

# LEGISLATIVE ASSEMBLY

Tuesday 12 May 2009

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**The Speaker (The Hon. George Richard Torbay)** took the chair at 1.00 p.m.

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

### PRIVATE MEMBERS' STATEMENTS

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

### PENRITH RELAY FOR LIFE

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [1.09 p.m.]: As many members of this House and the other place know, the Cancer Council of New South Wales promotes Relay for Life to raise awareness in and educate the community about cancer and to advocate research into cancer. Penrith Relay for Life is an annual event, now in its eighth year. It is growing bigger and better every year. This year the event was held on the weekend of 2 and 3 May 2009. As patron of Penrith Relay for Life, I was proud to see the number of teams that had registered on the website prior to the day. But, as the communities of Penrith and the lower Blue Mountains know, people sign up on the day to participate in this team relay event, which takes place over 24 hours.

The new chair of Penrith Relay for Life, Mr Greg Sayers, is a human resources manager from Springwood who lost his partner to breast cancer: Greg is now a single father. His partner had been a good friend of the committee. Julia Parashko, who had been the chair of Penrith Relay for Life for the previous three years, encouraged Greg to become more active and involved with the Relay for Life. So he became chair. The Penrith Relay for Life over its seven years, not including this year, has raised more than \$1 million for the Cancer Council of New South Wales. Dr Andrew Penman, who as Chief Executive Officer of the Cancer Council of New South Wales, attended the first Penrith Relay for Life all those years ago, was invited back this year to open the event. Dr Ceril Varol, a urologist at Nepean Hospital who works with prostate cancer patients, was the guest speaker. As participants in Relay for Life would know, the first lap is a cancer survivors and their carers walk. It was a great day in Penrith: the sun was shining, and people were out celebrating the survivors and their carers.

I also pay tribute to the teams from local high schools. McCarthy Catholic College had 10 teams. A team from Blaxland High School and Cranebrook High School participated for the first time. Not to be outdone, there were teams from York Primary School, the local girl guides and junior girl guides, church groups, local gymnasiums and Penrith City Council. Every year Cheryl McLaughlin, whose team is called Just Us, obtains a temporary liquor licence and sets up a saloon. Over the years she has raised a large amount of money. This morning the website showed a deposit of \$3,520 from her saloon. Well done! This year, next to the saloon, was the Wonder Women tent, where high tea was served for a donation of \$5. Prostate support groups and breast cancer awareness groups also set up tents. As Penrith Relay for Life is held close to Mothers Day, Bosom Buddies sets up a Mothers Day stall to raise money.

Julia Parashko is the captain of the team Family Affair. Julia, who is an ongoing supporter of the Cancer Council of New South Wales, leads a community committee outside the Relay for Life event. Penrith now has a Cancer Council community hub, and Julia undertakes fundraising throughout the year. To date, her website shows a donation of \$7,234. Well done! Julia has been a resident of Penrith for the past 20 years. At a recent Penrith Community Cabinet meeting she was awarded a community award for her dedication to

fundraising. Penrith Relay for Life also included a Ceremony of Hope and raffles were held throughout the event. I say a big thank you to the combined Rotary clubs that provided food and drinks for participants and congratulate all those involved in the Penrith Relay for Life.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.14 p.m.]: I thank the member for Penrith for raising in the Chamber the wonderful event Relay for Life. This 24-hour event has spread throughout New South Wales in our local communities. I commend the Cancer Council of New South Wales, which raises the awareness of cancer by promoting this valuable event in our community. The member for Penrith is a patron of Penrith Relay for Life, which shows the high regard in which she is held in her community. As the member said, 109 teams registered and participated in the event to raise vital funds for the Cancer Council of New South Wales and to educate the community on cancer issues.

I commend the committee chair of the Penrith Relay for Life, Greg Sayers, who lost his wife to breast cancer and is now a single father. He has become involved in this event and shares his experiences with others in the community. The event allows us all to bond and share experiences with cancer survivors, carers, supporters and family members. It also allows us to acknowledge the work of oncology staff throughout New South Wales, who provide expertise and care to our loved ones who face cancer. It is pleasing to see the involvement of local schools, such as Blaxland High School and York Primary School, the junior girl guides and Rotary, who are always supportive of local events. I am sure that many members in this Chamber support Relay for Life through their local community. Once again, I thank the member for Penrith for raising this event in the House.

### **NORTH-WESTERN SYDNEY BUS SERVICES**

**Mr RAY WILLIAMS** (Hawkesbury) [1.16 p.m.]: The changes to the bus timetable for region 4 have been nothing short of a disgrace. Region 4 covers the Hawkesbury electorate and other areas of north-western Sydney. These changes and the problems they have created are a direct result of the decision by the New South Wales Government some years ago to take control of the private bus industry and implement its own timetable. For decades the private bus industry has been exemplary in its delivery of bus services across New South Wales, in rural and regional areas and many metropolitan areas. The decision by the New South Wales Government to make changes to this industry in an attempt to claw back money from the subsidies paid to this industry for free travel of students to school has failed miserably.

Five years ago I predicted publicly that this would be the end of a once great private industry that had become an icon in providing services to local communities. Armageddon, in terms of the private bus industry and the service it once provided, came yesterday morning when hundreds of residents in suburbs such as Dural, Castle Hill, Cherrybrook, Rouse Hill, Kellyville, Beaumont Hills and Glenhaven were faced with the slashing of up to 20 bus services from Dural to the city. They also were faced with cramming onto the remaining services. Just this morning drivers on The Hillsbus buses had to leave passengers on the side of the road because the buses could not cope with the demand. Drivers have been abused and parents have lost their children at large centres such as Castle Hill because these children, who used to have a direct service to school, now have to catch up to three buses to get to school and back each day.

The 620 service to the city from the corner of Old Northern Road and New Line Road no longer operates from that point. It has been moved almost two kilometres down the road to James Henty Drive. Residents now have to drive their cars or walk to this area because the Government simply cannot install a new bus stop directly outside the Hillsbus depot. Further, the 620 service has been slashed from 42 services a day to 29 services a day—a loss of 13 buses in and out of the city. The 642 bus route from Round Corner to the city has been slashed from 31 runs a day to 27 runs in and out of the city—a loss of another four bus routes to the city. Further, this bus route no longer operates after 9.30 a.m., meaning residents of Mountain View retirement village and aged residents who live near Round Corner have no way to get to the city throughout the day to access specialist health care. Local resident Beryl Russel, from Mountain View retirement village, contacted me this morning on this issue. She advised me that she is gathering hundreds of signatures from Mountain View residents. I will gladly table that document in Parliament when it becomes available.

I have been inundated with emails and phone calls from hundreds of passengers and parents who cannot believe that north-west Sydney, which is so deprived of public transport, could be treated with such contempt by the Government. This Government is directly responsible for making these changes to the area. One of the most disturbing stories I have heard is from Pauline Frewen. Pauline, a mum in David Road, Castle Hill, has a husband in a wheelchair and a mentally challenged daughter who works in Thornleigh. I rang Pauline

last night after being contacted by the Federal member for the local area, Alex Hawke, who advised me that Pauline had great concerns about the future of her family and their transport needs. Pauline moved to this address 10 years ago specifically because there would be a bus service at her door. She then established her daughter in a job at Thornleigh and educated her daughter how to access first the bus then the train from Pennant Hills station to work each day.

Pauline's daughter has been successfully undertaking this travel for some time now, however yesterday she returned home in tears because her bus has now been cancelled and she can no longer access Pennant Hills station other than by using a taxi. It is a similar story with Rosa Maria Di Re who advises me her daughter now has to catch a bus at 6.25 a.m. and then change buses at Castle Hill and again at Pennant Hills in order to get to her school at Hornsby. Prior to these changes she had a direct school bus to her school and did not change once.

But, remarkably, the most disgraceful issue is that of the services to the Rouse Hill High School. We opened the new Rouse Hill High School two weeks ago, and as a person who has lived in this area my entire life it was indeed a great pleasure for me to see children attending a high school in my own suburb of Rouse Hill. The Minister for Education and Training turned up, as did my neighbouring member of Parliament, the member for Riverstone, and it was a wonderful day. But to my absolute dismay the school still does not have a bus service for its students. I would have thought that a prerequisite to opening a new school, is to actually have children attending the school, and the best way to get students to a school is with a bus service. It is now May and the school has been operating all year and still does not have a bus service for the students to get to school.

My message to the Minister is: Do not just talk about a review of this timetable; go back to the original timetable that operated last week until such time as you do your homework and actually listen to the people who understand public transport in the north-west of Sydney. The Minister's department has ignored the advice from Hillsbus for the past 18 months. She advised them not to advise the people of the timetable changes until she announced it. The Minister did not announce them. The Minister subjected my community to the most disgraceful and ill thought out timetable services imaginable, and Rouse Hill High School still does not have a bus service. Members of the Government should wake up to themselves and implement a bus service my area deserves, not the continuous lies and deceit that have been dished out to our area for years.

#### **EAST HILLS ELECTORATE ANZAC DAY SERVICES**

**Mr ALAN ASHTON** (East Hills) [1.21 p.m.]: Recently I had the opportunity to attend several service clubs and local school Anzac Day commemoration services in my electorate. Each year the numbers at these services are growing and more schools are getting actively involved. Of course, while we commemorate Anzac Day on 25 April each year, to facilitate the various ceremonies we now have an Anzac Day week in place. On one Sunday alone I attended Padstow RSL sub-branch commemoration at the cenotaph at Padstow railway station, and then took my place in the march to the club for a further service. In the afternoon I attended the service organised by Panania-East Hills RSL at the cenotaph near Panania station. The march from the club to the cenotaph involved returned service personnel, local bands, sporting groups, dignitaries, councillors and local members of Parliament.

Another march and service was held at the same time at the Revesby Heights Ex-Servicemen's Club, known universally as Heroes Hill, and I attended that club's get-together after the ceremony into the early evening. Once again these special occasions are attracting large crowds and it is noticeable how many members of the public come out of their homes to watch and applaud our returned and current service personnel. I congratulate all those sub-branch members on organising these commemorations, particularly Bill Smith and Wal Davis at Padstow and Jimmy Finn and Max Parker at Heroes Hill. I also thank Bankstown police for their support in actively enabling the roads to be cleared for these marches, something they have always done.

I also attended three school Anzac Day ceremonies in my electorate at Picnic Point High School, Picnic Point Public School and Panania Public School. The Picnic Point High School ceremony, one in which I was originally involved when I was a head teacher at the school, as I have mentioned before in this House, is an extraordinary event which is moving and uplifting. I thank Mr Phil Goman, principal Wolly Negroh and his team of students and staff support for their now longstanding tradition of Anzac Day ceremonies. At Picnic Point Public School the Anzac Day service also included the dedication of the new memorial wall built in the school grounds.

This new memorial includes the original marble plaques indicating the various conflicts our diggers have served in. It was taken from the old cenotaph that was rebuilt at Panania railway station. In this way we are

keeping that sense of our history alive. The Panania-East Hills RSL Club organised and paid for the erection of this wall. I thank Graeme Bellamy, President of the Panania RSL Sub-branch, Mr Garry Murray, President of Panania Diggers, and their respective boards for this wonderful initiative. I also thank Ross Popplewell and Ms Jacqueline Luck for their involvement in that whole event. I also acknowledge the relieving principal, Sonia Stawski, and Mrs Gai Hagan, who organised the event at Picnic Point Public School that day.

At Panania Public School those same representatives from Panania RSL attended when the school assembled at the memorial site, which was also constructed with the support of the Panania RSL club. It was also noticeable how many parents and community members attended school services that were held later in the school day. I also thank Mrs Mary Parkes for her active involvement in organising the day and the principal, Sandra Palmer. Other schools in my electorate conducted ceremonies that I was unable to attend due to parliamentary duties. It is particularly encouraging that these events are run not just by teachers or personnel from the clubs but by the children, which adds an extra quality to the day's commemoration.

On Anzac Day I attended the dawn service at 4.30 a.m. at Panania and the later service at 6.00 a.m. at Padstow. I attended Revesby Workers sporting club for its legacy fundraising day and breakfast. My wife, Councillor Linda Downey, represented the mayor of Bankstown at many of those functions. Also in attendance, as one would expect, was Daryl Melham, the Federal member, and councillors Winterbottom, Stromborg, Brookes and Parker. Anzac Day week is virtually the biggest event in my diary each year. It is our duty to remember those who served. We also need to recognise that Anzac Day is a chance to commemorate those who served and made great sacrifice on Anzac Day in 1915 and beyond. The Anzac legend is well known, but it is time that greater enthusiasm and attention are paid to our efforts on the Western Front. We need to know, for example, that at the Battle of Fromelles, which took place on one night only, we suffered 5,500 dead and injured. Also, our victory on Anzac Day 1918 at Villers-Brettonneux freed that town for the French. In that town there is still a sign that reads "Never Forget Australia". Lest we forget.

### NATIONAL VOLUNTEER WEEK

**Mr GEOFF PROVEST** (Tweed) [1.26 p.m.]: Once again I am 100 per cent for the Tweed. I formally recognise National Volunteer Week, which was started in 1989. This year National Volunteer Week is held from 11 to 17 May. This year's theme is: "Volunteers: everyday people, extraordinary contribution", a statement with which I concur. Approximately 5.4 million adults or 34 per cent of the population across Australia do voluntary work each year, and volunteering continues to grow. In 1995 24 per cent of the population volunteered, in 2000, 32 per cent and in 2006, 35 per cent. Volunteers contribute more than 700 million hours annually. The strongest representative age group is 35- to 44-year-olds. Some 50 per cent of volunteers do so because they believe they are helping others. The volunteer rate is higher in our regional areas, particularly in New South Wales, with 38 per cent compared to 32 per cent nationally. Also, 36 per cent of women volunteer whilst only 32 per cent of men do so.

The Tweed has many great organisations of volunteers from well over 200 local community groups with different needs. I will attempt to name a few—the great Red Cross, Tweed branch, with Marie Ivos, who is a fabulous person. Recently, temporary volunteer groups came together in relation to the Victorian bushfire appeal. Many different groups and individuals supported me when we sent some great produce to Victoria that was gratefully received. The Save a Mate Program in our local high schools and the Blind and Vision Impaired Support group that deals with supplying elderly people with appliances and talking books are supported by volunteers. One very special to my heart is Neighbourhood Watch—and the Tweed has the most proactive Neighbourhood Watch in New South Wales with some 800 members and 16 different divisions across the shire—which continually monitors and tries to improve local streets for local communities. Recently I wrote to just over 200 different volunteers. I am the coordinator of the regional Neighbourhood Watch, a position that I have held for a number of years. One of our leading volunteers, Mr Gordon Levenson, a fine upstanding person, wrote to me and stated:

Hi Geoff

Thanks for your letter re National Volunteers Week. As you would know, one does not get many thank you's these days. See you soon.

The Rural Fire Service is another volunteer group in the Tweed. My son Patrick is an active member of the Bilambil branch. Many hundreds of local people are involved in that service. The Cudgen, Cabarita, Fingal and Casuarina surf life saving clubs are manned by volunteers and next Saturday night I will attend the presentation night at Casuarina. Brian Sheehan, our local State Emergency Service controller, and all the volunteers do a

great job. I also commend the parents and citizens associations at Banora Point High School and Tweed River High School as well Kingscliff High School, where Felecia Cecil is another great worker. Elvie Harris, a very dear friend of mine who is getting on in years, is a great attribute to the RSPCA. Other great volunteer service organisations in the area include the Lions clubs, Rotary, Quota, View clubs, Probus and the Country Women's Association. Tweed District Rescue Squad—Jamie Stoddart is its President—is hosting the 2009 New South Wales Volunteer Rescue Association media conference at Twin Towns on Saturday 23 May, and I will be there to give one of the opening addresses. Another great service in the Tweed is the Voluntary Marine Rescue.

Twin Towns Friends Association, run by Doreen Welsh, is a group of elderly volunteers who go out of their way to support elderly people in their homes. Edna Bennett, an 86-year-old volunteer with that association, travels from Cabarita to Tweed Heads each week to offer support for three people. The volunteers' duties include taking people to doctors appointments, shopping for them, and sitting down and having a chat—something we all like to do. Edna is one of more than 70 volunteers in this amazing group. In health, Meredith Dennis and the Tweed Palliative Support service are doing a really great job. Volunteers are the backbone of many of our communities, particularly in regional areas, and I stand 100 per cent committed to their great work. They continually get out there and help their local communities. It makes one proud to be part of a local community that has a very active voluntary organisation. Once again, I am 100 per cent for the Tweed.

### **MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART**

**Mr TONY STEWART** (Bankstown) [1.31 p.m.]: Recently many of my constituents and the wider community have been asking about the status of my Supreme Court proceedings. I advise the House that I am back in the Supreme Court on 14 May for a referral hearing to set dates for a hearing and to determine the evidence that will be brought and the witnesses that will be called. My legal counsel is looking very carefully at those issues. But because of the public perception, it is important that I advise the House and my constituents of other issues pertaining to this matter that relate to a revelation in an article in a recent weekend newspaper, which I will explain in a moment.

Today I call on the Premier to order a proper reinvestigation into allegations made by my former staffer Tina Sanger that led to my dismissal as the New South Wales Minister for Small Business and Assistant Minister for Health in November last year. An article in a weekend newspaper revealed that in April 1999 Ms Sanger made allegations against a British academic similar to those she made against me. That article, together with anomalies in my case, demonstrate the need for the Premier to order a new investigation into the untrue allegations made against me by that former staffer. As my constituents are aware, the investigation into the allegations took only four days and no witnesses were formally interviewed. Therefore, there are many reasons to look at this issue again. Further, in relation to Ms Sanger's credibility, these revelations demonstrate some very significant anomalies in her case.

It is no surprise to me that Ms Sanger has made similar allegations against someone else. I am advised that in 1999 Ms Sanger made allegations against Professor Mik Heyslop, who was then a senior lecturer at Salford University, in Manchester, England. She claimed that he had inappropriately touched her and intimidated her while she was an undergraduate student. As a result, Professor Heyslop was demoted from his position as a senior lecturer, eventually leaving his university position because of the problems and trauma that Ms Sanger's allegations had caused him. Importantly, Professor Heyslop has maintained continually that Ms Sanger's allegations against him are completely untrue.

Clearly, there are strong similarities between Professor Heyslop's case and mine. I have maintained continually that the allegations made about me by Tina Sanger are totally false: they are without foundation or substance. It seems that Ms Sanger's pattern of behaviour towards Professor Heyslop and me is remarkably similar. I have done nothing wrong. It is time for the allegations against me to be reinvestigated properly by way of a judicial inquiry, perhaps conducted by a retired judge, for example, who has the power to formally test the evidence and determine the truth in this matter. The previous four-day inquiry—two days of which covered a weekend—did not formally interview witnesses who were at the event. The inquiry did not require or call for the giving of formal evidence or sworn statements. In my view it did not properly test the evidence. There is now time to investigate this matter properly and constructively. I am not asking for the world; I am asking simply for my name and credibility back.

### **PORT STEPHENS VOLUNTEER OF THE YEAR AWARDS**

**Mr CRAIG BAUMANN** (Port Stephens) [1.34 p.m.]: Today I speak about a very special event for 38 special people, which I hosted in Port Stephens earlier this month: the 2009 Port Stephens Volunteer of the

Year Awards. I always knew Port Stephens was home to a caring, generous and supportive community, and the community's response to the inaugural awards was proof of that. I received an amazing 38 nominations for volunteer of the year awards from all over the region. The nominees perform a wide range of volunteering services. It was a great testament to the community spirit of Port Stephens.

The Port Stephens Volunteer of the Year Awards were created to recognise, honour and thank those in our community who, day in, day out, week in, week out, give up their time to help others more in need. We have Citizen of the Year awards, Queen's Birthday honours and awards and Australia Day honours and awards, all of which recognise people who have achieved something outstanding—talented sports people, brilliant scientists and successful business men or women or artists—but there is not much to honour what I like to call the unsung heroes in the community who do so much for others without expecting anything in return. A report from the Faculty of Commerce at the University of Wollongong estimates volunteers save the Australian economy \$42 billion a year. Carers, Meals on Wheels drivers and organisers, youth workers and blood donors provide services that we, as taxpayers, would have to pay for if it were not for the wonderful spirit of volunteerism.

Back in February, I called on an outstanding member of the Port Stephens community and a hardworking volunteer to help me launch the Volunteer of the Year Awards. Bill Bobbins, OAM, who celebrated his twenty-first birthday when he was a soldier on the Kokoda Track, volunteers his time for the community each and every day. For example, every morning he raises the Australian flag on the main street of Raymond Terrace and every night he takes it down. Bill is also integral to organising the Hunter Stroke Olympics, a fabulous social event for people in the Hunter who have suffered a stroke. In fact, Bill could not make it to the awards ceremony because he had an important meeting for the Stroke Olympics, which he just could not miss.

Someone who is passionate about giving to the community, without receiving or expecting anything in return is the type of person I believe deserved to be the Port Stephens Volunteer of the Year. This year that person was Ray Tucker of Salamander Bay. For nine years Ray used his skills in the electrical trade to fix electrical equipment donated to the Salvation Army before it was sold to the public or given to the needy. For the past three years Ray has volunteered at Ronald McDonald House in the Hunter, working as manager and completing household chores on the overnight shift, spending up to 17 hours away from home at a time and at his own expense. Since 2005 he has completed 1,480 hours in shifts at Ronald McDonald House. He has used his musical talents to perform at aged-care facilities, as well as raising money for a variety of charities including Ronald McDonald House, Legacy and the Red Cross. Ray regularly donates blood, and has done so an amazing 86 times. On top of all that he has been a Justice of the Peace for 28 years.

Even though Ray was considered the winner, all 38 nominees deserve recognition: Myrtle Rissler, a 95-year-old volunteer who has been a member of the Raymond Terrace Senior Citizens for more than 30 years; Robyn Hemberg from Corlette, who, in her spare time, has helped raise hundreds of thousands of dollars for the Westpac Rescue helicopter service; Bob Parish from Corlette, who helped establish a local State Emergency Service unit for the Tomaree peninsula; and Maureen Kelly from North Arm Cove, who puts endless hours into compiling the well-written and well-read *Cove News* community newsletter. Today I acknowledge all the 38 nominees of the inaugural Port Stephens Volunteer of the Year Awards. I thank them, and all the volunteers who were not nominated, for all they do for our community. This week is National Volunteer Week, and I encourage all members of this House to take the time to thank the hardworking and dedicated volunteers in their electorates.

### **DONNICA CLARKE FOUNDATION SCHOLARSHIPS**

**Mr DAVID HARRIS** (Wyang) [1.39 p.m.]: When tragedy strikes in our communities and in particular when young lives are lost we are reminded of the fragility of life itself. Those affected search for reasons and hope to make their own existence seem worthwhile. But, often, great things are borne out of the very tragedy that struck at the hearts of people. Today I am able to speak to the House of one of these worthwhile things, the Donnica Clarke Foundation, based on the Central Coast. Donnica Clarke, affectionately known as "Nica" by her family and friends, was a dual Australian Surf Life Saving beach sprint and flags champion who died in a tragic cliff fall at North Avoca Beach, on the Central Coast of New South Wales, on 10 April 2007 aged just 16. The Donnica Clarke Foundation was established to keep the memory of the bubbly and multi-talented teenager at the forefront of the community's mind. Its aim is to offer financial and moral support to young athletes, male and female, from the Central Coast region across all sports.

On Thursday 29 April I was honoured to attend the presentation of the inaugural Donnica Clarke Foundation Scholarships at a ceremony held at Mingara Recreation Club. The foundation will provide

scholarships annually for young emerging Central Coast athletes, across all sports. The foundation is particularly keen to help those young athletes who demonstrate the ability but may not have the financial support to pursue the pathway to becoming a successful athlete in their chosen sport. Athletes can apply for and receive the scholarship more than once. The scholarships are numbered in the order in which they are given and this year 13 scholarships were awarded. The recipients come from across the Central Coast.

They are in order from 1 to 13: Chris Dodd, a talented high jumper, in athletics; Keelan Bridge, swimming and surf sports; Chloe Costelloe, tennis; Dylan Cummings from Noraville, surfing; Samantha Davis from Doyalson, netball—I used to be deputy principal at Samantha's school; Matthew Dawes, hockey; Wade Eames, water polo; Craig Lowe, volleyball; Robert McIntyre, wild water racing; Paige Melville, basketball; Rhys Outred, ice hockey; Bree Parsons, basketball; and Lachlan Staples, whom the House may have heard of already in the media for his talent, swimming. The scholarships cover a vast array of sports, which is a testament to the diversity of talent on the Central Coast.

Garry Mensforth, the director of administration of the foundation, spoke highly of Donnica's parents, Kerrie and Tony, and their hope for the memory of Donnica to live on through the foundation. He said that the scholarship recipients were both humbled and proud to receive their awards. Chris Dodd was in fact a close friend of Donnica, so it was particularly poignant that he received the first of the scholarships. The recipients saw the scholarship not just as a handout but as something they can be a part of, something truly special.

The Central Coast sport and surf life saving communities lost an inspirational champion with the tragic passing of Donnica. The Donnica Clarke Foundation is her legacy. I have been happy to talk about the foundation in the House today, and I congratulate the directors, patrons, organisers and supporters who are dedicated to making the Donnica Clarke Foundation a success and helping young Central Coast athletes in their quest for excellence in their chosen field. Donnica had a simple philosophy towards life and competition and it was at the tender age of 13 that she said in an interview with NBN television:

Just keep trying; you will always get there eventually. It does not matter if you are not top of the group you're always out there trying.

Her philosophy is an encouragement for us all.

### **BARMAH-MILLEWA FOREST LOGGING**

**Mr JOHN WILLIAMS** (Murray-Darling) [1.44 p.m.]: I draw the attention of the House to a group of people in this country who have never understood what a real job is and who have never had a real job. They are obsessive in their focus. They are an organised group of people who decide by some process to identify an area and shut it down. I refer to the Wilderness Society and the National Parks Association, both of which come under the umbrella of the good old Greens, working for the environment. They are at it again, looking to cut 1,000 jobs in the southern part of my electorate.

The spokesman for the Greens, Ian Cohen, said, "Well, it's all over. Why don't they compensate them and get them out of there?" I remind Mr Ian Cohen that these are real jobs employing real people. They have not been employed for just five minutes; for more than 100 years people have been employed in this activity in this forest that most of them probably love more than the Greens do. They have been involved with the forest and are concerned about the environment they work in and about their future. This organised group has become very frustrated with the lack of support in its endeavours to engage the Government of New South Wales and has decided that Peter Garrett might be the sucker of the week. The group has told him that the green leek parrot looks like becoming extinct. It has tried everything; it has even suggested that koala bears are in this forest, which is absolutely ludicrous. The group will go to any length to satisfy its obsession.

It is interesting to note that during the course of our research we noted an article in the December 2008 *Wingspan* magazine, volume 18, No. 4, relating to an independent study called "State of Australian Birds". Southern Riverina field naturalists, in conjunction with the threatened bird network, did research relating to the number of spotted superb parrots during one day last year in the Barmah-Millewa forest near Deniliquin. The following data can be extracted from page 33 of this report: It appears that last year the number of superb parrots increased from 250 to 350, according to volunteers who took the count.

It is amazing that this mad-dog element that runs around in our community can be believed by a Federal Government Minister who has never taken the time to come down to this forest and look at how forestry

activities are carried out. It is done by selective harvest, not by clear-felling as he has been led to believe. He should go to the forest, where he would find out that all the fears he is putting into people to try to sell the closure proposal are unfounded.

The interesting aspect for me is that I did not know about this matter until 6 o'clock on Monday morning. The proprietor of the Gulpa Sawmill, the major employer in the forest, did not know about it until the same time. Suddenly his workforce is uncertain about its future and the business is under threat of having the forest locked up. Deniliquin is a community that can ill afford to lose one more job. The rice mills have been closed and 85 people have been put out of work. Irrigation farmers are in desperate need of water for irrigation and jobs are constantly under threat in this area.

