 additional outer suburban train carriages and 626 new rail carriages for the CityRail network. Those carriages will be delivered next year. We have had absolutely nothing from the Opposition—not one new carriage, bus or ferry. In fact, there has been no policy at all; there is a policy vacuum opposite. Members opposite have no plan to deliver a single bus or train.

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

Mr NATHAN REES: The community knows that the Opposition is taking advice from Max the Axe, the man who sacked 24,000 transport workers. Who sharpened the axe? It was the then chief of staff to the Minister for Transport—the current Leader of the Opposition! The Opposition's record speaks for itself. We are the builders and they are the wreckers.

SYDNEY AIRPORT GANG VIOLENCE

Mr ANDREW STONER: I direct my question to the Premier. Given that Derek Wainohu does not only work for the Roads and Traffic Authority but also was aboard Qantas flight 430 on Sunday with other Hell's Angels and Comancheros, why will the Premier not order that he be stood aside pending a full investigation of his Roads and Traffic Authority activities and his involvement in the airport brawl?

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

Mr NATHAN REES: I am advised by the Department of Premier and Cabinet that the Roads and Traffic Authority has today suspended this individual from duties pending the outcome of a disciplinary investigation.

The SPEAKER: Order! The House will come to order. The Minister for Finance will come to order.

WESTERN SYDNEY GREEN JOBS CREATION

Ms DIANE BEAMER: I direct my question to the Minister for the Environment. What is the latest information on green initiatives that create jobs in western Sydney?

Ms CARMEL TEBBUTT: I had the pleasure this morning of opening the SITA Environmental Solutions advanced waste treatment facility at Kemps Creek. This very impressive \$50 million plant is a \$50 million vote of confidence in this Government and its policy settings.

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

Ms CARMEL TEBBUTT: It is also a terrific tribute to Liverpool and Penrith councils and to SITA. The facility at Kemps Creek is one of seven such facilities in New South Wales and it incorporates the latest recycling and waste recovery technology. The facility will be able to recover or recycle 70 per cent of our waste. These sorts of facilities are driven by this Government's waste policies, which involve increasing recycling, creating green jobs and reducing greenhouse gas emissions. At the opening of the facility this morning the managing director of SITA described New South Wales as one of the leading centres of advanced waste treatment in the world.

The SPEAKER: Order! I call the Leader of The Nationals to order. I call the member for Terrigal to order.

Ms CARMEL TEBBUTT: This is great news for western Sydney. It does not just mean improved environmental outcomes and reduced greenhouse gases, it also means jobs for western Sydney. More than 150 worked on the construction of this facility—and it is a most impressive facility—and there will be 40 ongoing jobs in operating the waste treatment facility—so, good environmental outcomes and green jobs for western Sydney. This clearly demonstrates an appetite for investment in positive environmental initiatives and waste reform. The industry, community and Government understand that environmental change and infrastructure investment need to go hand-in-hand. It is also a clear sign that the days of just dumping our garbage in landfill and forgetting about it without a care in the world are long gone. As I said, New South Wales is leading the way in the development of waste treatment facilities. Six facilities are already operating in the greater metropolitan region and more are planned or are under construction. The Kemps Creek facility represents another step forward in our State's efforts towards reducing waste disposal and greenhouse gas emissions in New South Wales.

When waste is dumped it can contaminate land through leaching of chemicals and emit greenhouse gases, particularly methane, one of the most damaging greenhouse gases. Sending waste to landfill can also mean that large areas of land are taken up in a fairly unproductive way. The New South Wales Government has made significant advances in this area. The waste levy started in 1971, and has helped to encourage investment in resource recovery facilities. It is now a vital economic and environmental lever in driving change among councils, the constituents they serve and the business community. New-generation facilities like that at Kemps Creek provide local communities with sustainable options in their waste management services. Alternative waste and resource facilities have increased in number and sophistication during the term of this Government. These technological advances divert waste from landfill and recover resources at a higher rate than the methods of yesteryear. This is a direct result of the forward-thinking waste policies the Government has pursued.

We are all aware that in this day and age community and business are faced with major challenges to be able to use resources more sustainably, to be able to change our lifestyles and to be able to move to a low carbon economy. Part of this challenge is how we deal with waste. This facility at Kemps Creek is a great achievement; it is a great example of what can be achieved when governments put in place the right policy settings and when the private sector and local government rise to the challenge. It means jobs for western Sydney and better environmental outcomes, and I congratulate SITA Environmental Solutions and the Liverpool and Penrith councils on a job well done. We cannot underestimate the importance of getting waste management and waste reduction right. It might not be the most glamorous area of environmental management, but it is critical. We need to be much more conscious of the need to conserve resources and to sustainability dispose of waste.

OUTLAW MOTORCYCLE GANG LEGISLATION

Mr BARRY O'FARRELL: My question is directed to the Premier. How can he claim the Roads and Traffic Authority is not a high-risk industry and therefore will not be included in legislation banning bkie gang members from employment, when, as every licensed driver in the State knows, it has access to the addresses of the State's law enforcement and judicial officers?

Mr NATHAN REES: The preliminary advice to me is that the gentleman in question did not have access to personal details. But the notion that the Roads and Traffic Authority is a high-risk environment is simply absurd. This is an organisation that manages contracts for the construction of roads, manages a licensing regime and a points regime. The proof is in the pudding: The lowest road toll in New South Wales since the war. The member's assertion is patently absurd.

PLANNING REFORMS

Mr GRANT McBRIDE: My question is addressed to the Minister for Planning. What is the latest information on the Government's planning reforms?

Ms KRISTINA KENEALLY: As members will be aware, the NSW Housing Code kicked off on 27 February this year following a period of public consultation and review. I know many members are aware of the code, but to remind them, it allows New South Wales families to get new homes approved and get construction certificates in as little as 10 days. That is, if the new homebuilder has a home that meets the code's requirements, that house can be certified and given approval in as little as 10 days. That cuts time and money out of the approval process. We have incredible interest from the public to the NSW Housing Code. We have also had a number of third-party endorsements.

The SPEAKER: Order! Members will cease interjecting, including the member for Terrigal. I call the Leader of The Nationals to order for the second time. I call the member for Terrigal to order for the second time.

Ms KRISTINA KENEALLY: The housing code has generated significant public interest. It has also generated significant interest from the industry. It provides a straightforward approval process for straightforward houses. This interest is measured by the fact that 5,000 people have attended a road show that we conducted in 15 locations across the State to provide information to councillors, to practitioners and, of course, to the general public. We have had more than 1,300 inquiries to either the housing code information line or to the Department of Planning's website, indicating people's interest in using the code for new housing approvals.

Industry support has also been very positive, indicating we are on the right track. Archicentre, which is the building advisory service for the Australian Institute of Architects, has said that the new housing code will

be able to speed up the building of new homes and renovation projects, which can create thousands of jobs. Archicentre also said, in its press release, that this will have a major positive impact on housing affordability, and—something I know my colleague the Minister for Regulatory Reform will be interested in—it nominated the NSW Housing Code as the red tape buster of the year. The Housing Institute of Australia has indicated that the 10-day approval process could save the average Sydney homebuilder up to \$6,500 in cost compared to the existing development application process and that regional residents would save up to \$2,500 in costs.

The Building Designers Association of New South Wales has said it fully supports the introduction of the NSW Housing Code as it makes the approval process for new homes more efficient, saving both time and cost. The Master Builders Association has also added support for the code, stating that it has been calling for just such a code for some time and it is gratifying to now see it in operation. It went on:

We believe the NSW Housing Code goes a long way towards freeing up the housing approvals process.

Earlier this month I received an email from the principal of a building design office who said he was proud that his office was the first to lodge plans for a new home under the new housing code with Parramatta council, and that his clients are exceptionally happy. While the benefits of the housing code in housing approvals are well known, one that has had less attention but is equally as important is the big benefit that flows from the exempt development provisions.

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

Ms KRISTINA KENEALLY: Less attention has been given to the big benefits that will flow from the exempt development provisions. That is, the housing code removes the need altogether for getting council approval for 40 relatively simple tasks, such as installing a cubby house, barbecue or clothesline in the backyard, or a letterbox or a driveway or a fence in the front yard, or the air conditioning units and the skylight that make one's home more comfortable. There is no longer need for formal planning approval, if they comply with the code and the relative requirements. That is, one can go to the hardware store on the Saturday, make one's purchases and come home that afternoon and start installing. This will save time, it will cut red tape and it will allow staff to concentrate on the big-ticket developments that deliver investment and jobs, and it will make life a little simpler for the people of New South Wales.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The member for Cessnock will remain silent.

Ms KRISTINA KENEALLY: Along with the new housing code, the Government has given new powers to local councils to deal with unauthorised or wrongly authorised work. From 2 March councils have the power to issue an immediate stop work order to anyone carrying out unauthorised works, including works not in accordance with the original complying development certificate, works that were done under complying development when in fact a development application should have been used, works that are occurring without approval of any kind, and works being carried out that affect adjoining premises. These new powers support local councils—

Mr Brad Hazzard: Point of order: Clearly this is a ministerial statement. I would like to have the opportunity, on behalf of the Minister, to thank Frank Sartor for doing all this work. This should be by way of ministerial statement, not a question.

The SPEAKER: Order! The member for Wakehurst will resume his seat. He is aware that that is not a point of order. I call the member for Wakehurst to order for the second time. The Minister has the call.

Ms KRISTINA KENEALLY: I hope you get in a lift with me now, Brad. The NSW Housing Code is a key component of the Government's planning reform agenda. It is delivering a faster, more effective and transparent planning system. Of course, there will be homes and home improvement projects that do not fit under the code-based system. For those projects the development application process remains available. But, as I said, this is a straightforward process for straightforward projects. The Government expects that it will deliver real benefits, real time reductions and real cost savings to the people of New South Wales.

SYDNEY OPERA HOUSE RENOVATION

STATE TRIPLE-A CREDIT RATING

Mr ANDREW STONER: My question is directed to the Premier.

The SPEAKER: Order! Government members will cease interjecting.

Mr ANDREW STONER: After the Premier said yesterday that he was not committed to a refurbishment of the opera house, despite telling the *Daily Telegraph* it was "under active consideration" and today he said a story about the possibility of New South Wales losing the triple-A credit rating is "not entirely accurate" despite telling the *Sydney Morning Herald* that he was not going to rule it out—how can the Premier expect anyone to believe anything he says?

The SPEAKER: Order! I am pleased there was a question at the end of that statement.

Mr John Aquilina: Point of order: The standing orders of the House ask for members to confirm the accuracy of reporting from various media reports. The Leader of The Nationals cannot base his question on so-called media reports without confirming their accuracy.

Mr Adrian Piccoli: To the point of order: It does not ask for confirmation of media reports. We had this discussion this morning. The question refers to quotes in the newspaper, something that the Government often does when asking questions about Opposition policy. Government members cannot suggest a question is out of order just because they do not like the question.

Mr John Aquilina: Further to the point of order: The Opposition needs to show that the facts in the newspaper were an accurate report. The Opposition cannot do that because it is based on newspaper reports.

Mr Andrew Stoner: Further to the point of order: These are direct quotes from the Premier. The sources have been acknowledged in both cases as the *Daily Telegraph* and the *Sydney Morning Herald*. These are statements of fact.

The SPEAKER: Order! The House will come to order. I will consider the matter further. I will allow the question on this occasion. However, I remind the Leader of The Nationals of my ruling yesterday in relation to the length of questions. The Premier has the call.

Mr NATHAN REES: I am delighted to have the opportunity to talk about media reports once again because when I talked about the comments of the member for Manly on radio this morning, it was clearly a surprise to the Leader of the Opposition. It was clearly a surprise when the member for Manly said this:

We would never deliver a budget where expense growth grows faster than revenue growth.

There are two options in that case: either cut services or increase taxes. The Opposition needs to work out which one it is.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr Andrew Stoner: Point of order: My point of order relates to relevance under Standing Order 129. The Premier in his response so far has been talking about statements made by the member for Manly. The question has nothing to do with that. The question was about statements made by him.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. That is not a point of order. The question I allowed had a broad-ranging introduction. The Leader of the Nationals cannot have it both ways. The member for East Hills will come to order. The Premier has the call.

Mr NATHAN REES: Indeed. He said:

We would never deliver a budget where expense growth grows faster than revenue growth.

And in the current economic circumstances where revenues are falling, this can only mean one of two things: increase taxes or reduce front-line services. The Opposition needs to work out who runs—

Mr Adrian Piccoli: Point of order: Mr Speaker—

The SPEAKER: Order! Is the member for Murrumbidgee taking a new point of order?

Mr Adrian Piccoli: It relates to Standing Order 129. The question was sufficiently broad but one has to admit that the Premier is now on to something that is not—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I place the member for Murrumbidgee on three calls to order. He is on his final warning.

Mr NATHAN REES: The reality here is very clear: the shadow Treasurer is refusing to sing from the Opposition leader's hymnbook. He is refusing. That is the point of distinction that he presents to the people of New South Wales. The shadow Treasurer is not following his lead. That is a problem for the Leader of the Opposition and he ought to acknowledge it because the shadow Treasurer is on the rampage.

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

DOMESTIC VIOLENCE VICTIMS SUPPORT

Ms TANYA GADIEL: My question is directed to the Minister for Women. Will she inform the House how the Government is supporting victims of domestic violence?

Ms VERITY FIRTH: I thank the member for Parramatta for her interest in this subject. Eradicating domestic violence is one of the New South Wales Government's highest priorities. Australian Bureau of Statistics data indicates that one in three women over the age of 15 in this country has been the victim of violence. Of those, close to a third were attacked by a current or previous partner. The women behind these statistics need our help. That is why the Government has introduced a range of groundbreaking measures to combat domestic violence. One of these is a new offence that specifically names domestic violence. People who assault their partners will have the term "domestic violence" permanently marked on their criminal record. This will ensure that judges take this black mark into account when sentencing. We have also made it easier for women to obtain an apprehended violence order [AVO] and have allowed police to apply for an apprehended violence order on behalf of a woman who may be too scared.

The SPEAKER: Order! There is too much audible conversation in the Chamber. This is a very serious matter.

Ms VERITY FIRTH: Children are now automatically covered by apprehended violence orders and we have given police the power to apply for a telephone interim apprehended violence order 24 hours a day. Last year we announced a new whole-of-government strategy worth more than \$40 million to better coordinate our Government response to domestic and family violence. Members may also be aware that we have also established the Domestic Homicide Advisory Panel, with both government and non-government representatives. The Australian Institute of Criminology found that in the 10 years to 1998, more than half of all women murdered were murdered by their partner, with women more than five times more likely to be killed by their partner than men.

Deaths as a result of domestic violence are a terrible tragedy that we must do everything possible to prevent. This panel is currently in the process of conducting a five-year review of domestic violence homicides and will report back to the Premier by 30 April 2009 with recommendations on any changes to practices and procedures that would contribute to a reduction in preventable homicides. These are measures for which workers in this area and victims groups have been calling. I am pleased to inform the House today that my colleague the Attorney General and I were at Balmain court this morning announcing the Government's latest efforts to better support victims of domestic violence.

Mr Greg Smith: Did you get bail?

Ms VERITY FIRTH: I do not think this is a laughing matter, Mr Speaker.

The SPEAKER: I agree.

Ms VERITY FIRTH: The \$2.6 million in funding from the Rees Government will boost the number of domestic violence advocacy workers in New South Wales courts, with the equivalent of 23 full-time positions to be added to the Women's Domestic Violence Court Advocacy Program. The additional funding will extend services to a further 42 courts, bringing the total number of courts covered to 107. It is particularly pertinent in rural and regional New South Wales. Towns across rural and regional New South Wales including Bathurst, Bellingen, Cowra, Deniliquin, Leeton, Moss Vale, Moruya, Muswellbrook, Nyngan, Queanbeyan, Tamworth, and Wilcannia will all have advocacy workers based in their courts for the first time, which is really positive

news. This is an enormous increase of 65 per cent on the number of courts covered and, most important, in the number of women and children that this vital service can assist. Betty Green from the New South Wales Domestic Violence Coalition said about today's announcement:

The domestic violence sector welcomes the increased funding of the Women's Domestic Violence Court Assistance Program. These specialist workers play a critical role in supporting frequently distressed and vulnerable women as they negotiate an often overwhelming and alien system such as the courts and criminal justice.

The New South Wales Domestic Violence Coalition is particularly pleased by the Government commitment to fulfil this election commitment and to expand the ... program to ensure women affected by domestic violence are properly supported throughout their engagement with the court system.

Domestic violence is a terrible crime that tears families apart. It often thrusts women and children into the justice system for the first time in their lives. The expansion of this program will help support more women through one of the most traumatic times in their lives, provide them with information and support through what can be confusing legal processes, and help them move on with their lives. Advocacy workers not only support women through the legal process when they are seeking to take out apprehended violence orders; they can also provide referrals to counselling, housing and other aid services that are so crucial to helping women and their children escape from violent homes. The new staff for the Women's Domestic Violence Court Advocacy Program will start being rolled out in June. Legal Aid, which administers the program, has already placed advertisements in major newspapers for service providers to run the services. I know all members on both sides of the House will join me in welcoming the expansion of this service, which makes such a significant difference to the lives of women and children across our State.

LIVESTOCK HEALTH AND PEST AUTHORITIES RATE INCREASES

Mrs DAWN FARDELL: My question is directed to the Premier. Given that local government councils and shires have to submit to the Government their applications for any form of rate increase, how can the Premier possibly allow his Minister for Primary Industries to increase livestock health and pest authorities rates by 80 to 100 per cent without any consultation or regard to the rural community?

Mr NATHAN REES: I thank the member for Dubbo for her question. I understand that as part of the restructure of the former rural lands protection boards changes have been made to the way rates are set. The State Management Council of Livestock Health and Pest Authorities has responsibility for assessing and approving the setting of base rate levels. I am advised that the Minister will be asking the State management council to provide relevant information about any proposal to increase base rates before this occurs. One of the changes made recently was to the minimum rateable land area. This change has meant that some 8,000 small-area landholders are no longer required to pay rates. I understand that a number of rural property owners have expressed concern to the Government over the rates they have been charged this year. In response to these concerns the State Management Council of Livestock Health and Pest Authorities has established a call centre to assist with their rates inquiries.

SUPPORTED ACCOMMODATION

Mr FRANK SARTOR: My question is addressed to the Minister for Disability Services. What action is the Government taking to provide supported accommodation for people with a disability?

Mr PAUL LYNCH: I thank the member for Rockdale for his important question on this important topic. The provision of supported accommodation, that is, group homes, is done in compliance with the Government's Stronger Together Plan, a 10-year plan that has had significant funding attached to it.

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

Mr PAUL LYNCH: The Department of Ageing, Disability and Home Care has over 60 construction projects planned for this financial year. That includes 27 community-supported accommodation projects—group homes—that have been completed so far. A significant number of other projects are under development. In addition to group homes, there was the significant construction of the new Grosvenor Centre, which was officially opened in January, the Lachlan Centre redevelopment, and the construction of the two new facilities in the Wyong shire to replace Peat Island.

The department's capital budget for 2008-09 is \$115 million. That is about 400 construction jobs. It is also an increase of \$64 million on last year's capital budget allocation. The interesting thing is not just the

significant services that are delivered in providing group homes but that it is a reminder of how far we have come as a society. There was a time when the only option for people with a disability was to be put in an institution, have the door locked behind them, and then be forgotten. That was the only alternative they had. If nothing else, the fact that we are now spending so much time and energy developing and constructing group homes says something about how far we have come as a community. It is not simply about constructing group homes and providing the services: it is about what it represents.

That is why it is so disappointing that the Opposition chooses to launch unsubstantiated, untrue and fanciful attacks on group homes. Yesterday, in his annual Disability Services question the member for Bega asked me about commercial marijuana cultivation in a Department of Ageing, Disability and Home Care group home. In his usual sloppy and unprofessional manner, he would not give us a time, a date, or a location. I invited him to provide me with further information. He did not. Thankfully he told the *Sydney Morning Herald*, so I was able to conduct some inquiries. As a result of those inquiries I am sure the House would be interested, and perhaps amused, to hear this information. On 2 February—

Mr Chris Hartcher: Point of order: The question was not about building homes for people with a disability. The question from the member for Rockdale was very clear. The Minister's answer has no relevance whatsoever to the question asked.

