

LEGISLATIVE ASSEMBLY

Friday 11 September 2009

ABSENCE OF THE SPEAKER

The Clerk announced the absence of the Speaker.

The Deputy-Speaker (The Hon. Tanya Rachelle Gadiel), in the absence of the Speaker, took the chair at 10.00 a.m.

The Deputy-Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

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**.

Bus Service 311

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

Pymont Metro Station

Petition opposing the Metro proposal for a Pymont station at Union Square and requesting community consultation for a suitable site, received from **Ms Clover Moore**.

Darlinghurst Planning

Petition requesting that the 2006 master plan for the Garvan St Vincent's research precinct be adhered to and that the plan incorporate the heritage classified terrace, received from **Ms Clover Moore**.

Pet Shops

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

SHOP TRADING AMENDMENT BILL 2009

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.03 a.m.]: I move:

That this bill be now agreed to in principle.

The Government moves to introduce legislation to ensure the continuation of balanced and effective laws governing public holiday retail trading. On 1 July 2008, the New South Wales Shop Trading Act 2008

commenced operation. That Act introduced the first major reform of this State's retail trading laws since the deregulation of Saturday and late-night trading in the 1980s. The Shop Trading Act 2008 followed an extensive consultation process. This included reviews by the Independent Pricing and Regulatory Tribunal in 2006 and the Better Regulation Office in 2007. Both reviews recommended repeal of the former Shops and Industries Act 1962 to completely deregulate Sunday trading and to reform the restrictions on public holiday trading.

When introduced, the Shop Trading Act 2008 restricted retail trading on just five days: Christmas Day, Boxing Day, Good Friday, Easter Sunday and the morning of Anzac Day. These days are recognised as being of such civic, religious and community significance that restrictions on retail trading are warranted. The 2008 Act permits retailers to trade on these days if they held an exemption to trade under the now repealed Shops and Industries Act 1962. Exempted retailers include small shops, shops selling certain categories of goods and shops operating in major tourist zones. Alternatively, a retailer may be approved to trade on a restricted day by the Director General of the Department of Services, Technology and Administration. These significant changes simplified the rules in relation to opening hours for retailers.

After listening to industry representatives, business owners and workers, this Government created an equal playing field for businesses. The 2008 Act significantly reduced red tape by removing unnecessary regulation of the retail industry in several respects. Importantly, the changes clarified the arrangements around Sunday trading and ensured that the option to trade was available to all retailers across New South Wales. All general shops, medium to large retail outlets such as department stores, supermarkets, hardware stores, furniture outlets and clothing shops are now free to trade on any day except on those five restricted trading days. In October 2008, the Better Regulation Office estimated the value of these reforms at \$1.2 million per annum.

Since the commencement of operation of the Shop Trading Act 2008, the Commonwealth's Fair Work Act 2009 has come into force. The Fair Work Act 2009 will regulate the industrial relations aspects of public holiday trading for many retailers and retail industry workers from 2010 onwards. As all major retailers are corporations, the public holiday trading regime set in the Fair Work Act 2009 overrides any New South Wales law where inconsistent. Nevertheless, the Fair Work Act 2009 recognises the authority of State governments to continue to regulate shop trading generally and the appointment of public holidays. Now that the Commonwealth legislation is in place, it is appropriate to amend this State's Shop Trading Act to clarify its operation.

In addition to this, the Act has been in operation now for more than one year. This period of time has provided an opportunity for business owners, retail workers and the community to witness the operation of the legislation. During this time, it has become apparent that amendments were required to provide greater certainty as to the operation of the Act. Divergent determinations were made with respect to the restricted trading days. The changes contained in this bill will provide further guidance to retailers who may be considering seeking an exemption to open their doors on a restricted trading day. The Government recognises that these five restricted trading days are very important to many Australians and provide a timely opportunity for families to be together.

Under the bill, any requests from larger shops to open on these identified days will need to meet clearly defined guidelines and show evidence of real community need and support. In addition, all staffing must be voluntary, and absolutely no-one can be forced to work on these days. The Government will take action against any abuse of this requirement. Requests for an exemption will need to pass a clearly defined approval test. Applicants will need to fully substantiate any and all claims they make in their application. This threshold strikes an appropriate balance between the rights of retailers, consumers and workers, while recognising the importance of days that have special community significance.