The Greens are talking about compensating people and ending the process that they say is wrecking the forest. It has not wrecked the forest in more than 100 years, and I can assure Ian Cohen that he is totally misleading the public of New South Wales and Australia if they believe this process is damaging to the environment and the ecology of the Barmah-Millewa forest. The fight is on and we will take up the fight. I am sure I will be supported through southern New South Wales. I have already had indications of bipartisan support in this House.

### **BLACKTOWN ELECTORATE SCHOOLS**

**Mr PAUL GIBSON** (Blacktown) [1.49 p.m.]: I speak about the schools in my electorate, where great things are happening. Blacktown has a population of some 300,000 people. There are some great schools in my electorate, such as Blacktown Boys High School and Blacktown Girls High School, to mention two. In the very near future these schools will become senior high schools, which is a great credit to them. The principal of Blacktown Girls High, Edward Gavin, has done a remarkable job, as have all the teachers, the parents and citizens association, and the parents. They deserve all the praise they get. Last year Blacktown Girls High School participated in the national titles in an area called "future problem solving", and the school won.

The students then went to Michigan to participate in an international competition titled "Future Problem Solving Program". I am very proud to say that Blacktown Girls High School was the only Australian school—from both the public and private education sectors—that won its way through to the international competition. In fact, the girls went on to win the competition, which is a great credit to them. Al Gore would not in his wildest dreams have thought that when he produced his documentary *An Inconvenient Truth* it would impact on girls in Blacktown, Australia. After seeing the documentary during a science lesson the girls decided that they wanted to do something significant to reduce the school's carbon footprint, and that is what they did. I congratulate them, their school and their parents.

Most of the schools in Blacktown are 40 or 50 years old and they need a great deal of maintenance. The Rudd Government is spending \$14.7 billion on the Education Revolution, which will provide a huge amount of money for maintenance projects at schools in my electorate. Last week it was announced that Blacktown West Public School would receive \$3 million, much to the delight of the Principal, Meg Peel, the teachers and parents. That money will provide a new hall, canteen and covered outdoor area, which are very important. Governments of any persuasion will find it nearly impossible to allocate the amount of money that will be spent on the education sector in the next two or three years. I am thrilled that Blacktown West Public School is getting its fair share of that money. These projects will create jobs and will help to stimulate local economies, not only in my electorate but also across New South Wales. It is important that the money be spent. The Federal Government will allocate another two rounds of funding, and I am sure that other schools in the Blacktown area will receive good news.

In April this year the Government announced that \$1.8 million would be spent on local schools. Blacktown Boys High School will receive \$150,000; Blacktown Girls High School, \$200,000; Blacktown North Public School, \$75,000; Blacktown South Public School, \$200,000; Blacktown West Public School, \$200,000; Coreen School, \$50,000; Crawford Public School, \$200,000; Doonside Public School, \$125,000; Mitchell High School, \$200,000; Quakers Hill Public School, \$200,000; and Walters Road Public School, \$200,000. As I said, that money will be well spent. The funding for schools will give local tradesmen and businesses in the electorate of Blacktown the shot in the arm that they need.

This Government has spent record amounts over the years on maintenance of public schools, but after 12 months there is always more to be done. We can never catch up; it is like a dog chasing its tail. As I said, the schools in my electorate are 40 to 50 years old and they need a lot of tender loving care. Gough Whitlam was



criticised for his school maintenance initiatives, including providing carpet for classrooms. People did not realise the significance of that initiative. He was trying to emphasise the fact that education is vital, that the smallest improvements help everybody and that without education we have absolutely nothing.

### LIFESTART

**Mr GREG SMITH** (Epping) [1.54 p.m.]: I recently attended a fundraising function for Lifestart, an outstanding group in my electorate. The group has recently moved from Hornsby into premises at Ramsay Road, Pennant Hills, after Hornsby Shire Council provided a 10-year lease. Lifestart will share the property with Pennant Hills Neighbour Aid, another great social welfare group in the area. Kerry Dominish is the area coordinator and runs the centre. Lifestart helps special kids and operates an early intervention program for children with Down syndrome, autism and developmental delays. It reminds me of a song entitled *Scorn Not His Simplicity*—I will not sing it—written by Phil Coulter, whose first-born son had Down syndrome. The lyrics reflect the work of Lifestart and the children it deals with. The words are as follows:

See him stare  
Not recognizing the kind face  
That only yesterday he loved  
The loving face  
Of a mother who can't understand what she's been guilty of

How she cried tears of happiness  
the day the doctor told her it's a boy  
Now she cries tears of helplessness  
and thinks of all the things he can't enjoy

Scorn not his simplicity  
But rather try to love him all the more  
Scorn not his simplicity

I met Kerry and other members of Lifestart, including the new Chief Executive Officer, Andrew Wilson, at the fundraiser. Andrew is the father of Grace, who has Down syndrome and who attends the Lifestart centre. Andrew is a former boss of BHP-Billiton in Indonesia. He told the editor of *Expressions*, the Lifestart magazine:

Parents are at the centre of the organization, with a crucial role working with staff to achieve the best possible outcomes for their children to take with them throughout the rest of their lives.

Beyond that, we need our parents to value-add to the Lifestart experience with their skills, experience and time—particularly with fundraising. While we receive very generous funding from the NSW Government Department of Ageing, Disability & Home Care, this does not meet all our costs in providing what to my mind is one of the best Early Childhood Intervention Services you could have. And we, as parents, receive the equivalent of \$10,000 worth of services for our \$1,000/year fee, so assistance in raising extra funds for the organization is extremely important.

Lifestart's philosophy and approach is to strive to give each child the help they need to reach their fullest potential while respecting their individuality, unique qualities and future contributions. Lifestart provides services to families who have a child with an intellectual disability or developmental delays. Lifestart is a parent-driven, cooperative, primary service provider that values and creates opportunities for family-to-family support and takes a family-centred team approach to intervention with parents and professionals working across disciplines as a team with the family at the centre. It also supports the needs of the whole family and provides members with access to experienced professionals. Lifestart professionals help the family to create and use strategies that support their goals for their child. It provides play-based and child-initiated early childhood intervention within a context of structure and positive support for learning. It also supports parent-professional partnerships based on mutual respect and creates opportunities for family empowerment and education.

Lifestart offers flexibility and choice and remains responsive to the changing needs of families over time. It remains open to change and development in response to research-based best practices in the field of early childhood intervention and school aged services, and it supports the wider community through information and education, and by remaining a centre of excellence. Some children who attend Lifestart go on to St Lucy's School at Wahroonga, which in the past catered for blind children but which now offers places to children with other handicaps, and to Karingal at Epping. The disabled in our community have a hard start to life. We must do our best to add to their lives because they bring great happiness to the people who meet them and look after them. They have a simple approach that we should all try to emulate.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.59 p.m.]: I thank the member for Epping for drawing the achievements of Lifestart to the attention of the House. As a paediatrician

I know that early intervention for children with special needs is vital and cost effective. Lifestart certainly sounds as though it is offering a world's best-practice form of early intervention. As the member said, Lifestart creates opportunities and provides support for families that will be of benefit to those families and the wider community. As William Deane said, as a society we are judged by how we look after those who have the greatest need. I commend Lifestart to the House and thank the member for bringing its achievements to our attention.

### **ABORIGINAL PARKS PARTNERSHIP PROGRAM**

**Mr PETER BESSELING** (Port Macquarie) [2.00 p.m.]: There seems to be a growing fascination in the Port Macquarie electorate with the history of our area relating both to our indigenous culture and to our convict past. In our most recent past all too often our colourful heritage has been bulldozed, ignored, desecrated, unrecognised and unloved—something for which the whole State is the poorer, given the significance of our area as a penal settlement and as a colony trying to come to terms with the clash of cultures from native inhabitants and new arrivals.

It seems as though we have finally come to terms with our past and there is a genuine will to learn about our local history and to celebrate the remarkable lives and achievements of those who have gone before us, in particular, those in our indigenous communities. Today I wish to inform members about some great work that is underway to provide our local indigenous community with a direct link to the lifestyle and ways of their ancestors and to instil in the entire community a sense of pride in an ongoing ancient culture that is unique to the people of our area—something in which we can all take ownership and help to perpetuate.

We are lucky enough to have in our area Uncle Bill O'Brien, a Biripi elder and great gentleman. Many members who have visited the beautiful Port Macquarie electorate would testify to the fact that Uncle Bill delivers a welcome to country that is truly inspired by the natural beauty of the area and by his people's connection to the land. I challenge anyone to find a more heartfelt, appropriate and inviting speech than one that is delivered by Uncle Bill. It certainly makes local people appreciate the connection that we all have to our magnificent surroundings and natural beauty.

Based upon a study of schoolchildren in 2006 in which the students themselves identified the need for a better understanding of and relationship to our local Aboriginal culture and history, last year an eco-cultural program was piloted through the Aboriginal Parks Partnership Program of the Department of Environment and Climate Change. The program involved using one of the area's coastal subtropical rainforests, the Sea Acres Nature Reserve, to conduct bush tucker tours and to include information about Aboriginal uses of rainforest plants and insights into local Aboriginal culture and history. Local Aboriginal people and Uncle Bill facilitated the tours, and the program is unique in its promotion of culture and application of conservation for both primary school and high school students.

I am pleased to report that, as a result of the success of the pilot program, the appropriately named Yun Yi Barragay, or "walk with me tours" will be a regular occurrence at the Sea Acres Rainforest Centre. This program will provide substantial natural heritage conservation outcomes for the centre and a great opportunity for local indigenous people to celebrate, learn, teach and promote their culture for the benefit of the entire community. The program will provide more than simply a local bush tucker tour: it will engage in cultural demonstrations and concepts such as music initiations, totems, the roles of men and women, language, British colonisation, bush foods and sea foods, and visual art and dance.

It will provide an exciting opportunity for schoolchildren, tourists and locals, and it will create employment opportunities that utilise and promote the skills of the many talented Biripi people, including Steve Donovan, whose traditional dance creations and performances are a credit to his obvious talents. If I sound excited at the creation of this program it is because I am. We have lived through the era of division when members of our communities operated in isolation because of their culture, and the true value of our traditions went unrecognised to the detriment of all members of our society. No doubt Yun Yi Barragay will be of interest to locals and to people right across New South Wales, Australia and the world. I look forward to the benefits that it will bring to our community as an economic driver, a conservation tool, and a reflection of a renewed appreciation of our cultural and historical identity.

### **TIDY TOWNS AWARDS**

**Mr PETER DRAPER** (Tamworth) [2.05 p.m.]: Last Friday night I was delighted to attend the Australian Tidy Towns Awards presentation in Canberra. I was even more thrilled when Tamworth was named

as the nation's tidiest town. I take this opportunity to congratulate our local Tidy Towns Chairman, Paul Ying, his committee, council workers, organisations and many individuals whose pride in the region enables us to tell other Australians that the Tamworth area is a great place in which to live, work and raise a family.

Tidy Towns focuses attention on community appearance and spirit. As I was flying back from Canberra I thought it would be great if we could develop a safest communities program to encourage respect and responsibility and to get us all working together towards safer community environments. I was also thinking about the results of a crime law and order survey that I recently distributed across my electorate. To date I have received almost 7,000 responses, which is phenomenal. The responses detail many community concerns and give valuable insight into residents' thoughts on this important issue.

The Minister for Police recently visited Tamworth and Gunnedah to hear the views of officers and local residents about current police services. The Minister heard strong concerns about the number of police who are available for duty as opposed to authorised strength numbers. Put simply, these long-term absences are hurting the ability of the New South Wales Police Force to provide the protection that the community needs and deserves. Although these shortages are statewide, Gunnedah faces some major challenges. I presented the Minister with 846 completed questionnaires from Gunnedah locals. Seventy per cent of people think that crime levels are unacceptable, while 74 per cent believe that incidents of crime are increasing. Of real concern to me is the fact that nearly 30 per cent said they do not feel safe in their own homes.

Eighty-three per cent of respondents identified certain areas of Gunnedah as "no go zones". Understandably, most respondents are happy with the local police but nearly all of them noted that police were understaffed and under pressure. Misbehaviour by teenagers, drunkenness, vandalism, burglary, theft, assault, domestic disputes, street racing and speeding were the main factors. Opinions about the causes of crime included alcohol and drug abuse, family breakdown, unemployment, violence and racial issues. Many respondents said that there was a need for more social programs to address these areas, in particular, to target young people at risk. The other day Father Chris Riley, founder and chief executive officer of Youth Off The Streets, said on radio:

There's just no hope in their eyes and so when there's no hope and you're looking in the mirror each morning and saying 'I can't contribute anything, I'm going nowhere', so they then start using drugs and alcohol so they're probably already doing significant crime if they're into the drugs and alcohol because they certainly wouldn't get the money to buy that sort of stuff.

Ninety-three per cent of Gunnedah respondents want to empower teachers to restore discipline at schools, but most of them added that teachers should not have to be substitute parents, and that parental responsibility was where the improvements should start. An astounding 96 per cent of respondents believe that the judiciary is out of touch with community expectations by handing down inappropriate sentences, especially to repeat juvenile offenders. I will be referring that matter to the Attorney General.

People want to see more police foot patrols, especially late on Friday and Saturday nights, more visible police cars on patrol, and increased prevention strategies, starting in our schools. Last but not least, 70 per cent of respondents amongst the farming community said that there had been an increase in rural crime and stock theft, and most thought that the current stock squad was ineffective. The report of the New South Wales Bureau of Crime Statistics and Research entitled "New South Wales Recorded Crime Statistics 2008", examines reported crime incidents from January 2007 to December 2008 and provides a powerful argument to increase police numbers in Gunnedah and right across the Oxley command.

However, I am greatly troubled about the fact that of all those who were victims of crime nearly 45 per cent did not report the incident to police. Police numbers are determined on statistical evidence and in Gunnedah at least almost half the incidents have gone unreported. In 2007-08 Gunnedah experienced spikes in break and enter of dwellings and motor vehicle theft, but across New South Wales the figures in both those categories fell. Whilst New South Wales experienced a statewide fall of 5.9 per cent and Tamworth a 20.1 per cent fall in reported break and enter of dwellings, Gunnedah saw a rise of 54.7 per cent in this category. From 86 incidents in 2007 there were 133 break and enter offences in 2008.

Both Tamworth and Gunnedah saw increases in motor vehicle theft that again defied a statewide decrease of 8.9 per cent. In Gunnedah there was an increase of 80 per cent, while the figure for Tamworth was up 82.3 per cent. Gunnedah went from 20 incidents in 2007 to 36 in 2008, while in Tamworth that figure rose from 96 to 175. The Government must urgently address the anomaly between actual police officers and available police officers to undertake this work. However, that is only a first step. Addressing the social issues

that lead to many of these problems is a matter of equal importance. Perhaps the idea of a safest communities program should be examined as part of that process. We must encourage everyone to play a role in maintaining and promoting a safe community and to engage in this process.

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

**Private members' statements noted.**

*[The Assistant-Speaker (Ms Alison Megarrity) left the chair at 2.10 p.m. The House resumed at 2.15 p.m.]*

### **DISTINGUISHED VISITORS**

**The SPEAKER:** Order! I acknowledge the presence in the gallery of Mr Chris Peron, the RSL State secretary, and Mr Wal Scott-Smith, Chief Cenotaph Attendant, guests of the Minister for Juvenile Justice, Minister for Volunteering, and Minister Assisting the Premier on Veterans' Affairs. Also in the gallery today is the Hon. Bob Martin, a former member and Minister in this place. His guest is Gene Roderick, who is visiting from Gainesville, Florida. I also acknowledge the presence of Wayne Tunnecliffe, Clerk of the Legislative Council of Victoria. I welcome Wayne and all of our guests to New South Wales Parliament this afternoon.

### **REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS**

**Mr NATHAN REES:** I inform the House that in the absence of the Minister for Community Services at a family funeral, the Minister for Ageing, the Minister for Disability Services, and Minister for Aboriginal Affairs will answer questions on behalf of the Minister.

### **BUSINESS OF THE HOUSE**

#### **Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

### **QUESTION TIME**

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#### **NORTH-WESTERN SYDNEY BUS SERVICES**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Why were bus commuters, parents and students in Sydney's north-west kept in the dark about Ministry of Transport changes to bus timetables, resulting in children as young as seven being left stranded, waiting for buses that never came?

**Mr NATHAN REES:** I am advised that the new timetable was developed by Hillsbus and the Ministry of Transport after extensive consultation with the local community. Despite the consultation, I understand that a new bus timetable can have unintended impacts on the community. I have heard the feedback so far and, in response, I have asked the Minister for Transport to investigate whether there is a need for services to be amended. I note that the creation of this new timetable was not a cost-saving measure and no buses have been taken out of the network in that area. In fact, 113 extra buses—new buses—are being delivered to the north-west. That is not a cutting of services.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr NATHAN REES:** Those 113 buses over and above the current services will come online in the second half of this year. I am advised that bus operators and the Ministry of Transport have in place processes to inform the public leading up to the start of any new bus timetable. In this case I am advised that this information included advertisements being placed in local newspapers and letterbox drops to over 130,000 households in the area, which were completed on schedule in advance of the new timetable. I am advised that all schools received both written and verbal notification of the changes in the lead-up to the introduction of the new network. Despite this information being provided, I understand that yesterday some school students were unaware that the service had changed. I am advised that this morning the Ministry of Transport and the local operator, Hillsbus, have followed up again with all schools in the area and will address any issues that arise as a matter of priority. Staff will continue to be on the ground today monitoring the impacts of the changes to the timetable.

## JOBS CREATION

**Ms CHERIE BURTON:** My question is addressed to the Premier. What is the latest information on action the Government is taking to support jobs for the future?

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

**Mr NATHAN REES:** Amidst the worst downturn since the 1930s the New South Wales Government has one single-minded priority, that is, jobs.

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

**Mr NATHAN REES:** The member for Willoughby continues in the great tradition of making wrong assertions, but I will move on.

**The SPEAKER:** Order! I call the member for Willoughby to order for the second time. I remind the member that last Thursday she was called to order three times in the first five minutes of question time. She is on track to repeat that today.

**Mr NATHAN REES:** And it is only Tuesday. Every job we save or create is a small victory.

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

**Mr NATHAN REES:** Each job means that a mortgage payment or rental payment is made, a family is secure and a fellow Australian is rescued from the frustration and misery of the unemployment queue.

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

**Mr NATHAN REES:** Unlike Malcolm Turnbull and the Federal Coalition, who think the economy should fend for itself, on this side of politics we believe that government action can create and sustain jobs so that growth returns more quickly and more strongly than if the economy had been left to its own devices. Earlier today new Australian Bureau of Statistics figures were released showing that New South Wales has the highest increase in finance approvals for first home buyers. March 2009 housing finance approvals for owner-occupied homes in New South Wales were 28.4 per cent higher than the same time last year. In the year to date to March 2009 approvals for first home buyers were up nearly 108 per cent. That compares to 74 per cent for our Victorian neighbours, 95 per cent for Queensland and 80 per cent for Western Australia. At 107.7 per cent New South Wales is well above the national average of 90 per cent—an encouraging sign.

That is why today I announced the formation of a new Broadband Implementation Taskforce chaired by the Director General of the Department of Commerce, Graeme Head, and including the New South Wales Chief Scientist, Professor Mary O'Kane, and industry experts to seize the opportunities opened up by the Federal Government's Visionary National Broadband Network project. The taskforce will be charged with positioning New South Wales to be the lead State for the National Broadband Network [NBN] initiative. It will focus on four key areas. Firstly, securing the National Broadband Network headquarters in New South Wales; secondly, investigating opportunities to use the New South Wales Government's telecommunications assets and purchasing power for the National Broadband Network rollout; thirdly, ensuring the planning process proceeds smoothly; and fourthly, promoting the information and communications technology [ICT] industry, technology application, and development and training.

We are taking the same attitude with our creative industries—a huge generator of jobs and a sector that will benefit massively from the National Broadband Network. Starting with last year's film-friendly legislation passed by this Parliament, our film industry is recapturing a level of confidence and activity we have not seen since the *Matrix* and *Superman Returns*. Currently under production in Sydney are two big-budget animated feature films, *Guardians of Ga'Hoole* and *Happy Feet 2*, secured with New South Wales Government assistance against fierce competition from other cities here and abroad. Two more New South Wales films, *Samson and Delilah* and *Bright Star*, are in contention with the world's top movies at Cannes. Just five weeks ago I announced that Sydney has secured the big-budget Hollywood film *Green Lantern*, which will create some 500 jobs and confirm Sydney's leadership in the film industry.

I am proud to advise the House today that New South Wales has been chosen by Peter Weir for the post-production work on his latest film, *The Way Back*. This win will create 100 jobs in post-production areas like editing, special effects and sound. These high-skill, high-tech jobs will add value to our economy and enhance Sydney's role as Australia's digital gateway. Our efforts and ambitions are not confined to Sydney. In the Hunter we have been working flat out to help Forgacs Engineering win a major defence contract for Newcastle. This contract to help build the Navy's three new air warfare destroyers is great news for the Hunter by creating around 200 jobs and injecting more than \$10 million into that region. Forgacs and Newcastle have a long history of excellence in shipbuilding and this project not only creates 200 jobs right now, but also builds skills and experience for the future as Australia tackles the biggest defence procurement program in its history.

The same thinking lies behind our work on green jobs. One of the best ideas to come out of the Jobs Summit was the plan to establish a Green Skills Taskforce, a hand-picked group of experts charged with driving the development of the green-collar job sector. These smart jobs bring not only employment, but also help gear the economy towards a post-carbon future. We have allocated \$20 million to upskill tradespeople and professionals in energy-efficiency skills and practices. Over four years this project will train up to 20,000 additional people in these areas, resulting in more eco-smart plumbers, electricians, interior designers and building energy managers. Unlike members opposite, who deny the reality of climate change—

**Mr Barry O'Farrell:** Oh!

**Mr NATHAN REES:** The big challenge for members of the Opposition is whether they follow the Federal lead of Barnaby Joyce. The Government accepts that climate change is not only a scientific reality, but also a source of new opportunities for the future. That is the difference. On the Opposition side of the House, there is denial, deceit and policy decay, whereas on the Government side of the House, there is a simple and unwavering pledge for the families of New South Wales to jobs, recovery and growth. Whether it is in shipbuilding, film-making, green jobs or broadband, that is the Government's focus and commitment—jobs, jobs, jobs!

#### SCHOOLS DISABILITY FUNDING

**Mr ANDREW STONER:** My question is directed to the Minister for Education and Training. When the Minister visited the Randwick Public School with the Premier and the Deputy Prime Minister last week, did she tell the school that while Kevin Rudd was giving them money, Nathan Rees was taking \$15,000 away as part of her plan to claw back \$11 million of much-needed disability funding from New South Wales schools? How could she have got her priorities so wrong?

**Ms VERITY FIRTH:** I am pleased to be able to state on the public record that once again the Opposition's entire research has been based on perhaps a *Sydney Morning Herald* or *Daily Telegraph* article, but definitely not on fact.

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

**Ms VERITY FIRTH:** In relation to concerns that have been raised in the media about funding provided to schools for students with disabilities, let me assure the House that no school has had its funding cut, and every school will have access to its full annual entitlement.

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

**Ms VERITY FIRTH:** Just so that the Opposition understands how it all works, on top of the base funding that all schools receive, the New South Wales Government provides additional resources to schools for particular purposes, such as to support students with disabilities. This is known as tied funding because it must be used for the benefit of the students or teachers at the school who attracted the funding. Over recent years some schools have not spent their full allocation.

**The SPEAKER:** Order! I call the Leader of The Nationals to order.

**Ms VERITY FIRTH:** The Department of Education and Training previously allowed such schools to carry forward any unspent balance into the next year, and then provided the next year's allocation on top. This led to a build up of more tied funds sitting in some schools' bank accounts than possibly could be spent on the programs and the students that they were meant to fund. Let me spell out exactly what was happening. At the

end of 2007 there was \$79 million in unspent tied funds sitting in bank accounts, rather than funding new books, teaching resources, more teachers and greater support for students with disabilities. Let me stress that no school has had money taken from it, and we have not reduced by a single dollar funding to which schools are entitled each year. But at the start of this year, schools that had more than 10 per cent of their annual allocation remaining unspent had that remaining balance taken into account when provided with new money for 2009, which is fair enough because the money is to be spent on students.

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

**Ms VERITY FIRTH:** The money is to be spent on the resources for our kids in our schools. It is not provided to be sitting in bank accounts and remaining unspent. Of course there are many valid reasons why a school may not have spent its full entitlement.

**The SPEAKER:** Order! I call the member for Myall Lakes to order.

**Ms VERITY FIRTH:** Any principal who is affected by this change had the opportunity to speak with the department about their individual circumstances before any decision was made. But if any principal feels that they did not get a fair hearing, they should let me know. They should come forward. I am happy to talk to them. These changes were discussed with both the Primary Principals Association and the Secondary Principals Council, and the Department of Education and Training contacted all principals to explain the new arrangements. This change encourages schools to use their tied funds to directly meet the needs of students, and ensures that resources make it into the classroom for the benefit of students and their school communities.

Our aim is to make sure that funding provided to schools reaches kids in the classroom and does not just sit in a school's bank account year after year. There are ever-increasing demands on the Department of Education and Training to support students with disabilities and other special needs in our schools. However, I assure members that our Government is making a very substantial financial commitment—more than \$1 billion a year—to support students with disabilities. But of course, what would the Opposition know? As we discussed last week, this is the Opposition whose Federal colleagues voted against the biggest ever infrastructure spend in public schools in the nation's history.

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

**Ms VERITY FIRTH:** The Federal Opposition voted against the \$4.9 billion that will be spent in our schools.

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

**Ms VERITY FIRTH:** What does that mean for Andrew Stoner, the member for Oxley and Leader of The Nationals? In the first round his electorate received a total spend of \$7.6 million in seven schools.

**Mr Joseph Tripodi:** They voted against it.

**Ms VERITY FIRTH:** His Federal colleagues voted against it, so I presume he does not want that total spend of \$7.6 million.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms VERITY FIRTH:** The funding will benefit seven schools in his electorate: Comboyne Public School, South West Rocks Public School, Bellbrook Public School, Crescent Head Public School, Kinchela Public School, Beechwood Public School and Nambucca Heads Public School. I assume he also does not want the extra \$2.55 million to be spent as part of the maintenance on 22 schools throughout his electorate. Heaven forbid the Opposition should actually support investment in education in New South Wales!

## LITERACY AND NUMERACY

**Mr ROBERT COOMBS:** My question is directed to the Minister for Education and Training. Will the Minister update the House on efforts to help students to improve their literacy and numeracy skills?

**Ms VERITY FIRTH:** I thank the member for Swansea for his question; I know he is very interested in the topic. New South Wales boasts a world-class education system. The New South Wales Government is proud

of its record of improving literacy and numeracy skills for our school students. Not only are we spending a record amount on literacy and numeracy programs this financial year, but students are being taught core skills earlier than ever before. Last year New South Wales students performed well above the national average in every subject and at every year level tested in the first ever National Assessment Program—Literacy and Numeracy [NAPLAN]. I am proud to say that New South Wales had the lowest proportion of students not meeting minimum standards of any State in Australia.

I was particularly pleased to note the outstanding spelling abilities of our young people. New South Wales ranked number one for spelling in years 3, 5 and 7, and they also ranked number one for their writing skills in year 3. Just this morning students from years 3, 5, 7 and 9 in government and non-government schools sat the first of this year's National Assessment Program—Literacy and Numeracy tests, which are being held over the next few days. More than 1.2 million students across the country are participating in these tests, including more than 350,000 students in New South Wales. On behalf of all members of the House, I wish each and every one of our students all the best as they embark on these tests, which will benchmark their literacy and numeracy skills. I am confident that our students will continue to deliver outstanding results.

The literacy tests will consist of reading, writing and language conventions of spelling, punctuation and grammar. The numeracy tests will assess students in the areas of working mathematically, algebra, function and pattern, measurement, chance and data, number and space. Schools will be provided with information on the performance of their students and will use it to help to plan and develop teaching and learning programs. Later in the year, parents will be thrilled to receive a comprehensive report on how their child fared in the areas of spelling, grammar and punctuation, writing, reading and numeracy. Like last year, New South Wales parents also will be given additional information to show how their child's school compares to national averages.