The SPEAKER: Order! I will listen further to the Minister.

Mr PAUL LYNCH: On 2 February 2009 a new house manager at a Department of Ageing, Disability and Home Care group home in a suburb on Sydney's northern beaches identified a locked room under the house. It had wiring, extraction fans, and smoke alarms. The house manager was suspicious that the room might have been used to produce drugs. For more abundant caution, and quite appropriately, the local police were advised. On or about 3 February police visited the house. They could not identify any evidence that the room had ever been used for illegal purposes. The department, once again appropriately and in a very proper manner, made further inquiries. A qualified electrician examined the wiring and extractor fans found in the room. I am advised that the electrician informed the department that the wiring was in fact legitimate Telstra wiring and the extractor fans had been put in place to control dampness. The only dope in this is the member for Bega, Inspector Clouseau!

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

Mr Andrew Constance: Point of order: My point of order relates to Standing Order 129.

The SPEAKER: Order! I call the Minister for Planning to order. I call the member for Blacktown to order.

Mr Andrew Constance: My point of order relates to the fact that the Minister did not know that his department had been to the police about a group home—

The SPEAKER: Order! The member for Bega will resume his seat. Government members will remain silent. The member for Bega is well aware that that is not a point of order. I do not think he even attempted to take one. The Minister has the call.

Mr PAUL LYNCH: I am happy to continue to provide this information. The *Sydney Morning Herald* provided the address that the member for Bega was not prepared to give us.

The SPEAKER: Order! Government members will remain silent. I call the member for Wollongong to order. I call the member for Blacktown to order for the second time.

Mr Andrew Fraser: Point of order: I draw your attention to Standing Order 131 (5), which states that Ministers seeking to provide additional information on questions already answered at the current or previous sitting shall do so at the conclusion of question time. This is a question the Minister answered yesterday.

The SPEAKER: Order! The question is in order. The answer is relevant to the question asked. The Minister has the call.

Mr PAUL LYNCH: As I was saying, Inspector Clouseau over there thought he had *Underbelly* part three. He thought he had Terry Clarke working for the Department of Ageing, Disability and Home Care. In

fact, what he had was an untidy Telstra technician. It is characteristic of his complete lack of quality control. The member knows something about that. In fact, he is a serial offender; he has got form. Members might remember that last year during estimates hearings he pursued the equally fanciful and preposterous allegation that Department of Ageing, Disability and Home Care staff were being paid to perform Tai Chi.

Mr Adrian Piccoli: Point of order: This is question time.

The SPEAKER: Order! Government members will cease interjecting. I call the Minister for Planning to order for the second time

Mr Adrian Piccoli: If the Minister wants to attack another member of Parliament he must do so by way of a substantive motion. There are plenty of opportunities to do that under the standing orders.

The SPEAKER: Order! I remind Government members that all members are entitled to take points of order.

Mr Adrian Piccoli: My point of order also relates to Standing Order 129. I am sure that the people of my electorate would like to know whether the Minister is doing anything about providing homes for people with disabilities. It was a legitimate question from a legitimate member, and we would like a legitimate answer.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I remind the Minister of the question before the House. I call the Minister for Finance to order for the second time.

Mr PAUL LYNCH: The point that bears reiterating is the complete lack of quality control regarding information coming out of the office of the member for Bega. Yesterday it was fanciful and absurd allegations about commercial marijuana cultivation, and last year it was preposterous, fanciful and silly allegations about Department of Ageing, Disability and Home Care staff being paid to perform Tai Chi. It seems to me that a pattern of behaviour is emerging. The provision of group homes is a very important part of living in a decent and civil society.

The SPEAKER: Order! The member for Bega will put it away.

Mr PAUL LYNCH: I think that is a very wise ruling, Mr Speaker, and I am sure the entire House agrees with me.

The SPEAKER: Order! I am talking about the member's prop.

Mr Adrian Piccoli: Point of order: My point of order relates to Standing Order 129. This was a good question about what the Minister is doing about group homes for people with disabilities. It is not about anything else but that. I would like to know whether the Minister is doing anything and, given his answer so far, the answer is no! That is why we are in so much trouble in New South Wales.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister will conclude his answer.

Mr PAUL LYNCH: There is a consistent pattern of behaviour here. The provision of group homes is very important; it is a significant aspect of developing a more civilised society. That task is made harder by incompetent shadow Ministers, who consistently come out with untrue and fanciful allegations. The Opposition would be better advised to do some real work.

Question time concluded.

VICTORIAN BUSHFIRES

Condolence Motion

By leave, debate resumed from an earlier hour.

Mr NATHAN REES (Toongabbie—Premier, and Minister for the Arts) [3.13 p.m.], in reply: I will now conclude debate on the Victorian bushfires condolence motion. I thank all members for their heartfelt

sympathy and words of encouragement for the people of Victoria. I would like to pay tribute to the hundreds of people who took the time to come into Parliament House and sign the condolence book. We will never forget the tragedy and horror that unfolded in Victoria on 7 and 8 February 2009. Australians rally round in times of need and do the right thing by their communities when the chips are down. To that end, we have seen an outpouring of grief and generosity like none I can remember.

The New South Wales Government stood shoulder to shoulder with Victoria, providing all the assistance we could, to help our neighbours cope with the enormity of the fire fight and then the task of rebuilding their towns and communities. The people of New South Wales have donated their time and funds to help. They have sent their condolences, their thoughts and their prayers, have shared grief for the lives lost and the towns destroyed, and have pledged their ongoing support. On behalf of the people of New South Wales I send our deepest sympathy and support to the still-suffering victims of this tragedy. Our thoughts are with you today. We know the task of rebuilding homes, towns and communities will go on for years and our support will continue.

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

Motion agreed to.

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

BUSINESS OF THE HOUSE

Notices of Motions

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

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Paul McLeay, as Chair, tabled report No. 5/54 (No. 168) of March 2009 entitled "Report on Examination of the Auditor-General's Performance Audits Tabled March to August 2007—Responding to Homelessness; Connecting with Public Transport; Dealing with Household Burglaries; Government Advertising", together with extracts of minutes relating to the report and evidence taken before the Committee.

Report ordered to be printed on motion by Mr Paul McLeay.

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 Commercial Developments

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

North Coast Area Health Service

Petition opposing job cuts from the North Coast Area Health Service, particularly at the Coffs Harbour Health Campus, received from **Mr Andrew Fraser**.

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**.

Blood and Blood Products Charging Proposal

Petition opposing any Government charges proposed for the supply of blood or blood products to patients in the New South Wales private health system, received from **Mr Greg Piper**.

Queanbeyan Hospital Land

Petition opposing the sale and rezoning of Queanbeyan Hospital land and buildings for residential purposes, received from **Mr Steve Whan**.

Deniliquin Dialysis Centre

Petition requesting a renal dialysis centre at Deniliquin Hospital, received from **Mr John Williams**.

Schofields Railway Station

Petition praying that Schofields Railway Station remain on its current site, received from **Ms Gladys Berejikian**.

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**.

Albury Policing

Petition requesting additional beat police in the Albury electorate, received from **Mr Greg Aplin**.

TAB Operations on Good Friday

Petition requesting the closure of TAB operations on Good Friday, received from **Mr Malcolm Kerr**.

Iron Cove Bridge Project

Petition opposing the construction of an additional bridge over Iron Cove, received from **Ms Gladys Berejikian**.

Powered Pedal Cycles

Petition requesting that the Road Transport Legislation be amended to allow powered pedal cycles, not exceeding 200 watts, to be used on public roads without being required to be registered or the rider requiring a motorcycle licence, received from **Mr John Williams**.

Hornsby Electorate Homeless

Petition requesting funding and resources to map homeless people in the Hornsby electorate, received from **Mrs Judy Hopwood**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.17 p.m.]: I move:

That General Business Notice of Motion (General Notice) given by me this day [State stimulus package] have precedence on Thursday 26 March 2009.

This motion deserves precedence tomorrow because New South Wales is in the midst of a once-in-a-generation economic downturn. The Premier is making it up as he goes along and sending the New South Wales economy down the gurgler. Last year he claimed that his unsuccessful mini-budget was his response to pressing economic circumstances. When the Premier delivered his mini-budget on 11 November 2009 the global financial crisis was in full flight. A number of global investment banks had failed and the Australian stock market had fallen by close to 40 per cent. The Premier acknowledged that we faced a once-in-a-generation financial crisis.

Today the Premier has tried to distance himself from the fact that his mini-budget was actually a savage blow to a State economy that was already on its knees. He changed his tune when he told radio 2UE recently that if he knew then what he knew now he would have done things differently. Once again, he is a Premier unashamedly loose with the truth. The motion must be debated because the Premier simply does not understand economics and neither do the dodgy brothers, Joe Tripodi and Eric Roozendaal. In the midst of a global financial crisis, they brought down a mini-budget that capped capital works programs, such as funding for the Pacific Highway and the north-west and south-west rail links, but introduced 16 new taxes and charges worth \$3.3 billion through higher road tolls, increases to green slips and greater costs to child care. When every other Government was introducing fiscal stimulus packages, Nathan Rees decided to hike taxes and axe infrastructure projects.

This motion should be given precedence because in New South Wales today the news just got worse. The disastrous mini-budget has failed to achieve the one goal it purported to meet—that is, to protect New South Wales's triple-A credit rating. The State Government looks for someone else to blame—the global financial crisis, the banks. It even tried to blame Queensland. There are two reasons our triple-A credit rating is at risk. First, Nathan Rees has failed to demonstrate discipline and political leadership, which the rating agencies expect. Secondly, he has failed to end Labor's long history of spending more than it earns. Nothing could be more emblematic of Nathan Rees's incompetence than his decision to spend \$1 billion on renovating the inside of the Sydney Opera House. He is like a modern-day Marie Antoinette: When people are crying out for basic productive infrastructure, such as hospitals, schools and roads, he is talking about sprucing up the inside of the Opera House. Nathan Rees, when he delivered his mini-budget, told the public to swallow his tough medicine so that he could protect the State's triple-A credit rating. He has failed dismally.

This motion must be debated tomorrow because Labor Party members think that Kevin Rudd can save them from the global financial crisis. They think they can fool the community by taking credit for a Federal stimulus package. They are wrong. The Coalition welcomes any moves by the Federal Government to stimulate the New South Wales economy—goodness knows it needs it! After 14 years of Labor squandering \$17 billion in windfall revenue, this State needs help. For the Government to pretend it is responsible for the stimulus package is disingenuous to say the least. No matter how hard Labor members wish otherwise, Kevin Rudd is not their leader. Nathan Rees is their leader. They must stop hiding behind Kevin 747 and, instead, impress upon their lame-duck leader, Nathan Rees, that New South Wales needs a State-based stimulus package, not the wet blanket that he and the dodgy brothers delivered through their mini-budget.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.22 p.m.]: I thought you would do a bit better than that, Andrew. Your presentation today was a bit flat. The Government opposes the motion moved by the Leader of The Nationals because the basic premise of the motion is totally absurd. The New South Wales Government has no higher priority than investing in infrastructure and jobs. I say it loud and clear: jobs, jobs, jobs. That is what this Government is about.

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

Mr JOHN AQUILINA: Over the next four years New South Wales will have the largest infrastructure program of any State Government in Australia—a \$56 billion program that will sustain an extra 150,000 jobs every year. I repeat: We are about jobs and infrastructure spending.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: This year alone the Government will invest \$13.9 billion in infrastructure in hospitals, schools and roads—projects that not only create jobs but also improve services. It is not extraordinary. Labor governments have always invested heavily in infrastructure. We have a great history of doing so. New South Wales has a proven record in infrastructure delivery.

Mr Barry O'Farrell: Point of order: I challenge the member for Riverstone to take that claim outside the House. Go to Central railway station tonight and tell the commuters.

The SPEAKER: Order! The Leader of the Opposition is well aware that that is not a point of order.

Mr JOHN AQUILINA: Opposition members should cast their memories back to 2000, when they gloated that New South Wales had delivered the best ever Olympics, on budget and paid for at the time they were held. We have invested \$9.3 billion in rebuilding and upgrading public hospitals and emergency departments. We have upgraded 94 railway stations and opened the Epping to Chatswood railway link. Our program continues into the future because we have allocated \$950 million to rebuild Royal North Shore Hospital. "Yeah, yeah", I hear the Deputy Leader of the Opposition say.

The SPEAKER: Order! Members will cease interjecting.

Mr JOHN AQUILINA: I am glad to hear the enthusiasm. We have allocated \$4.8 billion for the CBD Metro and \$246 million for 19 new schools and 12 new TAFE projects. I congratulate the Minister for Education and Training. I am getting hoarse. The list is so long, I will not have time to read it all. Further, we have allocated \$381 million for the latest redevelopment of Liverpool Hospital, \$750 million for the expansion of Port Botany and \$1.6 billion for the Pacific Highway. The Government is putting billions and billions of dollars into infrastructure and jobs. Yet the Opposition has the hide to want to move a motion about the triple-A credit rating. The only ones talking up the risk to the triple-A credit rating are Opposition members. It suits them to do so. It does not suit New South Wales or our economy or the infrastructure programs worth billions of dollars. It suits them, and so they talk it up.

New South Wales has the largest capital program of any State in Australia. As to taxes, we have cut payroll tax by \$1.9 billion. We have cut developer levies to stimulate construction. Already we have lowered State infrastructure charges by \$27,000 per lot, as verified by the growth centres of Sydney. Further, we have put a cap of \$20,000 on section 94 contributions. The Minister for Planning has already highlighted these matters. We have protected front-line services. We are implementing the Prime Minister's \$42 billion stimulus package—a package that the Opposition keeps voting against.

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

Mr JOHN AQUILINA: The Leader of The Nationals referred to Kevin Rudd's stimulus package. Let it be known that the Opposition parties voted against it in the Federal Parliament. In the Commonwealth package New South Wales expects to receive approximately \$2 billion for new social housing over the next few years. This is the largest expansion of social housing in a quarter of a century. The Opposition's motion has no validity. The Government denies the motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 40

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

Noes, 49

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

Pair

Mrs Hancock

Mr Koperberg

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

Mr DAVID HARRIS (Wyong) [3.34 p.m.]: The Leader of The Nationals failed in his attempt to get his motion up, but this motion absolutely deserves priority because the Opposition simply does not get it. This motion deserves priority because the financial stimulus package and the delivery of programs by the States, including New South Wales, is the single most important economic issue in the nation.

Mr Thomas George: You don't get it.

Mr DAVID HARRIS: We hear the sneers and ridicule from Opposition members but we all know that deep down they understand the importance of this issue. Publicly they appear to support thinly the weak efforts of the Federal Opposition on this issue, but we know that when infrastructure projects are being rolled out across the State, members of the Opposition will be putting out press releases and smiling for photo opportunities,

trying to bask in the warm reality that the Rudd-Rees packages are good for the community and good for jobs. This motion deserves priority today because the people of New South Wales need to be updated constantly on the progress of the delivery of this important economic stimulus. Thousands of New South Wales families will rely on these measures for employment in the coming months—families who will derive confidence from understanding that the State and Federal governments are working in partnership to look after their interests.

It is clear that this Parliament should have as one of its highest priorities the delivery of infrastructure, which has the flow-on effect of creating much-needed jobs. This motion deserves to be accorded priority today because the people of New South Wales need to be reassured that this Government is working on their side through the \$56 billion four-year infrastructure program that will support an average of 150,000 jobs each year. Following the fantastic result for Labor in the Queensland election on the weekend, the people of New South Wales need to understand that their Labor Government is working in partnership with the Rudd Federal Government to look after their best interests in these globally difficult financial times.

The people of New South Wales need to be reassured that, unlike the Liberal Party and The Nationals, the New South Wales Government is not engaged in fence-sitting or navel-gazing. The people of New South Wales want action, and the Rees Government is delivering that action in areas such as social housing and education. In fact, this Government led the way with its \$56 billion four-year infrastructure program, and currently it is delivering projects all over this State. This motion deserves priority today because while the Opposition uses every opportunity to talk the State down, endangering investment and jobs with its doom-and-gloom attitude, the Rees Labor Government is committed to keeping its eye on the ball and is delivering the services, jobs and infrastructure expected by the people of New South Wales. I urge all members to give this motion priority so we can keep the community up to date on this vital area.

Hurlstone Agricultural High School Farm Land Sale

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.38 p.m.]: Whilst the New South Wales Opposition supports the Rudd stimulus package and any stimulus package that can be offered by government, we are also calling on the New South Wales Government to provide its own stimulus package. It is rubbish to suggest that the \$56 billion four-year infrastructure program is somehow a stimulus package in response to the global financial crisis. That program was announced when Morris Iemma was the Premier of New South Wales, well before the global financial crisis began.

My motion opposing the sale of any land at Hurlstone Agricultural High School should be given priority. Hurlstone Agricultural High School is probably the pre-eminent agricultural high school in New South Wales, together with Yanco Agricultural High School in my electorate. Given that it is a selective school in western Sydney, given its importance and the quality of its graduates, the Government should preserve Hurlstone Agricultural High School as it is. I apologise to the member for Baulkham Hills for failing to mention some of the other agricultural high schools in the State. However, luckily for them, the Government is not planning to sell any of their land.

Mr Wayne Merton: Not that we know.

Mr ADRIAN PICCOLI: No, not that we know. There has been plenty of deception in this debate. A forum was held here yesterday in the theatrette at which some fantastic former students spoke. They are terrific contributors to New South Wales and particularly to agriculture. The point they all made is that one cannot run a full service agricultural high school without having an active farm. Despite what anyone might say, one cannot run an agricultural school or a farm on 20 hectares, particularly when it involves a dairy, a piggery, pasture programs and so on. The young people who spoke yesterday made that very clear.

A great deal of misinformation has been spread in this Parliament, and in the media, to the public and to Hurlstone Agricultural High School. It was announced in the mini-budget that 120 hectares of the school's property would be sold despite the fact that the Government knew that it could not be sold. As a result of a section 52 motion in the upper House, we now know that PricewaterhouseCoopers has done an analysis and has suggested that only about 50 hectares can be sold. So even the information in the mini-budget was not true. Even if the 20 hectares are sold—and they should not be—that will put a major hole in the New South Wales budget, and particularly in the mini-budget. The point is that the land should not be sold.

The member for Macquarie Fields, who I assume will vote in favour of this motion, is getting plenty of pressure from his constituents, as he should. He suggested that an independent inquiry be established. Again,

documents called for in the upper House reveal that the terms of reference of that inquiry had been drafted a week before he made that suggestion. I am not sure how genuine his suggestion was and we are still waiting for the announcement of who will head the inquiry.

Dr Andrew McDonald: Point of order: The member for Murrumbidgee is misleading the House. The terms of reference are still to be drafted.

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order.

Mr ADRIAN PICCOLI: According to publicly available emails, terms of reference have been suggested by the Minister's office. We must wonder about the genuineness of any inquiry into this proposed sale. This issue has been discussed in the community for months and the Government has been given plenty of information about Hurlstone Agricultural High School and why the land should not be sold. The property should be retained for many reasons, all of which have been presented to members of the Labor Party and the Minister. I call on all members of the House to reject this motion.

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

The House divided.

Ayes, 48

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

Noes, 40

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

Pair

Mr Koperberg

Mrs Hancock

Question resolved in the affirmative.**FEDERAL STIMULUS PACKAGE, INFRASTRUCTURE AND JOBS****Motion Accorded Priority**

Mr DAVID HARRIS (Wyong) [3.50 p.m.]: I move:

That this House:

- (1) congratulates the Government on its \$56 billion, four-year infrastructure program supporting an average of 150,000 jobs each year;
- (2) notes the New South Wales Government is working in partnership with the Commonwealth Government to deliver New South Wales' share of the Federal Government's \$42 billion stimulus package; and
- (3) calls on the New South Wales Opposition to support the Federal stimulus package which is vital to providing infrastructure and jobs for the New South Wales people.