As was noted in relation to the 2008 Act, given that trading restrictions now apply only on our most significant public holidays, the need for such exemptions should be significantly reduced. Put simply, this bill confirms that exemptions should be granted only in exceptional circumstances. There should be a general presumption against trading on these restricted days.

I now turn to detail the major provisions contained within this bill. The bill seeks to amend the long title of the Act to state that the Act is an Act with respect to the "fair regulation" rather than "deregulation" of shop trading. The introduction of the Shop Trading Act in 2008 reduced red tape by substantially re-regulating retail trading. Now that unnecessary regulation has been removed, the title should recognise that the object of the Act is to provide for a fair recognition of days of community significance. In a similar vein, the bill provides

the director general with clear and explicit direction as to how to determine applications. It is appropriate that there be a clear presumption against trading on the five restricted trading days to preserve the status of these days in community life.

The Shop Trading Act 2008 currently obliges the decision-maker to take only general account of the statutory criteria when considering an application. The bill amends this test. The decision-maker is obliged to approve an application only if satisfied that it is in the exceptional circumstances of the case in the public interest to grant the exemption. The bill retains the existing statutory criteria established under the 2008 Act for consideration in the approval process. The bill adds a new criterion for consideration by the decision-maker. It is being introduced because the rights of small businesses should be considered in the approval process.

Accordingly, this bill also obliges the decision-maker to explicitly recognise the impact of approving the application on small businesses operating in the local vicinity. The approval test is also amended in one further respect. It abolishes the scope for the decision-maker to consider any other matters in the decision-making process. The removal of this part of the approval test will more closely align the outcome of decisions with the criteria decided by Parliament to be the only relevant considerations when determining applications. As I have stated earlier, in remodelling the test for an exemption, the bill puts beyond doubt that exemptions should be granted only in exceptional circumstances. This puts the intention of the Act beyond question and provides greater certainty.

The Shop Trading Act 2008 is currently silent on who may make an application to trade on a restricted trading day. The bill limits the application process to only retailers. This will enable the decision-maker to seek specific information and undertakings about each retailer's compliance with the Act. Coupled with this, the bill also gives the decision-maker an explicit power to request a retailer to provide information and documents in support of an exemption application. This power will enable the department to set specific guidelines about the information that is required to be provided in support of an application. For example, retailers will be obliged to nominate the numbers of employees working on a restricted trading day, their hours of work and rest periods.

Similarly, retailers will be obliged to outline the lines of merchandise being sold and why it is necessary that the shop be opened for trade on the restricted trading day. Consistent with good regulatory practice, the department has provided a set of guidelines to assist retailers when they are making an application. These guidelines will be revised following the passage of this legislation to give further guidance to retailers about the types of information required by the decision-maker. This approach will ensure the applicant retailer quantifies the anticipated public benefit accruing from an application.

Another feature of the Shop Trading Act 2008 was the obligation on retailers who gained an exemption to use only workers who willingly agreed to work on the restricted trading day. Currently this condition does not apply to those historic exemptions carried over from the former 1962 Act, resulting in significant inequities. This bill will extend the protection in the 2008 Act to workers covered by the 1962 Act exemptions. As noted earlier, a provision of this type stands lockstep with the new public holiday protections introduced in the Commonwealth Government's Fair Work Act 2009.

I can foreshadow that the requirement for retailers to engage only workers who willingly agreed to work on the restricted trading day will be publicised widely in the lead-up to restricted trading periods. Equally, any retailer who ignores this requirement stands to lose the exemption to trade on a restricted trading day, or have additional conditions imposed on the exemption. Many retailers, large and small, have demonstrated a willingness to use only workers who have willingly agreed to work on the restricted trading day. It is a simple process to seek volunteers, rather than to impose a roster on staff. Such arrangements enable retail workers to balance their work, family, religious and civic commitments. It is now time that all retailers adopt this sensible approach.

The bill also makes a number of consequential amendments to the exemption process. Currently exemptions may be granted for an indefinite period. Experience with exemptions under the 1962 Act has shown that the conditions justifying an exemption may change over time. That is, issues can arise that would either preclude the granting of an exemption or justify the imposition of specific conditions on an existing exemption. So, in order to ensure that exemptions remain relevant and appropriate, this bill limits an approval to a maximum of three years. To avoid difficulties associated with an exemption application concerning a shop not currently trading, the bill restricts applications to shops in existence at the time of the application. This recognises that an application relating to a shop that does not yet exist cannot demonstrate how the retailer will ascertain that staff will work voluntarily. The current legislation does not empower inspectors to compel

retailers to provide documents such as roster sheets and commercial records such as business receipts. This bill amends the legislation to enable these powers to be conferred on inspectors authorised under the Industrial Relations Act 1996.