The National Assessment Program—Literacy and Numeracy tests are just one way that we are achieving great results in the area of literacy and numeracy. We have tripled our literacy and numeracy spending over the past decade from \$54 million a year to \$174 million in this financial year. All children starting in New South Wales kindergartens now have their numeracy and literacy needs assessed through our \$108 million Best Start Program, which will be implemented in all primary schools by 2010. We will continue to work in partnership with the Australian Government—again, voted against by members opposite—and it has committed \$136 million over the next five years to provide new literacy and numeracy teaching resources to New South Wales schools.

New South Wales students, teachers and parents are no strangers to best practice assessment and reporting. The NAPLAN test replaced the highly successful New South Wales basic skills assessment program for students in years 3, 5, 7 and 8. That is our policy. In New South Wales education we focus on core skills, school accountability and clear reporting to parents. Good luck to anyone who tries to determine the Opposition's policies on these issues. As some may know, the Opposition has started a website.

**The SPEAKER:** Order! Members will cease interjecting.

**Ms VERITY FIRTH:** I do not know whether many people have visited the website, which is [www.startthechange.com.au](http://www.startthechange.com.au). It claims to set out the Coalition's alternative vision for New South Wales. Unfortunately—I think perhaps it reflects the importance placed on education by the Coalition—education does not merit a policy selection of its own on the website. There is no mention of education. Indeed, if one searches the entire site using the word "education" one gets only two results. The first is a policy about a new heritage office, which has absolutely nothing to do with schools, and the second is the list of portfolio responsibilities on the shadow frontbench. I note that the member for Murrumbidgee is the Opposition's education spokesman. Two mentions of education on the Opposition's policy website and not a single policy for either!

**The SPEAKER:** Order! Members will cease interjecting.

**Ms VERITY FIRTH:** On the key issue of transparency, recently the member for Murrumbidgee suggested to a Sydney radio station that he might be sceptical about the value of reporting school performance to parents.

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

**Ms VERITY FIRTH:** Is that the Opposition's policy? Is the Opposition opposed to parents knowing how well a child's school is performing? This is already mandatory in annual school reports in New South



Wales. Is the Opposition seriously suggesting that we provide less information to parents and teachers about how our kids are performing? We will wait for a policy update on that. We will be looking at the website with interest. In conclusion, when our students sit down and do the National Assessment Program—Literacy and Numeracy assessments over the next few days they will have been well prepared by teachers who understand how these sophisticated tests work and by the nation's strongest curriculum. We wish students who are sitting the National Assessment Program—Literacy and Numeracy test today the very best of luck. We wish their parents and teachers well. We are confident that New South Wales students will continue to shine.

### SENIOR NURSE MANAGER POSITIONS

**Mrs JUDY HOPWOOD:** My question is directed to the Premier. On International Nurses Day, why is the Premier amalgamating senior nurse manager positions at hospitals such as Parkes, Forbes, Canowindra, Molong, Port Macquarie and Wauchope, forcing these much-respected nurses to travel hundreds of kilometres to provide the hands-on support on which these communities rely?

**Mr NATHAN REES:** This Government accepted 134 of the 139 recommendations in the Garling report—the most far-reaching and elaborate inquiry into the New South Wales health system in a decade.

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

**Mr NATHAN REES:** We accepted 134 of the 139 recommendations, and backed it with \$485 million worth of funding under a document called "Caring Together: The Health Action Plan for New South Wales". What was the Opposition's contribution to this process, and how did it respond to the most far-reaching inquiry into the New South Wales health system? It produced an eight-page brochure with a six-point plan, which is really only a two-point plan because one point is outlined in five parts. It is entitled "Making it Work". It would have been more accurately called "Making it Up". The Opposition has not consulted doctors, nurses or allied health workers in the system. One of the Opposition's plans—it is one of the most egregious examples of health populism I have seen—is the complete opposite of what Commissioner Garling said. The Opposition wants to return to the hospital board structure. It wants to double the number of area health services from eight to 20.

**The SPEAKER:** Order! Opposition members will cease interjecting. They will use the appropriate forms of the House if they wish to raise a matter. The Premier has the call.

**Mr NATHAN REES:** The Opposition wants to double the number of area health services from eight to 20, against Commissioner Garling's recommendation 134, which is crystal clear:

I recommend that ... there be no other alterations to the current area health service governance structure.

Our costings indicate that the Opposition's plan will cost in the order of \$300 million in additional bloating of the bureaucracy.

**Mr Thomas George:** That's the difference between you and us.

**Mr NATHAN REES:** No, there are a few more differences than that! That is the equivalent of some 3,500 nursing positions, gone in bloating of the bureaucracy. That would mean more management, more bureaucracy, more layers of administration, making it harder and harder for our doctors and nurses to deliver health services. Even with honorary board members one would still need to find \$84 million to support the administration of the boards and \$216 million—

**Mr Barry O'Farrell:** Rubbish!

**Mr NATHAN REES:** In the absence of any costings from the Opposition, we have had this costed by the financial officers of the health service. It will cost \$216 million for the duplication of corporate activity such as procurement, payroll and accounts. It is clear: 134 recommendations accepted in part or in full by this Government, backed by nearly \$500 million in additional funding. What is the Opposition's response? In contrast, a \$485 million plan—

**Mrs Jillian Skinner:** Point of order: My point of order is relevance under Standing Order 129. It is International Nurses Day. The question was about nursing jobs. Garling did not make this recommendation.

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

**Mr NATHAN REES:** If the issue is relevance, the question needs to be asked: Why did the Deputy Leader of the Opposition not ask the question? The Leader of the Opposition has come up with a two-point plan, having consulted no-one and having done nothing except the back-of-the-envelope exercise. Commissioner Garling recommended that we do not return to the hospital board structure.

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

**Mr NATHAN REES:** The Leader of the Opposition and members opposite want 20 area health services, 20 sets of support staff, 20 offices, 20 chief executives—the list goes on. We would rather put the money into clinical services than bloated bureaucracy.

**The SPEAKER:** Order! I call the Deputy Leader of the Opposition to order.

### **ELECTRICITY INDUSTRY REFORM**

**Mr MATT BROWN:** My question is addressed to the Minister for Finance. Will the Minister update the House on progress with the Government's energy reform strategy?

**Mr JOSEPH TRIPODI:** I am pleased to confirm to the House that following a successful round of international market soundings—

**The SPEAKER:** Order! The House will come to order. Members who continue to interject will be removed from the Chamber. The Minister has the call.

**Mr JOSEPH TRIPODI:** —the New South Wales Government will call for expressions of interest from parties wishing to participate in the Government's electricity reforms. The New South Wales Government has received strong, positive feedback from international global investors—feedback that validates our reform strategy and confirms that there is more than sufficient interest to proceed with the next phase of the transaction.

**The SPEAKER:** Order! I call the member for Lane Cove to order.

**Mr JOSEPH TRIPODI:** International market soundings have shown that, despite the worldwide economic slowdown, in-principle funding is available for compelling investment opportunities in our State. Global energy players and investors were comfortable with the industry framework that we outlined, and a number have indicated their intention to participate in our reforms. This gives us the confidence to confirm that we will be proceeding with expressions of interest around July-August of this year. Ongoing dialogue with interested parties will maintain the momentum gained from international market testing, and will build towards delivering the Government's objectives: a competitive and sustainable electricity market and one which encourages future private investment in generation, creating jobs and securing an ongoing reliable supply of electricity for our State—the best result for its customers and businesses, and a strategy that clearly meets the public interest.

While the Government is pushing ahead with the most significant economic reform project in a decade, the Opposition continues to flip-flop and cannot detail any energy reform strategy. It does not have a clear position on its energy policy at all. Only two weeks ago the shadow Treasurer said the Opposition was open to privatising any government service. That is the new additional piece of information that has been provided by the Opposition on its policy position. On the Richard Glover show on 27 April the Opposition said, "We need to be open to private sector involvement in anything"—that is the policy position. That includes privatising the judicial functions, police and armies. The Opposition wants private sector involvement in anything. Of course, we went through the privatisation of ports last time. Regardless of what happens to small businesses that want to import products to fill their shelves and what our exporters need, the Opposition has a plan to privatise ports. The Opposition would have private sector involvement in the provision of judiciary functions and police services.

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

**Mr JOSEPH TRIPODI:** That is the detail that we have been given to date on the Opposition's policies. The only criteria the Opposition will use is the public interest test.

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

**Mr JOSEPH TRIPODI:** Of course, a great example of the application of the public interest test was on 23 September 2008.

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

**Mr JOSEPH TRIPODI:** The Opposition should remember that day when it had the public interest test. The Opposition had its chance on 23 September 2008 to apply the public interest test. What happened? Politics prevailed, regardless of what the member for Manly wanted and his policy position. The member for Manly promised everyone he would support the reform agenda, but the Leader of the Opposition stepped in at the last second and killed off what was the public interest and put politics first. The Leader of the Opposition has not stopped going to corporate boardrooms in Sydney apologising for what he did in September last year. The feedback is that they were disgusted by the Liberal Party's position on that reform agenda. The Government commenced the market-testing phase with clear objectives. First, to raise awareness of investment opportunities to the widest possible audience of potential investors and to ensure the market understands the Government's proposals. Secondly, the Government provided a forum for potential bidders to express their views, ask questions of the Government and provide feedback.

**The SPEAKER:** Order! I place the member for Upper Hunter on two calls to order.

**Mr JOSEPH TRIPODI:** This process will allow the Government to maximise the attractiveness of the final transaction strategy to potential investors. Over 16 business days the government team met with 30 potential investor organisations in 13 cities. The Government and its advisers met with strategic investors, including global generators and retailers, integrated utilities and generation developers, infrastructure investors, private equity and sovereign wealth funds, investment banking firms, electricity traders, pension funds and other financiers. The Government has gathered important and valuable information from the market that will be fed into the development of its final strategy.

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

**Mr JOSEPH TRIPODI:** International investors told the Government that its reform proposals are among the most significant being undertaken in the energy sector anywhere in the world this year.

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

**Mr JOSEPH TRIPODI:** This is a globally recognised reform, at a time when every government in every economy is taking the necessary decisions to strengthen its economic position. A second important outcome is that the impact of the current economic conditions is not uniform across the organisations with whom the Government held discussions. Several emphasised they were in a strong financial position to make investments. Many investors have been waiting for this strategic investment opportunity within our national electricity market. The Government's reforms represent opportunities to acquire a large and significant position in the Australian electricity market and potential investors recognise this and have reflected it in their comments. Thirdly, market sounding provided the opportunity to confirm to potential international participants that the reform process will be competitive and will provide a level playing field for all participants.

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

**Mr JOSEPH TRIPODI:** The Government and its advisers are now continuing the market sounding process with a further round of meetings with potential investors located in Australia. The Government is also preparing a second strategy paper, which will answer issues that have been discussed with market participants. This will refine its strategy to optimise sale transactions and, ultimately, maximise the outcome for taxpayers and consumers.

### RIVER RED GUM LOGGING

**Mr JOHN WILLIAMS:** My question is directed to the Premier. Given the Federal Government ignored the New South Wales Government's \$2 million environmental impact statement into the effects of red gum logging in the Murray, will the Premier admit that Kevin Rudd's complete disdain for him and his Government is now costing the jobs of hardworking New South Wales families?

**Mr John Aquilina:** Point of order: This is question time, not debating time. The question of the member for Murray-Darling is more like a speech, not a question. I ask that you rule it out of order. In addition, I ask that the member for Murray-Darling adhere to your rulings and guidance in relation to the length of questions.

**Mr Adrian Piccoli:** To the point of order: The Opposition counts the number of words in its questions because it understands the issue with respect to the length of questions. The question of the member for Hawkesbury contained 50 words and nothing that would be regarded as inappropriate or outside the standing orders. The question is in order. I ask you to ask the member for Murray-Darling to restate it.

**The SPEAKER:** Order! There is no issue in relation to the length of the question. However, the question of the member for Murray-Darling could be reworded. I invite the member to restate the question in order. Government members will remain silent.

**Mr JOHN WILLIAMS:** Given the Federal Government ignored the New South Wales Government's \$2 million environmental impact statement into the effects of red gum logging in the Murray, will the Premier admit that Kevin Rudd's disdain for him and his Government is now costing the jobs of hardworking families in New South Wales.

**The SPEAKER:** Order! I will speak to the member for Murray-Darling about this issue after question time. However, I will allow the question.

**Mr NATHAN REES:** An environmental impact assessment of forestry operations in the Riverina is being conducted under the Environmental Planning and Assessment Act by Forests NSW. The Department of Environment and Climate Change is working with the Department of Planning to assist with advice on the preparation of the environmental impact statement. The Government takes this sort of thing seriously. In relation to the involvement of the Commonwealth Government, I understand that the Minister for Primary Industries and the Federal Minister for the Environment, Heritage and the Arts are working to resolve this issue as quickly as possible. It is my view that we must always take a balanced approach when it comes to protecting our environment and jobs. This Government has a very good track record on reaching balanced outcomes and will continue to pursue it in this case.

## TRANSPORT AGENCIES AND JOBS

**Mr PAUL McLEAY:** My question is addressed to the Minister for Transport. What action is the Government taking to support jobs and recruit apprentices, cadets and graduates to transport agencies?

**Mr DAVID CAMPBELL:** I thank the member for his question and his obvious interest in employment matters in New South Wales. The Government is working to stimulate growth in its economy, investing in infrastructure and creating jobs across the State. It has the largest infrastructure program of any State Government in the country over the next four years. In fact, the program of works is bigger than for the Sydney Olympics. I advise that the Government's investment is showing some good results. In February the Premier announced that the Government will use that record capital expenditure program to increase the number of apprentices being trained. The Premier set a benchmark for all contracts where apprentice programs are established that requires one apprentice to be employed for every four skilled trade staff. I am proud to say that RailCorp is leading the way and is, indeed, exceeding that benchmark.

RailCorp's recent apprentice intake is now one apprentice for every 2.6 skilled trades staff. RailCorp is also in the process of recruiting more trainees, more graduates and more cadets. Six trainee signal engineer positions have been established, and those positions are being advertised right now. The intake of engineering graduates is being increased. Applications are being assessed with a target of 85 this year, which is 11 more than last year, and a massive 65 more than in 2007-08. Six engineering cadetships are being offered to students as a pipeline into the graduate program and for the first time six engineering cadetships have been offered exclusively to women undergraduates in an effort to raise the profile of rail for women interested in a career in engineering.

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

**Mr DAVID CAMPBELL:** It is not just RailCorp that is increasing apprenticeship numbers. State Transit is also meeting the benchmark set by the Premier, with 63 apprentices on board. Of course, the

Government is creating jobs outside its transport agencies also through record investment in transport infrastructure. Two weeks ago I opened the upgraded rail maintenance facility in the Hunter, which will support the delivery of 626—

**The SPEAKER:** Order! The Minister will resume his seat. Government members will remain silent.

**Mr Ray Williams:** Point of order: Residents in my electorate cannot get to their jobs because of your failed bus timetables.

**The SPEAKER:** Order! That is not a point of order. I place the member for Hawkesbury on two calls to order.

**Mr DAVID CAMPBELL:** You were gazumped on the question, you idiot! As I said, two weeks ago I opened the upgraded rail maintenance facility in the Hunter, which will support the delivery of 626 public-private partnership carriages into the CityRail network, and will be constructed by the private sector. That \$3.6 billion investment is the largest order of rail carriages in Australia's history and will inject about \$200 million into the Hunter economy and generate about 300 jobs in the Hunter. The first of the Government's 300 new buses has begun rolling into service. Every single one of those buses creates jobs, including in western Sydney, where about half of them are being built. More jobs are being generated through the Government's investment in 150 articulated buses. The Government has brought forward the delivery of those vehicles and another 250 jobs are being generated—again, in the Hunter. I note the very positive comments that the member for Port Stephens has made about that project. We had a discussion a week or so ago about the factory that is being built in his electorate.

The Government's centrepiece of transport infrastructure is, of course, metros. The House will recall that the CBD Metro, the spine of a metro network for Sydney, will create jobs for around 2,000 people in every single year of its construction. Those are the 2,000 jobs that Barry plans to axe every year—should he or his mate, the member for Manly, make it to the Treasury bench and get their grubby hands on the reins. The New South Wales Government supports our front-line workers and staff, unlike the Liberals and The Nationals—

**Ms Gladys Berejiklian:** You are sacking them!

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

**Mr DAVID CAMPBELL:** —who have a reputation for bagging front-line staff, as we just heard in that rude interjection by the member for Willoughby. Two thousand jobs would be cut on Barry's imaginary day one, and he has just the man for the job—the man in the background who carries the axe. That is right, at a time when the Government is working to protect jobs, they have hired Max the Axe—the bloke who destroys them. They have not delivered any policies for job creation in the transport sector. All they have delivered is Max! It is appropriate that the Premier advised the House about jobs in the film industry a little earlier because life in the Liberal Party does truly imitate art. In 2007 we had *Howard's End*, we also had the Port Macquarie hit, *Independence Day*. And down in the Southern Highlands, the Liberal Party is doing its best to remake that 1990s Australian classic, *Love and Other Catastrophes*, an epic tale of deceit and political ambition starring the member for Goulburn and the Federal member for Hume, with a scary cameo from the Leader of the New South Wales Nationals. Yesterday, the *Goulburn Post* reported that the member for Goulburn was eyeing off a Federal seat. The Federal Liberal member of Parliament—

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129. The Premier's chief of staff has said how out of touch and incompetent the front bench are.

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

**Mr Adrian Piccoli:** This is completely relevant to the question. I am simply backing up the Premier's chief of staff.

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

**Mr DAVID CAMPBELL:** The Federal member for Hume does not think his State colleague is anywhere near up to the job. He said, "She would be taking a very risky political chance". Of course, the member for Goulburn today gave as good as she got.

[Interruption]

Just wait, I am coming to you. Today, the member for Goulburn said—

**The SPEAKER:** Order! The Minister will resume his seat. Government members will cease interjecting.

**Mr Malcolm Kerr:** Point of order: My point of order relates to Standing Order 129, relevance.

**The SPEAKER:** Order! I draw the Minister's attention to the question.

**Mr DAVID CAMPBELL:** For a minute I thought the member for Cronulla was asking about the relevance of Marie Ficarra. Today, the member for Goulburn said:

Mr Schultz's continuing fantasy about this and his cowardly attempt to distract attention from his performance by attacking others on his own side deserves scrutiny.

That is tough stuff in anyone's language.

**Mr Adrian Piccoli:** Point of order: My point of order relates to Standing Order 129. The Minister is now reading out comments from newspapers. He has forgotten Bernie Reardon from the Labor Party and what he said about the former Premier.

**The SPEAKER:** Order! The member for Murrumbidgee will resume his seat. I am sure that the Minister will conclude his answer shortly.

**Mr DAVID CAMPBELL:** Indeed. But it was as if the Leader of The Nationals was in a cameo role from *Breaker Morant* when he said:

If I had my way, I'd march him out at dawn, put a blindfold on him and shoot him.

That is what the would-be Deputy Premier of New South Wales had to say about one of his Coalition partners. That shows that they are at war over there; they cannot manage themselves. They just wander around. The member for Cronulla knows that Marie Ficarra is after him.

**Mr Malcolm Kerr:** Point of order: The Minister's answer is still not relevant to the question.

**The SPEAKER:** Order! I ask the Minister to conclude his answer.

**Mr DAVID CAMPBELL:** While the Coalition is having internal fights and throwing those sorts of brickbats at each other, the Government will get on with the task of delivering improvements in public transport, and delivering the jobs growth out of that record capital infrastructure investment of \$56 billion over the next four years.

**Mr Wayne Merton:** Point of order: The Minister is deliberately flouting your ruling, Mr Speaker. On two occasions—

**The SPEAKER:** Order! The Minister has concluded his answer.

#### TOURLE STREET BRIDGE, PORT STEPHENS

**Mr CRAIG BAUMANN:** My question is directed to the Premier. Why did the Premier spend \$47 million of taxpayers' money replacing the existing Tourle Street Bridge in Port Stephens? The new bridge will not solve the traffic problems and more money will have to be spent on a duplicate bridge in the future. The existing bridge could simply have been widened, thus saving taxpayers \$30 million.

**Mr NATHAN REES:** I thank the member for Port Stephens for his question on this most important matter. I advise the House that the Tourle Street Bridge is now open to traffic, three months ahead of schedule and with cost savings of about \$3 million. The bridge was a fully funded project by the New South Wales Government and the new bridge is wider and on an improved alignment. The project was estimated to cost \$47 million, but the final cost of the work is estimated to be \$44 million; it is under budget and ahead of

schedule. The new bridge is a critical piece of infrastructure that will support growth in the next seven to 10 years on Kooragang Island, at Newcastle Airport and in the Port Stephens area. The new bridge is wider than the existing bridge and does not have a height limit.

The existing bridge served the community well, but the new, improved bridge will improve access for heavy vehicles to the Kooragang Island industrial area. One might ask: How many jobs has that project created? I have that information to hand. Over the 20-month construction period some 50 jobs were created on a project that has come in ahead of schedule and under budget.

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

**Mr NATHAN REES:** That is a fine example of the New South Wales Government delivering essential infrastructure projects right around the State to support jobs and employment and to improve future growth prospects.

### NATIONAL VOLUNTEER WEEK

**Ms SONIA HORNER:** My question is addressed to the Minister for Volunteering. What action is the Government taking to highlight the importance of volunteering in New South Wales?

**Mr GRAHAM WEST:** This week, 11 to 17 May, is National Volunteer Week. It is an opportunity to thank the 1.7 million people in this State who volunteer their time for others. The New South Wales Government is committed to supporting volunteering. We have rolled out a series of volunteer forums across the State—

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

**Mr GRAHAM WEST:** —which look at new ways to attract, train and retain volunteers. As a result, we are conducting information sessions about child-friendly volunteering and child protection issues across the State. The Government is also establishing a volunteering web portal, which will open this month. We have also started a \$7.8-million student volunteering program in public high schools, and this week I launched the 2009 New South Wales Volunteer of the Year Award, with the Centre for Volunteering, which recognises and pays tribute to some of the most dedicated volunteers in this State. Today I would like to highlight the work of one particularly dedicated volunteer to emphasise the important work that volunteers do. Today we will be recognising him not for his services to the scouting movement, which saw him receive a Medal of the Order of Australia, nor for his 18 years of dedication to Riding for the Disabled, but for the 62 years he has given his time and energy as a Cenotaph attendant in Martin Place.

Wal Scott-Smith attended his first Anzac Day Dawn Service on 25 April 1947 after having commenced his voluntary role in the previous year. Wal is renowned for his dedication to the role. This is a man who has never in that entire time—62 years—missed an Anzac Day service at the Cenotaph. He talks with enthusiasm about the coming years in which he intends to continue serving. Indeed, he told me he will continue to do it as long as he can stand. Wal was awarded a Medal of the Order of Australia in 1999 for his magnificent contribution. His role is not only at the Anzac Day Dawn Service but at up to 70 other wreath-laying services throughout the year. In the past year Wal has seen the number of Cenotaph services decline to just 60. He cannot say for certain, but he attributes this reduction to the increasing age of the veterans—particularly those from World War II who are in their late eighties and early nineties, like Wal.

When Wal commenced looking after the arrangement of flowers at the site there were gates around the Cenotaph for the laying of wreaths and flowers. This resulted in certain flowers and wreaths being covered during the services. Wal arranged for the removal of this approach, creating a unique arrangement that ensures that no-one's contribution is covered in any way. This has always been a matter of personal pride for Wal, who thoroughly lives his role as a caretaker of the Cenotaph. On Anzac Day it was my privilege to join Chris Perrin, Custodian of the Cenotaph, in presenting Wal with a small token of appreciation and to be with many other people who were paying their respects at the Cenotaph. Today, Wal, on behalf of the people of New South Wales I thank you for your assistance to this State and to countless New South Wales families in ensuring that the sacrifices of ex-service men and women are honoured and remembered with dignity and respect. Lest We Forget.

**Question time concluded.**

**WATER SUPPLY DISCONNECTION FRAUD****Ministerial Statement**

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [3.13 p.m.]: It has come to the attention of the Office of Fair Trading that bogus traders have been masquerading as Sydney Water officers so they can rip off vulnerable residents. I rise today to warn all consumers—

*[Interruption]*

Members opposite may not be interested in protecting consumers but we are, and I will continue to do so. I warn all consumers to be wary of anyone posing as an employee of Sydney Water and urge them not to hand over any money if asked to do so. I am advised that these scurrilous rogues have been targeting people on the northern beaches in the past week claiming that the water supply has been disrupted and will cost between \$300 and \$500 to fix. They operate in pairs. One turns the water off while the other approaches the resident to ask for money to reinstall the service. Once the money has been handed over they turn the water back on. I urge any resident who receives a visit from a person offering this service—

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. This ministerial statement contains very important information. The noise is coming from both sides of the House.

**Ms VIRGINIA JUDGE:** Indeed it is. I urge any resident who receives a visit from a person offering this service and claiming to represent Sydney Water to not hand over any money. Sydney Water repairmen never take money from householders when they perform their services. These perpetrators are falsely representing trusted members of our community and are tarnishing the good name of Sydney Water.

*[Interruption]*

Members of the Opposition are slow learners, aren't they? Sadly, there are some people out there who will do anything for financial gain, with no regard for the people whose lives they are affecting. This is absolutely despicable behaviour and shows just how low some people will go to make a quick buck. In these tough economic times the last thing people need is to be ripped off or taken for a ride by some dodgy trader wanting to make money at someone else's expense.

**The SPEAKER:** Order! Members will cease interjecting, including the Leader of the Opposition.

**Ms VIRGINIA JUDGE:** The Office of Fair Trading continues to work with a variety of agencies to develop and review strategies for protecting consumers and dealing with scams. This is just one example. My advice to all consumers is this: Always get independent advice if an offer involves significant money, time or commitment, and be wary of people offering jobs that require an upfront fee. Do not agree to offers or deals straightaway. Tell the person you are not interested or that you want to get some independent advice before making a decision.

**The SPEAKER:** Order! I place the member for Coffs Harbour and the member for Murray-Darling on three calls to order. If they utter a single word they will be ejected from the Chamber.

**Ms VIRGINIA JUDGE:** Thank you, Mr Speaker, I appreciate that. People should keep their credit cards and ATM cards safe and not share their personal identity number with anyone. If someone comes to your door, ask to see their identification. Remember, you do not have to let them in and they must leave if you ask them to. I urge any consumer who has been in contact with these scammers to report the matter to the Office of Fair Trading by phoning 13 32 20 or by visiting us online at our website. All members of the public should remember the golden rule: If it looks too good to be true, it probably is.

**Mr GREG APLIN** (Albury) [3.17 p.m.]: I join the Minister for Fair Trading in advising people that given the tough economic times, as the Minister said, we are likely to see an increase in these dodgy dealers, traders and scammers. In light of a \$60 billion budget deficit to be announced tonight, I assure the House that increasing numbers of people will be prepared to use desperate means to secure illegal profits. The responsibility of the Office of Fair Trading and the Minister is to get that message out loud and clear to all people as quickly as possible.



We have seen numbers of dodgy dealers over the years. In fact, visits to the website of the Office of Fair Trading over many years would have revealed an ongoing problem in relation to bitumen traders—people who in the same way as the dodgy dealers that the Minister mentioned in relation to Sydney Water portray themselves as dealing in bitumen and laying surfaces for people's driveways. They accept the money and unfortunately then disappear or perhaps deliver a deficient product. This is a continual problem and it is very tempting for people to engage in these scams. The Minister is correct in drawing people's attention to it. I would say that the lack of prosecution by the Minister's office is probably at fault here. I have had occasion recently to draw to the Minister's attention certain instances where people have written to me about scams.

The message received in response to those emails is that the Office of Fair Trading will attempt to get back to the complainant and deal with the issue within 14 days. If a scam has been advertised—one was advertised on national television—14 days would give a would-be scam artist plenty of opportunity to accept the money and to skip the country. On that occasion the lawyer who wrote to me said that he had carried out an Australian Securities and Investments Commission [ASIC] check and established that the company that was advertising on television had not been registered, which is a matter of some concern. He, too, had been told that the Office of Fair Trading might get back to him only after a period of 14 days and he was concerned about that issue.