The Government has committed \$56 billion over the next four years to infrastructure development. This is the largest infrastructure program of any State government anywhere in Australia. This package will deliver immediate benefits to the people of this State. It will keep working families in work. It will deliver 154,000 jobs to the people of New South Wales each year for the next four years. That is more than 600,000 New South Wales jobs to be delivered in the face of what has been described as the worst financial conditions since the Great Depression. These infrastructure projects will not only benefit the workers of this State today and tomorrow, they will benefit the people of New South Wales for generations to come.

The great infrastructure projects of the past, such as the Sydney Harbour Bridge, the Great Western Highway and the great freeways such as the M2 and M4, continue to deliver benefits to the people New South Wales today. It is with major infrastructure projects that the State Labor Government is delivering this package. It is a challenge to ensure that the money is spent both wisely and well, particularly given the urgency which all agree is necessary to deal with the effects of the global financial crisis buffeting the nation. Recently the Chatswood to Epping rail link was opened to the public, serving the retail hub of the Macquarie Centre, the education facilities of Macquarie University and the growing high-tech industries that have grown up on the Delhi Road precinct of Lane Cove.

The Government has announced the CBD Metro, which will deliver a world-class metro system to the people of Sydney, and has backed that announcement with a commitment to spend \$4.8 billion on the metro. Steps are in place to secure the route for the metro and revolutionise transport into and out of the CBD for thousands of Sydney residents, reducing traffic congestion and pollution for decades to come. Similarly, the Government is delivering \$1.6 billion for the Pacific Highway, which will also support 1,000 jobs. This money will fund upgrades to one of the State's main traffic arteries, which not only benefits the growing communities along the State's North Coast, but also will support the vital road transport services that rely on the Pacific Highway, linking Sydney, the Hunter and the North Coast with Queensland.

Port Botany, a vital container and freight terminal, will receive \$750 million in funding, ensuring not only Port Botany's place as one of the key gateways to the nation but also securing 300 more jobs. The money that goes into these projects, such as almost \$1 billion to upgrade Royal North Shore Hospital and \$381 million for Liverpool Hospital, means more jobs for New South Wales. The upgrades to Royal North Shore and Liverpool hospitals will not only deliver improved health outcomes to the people of New South Wales, they will support some 650 valuable health jobs.

In education, the 19 new school projects and 12 new TAFE projects to which we are committing \$246 million will not only deliver 490 jobs but will improve the educational opportunities for thousands of students for decades to come. Education is the bedrock of opportunity, and who would oppose spending to gain such obvious benefit? That is why the Premier recently announced that 4,000 new apprenticeships and 2,000 public sector cadetships would be created over the next four years. This will provide opportunities for young people to access training and jobs and deliver skilled young workers to enhance the economy today and tomorrow.

Similarly, the Government also announced a major new commitment to boost training for job seekers, underskilled workers and school leavers. The Government is joining with the Commonwealth in a \$620 million

partnership, which will deliver an additional 175,000 training places over the next four years. New South Wales will receive almost \$4.4 billion of Commonwealth economic stimulus funding for upgrades to the State's schools. This will provide for the largest infrastructure program in the State's history, delivering new or upgraded classrooms, libraries and halls to some 3,000 schools across the State.

Infrastructure is not just about the big-ticket items. It can also be about apparently small-scale individual infrastructure projects that together form major infrastructure programs. For example, the Government will receive almost \$2 billion from the Commonwealth for new social housing over the next two years. This will deliver 6,000 new affordable houses across New South Wales. To support this initiative the Government has made changes to the relevant planning laws to allow the streamlining of the approval process, ensuring that with the money available for affordable housing, the process will not get bogged down in red tape.

The people of New South Wales were not responsible for the crisis that is upon us; however, it is our work, as the elected representatives of the citizens of New South Wales, to do whatever is necessary to meet this challenge. This Government has committed \$56 billion to infrastructure projects designed to help us weather the storm: a vast amount of money, to meet a vast challenge. That commitment must be made, and the Government does not flinch from making it.

The Commonwealth has also responded to the crisis with a major stimulus package that is intended to keep investment flowing and people working. We are working in partnership with the Commonwealth to ensure that the stimulus package delivers tangible benefits for the people of this State. The infrastructure projects either announced, or to be announced in coming weeks, will deliver jobs today and infrastructure for tomorrow. I call upon all members to support these projects, to support the people of New South Wales today and tomorrow. The challenges facing us are far too great for petty differences; we all see the magnitude of the problem and we know what must be done to face them. Let us face them together.

Mr BRAD HAZZARD (Wakehurst) [3.57 p.m.]: To listen to the member for Wyong, one would think the New South Wales Government has a profound understanding of how to meet infrastructure needs. In reality, Labor Government members are a bunch of fiscal Philistines. The member for Penrith should be jumping up and down screaming abuse at her own Premier after the failed promises of better transport links to Penrith, but she comes in here like a tame backbencher and backs the Government no matter what. It is the same story with Minister Costa. I move the following amendment to the motion:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

this House:

- (1) notes the Liberal-Nationals support for a State stimulus package in New South Wales;
- (2) condemns the Government for failing to implement its own State stimulus package; and
- (3) condemns the Government for failing to ensure renewal of New South Wales' infrastructure over its 14 years in office.

That is a very good starting point. What has the Government done in its various incarnations over 14 years to actually look after the infrastructure of New South Wales?

Mrs Karyn Paluzzano: Hospitals, schools, roads.

Mr BRAD HAZZARD: I will give you my list since you are interested. Just on infrastructure projects alone, the Murwillumbah to Casino railway was closed; promises were made to upgrade both Dubbo and Tamworth hospitals but that did not occur; the south-west heavy rail line was promised and then axed; the north-west heavy rail line was promised and then axed; the Penrith fast rail line—does the member for Penrith remember that one and does she support that? There is deathly silence from her.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst will address his comments through the chair.

Mr BRAD HAZZARD: I was just inviting the member for Penrith, who had been so vocal up until this instance, to have a say.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Penrith does not have the call.

Mr BRAD HAZZARD: This is her chance to stand up and say, "I am backing the Penrith fast rail link." But no, she is a tame Labor member, and the residents of Penrith should remember that at the next election. She has not said a word about the axed Penrith fast rail link. The North West Metro link was promised and then axed; the Bondi Beach rail link was promised and axed; the high speed rail link to Newcastle and the Central Coast was promised and axed; the Hurstville to Strathfield rail link was promised and axed; the high speed rail link from Sutherland to Wollongong was promised and axed; the Parramatta to Epping rail link was promised and axed; the central business district harbour crossing was promised and axed. For 14 years the Government has failed miserably. It has been a great Government for making promises but lousy on delivering infrastructure.

The upgrade of Sydney Ferries was promised but did not happen; a proposal to fix problems on Spit Bridge was promised but did not happen; the corridor investigations for the F6 and potential F3 to M7 link appear in the 2006 State Infrastructure Strategy but all disappeared in the 2008 State Infrastructure Strategy. We then had the mini-budget late last year just as the economic cloud was closing in on Australia and particularly New South Wales. We must remember that when the Liberal and National parties left office in 1995, on all economic indicators New South Wales was the leading State.

[*Interruption*]

You are very noisy for someone who did not want to say a word about the Penrith fast rail link. Jump up and tell us about the Penrith fast rail link. If you don't, sit there and take a Valium.

Mr David Harris: Point of order: Madam Acting-Speaker, you have already directed the member to address his comments through the Chair. He is being deliberately quarrelsome. That he is using such a tactic to use up his time demonstrates his lack of debating points.

ACTING-SPEAKER (Ms Diane Beamer): Order! I again ask the member for Wakehurst to address his comments through the Chair.

Mr BRAD HAZZARD: I will, Madam Acting-Speaker. It is interesting that the member for Wyong has now stood up because he did not say a word a few seconds ago when I talked about Labor's promise for a high speed rail link to Newcastle and the Central Coast, his area. He said not a word when that was axed. He should be called the member for why bother, instead of the member for Wyong. The mini-budget was brought down late last year as the economic clouds were coming in. The Property Council of Australia stated:

NSW has missed an opportunity to stimulate its lagging economy and to invest in the long term productivity of the state in today's mini Budget.

Capital Senior Economist of the National Australia Bank, David De Garis, stated:

They've taken the knife to the capital expenditure budget at a time when actually this is the time to be increasing their infrastructure spending, when the economy is softening ... Now is a time for governments to be actually lifting the performance of the economy, rather than trying to dampen growth.

Chief Executive of the New South Wales Business Chamber, Kevin Macdonald, stated:

At a time when the economy is lagging, business confidence is low. Businesses can ill afford the pain that it brings.

Since Nathan Rees became the Premier of New South Wales almost 35,000 jobs have disappeared, an average of 200 jobs a day. The member for Riverstone said it is about jobs, jobs, jobs. It is, but Labor has presided over a loss of jobs and a loss of infrastructure. The New South Wales Government has ridden on the back of Kevin Rudd and his Federal stimulus package. On behalf of the people of New South Wales the Opposition welcomes any money coming into New South Wales from the Federal Government or whatever source, but we want to know why the Rees Labor Government has not introduced its own stimulus package; has not put one brass razoo into the major infrastructure projects that it promised over the past 14 years but instead has axed them. The time has come for the Government to act and provide its own stimulus package.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [4.04 p.m.]: The New South Wales Government applauds and supports the Rudd Government's \$42 billion Nation Building and Jobs Plan package in response to the current global financial crisis. It has acted decisively and quickly with policy responses to ensure that New South Wales gets maximum benefit from the package. The package delivers \$21.5 billion across Australia for education, social housing, road and rail infrastructure. A key issue with the package is

meeting the deadlines. I am proud to say that today in Penrith industry, schools, retail and key community members are meeting at a roundtable entitled Keeping Penrith Working. To assist, New South Wales has amended the infrastructure State environmental planning policy to speed up planning approvals. The Government has appointed an Infrastructure Co-ordinator General to oversee all aspects of the package.

Mr Brad Hazzard: Point of order: My point of order relates to Standing Order 59. The member should tell us why she is not saying a word about the Penrith fast rail link

ACTING-SPEAKER (Ms Diane Beamer): Order! There is no point of order. The member for Wakehurst will resume his seat.

Mrs KARYN PALUZZANO: We have ensured streamlined planning approval for school buildings and public housing projects funded by the stimulus package. Our share of the Commonwealth schools package will be about \$5.2 billion to build school halls, gyms, libraries, science labs and classrooms, something that the Opposition does not want to hear. We need to start construction on the first round of schools funding by no later than June this year, less than four months away. All projects must be finished by 30 June 2011. I thank the schools of Penrith and the lower Blue Mountains, which have submitted in time their thoughts, ideas and priorities.

In public housing we need to build over 6,000 homes in New South Wales by December 2010. In education we are extending our recently announced streamlined approvals process in the infrastructure State environmental planning policy to private schools, which will assist schools undertaking construction and alterations as complying development. We are also extending areas where public housing can be built. Social housing can now be built within 800 metres of all metropolitan railway stations and within 400 metres of commercial centres in and around 30 regional cities and towns.

ACTING-SPEAKER (Ms Diane Beamer): Order! I call the member for Wakehurst to order.

Mrs KARYN PALUZZANO: We will also allow New South Wales Housing to self-approve developments of up to 20 dwellings on a single lot at no more than 8.5 metres in height in residential zones. The changes to the infrastructure State environmental planning policy are significant. Our new housing code, which came into effect on 27 February 2009, will make a big difference to families taking up an offer in the stimulus package. We are right behind the Commonwealth Government in working to mitigate the impact of the global financial crisis to keep New South Wales and Penrith working.

Mr MICHAEL RICHARDSON (Castle Hill) [4.07 p.m.]: I listened to the member for Penrith with interest. She spoke for three minutes and not once did she mention the Penrith fast rail line. That is not surprising because the Government has been in office for 14 years, and that is 14 years too long for the people of New South Wales. The Government has had \$17 billion of windfall revenue; revenue not budgeted for, with nothing to show for it. The member for Wyong referred to the Epping to Chatswood line. He failed to mention that it was half the line for twice the price. The other half, from Epping to Parramatta, which would have benefited my electorate, would also have benefited the member for Penrith.

People from her electorate would then have been able to access Macquarie Business Park directly. She did not mention that. Instead she waffled on, reading something that was probably written for her by a bunch of bureaucrats, similar to the speech of the member for Wyong. For over 14 years the Government has done nothing. The member for Wyong referred to the M2. I was in this Chamber when Brian Langton, a former member for Kogarah, strenuously opposed the M2. He tried to stop that project. If he had succeeded, my electorate, the fastest-growing electorate in New South Wales since then, would not have had a motorway with dedicated bus lanes to service it. That is the commitment of this Labor Government to my electorate.

The member for Wyong spoke about his Government's world-class metro to Rozelle. It is a fact that the Government scrapped the alleged world-class metro that would have serviced my electorate, which it advertised on television for nine months. People in my electorate bought houses on the strength of those advertisements—they actually believed that the Government was going to build this world-class metro out to The Hills. I challenge the Minister for Transport to come out to my electorate and talk to some of the people who bought houses on the basis of that false advertising. If anybody other than a government were to do something like this, they would be hauled in front of the Australian Consumer and Competition Council and fined millions of dollars.

The member for Wyong also spoke about spending on education. When money does flow through to the State, what happens? The Government gets in for its cut. Today we read in the *Daily Telegraph* that the Government is ripping out a 2½ per cent management fee on solar systems going into schools—a secret commission going to the Government so it can try to cover its budget black hole. The commission is so secret that it is not to be disclosed in any circumstances—that is what the tender document says, "in any circumstances"—to the schools that are buying the solar systems. This Government stands condemned. I strongly support the amendment moved by the member for Wakehurst and I do not support the motion.

Ms MARIE ANDREWS (Gosford) [4.10 p.m.]: It gives me great pleasure to support the motion moved by my colleague the member for Wyong. Not once did the member for Castle Hill mention the fact that a State Labor government poured millions of dollars into the upgrading of Windsor Road. Members might be aware that on 11 March this year the New South Wales Government passed the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009. The legislation aims to provide the timely delivery of infrastructure projects funded by the Commonwealth under the \$42 billion Nation Building and Jobs Plan. It is strong leadership at a time when New South Wales families need it most. The new Act establishes a New South Wales Infrastructure Co-ordinator General who will be responsible for planning and implementing the timely delivery of the infrastructure projects—projects that will support jobs for New South Wales families.

The new legislation requires State Government agencies to cooperate with the co-ordinator general, who will also have powers to take over the delivery of infrastructure projects on behalf of State agencies and to streamline the planning and other approval processes for infrastructure projects. We are working with the Commonwealth to deliver jobs for the people of New South Wales. And we have passed legislation to ensure the rapid delivery of the infrastructure projects funded by the Commonwealth to implement the 5 February Council of Australian Governments [COAG] agreement on the Nation Building and Jobs Plan. The agreement generates jobs and it presents a unique opportunity to provide significant education, road and housing infrastructure for the people of New South Wales. We understand the urgency we are facing both as a State and as a nation. In order to protect jobs, we need to stimulate the economy now, something the Opposition refuses to recognise.

Like all the States and Territories, New South Wales must meet the tight time frames set out in the Council of Australian Governments agreement in order to qualify for the Commonwealth funding. We have established the New South Wales Infrastructure Co-ordinator General, who will be responsible for planning and implementing the timely delivery of the infrastructure projects to ensure we are doing all we can to support jobs in New South Wales. And we have established a task force of government and private sector representatives to provide advice on the exercise of functions by the co-ordinator general. In addition, we have legislated a requirement that State government agencies cooperate with the co-ordinator general in relation to infrastructure projects to ensure that the projects are delivered on time. We have established this position and done all these things in order to help the Commonwealth deliver its \$42 billion stimulus package—a package that will support jobs for New South Wales families. We are determined to deliver benefits for the people of this State, and we call for full support in our efforts to do so.

Mr DAVID HARRIS (Wyong) [4.13 p.m.], in reply: I thank the members representing the electorates of Penrith, Gosford, Wakehurst and Castle Hill for their contributions to this debate. The member for Penrith and the member for Gosford clearly and precisely outlined the ways in which this Government is meeting the challenges of the global economic crisis in partnership with the Rudd Federal Government. They spoke about billions of dollars worth of spending to support road, rail, education and housing infrastructure. The member for Penrith spoke about the Keep Penrith Working Program. Both the member for Gosford and the member for Penrith outlined the important role of the Infrastructure Co-ordinator General and explained how he will help deliver these important projects. They also spoke about how the State is working in partnership with the Federal Government to deliver these important infrastructure projects on time.

The most essential feature of the stimulus package is that it needs to be delivered quickly. The member for Gosford and the member for Penrith are good local members who understand the needs and wants of their communities, and they have demonstrated a commitment to delivering important jobs and services to their local areas. Indeed, that is why they continue to be voted in at election time. However, again the member for Wakehurst and the member for Castle Hill carry on with the doom and gloom—negative, negative, negative. They have no policies and no ideas. Through all these debates, we can see and feel the frustration of those opposite. They know that this Government is delivering. They also know that by the time the next election comes around the community will see real benefits from the four-year, \$56 billion infrastructure program.

Given what the Federal Government is also delivering, the community will understand that Labor governments do deliver. Because of this, members opposite are worried. As occurred in Queensland, the Coalition's whinging and whining will not be enough for it to win the next election. The community sees through its shallow attempts to constantly talk down this State. The New South Wales Opposition has been left on the blocks on this critical issue of navigating New South Wales through the global economic turmoil—just like the Federal Opposition was left on the blocks nationally. Many families will not face the spectre of unemployment, because of the swift and decisive actions of this Government in partnership with the Rudd Government—action that will result in better schools, new housing and more jobs. As the member for Riverstone said, it is not just more jobs; it is jobs, jobs, jobs. I urge Opposition members to finally and unequivocally announce their support for the Rudd Federal Government stimulus package. They should show some leadership to their Federal colleagues and vote to support this motion.

Question—That the words stand—put.

The House divided.

Ayes, 49

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

Noes, 37

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

Pair

Mr Koperberg

Mrs Hancock

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ACTING-SPEAKER (Ms Diane Beamer): Order! It being just before 4.30 p.m., the House will now consider Government business.

HAWKESBURY-NEPEAN RIVER BILL 2009

Bill introduced on motion by Mr Phillip Costa.

Agreement in Principle

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Regional Development) [4.26 p.m.]: I move:

That this bill be now agreed to in principle.

The Hawkesbury-Nepean River is an iconic waterway and an important ecological and community asset. Sydney is very fortunate to have such an asset in its backyard. It is a river that can supply most of our drinking water needs, irrigate a productive food bowl—estimated to be worth in the order of \$259 million per year—and provide recreation for many residents. However, this also means the operation and management of the Hawkesbury-Nepean river system is complex because there are so many competing demands. Providing a water supply for Australia's largest city, irrigation, recreation and a home for the plants and animals that depend on the river is a major challenge. The New South Wales Government is determined to address this challenge. It is for that reason that I bring the bill before the House today.

The bill establishes a new Office of the Hawkesbury-Nepean, and gives it the power to coordinate the whole-of-government action needed to manage this critical and iconic waterway. The bill has four objectives and it gives the Office of the Hawkesbury-Nepean the clearly defined functions it will need to achieve each of those objectives. Firstly, the office will improve coordination and implementation of management strategies relating to the health of the Hawkesbury-Nepean river system. To achieve this, the office will coordinate the management of aquatic weeds and manage the implementation of any agreed arrangements between New South Wales and the Commonwealth, or local government, to improve the health of the Hawkesbury-Nepean river system.