Returning to the approval process, section 11 of the Shop Trading Act 2008 currently permits the approval process to be determined by the director general. This provides a maximum degree of flexibility to adjust the process in extenuating circumstances. However, this degree of flexibility also permitted retailers to argue for an exemption at an extremely late stage, which left objectors with little time to respond. After consideration, the Attorney General decided that setting defined processing times in legislation will provide greater equity. Defined processing times will also enshrine a reasonable opportunity for the community to voice its opinions about trading hours on days of significant commemoration. Accordingly, the bill establishes that applications must be made at least 28 days before the nominated restricted trading day. Further, all applications must be subject to a 21-day public review process, and there will be a 40-day period in which a decision must be made. Any application not determined within the 40-day period will be deemed to be refused. This is consistent with the Bank Trading Act.

Another important feature of this bill is the introduction of a new section that will void the provision of any retail lease that forces a retailer to open on a restricted trading day. Currently retail leases can be used by the owners of shopping centres to require small stores, including many small family businesses, to open on restricted trading days. The status of restricted trading days is as important to such small business owners as it is to retail workers who are protected by the Shop Trading Act. Accordingly, the bill contains a provision to provide that no retail lease may be used to force a shop to open on a restricted trading day.

Finally, two procedural matters are dealt with as part of the bill. First, references to the director general and the department are updated to reflect current administrative arrangements. Second, the bill permits the online publication of applications, orders and reasons for decisions. This will be undertaken on the appropriate departmental website. In conclusion, promoting a positive work-life balance across the New South Wales working community is an important issue for the New South Wales Government. Requiring retailers to meet the exemption requirements set by these new reforms will ensure that they consider fully the needs of their workers and the community in which they operate.

The passage of this bill will create a balanced, workable safety net in the retail industry in this State. Retailers, large and small, are given certainty about trading hours on days of real community significance. Most retail workers are provided with scope to participate in family and community occasions that define our society. Small business owners are also given the scope to decide whether or not to open for trade on these days of significance. I commend the bill to the House.

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

ANIMAL WELFARE LEGISLATION AMENDMENT BILL 2009

Bill introduced on motion by Ms Sonia Hornery, on behalf of Ms Verity Firth.

Agreement in Principle

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [10.19 a.m.]: I move:

That this bill be now agreed to in principle.

The Animal Welfare Legislation Amendment Bill 2009 incorporates amendments to three Acts of Parliament. These amendments will improve animal welfare outcomes in New South Wales and reduce red tape for the Australian bee industry. Firstly, the bill amends the Prevention of Cruelty to Animals Act 1979 to give the New South Wales Minister for Primary Industries the power to recognise interstate court orders that prohibit certain persons from keeping animals. This means that these interstate orders will also be enforceable in New South Wales and will therefore reduce the risk of a person who is subject to such an order in another State simply moving to New South Wales and possibly reoffending.

The second group of amendments will provide guidance and transparency in licensing matters and refine the appeal mechanisms in the Exhibited Animals Protection Act 1986. Finally, the bill proposes to amend the Apiaries Act 1985 to allow exemptions from registration for beekeepers. This amendment will enable a

regulation to be made to allow interstate beekeepers who are registered in another State to operate in New South Wales for short periods without needing to be registered in New South Wales. These straightforward administrative reforms are the result of extensive consultation with industry and stakeholders. Once implemented, they will improve animal welfare, reduce costs and cut red tape.

I turn first to the proposed amendment to the Prevention of Cruelty to Animals Act. The Victorian and Tasmanian legislation allows the responsible Ministers in these jurisdictions to recognise interstate court orders that prohibit individuals from keeping animals. The provisions in this bill provide the New South Wales Minister for Primary Industries with similar powers. The Minister will be able to recognise an interstate court order that prohibits a person from buying or possessing an animal. Once such an order is recognised by the Minister it can be enforced in this State under the Prevention of Cruelty to Animals Act. This additional power will minimise the potential for people who commit acts of animal cruelty interstate and who are subject to an interstate court order to cross into New South Wales, keep an animal and possibly reoffend.