The Minister drew the attention of members to these dodgy dealers, and well might she do so because she is also responsible for enforcing the relevant regulations. Those people must be prosecuted and their convictions made known to the public. That is the best possible way of getting the message across that it is intolerable, that it will not be accepted, and that the Government is serious about eliminating dodgy dealers. We all stand united against dodgy dealers but it is the responsibility of this Minister to do something about it.

#### **INDEPENDENT TRANSPORT SAFETY AND RELIABILITY REGULATOR**

##### **Report**

**Mr David Campbell** tabled, pursuant to section 68 of the Rail Safety Act 2002, the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—Reporting Period: January-March 2009."

#### **SENIOR NURSE MANAGER POSITIONS**

##### **Personal Explanation**

**Mrs JILLIAN SKINNER**, by leave: During question time the Premier insulted me by suggesting that our health policy would cost extra money in that it would create 20 extra health service boards. Clearly, that statement is wrong. Furthermore, the Premier misrepresented the support that that policy has. Professor John Dwyer, Professor Brad Frankum and Professor Steve Elliot have all endorsed that policy. I seek leave to table a document for the clarification of members.

**The SPEAKER:** Order! The Deputy Leader of the Opposition will resume her seat. That is not a personal explanation.

#### **UNPROCLAIMED LEGISLATION**

**The SPEAKER:** Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 7 May 2009.

#### **STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT (CLIMATE CHANGE)**

##### **Report**

**Mr David Harris**, as Chair, tabled the report entitled "Impacts of Emissions Trading Schemes on Natural Resource Management", dated May 2009.

**Ordered to be printed on motion by Mr David Harris.**

**LEGISLATION REVIEW COMMITTEE****Report**

**Mr Allan Shearan**, as Chair, tabled the report entitled "Legislation Review Digest No. 6 of 2009", dated 12 May 2009, together with the minutes regarding "Legislation Review Digest No. 5 of 2009".

**Report ordered to be printed on motion by Mr Allan Shearan.**

**PETITIONS****Drink Container Deposit Levy**

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

**National Parks Tourism Developments**

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

**Corowa Hospital Nursing Home Beds**

Petition requesting the retention of nursing home beds at Corowa Hospital, received from **Mr Greg Aplin**.

**Pambula Hospital**

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

**Bega Valley Shire Blood Bank Facility**

Petition requesting a full-time or mobile blood bank donor facility in the Bega Valley Shire, received from **Mr Andrew Constance**.

**Hornsby Palliative Care Beds**

Petition requesting funding for palliative care beds in the Hornsby area, received from **Mrs Judy Hopwood**.

**Hornsby Kuring-Gai Hospital Renal Dialysis**

Petition praying that a public renal dialysis unit be established at the Hornsby Kuring-Gai Hospital, received from **Mrs Judy Hopwood**.

**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**.

**Schofields Railway Station**

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

**Jannali Railway Station Staffing Levels**

Petition requesting the retention of the staff and customer service levels at Jannali Railway Station, received from **Mr Barry Collier**.

**Miranda Railway Station Staffing Levels**

Petition requesting the retention of the staff and customer service levels at Kirrawee Railway Station, received from **Mr Barry Collier**.

**Kirrawee Railway Station Staffing Levels**

Petition requesting the retention of the staff and customer service levels at Kirrawee Railway Station, received from **Mr Barry Collier**.

**Gymea Railway Station Staffing Levels**

Petition requesting the retention of the staff and customer service levels at Gymea Railway Station, received from **Mr Barry Collier**.

**Hawkesbury River Railway Station Access**

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

**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**.

**Livestock Health and Pest Authorities Rate Increases**

Petition requesting an immediate moratorium on Livestock Health and Pest Authority rates and requesting that the locust loan become a grant, received from **Mr John Turner**.

**Brooklyn Police Station**

Petition opposing the closure of Brooklyn Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

**Iron Cove Bridge Project**

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

**Galston Sewerage**

Petition requesting that Galston households be connected to reticulated sewerage, received from **Mrs Judy Hopwood**.

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 1 to 5 lapsed pursuant to Standing Order 105 (3).**

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### Education Investment

**Mr GEOFF CORRIGAN** (Camden) [3.23 p.m.]: With more than 350,000 students across the State beginning their National Assessment Program—Literacy and Numeracy tests today, nothing could be more urgent than talking about and debating the New South Wales Government's record investment in education in supporting those young people.

### Infrastructure Projects

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.24 p.m.]: When it comes to infrastructure issues there is this side of the House and that side of the House—the failures on the Government benches and the future on the Opposition benches. Members do not have to take my word for that. Yesterday, Kevin Rudd heralded another job summit in the Illawarra—another job summit to which the Premier was not invited. Prime Minister Rudd made it clear that he has no confidence in this State Government to deliver the infrastructure being funded either through his stimulus package or through the announcements to be made in tonight's budget. He talked about establishing a Sydney Organising Committee for the Olympic Games style of authority to ensure that this Government delivers necessary infrastructure and the services that that will provide for the people of this State.

This is consistent with the approach taken to the stimulus package. Within months of this Government sacking the Co-ordinator General, Kevin Rudd said that this State would receive no money until such time as a new Co-ordinator General was appointed. That is why Bob Leece has been placed in that federally appointed position. As to the delivery of Federal infrastructure under that stimulus package, Kevin Rudd insisted that it get the green light through the maze and bureaucracy of planning instruments in this State. That green light does not exist when it comes to other infrastructure. On radio today the Premier said that recently the Federal Government had opened the Epping to Chatswood rail line, so there is no issue there about the delivery of infrastructure.

If ever we wanted an example of how Labor is out of touch with the needs of this State, it is evident in that statement. Labor's track record in infrastructure in this State is not about jobs, jobs, jobs; it is about failure, failure, failure. The letters "in" are only part of the word "infrastructure"—a word that Government members understand because the same letters are prefixes of the words "incompetence" and "inexperience". Anyone wanting advice about this Government's failure to deliver infrastructure should talk to people in the electorate of the member for Camden. This Government has made promises in relation to the M5 and a rail link, but we have nothing to show for it. Members should drive into Sydney on any day of the week to see how the M5 operates, or does not operate. They will see what has happened because of this State Government's refusal to follow through on its promise of a south-west rail link.

Members should talk to people in the Hunter region about the paucity of transport links between the Upper Hunter, Maitland and Newcastle. Those road and rail links simply have not kept pace with population growth or with industry needs. Members should talk to people in the Illawarra and on the South Coast, in particular, about roads—not just about the F6 to serve those people in Wollongong who commute to this city each day but also about the appalling situation relating to the Princes Highway. Infrastructure is not matched to industry needs or to the needs of the community. Members should talk to people in western Sydney across Labor's heartland who have been deserted and denied the infrastructure they need by this State Labor Government.

Those people put up with the most overcrowded trains in this city. They are forced to use roads such as the M4, or they have to pay tolls as they come in on the M7 and the M2, or drive through the Lane Cove tunnel or the Sydney Harbour tunnel. People from Labor's heartland have been let down as a result of this Government's refusal to provide them with the infrastructure and the services they deserve. Out of the blue, a plan that was originally supposed to cost \$4 billion escalated to \$5.3 billion within six months and became a metro to nowhere without a single sod being turned. According to the Minister and the Premier, the two-stop metro to Rozelle is the magic pudding solution to Sydney's rail network. No thought has been given to the 800,000 people a day who use the existing 10 railway lines, but this Government has made some mythical promise that this rail link from Sydney's central business district to Rozelle, which will cost \$5.3 billion, will solve commuters' problems across this city.

The Government should tell that to the people in Sydney's north-west and west, and it should tell that to people travelling to the city from the Central Coast and the Illawarra. This State Government continues to plan infrastructure delivery according to the next election, not to meet the needs of the next generation, and not to meet the needs of commuters and those people who will rely on those services tomorrow. That is in stark contrast with the policies of Opposition members. We have a clear plan about depoliticising infrastructure, which is best epitomised in the policy of the member for Willoughby for a single transport agency. That will ensure that an independent panel of experts guarantees the best planning for integrated transport and ensures that what is announced is delivered. Kevin Rudd does not trust Premier Nathan Rees to build a Lego car, let alone a new railway line. I note the Premier's comments at the weekend about IKEA. He could learn a bit about infrastructure from IKEA: "Just use the allen key and follow the simple instructions." Opposition members are determined to give the people of this State the infrastructure they deserve. We will do so by constraining politics through better planning and by cutting through those obstacles that get in the way of delivering infrastructure on time and on budget.

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

**The House divided.**

**Ayes, 45**

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

**Noes, 38**

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

**Pairs**

Ms Burney	Mr Hazzard
Ms Gadiel	Mr Souris
Mr McBride	Mr J. H. Turner

**Question resolved in the affirmative.**

## EDUCATION INVESTMENT

### Motion Accorded Priority

**Mr GEOFF CORRIGAN** (Camden) [3.39 p.m.]: I move:

That this House:

- (1) notes that more than 350,000 students across the State began their National Assessment Program—Literacy and Numeracy [NAPLAN] tests today;
- (2) congratulates the Government's record investment in education, helping to ensure New South Wales students are performing well above the national average in every subject and at every year level tested; and
- (3) calls on the Opposition to support the Government's record \$11.8 billion investment in education.

Many members are aware that the National Assessment Program—Literacy and Numeracy [NAPLAN] commenced today. Over the next few days more than 350,000 New South Wales students in years 3, 5, 7 and 9 in government, Catholic and independent schools will pore over tests in reading, writing and mathematics. I am sure all members in this House wish them well. I am confident that the students are well prepared for these assessments. New South Wales has a strong and proud record in literacy and numeracy teaching in its statewide assessments. The evidence of this is found in the 2008 performance in the same tests when New South Wales students scored well above the national average in every subject at every level. New South Wales is the envy of other States and Territories. New South Wales ranked number one for spelling in years 3, 5 and 7. New South Wales students in year 3 also ranked number one for their writing skills, and students in year 5 ranked number two in the country. They are fantastic results.

The results are no accident. New South Wales students benefit from strong and rigorous curriculums and exemplary teaching. Education investment in New South Wales is at record levels—\$11.8 billion in 2009. While the size of the investment recognises the Government's commitment to the education of children and young people in New South Wales, it is the nature of the investment of which we are most proud. New South Wales has produced cutting-edge, best-practice education policy for more than a decade. I recall the days of Bob Carr's administration. I was very proud to be elected a member of the New South Wales Parliament in 2003 because the then Premier, Bob Carr, insisted that education was the way forward for our children and young people. I remember attending the Camden Show with Bob Carr when he asked some young kids, "Who's doing the Premier's Reading Challenge?" Since then the New South Wales Government, through successive Premiers to the present Premier, has emphasised the importance of education.

While the Opposition has moved from populist promise to populist promise—all of which have been rejected by successive Opposition education spokespersons—the Government has been quietly getting on with the job of putting in place the most rigorous curriculum and sophisticated assessment regime in Australia. If the Opposition had a NAPLAN, it would stand for "No Idea About Policy Literacy and Numeracy". But back to the real NAPLAN: the National Assessment Program—Literacy and Numeracy. I remind the House that it was the Labor Government that expanded the assessment program so that by the time the National Assessment Program—Literacy and Numeracy was introduced students were already assessed for diagnostic and reporting purposes in years 3, 5, 7, 10 and 12. The Basic Skills Test [BST], the English Language and Literacy Assessment [ELLA], the Secondary Numeracy Assessment Program [SNAP], the School Certificate and Higher School Certificate were very well known to teachers and parents in New South Wales before the arrival of the National Assessment Program—Literacy and Numeracy.

The Opposition may never even have heard of those. Perhaps we could arrange for some of our talented primary school students to give members of the Opposition a tutorial. By the look of the Opposition's education policy, or lack of it, they certainly need one. We are a government that made sure that the New South Wales curriculum continues to contain phonics, spelling, grammar and core maths skills. Students in New South Wales benefit from the nation's strongest curriculum. This is supported by a \$616 million investment over four years in literacy and numeracy programs. In 2008 these programs were supplemented by the \$108 million Best Start numeracy and literacy initiative, which assesses the reading, writing and counting abilities of all children as they enter school. It should not surprise anyone to know that in this key area of early assessment New South Wales is again leading the way.

The Commonwealth and other States and Territories have discussed the importance of early intervention assessment programs, and are looking closely at Best Start. It is in the application of assessments

for diagnostic purposes that New South Wales has developed particular and specific expertise. It is the information provided by assessments that is at the centre of the State's success. Teachers use the results to tailor programs to individual students as well as providing programs for classes and groups, and to make sure that students' strengths and weaknesses are addressed. The information is provided to schools in the Student Measurement and Reporting Toolkit, or SMART pack, which is a software package that allows teachers and school communities to drill down into each student's response on every question in the test.

All individual and class strengths and weaknesses can be identified and addressed. Schools are given extensive and specific professional development in the use of the Student Measurement and Reporting Toolkit, enabling them to utilise it to the highest standard. The Student Measurement and Reporting Toolkit also provides lesson plans so that each question has resource and teaching suggestions for students who may be struggling. All the results of students—every question on every test—are provided to parents and caregivers to give them the chance to look closely at the child's performance. This provides a solid basis for discussions between parents and teachers about students' results and how they can improve.

The other essential ingredient in the success of New South Wales students is the quality of the classroom teachers. New South Wales teachers are among the best paid in Australia, but they are also among the best trained. Since this Government introduced the New South Wales Institute of Teachers we have increased the teaching requirements. We now expect every trainee primary school teacher to have achieved a band level 4 result in Higher School Certificate English and maths. Every university teacher training course must have literacy and numeracy units, and there are specific subject content requirements for every school subject. I am sure that the member for Heathcote will be delighted to know all that when his child goes to school.

New South Wales was the first State to introduce such rigorous and high standards for its teaching workforce. What all this demonstrates is that, while New South Wales spends record amounts on education, we also lead the country in innovative, best-practice education policy. The recent announcement by the Commonwealth that the Australian Curriculum Assessment and Reporting Authority will be situated in New South Wales is testimony to the high regard in which New South Wales is held. New South Wales beat claims from other States to secure this authority. It was this State's exemplary record and expertise in curriculum, assessment and reporting that formed the basis of our bid.

As 350,000 students sit their National Assessment Program—Literacy and Numeracy tests over the next three days they can be assured that they have been supported and prepared for the tests by their teachers, their parents and a New South Wales Government that has continued to lead the way in education investment and policy for over a decade. As I stated at the outset, I am sure that all members of the House wish the students well. We have heard a lot today about the Government's programs to ensure that our students are well placed to lay the literacy and numeracy foundations for their education, and to set them up for life. We have heard about the Basic Skills Test, the English Language and Literacy Assessment, the Secondary Numeracy Assessment Program and Best Start. My advice to the Opposition is that it had best start developing some policy. Maybe some of our bright young students could help out.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.46 p.m.]: At the outset of the comments I will make in response to the motion moved by the member for Camden, I commend the hardworking teachers in our schools who do so much above and beyond the call of duty to support our kids. Every single teacher to whom I have spoken has said that the most wonderful thing about the job is working with kids on a day-to-day basis and seeing them achieve so well. We are pleased that kids in New South Wales are doing well in the National Assessment Program—Literacy and Numeracy [NAPLAN] tests. However, the Greiner-Fahey Coalition Government in the late 1980s to early 1990s introduced the Basic Skills Test [BST] to obtain a better idea of how New South Wales School students were performing. Since then the testing regime has been changed, altered and modernised by measures supported by the Coalition.

Some people are missing out on advances in education. The Coalition has examined the National Assessment Program results over the past couple of years and it notes a significant disparity between the results of country and of metropolitan students. In year 3, 86.7 per cent of students in non-metropolitan or remote areas achieved the reading benchmark compared with 95.6 per cent of students in metropolitan areas, which is a difference of approximately 9 per cent. For year 3 students, 91.8 per cent of students in remote areas achieved the writing benchmark compared with 97.8 per cent of metropolitan students, and whereas 86.2 per cent of year 3 students in remote areas achieved the spelling benchmark, 96.8 per cent of metropolitan students achieved that benchmark. The figures for both year 5 and year 7 students are quite similar. The overall figures

show the disparity between the results achieved by students in metropolitan areas and the results achieved by students in remote or non-urban areas. That problem has existed for a number of years. The current Government has failed to address the problem.

If anything can be achieved through the National Assessment Program regime it is that kids in country areas, particularly kids in remote areas and more particularly kids in indigenous areas, will receive the education opportunities that are afforded to their urban counterparts. However, to achieve that the Government must make a serious commitment. We know that teachers have that commitment, so all we need is the State Government to demonstrate an equal commitment. Given the hard work of teachers and recognising the contribution to the results achieved by students, I move the following amendment:

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

(3) thanks hard working teachers across New South Wales for preparing students for their NAPLAN tests.

It is important to recognise the role of teachers in this bipartisan motion. Although the third paragraph of the motion moved by the member for Camden refers to the Opposition in an attempt at some type of political pointscore, the contribution made by teachers to the results achieved by schoolchildren must be recognised. Another issue that must be dealt with is one that was raised during question time. The Minister for Education and Training was asked about the funds provided for students with disabilities being taken away from schools. The Opposition has been given the figures. I suggest that the Minister has criticised her own department. She suggested that the figures cited by the Opposition are wrong, but the only figures relied upon by the Opposition are those provided by the Department of Education and Training. I have a high regard for teachers and the public servants working in the Department of Education and Training—a regard that is obviously not shared by the Minister, given her criticism of the statistics created by the department. The Opposition could be accused of having wrong statistics only if the Department of Education and Training gave us the wrong statistics.

**Mr David Harris:** They are wrong conclusions, not wrong statistics.

**Mr ADRIAN PICCOLI:** The conclusions were underlined in the information provided to us by the department under freedom of information legislation. The department has given us all this information. The department, in response to the request under freedom of information legislation, stated:

This year the New South Wales Government will be spending \$75 million on funding for kids with disabilities in our schools. Last year it was \$87 million.

The department has provided us with a figure of \$75 million. I do not know how Government members can draw any conclusion other than that \$11 million or \$12 million less is being spent on kids with disabilities in our schools. That is the only conclusion to be drawn from the information provided by the Department of Education and Training. I will always defend the Department of Education and Training and its ability to compile statistics. Although the member for Camden pontificates on various matters I note that he has never defended the schools in his electorate. All the schools in Camden and in Narellan have had money taken from them under the Minister's plan to cut disability funding for schools.

**Mr David Harris:** Rubbish!

**Mr ADRIAN PICCOLI:** It is not rubbish. Last year any unspent funds were rolled over to the next year and schools got their normal allocation. There are many reasons that schools do not or cannot spend their funding in one year. Some do it on purpose. They know they will not get their funding until the end of the first term so they save a little to have some money for the first term. Members opposite never criticise their Government for its despicable decisions. The Government's most despicable decision is that it is prepared to take \$11 million of funding from kids with disabilities in our schools. Shame on the Government!

**Mr MATTHEW MORRIS** (Charlestown) [3.53 p.m.]: As the students of New South Wales sit down to complete their National Assessment Program—Literacy and Numeracy assessment over the next few days, I take this opportunity to remind the House of the literacy and numeracy focus pursued by this Government over the past decade. This Government has increased funding for literacy and numeracy programs threefold over the past decade, from \$54 million to \$174 million this financial year. We are now starting earlier than ever before to focus on core basic skills. All new children starting kindergarten now have their numeracy and literacy assessed through our \$108-million Best Start Program. In 2008 an initial 18,000 kindergarten students at 434 schools across the State took part in the Best Start kindergarten assessment. We are now expanding the program.



This year more than 40,000 children starting kindergarten at 1,123 primary schools will be assessed in their first weeks at school, with all schools on board for 2010. This assessment lets us know where these children are at with their early literacy and numeracy skills, whether they can recognise letters or words or read simple sentences and whether they can count to 10. It gives teachers a base to start from. It provides them with detailed information about each of the students in their class so they can tailor their lessons to particular needs. The New South Wales curriculum, especially in primary years, has a strong focus on the core skills of reading, writing, spelling and maths. The benefits of this focus were seen in the first-ever Australia-wide basic skills tests, which were conducted last year. New South Wales students scored well above the Australian average in every basic skill area and at every year level tested. Our years 3, 5 and 7 students topped the nation in spelling.

Not only is that a terrific example of the commitment of our teachers; it is also a strong indicator of the support provided by this Government. In partnership with the Federal Government, we are now set to redouble our efforts to make sure every child learns the basic skills they need. The Prime Minister has made available \$136 million over the next five years to provide new literacy and numeracy teaching resources to schools. He also has committed \$437 million over the same period to support innovative new approaches in our neediest schools, many of which are in rural and remote areas. I note that the member for Murrumbidgee referred to the performance of students in remote and rural areas. Let us consider what the Coalition offered people at the State election: the loss of 26,000 jobs. How many of those jobs would have been the jobs of front-line teachers? That is what members opposite must answer and tell the people of New South Wales.

**Mr ROB STOKES** (Pittwater) [3.56 p.m.]: I join all members of the House in congratulating and wishing the best of luck to the 350,000 students across New South Wales who begin their National Assessment Program—Literacy and Numeracy [NAPLAN] assessments today. It is a terrific program. Paragraph (2) of the motion seeks to congratulate the Government on helping somehow to ensure that New South Wales students perform well above the national average. I suggest that the students, not the Government, should be congratulated on their achievements. The Government should not seek to bask in the reflected glory of the achievements of hardworking students. We should congratulate the students, the hardworking teachers who train and equip them, and the parents, who play a big part in partnering with teachers to reinforce the work done in schools by following up with extra work at home.

Paragraph (3) of the motion, which is very political, calls on the Opposition to do this and that. I wholeheartedly support the amendment moved by the shadow Minister for Education and Training in terms of thanking hardworking teachers across New South Wales for preparing students for their NAPLAN tests. Let us not get political. Education is a crucial issue. We all agree that education is one of the most, if not the most, fundamental tasks of government, which must ensure that people have adequate access to education, particularly school-aged people. The Government should support the hardworking teachers rather than try to gain political points by having a go at the Opposition. It is a bit rich for the Government to bask in reflected glory for any investment in education because—let us be real—the vast majority of the investment in education is Federal money, not State money.

The State's job is to ensure that money is wisely spent and directed, and to ensure that quotes, particularly for building work, are equal to, if not better than, quotes provided by local suppliers. I have evidence that some quotations are out of whack with the quotations from local people who are preparing to do the same work. We also must ensure that the creativity used by teachers and schools in providing their services is properly acknowledged. I point to the peninsula community of schools in my electorate of Pittwater, where teachers and students have developed a powerful grassroots partnership for education. That is what we should be supporting.

**Ms ALISON MEGARRITY** (Menai) [3.59 p.m.]: The continued success of New South Wales is predicated on early intervention. As 350,000 students sit down today to undertake the National Assessment Program—Literacy and Numeracy [NAPLAN] assessments, I remind the House of recent best-practice policy in literacy and numeracy, focusing on early intervention, introduced by the Government. The Best Start literacy and numeracy initiative is based on extensive and longstanding research that shows that the early years of schooling are a time of rapid intellectual growth and that early intervention can produce long-term academic gains. The Government's Best Start Program builds on the \$616 million that has been committed over the next four years to improving literacy and numeracy standards across all public schools. Best Start is the obvious next step to the successful implementation of our \$710 million commitment to reduce class sizes in the early years.

The additional \$108 million over four years for Best Start introduces a consistent literacy and numeracy assessment for all kindergarten children in public schools. Best Start provides additional reading recovery

support for students in need and builds an expert literacy and numeracy learning leadership capacity in schools. Best Start assesses the reading, writing and counting abilities of all children entering kindergarten. This wonderful program is in its second year at Holsworthy Public School in my electorate. It was trialled last year with great success and that experience has been factored into the assessment process this year. A talented and committed kindergarten teacher, Nicole Cameron, has been a key figure in the program at Holsworthy, and she has also facilitated its implementation at other schools within the region. During this term, she is working on a project that builds on the philosophy of the Best Start program called the Australian Government Quality Teaching Program. She will resume her work as a Best Start local facilitator in term three.

With 434 schools participating in 2008, and 1,123 on board in 2009, Best Start will be implemented in all New South Wales primary schools by 2010. Based on the Best Start Kindergarten Assessment, teachers develop teaching strategies to meet individual needs and help ensure children who require additional assistance get support as early as possible. Practical advice and information is provided to parents about how they can best support their child's early development and how they can reinforce in the home what is being taught in the classroom. The implementation of this major initiative is complex. Principals and teachers work conscientiously to complete the assessments, and the data has been used to guide teaching and learning, to build on the knowledge and skills that children have brought to school. The comprehensive suite of literacy and numeracy interventions introduced by this Government are world class: our students results prove that claim. Since the Opposition has no policy, I call on it to put politics aside and support this Government's record investment in education.

**Mr GEOFF CORRIGAN** (Camden) [4.02 p.m.], in reply: I thank members representing the electorates of Murrumbidgee, Charlestown, Pittway and Menai for their contributions to this important matter. I move the following amendment to the amendment moved by the member for Murrumbidgee:

That the amendment be amended by leaving out the words "by leaving out paragraph (3) with a view to inserting instead" with a view to inserting instead "by adding the following as paragraph (4)"

The intent of my amendment is to retain the original motion and add paragraph (4), as suggested by the member for Pittwater in the spirit of bipartisanship that we approach this matter today. I now turn to comments of the member for Murrumbidgee, particularly about my role in my electorate. Last year when it was suggested that funds would be cut for disabled students and special needs programs I was very active on behalf of Claymore Public School and Blairmount Public School to restore their funding to an acceptable level. They had a clear outline of the purpose of setting aside money. In question time today the Minister for Education and Training outlined what happens when schools build up, say, \$150,000 and then apply for additional funding for special programs. I refer the member for Murrumbidgee to the Minister's answer.

I refer to the National Assessment Program—Literacy and Numeracy [NAPLAN] testing. I have heard that the daughters of Madam Acting-Speaker, the member for Mulgoa, Madeline and Georgia, are undergoing that testing today. I understand that because of the NAPLAN testing they are keen to beat the Queenslanders and have been studying very hard to keep that State of Origin win in New South Wales. The member for Heathcote told me that his daughter Holly also did the NAPLAN testing today. He said on her trial test she got 100 per cent in 18 minutes, although she had 30 minutes to complete it. A very proud dad told me that.

**Ms Alison Megarrity:** She takes after her mother!

**Mr GEOFF CORRIGAN:** Yes, she takes after her mother. I thank all members for their contributions today. The Government's NAPLAN testing is very important. It has been a wonderful success and has been welcomed by all parents and teachers. I note that there are two former principals in the Chamber. I have also spoken to other principals about this issue. I know the members representing the electorates of Bankstown, Penrith, East Hills, Wyong, Wollondilly, Riverstone and Barwon—I have probably forgotten some—are former teachers. I commend the motion to the House.

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

**Amendment to the amendment agreed to.**

**Amendment as amended agreed to.**

**Motion as amended agreed to.**

**ACTING-SPEAKER (Ms Diane Beamer):** Order! Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

## **MOTOR ACCIDENTS COMPENSATION AMENDMENT BILL 2009**

### **Agreement in Principle**

**Debated resumed from 6 May 2009.**

**Mr DARYL MAGUIRE** (Wagga Wagga) [4.06 p.m.]: I do not lead for the Opposition on the Motor Accidents Compensation Amendment Bill 2009, but I shall speak briefly to it. The shadow Minister will lead for the Opposition. The objects of the bill are as follows:

- (a) to extend the early payment scheme (for treatment and lost earnings of injured persons) and bulk billing arrangements under the *Motor Accidents Compensation Act 1999* to all injured persons (including those who are at fault in a motor accident);
- (b) to allow greater flexibility in the adjustment of the Motor Accidents Authority Fund levy by allowing the Authority to vary the period in respect of which contributions to the Fund are to be determined;
- (c) to make provision for refunds, on a pro rata basis, of amounts that are contributed to the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund in certain circumstances.