Secondly, the office will improve public access to information and advice about management strategies concerning the health of the Hawkesbury-Nepean river system. To achieve this, the office will act as a single point of information and advice about management strategies, respond to inquiries for advice and provide advice about management strategies, and compile information on management strategies and provide that information to the public. Thirdly, the office will provide increased opportunities for the public to be involved in the development of management strategies to improve the health of the Hawkesbury-Nepean river system. To achieve this, the office will carry out public consultation to determine the views of the public or stakeholders, and report to me, as the relevant Minister, and relevant public authorities on the results of any public consultation.

Finally, the bill provides for the office to improve the management of in-stream development in the Hawkesbury-Nepean waters. The bill provides for the office to do this by liaising with planning authorities to ensure they fulfil their responsibilities in an integrated and efficient manner, providing information and assistance on development to members of the public who propose to carry out in-stream development, and accepting development applications for developments in the Hawkesbury-Nepean waters and forwarding them to the relevant consent authority, together with associated documents and fees. Before elaborating on these functions, I will briefly outline the administrative arrangements established by the bill.

The bill establishes the Office of the Hawkesbury-Nepean as a corporation, under my direction with an advisory board and a director. The advisory board will include representatives of the Department of Water and Energy as chair of the board, the Department of Environment and Climate Change, the Department of Primary Industries, the Department of Premier and Cabinet, the Department of Planning, the Hawkesbury-Nepean Catchment Management Authority, the Sydney Catchment Authority and the Sydney Water Corporation. The bill defines the area to which the functions of the new Office of the Hawkesbury-Nepean will apply.

The first three core functions—that is, coordination, provision of information and public consultation—will be applied to the entire Hawkesbury-Nepean river system. The last of the office's functions—that is, the promotion of effective management of in-stream development—will apply to the waters of the river and its

tributaries. These waters are defined in the bill. They include the waters downstream of the upper Nepean dams—Cataract, Cordeaux, Avon, Nepean—and Warragamba Dam, but upstream of Brooklyn. Under the bill, these waters also include land that is permanently or intermittently submerged by those waters within a distance of 40 metres inland from the top of the bank in non-tidal areas and 40 metres from the high water mark in tidal areas.

Under the bill the Office of the Hawkesbury-Nepean is subject to the control and direction of my portfolio. Very importantly, the bill requires agencies to cooperate with the office. This agency cooperation is critical, and the inclusion of this power in the bill will allow the office to succeed in its coordination role. In addition, the Premier and I will closely monitor the progress of the office to ensure better outcomes are delivered for western Sydney. By establishing an office with these functions and administrative arrangements, the Government today is taking a big step forward in managing the Hawkesbury-Nepean. The four key reasons the office is a great thing for people in my part of Sydney are: first, the office will deliver improved coordination across government; second, it will provide a single point of contact; third, it will provide opportunities for the public to be involved; and, finally, it will facilitate consideration of in-stream developments.

In relation to the coordination of the management of the Hawkesbury-Nepean, the bill provides for the new Office of the Hawkesbury-Nepean to coordinate the range of government programs that are already in place to improve river health. They include the Hawkesbury-Nepean Nutrient Management Strategy, the Diffuse Source Water Pollution Strategy, the development of an environmental flows regime, the water-sharing plan for the Hawkesbury-Nepean, the Sydney Metropolitan Water Plan and the Weirs Modification Program. The bill also provides that the office will have the power to require cooperation from other agencies. This means the office will be able to coordinate appropriate government activities in relation to works on riverbanks.

Agencies, including the Department of Planning and the Department of Lands, will be brought together to ensure effective working relations on issues associated with river health. It also means the office will be able to coordinate agency effort to support the delivery of the Hawkesbury-Nepean Catchment Action Plan. In doing so, the office will work closely with the Hawkesbury-Nepean Catchment Management Authority to ensure consistency of effort and reduce duplication. Importantly, the bill gives the Office of the Hawkesbury-Nepean the ability to administer funding programs and on-ground works, which may contribute to significant water quality benefits.

My colleagues the member for Penrith, the member for Londonderry and the member for Riverstone have been long-term advocates for a single point of call for the river. I am pleased to say that is exactly what the office will be. By establishing the Office of the Hawkesbury-Nepean, this bill will create a one-stop shop for members of the community, bringing the programs and expertise of the New South Wales Government together under the one roof. The office will act as a single point of access to government services, including those relating to water quality and quantity management and river use issues. This will provide the residents of the area with an access point for services and inquiries related to the river. Being located in the community, it will be aware of the issues facing river communities and be able to bring these issues to the Government.

The bill also provides for improved community input into the management of the river. The people of the Hawkesbury-Nepean are passionate about their river. The bill recognises this by establishing a stakeholder committee to advise the Government on the best way to manage the health of the Hawkesbury-Nepean River. One of the specific functions of the office will be to engage with the local community through effective communication and education campaigns. This will create a two-way dialogue from which the community gains a greater understanding of the current government strategies and actions on the river and the Government learns about community concerns.

In response to the community, this bill provides for the new office to simplify the application process for people undertaking in-stream developments. Under the current planning system, an individual with a development application for in-stream developments—such as building a jetty on a river—must first apply for landowner's consent from the Department of Lands. The department manages the riverbed, as it is Crown land. Once landowner's consent has been granted, the applicant must lodge a development application with the local council, which acts as a consent authority. The new Office of the Hawkesbury-Nepean will provide assistance to individuals seeking landowner's consent, including the ability to arrange one-on-one consultation with officers from the Department of Lands. The office also will work with officers from the Department of Lands to ensure that the processes for granting landowner's consent are clear and streamlined. The bill will not override existing statutory powers, such as councils' development consent role, under the Environmental Planning and Assessment Act.

The integrated development framework has been refined in the 12 years since its commencement, and the Government is not going to create another level of bureaucracy. Rather, the primary role of the office is to make this legislation work more smoothly. For example, the office may accept development applications for developments in the Hawkesbury-Nepean waters and forward them to the relevant consent authority, together with associated documents and fees. However, if the office advises the Government that existing planning, pollution, fisheries or water management legislation are part of the problem, we will act to address the issues. Further, the Office of the Hawkesbury-Nepean may work with councils, relevant agencies and the community to identify ongoing concerns with the approvals process for in-stream developments.

Such work may feed back into broader whole-of-government work on strategic issues within planning, land use and natural resource management. In summary, this new office is a great opportunity for the people from my part of Sydney. It gives them real access to the decision makers and it gives all the authorities involved in managing the river a chance to coordinate their activities. By improving information flow and coordination and by providing on-ground restoration services, such as weed management, the office will deliver to the people of western Sydney and the broader community a better river. I commend the bill to the House.

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

APPROPRIATION (BUDGET VARIATIONS) BILL 2009

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

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [4.40 p.m.]:
I move:

That this bill be now agreed to in principle.

The Appropriation (Budget Variations) Bill 2009 is a key part of the annual budget process. It is not always possible to seek Parliament's authority in advance for unforeseen and urgent expenditure, and provisions have been established for such situations. These include the Treasurer's Advance and section 22 of the Public Finance and Audit Act 1983. In the annual Appropriation Act an advance is appropriated to the Treasurer to cater for unforeseen and urgent expenditures that could not be forecast at budget time. This bill includes details of expenditure from the Treasurer's Advance, ensuring that there is a transparent accountability process to Parliament.

Under section 22 of the Public Finance and Audit Act 1983, the Treasurer, with the approval of the Governor, determined that amounts were paid from the Consolidated Fund for exigencies of government, in anticipation of appropriation by Parliament. This bill provides details of those payments. The bill also seeks approval by the Parliament for the payment of additional appropriations in 2008-09 for which no provision was made in the annual Appropriation Act. These include the bringing forward of payments to the rail and housing sectors, as reported in the 2008-09 half-yearly review released in December 2008. The practice of seeking approval for supplementary funding to cover expenditure not provided for in the annual Appropriation Act has now become an important part of the annual budget process. This is a process that has been endorsed by the Auditor-General as well as by the Legislative Council's General Purpose Standing Committee No. 1 in its report on appropriation processes.

The bill has three key features. First, it provides an account to Parliament on how the 2008-09 Treasurer's Advance has been applied towards recurrent and capital expenditure, and details of the allocation of the 2007-08 Treasurer's Advance not previously reported to Parliament. Secondly, it seeks appropriations to cover expenditure approved by the Governor under section 22 of the Public Finance and Audit Act 1983. Finally, it seeks appropriation for payments that are intended to be made in the current financial year where no provision was made in the annual appropriation bill.

Schedule 1 to the bill covers appropriations for 2008-09 and schedule 2 covers payments made in 2007-08. The payments for 2007-08 have already been brought to account in agencies' audited financial statements and have no impact on the published budget result for that year. The Appropriation (Budget

Variations) Bill 2009 in respect of the 2008-09 financial year seeks appropriations of \$343.195 million in adjustment of the advance to the Treasurer; \$10.891 million for recurrent services approved by the Governor under section 22 of the Public Finance and Audit Act 1983; and an additional appropriation of \$520.505 million.

Schedule 1 to the bill has a full account of how the Treasurer's Advance has been applied this year. The allocation of the Treasurer's Advance in 2008-09 highlights the commitment of the Government to ensuring appropriate services for the community, and includes \$56 million for additional health capital works; \$50 million to Housing NSW as part of the \$220 million of funding brought forward to stimulate activity in the housing industry; \$40.2 million and \$27.5 million for additional health staff pressures and health activity increases respectively; \$29.1 million for drought assistance programs; \$18.4 million in Commonwealth funding received in the prior year that requires an appropriation in 2008-09 to various agencies; \$15 million for the increased cost of disabled students school transport; \$13.1 million for additional accommodation measures for juvenile offenders; and \$13.1 million in coal compensation payments.

In 2008-09 one approval for \$10.891 million was made under section 22 of the Public Finance and Audit Act 1983 to the Department of Primary Industries for the refund of overpaid mineral royalties. The additional appropriations in the bill are \$280 million in additional grants for debt repayment; \$170 million towards the housing stimulus package; \$40 million for the First Home Owner Grant Scheme; and \$30.5 million relating to health expenditure commitments associated with Commonwealth funding received in the prior year for vaccinations. The bill also seeks appropriations for payments made during the 2007-08 financial year approved by the Governor under section 22 of the Public Finance and Audit Act, and reporting the payments made under the Treasurer's Advance.

Schedule 2 to the bill details the funding made in 2007-08 and includes an additional grant to Rail Corporation's capital works program, World Youth Day funding, land acquisition for the Jervis Bay National Park, Police Death and Disability Scheme funding, First Home Owner Grant Scheme funding, and natural disaster funding. Each of the payments made in 2007-08 has been included in the audited financial statements of the relevant agencies for that year. The practice of introducing further appropriation bills has enhanced accountability for the expenditure of public moneys from the Consolidated Fund. It is further evidence of the Government's commitment to transparent and full financial reporting to the Parliament and the community. I commend the bill to the House.

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

BIOFUEL (ETHANOL CONTENT) AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 13 March 2009.

Mr DARYL MAGUIRE (Wagga Wagga) [4.48 p.m.]: I do not lead for the Opposition in debate on the Biofuel (Ethanol Content) Amendment Bill 2009, but I will make a contribution in relation to a very interesting topic in the community of biofuels. Biofuel has been the subject of great debate in the media and in the community. The objects of the Biofuel (Ethanol Content) Amendment Bill 2009 are to provide for increases to the mandated minimum ethanol content for total petrol sales in New South Wales, which is currently 2 per cent; to make provision for a mandated minimum biodiesel content for total diesel fuel sales in New South Wales; to provide that such mandates will apply to major retailers, in addition to primary wholesalers, of petrol and diesel fuel; and to provide that from July 2011 regular unleaded petrol sold in New South Wales by primary wholesalers must contain 10 per cent ethanol. The bill renames the Biofuel (Ethanol Content) Act 2007 the Biofuels Act 2009.

In July 2007 the Labor Government introduced a 2 per cent volumetric ethanol mandate. Primary wholesalers were required to demonstrate that 2 per cent of the total volume of petrol sold in New South Wales was ethanol, and they were threatened with naming and shaming if that goal was not achieved. The Opposition supported the legislation because it closely reflected our 2007 ethanol election policy. Information obtained by the Opposition through a freedom of information request shows that to date the Government has sadly not appointed one investigator and has not commenced one investigation or served one penalty notice. Of course, the Labor Government is now legislating to triple New South Wales's volumetric ethanol mandate to 6 per cent in January 2010. It also plans to phase out regular unleaded petrol by 2011 and to introduce a 2 per cent volumetric biodiesel mandate, rising to 5 per cent when supplies are available.

Achieving a 10 per cent ethanol goal by 2011 will mean that all regular-grade petrol will be phased out. However, the supply of ethanol must first be addressed if we are to achieve the current 2 per cent mandate. Ethanol is sourced almost entirely from only one factory—the Manildra plant. In 2008 that plant experienced supply issues and as a result primary wholesalers breached the mandate and incurred considerable costs in converting tanks back to unleaded petrol [ULP] storage for a short period. Only one development application has been lodged for an ethanol plant in New South Wales. The industry also argues that there is not sufficient consumer demand for ethanol. Consumer demand is much higher in Queensland, where the Government has allocated funds to promote ethanol and has appointed an ethanol ambassador. The Federal Government is currently undertaking a review of biofuels rebates on the 38.14¢ a litre fuel excise. It is concerned about the impact on the budget bottom line of increases in the New South Wales ethanol mandate.

There has been much discussion about the development of ethanol plants in regional and rural New South Wales, particularly in the south-west, and proposals have been on the drawing board. Sadly last week I was informed that a large proposal for a development in the south-west has been put on hold because of the financial difficulties that are being experienced by industry. Indeed, those difficulties have been well and truly enunciated in the media throughout the world. The fact that that proposal has been put on hold sends a message about employment and construction that is vital for our part of the State.

I have received numerous emails on this subject. It is proposed that a \$7 million biofuels plant be built at Lockhart. The community has been actively seeking partners in a venture for the new industrial park. Lockhart is in the electorate of Wagga Wagga, to the south and about 45 minutes drive away. The community has identified a biofuels plant as an opportunity to promote local industry. It is actively seeking partners in joint ventures and, having obtained agreement from the council, it has subdivided land and has some anchor tenants. It is actively consulting with various organisations or proponents. That is good news for a small community that is doing everything it can to minimise its carbon footprint, to implement initiatives to reduce pollution in the atmosphere and, importantly, to create job opportunities. I place on record how pleased I am that the council and the Lockhart District Progress Association have developed this plan. I wish them well in their endeavour to establish a biofuels plant.

I will leave the detailed analysis of the legislation to the shadow Minister, who will lead for the Opposition in this debate. I have followed this issue with interest and I suspect that as companies are increasingly required to reduce their carbon output and as the proposed trading schemes impose pressures we will hear more about alternative fuels. Ethanol is just one part of a total solution. Other initiatives are being developed that will perhaps in time surpass the need for fossil-burning fuels. Amazing things are happening and I believe that we will see solutions in our time. It has been observed that next year we will experience as much change as occurred in the previous 100 years, such is the pace of advances in technology. New technology will certainly be applied in the motoring and travel industries, whether we travel by air, sea or motor vehicle.

This is a very exciting time for those industries even though companies are suffering, including our own Australian companies, as a result of the global financial crisis. Innovation will be our great saviour. As I said, this is just one part of a total solution. We will see in our lifetime innovations that we never considered possible. Could we have imagined a few years ago that we would have compact mobile phones that allow us to carry out transactions around the world? I do not think we have seen anything compared with what we will see in the way of innovation from motor vehicle manufacturers.

Mr MATT BROWN (Kiama) [4.58 p.m.]: I support the Biofuel (Ethanol Content) Amendment Bill 2009, and I do so very proudly. I have been a long-time campaigner for biofuels. They make sense, and they are decreasing our reliance on fossil fuels and fuel from overseas. The Biofuel (Ethanol Content) Act 2007 introduced the first biofuel mandate in Australia. I had the pleasure of standing on the shores of Shoalhaven River on the site of an ethanol plant and a starch and gluten factory when former Premier Morris Iemma announced that should Labor win the 2007 election this State would be the first jurisdiction in the country to mandate biofuels as part of the fuel cycle. That has resulted in huge investment in my electorate and an increase of more than 100 per cent in the workforce. It represents an extra 200 jobs and a couple of million dollars extra in investment. I am pleased that Premier Rees and this Government have moved to the next step in introducing this bill.

The 2007 Act implemented a 2 per cent mandate and that implementation has been successful—20 per cent of all petrol sold in New South Wales is now E10. To January 2008, more than one billion litres had been sold since the commencement of the mandate, with no reported adverse impact on cars. I am sure members can remember how oil companies tried to scare motorists away from renewable fuels by saying that their vehicle

engines would blow up. What a furphy that has proved to be. Motorists elsewhere in the world, particularly in South America, use not 10 per cent but anything between 20 per cent and 40 per cent ethanol, and their cars are still running fine. The same petrol companies that embarked on this scare campaign are now starting to embrace reality and follow the New South Wales Government's lead.

The bill increases the volumetric ethanol mandate progressively to 4 per cent and then to 6 per cent over the next two years. From 1 July 2011 it requires that regular-grade unleaded petrol be replaced by E10. This will be a shot in the arm for New South Wales farmers. The bill also sends a definitive environmental message that ethanol is an oxygenator that makes fuel burn more cleanly and, in so doing, reduces greenhouse gases such as carbon dioxide that would otherwise go into the atmosphere. I have always used E10 in my vehicles, and they purr along just fine. The bill widens our commitment to renewable fuels by introducing, again for the first time in this country, a biodiesel mandate. Biodiesel has proven air-quality and greenhouse benefits. It reduces fine particle emissions—the major source of health problems from vehicle exhausts. The addition of biodiesel also improves the performance of diesel fuel, replacing the sulphur content and enabling other more effective antipollution measures. Biodiesel blends are widely used in Europe, including in the small high-performance diesel engines that are now becoming more common in cars in Australia.

Both biofuels—ethanol and biodiesel—are important to the economic wellbeing and development of the Illawarra and South Coast. The biofuel developments that are planned for the Illawarra and South Coast will deliver regional development and jobs, and increased fuel security—meaning that we will not have to rely so much on the Middle East. As we all know when we go to the petrol bowser, bioproducts are cheaper than non-bioproducts so there will be lower fuel prices for motorists, who will feel the benefit in their hip pockets. We will also see improved air quality in our cities and less greenhouse gas emissions. So these fuels are good for our cars, good for the environment and good for jobs. They are sustainable and do not place demands on food reserves. Members may have heard concerns expressed in the context of the food for fuel debate, but that is proving not to be a major concern in regional and country New South Wales.

In my electorate of Kiama the primary feedstock at Manildra's ethanol plant is waste starch from its gluten plant. Manildra mills wheat flour, and it does this primarily in the town of Manildra. Huge amounts of flour are then transported by rail to Bomaderry, where gluten is extracted for the food industry. Starch is also extracted for food and other industries, and the remaining unrecoverable starch goes through to the ethanol plant. The ethanol production is integrated with Manildra's food production. Basically nothing is wasted. It is a great concept: the two factories literally feed off each other. Manildra's integrated food and fuel production plant at Bomaderry currently employs 250 people. The expansion of the plant will secure their employment and add a further 25 new permanent positions. The expansion will cost an estimated \$200 million and employ a peak construction workforce of another 150 people. I again visited the plant only last week and saw the huge amount of work that is taking place at Bomaderry. The expanded Manildra plant will have the capacity to replace more than 200 million litres of petrol imports each year and will save approximately 130,000 tonnes of carbon dioxide emissions per year.

Another important project for the South Coast region is the proposed National Biodiesel Pty Ltd soy biodiesel plant at Port Kembla. My colleague the member for Wollongong has been a staunch supporter of this investment going into the port, as have other members who represent electorates in the Illawarra. It is in the final stages of approval. The company plans initially to import soy biodiesel to establish its customer base. It is pleasing that the Minister for the Illawarra is at the table because he is also a very keen advocate of this sort of investment in our port. When the plant is completed it will import soy beans and crush and process them to produce not only biodiesel but also soy meal to replace the hundreds of thousands of tonnes that are imported annually for poultry food. National Biodiesel will help to establish our domestic soybean production, providing a new crop option for farmers and ultimately replacing soy imports.