I suggest that the most common complaint to members is the escalating cost of green slips. During my time in this House there have been many adjustments, for various reasons, to green slips to raise income or, as some would suggest, tax people. Yesterday when I registered my motor vehicle I noted the taxes and charges included in the price of the green slip. The amount was just over \$100.26, \$80 of which was for the levy that we are discussing and \$20 was taxes, charges and GST. Governments regard the taxes and charges on green slips, stamp duties, fire duties and other extra taxes and charges that accompany insurance premiums on properties and other chattels that people own as a cash cow. They have been a great source of revenue for the New South Wales Government and a great source of complaint to local members. Complaint is also made about the clandestine levies, although they are noted on notices. People pay them without taking a lot of interest in them and do not question where the funds are going.

I understand the purpose of the bill, and I understand the reason for the Government introducing it. The shadow Minister will debate the bill at length. Costs borne by motorists include high fuel costs and tolls. Those costs have a huge impact on people who live in Sydney and who drive to their place of work. City-based members receive those complaints, as do rural-based members. Country people travel to Sydney to access medical care and attend specialist appointments, they drive through Sydney on their annual leave or to visit family or friends, or they attend important functions such as funerals. The tolls, taxes and charges they have to pay to get in and around Sydney are huge. These days motoring costs a lot more than it did in the past. Motorists have to contend with a Government that has an insatiable desire to raise taxes at every opportunity. That really hits motorists in the hip pocket.

Motorists are quite fed up with being an easy target; the Government always takes the easy way out without great fanfare or explanation. Before the Government completes its term of office in just less than two years, it will find a reason to amend this bill, as it does with nearly all its legislation. Quite often a bill is amended before it is passed through this House, or when it has gone to the other place and come back. The Government often amends its own legislation. I suggest it will amend this bill, and will have its hands in motorists' pockets, looking for ways to fill its coffers and to shift costs.

**Ms NOREEN HAY** (Wollongong) [4.11 p.m.]: I am pleased to support the Motor Accidents Compensation Amendment Bill 2009. A key initiative proposed in the bill is to extend the green slip insurance scheme assistance for people injured on our roads. The early payment scheme, which reimburses a prescribed amount of medical treatment costs, rehabilitation expenses and lost earnings, will be made available, for the first time, to everyone injured in a motor vehicle crash in New South Wales. The early payment scheme, or accident notification process, was a major initiative included in the Government's sweeping reforms made to the compulsory third party compensation scheme in 1999. The accident notification process is designed to encourage injured people to access treatment as soon as possible after an accident, with the goal of maximising their recovery from the injuries they sustained in the accident.

The early accident notification is to be lodged within 28 days after an accident. This provides the green slip insurer with notice of the injury and enables the injured person to proceed with approved treatment and

rehabilitation. It also ensures faster payment from the insurer. As no legal or investigation costs are involved in the early accident notification process, it provides not only a fast-track option but also a more cost-efficient means of dealing with smaller matters. In October last year the Government increased the maximum amount payable under the early payment scheme from \$500 to \$5,000. At the same time, the Government also changed the early payment scheme to permit injured people to claim for lost wages. Previously the first five days of lost income could not be claimed.

The bill continues the Government's reform of the scheme to improve the assistance available for injuries sustained in road accidents, to make sure that all people injured in motor vehicle accidents in New South Wales receive early appropriate treatment and rehabilitation to promote maximum recovery for their injuries. The improvements initiated in the bill will extend the Motor Accidents Compensation Act early payment scheme to everyone injured in a motor vehicle accident whether or not the person's injuries were caused by the fault of the driver of the motor vehicle concerned and even if the injured person may have been responsible for the accident. Even the best of drivers can have a momentary lapse of judgement or make an overcorrection when driving that results in a road crash. Sadly, sometimes such a mistake made when driving can have life-long consequences.

This reform will provide a safety net in such circumstances, so that everyone injured in road accidents in New South Wales can access the green slip early payment scheme for reimbursement of treatment expenses and lost earnings up to the prescribed maximum of \$5,000. Obviously, it will be injured vehicle drivers and motorbike riders, currently excluded from the green slip scheme because they were responsible for causing the accident, who will benefit most from this reform. As such, the reform will directly benefit the drivers and riders who pay for green slip insurance. At-fault drivers and riders represent a large proportion of those not covered by the green slip scheme. It is anticipated that up to 4,000 motorists may benefit from these reforms, not just financially but also from the peace of mind the safety affords.

These reforms follow on from substantive reforms of Labor governments to deliver a comprehensive and viable green slip scheme. Compared with prices before the Government's major reforms to the motor accidents scheme in 1999, green slips today cost on average \$150 less in real terms than they did 10 years ago. The Opposition should listen to that. I will repeat it: Today green slips cost on average \$150 less in real terms than they did 10 years ago.

**Mr Mike Baird:** They are going up.

**Ms NOREEN HAY:** They would, if you were in charge. Since then, more than 90,000 people have benefited from the scheme and its expanded coverage. Of course, everyone is aware of improvements to the green slip scheme, regardless of what is said by members opposite. Expanded benefits already in place under the green slip scheme include: treatment, rehabilitation and care for all children injured in motor vehicle accidents regardless of whether the driver was at fault; treatment and care costs for everyone severely injured in a motor vehicle accident are now covered for the rest of the person's life; an increase from \$500 to \$5,000 in the maximum amount that can be claimed through the early accident notification process; and injured people can now claim also for lost earnings from the time of their accident—previously the first five days of lost income could not be claimed.

All members would appreciate that in this day and age that is a burden on people who may need treatment or rehabilitation. I am aware that people will be very happy about the benefit of being able to claim lost income for the first five days after an accident, whether they were at fault or a passenger. People in my electorate have come to me about waiting for treatment and waiting to receive money. For those people, this provision in the bill will be a great improvement. The current reforms are a sensible extension of the scheme and build on the enhanced benefits that Labor Government reforms have delivered. There is no question that Labor Government reforms have delivered in this area. We hear generalised waffle, but as everyone in this place can vouch, in the past 10 years there have been great improvements in this area. The Labor Government's reforms represent important initiatives and continue this reform process for improved assistance and benefits for all people injured on our roads. As we know, those improvements are a great outcome.

Ensuring a viable green slip scheme is important for the safety and wellbeing of all New South Wales motorists and their families. I have spoken extensively to motorists and family members of accident victims. I assure the House that this bill is an important move forward in safety and wellbeing of both motorists and their families. These measures prudently enhance assistance for those injured on our roads and represent an extension of the scheme that will be well received in our communities. It will make a noticeable difference. There is a

semblance of truth in what was said in this House earlier today—times are getting tougher and things are costing more. That applies right across the board. However, it is responsible Government action to assist people where those cost burdens come into play, and that is the vital difference between New South Wales Labor and the rabble opposite. If we were to follow the policy of the previous Coalition Government we would be in a sorry state today.

Only this Government has been prepared to accept the pain involved in pursuing the changes that were necessary to ensure that costs are kept down. As I indicated earlier in my speech, compared with prices before the Government's major reforms to the Motor Accidents Compensation Scheme in 1999, green slips today cost an average of \$150 less in real terms than they did 10 years ago. One might think that that statement spoke for itself but it warrants repeating because it is important that the Opposition take into account the fact that improvements and changes that led to a more cost-effective green slip, and the changes under this legislation that will help people injured in accidents, have been delivered by the New South Wales Labor Government. We should get recognition for that.

As I have said, these measures prudently enhance assistance for those injured on our roads and represent an extension of the scheme that we know will be well received in our communities. The amendments will fix gaps and enhance assistance, and they are good government policy. Make no mistake, it is good policy to take action and be proactive to ensure that the changes benefit the target audience. In this case it is people injured in accidents on New South Wales roads who have been suffering through no fault of their own. Some changes were required to ensure that they will now be able to claim lost wages and get speedy access to treatment and rehabilitation. We cannot underestimate the impact that will have both on injured people and their families and communities.

Good policy from this Government is nothing new, as members will know. This Government brings forward great policies and that is the difference between our side and the policy void on the other side of the Chamber. No policy is no policy and nothing members opposite say can get around the fact that they have no policies. Do not try to hide it. Do not try to put up smokescreens. Members opposite and I know that this Government knows what a policy is and they do not.

*[Interruption]*

Max the Axe is not a policy. I am sure it was an accident that they got him back. Nonetheless, the Opposition is putting its trust in him, and I would be tempted to do that, having dealt with that lot. However, I do not want to be unkind to members opposite. I think they have it tough enough. As I have said in the past I will give them whatever assistance I can from the table to make life a little more comfortable for them.

**Mr Mike Baird:** Fundraising?

**Ms NOREEN HAY:** You could do with some help with that too, I am told, except for Barry who seems to be doing alright. Maybe if you put the same effort into creating good policy, like this Government, you would do better. As I said, we are more than happy to help the Opposition. If it needs assistance to develop policy, we are happy to do that too. We have shown the Opposition the lead on the green slip issue. I know it is difficult for members opposite but we will spell it out.

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Murray-Darling will cease interjecting.

**Ms NOREEN HAY:** I might go to Murray-Darling and have a look to see how effective some of the country members are. Again we are prepared to help educate members opposite and show them the way forward. They do not have winners. It is unfortunate, but they should be getting used to it by now. A loss is a loss. I do not want to give Opposition members too much pain because I am sure they are not all bad. The Motor Accidents Compensation Amendment Bill 2009 is a really timely and worthwhile piece of legislation and one that is well worth supporting. I look forward to hearing the Opposition say that it will support this bill. I congratulate Minister Tripodi on what is a great move forward for people injured in motor accidents.

**Mr MIKE BAIRD (Manly) [4.26 p.m.]:** It is always interesting to follow the member for Wollongong and to listen to the great policy insights she provides to members on this side. We support the major tenets of the Motor Accidents Compensation Amendment Bill 2009. We would like to make a couple of changes, one in particular that we foreshadow we will move in the upper House. Certainly we have some advice for the

Government about the way it administers green slips. We draw a huge amount of discomfort from the member for Wollongong telling every family in New South Wales that they should be happy that the cost of their green slips is going up and that it is okay because the cost in real terms is less than it was 10 years ago. I can tell her that families are telling us day in, day out that it is not okay. It is not okay that the cost of green slips is going up and the Government needs to do a lot more than accept the advice of someone in the public service that the cost is down in real terms. Families are hurting and the Government should be doing something about that. The objects are of the bill are as follows:

- (a) to extend the early payment scheme (for treatment and lost earnings of injured persons) and bulk billing arrangements under the *Motor Accidents Compensation Act 1999* to all injured persons (including those who are at fault in a motor accident);
- (b) to allow greater flexibility in the adjustment of the Motor Accidents Authority Fund levy by allowing the Authority to vary the period in respect of which contributions to the Fund are to be determined—

we have an issue with that, which I will refer to later—

- (c) to make provision for refunds, on a pro rata basis, of amounts that are contributed to the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund in certain circumstances.

I think that alludes to some of the concerns we have had previously about this legislation, particularly in relation to the Lifetime Care and Support Authority Fund. I will touch on that shortly. The main change that we foreshadow we will make in the upper House relates to schedule 1 [9], which creates an unfettered opportunity for fees and levies to be adjusted. We believe that adjustment on a yearly basis is more than adequate and that there should be more ownership by this Government of the way fees are being passed on to consumers. We do not support giving unfettered access to adjust the fees. We will move in the other place for this schedule to remain as it is. The responsible shadow Minister, Greg Pearce, will talk about that in detail in the other place.

The purpose of the Motor Accidents Compensation Amendment Bill 2009 is to further reform green slip policy and third party insurance. The member for Wollongong said earlier that at-fault drivers would receive hospital and ambulance cover that currently applies only to those who are not at fault. Anyone involved in an accident will have access to bulk-billing arrangements, which will ensure that people receive ongoing and necessary medical care. That provision will remove a huge administrative burden from hospitals. This follows the Government's announcement in last year's mini-budget relating to the extension of the green slip scheme. It would be remiss of me not to point out that the word "mini-budget" has been lost from the vocabulary of Government members. In particular, Graeme Wedderburn said that the mini-budget should not be mentioned in any way, shape or form, and that we should pretend it did not happen.

**Mr Gerard Martin:** Let's talk about what they are saying about you.

**ACTING-SPEAKER (Mr Thomas George):** Order!

**Mr MIKE BAIRD:** Graeme Wedderburn said that we should talk only about the earlier budget that referred to an amount of \$56 billion. This bill will give the Motor Accidents Authority greater flexibility in adjusting the Motor Accidents Authority Fund levy to cover the cost of bulk-billing arrangements. An area of great concern, and something that should not be sneezed at, relates to the increased financial impact on those paying green slip levies. If \$30 million is released into the health system—which is what this bill purports to do—this Government can rely on only what it is given. What will it do with those funds? This Government is releasing \$30 million into the health system without establishing where it is going and for what purpose it will be used. The Government is not even sure whether that \$30 million exists as it is missing from this bill. I look forward to being provided with some answers by the Minister or the Parliamentary Secretary. What will the Government do with these funds to help front-line hospital services?

**Mr Gerard Martin:** That has nothing to do with this.

**Mr MIKE BAIRD:** It has everything to do with this. The Government will be saving \$30 million as a result of this process. What does the Government plan do with it? I think it is relevant to establish the use to which the Government wants to put that \$30 million. Currently, the green slip scheme pays the public hospital and ambulance costs for people injured in accidents through a bulk-billing arrangement. However, that cover does not extend to at-fault drivers or motorbike riders, such as the member for The Hills. As a result, the public health system largely covered the cost of those who were at fault. I welcome back to the House the member for The Hills. I am delighted to see him in the Chamber and I extend to him my best wishes.

At the end of the day that cost is passed on to the taxpayers of New South Wales. As taxpayers are already paying for the health system through their green slip levies, this bill will only shift the administration of that system. I will talk later about the problems that are caused by those green slip levies. Currently, at-fault drivers are not eligible to be reimbursed under the early accident notification safety net arrangements that allow up to \$5,000 for medical treatment, rehabilitation expenses and lost earnings. The bill will also extend the green slip early payment scheme and safety net for treatment and loss of earnings and bulk-billing arrangements to all people injured in motor vehicle accidents, irrespective of who is at fault.

A number of benefits will be derived as a result of the extension of this green slip scheme. The major beneficiaries will be the more than 4,000 people injured in motor vehicle accidents in New South Wales each year who currently are not covered by the scheme. This will ensure that people who are injured seek the required medical treatment rather than avoid receiving adequate care because they previously did not have access to the bulk-billing scheme. It will also mean that the cost of these services will be transferred from the State. In addition, the provisions in the bill will be changed to enable people to receive a pro rata refund of their levy payment when a vehicle registration is cancelled.

The Government has estimated that the savings from these reforms will be \$30 million in 2009-10 and \$30.75 million in the following year. When Labor increased the green slip levy as a result of the addition of the Medical Care and Injury Services [MCIS] Levy in 2006, Morris Iemma clearly stated that it would cost members of the community only \$20. We have been inundated with stories about that levy costing more. I have referred before to a case in Baulkham Hills. Amy and Hamish Plaister of Baulkham Hills have two children—Amelia and Sebastian—and they are struggling. Amy has had to take on an additional job to increase the family's income. That family does not pay \$20 for its green slip levy; it pays \$146.70. Before coming into the Chamber I checked my green slip levy, which is payable in three weeks time. My Medical Care and Injury Services Levy is \$89.55, not the \$20 about which Morris Iemma spoke. One of the objects of this bill is as follows:

- (c) to make provision for refunds, on a pro rata basis, of amounts that are contributed to the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund in certain circumstances.

The Government should take that issue on board. At the moment there is a surplus of \$250 million in the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund. Actuarial assessments for future estimates would be difficult, but estimates that have been made to date are low and we have a surplus of \$250 million in those funds. If the Government is seeking to assist consumers to pay their green slip levies it should be looking at that fund and saying, "Our assumptions were wrong. In that respect we can provide funds to mitigate the cost of green slips at this time." The member for Wollongong said earlier that the Opposition has no policies. However, I ask the Government to take into account that policy suggestion.

This Government must hold insurance companies to account and reduce the costs of the green slip levy. This bill will facilitate some of the issues relating to the green slip levy, but it is not an open chequebook. Families across this State should not have to bear those costs, which in some instances are increasing by 100 per cent to 200 per cent. I call on insurance companies to act responsibly in this area. Every insurance company in this State has an opportunity to build a loyal customer base for the long term. Insurance companies are using the current financial climate as an excuse to put up fees to cover their costs. I understand the basis for that, but it should not be used to exploit members of our community.

I call on the Government to ensure that insurance companies act responsibly. Insurance companies must not increase those green slip charges, as it will impact on families that are already hurting. The Minister must take responsibility for what Morris Iemma said at the time—that is, that the Medical Care and Injury Services Levy would be only \$20. Industry has informed me that, on average, the levy costs most people \$85. In these difficult financial times the surplus in those funds should be used to mitigate the cost of those green slips. Families in this State do not need another cost burden. There is no doubt about the significant cost of this scheme, but I believe that the Government should be able to spread that \$30 million across this State.

I seek an assurance from the Government that these costs will be capped. I ask the Minister or the Parliamentary Secretary to keep an eye on these costs, to ensure that they are properly managed, and to ensure that green slip prices remain low. How will that money be spent in the health system? We are saving \$30 million a year, but how will that be applied and used throughout this State? The Opposition supports this bill—an attempt by this Government to show some form of financial management, which is a welcome change. As I said earlier, the Opposition will move amendments to the bill in the upper House to ensure that this levy is not increased in the immediate future.

The Opposition believes that an annual levy increase is sufficient as it affords us the required scrutiny and accountability. I call on the Minister to protect the interests of families in this State. Constituents in the electorates of many of my colleagues are hurting as a result of this levy. The Government has promised to keep down the price of green slips, but that is not what is occurring at the moment. We have heard from many families in our electorates that green slip levies have increased, not by 5 per cent or 10 per cent but by 100 per cent and 200 per cent, which is unfair. This issue should be an urgent priority for this Government. Rather than assuring us that things are okay, the Government has a responsibility to ensure that it does all it can to minimise these costs. We will be watching to make sure this scheme delivers benefits to injured motorists while not inflicting unnecessary financial pain on families through green slip price increases.

**Mr FRANK TERENCEZINI** (Maitland) [4.39 p.m.]: The contribution of the member for Manly to this debate was interesting, especially when he asked what we would do with the \$30 million saved from the scheme. What a question! We know exactly what to do with that \$30 million: We will continue to provide the best health services by applying those savings directly to much-needed health priorities. The member for Manly said that families are hurting. One group of people hurting are those sitting opposite because they are fighting amongst themselves. It is time they came up with some policies. I am pleased to support the Motor Accidents Compensation Amendment Bill 2009 because it is a logical next step in making sure that people receive the best service from the green slip scheme. The bill introduces further enhancements to the compulsory third party green slip insurance scheme, firstly, by providing hospital and ambulance cover for at-fault drivers; and, secondly, by extending the early payment scheme to cover road users who are considered to be responsible for causing a motor vehicle accident.

Historically, the green slip scheme has covered only those people injured in road crashes caused by the negligence or fault of a vehicle driver. Under cost-sharing arrangements with the New South Wales health system, the green slip scheme has always paid the public hospital and ambulance costs of those road users covered by the scheme who are injured in motor vehicle crashes. Vehicle drivers and motorbike riders responsible for causing an accident have not been covered by the green slip scheme. At-fault drivers and riders represent by far the main group of people not currently covered by the green slip scheme for expenses associated with any injuries resulting from a road crash. Of course, they receive ambulance and hospital treatment, and the public health system primarily bears those costs. Under the changes proposed in the bill these costs will be paid from the green slip scheme. This will deliver significant savings to the health system and allow for more resources to be allocated to public health priorities.

I take this opportunity also to respond to claims of inappropriate green slip prices. In recent years this Government has implemented significant reforms to the third party insurance scheme to reduce the cost of green slips. I refer particularly to administration and the payment of claims. We now have a system that is not run by the legal profession through expensive court litigation. Through our reforms, green slip payments are much lower. Much of my private practice work involved green slip insurance claims, but at the end of the day the consumer and the injured person did not benefit. The system has undergone significant reform to lower green slip prices. If it were not for this Government, those reforms would never have been implemented and people would be paying far more.

The measures in the bill continue this Government's ongoing reform to close the gaps in the compulsory third party green slip scheme and to enhance assistance for injured people. Members will recall that the Government has already introduced a special benefit to guarantee the payment of treatment, rehabilitation and care costs for all children injured in motor vehicle accidents. Children up to the age of 16 years who are injured in road crashes now receive treatment, rehabilitation and care costs as prescribed by the Motor Accidents Compensation Act 1999, regardless of who caused the accident. The Government took action also to ensure that green slip scheme compensation entitlements are available for people who are injured in blameless or inevitable motor accidents.

A blameless or inevitable motor vehicle accident is one where no-one is considered to have been at fault. An example of this is when a person is injured because a driver experiences a sudden unforeseen illness or medical condition that causes loss of control over the vehicle, resulting in a crash. Prior to the Government's reforms, when a court found that no-one was to blame for an accident the green slip entitlements were not available to anyone injured in that accident. Clearly, the financial consequences of such findings for people injured in these types of accidents and their families were significant. This Government acted to overcome the harshness of the common law in this regard.

Another area where the Government acted to avoid injustice for injured people resulting from a court decision was in its response to the case *Cook v Cook*. In this case the court determined that the standard of care



expected of an inexperienced driver, such as a learner driver, is different from the standard of care ordinarily expected of a driver in relation to passengers. The court reasoned that a supervising passenger, for example, is aware that a learner driver is less skilled and inexperienced, and thereby a reduced standard of care can be expected. The Government took the view that it was not acceptable that the costs of injury to an instructor or supervisor in an accident caused by the actions of a learner driver should be borne by the injured person, such as a supervising parent. The green slip scheme legislation was amended to make sure that such injuries are now covered by the New South Wales scheme. I am also pleased to add that the High Court has subsequently overruled the *Cook v Cook* principle. The Government's reforms to the green slip scheme are focused on ensuring that people injured in road crashes are given access to treatment and rehabilitation to assist their recovery and get them back on track as soon as possible. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed) [4.45 p.m.]: The aim of the Motor Accidents Compensation Amendment Bill 2009 is to extend the green slip compulsory third party insurance scheme to benefit at-fault drivers, as announced in the November 2008 mini-budget. The bill also makes other consequential amendments. I understand the majority of the bill, but I have a number of concerns with some provisions. At present, vehicle drivers and motorbike riders who cause an accident are not covered by the green slip scheme, bulk-billing arrangements or the early payment scheme. This includes the ambulance and public hospital costs of at-fault drivers, which generally are borne by the public health system. At-fault drivers are not eligible to be reimbursed under the early accident notification safety net arrangements, which allow up to \$5,000 for medical treatment, relocation expenses and lost earnings.

Before addressing a number of issues I should like to refer to a comment by the member for Maitland in his eloquent contribution. He asked why would we not spend the savings achieved from the changes to the green slip insurance scheme on hospitals? What else would we do with them? Before I came to this place I used to manage a bowls club. In 1996 there was a significant push by the then Labor Government to raise taxes on poker machines. The general public was assured that every cent from the increased taxes on poker machines would be directed straight to hospitals. Did that happen? No. In fact, the government of the day actually reduced the amount of money that the licensed club industry could contribute to our hospital system under the community expenditure scheme. I do not trust any of the Government's assurances.

The general public are concerned that under the changes to the scheme at-fault drivers will be covered. I congratulate the member for Manly on his eloquent presentation emphasising that the bill proposes not a levy but another tax. Who will bear this new tax? It is the poor battling car owner trying to get to work because many parts of this State do not have a rail system. Mr Acting-Speaker, as the member for Lismore you would remember that approximately five years ago, on 17 May, the Government removed the train service to our respective electorates. So now constituents in the Lismore and Tweed electorates need a car to attend medical appointments and go to work. They will now be hit further if the rubbery figures of an extra \$20 to \$85 are a guide. Where will this lead? New section 213 refers to "Assessment by Authority of amount to be contributed to Fund." The bill then refers to a relevant period:

- (2) A **relevant period** is a financial year or such other period as the Authority determines from time to time to be a relevant period for the purposes of this section. Relevant periods can be determined so as to overlap but there must be no gap between successive relevant periods and each relevant period must not be longer than 12 months.

The authority has sole power to increase the levy, or what I prefer to refer to as a tax, at any time, and the periods can overlap. This represents a tax on the hardworking people of New South Wales. I do not think the bill provides enough information. I refer to the comment by the member for Manly relating to the possibility of amendments being moved in the upper House. The Tweed electorate and the Lismore electorate, which is represented by the Acting-Speaker who currently presides in the House, border the state of Queensland. How will this legislation apply to New South Wales drivers who are injured in Queensland? Approximately two years ago an issue emerged that is particularly relevant to my electorate.

A New South Wales driver who was injured in a motor vehicle accident in Queensland was taken by a New South Wales ambulance to a New South Wales hospital 400 metres away and received a bill for \$800. Will the fund cover a New South Wales driver who was involved in an accident in Queensland? I have closely examined this legislation and other legislation, but I have been unable to find any provision relating to New South Wales drivers of New South Wales registered vehicles being involved in accidents interstate and being treated in New South Wales hospitals, not a hospital operated by the State in which they were injured.

The issue was highlighted when the Government, without giving a thought to the cross-border issues that are particularly relevant to my electorate of Tweed, introduced ambulance levies. A number of pensioners

who were involved in accidents outside New South Wales were transported by New South Wales ambulances to New South Wales hospitals, and received significant bills. The Government had a change of mind and later introduced a very convoluted program whereby the person who was injured filled out a form that was sent to the New South Wales Ambulance Service. The whole process took approximately three months. Unfortunately, the Government did not extend the program to schoolchildren, so currently Tweed schoolchildren are virtually prevented by cross-border implications from undertaking excursions in Queensland. Even if schoolchildren are injured in Coolangatta, Queensland, and are transported by a New South Wales ambulance a short distance to a New South Wales hospital, they will receive a bill.

I call on the Parliamentary Secretary to address the issues I have discussed during her reply. How will the Government address the cross-border issues for people who live in electorates such as the Tweed, particularly when Tweed constituents who are injured in Queensland are transported by a New South Wales ambulance to a New South Wales hospital for treatment? I also request that the legislation be extended to cover motorcycle riders. I have a motorcycle, but unlike my colleague the member for Castle Hill, I have not fallen off yet—touch wood!

*[Interruption]*

I have a trail bike. The Government is engaging in cost shifting. This bill represents another tax. I am particularly concerned about the authority's ability to increase levies regularly without any reference to any other body or oversight. Recently the Independent Pricing and Regulatory Tribunal approved a massive increase in the cost of electricity, which is particularly relevant to my electorate. The Tweed electorate is quite different demographically from other electorates in New South Wales in that 27 per cent of the people in my electorate are older than 65 years of age. My electorate has more constituents over the age of 65 years than has any of the other 92 electorates represented in this House. My electorate represents where other Australian electorates will be in 10 or 15 years time.

Although my constituents may receive an extra \$30, \$20 or even \$10 in the Federal budget tonight, that will not even pay for their increased green slip premiums as a result of this legislation being passed. Whatever the Federal Government gives my constituents through its budget—and we keep hearing various suggestions—there is no way that any increase will cover the cost of my constituents' green slip premiums. Many of my constituents of advanced years need a car simply to keep medical appointments and to do their shopping. I hope those matters are taken into consideration during debate on this bill. I thank the House for this opportunity to present my case to the Parliament.

**Mr DAVID HARRIS** (Wyang) [4.54 p.m.]: I am pleased to support the Motor Accidents Compensation Amendment Bill 2009. The bill makes changes to the compulsory third party green slip insurance scheme to further improve assistance for people who are injured in road crashes. Labor governments have made significant reforms to the green slip scheme to deliver, as a priority, a scheme that is focused on supporting the recovery of people who are injured in road accidents. Those changes have significantly improved benefits and assistance, in particular for injured children and anyone who suffers severe, life-changing road accident injuries.

The Government set up the new Lifetime Care and Support Scheme to look after everyone who has been severely injured in motor vehicle accidents in New South Wales. Participants in the scheme receive the medical care and support services they will need throughout their lives. Currently approximately 220 injured people are benefiting from this initiative. The injuries are profound—for example, tetraplegia, paraplegia or severe brain injury, which require lifetime support and can be devastating to the injured person and their family. The new scheme can guarantee severely injured people that they will receive the care and support they will need throughout their lives. The scheme also helps to ease the pressure and worry experienced by their families.

The Lifetime Care and Support Scheme guarantees lifelong care and support for adults and children who are severely injured in motor vehicle accidents. The bill proposes that further assistance will be provided to the victims of road accidents by creating a safety net for people who suffer less serious injuries. The green slip scheme's early accident notification process will be expanded to cover everyone injured in road crashes, including road users who are considered responsible for causing the motor vehicle accident. Public hospital and ambulance cover also will be provided. However, these benefits will not be available to anyone whose injuries are the result of criminal conduct. It is intended that the existing provisions of civil liability legislation, which exclude payment of green slip benefits in cases involving a serious offence, will apply.

The early accident notification process provides reimbursement for up to a maximum of \$5,000 for medical treatment and rehabilitation expenses as well as any lost earnings related to the accident injury within a

period of six months from the accident. This is a very modest and responsible extension of green slip scheme benefits. The Government has been concerned to ensure that, in making this improvement, the impact on green slip costs for motorists is minimised. The Government recognises that the impacts of the global financial crisis are far reaching for New South Wales families. The worst economic downturn since World War II also has taken its toll on green slip costs. Green slip insurers invest the premiums they collect in accordance with the Australian Prudential Regulatory Authority's framework to ensure that they have sufficient funds to meet future payment of claims.

The global financial crisis has resulted in a significant decrease in investment returns that in turn has impacted on the amount in premiums that insurers must collect to ensure they have the funds to pay claims and to ensure that the New South Wales green slip scheme remains viable. To assist in minimising green slip price impacts for motorists, the Motor Accidents Authority will be given greater flexibility in adjustment of the levy that raises the revenue to cover the hospital and ambulance payments. This will allow for the more immediate finetuning of the levy settings, if needed, during a time of economic uncertainty. The changes proposed by the bill continue the Government's reform agenda to improve the green slip scheme, to address gaps and enhance assistance by providing motorists with important safety net benefits. As other members who preceded me in this debate have pointed out, this bill again demonstrates that the Government is proactive in implementing good policy to protect the public and ensure that people are looked after. Many of the provisions of the bill further that cause. It is with pleasure that I commend the bill to the House.

**Mr MICHAEL RICHARDSON** (Castle Hill) [4.58 p.m.]: Mr Acting-Speaker—

**ACTING-SPEAKER (Mr Thomas George)**: It is with great pleasure that the Chair recognises the member for Castle Hill and welcomes his return to the Chamber.

**Mr MICHAEL RICHARDSON**: At the outset, I declare an interest in this legislation. As the member who most recently has been hospitalised as a result of a motor vehicle accident not involving a third party, I probably have an insight into the current system that perhaps no other member has at this time.

**ACTING-SPEAKER (Mr Thomas George)**: And certainly hope no-one has in the future.

**Mr MICHAEL RICHARDSON**: You cannot say that that will be the case, unfortunately.

**ACTING-SPEAKER (Mr Thomas George)**: No, we hope.

**Mr MICHAEL RICHARDSON**: We do hope for that but we cannot say that that will be the case. The purpose of the bill is to further reform the green slip compulsory third party insurance scheme to provide hospital and ambulance cover for at-fault drivers, as announced by the Government in the mini-budget last year. Historically, compulsory third party insurance has been for injured innocent third parties, that is, people who did not cause the accident. This changes the nature of third party insurance so that it is not only third party victims who will be insured; it will also be people who are called the first party, that is, people who actually caused the accident. The current system does not have many flaws, and the change has to be seen to be taking place as an example of cost shifting.

My accident occurred on 28 March—I think that has been well publicised—and I was taken by ambulance to Nepean Hospital. I gather I was taken to Nepean Hospital and not Westmead because Nepean Hospital has an outstanding emergency department and trauma unit, which is particularly experienced with accident victims. When I got there and was wheeled into the emergency department I was greeted by Doctor Alan Garner and his team, who did an absolutely outstanding job. They moved with absolute precision in terms of what they did to stabilise me and taking those all-important X-rays. They diagnosed five broken ribs with the X-ray machine; then they gave me a CT scan and diagnosed another four broken ribs. Of course, they had already diagnosed the broken collarbone. There were fairly serious injuries.

I guess I owe my life to the efforts that the team put in over the next five days. I also pay tribute to Doctor Peter Flynn, a pneumothoracic specialist who was in the background monitoring my breathing rate, because a great concern with people who suffer fractures of the ribs is that they will develop pneumonia, and his team. Pneumonia used to be the usual cause of death before antibiotics came along in the 1940s. The situation was serious. I am delighted to say that when I went into Nepean Hospital I did not have to fill in all the forms and so on that I did when I subsequently went to the Mater hospital to have an operation on my collarbone. Also, I did not have to fill out all the forms when I was discharged. Indeed, when I was discharged I was given a

little pack of pills and potions and instructions on what to do with them, and that was it. I was told to come back and see Peter Flynn in a couple of weeks time. That is the way the system works at the moment. The Parliamentary Secretary, in her agreement in principle speech, talked about the major beneficiaries of this bill being injured vehicle drivers and motorbike riders who are currently excluded from the third party scheme because they caused the accident. She went on to say:

It is estimated that each year approximately 4,000 road users will benefit from these amendments.

I must ask how they will actually benefit because the system as it works at the moment is pretty good, as I can testify. It worked for me and it works for thousands of other people throughout the State. The Parliamentary Secretary said that this would encourage people to get early medical treatment. However, as things stand at the moment anybody can go along to an accident and emergency department as a public patient and be treated as a public patient; there is no requirement for them to be billed. So I do not quite understand why the Parliamentary Secretary talked about the benefits that will flow from this legislation. Certainly, there is a benefit to the Government's bottom line. There will be a cost shifting of \$30 million in the first year and, I gather, \$37.5 million in the second year. Those are substantial amounts of money.

This is not a zero sum game. The Government cannot transfer that amount of money from the public hospital system and onto third party insurers and not expect the cost of green slips to go up. I guess that is the elephant in the room. The Government seems to have steered away from that issue as it was not mentioned when the legislation was introduced. Currently people are treated as public hospital patients: there is no charge. I assume that under this legislation people will have to identify their third party insurer in the future. Some additional paperwork will be involved. I was transported by ambulance for a considerable distance but I did not pay for that. It seems possible for that to have been charged to my private health fund but that did not happen. There are other options, and I wonder whether the Government has explored those options.

My mother, who unfortunately died earlier this year, was transported by ambulance on nine or 10 occasions over the past two years, and her health fund picked up the tab on each occasion: there was no cost to her. As I said, I do not quite understand who these beneficiaries are. So far as I can see, there will not be any beneficiaries amongst the public; there will only be losers because every motorist in the State, everybody who owns a motor vehicle, will end up paying more on his or her green slip.

**Mr WAYNE MERTON** (Baulkham Hills) [5.05 p.m.]: The Opposition does not oppose this bill, the objects of which are to extend the early payment scheme for treatment and lost earnings of injured persons and bulk billing arrangements under the Motor Accidents Compensation Act to all injured persons, including those who are at fault in a motor accident; to allow greater flexibility in the adjustment of the Motor Accidents Authority Fund levy by allowing the authority to vary the period in respect of which contributions to the fund are to be determined; and to make provisions for refunds on a pro rata basis of amounts that are contributed to the Motor Accidents Authority Fund and the Lifetime Care and Support Authority Fund in certain circumstances.

As I understand the situation practically, this bill will allow a payment of up to \$5,000 to be made—what the Government described as an early payment—to reimburse an accident victim for medical treatment, rehabilitation expenses and any lost earnings related to the accident and injury. For the first time it introduces no-fault liability. For years lawyers have talked about no-fault liability. Indeed, if my memory is correct, I think Victoria adopted a no-fault liability scheme for motor vehicle third party compulsory insurance. It is probably quite a stepping point in legal history that we should be acknowledging in 2009 that drivers who are at fault are entitled to some form of compensation, whereas for many years people who were negligent did not receive one cent, or their fare home from court. People were left to the devices of the State generally to look after them and provide assistance.

This legislation will alter the situation and provide benefits to drivers and riders of motorcycles who are actually at fault. As the Parliamentary Secretary said in the agreement in principle speech, it is estimated that each year approximately 4,000 road users will benefit from these amendments. She correctly said that this legislation will encourage all injured people to access early medical treatment with the goal of maximising recovery from their injuries. As I said, the Opposition does not oppose that change. However, a few points should be noted. In reality, apart from claiming for lost earnings, effectively this will not alter the status quo for injured persons who are transported by ambulance to a public hospital for treatment.

Under the present public health system that person receives treatment and also would be entitled to rehabilitation as a public patient. The question of loss of income is not currently applicable, as I understand it.

However, I have no doubt in the world that the price of green slips will increase. Under the present arrangement people are entitled to those benefits, apart from the loss of income. That money comes out of Consolidated Revenue: it is taxpayers' money. The cost of the treatment is now being transferred to the owners of motor vehicles registered in New South Wales.

Quite simply, people who own cars will be billed with a further levy on their green slip. The cost of green slips has gone up dramatically in recent years because of the legislation allowing for lifetime care and support. The cost has risen far more than the Premier of the day said it would. It is not uncommon for a green slip to cost approximately \$500 whereas not long ago it cost \$260 to \$300. We simply do not know what the cost will be of this additional benefit. The Opposition is taking it on faith that the Government will do the right thing but the Government has a dubious record and the people of New South Wales could be shocked in relation to this matter.

We are in a recession and people are battling and losing their jobs. New South Wales has been affected as the rest of Australia has. There is increased unemployment and people find it difficult to meet their mortgage payments. Particularly where I live in north-west Sydney, the only transport available is private car or a bus as there is no rail. Rail promised by this Government in 1988 has been scrapped completely, so people have to rely on their own car or a bus. With the increased cost in petrol and this additional levy, the cost of which we do not know, the people will be faced with no alternative but to pay the bill. The Government is using this method to transfer the liability for hospital costs away from general budgetary funds to individual motorists.

When motorists receive their next third party insurance bill, or their green slip as it is known, they will find the premium has increased considerably. Many people may think on moral grounds that they are being forced to pay for people who are at fault in an accident and cause injury to others. The Opposition does not accept that as being a correct moral assessment of the circumstances, but that thought may well enter the heads of many people. Instead of the Government paying the costs out of Consolidated Revenue, registered owners of motor vehicles will have to pay through this levy. That will be an ongoing issue for this Government. I said earlier that this bill introduces the concept of no fault insurance. The Motor Accidents Compensation Amendment Bill provides limited benefits as far as the early payment scheme is concerned, and bulk billing arrangements and the general provisions for compensation that are payable to people who are injured as a result of car accidents are not applicable to this legislation. In other words, liability seems to be capped at \$5,000, something which I do not understand.

I ask the Parliamentary Secretary, the member for Penrith, for confirmation of the total amount payable to people in circumstances where they cause the accident and whether the compensation is capped at \$5,000? Is it likely to be another amount? Is the compensation restricted to the amount of \$5,000 and people are not entitled to the normal form of compensation that innocent passengers or drivers of another vehicle who are not at fault are entitled to? One of the reasons that the public is becoming somewhat agitated and annoyed with the Government is that they have seen premiums increase dramatically. The levy for lifetime care and support has increased and they will now see a further levy. At the same time the benefits to which innocent victims who are not at fault are entitled to by way of compensation have been undermined dramatically. That is why people are concerned.

The only other point that I propose to raise in relation to the legislation is the refund of the fund levy in relation to the lifetime care and support provision. It simply says that the fund levy is to be refunded on a pro rata basis to any person to whom a third party policy was issued if the policy is cancelled on the cancellation of the registration of the motor vehicle. If a person cancels the registration on a motor vehicle, do they get a pro rata refund of the levy that is paid for lifetime care and support? The Opposition does not oppose this bill but queries whether the Government is prepared to come clean with the people and let them know what is the reasonable calculation of this contribution? I believe the people are entitled to know what the amount might be with the increasing costs of living and the difficult circumstances in which they live. We are living in a recession and many people will regard this levy as another drag on ownership of a motor car.

The people in north-west Sydney where I live do not have rail. The Government has betrayed them completely. It promised a rail link in 1998 for 2010, but not one sod of earth has been turned. The reality is buses and buses, and cars and cars. This levy is another impost on car ownership. The people of north-west Sydney are utterly dependent on their cars for transport if a bus is not available. I assure members there are no buses at 7.24 a.m. when some people go to work. I ask the Minister to come clean and tell us how much this

levy is likely to be. The Opposition does not oppose this legislation but believes that the Minister should let the people know how much they are likely to be up for in the Government's latest little jaunt of transferring costs of the health system in this State.

**ACTING-SPEAKER (Mr Thomas George):** Order! I ask members of the Opposition to be quiet. They have asked questions and I am sure the Parliamentary Secretary is about to answer them.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [5.19 p.m.], in reply: I note the contributions of the members representing the electorates of Wallsend, Wagga Wagga, Manly, Maitland, Tweed, Wyong, Castle Hill, Baulkham Hills and Wollongong. As has been noted in this debate, Labor governments have made significant reforms to the green slip scheme, to deliver a scheme that is focused on supporting the recovery of people injured in road accidents as a priority.

I note the explanation by the member for Castle Hill regarding his treatment at Nepean Hospital. I note the explanation by the member for Baulkham Hills who, in an earlier Parliament, experienced treatment at the accident and emergency department at Nepean Hospital. As the member for Penrith, where Nepean Hospital is located, it is good to hear of the efforts by the trauma surgeons and also Dr Peter Flynn who, it has been noted in this House, has a tremendous team behind them to treat people who present at the emergency department. As a former radiographer, I note that the member for Castle Hill explained how the X-rays and the computerised tomography scanner enabled the diagnosis of his injuries and hastened his recovery. I wish him well in his further recovery.

Regarding the Opposition's comments about the lifetime care and support levy, the Opposition can be a little misleading, and it can be wrong. I advise the House that the only change to the funding levy since April 2007 was to reduce the levy rates, effective from February this year. That reflects the very good outcome that fewer children have been seriously injured in road crashes than had been projected on historical data. The levy has been reduced, contrary to the Opposition's assertions earlier today. Once again, the Opposition is wrong. I hope that Opposition members will note that comment.

I reiterate that the Government recognises the impacts of the global financial crisis, which are far-reaching for New South Wales families. As noted earlier, the worst economic downturn since World War Two has taken its toll on green slip costs. Green slip insurers invest the premiums they collect in accordance with the Australian Prudential Regulatory Authority framework to ensure that they have sufficient funds to meet future claim payments. The global financial crisis has seen a significant drop in those investment returns, which, in turn, has impacted on the premiums that insurers must collect to ensure they have the funds to pay claims and that the green slip scheme remains viable.

Contrary to what the Opposition has said, the Motor Accidents Authority will be given greater flexibility in adjustment of the levy that raises the revenue to cover hospital and ambulance payments. That is to minimise the green slip price impact in changing market conditions. That will allow for the more immediate fine-tuning of levy settings, if needed, in this time of economic uncertainty. In response to the comments by the member for Tweed, green slip payments for public hospital and ambulance services are paid for all services provided by the public health system. That includes for motorists injured in Queensland and treated in New South Wales hospitals.

It should be noted also that the Government will further reform the green slip scheme to provide hospital and ambulance coverage for at-fault drivers. That extra coverage will add about \$10 to the cost of an average green slip. The initiatives introduced in the bill continue the reform agenda to further improve assistance for people injured in road crashes. The extension of the ambulance and hospital cover, combined with the expansion of the green slip scheme early accident notification process to cover everyone injured in road crashes, will provide New South Wales motorists with important safety net benefits. The reforms represent a limited and very responsible extension of green slip scheme benefits in this time of economic uncertainty.

The changes acknowledge that even the best of drivers can make a misjudgement, an overcorrection, or be momentarily distracted when driving, and that may cause an accident. The changes will, for the first time, provide safety net benefits for those road users who are considered responsible for causing a motor vehicle accident. But I reiterate: This is a very responsible extension of green slip scheme benefits. However, the new benefits will not be made available to someone whose injuries result from criminal activity. It is intended that the existing provisions contained in the civil liability legislation, and which exclude payment of green slip benefits in cases involving a serious offence, will continue to apply in such circumstances.

The bill also finetunes administrative arrangements for setting and collecting levies that raise the revenue to cover hospital and ambulance payments made by the green slip scheme. That will provide the Motor Accidents Authority with such flexibility in making adjustments to the levy. Currently the authority can determine the levy only on a yearly basis and cannot make changes in the interim. In future the levy may be adjusted during a financial year, if needed, to respond to changes in market conditions. The bill also makes it clear that motorists can be refunded their levy payment, on a pro rata basis, when the motor vehicle registration to which their green slip policy relates is cancelled.

These reforms are good social policy. Everyone injured in a road accident in New South Wales will have the green slip early payment scheme as a safety net for six months following the accident. That will enable their treatment expenses and lost earnings to be reimbursed, up to the prescribed maximum \$5,000. As noted in the debate, injured vehicle drivers and motorbike riders who are currently excluded from any green slip scheme assistance when they are responsible for causing the accident will benefit from this reform. The Government's reforms provide a direct and tangible benefit to motor vehicle drivers and motorbike riders who pay for green slip insurance.

The Parliamentary Secretary, in the agreement in principle speech on the Motor Vehicle Compensation Amendment Bill 2009, noted that the purpose of the bill is to further reform the green slip compulsory third party insurance scheme, in particular to provide hospital and ambulance cover for at-fault drivers, as announced by the Treasurer in his mini-budget speech last year. Regarding another part of the mini-budget, members on this side of the House are quite proud of the principals priority program in the education portfolio. The principals are looking forward to those maintenance activities in their schools.

Historically, the green slip scheme has covered only people injured in motor vehicle accidents caused by a negligent or at-fault driver. A vehicle driver or motorcycle rider who causes an accident does not receive any green slip scheme benefits. The green slip scheme pays for the public hospital and ambulance costs for injured people covered by the scheme through a bulk-billing arrangement with the public health system. As at-fault drivers or motorbike riders are not covered by the green slip scheme, they are not included in this bulk-billing arrangement. Ambulance and public hospital costs of drivers and motorbike riders who cause an accident are generally borne by the public health system. Currently that cost is borne by the whole New South Wales community. The Government welcomes the changes to the legislation. 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.**

### **CRIMINAL ORGANISATIONS LEGISLATION AMENDMENT BILL 2009**

#### **Agreement in Principle**

**Debate resumed from 6 May 2009.**

**Mr GREG SMITH** (Epping) [5.30 p.m.]: I lead for the Opposition on the Criminal Organisations Legislation Amendment Bill 2009. The Opposition does not oppose the bill, which amends the Law Enforcement (Powers and Responsibilities) Act 2002 and the Crimes (Criminal Organisations Control) Act 2009. The stated purpose of the bill is to make further provision to disrupt and restrict the activities of declared organisations within the meaning of the Crimes (Criminal Organisations Control) Act 2009. These are organisations whose members associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that represent a risk to public safety and order in New South Wales and are the subject of a declaration by an eligible judge under that Act.

This amending bill closely follows the Crimes (Criminal Organisations Control) Act, which was assented to as recently as 3 April. It is very unusual that amendments have already been introduced. That Act

provided in section 6 for application to be made by the Commissioner of Police to a Supreme Court judge appointed under section 5 for a declaration that an organisation is a declared organisation. Once an organisation becomes a declared organisation a Supreme Court judge can make control orders against specified individuals. To date no applications for a declaration have been made nor has any explanation been given for this extraordinary state of affairs, taking into account that the original bill was rushed through this Parliament giving the Opposition about half an hour's notice.

The amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 relate to search warrant powers. One of the most significant amendments is the introduction of a new type of search warrant called a criminal organisation search warrant. Under section 46D application for such a warrant can be made only by a police officer of the rank of superintendent or above. He or she must authorise the application but it can be made by a lower-ranked officer and it must be executed within seven days of issue. The time for a normal search warrant to be executed, including a covert search warrant, is 72 hours. The test for the issue of such a warrant has been reduced from "a reasonable belief" to the less onerous test of "a reasonable suspicion", which involves less than a reasonable belief but more than a possibility. So said Acting Justice Smart in *Regina v Rondo* [2001], New South Wales Court of Criminal Appeal 540.

The Ombudsman is also brought into the process in this amendment. The operation of the provisions of the Act in regard to criminal organisation search warrants is to be monitored by the Ombudsman, who must inspect the records of the police every two years after the commencement of this amendment, if enacted, and a report must be furnished to the Attorney General and the Minister for Police. One of a number of amendments to the Crimes (Criminal Organisations Control) Act relates to substituted service. If notice of an interim control order cannot practicably be served then an order for substituted service can be made by the Supreme Court and, failing successful substituted service, an order for public notification may be made under proposed section 16A.

There is also consideration of an offence of recruitment, which will be punishable by five years imprisonment. This applies to a "controlled member" who recruits another person to become a member of a declared organisation. Recruiting also means to counsel, procure, solicit, incite or induce, which would appear to cover an attempt to recruit a person. That is contained in section 26A. It is strange that this penalty applies only to controlled members. Why does it not apply to allies or others of a bikie gang who are not members but who go around recruiting for the gang? There may be a reason for that.

Another amendment enables information to be published on the Criminal Organisations Register 28 days after a control order is made in relation to a member of a declared organisation. As to protected information, there is an amendment to enable regulatory authorities to enter into arrangements with the Commissioner of Police for the supply of information concerning declared organisations and their members and associates. Such information may include criminal intelligence. Various other Acts are thereafter amended, particularly in regard to the way that criminal intelligence may be used. In particular, the Surveillance Devices Act 2007 is amended to permit the use of protected information in declaration or control order proceedings.

The main area of contention in the bill seems to be the recruitment provision. It is noted that the Government has not sought to extend this offence to any person who recruits; it is limited to a controlled member only. The offence itself is of course directed to preventing declared organisations from obtaining new members via a back-door method and is arguably directed to preventing the recruitment of the young and vulnerable. Clearly, there is a strong argument in favour of deterring the recruitment of the young and often vulnerable into outlaw motorcycle gangs. The Government has pitched this legislation against outlaw bikie gangs. The point should, however, be made that this legislation and its primary Act, the Crimes (Criminal Organisations Control) Act 2009, apply only to declared criminal organisations. We do not have to have a bikie club that is outlawed to be an outlaw gang. One hopes lawful bikers clubs and members, and there are many of them, will not be penalised or prejudiced by this legislation.

The amendment to permit substituted service will assist police in the service of a notice upon an individual when other means of service have proven unsuccessful. It seems to be suggested that the issue of substituted service is a nuts and bolts amendment and is not really contentious. However, there is an argument, to which I shall return later, that mere publication is an inadequate manner of service. The amendment to permit the sharing of confidential criminal information is a common sense amendment, which the Opposition supports. The amendment to the Surveillance Devices Act is also not opposed, and one has to wonder why it was not in the original gangs legislation bill introduced only last month. This amendment substitutes the requirement for



reasonable belief with reasonable suspicion, as I have already mentioned in relation to search warrants. The difference between these two tests has been described by Acting Justice Smart in the case of *Regina v Rondo* [2001] New South Wales Court of Criminal Appeal 540, where he said:

- (a) A reasonable suspicion involves less than a reasonable belief but more than a possibility. There must be something which would create in the mind of a reasonable person an apprehension or fear of one of the state of affairs covered by s.357E. A reason to suspect that a fact exists is more than a reason to consider or look into the possibility of its existence.
- (b) Reasonable suspicion is not arbitrary. Some factual basis for the suspicion must be shown. A suspicion may be based on hearsay material or materials which may be inadmissible in evidence. The materials must have some probative value.
- (c) What is important is the information in the mind of the police officer stopping the person or the vehicle or making the arrest at the time he did so.

Of course, we are applying this to search warrants. The judgement continued:

Having ascertained that information the question is whether that information afforded reasonable grounds for the suspicion which the police officer formed. In answering that question regard must be had to the source of the information and its content, seen in the light of the whole of the surrounding circumstances.

When one looks at the large number of search warrants that have been obtained and executed by the new task force with its 75 extra police, one wonders whether there have been any failings based on the current test for a search warrant. Although it is arguable that the lesser test for a new type of search warrant is not necessary, if the Government is to be believed—and I accept that the police have sought this wider power—it is reasonably warranted. One of the cases put forward as an example in which the current test may lead to a rejection of an application is where there are four suspects in a motor vehicle and only one gun is found in that vehicle. Does that entitle the applicant for a search warrant to reasonably believe that the premises of the four occupants should be searched to find evidence connecting those persons to the crime?

That example reminds me of the recent High Court decision in *Taufahema*, in which those problems seem to have been solved. Each of the four passengers in the vehicle was connected with the original murder, although I gather also that four guns were found all over the place—in gardens and in other places. In regard to the lessening of the test for search warrants it is arguable that the police clearly have the power to obtain and execute search warrants, as demonstrated in what some people have described as the recent media circus that followed police in their operations on 5 May this year where the activities of alleged members of outlaw gangs being arrested and searched and various items being seized were televised and photographed.

It is arguable that the police already have the power to prosecute the crime of recruitment. Section 351A of the Crimes Act already provides for the offence of recruiting persons to engage in criminal activity. To recruit another person carries a penalty of seven years, whereas the recruitment of a child carries the penalty of 10 years. "Recruit" also means to counsel, procure, solicit, incite or induce, which is surprisingly similar to the definition of "recruiting" in amended section 26A, which also means to counsel, procure, solicit, incite or induce. When members of the public look at the timing of this legislation—less than one month after the passage of the gangs legislation—they would have the right to wonder whether this bill is simply a case of political window-dressing by the Premier and the Attorney General.

Why were the provisions in this bill not incorporated in the gangs bill that was passed so urgently only last month? Would it not have been better to circulate that bill to give the organisations that are heavily critical of it—such as the Law Society, the Bar Association, the Council for Civil Liberties and other groups—more time within which to comment on it and the Government more time to consider further changes to that draft bill? As no application has been made for a declaration of the court, one wonders: What was the urgency? The Government has known about these outlaw gangs for years. In 1999 a senior police officer and assistant commissioner went to the Commissioner of Police and his deputy at the time and said, "We have to do something about outlaw biker gangs. We need to have dedicated task forces." He told me that the answer he received was, "We do not have support for that so we are not doing it."

Outlaw gangs have been running rampant in this country for a number of years—as long ago as the early 1990s. Is this a case of an inept Government passing legislation by drip feed as it struggles to make up its mind about how to deal with the gangs problem? It has let the genie out of the bottle by not nipping this issue in the bud years ago when the gangs were not so well organised and they were not so powerful or rich. It does not

take an Einstein to know that the problems with gangs have been around for decades, so why was there so much delay? The Law Society and the Bar Association have provided submissions opposing this bill. The Bar Association said, among other things:

The new Criminal Organisations Legislation Amendment Bill 2009 (NSW) raises further serious concerns. Again, there is inadequate time for community consultation.

The provisions of the Bill which provide for substituted service of an interim control order in circumstances where the person the subject of the order cannot be located are a matter for concern. Interim Control Orders involve substantial intrusions on civil liberties, and yet the proposal for substituted service would mean that an ICO may apply to an individual without their knowledge.

The provisions of the Bill which create offences involving recruitment to declared organisations suffer from the same shortcomings as those in the Principal Act—the legislation does not apply only to bikie gangs, but to any "particular" organisation in respect of which the Police Commissioner chooses to make an application. Where will the line be drawn? This legislation could be applied to any small organised group whose members the Commissioner alleges "associate for the purposes of organising, planning facilitating, supporting or engaging in serious criminal activity".

The Bill also contains provisions dealing with information sharing between government agencies. These provisions breach basic human rights and privacy principles, as they allow information to be used to affect many aspects of the subject's life without their knowledge. This is different from standard public sector procedures concerning an individual's criminal history as in these cases the subject may not have committed an identified offence.