The National Biodiesel plant will produce 288 million litres of high-quality soy biodiesel a year, along with a million tonnes of soybean meal for poultry and livestock feed. Again, we are seeing not just food but fuel that we do not have to extract from the ground. The project will cost \$240 million and create 500 construction jobs. It will provide 235 permanent jobs and another 725 indirect jobs both upstream and downstream—that is almost 1,000 new jobs in total. The Illawarra Regional Strategy identifies Port Kembla as a key employment precinct. The jobs created by this development will contribute to the Illawarra's job creation target for 2031. The National Biodiesel plant will have the capacity to replace 280 million litres of diesel imports each year and will save approximately 750,000 tonnes of carbon dioxide emissions per year. It will also replace a million tonnes of soy meal imports. This is a very important project for the Illawarra region. It is also underwritten by this bill.

A number of other biofuel plants are proposed across the State. Their ability to raise equity and debt finance is obviously affected by the current global economic situation. This bill clearly demonstrates our commitment to the New South Wales biofuels industry and will greatly assist these projects to secure funding. One would not get better security than the Government of the day mandating a percentage of these biofuels across the State. One should not go anywhere in the country for finance other than to a New South Wales bank because this Government is enshrining these targets in legislation.

The Biofuel (Ethanol Content) Amendment Bill 2009 builds on what we have achieved since 2007. The announcement of this policy in December underwrites the expansion of Manildra's Bomaderry plant and the development of the major National Biodiesel plant at Port Kembla. These are real projects generating real jobs. They are long-term and sustainable jobs. They are jobs that will reduce the need for fossil fuel and replace fossil fuel imports with cleaner, greener, locally made alternatives. This bill demonstrates to investors that the Rees Government is committed to a renewable fuels future and that New South Wales is the place to invest in the renewable fuels industry. I encourage the House to strongly support the bill.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.09 p.m.]: The Nationals, and indeed the Liberal-Nationals Coalition, have long supported the increased use of biofuels in New South Wales. In fact, just this morning I did a search in *Hansard* and found that I have raised the need for enhanced use of biofuels in this House on 11 occasions since March 2005, including introducing a private member's bill in September 2005 to require State fleet vehicles to use biofuels. Sadly, the Labor Government voted down that bill. The Opposition will not oppose the Biofuel (Ethanol Content) Amendment Bill 2009, despite the bill having some flaws, which I will point out during the course of my contribution. I will ask the Minister in reply to address some of the concerns raised with the Opposition by various industry representatives.

The Opposition is informed that a 10 per cent ethanol blend in fuel results in cleaner air, fewer greenhouse gases, fewer respiratory illnesses, and a stimulus for industry in regional areas. Every litre of ethanol consumed in Australia by way of ethanol-blended fuel and, indeed, every litre of biodiesel, will reduce the amount of petroleum product we have to import. This, in turn, will help to take pressure off our nation's balance of payments. Production of biofuels from various agricultural crops and other sources is renewable. It differs from the production of refined petroleum products that come from crude oil, which is a limited, non-renewable resource.

In this State, drought notwithstanding, we have agricultural capacity to produce ethanol and biodiesel via various crops ranging from wheat, sorghum, corn, sugar through to canola. With second-generation technology, other crops and waste from agriculture and forestry can be used to produce biofuels. It is being shown through studies from the Centre for Agriculture and Regional Economics that ethanol plants can be established on the basis of surplus forestry residues, surplus crop stubbles and wheat starch, which is the case in the Manildra plant that has recently been expanded near Nowra. These are all by-products of primary industry, so it makes a lot of sense to use these products to produce a very valuable resource, biofuel.

The development of a biofuels industry in this State helps to secure markets for farmers and other primary producers and it creates jobs in rural and regional New South Wales. The former Federal Coalition Government recognised that and had a policy objective of increasing biofuel production to 350 million litres by 2010. Some of the benefits of biofuels—in this case a mix of 10 per cent ethanol and 90 per cent petrol—include a reduction of about 30 per cent in harmful vehicle gas emissions known as polycyclic aromatic hydrocarbons. These pollutants have been shown to cause lung cancer and other respiratory diseases that our public health system struggles to cope with.

Biofuels also produce less fossil-based carbon dioxide than conventional fossil fuels as they burn cleaner and, in the case of ethanol, produce water as one of the by-products, as ethanol is alcohol-based rather than petroleum-based. In fact, a recent CSIRO study showed that the use of E10, 10 per cent ethanol blend, reduced carbon dioxide emissions by 8 per cent to 11 per cent compared with the emissions from unblended petroleum fuel.

Professor Ray Kearney from the University of Sydney is an expert in this field. He states that E10 fuel has a much cleaner burn than conventional fuels as it adds oxygen to combustion, which in turn reduces the emission of fine particulates by up to 50 per cent. These particulates, when breathed into the lungs, dissolve and enter the bloodstream. The American Medical Association has published research highlighting the fact that around 20 per cent of lung cancer deaths are attributable to such fine particulates. Research undertaken in 2003 by the Bureau of Transport and Regional Economics highlighted the fact that each year in Australia

approximately 1,200 people die from particulate air pollution from vehicle emissions and other victims suffer 21,000 additional days of asthma attacks. Recently the Australian Medical Association backed the push for ethanol-blended fuel in the interests of protecting and improving human health. It stated:

There is incontrovertible evidence that the addition of ethanol to petrol and biodiesel to diesel will reduce the deaths and ill health associated with the emissions produced in burning these fuels.

Interestingly, some years ago misinformation was put about regarding the efficacy of ethanol-blended fuel in the engines of modern motor vehicles. That was false information from vested interests and was not disputed by the Federal Labor Party. In fact, there was a suggestion that some in that party put that information out. The truth is that ethanol-blended fuel is perfectly safe in modern engines at a 10 per cent level. It is a shame that this Government stood by while that misinformation was put about, resulting in "no ethanol" stickers on fuel bowsers right around New South Wales. It certainly impeded the development of a biofuels industry in this State.

The State Labor Government dragged the chain on biofuels but prior to the 2007 State election it jumped on the bandwagon. However, it did so in a fairly lazy way, proposing only legislation that mandated a progressive percentage target. It did nothing to address the market forces behind the use and uptake of biofuels. Unlike the Queensland Government, it showed no intention to promote consumer acceptance of biofuels. Also, it did not provide industry with assistance with the costs of conversion. Service stations need to separate unleaded fuel from ethanol-blended fuel and in some cases they need to install additional tanks underneath the driveways of the service stations.

It is no wonder that not one of the fuel companies based in this State met the 2 per cent legislated ethanol content stipulated in the initial legislation by the end of 2008. The Government is kidding if it thinks industry is going to meet the 6 per cent target by the end of 2009, let alone achieve a complete phasing out of regular unleaded petrol by July 2011. In its lazy way the Government introduced legislation without providing resources or requiring industry to meet targets, but did not pay any attention to market forces. Indeed, it was via freedom of information requests that the Opposition found that the Government recognises that it is impossible for the wholesalers to achieve the mandated targets, as proven by the fact that not one investigator has been appointed, not one investigation has been undertaken and not one penalty notice has been served.

A range of concerns have been expressed about flaws in the Government's legislation, and I will deal with some of them. Firstly, there are concerns about the consistency and security of the supply of ethanol. At present the great majority of ethanol going into fuel in a blend is sourced entirely from the Manildra Group. The Manildra Group is a very good company, and it employs a lot of people in rural and regional New South Wales. But if there is a particular problem with the supply of grain for its primary milling operations, the waste starch product from which the company makes ethanol may not be available in the quantities the company is seeking to meet the mandated level.

In November last year Manildra experienced supply issues, and as a result primary wholesalers breached the mandate and in some cases incurred considerable costs in converting tanks that were being used for ethanol blended fuel back to unleaded fuel for a short period of time. I clearly recall that where I source E10—and I use it in my vehicle—frequently bowsers that dispensed the E10 product did not have it available. Those bowsers had a sign on them that read, "Sorry, temporarily out of use". So there are supply issues. I know that Manildra is gearing up to supply larger quantities of ethanol, but at the same time the Government is prescribing higher levels in this legislation.

Industry generally also argues that there is not the current consumer demand for ethanol that would be required to meet these mandates. Consumer demand is much higher in Queensland, where the Government has allocated funds to promote ethanol, including funding for an ethanol ambassador. As I said, there are two ways to crack this nut: one is to drive it from the market end—that is, for the motorists who want to use the product. I want to use it because I believe in it; I think it produces cleaner air. I am happy with the performance level of my vehicle. I understand it reduces the amount of money that is going offshore for imported petroleum, and I understand that it has positive benefits in terms of jobs in regional areas. However, many motorists think ethanol is not a very good product, that it may damage their vehicle engines, and that the Government has done absolutely nothing about that.

Another concern is that the Federal Government is currently undertaking a review of the biofuel rebate on the fuel excise. The industry believes that if the volume of ethanol sold in New South Wales is substantially increased as proposed by this legislation, it may not be able to maintain the level of fuel excise rebate because of

the precarious state of the Federal budget. The fuel companies believe in general terms that the legislation is flawed. They say that there is no recognition of supply issues and there is no recognition that not all primary wholesalers determine what fuel is provided at the pump—that is, not all fuel stations are franchised to the primary wholesalers. There are many independent service stations. I understand that Caltex, which has its products sold through Woolworths fuel outlets, cannot force Woolworths to do a particular thing in relation to ethanol. Although, I acknowledge that in my electorate the Woolworths fuel outlets have E10 available.

A further concern is that the cost of tank conversion could result in small country operators closing down. Currently these operators do not sell large volumes of fuel, so their capacity to cope with these costs is less than some of the service stations with larger markets. New South Wales Farmers is highly supportive of ethanol, but it is not supportive of mandatory percentage targets. The organisation would prefer to see a market-driven process to improve the uptake of ethanol-blended fuel. The Feedlot Association of New South Wales opposes increases to the ethanol mandate. The association believes that these increases will divert large quantities of grain away from food production in times of drought.

I have received correspondence from the Australasian Convenience and Petroleum Marketers Association, which is a national employer body representing the interests of distributors and retailers in the fuel industry. The association's members are predominantly regionally based, delivering about 35 per cent of the product to the end user or consumer in Australia. They handle about 75 per cent of all country sales, either through retail service stations or directly to primary producers, industrial, commercial and aviation accounts. The association has a range of concerns about the legislation. With regard to its concern about the cost to consumers, the association says that nationally Australia consumed 144 million litres of E10 in the month of December 2008, requiring 14.4 million litres of ethanol. The current monthly ethanol production is estimated at between 12 and 15 million litres. The association says that overall the market is approximately in balance, although in some places there are shortages.

The association says that there were stockouts of E10 at some locations over the summer holiday period, which I have already spoken about. Further, it says that recent figures indicate that most major suppliers have been unable to reach the 2 per cent volume target. The association goes on to say that New South Wales consumed 358.7 million litres of unleaded petrol, excluding E10, in December 2008. It makes the point that if the E10 mandate were in force New South Wales would have needed to find 35.9 million litres of ethanol to comply with the mandate, which is more than twice the national supply. Obviously the association is speaking about 10 per cent as at December 2008. The association says that although there are new ethanol production facilities in the planning stage, they are unlikely to be ready by 2011.

The most recent ethanol refinery to come on stream took almost seven years to get approval to commence construction. The current global financial crisis, limiting the availability of working capital, has also contributed to the shelving of ethanol plant development. The latest example of this was the announcement by Marina Energy, which has stopped planning for its \$200 million project. Further, the association says that in its view, given the currently expected future Australian capacity and the current tax on imports, a New South Wales E10 mandate would create shortages and drive up prices.

The association notes that the New South Wales E10 task force concluded in its report of September 2007 that an E10 mandate would require additional infrastructure at service stations and terminals at an estimated cost of \$276 million. The association believes that that will be passed on to consumers at the bowsers. The association also notes that the task force estimated that the changes required would take up to six years to implement. Another concern the association raises is that currently not all petrol engine vehicles in New South Wales that use regular unleaded petrol would be able to use E10 fuel. I am aware that that generally refers to vehicles built prior to 1986, although there are some more modern vehicles for which ethanol-blended fuel is not recommended. The association goes on to say that this being the case, the owner of such a vehicle would have to pay a price penalty of up to 12¢ per litre, based on the current differential between E10 and premium unleaded fuel, for nothing other than government policy.

The association's second major concern is about the environment. The association states that it is not clear that more ethanol than petrol would necessarily reduce carbon emissions. It notes that the proposed Federal Carbon Pollution Reduction Scheme would have an adverse affect, as it would take into account the energy intensity required to produce ethanol from grain. It makes the point that in its view the future is Generation 2 ethanol production. A Gen2 Ethanol Research and Development Program was launched by the Federal Government in October 2008. However, the general view is that viable Generation 2 production, which would include production of ethanol from plant wastes, is still several years away.

The Australasian Convenience and Petroleum Marketers Association agrees that Australia should embrace the search for alternative transport energy. It should be efficient—in production and use—clean and flexible. This will require a prudent policy approach that seeks to keep as many options open as possible, in particular the potential of, albeit unpredictable, technological change. There are a number of flaws in the Government's legislation. It would seem that the Government, in its haste to make a pre-election announcement, has jumped into an area where it had not done a lot of research.

The Government took the lazy option of introducing legislation to force an increase in the uptake of biofuels, rather than promoting better consumer acceptance, assistance with things such as research and development, and the development of production capacity. The bill is a fairly quick and dirty piece of flawed legislation. I have detailed a number of concerns that industry players have which I ask the Minister to address in his reply. That said, however, the Opposition believes that biofuel is a good product. It is good for the nation, good for the environment and good for jobs. Therefore, we do not oppose the bill.

Mr STEVE WHAN (Monaro—Minister for Emergency Services, and Minister for Small Business) [5.32 p.m.]: I have great pleasure in supporting the legislation for the use of ethanol in New South Wales. This legislation follows on from the Government's previous legislation that mandated 2 per cent ethanol, which has been extremely successful—contrary to some of the comments made by the Leader of The Nationals. Listening to the Leader of The Nationals one would think the Government has been too quick and too slow all at once. According to him, the Government has been too slow to do anything and yet too quick to introduce the legislation. Once again we get the same old conflict from the Opposition.

For some time Country Labor has strongly pushed this very important initiative and it is a great victory to have both this and the previous legislation go through Parliament. Country Labor has pushed this legislation so hard because it means jobs in country areas and additional resources for farmers. It has the potential to reduce our dependence on imported fuels, and promote a healthy and strong biofuels industry in New South Wales for the benefit of the whole community. Earlier today the Leader of The Nationals claimed, as he has previously done in this place, that Labor jumped on the bandwagon in 2007. For the record, in 2005 the Country Labor conference passed a resolution calling for ethanol to be government policy in New South Wales. That was some years before The Nationals discovered the issue and joined the Government in its support of the ethanol industry. Since 2005 Country Labor has pushed the issue but none more prominently than the member for Kiama, Mr Matt Brown, who has been one of the strongest advocates of ethanol in New South Wales I have ever encountered.

Mr David Campbell: He drives us crazy.

Mr STEVE WHAN: As the Minister said, he drives the rest of us absolutely crazy in his advocacy of ethanol, and particularly his advocacy of the jobs in his electorate produced by the Manildra ethanol plant. He has been the star of the show in getting this legislation in place, along with the Hon. Tony Kelly, the Minister for Police, Minister for Lands, and Minister for Rural Affairs. Minister Kelly has been a strong advocate of ethanol for many years and has joined my fellow Country Labor members in this strong push. Ethanol has many advantages but I will not go through them all. I agree with a lot of the comments by the Leader of The Nationals about the environmental benefits of using ethanol. The member for Tweed should not die of shock from that comment. It is true. Every now and again the Government and the Opposition do agree. I welcome the fact that the Opposition is supporting the legislation and the ethanol industry but it is a bit sad that it chooses to make a few political points along the way.

I have previously spoken on the advantages of ethanol to the rural sector of New South Wales. As the member for Kiama said earlier today, ethanol is a by-product of the production carried out in a factory in his electorate. Overseas the use of ethanol in fuel is debated but in Australia that is not such an issue because our ethanol is a by-product. A lot of Australia's ethanol is a by-product of starch or sugar cane. Sugar cane is a prominent source of ethanol in New South Wales. The ethanol at one of the two service stations in the Monaro electorate where I fill up comes from sugar cane grown in Queensland or in the member for Tweed's electorate, and the ethanol at the other service station is produced at Manildra—there is diversity in that.

There is great potential for the ethanol biofuels industry to become even more important to the Monaro electorate. A lot of work is being undertaken in Australia and overseas on the next generation production of ethanol from fibre, including forestry by-products. There are large pine plantations around the Bombala area in my electorate. The Willmot Forest group, one of the owners of those plantations, has been investing a large amount of money into next generation research in the north of the State. That group is confident of success in a

reasonably short time frame and that is a very positive sign for the industry. It means that ethanol can be produced from a broad range of fibres, as well as from Australia's more traditional crops such as wheat and sugar cane. The research offers a positive outcome for a range of industries, not the least of which is the plantation forestry industry in the Monaro electorate, where pine plantation residues could be used for ethanol production.

The mandating of ethanol content in fuel will make that possible by giving industry the confidence to invest, which it lacked until the Government introduced this legislation. It is important to put on record that the initiatives of the New South Wales Labor Government put this in place. It is all very well for the Opposition to be critical but it is the Government that has done the job for ethanol and continues to do that job. Country Labor has driven the legislation. I know the member for Murray-Darling is glad I said that just as he entered the Chamber.

Mr John Williams: Is there not an emergency somewhere? Is the Minister for Emergency Services not needed somewhere?

Mr STEVE WHAN: Here I am, just for you. I am glad that the member for Murray-Darling came into the Chamber. Members opposite have made a number of comments about oil companies not reaching their mandate. The mandate strategy is working to encourage investment in the biofuels industry in New South Wales and to create jobs and investment where they are needed most, in drought-affected rural and regional communities. The ethanol used since the start of the mandate has saved the importation of about 100 million litres of petrol. Over a billion litres of ethanol has been sold. At the same time, the total volume of E10 fuel sold in New South Wales topped one billion litres in December 2008. Ethanol-blended petrol, or E10, now accounts for more than 20 per cent of all petrol sold in New South Wales. My car certainly runs very well on it. Contrary to scaremongering on this issue, I have not noticed any impact on my fuel economy.

I drive a nice Holden, which uses 9.3 litres of ethanol-blended petrol per 100 kilometres. That is significantly less than the figure shown on the windscreen of this car when new, which suggests that it uses 11 litres per 100 kilometres. So the ethanol-blended fuel is working well. Admittedly I do most of my driving on country roads, which is easier on fuel consumption than city driving. Because ethanol-blended fuel makes up 20 per cent of all petrol sold in New South Wales, businesses are starting to invest in ethanol and biodiesel production. Figures from the fourth quarter of 2008 show that petrol companies are either achieving or exceeding the mandate, or are close to doing so. That is contrary to comments by the Leader of The Nationals, who cast doubt on the Government achieving its objectives. I am pleased that the former Leader of the Opposition, the member for Vaucluse, is present in the Chamber. He has been a strong advocate for the use of ethanol-blended petrol and drove an E85 car for a while.

Mr Peter Debnam: I still do.

Mr STEVE WHAN: I am pleased to hear that he still does. This year the V8 Supercars have been running on E85. That is important because the embracing of this alternative fuel by the motor racing industry will encourage its use throughout the community. It is a positive step. As I said, figures from the fourth quarter of 2008 show that companies are either achieving or exceeding the mandate, or are close to doing so. For example, 3.5 per cent of BP's production is ethanol, Mobil is 2.36 per cent, and Shell is 1.67 per cent. It is projected that by the middle of the year Shell will reach 2 per cent. Caltex is only 0.76 per cent. It was held back by Woolworths, which, under the old legislation, did not have a direct obligation to fulfil the mandate. It will have an obligation pursuant to this legislation. The Leader of The Nationals did not seem to be aware of that fact. This legislation will fix that anomaly. Ten of the 14 wholesalers met the mandate in the fourth quarter of 2008. That includes two of the four majors, and a third major is very close to achieving it.