The Bill allows the police to apply for a warrant and search premises based on the satisfaction of "reasonable suspicion" and not the higher threshold of "reasonable belief". This fails to provide sufficient protection for individuals who would be subject to extensive powers of search.

For these reasons the Bill is opposed.

The Law Society advises as follows:

The Law Society's Criminal Law Committee has reviewed the Criminal Organisations Legislation Amendment Bill 2009 and is opposed to the extension of unnecessary legislation.

The Bill constitutes a further attack on the freedom of association, freedom of information and the right to work. The Bill also offends the aspect of natural justice which requires a person charged with a criminal offence with penal consequences to know what is alleged against them, have the evidence on which the allegation is made provided to them, and be given the opportunity to test it. Most of this is achieved by the blanket use of the phrase "criminal intelligence" to effectively oust the jurisdiction of the Courts.

The Criminal Law Committee maintains its strong objection to the Crimes (Criminal Organisation Control) Act 2009. The Committee is of the view that the Act, and the Bill currently before Parliament, are completely unnecessary. Police already have wide powers to fight organised crime; there is no objective evidence to support the need for any of the new offences which criminalise a person's associations and interactions rather than their conduct.

As I mentioned in my contribution to debate on the earlier bill, this is an extraordinary piece of legislation. Criminal intelligence is normally used to ground the issue of warrants that gather evidence, in the form of objects or papers in the case of search warrants, listening device information, that is, recorded conversations, and telephone intercept conversations that are used in criminal proceedings if they are admissible and relevant. In those cases the defence has an opportunity to object to the admissibility of that material, to test people about the search, and to challenge interpretations that might have been put on words used which might be alleged to be code but which are not. Matters of that sort relate to criminal intelligence being used to ground the declaration, and later the control orders, in the offence of two people on control orders associating and consorting, that being an offence in itself. Those people do not have the right to get the criminal intelligence to see what has been alleged against them.

I am not taking the position of criminals. I have no sympathy for those who break the law, who kill, maim and assault people or who cause people to become sick or die from overdoses of drugs. Our rights must be respected. The Government and this Parliament must take into account the points made by the Law Society and the Bar Association. As I have stated previously, the Liberals-Nationals do not intend to embark on a law and order campaign regarding the administration of justice in this State. We are committed to putting the people of New South Wales first. We stand for strong and fair administration of justice in this State. We do not oppose this legislation, but we will be watching how it is used. We will be the first to declare if it is misused.

**Mr FRANK TERENCE** (Maitland) [5.51 p.m.]: I support the Criminal Organisations Legislation Amendment Bill 2009. The bill is an important next step to complement and enhance the Government's most recent package of anti-gang measures following the enactment of the Crimes (Criminal Organisations Control) Act 2009. That Act resulted from serious in-depth consideration by law enforcement agencies and the

Government. It represents an appropriate response to the horrifying incidents and the escalating violence perpetrated by outlaw motorcycle gangs. New South Wales is not alone in introducing this legislation. Other States are following our lead and that of South Australia and are considering introducing similar legislation.

The Rees Government remains committed to ending the cycle of violence between organised criminal gangs in New South Wales. Those gangs know that their criminal enterprises are under threat. Publicity about these laws is starting to have an effect. The goal of this Government and the New South Wales Police Force is to destroy those gang networks on which this legislation concentrates. To do that we need to ensure that we have the tightest possible legislation to stop the violence and other organised crimes of outlaw gangs. From discussions with other jurisdictions this Government identified further enhancements to strengthen the Act and to remove any loopholes these outlaw gangs may use.

The Criminal Organisations Legislation Amendment Bill 2009 amends the Crimes (Criminal Organisations Control) Act 2009 to enable substituted service of an interim control order. This ensures that members of outlaw gangs cannot hide to avoid service of a notice regarding a control order. It is important to note that substituted service has been used many times and is not a new concept. It is important to note also the protections associated with substituted service of a control order decided by a judge. The process of substituted service has the added protection of being required to undergo a review. If police have made every attempt to serve the notice but the person avoids or hides from the police, a court may direct that instead of personal service steps may be taken so that the order may be brought to the attention of the person by other means. This may mean that service may instead be made to the person's lawyer, employer or other person whom the court believes is likely to bring the notice to the person's attention.

The order then is deemed to have been served on the relevant person at the expiry of a specified time or after the event of the service. If all else fails, the court may permit public advertisement to constitute service. As with all our anti-gang legislation, we have built in adequate safeguards to ensure that this legislation is used appropriately and in the manner for which it was intended. The court can use these provisions only when it is satisfied the Commissioner of Police has taken all possible reasonable steps to serve the notice. The courts will not take these powers lightly, but are well aware of the lengths to which hardened criminals will go to avoid detection and control or apprehension.

The blatant public attacks at Sydney airport in the presence of innocent travellers, security and cameras make it abundantly clear that these people have no regard for the law. The Criminal Organisations Legislation Amendment Bill amends the Act further to ensure that police are able to use information gathered using a lawfully obtained surveillance device in any proceedings regarding the declaration of a criminal organisation or a control order of a member of a declared organisation. Many a trial, Independent Commission Against Corruption hearing or commission of inquiry bears witness to the value of this type of evidence. Recordings of persons condemning themselves obtained using a lawful listening device is powerful evidence.

Police will use such evidence when putting together material for judges to consider when deciding if an organisation is of a criminal nature and if a particular person is a member of that organisation. In addition, the bill amends a number of Acts related to regulated industries to ensure that criminal gangs cannot infiltrate these industries nor remain in them if they already are associated with that industry. The amendments to these Acts will reduce the risk that criminals can further infiltrate various industries. Industry regulators always have been able to consider who is a fit and proper person for the specific industry. These amendments will assist the regulators by giving them additional factors to consider. If they suspect a person is not fit and proper on the grounds of being an outlaw motorcycle gang member, they can be provided with confidential access to relevant information on the gang, its criminal activities and its links to the particular regulated industry.

As this new legislation will progressively remove controlled members of declared criminal gangs from high-risk industries, we must be vigilant that they simply do not act through intermediaries within those industries and continue to use them to facilitate their crimes and launder the proceeds. The Commercial Agents and Private Inquiry Agents Act will be amended to ensure that a person may not hold or be granted a master security licence or an operator licence if that person associates with identified members of a declared criminal gang as the association may involve impropriety. Such decisions will be reviewed by the Administrative Decisions Tribunal, which must ensure also that confidentiality of criminal intelligence is maintained.

The liquor industry for many years and in many countries has been vulnerable to penetration by criminal gangs through activities such as money laundering or the sale of drugs or stolen goods in licensed premises. As persons with criminal records cannot hold liquor licences, it is well known that people sometimes

are used as front licensees. The Liquor Act will be amended similarly to ensure that a person cannot hold a liquor licence if that person associates with identified members of a declared criminal gang in a way that suggests the likelihood of improper conduct. The Motor Dealers Act will be amended in the same vein so that criminals and their friends may not obtain a motor vehicle dealer's licence. Ample evidence is available that suggests the motor vehicle industry is at risk from organised crime in the sale and rebirthing of stolen vehicles and parts.

These amendments, along with similar amendments to the Motor Vehicle Repairers Act, will ensure that when a declared criminal group tries to use a mate to assist its stolen car racket, the regulator can take away the mate's licence. In my previous occupation I prosecuted cases involving the rebirthing of motor vehicles. They are intricate and complicated matters to prosecute through the existing network of those who perpetrate this crime. For similar reasons the amendments will apply also to the Tow Truck Industry Act. As with other aspects of the vehicle trade, tow truck operators in the main are hard-working and legitimate operators. However, historically it is a prime industry for violence, extortion and standover tactics. It can be used also to assist in stolen car activities and the distribution of drugs.

The Pawnbrokers and Second-hand Dealers Act will be amended to ensure that a person cannot hold a pawnbroker's licence if that person associates with identified members of a declared criminal gang in a way that leads the regulator to have a reasonable fear of improper conduct as a result. If a declared criminal group ran a shoplifting or burglary operation, the last thing we would want is for them to have shonky pawnbrokers on their side. While we are fighting hard to bring these gangs under control, they will be fighting hard finding new blood and inducing young thugs or other impressionable young people into believing that belonging to a gang is worthwhile.

An additional amendment to the Crimes (Criminal Organisations Control) Act 2009 will assist in dealing with the risks associated with gang recruitment and feeder groups. When a gang is attempting to entice an individual to be recruited, it will be an offence for a declared member to recruit another person to become a member of the declared criminal organisation. The penalty for recruiting into a declared criminal organisation is aligned with the association offence and will be dealt with by imprisonment for a maximum of five years. All the amendments go hand in hand with the second round of measures included in the bill. They introduce wider search warrant powers for police so that police will more easily be able to mount rapid operational responses to specific serious crimes and bring perpetrators to justice.

It is not the case that this is a hurried bill. It was always the intention of the Government to introduce a second bill to the Parliament. The intention of the Rees Government was to ensure that the first bill was passed as quickly as possible. All members of the House would recall the vivid images on television some time ago when a horrifyingly ugly incident occurred at Sydney Airport. I distinctly recall a lady on television crying while trying to describe what had occurred before her eyes. This legislation is intended to address the conduct of people who disregard the law and who have no regard for the safety of others—people who openly and publicly perpetrate very serious violent actions that result in innocent bystanders suffering long-term emotional scarring.

As a former practising lawyer and prosecutor, I understand why the Bar Association and the Law Society have relayed the concerns to the House that were alluded to by the member for Epping. However, the point of this legislation is to get to the series of organisational networks that intermingle and reach out to the community. It is the networks that allow gangs and criminal organisations to operate. Without this type of legislation and without giving police the power to use criminal intelligence data, there is little chance of any government making inroads into the types of crimes the legislation seeks to address. It must be remembered that declarations, control orders and orders for substituted service will be reviewable. First, they can be instigated only by very high-ranking members of the New South Wales Police Force and, secondly, they are reviewable by Supreme Court judges. It is not as though a person will not be given an opportunity at a hearing to give evidence to show why they should not be the subject of a declaration, or why a control order should not be made. Those procedures currently exist.

The Government has introduced a series of legislative amendments that are designed to get to the networks and remove the operations of organisations that lead to the distribution of illegal drugs throughout the community, the recruitment of members, and an ability to work through other organisations, such as government departments and licensed organisations, to use information and perpetrate crimes. Many of the activities of such organisations occur out of sight and without anyone knowing about them. The crimes are very hard to detect and in many instances they are committed with the consent of many different parties and organisations. Even

though, as the member for Epping quite rightly pointed out, that type of activity has been going on for some time, we all agree that in recent times there has been an escalation in incidents. It is time for the Government to act, to introduce positive legislation and to get to the heart of the problem. I commend the bill to the House.

**Mr ANTHONY ROBERTS** (Lane Cove) [6.03 p.m.]: The Criminal Organisations Legislation Amendment Bill 2009 will amend various Acts. Its stated object is:

... to make further provision to disrupt and restrict the activities of declared organisations within the meaning of the Crimes (Criminal Organisations Control) Act 2009 (the 2009 Act). These are organisations whose members associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that represent a risk to public safety and order in New South Wales and that are the subject of a declaration of an eligible Judge under that Act.

I pay tribute to the shadow Attorney General, Mr Greg Smith, who has worked tirelessly in examining this legislation and who has a strong background and record of protecting the people of New South Wales. I share the view expressed by members who preceded me in this debate that recently there has been an escalation in the nefarious activities of bikie gangs. However, as the member for Epping pointed out earlier, it is not new that such matters have been allowed to escalate, and in that context this legislation is regarded by some as a knee-jerk reaction. The Opposition will pay close attention to the way in which the legislation operates.

This amending bill follows closely behind assent to the Crimes (Criminal Organisations Control) Act in April. That Act provided for an application to be made by a senior police officer—for example, the Commissioner of Police—to a Supreme Court judge for a decision that an organisation is a declared organisation. Once an organisation becomes a declared organisation, a Supreme Court judge may make control orders against specified individuals. I understand that to date no applications for a declaration have been made.

The legislation before the House provides for amendments to be made to a number of Acts. With respect to protected information, the amendments will enable regulatory authorities to enter into arrangements with the Commissioner of Police for the supply of information concerning declared organisations as well as their members and associates, and such information will include criminal intelligence data. The bill will amend the Commercial Agents and Private Inquiry Agents Act 2004, the Liquor Act 2007, the Motor Dealers Act 1974, the Motor Vehicle Repairs Act 1980, the Pawnbrokers and Second-hand Dealers Act 1996 and the Tow Truck Industry Act 1998 to create a means for the Commissioner of Police to make available to regulators of these industries confidential criminal intelligence data relating to associates of declared criminal organisations for the purpose of prohibiting their participation in industries to which those Acts relate.

With respect to the criminal organisations register, this amending legislation will enable information to be published on the criminal organisations register 28 days after a control order is made in relation to a member of a declared organisation. The offence of recruitment is punishable by five years imprisonment if a controlled member recruits another person to become a member of a declared organisation. Recruiting includes counselling, procuring, soliciting, inciting or inducing, which would appear to cover an attempt to recruit a person under new section 26A. In relation to substituted service, if notice of an interim control order cannot practicably be served, an order for substituted service can be made by the Supreme Court. Failing successful substituted service, an order for public notification may be made under new section 16A.

The bill also will amend the Law Enforcement (Powers and Responsibilities) Act 2002 in respect of search warrants to provide for a new type of search warrant, to be known as a criminal organisation search warrant, which is one of the most significant amendments in this legislation. The application for such a warrant can be made only by a police officer of the rank of superintendent or above under new section 46D and must be exercised within seven days. The test for issuing such a warrant has been reduced from a test of reasonable belief to the less onerous test of reasonable suspicion, which involves less than a reasonable belief but more than a possibility. A number of my colleagues will monitor events closely. No doubt this provision will be fought in the courts in years to come. The operations of the provisions of the bill relating to criminal organisation search warrants will be monitored by the Ombudsman, who must inspect the records of the New South Wales Police Force every two years after commencement of the legislation, and provide a report to the Attorney General and the Minister for Police.

As this legislation has been very much pitched against outlaw bikie gangs, I make the point that this legislation and its big brother Act apply only to declared criminal organisations and will have no effect on lawful motorcycle clubs and members. A couple of members of the Opposition ride motorcycles, but we now have one fewer. We are pleased to note the return to the Chamber of the member for Castle Hill, Michael Richardson.

**Ms Virginia Judge:** Has he recovered?

**Mr ANTHONY ROBERTS:** I thank the Minister for Fair Trading for her inquiry: he is fit and well. However, I understand that he is trading in his motorcycle for a four-wheel motor vehicle. This legislation certainly will not apply to lawful motorcycle clubs and their members. Although it is arguable that the lesser test for a new type of search warrant is not necessary, considering that the police have sought this wider power and if the Government is to be believed, presumably the provision is reasonably warranted.

The issue of substituted service has been dealt with by a basic and mechanical amendment that is not very contentious. However, the main areas of contention are the recruitment provisions of the bill. The Opposition notes that the Government has limited application of the recruitment provisions to a controlled member only, and has not sought to extend the recruitment offence to any person who recruits. The offence itself is directed at preventing declared organisations from obtaining new members via a backdoor method. It can be argued that it is directed at preventing the recruitment of the young and the vulnerable.

Recently the House took note of a report on bikie gangs pursuing younger gang members and their organisations—something that we must do everything in our power to fight. As the member for Epping said—and I am conscious of the time constraints of this debate—consultation has been sought with several parties and a number of concerns have been raised. Finally, it is arguable that the police already have the power to prosecute the crime of recruitment. Section 351A of the Crimes Act already provides for the offence of recruiting persons to engage in criminal activity. To recruit another person carries a penalty of seven years, and the recruitment of a child carries a penalty of 10 years. In the Act "recruit" means "counsel, procure, solicit, incite or induce". As has been said, although the Coalition will not engage in a law and order auction, we will be monitoring the legislation and the Ombudsman's reports on this matter to see whether the legislation is protecting the law-abiding citizens of New South Wales.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [6.11 p.m.]: I support the Criminal Organisations Legislation Amendment Bill 2009, which is the next piece in the Government's legislative package to break up the power and membership of violent criminal organisations. One of the main features of this phase of the legislation is the introduction of a new kind of search warrant that specifically targets organised criminal groups. Some members will no doubt ask why any change is needed to the existing search warrant powers. They may say, "We see search warrants being executed on bikie gang properties all the time. Why do police need anything more?" But what we normally do not see are the search warrant applications that have been refused because the magistrate is not satisfied that police have met the test of reasonable belief that evidence of the offence will be found on the property in question.

Let me give two examples from recent police operations involving outlaw motorcycle gangs. I stress that in neither case is any criticism intended of the judicial officers who made the decisions to refuse the warrants; they were simply acting within the existing laws. I think members will agree that in both cases the decision not to grant a search warrant simply fails the commonsense test. The first example is from December last year when, as many will recall, there was a spate of drive-by shootings at private dwellings. All were organised crime related and many involved bikie gangs. On one particular night two houses connected with members of an outlaw motorcycle gang were fired upon. That same night police pulled over a car that contained four men who were members of a rival bikie gang. They found two firearms in the car.

The men were arrested and police sought search warrants in relation to their houses and their gang headquarters. The search warrants were declined. The magistrate was not convinced that there was sufficient evidence to prove possession of the firearms—remember that they were found in the same car—or to link the firearms to the drive-by attacks, although ballistics later confirmed that they were used in the drive-by shootings, or that police had a reasonable belief that evidence linked to the offences would be found in the men's homes or in their clubhouse. One might think that is a pretty odd result. But that is the law. That is the test police must satisfy even when investigating serious violent offences involving organised crimes gangs.

My second example comes from just last week and involves Strike Force Raptor, which has been having such success with its search warrants. But again, the threshold to obtain search warrants is not as easy to meet as it might seem. In this case, Strike Force Raptor was targeting a member of the Rebels outlaw motorcycle club. A source in the community had told police some weeks earlier that this bikie was selling drugs from a particular residence. On 1 May police conducted surveillance on the premises for two hours, and three vehicles were seen to arrive, stay for a short time and then leave. One of these vehicles had 17 intelligence reports on the police system about it relating to drug supply. Police undertook further observations on the bikie's

premises on 6 May. When the bikie left his premises police stopped his vehicle and arrested him for a number of traffic infringements. A search of his vehicle found a small tin containing white power residue. The suspect was unable to explain what it was, but police believed it was amphetamine.

Also found in the car were numerous small plastic bags. I think we can all guess what they were used for. While the man was in custody his mobile phone was constantly ringing and people were leaving messages and sending text messages obviously seeking drugs. On the basis of all this evidence, police applied for a search warrant. A deputy registrar raised the following concerns with police: firstly, the information from the community source was five weeks old; secondly, the vehicles seen to come and go from the house during police observations did not "sound like a steady stream of cars you'd expect from a drug dealer's house"; thirdly, police could not know that the tin contained drugs, stating, "It could have been plaster of Paris. It could have been anything"; fourthly, he was wary of information taken from an offender's phone; and, lastly, even though he accepted that the messages were about drugs and police drew his attention to a message sent from the phone indicating that the suspect had drugs, the deputy registrar was not satisfied that the warrant should be issued. So the warrant was refused.

Again, I stress that there is no criticism here of the deputy registrar in question. I mention this and the other example merely to show the necessity for a more sensible threshold than reasonable belief to obtain a search warrant when dealing with serious organised criminal activity. By allowing a Supreme Court judge to grant a search warrant on the basis of reasonable suspicion rather than reasonable belief, this legislation should stop those who engage in drive-by shootings, drug dealing and other serious crimes from hiding behind the law. This is a vital reform to allow police to continue and complete their work of dismantling organised criminal groups. Crime gangs rely on numbers for strength, intimidation and conducting criminal activities. Reduce those numbers and the gang loses its power and the criminal networks are disbanded.

When the Government introduced the first piece in its suite of legislation targeting criminal organisations we let gang members know that we were serious about putting an end to their criminal activities. Now that the legislation is in place police can start collecting and compiling the intelligence necessary to satisfy an eligible judge that an organisation should be a declared organisation. Compiling criminal intelligence takes time. Police want it to be right, watertight and irrefutable. Members of organisations who are the subject of a declaration application have the right to make a submission in relation to that application. This is fair. The New South Wales Government wants to break up criminal organisations but will not deny our citizens the right to justice, especially when those citizens may be the victims of criminal organisations.

Any person who may be affected by the outcome of the declaration has the right to make a submission to the court. This includes people who have been the victims of gang violence or intimidation and those who believe they might be. The court will consider all submissions when deciding whether to make a declaration. Victims who fear reprisals will be able to make their submission in confidence. Speaking out against criminal organisations requires courage and strength of character. We do not want people to go through this for nothing. That is why the information gathered by police to support the application must be thorough and correct. We owe it to members of these organisations, the eligible judge and the people of New South Wales. And to do this takes time. The New South Wales Police Force will not be rushed, and it will not do a half-hearted, back-of-the-envelope job.

Declaring that an organisation is a criminal organisation is the first step in dismantling it. The second step is making a control order in relation to its members. Members who have an interim control order taken out against them are entitled to procedural fairness in the justice system. Police will make sure they are just as certain of the strength and rightness of their application. A control order is a serious measure with serious ramifications—a measure that neither the New South Wales Police Force nor the courts will take lightly or treat carelessly. Controlled members of an organisation are forbidden from associating with other controlled members of that organisation. This means that they cannot be in each other's company or communicate with each other in any way. This is a broad measure that aims to cut the ties that bind members and the criminal activities of gangs. By severing these links we hope to prevent crimes before they happen. At face value, these measures may seem harsh but they will apply only to controlled members of declared organisations. This means that these people will have come to the attention of police and the court twice through applications for declarations and control orders. In each case the police and the court will have been satisfied as to the grounds for those measures. Innocent people who happen to associate with controlled members have nothing to fear.

On the other hand, controlled members who break the law can look forward to a prison sentence. A criminal organisation whose members cannot communicate with each other is a broken, vulnerable

organisation, but it can be re-formed by recruiting new members to replace those who have been rendered ineffective. Police have evidence that some organisations are using youth gangs to find new members. This is a particularly loathsome activity, which can start young people on a lifetime path of criminality. The Government does not intend that the hard work of police in breaking up criminal organisations should go to waste because those organisations prey on young people to repopulate their ranks. The bill makes it an offence for a controlled gang member to recruit someone to join a declared criminal organisation. The penalty for this offence is five years imprisonment. This is a significant penalty because it is a serious offence with consequences that may last well beyond the initial action.

The Government is sending a clear signal that recruiting fresh blood to criminal organisations will not be tolerated. It will punish those who do it and deter those who may have been thinking about doing so. It will also stop gangs from joining forces. Some of the most violent disputes between biker gangs involve members from one gang offering inducements to members of another gang to "patch" over. When this violence is played out in public innocent citizens can get hurt. Every time gangs attempt to strengthen their numbers police will break them down, until eventually they will no longer exist. This Government will ensure that police have the powers and resources they need to do that. I commend the bill to the House.

**Ms CLOVER MOORE** (Sydney) [6.22 p.m.]: The Criminal Organisations Legislation Amendment Bill 2009 follows earlier legislation to target escalating violence in biker gangs. I opposed the previous bill because it was rushed through Parliament without adequate time to assess its impacts and consequences. Legal experts, including the Law Society of New South Wales, and civil rights defenders, including the New South Wales Council for Civil Liberties, said that the new powers were not needed and would not halt organised crime and that the bill eroded fundamental human rights. I note that since passage of the bill, the Legislation Review Committee reported significant concerns about the legislation, including its move away from the presumption of innocence; its failure to exclude organisations such as environment and animal rights groups involved in "direct action", as was the case with South Australia's legislation; and breaches of the International Covenant on Civil and Political Rights.

Many of the changes in this bill are technical and would have been included in that earlier bill had it not been rushed through Parliament. The Criminal Organisations Legislation Amendment Bill 2009 allows the Supreme Court to extend the period of an interim control order and makes it an offence to recruit members to "declared organisations". The Legislation Review Committee has pointed out that creating an offence based on recruitment to an organisation contradicts the right to freedom of association established by the International Covenant on Civil and Political Rights. The committee states that merely associating with people, whether they are known to be in a particular category or are merely reputed to be in a particular category, should not be criminal. It is concerned about how this provision will also impact on children and their rights.

The bill creates a new type of search warrant for organised crime offences, which are defined as planned, organised, structured, or carried out on more than one occasion involving more than one participant. The Supreme Court can issue organised crime warrants following an application that is approved by a superintendent or officer of a higher rank. Unlike other warrants, the application can be based on "reasonable suspicion" rather than a "reasonable belief" and the warrant can be valid for seven days rather than 72 hours. I share the concerns of the New South Wales Council for Civil Liberties that use of "reasonable suspicion" to support a search warrant instead of a "reasonable belief" is an example of increasing police powers without proper validation and justification, and is open to abuse and error that could subject innocent people to intrusive searches.

The bill also allows the Commissioner of Police to share "criminal intelligence" relating to an "associate" of a declared criminal organisation with regulators of certain high-risk professions such as the tow truck industry. The New South Wales Law Society considers this to be a further attack on freedom of association, freedom of information and the right to work because people could fail to secure jobs because of their perceived association with criminals and not because of anything they have done. The Legislation Review Committee shares this concern, pointing out that the bill provides latitude to refuse an application for employment based on criminal activity that is "likely" to occur and activity that the applicant is not aware of. It says that this breaches the right to be treated as innocent before a crime has been committed and a person has been proven guilty. One can see how a law-abiding family member of a criminal could face serious prejudice in employment.

The New South Wales Law Society is very concerned that without access to the criminal intelligence or specific reasons for being refused employment, there will be no natural justice—which gives a person charged



with a criminal offence the opportunity to respond to allegations. I share the view of the New South Wales Council for Civil Liberties and the Law Society of New South Wales that these laws are not necessary. The recent series of arrests relied not on new legislation but on strong and targeted policing. I have previously asked the Minister for Police and the Commissioner of Police to put resources into tackling gang-related violence following reports of gang links with inner-city licensed premises.

I share the widespread community concern about the progressive erosion of basic human rights, and have called repeatedly for a New South Wales charter of human rights so that all new legislation can be assessed against basic human rights criteria and reported to Parliament before debate. Members could then identify inconsistencies with the basic human rights supported by the community and make an informed decision about whether the inconsistencies are justified. This bill reduces basic civil liberties, including the right to employment, freedom of association and presumption of innocence without justification, and I cannot support it.

**Mr GEOFF PROVEST** (Tweed) [6.27 p.m.]: I am 100 per cent for the Tweed. The object of the Criminal Organisations Legislation Amendment Bill 2009 is to amend various Acts and make provision to disrupt and restrict the activities of declared organisations within the meaning of the Crimes (Criminal Organisations Control) Act 2009, which was passed in this House in April. These are organisations whose members associate for the purposes of organising, planning, facilitating, supporting or engaging in serious criminal activity that represents a risk to public safety. I concur with the purpose of the Act.

As we all know, there has been a lot of discussion and high public expectations in relation to this matter. I was working in the western suburbs of Sydney when the Milperra bikie massacre took place. I know that gangs have not come into existence last month or last year but have been around for a long time and have been virtually left alone by previous legislation. This bill is a knee-jerk reaction on the part of the Government in an effort to encapsulate public feeling. I do not oppose the bill, but I will refer to a number of issues. I note that the Act provides for an application to be made by a senior police officer—for example, the commissioner—to a Supreme Court judge for a declaration to make an organisation a declared organisation.

I note also that members indicated that there have been no applications to date, yet there has been significant police activity in that area and also significant media interest. This is a major issue, particularly in the Tweed electorate. A number of so-called youth gangs operate in the Tweed area, on both sides of the border. Media attention, probably backed up by recent police intelligence, has focused on those youth gangs. They operate with, or work in conjunction with, some outlaw gangs, so I guess they will be declared as "organisations". It would be very difficult to prove what is required in the bill. I know that it will enable search warrants to be issued more easily, changing the requirement from "reasonable suspicion" to "reasonable belief".