The Government recognises the importance of consumer confidence as we move to reduce our dependence on fossil fuels. This policy received a huge boost when BP confirmed that it will guarantee its E10 for use in any vehicle designed for unleaded petrol. The Government will continue to work with the fuel companies, the NRMA and motor vehicle manufacturers to maintain the momentum of biofuel strategies and improve consumer confidence in the biofuel strategy. On the inside of the fuel cap of my car is a label that says, "E10 fuel suitable". Such measures will ensure that car owners are confident in the use of this fuel. I wholeheartedly endorse this legislation. Once again I congratulate the member for Kiama on his strong advocacy on this issue, the Minister for Rural Affairs, my fellow Country Labor members and the Country Labor conference, which kicked this off in 2005. I thank the Opposition for its support. I commend the bill to the House.

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

BARANGAROO DELIVERY AUTHORITY BILL 2009

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

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! It being just before 5.45 p.m., the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

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

LOWER NORTH SHORE COMMUNITY TRANSPORT

Ms GLADYS BEREJIKLIAN (Willoughby) [5.43 p.m.]: Today I want to inform the House about the Lower North Shore Community Transport Inc. Just before Christmas last year I was pleased to meet with Lower North Shore Community Transport, which provides an important service to the local community, as do all community transport organisations in this State. I am pleased that the Minister for Transport is present in the Chamber. I am sure he will agree with me that the paid employees and volunteers of these community transport organisations throughout New South Wales do a tremendous job. In particular, Lower North Shore Community Transport services the community in the electorate of Willoughby and surrounding electorates. When I met with the organisation, the staff told me they were concerned with the existing funding arrangement and asked me to raise this issue in this place.

In December last year the Minister for Disability Services announced additional funding for community transport organisations. Unfortunately, Lower North Shore Community Transport missed out. It was disappointed that it missed out, yet many other community transport organisations throughout Sydney received funding from the Department of Ageing, Disability and Home Care. I promised the organisation that I would raise its concerns in this place and support it on this issue. Notwithstanding the general perception about the lower North Shore, many local people are in need of community transport. The area has an ageing population in pockets and an increasing number of people rely on community transport for medical appointments and because of mobility, social and isolation issues. The organisation, with the assistance of a strong team of volunteers, performs an excellent service under, at times, difficult circumstances.

I want to place on the record the values of the Lower North Shore Community Transport as stated in its mission statement. It is an organisation that is client-focused, reliable and acts with integrity. It supports sustainability and plays an important role in consumer representation. Many of its clients have wide-ranging needs, and it supports their needs through various advocacy organisations and a referral service. The purpose of Lower North Shore Community Transport—and other community transport organisations throughout the State—is to provide client-focused community transport that caters for the specific needs of individuals in the community.

The organisation is committed to working with the Government and other service providers to facilitate a greater understanding of the transport needs of the local community. It has established a strong partnership with key organisations in the local community to ensure a united voice on the many issues affecting the less advantaged and less mobile, and to ensure that other community organisations in all sectors are aware of the availability of the services it provides. It strives to ensure that its systems and equipment are developed and maintained to a level that meets or exceeds the obligations placed on it by the Government and other standards. It recognises the need to develop its staff, both paid and volunteer, to ensure a greater level of service.

I want to raise a specific funding issue. At the beginning of 2008 the Department of Ageing, Disability and Home Care listed Lower North Shore Community Transport to receive an increase of \$30,000 in Home and Community Care funding to assist in its role. The organisation did not receive that extra \$30,000. Although the amount was listed as new funding, in actual fact the organisation had already received it through a different funding stream. However, it was not advised of this fact until four months after the listing. The organisation had assumed it would receive an extra \$30,000. When the funding did not eventuate, it caused great angst and disappointment throughout the organisation. The staff had been relying on the money to provide essential

services. I place on the record their concerns about this funding. I have written to the Minister in the hope that the extra funding will be provided. I take the opportunity to thank everyone associated with Lower North Shore Community Transport for the wonderful services it provides to the community.

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [5.48 p.m.]: There are not many occasions when the member for Willoughby and I agree, but I agree with her comments on Lower North Shore Community Transport. It is one of the many community transport organisations throughout the State that is staffed by paid employees and volunteers. Members of my family undertake volunteer work for a community transport organisation, so I know the service that volunteers provide to these organisations. I note that the member for Willoughby indicated that she had written to the Minister for Ageing and Disability Services and I am certain that he will reply in detail to the issues she raised in the correspondence. I take the opportunity to endorse the work of the Lower North Shore Community Transport organisation and all the community transport organisations around the State.

M5 EAST TUNNEL AIR FILTRATION PLANT

Ms CHERIE BURTON (Kogarah) [5.50 p.m.]: Tonight I give the House an update on the M5 East tunnel air filtration plant. It gives me great pleasure to inform the House that construction of Australia's first tunnel air filtration plant is progressing extremely well. A 100-tonne road header started tunnelling work in February this year and so far more than 42 metres of tunnelling has been carried out, with another 238 metres due to be finished by late May. This plant is the first of its kind in Australia and is part of the New South Wales Government's air quality improvement plan for the M5 East. Commitments delivered to the M5 East Tunnel to date include the installation of an additional 12 jet fans to improve ventilation flows and a video detection system for illegal smoky trucks, with operators facing fines starting at \$200 for individuals and \$400 for companies if they fail to fix their trucks, and fines of up to \$22,000 and \$44,000 respectively for repeat offenders.

This detection system became operational in June 2006 and I am advised that more than 250 instances of polluting heavy vehicles have been referred to the Department of Environment and Climate Change since January 2007. The tunnel air filtration plant is the third commitment of the New South Wales Government's air quality improvement plan for the M5 East and once operational a revised ventilation strategy for the tunnel will be implemented. Construction of the M5 East Tunnel air filtration plant has created more than 300 jobs—an important feature in the current economic climate. An additional 200 jobs will be created as work progresses. This world-class air filtration plant will filter the air inside the M5 East westbound tunnel around 500 metres from the tunnel exit. The plant will extract around 50 per cent of air from the tunnel and inject filtered air back into the same location, helping to remove particulate matter, which produces haze in the tunnel. Construction of the air filtration plant is on track and on time to be finished at the end of this year.

At the moment the roof of the ventilation building is being assembled and 24-hour tunnelling is about to begin. So far, tunnelling has been carried out during standard work hours because it is near the surface, but tunnelling will soon progress enough for 24-hour tunnelling to take place at the end of March. This is great news as it brings us a step closer to delivering this \$65 million state-of-the-art filtration plant. Last month the subcontract for the design, manufacture, supply, installation and commissioning of the filtration and ventilation equipment was finalised, and the filtration and ventilation system is currently undergoing a detailed design process. Once the plant is commissioned, electrostatic precipitators will be in place to remove particulate matter such as dust, soot and other tiny bits of material, mostly emitted from vehicle exhausts. There will also be a denitrification unit to remove nitrogen dioxide from the tunnel.

This financial year the New South Wales Government has provided \$40 million to continue construction of Australia's first air filtration plant. I take this opportunity to thank Mark Curran from Remote Area Power Supply, Tony Duffy from Kingsgrove and all the constituents who have supported me in lobbying extremely hard to get this project underway to make sure that the air quality in the M5 East Tunnel is the best it can be. The community has been very concerned about this issue over the past few years and it is a great win for us that we will get Australia's first air filtration plant. I look forward to keeping the House updated on this important project as it progresses.

SID BURKE RESERVE

Mr ANDREW FRASER (Coffs Harbour) [5.54 p.m.]: Tonight I inform the House about the Sid Burke Reserve, south of Coffs Harbour, on the infamous Bonville deviation. When the deviation was completed

there was always an understanding that the Sid Burke Reserve would remain open as a rest area not only for truck drivers but also for the general motoring public. A truck inspection station has now been constructed south of the reserve with concrete barriers, which effectively stop any access to the reserve that has been utilised by holidaymakers, locals and trucks for many, many years as a very important stopover for a rest from driving. I note that currently the Staysafe committee is undertaking a heavy vehicle safety inquiry. The Heavy Vehicle Owners Association and major companies on the North Coast have pressed for a long while to have more areas where trucks and motorists can pull off the road and break their journey. In fact, the Roads and Traffic Authority is still running the slogan on every billboard up and down the highway of "Stop Revive Survive".

The Sid Burke Reserve is a very important reserve that the National Parks and Wildlife Service took over from State Forests in 2005. Sid Burke was a forester of some renown in the area and the reserve was named after him. It is a beautiful spot to stop and rest, but when the National Parks and Wildlife Service took it over it said there were dangerous tree limbs in the area. Back then I offered to get a contractor out there to clean up the limbs to ensure public safety, but the National Parks and Wildlife Service closed off the area and it took months and months to tidy up the limbs. Quite frankly, the reserve is going to rack and ruin. There is a compost toilet there and garbage bins, but even though barriers have been erected around the reserve and they cannot get to it, people are still utilising it as a stopover for a few hours. When I visited the reserve a couple of weeks ago I saw that the rubbish bins were full because no-one had cleaned them out. As I said, the place is going to rack and ruin.

It is important to acknowledge the heritage of the area, and especially Sid Burke, his grandson John and his son Jack. Jack is a retired forester who is more than 80 years old. He is held in great respect on the North Coast for his knowledge of forest and he still lives next door to the reserve. This reserve should be reopened. The National Parks and Wildlife Service has an obligation to the motoring public and to the people of New South Wales to ensure that this reserve is open so that people can rest there.

In the last two weeks a truck driver was killed on the North Coast when his vehicle overturned just south of Urunga on a bad section of road—another section of road that needs doing up. Last week another heavy vehicle overturned seven kilometres south of Kempsey. Luckily no-one was killed, but I believe the driver was injured and the overturned vehicle blocked the southern lane for a number of hours. I know the Minister for Transport will be travelling to the North Coast in the not-too-distant future. I am sure that he will spend a few nights in Coffs Harbour and enjoy the cuisine at the Coffs Harbour fishing club and other places. I am quite happy to provide him with a list of the magnificent restaurants we have in Coffs Harbour and the lovely places at which to stay.

Mr David Campbell: You already have.

Mr ANDREW FRASER: As the Minister says, I already have. I commend the Deep Sea Fishing Club for a decent seafood meal. But while the Minister is there I urge him to have a look at the dangers of the road, especially between Kempsey and Coffs Harbour, and to have a look at the need for truck stops. When the Minister is down near Eungai and Clybucca I urge him to have a look at the truck stop there, which is provided privately. It is always full. I feel sure that the Minister will appreciate the need for heavy vehicle drivers and other motorists to have an opportunity to pull off of these sections of road and stop, revive and survive.

If the Minister is up there for a few days I ask him to drop into the Sid Burke Reserve—it is not hard to get off the main road there; there are plenty of exits—have a look at it and take a message back to Cabinet as a motorist that this reserve needs to be reopened in the interests of public safety. As I said, it is important to preserve the heritage of the reserve, and I believe the National Parks and Wildlife Service has an obligation to do that because this icon was handed over to it as part of the State forest that is now Bonga Bonga National Park and Pine Creek State Forest. I ask the Government to reopen this reserve in the interests of motoring safety and in the interests of its heritage to ensure that people travel safely on this road and find places to pull off and rest.

HOLSWORTHY RAILWAY STATION COMMUTER PARKING

Ms ALISON MEGARRITY (Menai) [5.59 p.m.]: I advise the House of an exciting milestone in the provision of a new \$15 million multi-deck commuter car park at Holsworthy station in the Menai electorate. Construction work is underway on a new facility that will include a 3½ level, 520-space, multi-deck car park, a passenger lift with access to all floors, a pedestrian bridge linking direct to the station concourse from an upper level, lighting and CCTV for added security, and modifications to taxi, bus and kiss-and-ride facilities for improved traffic circulation and commuter convenience. The New South Wales Labor Government made a

commitment to increase the commuter car parking facilities at Holsworthy station at the 2007 election. I am very pleased to report the facility now being built is providing an even greater number of spaces than the commitment made during that election campaign.

As the local member of Parliament, I am very well aware of the popularity of Holsworthy station on the Macarthur-East Hills line for commuters travelling to and from the city. The train is by far the best way to go. In my first term, I campaigned strongly for the erection of a multi-deck car park at Holsworthy, and that facility was completed in June 2002. For a considerable length of time, that car park, combined with a ground level only area, provided more than adequate capacity for the needs of local commuters. However, for a variety of reasons, including improved timetables and the increasing tendency of people to travel some distance from other areas to park at Holsworthy and then travel to the city from there, it gradually became obvious that greater parking capacity was needed. Once again I campaigned very strongly to see those much-needed additional facilities provided for my community.

I was therefore very pleased to receive a 2007 election commitment for new multi-deck car park to be built on the area adjacent to the existing multi-deck facility. However, I listened to the concerns of those commuters who feared that the number of additional spaces promised might not be sufficient. So I went back to the Minister for Transport and the Premier with those concerns and was delighted to achieve a commitment for a significantly increased number of spaces to those originally promised. Following a period of planning and community consultation, the tender for the \$15 million project was awarded to Denham Constructions late last year. It was appropriately just before Christmas that work started on an interim car park near the Hammondville Oval and Moorebank Sports Club complex. Its purpose is to provide parking for cars displaced from the Holsworthy at-ground parking area during the construction process at the station.

On that groundbreaking day, I was pleased to join RailCorp project managers Ayoub Dayoub and Andrew Stringer, and Neil Pash and Andrew Winter from Denham Constructions. These obviously very capable four gentlemen promised me that construction on the interim car park facility starting that day would be finished by mid March 2009. True their word, the interim car park finished right on time, enabling construction work to get underway at the railway station. Buses are now provided for commuters who park at the new interim facility to then travel to and from the station. RailCorp staff handed out flyers at the station for two weeks prior to the big day to ensure that commuters were aware of the imminent change in parking arrangements. On day one of the change, RailCorp's customer service staff were on site to seek feedback from commuters on any associated issues or difficulties.

Variable message signs have also been placed on Heathcote Road to advise people when the existing parking lot is full at the station so that they can take the opportunity to park in the new interim facility. Once the new car park is finished at the station, it is very pleasing that the interim facilities built for this project will remain for people using the many and varied sporting facilities around the Hammondville Oval and the Moorebank Sports Club complex. That area was previously a dust bowl and is now sealed and has line marking and lighting. I thank my community for its patience and understanding in relation to any difficulties or inconvenience associated with the arrangements that needed to be put in place during the construction period. I believe that RailCorp and the Ministry of Transport will do everything they can to make this experience as smooth as possible for commuters.

Of course, it was critical to have an alternative parking area for those vehicles displaced during this period, so I am also grateful that Liverpool City Council cooperatively assisted in arranging a short-term lease to facilitate the creation of the interim car park. The good news is that Denham Constructions anticipate the completion of the new multi-deck facility at the station by the end of this year. Whilst there may be some pain in the interim, there will obviously be an ultimate gain, and not too far away. Premier Nathan Rees is a determined advocate for more commuter car parking. As we know, funding for those facilities is provided through the parking space levy. The Minister for Transport, who is in the Chamber, is familiar with the Holsworthy station and I thank him for his assistance in delivering these much-needed facilities to my community.

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [6.04 p.m.]: The member for Menai has told the House about a very cooperative process in which she has been involved. Not only has she worked cooperatively but she has also consistently lobbied for this project. Of course, this project will provide a large number of jobs for construction workers. That is entirely appropriate and it is another demonstration of this Government's \$56 billion capital investment commitment over the next four years. This project will make a huge difference to the lives of commuters and the workers who will be involved in the construction. The member for Menai has been constructive in her lobbying for this project and dogged in her

determination to ensure that it went ahead. I will certainly pass on to public sector employees her recognition of their efforts to get this project to this point. I trust that our private sector contractors will deliver a quality product on time and within the budget we have allocated.

ADDINGTON HOUSE, RYDE

Mr VICTOR DOMINELLO (Ryde) [6.05 p.m.]: On Sunday 22 March I joined with local volunteers to complete an autumn spring clean of Addington House at Ryde in preparation for National Trust Heritage Week in April. Addington House, reported to be the oldest complete settlers cottage in Australia, is the oldest surviving building in Ryde and has a large number of heritage listings, including on the State Heritage Register, the National Trust Register and the Local Heritage Register. During the morning, members of the community and I moved a great deal of garden waste and general garbage to make ready the familiar landmark in my electorate for the local festivities beginning on 4 April.

With Heritage Week shortly upon us it is important to note the significant history associated with this landmark within my electorate. Addington House stands on part of the original grant made to James Stewart in 1794, where he erected a small three-bedroom cottage of sandstone. James Shepherd, who had been transported as a convict in 1791, purchased the farmland in 1809. Shepherd's wife Ann Thorn, whom he married in 1795, had also been granted 20 acres at Eastern Farms in the vicinity of the modern day Meadowbank. In 1799 Shepherd had begun to purchase farms adjoining the Thorn Farm. Shepherd and his sons erected a number of houses on their properties, including The Retreat adjoining Addington, for his daughter Ann Henry. Addington was occupied by Shepherd's son, Isaac, and the western wing of two bedrooms and a veranda was added to the original structure in about 1832.

Isaac Shepherd became a wealthy pastoralist and was a member of this House between 1860 and 1864, representing the seat of St Leonards, which currently falls within the seat of North Shore. In 1850 the eastern wing of Addington House, comprising three rooms, was added. In 1866 Isaac Shepherd's daughter, Mary Elizabeth, married Thomas Bowden, the colony's second schoolmaster, and they resided at Addington. They added a further three rooms and attics in front of the original structure. Between 1866 and 1920 Addington was occupied by numerous tenants and also changed hands a number of times. The Benson family undertook extensive renovations in about 1920, when the floors and ceilings were renewed, the drawing room was reinstated and the ballroom was demolished. The house was not redecorated or added to again and had fallen into a state of disrepair until the Addington Trust was formed in the 1970s and some essential works were carried out.

The City of Ryde, through an extensive restoration project that was undertaken in 1988 following its purchase in 1985, conserved Addington for the community. As part of an extension to Addington's curtilage and to provide for car parking, the adjoining property at 815 Victoria Road, Ryde, was purchased and the contemporary residential structure demolished. Acquisition of this property also created good separation between Addington and the adjoining heritage property, The Retreat at 817 Victoria Road, Ryde. Currently, Addington is in fair condition, but it requires a progressive program of works over the short and medium term to bring the structure back to its restored state. The building was initially the subject of an extensive restoration in the 1980s. However, like many heritage buildings around Australia, it requires ongoing funding to maintain its refurbished condition.

Works required to bring the building back to a good standard include internal tasks such as general painting and inspection together with external works such as roof repairs, brick fretting, eradication of dampness and drainage issues, along with the replacement of several building members. Works required within the building's curtilage include resetting of levels to divert water flow and general maintenance. Completion of the tasks will bring the building back to a state where the institution of a conservative works program will maintain its longevity. I look forward to participating in the many events of Heritage Week and supporting the Ryde Historical Society. I encourage all members of the community to visit Addington and to experience an important piece of our early history.

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

Mr TONY STEWART (Bankstown) [6.09 p.m.]: I inform the House and my constituents that today my legal counsel successfully filed a notice of motion in the Supreme Court of New South Wales to the effect that my current proceedings against the Crown and Ms Chris Ronalds, SC, be expedited. As a consequence of this, the first hearing date has been set for 6 April 2009. The allegations that led to my dismissal as a New South

Wales Minister of the Crown are, as I have continually stated, false and without substance or validity. I am confident that my action in the Supreme Court will quickly and clearly demonstrate the truth about this issue, particularly with regard to the Ronalds report, which led to the Premier's decision to dismiss me.