In the Tweed we have a rather unusual situation. Tweed rates as the third highest area in the State for the quantity of drugs confiscated per head of population, slightly behind Kings Cross. It would be fair to say that the Tweed and northern rivers area is a major manufacturing portal for south-east Queensland. I have been out on the streets and witnessed a number of times younger people who associate with gangs acting as couriers and distributors, particularly in the Gold Coast region. I have seen that first-hand, and am concerned about it. However, although the Government has foreshadowed possible amendments to the bill, I have not heard in the arguments for or against the bill whether there has been any consultation with our Queensland counterparts.

Regarding drug confiscation and drug activity, unfortunately the Tweed ranks fairly high. I would have liked to see more cross-border issues taken into account. Virtually all warrants issued in New South Wales that refer to New South Wales people currently residing, or alleged to be residing, in Queensland come through the Tweed Heads police station. I have been told that at last count approximately 2,500 outstanding warrants are waiting to be served. Recent media reports referred to cadets graduating from the police academy—but the Tweed got only one extra police officer.

Last Friday night I witnessed Strike Force Raptor in action in George Street, Sydney. I was very impressed by the officers' professionalism in the way they handled the incident. I commend the officers involved. I know that there have been discussions at the Council of Australian Governments about this type of legislation. From information I have to hand, I know that Queensland is still considering it and South Australia is working on it, but there should be greater cooperation. Although the gangs have State chapters, they easily transgress borders. The police have confiscated large amounts of cash, drugs and weapons, which established that the gangs are very well resourced. I hope that the Government recognises the resources needed by the police and supplies them. I do not oppose the bill, but I thank the House for listening to my contribution.

**Mr JOHN WILLIAMS** (Murray-Darling) [6.34 p.m.]: Here we go again. This is a bit like a broken record. When I first came to Parliament on 20 June 2008 the then Minister for Police, David Campbell, was asked a question relating to outlaw bikie gangs. He informed the House of Operation Ranmore. That operation was to sort out bikie gangs in New South Wales once and for all, according to the House bully, the Minister for Police at that time, who was going to get this job done. Unfortunately, the State did not have the police numbers to back up that claim. To add insult to injury, on 27 September 2007 the then Minister for Police was asked another question about bikie gangs. The Minister had the audacity to accuse the Opposition of not having a plan to deal with bikie gangs. The plan devised by the then Minister for Police was not working at all. So the Government did not have a plan either! Today we found out that the Government has not had a plan. On that day the Minister said:

Today I am pleased to inform the House that our police officers have been using these tough new powers to great effect by bringing violent crimes to justice. In just 12 months of using these tough new powers police have been able to lay 70 charges—

That sounds like today. It is a revisit: we are doing the same again.

**Mr Paul Gibson:** They are going to look at those parrots. That is what they are doing.

**Mr JOHN WILLIAMS:** Absolutely. The member for Blacktown has bikie gangs in his area, and he wants them out. But the Government keeps going around in circles, and we are back to square one with bikie gangs. They are out there working in the same manner. Had the Minister been serious in June 2007 we might not be talking about this today. He was out there with the old spin prevailing. He just spins it out, without any back-up. When we found out that the police were underresourced—

**Mr Ninos Khoshaba:** Point of order: My point of order is under Standing Order 73. The member has been speaking for three minutes and has taken the opportunity to attack the Minister. I ask you to bring him back to the leave of the bill. If he wishes to attack the Minister there are other ways to do so.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for Murray-Darling has mentioned bikie gangs, and the thrust of the legislation deals with bikie gangs. While the member's references to the bill have been indirect, I know he is about to address the bill.

**Mr JOHN WILLIAMS:** This bill is another change to the law to try to tighten the vice on bikie gangs. The frustration felt by the people of New South Wales is what I am deliberating on. The people are totally and utterly frustrated with all the garbage they hear about addressing this issue. Had we taken affirmative action two years ago that recent incident at the airport could have been avoided. The criminal activity of bikie gangs has continued for two years, and is continuing, because two years ago there was no action, only spin. The Government presented its spin in this House and allowed members to think that it was doing something. However, the airport incident in March is proof that nothing has changed. The people of New South Wales have had enough of the Government not addressing this problem. We have had enough of Ministers, such as the previous Minister for Police, who are full of spin and abuse for the Opposition. The then Minister for Police should have addressed this issue in 2007.

**Mr PETER DEBNAM** (Vaucluse) [6.39 p.m.]: I speak on the Criminal Organisations Legislation Amendment Bill 2009. If we went back a few years and if Gibbo was the police Minister the Government would not have this problem. It is as simple as that. That guy, the member for Blacktown, is the only one on the other side of the House who would do anything about this issue. The shadow Attorney General laid it out before and the member for Murray-Darling has said it also: If the Government had been serious about this issue a number of years ago we would not be debating this bill now—and we would not have had the problem at the airport. I have some concern when members of Parliament talk about the incident at the airport as being the ugly violence of the bikies being carried out publicly. I have problems with that ugly violence anywhere, whether it is publicly or privately, and the bashings that they do in their own clubs.

The position some members of Parliament have taken on how suddenly the violence has become public and that it is terrible would suggest that they have got no difficulty with all the violence in jails. I have extreme difficulty with the violence in jails, but if the Government were serious about all these issues it would have been cleaned up a long time ago and we would not have these problems with the motorcycle gangs now. The shadow Attorney General said that the Government is drip-feeding the legislation. Yes it is; there is no doubt about that. I have no difficulties with this legislation at all. We should get it through the Parliament. It is a syndrome we

have seen before with this Government, especially on policing matters: typically, the police ministry cannot get it right, so we get one bill after another to clean up the issues. But if that has to be done, fine, let us get on with it.

I have a couple of questions to raise with the Government, and I have raised them before. If this were not a gutless Government we would not have these issues before us. The member for Penrith spoke about a number of applications for search warrants and talked about a magistrate and a deputy registrar declining to give those search warrants. I yelled out, "Name them". The people of New South Wales would be horrified to hear what the member for Penrith said about those search warrants. I suggest to anyone who reads this *Hansard* that they go back and read the member for Penrith's description of what happened with the search warrants. It is simply unbelievable that those applications for search warrants were knocked back. It is no wonder the police feel that they are fighting this problem with one hand tied behind their backs. Let us do something about it and let us say something to the magistrates and the judiciary about it. One of the best ways to do that would be to name them in the Parliament. They are performing a public duty and that information about who they are and what they are doing should be public. We should be told who those people are who are knocking back those sorts of search warrants.

The second question is one I have put to the Government a number of times: What is the Government doing about public servants who are controlled members of these gangs? I know the Government does not want to answer the question but the public does not want those people working for taxpayers. If they are controlled members get rid of them, sack them, terminate them—bring into this House whatever the Government needs to do it: I will back it and I am sure everyone else in this House will. The Government should stop protecting them. Heaven knows we may soon have a head of a gang working, for example, in the Roads and Traffic Authority—perhaps heading up a section in that department. It is unbelievable that the Government would create a system in this State that would allow the heads of criminal gangs to work in the public sector. Let us get rid of them.

What is all this reluctance to do something about people who happen to be public servants and who happen to be members of criminal gangs? Let us get rid of them. If the Government has hidden a provision in this legislation that will allow it to do so, please tell us in reply. The last time I asked the Government that question in relation to other legislation, the then Minister for Transport, representing the Minister for Police, implied that a section of the legislation would be used to remove members of gangs from the public sector. In subsequent questions the Government has refused to say that will happen. Tell us in this legislation if the Government will get rid of those public sector members who are members of criminal gangs. It is as simple as that.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [6.43 p.m.], in reply: I thank members for their contributions to the debate on the Criminal Organisations Legislation Amendment Bill 2009. Last month the Government passed the first plank of our new laws to break up outlaw motorcycle gangs. These laws went further than any other State. They also have more safeguards and were designed to protect them from defeat in the courts. Passing those laws meant that senior police were able to start to plan ahead in tackling these gangs. We have also used the time to develop sensible changes that strike the right balance between enforceability of those laws and establishing the correct safeguards.

The Government has listened to front-line police and has taken a measured approach in responding to their concerns. That is a dramatically different approach from that taken by the member for Epping. When the first bill was being debated the member for Epping said he wanted to reveal sensitive police intelligence to the bikies themselves—putting police informants and undercover officers at risk. On 2 April he said—

**Mr Greg Smith:** Point of order: I ask the Parliamentary Secretary to withdraw that comment. I did not say I wanted sensitive information given to bikies.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The Parliamentary Secretary has heard the request from the member for Epping. Does she wish to withdraw her statement?

**Ms ANGELA D'AMORE:** Certainly the member for Epping implied that, but if he is that offended by the statement I will withdraw it.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Is the Parliamentary Secretary prepared to withdraw her statement?

**Ms ANGELA D'AMORE:** Yes, I am prepared to withdraw it. What the member for Epping said on record, though, is:

One problem I can see is that the criminal intelligence that is used to ground the declaration is not accessible to the person or organisation.

What he said there is pretty clear. Firstly, that is not true. Intelligence can be released by the Supreme Court. The member for Epping also complained that the legislation took away the bikie's rights. He said:

... takes away citizens' powers ... I do not think sufficient provision has been made to enable people to defend themselves.

**Mr Greg Smith:** Point of order: This is a speech in reply. The Parliamentary Secretary is not replying to what I have said in this debate. I submit that she must be restricted to replying on this bill. We have not opposed this legislation. She is raising material that is not in reply, material that was not challenged.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Is the Parliamentary Secretary suggesting that the member for Epping made those comments during this debate?

**Ms ANGELA D'AMORE:** I am just stating what was in *Hansard*.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! In this debate or on a previous occasion?

**Ms ANGELA D'AMORE:** I am just stating what has been put in *Hansard*.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The Parliamentary Secretary is not answering my question. Is the Parliamentary Secretary saying that during the course of this debate the member for Epping said those words?

**Ms ANGELA D'AMORE:** I am saying he said it during the course of debate generally.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! During the course of this debate?

**Ms ANGELA D'AMORE:** No.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! During debate on a previous bill?

**Ms ANGELA D'AMORE:** Yes.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! In view of the circumstances, I will seek the advice of the Clerk. Having had the benefit of the advice of the Clerk, in the circumstances, the Parliamentary Secretary is not able to rely on material that was used in a previous debate.

**Ms ANGELA D'AMORE:** I think I made my point so I am quite happy to withdraw it. When asked on radio 2GB on 4 May about these issues the member for Epping said:

I'm puzzled as to why we need that power really.

On 3 May the member for Epping described these powers as "window-dressing". The window-dressings are the tough powers that New South Wales police have requested. They do not think that this is window dressing; they think these laws are necessary to police these gangs. I wonder what the Hon. Mike Gallacher thinks about these tough new laws. Will he come clean and admit that he thinks they are window dressing? Probably not.

**Mr Greg Smith:** Point of order: This is supposed to be a speech in reply. The Parliamentary Secretary is attacking the motivations of somebody in another place who cannot defend himself. This is not in reply at all.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I will be guided by the Clerk's advice. Essentially, as she well knows, the Parliamentary Secretary should reply to the debate. In the circumstances, she may continue. She should be careful in her remarks.

**Ms ANGELA D'AMORE:** I am more than able to be sensitive to the member for Epping, who is showing great sensitivity.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I do not think the member for Epping needs compassion. The Parliamentary Secretary should confine her remarks to the reply to the debate. I am certain the member for Epping can look after himself.

**Ms ANGELA D'AMORE:** As a mother I am quite happy—

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I realise the Parliamentary Secretary is an extremely compassionate person. Notwithstanding that, I ask her to proceed with the reply to the debate.

**Ms ANGELA D'AMORE:** I have heard what Opposition members have had to say about this legislation and some of their concerns but I have not heard them raise any alternatives. They made some passing reference to the fact that we should have looked at the South Australian legislation. I do know that New South Wales' legislation is stronger and tougher than the South Australian legislation. I also note some comments that the previous Leader of the Opposition, the member for Vacluse, Mr Debnam, made in referring to some Middle Eastern gangs, when he said, "Just lock them up." That is the type of thing the Opposition looks at.

**Mr Peter Debnam:** Point of order: I had to correct this in the last debate. I said, "This is Australia. Lock the bastards up."

**Ms ANGELA D'AMORE:** Okay.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! I note the member's correction.

**Mr John Aquilina:** Point of order: That was no point of order. The member for Vacluse is attempting to enter the debate during the Parliamentary Secretary's reply. Members of the Opposition should be told precisely what the standing orders are. They should allow the Parliamentary Secretary to proceed with her reply and complete this properly.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The purpose of the Parliamentary Secretary's speech is to reply to material introduced during the debate. I extended a degree of latitude to the Parliamentary Secretary. I did not regard what the member for Vacluse said as a point of order. He made a comment and left it at that. I invite the Parliamentary Secretary to continue.

**Ms ANGELA D'AMORE:** I also note that some members of the Opposition said we were not being tough enough and how was it that members of bikie gangs could work for the public sector. We say that they should be locked up and that is why we are providing the framework in this legislation. I also note that the policy of the Leader of the Opposition, Mr O'Farrell, rather than introducing an adequate framework to ensure our police officers have the resources, the legislation and the Government's backing to put people away who are behaving in such a way, is to put them all in a room so that they can shoot each other. Is that not a productive way to protect people in New South Wales? We know what the Opposition's position would be—put them all in a room and let them shoot each other, rather than give our police officers the legislation they need to do their work.

**Mr Peter Debnam:** Point of order: The Parliamentary Secretary is flouting your ruling, Mr Acting-Speaker. She is now talking again about a previous debate. She is totally flummoxed. Obviously the speech that was written for her in reply is no longer relevant because it is wrong; it talks about previous debates. The Leader of the House, John Aquilina, is now in a flurry because the debate is out of control, but it will finish in the next six minutes. Can you ask the Parliamentary Secretary just to reply to this debate and specifically to my point: is the Government going to sack public servants who are controlled members of gangs?

**Mr Paul Gibson:** To the point of order: If you look back through the records, Speaker Abbott ruled on this very issue.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! On what occasion was that?

**Mr Paul Gibson:** Back in the 1900s. Under standing order 137 the Parliamentary Secretary is quite in order.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Can the member for Blacktown provide me with the reference to Speaker Abbott's ruling? The Parliamentary Secretary will reply to the material that has been introduced during this debate. Provided she substantially does that, debate can continue.

**Ms ANGELA D'AMORE:** I commend the bill to the House.

**ACTING-SPEAKER (Mr Wayne Merton):** The Parliamentary Secretary has certainly finished on a good note!

**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.**

### **GAS SUPPLY AMENDMENT (OMBUDSMAN SCHEME) BILL 2009**

### **GREYHOUND RACING BILL 2009**

### **HARNESS RACING BILL 2009**

### **RACING LEGISLATION AMENDMENT BILL 2009**

**Message received from the Legislative Council returning the bills without amendment.**

**ACTING-SPEAKER (Mr Wayne Merton):** Order! Government business having concluded, the House will now proceed to the matter of public importance.

### **SCHOOLS DISABILITY FUNDING**

#### **Matter of Public Importance**

**Mr STEVE CANSDELL (Clarence)** [6.56 p.m.]: Disability funding in schools is a matter of public importance. The State Government has recently slashed almost \$12 million from student disability funding. This decision will mean that schools across New South Wales will have less money to educate disabled students and children with special needs. This follows a recent freedom of information request by the New South Wales Opposition, which revealed the Rees Government's intention to slash disability funding for students by taking back almost \$12 million in unspent funds from schools under the funding support for students with disabilities program. Cutting \$12 million from the program for kids with disabilities is a despicable act by an out of touch Government. I was speaking to some of the principals today and they have major concerns with this proposal. As they said, tied grants must be used for the specific purpose for which they were allocated to the school and are expected to be spent in the year they are allocated.

I say they are "expected" to be spent, but the schools are not told they have to spend the funds or they will lose them. One of the principals mentioned that last year they managed to budget so that they could reserve money for the following year for emergency programs for these children who have major disabilities. They may not be obvious physical disabilities but behavioural disabilities, which not only upset the child with the disability but also the whole mainstream class. One example the principal gave me was of a woodwork class with 30 kids. Two of the kids have Attention Deficit Hyperactivity Disorder [ADHD]; they have major disabilities and behavioural problems and they need special care. If we take this money away, those kids will not be able to participate in that woodwork class, and if they do participate it will upset the whole class and make the education process untenable.

As I said, the money is available each year and it is expected to be used. At the school I have referred to there are three school support learning officers whose sole purpose is to ensure that the children with behavioural problems get adequate care, supervision and guidance. As the woman from the department told me today, these kids were initially violent and totally uncooperative. They need the right care and support and for the support to last all year. They also need adequate programs when necessary. When urgent funding is required and has to be found somewhere, and the schools do not have the financial reserves, extra programs cannot be

implemented. She said that often at the end of the year these kids are happy and content and they can go on to live moderately normal lives. Only by being extra cautious with their funding program during the year and allocating it where absolutely necessary, not simply spending it so that there is no money at the end of the year and the following year—

**Mr Daryl Maguire:** What about students who transfer in?

**Mr STEVE CANSDELL:** That is right. At the beginning of the year they may have three, five or even seven children with behavioural problems. However, by the middle of the year that number could have increased by five, six or more. The father of two kids with major behaviour problems came to my office and told me about what happened when he moved to Grafton two years ago. The local school was not provided with appropriate funding by the middle of the year to allow it to cater for the children's or the school's needs. The children could not function in the education process and gain from it while not interfering with the education of other children. These issues must be taken into consideration.

It is sad that this Government is so totally out of touch. In my electorate alone \$300,000 will be slashed from next year's budget. Casino High School will lose \$67,000 and Yamba Public School will lose \$26,000. In fact, 22 schools will miss out on the funding they require. Many of those schools cater for lower socioeconomic areas. Children in those areas have problems when they come to school because of what happens at home. Their school is the one place they can get the education and support they need, but which is unavailable at home. Sadly I must bring politics into this debate. This Government is totally out of touch with this issue. Over the past few years we have become accustomed to incompetence, total mismanagement and general chaos. We have witnessed navel gazing and internal squabbling in what must be classed as the worst State Government in Australian history. A Minister was sacked because he was caught in his underwear simulating sex with a fellow member in his office, another Minister was jailed for sex and drug offences—

**Mr Alan Ashton:** Point of order: The member for Clarence is debating a serious issue. However, the ground he is now covering has nothing to do with the matter of public importance. I hope he talks about kids in schools.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for Clarence will confine his remarks to the matter of public importance.

**Mr STEVE CANSDELL:** I may have been slightly out of order. However, ripping off disabled kids is a new low, even for this appalling Labor Government. We should be getting back to dealing with education and health. The Government has sacked 400 nurses from the North Coast Area Health Service. It is ripping off another \$12 million allocated for disabled children. One would not expect any government to do that. The school has asked us to ensure that that money is retained. It is an important backstop for when it has an influx of children and when it must provide extra programs to help these kids and other students.

**Mr ALAN ASHTON (East Hills) [7.03 p.m.]:** I do not doubt the sincerity of the member for Clarence in raising this issue and it does relate to his electorate. However, I will refer to what the Government is doing throughout the State. I spent 22 years teaching in government high schools and I have two special schools in my electorate, Broderick Gillawarna School at Revesby and Caroline Chisholm School at Padstow Heights. More than 80 per cent of school students with disabilities in New South Wales are enrolled in public schools, which is testament to the continuing support the Government provides to those students. That support is underpinned by the record \$1.05 billion that the Government is spending on special education this financial year alone. That is \$133 million more than was allocated last financial year and a 10 per cent or 11 per cent increase above the CPI.

In 2009 the Learning Assistance Program and the Integration Funding Support Program, with total funding of \$221 million, supports students with disabilities and learning difficulties enrolled in regular classes in schools across the State. Principals determine the most appropriate way of using that funding. That may include the employment of teachers and/or school learning support officers, as well as releasing staff for professional development to improve their ability to meet students' special needs. In addition, the State has more than 2,000 special classes in regular and special schools with the capacity to support more than 20,000 students with confirmed disabilities or behaviour disorders.

Between 2005 and 2007 the New South Wales Government progressively provided more than 730 additional school learning support officers targeted to assist students with special needs. This Government's special education initiatives have made classrooms safer and have improved the learning environment for

students and their teachers. Staffing levels are determined on the basis of each student and his or her individual level of need, and principals are able to form classes to support the differing needs of students. There are currently more than 800 itinerant and outreach teachers supporting students with confirmed disabilities or behaviour disorders in regular and special schools. In addition, there are more than 1,370 teaching positions supporting students with learning difficulties.

In the November 2008 mini-budget the Government announced an initiative worth an additional \$9 million to support students with special needs and their teachers. These funds have provided the equivalent of an additional 80 full-time specialist teacher positions in 265 schools across the State from the beginning of this school year. With these funds we are picking some of the very best teachers in New South Wales, giving them specialist training and placing them as new and extra staff in our classrooms working alongside teachers looking after children with disabilities or learning difficulties. This means that while a classroom teacher is teaching, a specialist teacher can be in the room helping students who have specific learning difficulties. That includes the behavioural difficulties that the member for Clarence referred to. This is about delivering more teachers to classrooms to give that essential support to teachers who are trying to balance the needs of their regular students and those of students with learning needs—and this is critical—including students with autism and other learning and behavioural difficulties.

These specialist teachers will also help students in the school by coordinating services from other agencies such as physiotherapy and speech therapy, and services provided by community nurses, family support services, psychologists and social workers. Special needs children and special needs schools require assistance from a wide range of professionals. The specialist teachers will also work with parents and teachers to plan how the school will support each child, to ease the transition into a new school and to personalise a learning plan for the child. They will provide intensive training for thousands of other teachers on issues such as understanding autism and managing behaviour, including that of students with speech, language communication and motor coordination difficulties. The new specialist teachers are also receiving substantial training in a range of areas relevant to supporting the learning needs of students with complex additional needs, including training in dealing with autism. One of the primary schools in my electorate has a special class for students with autism.

I am aware that principals in their community of school groups have embraced autonomy to create coordinator positions and develop plans that address their particular student needs. The implementation models for the school learning support coordinators initiative vary across communities of schools and reflect location factors, the mix of schools and each community's priorities. One of the areas of particular focus in this initiative is autism spectrum disorders. As members will no doubt be aware, in recent years more and more children have been diagnosed at younger ages with autism and autism spectrum disorders such as Asperger syndrome. I admit that in my early years of teaching we often thought that students were deliberately being naughty—just as I was at times when I was a student. We now recognise these syndromes and illnesses. They often go undiagnosed for many years and sometimes they are never diagnosed.

From 2005 to 2008 there was a 59 per cent increase in the total number of students with a primary diagnosis of autism supported through the Department of Education and Training's Integration Funding Support Program. The department provides support for children with autism through specialist classes and targeted support through the program for students with autism enrolled in regular classes. School placement of students with confirmed autism is informed by parent choice as espoused in the Commonwealth Disability Discrimination Act 1992 and its Disability Standards for Education 2005. Many students with intellectual and other disabilities also have autism spectrum disorders. In 2009 there are 191 autism-specific specialist classes in regular and special schools, each supporting up to seven students with autism. In addition, 53 specialist outreach teacher positions support up to seven students with autism in regular classes. These positions and classes are in addition to the learning support coordinator initiative that I mentioned earlier.

I now refer to the concerns raised in the media recently about funding provided to schools for students with disabilities. Members will recall that the Minister for Education and Training assured the House this afternoon that no school has had its funding cut. I repeat: No school has had its funding cut. Every school still has access to its full annual entitlement of disability funding. I will clarify how this system works. The Department of Education and Training provides schools with tied funding. As the Minister said this afternoon, this funding must be used for an individual student or a particular group of students, such as students with disabilities. The money is not provided simply for schools to put in the bank. Over recent years some schools have not spent their full allocation. The Minister said that at the end of 2007 \$79 million was unspent.

These tied funds have to be spent in specific areas. I am not talking about bricks and mortar; I am talking about additional teachers and better facilities for kids. This money was provided to schools to be spent



on our students, not to be left in the bank. The Government makes it a priority to ensure that the tax dollars in each front-line service reach the kids that are in its care. The Rees Government's substantial commitment is to students with disabilities, and that commitment will remain.

**Mr PETER DEBNAM** (Vaucluse) [7.10 p.m.]: I am sure that this is a topic that concerns all members. In my 15 years as a member Parliament there have been many issues and concerns but two things have really distressed me. The first thing by which I am distressed is seeing children in hospitals, many of whom remain there for a long time. I have great difficulty in dealing with the emotion of that situation. The second thing by which I am distressed is children with disabilities. The Parliament, the Government and society have not done enough for kids with disabilities, and especially for their families. Historically, we have simply said to those families, "It is your problem; deal with it", which is totally unjust.

In recent years there has been some movement in this area, which is why this story is extraordinary. I refer to the article to which the member for East Hills referred earlier. He referred to an article by Bruce McDougall in the *Daily Telegraph* in which school principals accused the Rees Government of a grubby grab, which is exactly what this is. Money that has been allocated to these schools is being vacuumed or clawed back by the Government. The Minister can say whatever she likes in an attempt to reassure us, but her reassurances on that issue and on any other issue are worthless. I congratulate the member for Clarence, who raised this issue as a matter of public importance. He highlighted the problems being experienced by the schools in his electorate.

In his electorate alone, of the order of 22 schools will lose \$300,000 as a result of the actions of this incompetent Government. Casino High School will lose \$67,000 because of this Government's incompetence. As the member for Clarence said, we have reached a new low in the history of this Labor Government, which is clawing back funding from disabled kids and their families. These schools that are trying to do their best are aware that when the Government vacuums or claws back funds from them and then assures them that they will get back that funding next year that is not likely to occur. Over the past 14 years this Government has blown billions of dollars. The question that should be asked of the Government is: Where has all that money gone?

For the next year or so all the schools in this State will be asking that question as funds are being vacuumed away from them—a particularly grubby act by this Government. I again congratulate the member for Clarence on fighting for these schools. I hope that the Government has a change of heart in relation to this issue before it delivers its budget in a month's time. I say to the Government, "Give the money back. It is not your money; it belongs to the schools and to taxpayers. Taxpayers want that money to go to the kids."

**Mr STEVE CANSDELL** (Clarence) [7.13 p.m.], in reply: I thank the member for Vaucluse and the member for East Hills for their contribution to debate on this matter of public importance. I agree with the comments of the member for East Hills: this Government, with the support of the Coalition, has turned things around. It now recognises that kids with autism and kids with behavioural problems were once called bad kids. The Government has now allocated funding for the employment of special support officers to help kids with learning difficulties. Recently the Government spent \$1.05 billion to assist children with special needs. What is \$12 million in the big picture of things?

Schools are making a great deal of headway in this area. Rather than pushing children into a corner or expelling them from school, we are now providing special needs teachers to assist those children. If something is not broken the Government should not try to fix it, as it will only make the situation worse. If this money is not spent within 12 months it is the Government's intention to claw back the money, which will give schools no incentive to budget carefully or to achieve the maximum result. Funding will not be spent on programs for children who need them; rather, it will be spent on priorities determined by Treasury. When the Government has the funds it spends them without giving any consideration to additional programs that are needed in schools.

The Government should congratulate those schools that have saved this money after budgeting all year round. They are still able to meet the demands of our youth and they have funding in reserve for the next year's demands. I am sure that all members are aware that these sorts of programs are expensive to run. Parents who have children with special needs have said that schools do not have the funding that is needed for the programs for these kids. Most of these kids require full-day care for a minimum of three days a week. If programs were provided on three days a week those kids would be able to attend classes on those days. Normally, those kids would be out in the schoolyard not receiving that special care and support.

Over the past 20 years we have encouraged governments of all political persuasions to turn this issue around and remove the stigma attached to kids who were classed as bad kids, or kids who had problems. The Government must try to address the needs of these children. The Government is taking away funding at a time when it introduced legislation to ensure that kids remain at school until they are 17. That legislation is doomed to failure if schools are not provided with adequate funding to assist kids with learning difficulties until they reach the age of 13, 14 or 15. If that does not occur these kids will be allowed to run wild, become delinquents and go in and out of institutions.

**Discussion concluded.**

**The House adjourned, pursuant to sessional orders, at 7.16 p.m. until  
Wednesday 13 May 2009 at 10.00 a.m.**

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