My action in the Supreme Court is initially pursuing important and unprecedented legal issues, including whether the Ronalds report is covered by parliamentary privilege, whether the Ronalds investigation was required to offer me natural justice, and whether the Crown and Ms Ronalds owed me a duty of care in the formulation and presentation of the subject report. As I have stated, this litigation against the Crown is unprecedented, and I am very confident, based on advice from senior counsel, that this issue will be resolved in my favour—for the simple reason that I am telling the truth and will continue to do so.

MULWALA CANAL BRIDGE

Mr GREG APLIN (Albury) [6.10 p.m.]: Pedestrian movement across the Mulwala Canal Bridge has been a significant safety concern since Mrs Tricia Cummins first raised the issue with me in December 2005. In her letter, Mrs Cummins described the frightening scene of a young mother with her children in a pushchair being forced to run across one lane of the bridge because the pushchair would not fit on the narrow walkway. Several vehicles were travelling on the bridge in the opposite direction during this dash. Mulwala is a town in Corowa shire located on the western side of Lake Mulwala, which is renowned for its fishing and water sports and which acts as an irrigation storage. Along with Yarrawonga on the Victorian side of the lake, the area has experienced strong population growth, with retirees and young families flocking to reside in this wonderful inland aquatic paradise.

Mulwala's population of 1985 swells to around 6,000 during the summer and Easter holiday seasons. The Mulwala Canal Bridge is positioned on State road 314 at the commencement of Melbourne Street, the main street in Mulwala. It crosses the only off-take canal for the Murray irrigation area and links residents in North Mulwala to the main business and recreational areas. There are four caravan parks in North Mulwala catering for tourists all year round. In its current form the Mulwala Canal Bridge provides a crossing for vehicles but control boxes installed by Murray Irrigation restrict the width of the pedestrian walkway for bicycles, prams and motorised wheelchairs. Pedestrian access is clearly subservient to the mechanical requirements of the irrigation system.

The result is that residents and tourists have to move onto the road and walk the length of the bridge with no separation from the traffic and no escape route once they are on the bridge. It is literally a rat run for mothers with prams and strollers, as they try to time their crossing to avoid traffic. This is not a wide bridge. It is a narrow canal crossing with no room for pedestrians, cyclists and vehicles to be on the same side of the road safely at the same time. The walking and cycle tracks leading to the bridge basically force people onto the roadway. Mulwala residents like Ken McLean, the Mulwala Progress Association, Corowa Shire Council and I have all brought this safety issue to the attention of the Roads and Traffic Authority [RTA], Murray Irrigation and a succession of roads Ministers since 2005.

Corowa Shire Council staff have been working steadfastly on this matter and have completed traffic and pedestrian safety audits, worked with the Roads and Traffic Authority on a pedestrian access and mobility plan, attended multiple meetings and produced designs for a safe pedestrian crossing. Following several representations and questions to the Minister for Roads, the then Parliamentary Secretary and now Minister responded in July 2007, advising that Corowa Shire Council should submit a proposal to the Roads and Traffic Authority for funding a pedestrian walkway. Minister Daley then stated, "Council would fund 50 per cent of the project's cost as part of the RTA's cycleway program."

The Federal Government's recent allocation of funds to councils under the Regional and Local Community Infrastructure Program has enabled Corowa Shire Council to identify the Mulwala Canal pedestrian walkway as its number one priority for community wellbeing. Accordingly, the council earmarked a large proportion of these Federal funds for the project and advised the Roads and Traffic Authority of an application for the other 50 per cent of the cost under the authority's cycleway program. The council was astounded to be informed by the Roads and Traffic Authority that the cycleway program had an insufficient budget and that if the request for \$200,000 were approved, it would drain all funding for the entire region.

This rejection of the funding application came after the then Parliamentary Secretary Assisting the Minister for Roads directed the council to submit a proposal for funding under this very program in July 2007. Then, in response to my question seeking advice on progress of the project in September of that year, the

Minister advised that, "Council can submit a proposal to the RTA for the funding and construction of a pedestrian walkway over the Mulwala Canal under the RTA's 50:50 cycleway program." But the Minister's office and the Roads and Traffic Authority are clearly not in communication about such matters. Although there has been ministerial and Roads and Traffic Authority involvement in this road safety project since January 2006, no action has been taken to make funding provision over the past three years and now it appears that there is no funding after all. It is like some Monty Python parody—perhaps the dead parrot sketch: It's not dead; it's just sleeping!

The latest State Government advice to Corowa Shire Council is to pursue blackspot funding from the Federal Government. If the State Government had no intention or ability to fund this pedestrian walkway, why was has the council been misled since 2006? As I mentioned earlier, Corowa Shire Council set aside 50 per cent of the cost of providing pedestrian access at the Mulwala Canal Bridge, but under the criteria for the Federal Regional and Local Community Infrastructure Program the project has to be completed by September 2009. It is time for the Minister for Roads to come good with the remaining 50 per cent of the cost. This is an ideal opportunity to fix a pedestrian deathtrap on a State road. Otherwise, as the officer in charge of Mulwala police station stated to me, "I can see that at some stage I will be picking up the pieces ... hopefully not as the tearful, grief-ridden father."

HAZEM EL MASRI RUGBY LEAGUE RECORD

Ms LINDA BURNEY (Canterbury—Minister for Community Services) [6.15 p.m.]: As the proud member for Canterbury, I will talk tonight about an icon in our area. On 14 March, Canterbury Bulldogs star Hazem El Masri kicked his way into Australian Rugby League's history books by becoming the highest points scorer in the 101-year history of rugby league in New South Wales. Hazem El Masri surpassed ex-Newcastle legend Andrew Johns' tally of 2,176 points. What makes this especially significant is that Hazem El Masri broke the record whilst the Bulldogs were disposing of last year's premiers, the Manly Sea Eagles, 34 to 12 at Brookvale Oval. Following last week's hard-fought win against the Panthers, Hazem's score is currently at 2,192. That includes scoring 145 tries. I know there was some controversy in that game, but let us stick with the theme.

In my inaugural speech to Parliament in May 2003, I said that blood flows blue and white in Canterbury. No matter what anyone else says, we love the Doggies—and don't you forget it! Also in my inaugural speech I spoke about Hazem El Masri and what he represents in an area like Canterbury. He represents the migrants' story. He also represents decency, and that is why he is held in such high regard not only in our area but across New South Wales and Australia. As the member for Canterbury I have had the privilege of attending a few Bulldogs home games and have witnessed the man they call "El Magic" score many fantastic tries and, of course, kick many goals. After the first two games of the season he has a 100 per cent scoring rate.

Some career highlights of Hazem El Masri that stick out in my mind include him barging over the line for his 100th try when playing against the Roosters in the 2004 grand final. I was there that night and I will always remember it. Before that, in 2002, who could forget Hazem's kick from the sideline at full-time in front of 25,000 screaming Knights fans, which saw his team win 22 to 21? He did it again last Saturday at Penrith, with a final-minute conversion against the Panthers to seal a 28 to 26 victory. What is particularly impressive about his latest record is that Hazem El Masri has not always been the full-time goal kicker for the Bulldogs. He took over as goalkeeper from Darryl Halligan in 2001. One can only imagine what his points total would be if he had been the kicker from his debut season.

Hazem debuted in 1996 for the Bulldogs first-grade team but did not have a regular spot in the squad until 1998. He was born in Lebanon and migrated to Australia as a young child in 1988. He played soccer for eight years and, in his senior years, decided to make the switch to rugby league. He is a local boy, who attended Belmore High School. He is devout in his faith and is widely respected in his community. He does a lot of very important work with young people because of who he is and how he conducts himself. Hazem El Masri is married with three children, and I had the great pleasure of meeting his wife just a few weeks ago.

His representative career has seen Hazem El Masri captain the Lebanese team in the 2000 Rugby League World Cup, play for city in City versus Country Origin, play in game three of the 2007 State of Origin series, and play for the Australian team against New Zealand in 2002. I am sure that we will see him again this year in the State of Origin series—if not, it will be a crime! I extend my congratulations to Hazem El Masri on

achieving this amazing milestone. As the member for Canterbury, I say he is an icon. It has given me a great deal of pleasure to be able to make this tribute and to have him represent the people of Canterbury. I wish him and the Bulldogs the best of luck this season—and I am not one-eyed!

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [6.20 p.m.]: I thank the Minister for Community Services for bringing to the attention of the House the outstanding performances of Hazem El Masri. He is a member of a great club—the Canterbury club, or the Bulldogs. Indeed, when I was a kid living at Revesby and I followed them, they were called the Berries. I eventually crossed the river and became a Sharks fan, but I am sure that every fan would be aware of and acknowledge the fabulous performances of Hazem El Masri. As the Minister said, he is an icon of the game. On behalf of every member of the House, all the Sharks fans and everyone who follows rugby league, I join the Minister in congratulating Hazem El Masri on a fabulous career. No doubt he will continue to perform for what is a truly great club, the Bulldogs.

LANE COVE PUBLIC SCHOOL FROG POND

Mr ANTHONY ROBERTS (Lane Cove) [6.21 p.m.]: Last week I attended the opening of the Lane Cove Public School frog pond, together with Principal Bob Lamaro, a fantastic educator and administrator. It was a very successful event, thanks to the hard work and dedication of the parents, friends, donors and of course the children. Lane Cove Public School had an old disused frog pond on the grounds. It was in an overgrown state, covered with a shade cloth and behind a locked gate. A group of parents decided that it was a shame to leave the pond in such a state, particularly as many species of frogs are endangered and local councils are encouraging people to build frog ponds in their backyards. After many discussions and workshops, the parents managed to source enough materials and rebuild the pond. The students now have a peaceful area for quiet reading, relaxation and pond-life observation. The teachers are also able to use the area for science classes, art lessons and other activities.

Jayne Whitford and Susan Loane coordinated the project, and I commend them for their leadership. Congratulations should also be offered to the Frog Pond Friends, Emily Waterson and Laura Searson, who are both year 6 students. The families who donated time and effort and worked on construction of the pond were David and Cathy Cook and daughter Millie; Marianne Kingsmille and children Astrid and Curtis; Gordon Power, a grandparent; Ella Holland and son Ben Hacquoil; Anna-Lise Sewell and children Robbie and Whitney Mueller; Mark and Julie Dyer and children Amy, William and John; Belinda Roberts-Timms and children Ava and Lana Timms; Alyssa Lang and children Sienna and Tully; Kim Loane and children Marcus, Nick and Duncan; Jeremy Colless and children Liam and Lara; Patrick Reily and daughter Olivia; Megan Craig and daughter Isabella Vaccaflores; Pierre Campeau and son Nicolas; John and Sharon Knight and daughters Georgia and Grace; Liz Eadie-Miramis and daughters Olivia and Georgiana; Cait Rawlinson and children Elise and Liam; Giles Parker and Cathy Wilcox and son Felix Parker; Duncan and Jody Stone and son Jack; Kraum Knolev and son Kristian; Tim Cook and sons Will and Harry; and Sally Lawler and son Angus.

With virtually no budget for the project, the parents turned to the community. I quickly mention the generous donors: Willoughby Council provided wildlife and frog pond construction expertise, and many of the materials and tools; Lane Cove Council provided 150 plants; Bunnings Artarmon provided some materials and many consumables; Lane Cove Men's Shed provided signage; Bud Landscaping provided a solar pump for the pond; Australian Project Services provided fence construction and repair services and built a deck beside the pond; and Wirreanda Nursery provided a few additional plants, as well as labour to assist with pruning and planting. Finally, I thank the volunteers from Willoughby Council who attended a "Build a Frog Bog" workshop, which was held on site at Lane Cove Public School, and assisted with renovating the pond and planting the gardens.

One of the volunteers was an 11-year-old student from Vincentia Public School, Indiana Riley, who came along to help and to learn as much as she could about frogs and frog ponds. Indiana then returned to Vincentia Public School armed with information. She has now been appointed the senior student in charge of her school's frog pond. Special thanks must also go to Mia Brown, a 9-year-old from Newcastle who held a children's workshop as part of the Willoughby Council program. She showed the Lane Cove Public School children how to build the lizard and skink shelters. The children at the workshop then constructed a number of lizard shelters for the Lane Cove Public School frog pond.

It is a very proud moment to represent a community that is as vibrant, dedicated and united as the Lane Cove community. With virtually no budget or resources, my community has banded together and created a space for learning and relaxing while at the same time protecting endangered species. Again, I thank all those

involved and I congratulate them on their success. As I stated on the day to Principal Bob Lamaro, it is a tremendous achievement in a day and age when people who want something done simply fill out a form and seek government funding. This school reflects a true, traditional value of Australian communities: to get something done go out and do it, not necessarily with government funding. I wish the tadpoles—soon-to-be frogs—all the very best. On my next visit to the school I look forward to hearing the delightful noises of our amphibious friends.

GOSFORD CITY COUNCIL AUSTRALIA DAY AWARDS

Ms MARIE ANDREWS (Gosford) [6.26 p.m.]: It is with pleasure that I speak today about a number of very deserving people from my electorate of Gosford who were recipients of the 2009 Gosford City Council Australia Day awards. Australia Day is a celebration of our nation and each year it provides us with an opportunity to recognise prominent people within our community as well as the quiet achievers. Local Australia Day awards are an opportunity for the community to give recognition to local heroes and heroines who do extraordinary things without want of praise or acknowledgement.

The winners of the Gosford City Australia Day Community Awards were announced at a ceremony held on Friday 23 January 2009 at the Central Coast Leagues Club, with 70 residents receiving certificates for their achievements in their chosen field. The categories for this year's awards were: Business Person, Senior Citizen of the Year, Arts, Culture and Entertainment, Disability, Environment and Sustainability, Community Event, Volunteered Service, Youth, Citizen of the Year and Sportsperson. Gosford City Citizen of the Year for 2009 is internationally acclaimed Australian landscape photographer Ken Duncan. Mr Duncan was nominated for his work helping young people, particularly indigenous youth, as well as for his work with World Vision. Mr Duncan supports indigenous Australians and disadvantaged children with profits from the sale of his giant photographs, which are also donated to World Vision generating awareness of indigenous projects.

This year's Business Award went to West Gosford based family business the Sharpe Bros. Joint managing directors of the company, brothers Hayden, Michael and Richard Sharpe, are involved in providing support to community groups through donations, partnerships, volunteering and community sponsorships. In particular, the Sharpe brothers are supporters of Apex, Rotary and various chambers of commerce. With their investment in new technologies, new machinery and innovative safety programs, Sharpe Bros has provided employment opportunities for local people. Sharpe Bros also entered into a \$25,000 sponsorship arrangement with the regional gallery at East Gosford, which includes an emerging young artist prize, the Sharpe Bros Art Prize, and the Sharpe Bros Roadworkers Prize.

The community event that received the Australia Day Community Award this year was the Brisbane Water Oyster Festival. Held on the Ettalong waterfront since 2000, the oyster festival is a celebration of the highly acclaimed local oyster industry. Attracting more than 20,000 people to date, the oyster festival has raised more than \$120,000 for breast cancer research through the Brisbane Water Oyster Festival Ball and oyster queen competition. Festival chairperson, Debra Wales, does an extraordinary job and this event is the catalyst for a considerable boost to the local economy. The festival is strongly supported by the Peninsula Chamber of Commerce. For services to the environment, Vicki Redrup of Kariang was awarded this year's Australia Day Environment Award. Through her role as principal of Pretty Beach Public School, Vicki has been instrumental in creating a sustainability program at the school. The school hosts a number of green schemes, including worm farming, "no waste" days, and bushcare and water-wise programs.

Georgia Riley of Woy Woy was this year's winner of the Australia Day Community Award for Sport. When Georgia was six years of age she became the youngest national physical culture champion from the Central Coast. Georgia is a member of the Woy Woy Physical Culture Club, where she shows an outstanding commitment to her sport. Congratulations go to Georgia. This year's Volunteered Service Australia Day Community Award went to Barbara Galvin of Tascott. Barbara's mother, Shirley, passed away from cancer and in 2006 Barbara decided to use the money left to her by her mother to purchase a bus to assist people undergoing treatment for cancer. The service, known as the Shirley Shuttle Bus, operates five days a week transporting cancer outpatients to treatment centres located on the Central Coast, and is celebrating its first anniversary. Barbara is now in the throes of organising a second shuttle bus.

The Australia Day Community Award for Youth was this year awarded to Sarah Hayes for her volunteering work with Gosford City Youth Council, the Australian Sister Cities Association Youth Conference, and her school as vice-captain. Sarah is a positive role model and an inspiration for other young people, and I congratulate her heartily. The Arts, Culture and Entertainment Award for 2009 went to Jake Cassar, a popular

Central Coast musician, for his devotion to the Central Coast art community over the past 10 years. Jake is also a member of the Central Coast Aboriginal community and in 2007 released his book *Wiji Wiji* as a gift to the local Aboriginal elders. Jake has lived on the Central Coast all his life and grew up at Umina Beach.

Senior Citizen of the Year for 2009 is Patricia Slattery of Ettalong Beach. For almost 40 years Pat was employed as a teacher at St John the Baptist Primary School in Woy Woy, where she earned a reputation as an ethical, professional, caring and compassionate person. Pat has been a volunteer at Mary Mac's Place and the St Vincent de Paul Society for the past six years and has also done a lot of volunteer work overseas. I congratulate all this year's winners of Gosford City Council's Australia Day Awards. They are indeed very worthy recipients.

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [6.31 p.m.]: I congratulate the member for Gosford on her acknowledgement of the recipients of Gosford City Council's Australia Day Awards. There are so many of them I could not write down all their names. However, I want to acknowledge a couple of the recipients who seem to be very worthy of the Gosford community's recognition of them as local heroes. First I acknowledge the wonderful Citizen of the Year for 2009, the landscape photographer Ken Duncan, who makes donations to World Vision and many other groups. His award is well deserved. I also acknowledge a business I am aware of in the Hunter region called Sharpe Bros, which is a great supporter of Apex, Rotary and various chambers of commerce. Finally I acknowledge the Brisbane Water Oyster Festival—it sounds fascinating and a lot of fun—which received the Event of the Year Award. The Brisbane Water Oyster Festival Ball raises much-needed funds for local causes. Once again, I congratulate the member for Gosford; it is important that we acknowledge the good work that is done in our communities.

UNIVERSITY OF NEW ENGLAND STUDENT ENROLMENT PROGRAMS

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [6.32 p.m.]: The Federal Minister for Education, Julia Gillard, has signalled a way ahead for higher education to include more students from poorer backgrounds. For some so-called sandstone universities, which have targeted students who achieve top Higher School Certificate scores and who are from the highest socioeconomic group, this poses problems. On average, Group of Eight universities enrol 10 per cent or less of their students from the low socioeconomic group and well over 50 per cent from well-off families. At the University of New England—an institution you know well, Madam Deputy-Speaker, and where I will have the great honour of being installed as Chancellor this week—enrolments are much more even. The University of New England has an intake of 24.2 per cent in the lower socioeconomic group, 54.4 per cent in the middle percentile, and 18.9 per cent in the high economic bracket.

Recent research from economists at the University of Western Australia, published in the *Australian Economic Review*, has found that where undergraduates study and what degree they graduate with has little influence on their earning potential after graduation. The research data has been received with some surprise in the higher education sector, as it was expected to reflect more sharply the differing quality of student intakes. Debate continues over whether graduates from the Group of Eight earn more in the long term, but overall the research findings indicate that the Federal agenda for higher education to be more inclusive is on the right track. The University of New England has long recognised that final Higher School Certificate scores are not the only predictors of potential success at university. Indeed, the traditional Higher School Certificate based entry pathway to university serves to disadvantage large numbers of students from low socioeconomic backgrounds, and especially those from rural and isolated regions.

The UNExtra Early Entry Scheme has operated since 1972 and uses the recommendations of schools as the basis for admission. The scheme removes the emphasis on students' choice of school subjects and places the focus on their personal characteristics and potential. The university became even more inclusive for 2007-08 entry by extending the scheme to students who made subject choices in years 11 and 12 that involved vocational study through TAFE. The academic success of the students who enrol under the scheme compares favourably to the cohort admitted on their Higher School Certificate results. This comparison is based on first-year pass rates, progression and course completion rates, and has been confirmed by independent research. The University of New England also offers development programs to bolster the skills and cultural capital of disadvantaged students. For many years its award-winning tUNEup University Preparation Course has instilled confidence in large numbers of newly enrolled students.

Commencing students are also supported through intensive on-campus and online academic skills programs, skills diagnostics, specially tailored resources, and mentoring and advisory programs, which begin in orientation and continue throughout candidature. These programs have attracted two Australian Learning and Teaching Council citations for their contribution to student learning. The university recently added another entry

point through its Pathways Enabling Course, which enables people without high school qualifications to enter university. It enables them to acquire the skills and confidence they need to undertake undergraduate studies while also gaining credit towards a degree. The course is free, involves one year of part-time study, and is taught via distance education with an optional residential school. The course, which is tailored for young people who have been unable to finish high school and mature-age students, has attracted more than 300 applications this year.

Just this week Pam Christie, the Director of the TAFE Sydney Institute, told the Higher Education Congress in Sydney that the barrier between university and vocational education providers was largely snobbish. She said universities treat TAFEs as "poor cousins", creating an impediment to the closer partnerships and articulation outlined as the way of the future by Deputy Prime Minister Gillard. The University of New England has worked closely with the New England Institute of TAFE for some time. An outstanding example of this is the access centres on TAFE campuses that are available to both TAFE and University of New England students in the New England and north-western areas of New South Wales. Another factor is that the University of New England's student accommodation is significantly less expensive than metropolitan student residences and Armidale rent is a fraction of city rental prices, making on-campus university study more affordable for students from low socioeconomic backgrounds. The university has been awarded five stars in a number of education categories, including graduate satisfaction, and it remains a high-quality tertiary institution.

ABORIGINAL STUDENT RETENTION RATES

Mrs DAWN FARDELL (Dubbo) [6.37 p.m.]: I wish to bring to the attention of the House the good news about year 12 retention and completion rates for Aboriginal students in the Dubbo electorate, in central western New South Wales. The Australian Bureau of Statistics reports that the enrolment of indigenous students in year 12 has doubled in the past 10 years. I am proud to say that this increase is very evident in local schools such as the Dubbo College senior campus, Narromine High School and Forbes High School. Last year 36 Aboriginal students successfully completed their Higher School Certificate at Dubbo College senior campus, an increase from 27 indigenous graduates in 2007 and 26 in 2006. I have been informed that this is the highest number of Aboriginal students to graduate from a secondary school in Australia. Twenty-one of Dubbo College's Aboriginal graduates have gone on to gain entry to tertiary education, with 11 of the students now studying at university.

Worthy of particular mention is that Dubbo student Khyarne Biles has been accepted to study medicine at the University of New South Wales and has been awarded an indigenous medicine scholarship valued at \$160,000. This is an outstanding result, and through her success Khyarne will serve as a role model for other Aboriginal young people in Dubbo. In a sign of more great things to come at the Dubbo campus, last year 58 Aboriginal students successfully completed the School Certificate, while 43 students completed the Preliminary Certificate in year 11. Every young indigenous Higher School Certificate graduate is helping to cultivate a culture of academic success that will lead to greater employment prospects and economic prosperity within Aboriginal communities. According to Sydney university, an indigenous person's chance of employment increases by 40 per cent when he or she completes year 10 or year 11.

Completion of year 12 increases employment prospects by a further 13 per cent. If an indigenous student has post-secondary qualifications their employment prospects are greatly improved. I commend the teachers and parents of Aboriginal students at the Dubbo College Senior Campus for instilling in them high aspirations and expectations of success. Principal Richard Skinner, an outstanding school principal, said the school's success would not be possible without the active support of the Aboriginal community. The Dubbo College Senior Campus is working in partnership with Aboriginal parents and, as part of that project, the Dubbo Campus Interactive Learning Centre has been established to provide the necessary support that indigenous students need to overcome social disadvantage and generations of exclusion and alienation from mainstream schooling.

Narromine High School is another school in the Dubbo electorate that has made great gains in indigenous educational standards. In 2008, Narromine High School—a much smaller school than Dubbo College—saw seven indigenous students successfully obtain the Higher School Certificate, almost equalling the graduation rate of non-indigenous students at the school. The pupils at Narromine have been supported and encouraged by the Koori homework centre, which gives indigenous pupils an ideal study environment with tutors on hand to assist with homework and assignments. The homework centre is an extremely important tool in building student success, given many Aboriginal families are large and homes are often crowded places that are shared with noisy younger siblings.

Forbes High School is another school in the Dubbo electorate that strives to improve educational success amongst Aboriginal students. It too is a small school with only a small student cohort. In 2008 six indigenous students graduated from year 12 and they included school captain Brendan Jones. Brendan has now been accepted into the Bachelor of Primary Education program at Charles Sturt University. The success of Aboriginal students such as Brendan Jones demonstrates to their indigenous friends and families that success is attainable. Students such as Brendan also demonstrate to the wider non-indigenous community that Aboriginal kids are capable of academic achievement, and they deserve our applause and encouragement.

Two Aboriginal women currently work as tutors at Forbes High School two full days a week to improve the retention rate of indigenous students. The school is concerned that they may lose these tutors, as their positions are currently temporary. The school fears that unless permanent funding can be secured these staff may be offered positions elsewhere—particularly at private schools that can offer more enticing remuneration.

It has been my great pleasure to bring to the attention of the House the success stories of these Aboriginal young people who have, with the support of dedicated teachers, mentors and parents, overcome social disadvantage and cultural disconnection from the education system to complete secondary education, which remains one of the key markers in future career and employment success. These success stories are notable but there are still far too many indigenous children who will not complete their Higher School Certificate, nor attain even basic numeracy and literacy levels. The successes of the Dubbo College Senior Campus, Narromine High School and Forbes High School create a role model for achievement elsewhere.

Only 51 per cent of indigenous students across New South Wales remain at school to complete year 12. Sadly, in more remote parts of western New South Wales the figures are disturbingly lower. It is imperative for the sake of social harmony, and for the economic and cultural prosperity of rural and regional communities in New South Wales, that we close the gap between the educational achievements of indigenous and non-indigenous students, and foster success amongst all of our young people whether black or white. In order to achieve that goal, funding must be maintained and strategically increased to target Aboriginal education and to support ongoing success in our education system.

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [6.42 p.m.]: I commend the member for Dubbo for her excellent speech on Aboriginal students in western New South Wales. I worked for a long period of time in Kempsey and I am patently aware of the need to support and encourage these students. I also commend Dubbo Senior College Campus for its success in encouraging so many young Aboriginal people to attend university and further their careers. I am heartened to hear about the number of students from Narromine High School who obtained the Higher School Certificate. Narromine High School is a small school but I know that small schools are great schools—a great motto. I was also interested to hear about the interesting and challenging Forbes High School. It is a challenge for all of us to ensure that children in schools in remote areas of the State complete the Higher School Certificate to enable them to secure great jobs in country areas where unemployment is very high because of the limited number of available jobs. We need to support those young people as much as we can.

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

Private members' statements noted.

CRIMES (APPEAL AND REVIEW) AMENDMENT BILL 2009

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

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

ILLAWARRA JOBS

Matter of Public Importance

Ms NOREEN HAY (Wollongong) [6.45 p.m.]: I ask the House to note as a matter of public importance that we are facing unprecedented economic circumstances and that no-one is immune. Communities such as mine across the State are facing job losses. We know from news reports that jobs across the State are on

the line and that last month Pacific Brands announced 280 jobs cut in the Illawarra. These are concerning and disturbing headlines. What the Opposition fails to recognise is that behind each one of those news stories are families who have lost their breadwinning salary, families who are already stressed and under pressure in these tough economic times. This is a real problem that needs a real response and the New South Wales Government is providing that. The Government is working hard to deliver a \$56 billion infrastructure program to support 154,000 jobs annually.

The State and Commonwealth governments are working to build libraries, gymnasiums and science laboratories for schools across the Illawarra. These infrastructure projects will support jobs for local tilers, roofers, electricians, plumbers and concreters. Thanks to the State Government, the Illawarra will get its share of \$3 billion dollars to build about 9,000 additional social housing homes across the State. It will also get its share of the extra 37,000 jobs that go along with that project. The public will be happy to know the New South Wales Government is also investing in training our workforce to ensure they are best protected in the global economic crisis.

Last month, the Premier joined Deputy Prime Minister Julia Gillard to announce the details of a \$620 million national partnership to provide 175,000 extra training places for job seekers, school leavers and under-skilled workers across New South Wales. The Illawarra will again get its share of that investment. That is on top of the announcement the Premier made earlier in the year that the New South Wales Government will create 6,000 apprenticeships and cadetships over the next four years to provide the young people of New South Wales with the skills and training needed for employment opportunities. The Government is committed to supporting jobs in the Illawarra.

The Premier visited the Illawarra last week to meet with the community and hear their concerns. While he was there, he opened the first green power station in the Illawarra, which will provide 27 permanent local jobs. The \$430 million TRUenergy plant supported up to 600 jobs during construction and will produce 65 per cent less greenhouse gas than a coal-fired power station. The project will not only help secure the future electricity needs of New South Wales residents and businesses, but it will also provide jobs for 27 people in the Illawarra—green jobs for the future. I also joined the Premier and the Minister for Transport in the Illawarra last week to announce the new Gong Shuttle, a free Wollongong bus service every day of the week. The new service is part of the Government's commitment to delivering better transport services and job options for the Illawarra. It has created 10 jobs for local bus drivers and makes transport around the city easier.

While the Opposition refuses to recognise the need for jobs, let me tell you what the New South Wales Government is doing about jobs in the Illawarra. There will be a \$135 million capital injection this year to support 1,170 jobs, including \$33 million to expand Port Kembla. An amount of \$170 million has already been invested in upgrades to the port to accommodate car imports—1,300 new jobs and \$140 million a year into the Illawarra economy. The Government has contributed \$24 million to help set up the Innovation Campus of University of Wollongong, with 5,000 new jobs once complete. It is creating a renewable energy precinct on the South Coast to attract green investment and create green jobs. It has targeted youth unemployment through a project that has now placed over 300 first-year apprentices across the region.

The Government knows how important jobs are to the people of New South Wales, and that an investment in infrastructure is an investment in jobs. That is why the Government has a \$56 billion four-year infrastructure program, supporting an average of 150,000 jobs each year. It is the largest infrastructure program of any State government anywhere in Australia. That is what the Government is doing in the face of the global economic crisis—a crisis that the Opposition refuse to recognise, despite job cuts in its own backyard. The New South Wales Government understands that we are facing unprecedented economic challenges. As governments across the world put together their responses, the Opposition does nothing. The people of New South Wales deserve better than that. That is why we are working with the Commonwealth to deliver our part of the Federal Government's \$42 billion job plan.

Yesterday morning the Premier met with Senator Mark Arbib to brief more than 250 representatives of the building, construction and services industries on the progress the New South Wales Government has already made in the delivery of the Commonwealth's Nation Building and Jobs Plan. We are moving fast, and we need to in order to best support jobs in New South Wales. It is a big project: \$2 billion for new social housing over the next two years, the largest expansion of social housing in a quarter of a century. It is an opportunity that the Opposition would want gone, along with all the jobs it would create. New South Wales \$4.4 billion share in education infrastructure is the largest school infrastructure program ever undertaken in New South Wales. The Opposition refuses to get behind it. The Illawarra deserves its share of the funding, the infrastructure and the

jobs. Opposition members should hang their heads in shame. They have very little to gloat about on the issue of jobs. I commend the Premier and the Government for their commitment to the people of the Illawarra and for their attempt to deliver to the Illawarra a share of the infrastructure projects and jobs.

Mr ANDREW CONSTANCE (Bega) [6.52 p.m.]: That was a colourful speech by the member for Wollongong. It typifies exactly what the New South Wales Government is all about. The only job in the Illawarra that the member for Wollongong is interested in is her own. She only has to look at the unemployment figures for the Illawarra, which have gone up by 2 per cent over the past 12 months. The member talked about the great work of the New South Wales Government. In fact, it is doing nothing more than piggybacking off the Federal stimulus package, which is being delivered after 10 years of record economic growth, jobs growth and record low employment that was brought about by the fiscal discipline of the Howard-Costello years. It is not good enough for Noreen Hay, of all people, not to make any reference in this place to the mini-budget.

Ms Sonia Hornery: Point of order: I ask that the member for Bega not refer to the member for Wollongong as "she" or "Noreen Hay", but rather as "the member for Wollongong", and that he be polite.

The DEPUTY-SPEAKER: Order! The member for Bega knows that members must be addressed by their correct titles.

Mr ANDREW CONSTANCE: If the member for Wollongong is not a female—

Ms Sonia Hornery: Point of order: I asked that the member for Wollongong be referred to by her correct title. It was not about gender, it was about the correct title. I ask that the member for Bega be polite.

The DEPUTY-SPEAKER: Order! That is not a point of order.

Mr ANDREW CONSTANCE: Since Premier Nathan Rees has been in office—he was installed by Tripodi and company—200 jobs have been lost each day in New South Wales. The Government has done nothing to enact any form of stimulus package. It has completely relied on Kevin Rudd, and now it is trying to piggyback his public relations and pretend that the package is its own. Since September last year 37,100 people in New South Wales have lost their jobs. In that time the State Government has handed down a disastrous mini-budget that has cost jobs in the Illawarra. The member for Wollongong made no reference to the Keelong Juvenile Detention Centre, the campaign being waged by the Public Service Association and the 60-odd jobs that will be lost because of her Government's decision on this issue. Government members such as Noreen Hay are doing nothing to support any form of regional stimulus package for the Illawarra, which would result in a better outcome for jobs creation.

The figures speak for themselves. The member for Wollongong has not acknowledged that unemployment in the Illawarra has risen by 2 per cent in the past 12 months. The Government has done nothing to stimulate jobs growth in the Illawarra. What have we seen throughout the region? We have seen Pacific Brands go. What decisions has the Rees Government made? What decisions did the Minister for Transport, and Minister for the Illawarra make when he was police Minister about police uniforms being shipped off to China? Was he the police Minister responsible for signing off contracts that resulted in the production of uniforms in China, instead of in Australia by Australian manufacturers? There has been no response from the member for Wollongong in relation to that issue. Hundreds of jobs have gone from the region as a result of the decision of Pacific Brands to move offshore.

The Premier said that New South Wales jobs are being sent to China because they keep the rising super power happy. New South Wales Government contracts to make items such as police uniforms, train carriages and hospital bed sheets have gone to China, even though the New South Wales unemployment rate is well above the national average. In fact, we are sitting level with South Australia. As I have said and will continue to say, and the Opposition will continue to reinforce, we have a Premier in New South Wales who lacks authority. He has no authority within his own party or the Government. Every day in New South Wales 200 jobs are going. Yet a disastrous mini-budget is handed down by finance Minister Tripodi and Treasurer Roozendaal and overseen by a Premier who lacks authority.

Ms Noreen Hay: Point of order: I have listened to the waffle from the member for Bega. He is not addressing the matter of public importance. He is going in all directions and is failing to address the issue before the House.

The DEPUTY-SPEAKER: Order! The member for Bega will confine his remarks to the matter of public importance.

Mr ANDREW CONSTANCE: In light of the sensitivity shown by the member for Wollongong, I suggest she encourage her Government to adopt a regional stimulus package that provides payroll tax relief to businesses in the Illawarra and unties the red tape associated with the much-required infrastructure spend for the Illawarra. The member talks about the port. The Government has to address the supporting infrastructure around the port, such as the Princes Highway. I am particularly amused that, when unemployment in the Illawarra has risen by 2 per cent over the past 12 months, the member raises this matter of public importance and boasts about activities the Government has undertaken to address the problem. In fact, the Rees Government has done nothing.

Mr PAUL McLEAY (Heathcote) [6.59 p.m.]: The Rees Government is committed to creating jobs, and creating them closer to home. We want to see families in work and we want to create job opportunities closer to home so that they can spend less time commuting and more time with their loved ones. That is our ambition. We are doing the work to deliver on that ambition, particularly for the good people of the Illawarra. The Government will ensure that attention is given to local ideas to create local jobs and investment. That is why last week a community Cabinet meeting was held in the Illawarra.

The Premier and the Cabinet spent much time teasing out ideas and talking to local people to get local knowledge on local issues. Premier Rees announced that the Government would hold a Jobs Summit on 16 April 2009 specifically for the Illawarra region: the State Government to work closely with the people on the ground in the Illawarra—the local businesses and local community leaders who can help us create local jobs. The Illawarra has unique strengths, and we will work together with local experts to harness these strengths and translate them into jobs and investment.

While at the Illawarra community forum the Premier announced a \$3 million injection into the Illawarra Advantage Fund, which will provide payroll tax concessions and incentives for companies who want to set up or expand in the region. This is a direct investment into creating jobs and generating investment in the Illawarra, and that is something we want to see more of. The investment in the Illawarra Advantage Fund and the imminent Jobs Summit will build on the Government's achievements in the Illawarra to create more jobs.

I highlight a concept plan that is in the pipeline for the Illawarra, in my electorate, for the \$108 million redevelopment of the existing 18-hole Illawarra Ridge Golf Resort, which would generate 400 jobs during construction and 80 operational jobs. The concept plan, approved on 13 January, includes a nine-hole golf course, a clubhouse, a pro-shop, restaurant, bar and other facilities; and short-term accommodation with 100 hotel rooms, 100 serviced apartments and 127 villas for temporary short-stay accommodation.

Locally we have had upgrades to our public schools, including nearly \$5 million spent at Helensburgh Public School for new classrooms, a new library and a new administration building. We are building a new gym at Bulli Public School. The magnificent Sea Cliff Bridge has been built since I was elected to this place, and we have now started work on the Bulli overpass. We have provided new sewerage services in northern Illawarra towns. We have rebuilt Coledale Hospital. We will continue to get the runs on the board and we will continue with the planning and listening to the community to create more jobs for the people in the Illawarra.

Ms NOREEN HAY (Wollongong) [7.02 p.m.], in reply: I thank the member for Heathcote for his very considered contribution, but I raise some obvious concerns about the contribution made by the member for Bega. It is a great shame that once again the member for Bega, not unlike other members of the Opposition when they speak on these issues, failed to be supportive in any way shape or form of something that would have constructive, positive outcomes. As usual, negative whingeing comes from the other side of the House. In listening to the criticisms of the member for Bega it is interesting to note that the New South Wales Opposition publicly declared that if it had won government at the last election—which we have to remind them time and time again they did not—there would be no car imports out of the port of Port Kembla: the millions of dollars spent on the expansion of the port at Port Kembla would not have happened.

We have to remind the Opposition that during the lead-up to the last election the Opposition talked about getting rid of 20,000 workers. The member for Bega likes to talk about my failures when it comes to Keelong Juvenile Justice Centre, yet what did he or other members of the Opposition have to say about Pacific Brands when it decided to close down and get rid of 280 jobs? I do not believe that closure was as a result of the economic crisis but a money-grabbing exercise to make more and more profits. But those people did not deserve

to lose their jobs. They were predominantly women from non-English-speaking backgrounds who were cast out without a thought. Shame on that company because these women performed dedicated hard work for many years.

The Rees Labor Government is taking action to increase opportunities, create jobs and move the State forward. It is trying to protect us from some of the negative impacts of the economic crisis. The member for Bega should be in his glory with all the negativity we are hearing—he should be wallowing in it—because it is the same negativity we hear from that lot on the other side of the House every day: negative complaining. They never participate in any positive, constructive debate for positive outcomes.

Discussion concluded.

**The House adjourned, pursuant to sessional orders, at 7.05 p.m. until
Thursday 26 March 2009 at 10.00 a.m.**