The costs associated with investigating incidents of animal cruelty are borne largely by the enforcement agencies under the Act. These agencies are the Royal Society for the Prevention of Cruelty to Animals and the Animal Welfare League. Both of these agencies operate through donations from the public and from grants from State and Federal governments. Both agencies support this critical amendment. During the 2007-08 financial year the RSPCA investigated more than 13,000 complaints of animal cruelty in New South Wales, with over 800 charges being laid. Pursuing animal cruelty offenders through the courts is expensive and creates another burden for our court system. This legislation will allow the New South Wales Government to be proactive in recognising interstate offenders and preventing them from owning animals in New South Wales.

The prevention of interstate offenders from owning or possessing animals in New South Wales may reduce the number of instances of animal cruelty, therefore reducing the costs for the RSPCA, the Animal Welfare League and the New South Wales Government. Let me give a specific example. In Lara, Victoria there was a case where 11 malnourished horses had to be removed from a property. The owner of the horses was charged with 32 animal cruelty offences relating to the poor treatment of the animals. This person was sentenced to six months imprisonment—suspended for two years—fined \$6,000 and disqualified from having custody of any animals for five years. The amendments proposed in this bill will clearly and proactively provide the Minister with the power to prevent this person from owning or keeping animals in New South Wales while they are banned from doing so in another Australian State or Territory.

The next group of amendments are to the Exhibited Animals Protection Act 1986 and they will also contribute to improving animal welfare outcomes in New South Wales. The first amendment to the Exhibited Animals Protection Act 1986 aims to provide guidance to the Director General of Industry and Investment New South Wales in considering applications for authorities. Authorities are licences, approvals or permits to exhibit or supervise the exhibition of animals in zoos, marine parks, circuses and other establishments that exhibit animals to the public in New South Wales.

Under the bill, when determining whether to issue an authority, the director general may consider a person's past actions and capacity to care for animals. For example, the director general may consider whether the applicant has been convicted or found guilty of an offence against New South Wales animal welfare legislation, being the Exhibited Animals Protection Act 1986, the Prevention of Cruelty to Animals Act 1979, the Animal Research Act 1985, the National Parks and Wildlife Act 1974 and any instruments made under these Acts; whether the applicant has been convicted or found guilty of an offence under any law of another State or Territory or the Commonwealth relating to the keeping or protection of animals; whether the applicant has previously failed to comply with any term or condition of an authority; whether the applicant has previously held an authority that has been cancelled or suspended by the director general; the capacity of the applicant to comply with this Act and any prescribed standards; the capacity of the applicant to care for the animals; whether the applicant has provided false or misleading information; and whether the applicant is a fit and proper person to hold such an authority. This improved approach will provide more certainty and transparency in the decision-making process.

The second amendment to the Exhibited Animals Protection Act 1986 will give the director general the discretion to disqualify a person from holding an authority under this Act for a period of up to five years where that person has previously had an authority cancelled on misconduct grounds. This administrative reform will remove unnecessary administrative costs incurred by the New South Wales Government in processing applications from people who have shown they are not responsible in their care for animals. The third

amendment to the Exhibited Animals Protection Act 1986 proposes that the Administrative Decisions Tribunal consider cases where a person is aggrieved because an authority to exhibit an animal has been refused or cancelled, or conditions have been imposed or modified.

Currently such appeals can be heard either by the New South Wales Minister for Primary Industries or by the Local Court. This amendment will result in a single appeal pathway to the tribunal. This will enable appeals to be dealt with by members of the tribunal with appropriate expertise in administrative law. This is consistent with existing appeal mechanisms in other New South Wales animal licensing legislation. For example, the tribunal currently considers appeals under the Non-Indigenous Animals Act. Having two avenues for appeal results in administrative inefficiencies and excessive costs for Industry and Investment New South Wales and the judicial system. The proposed single right of appeal to the Administrative Decisions Tribunal will reduce duplication and costs. These essential reforms to the Exhibited Protection of Animals Act are supported by the New South Wales Exhibited Animals Advisory Committee and the New South Wales Fauna and Marine Parks Association.

The final Act being amended by this bill is the Apiaries Act 1986. The amendment proposes administrative reform for the beekeeping industry. Beekeeping is a unique primary industry, depending on native flora for about 80 per cent of its production. Nectar and pollen production is seasonal and varies between locations. This means beekeepers must regularly move their hives significant distances to maintain production. Currently the Apiaries Act requires a person who keeps bees or who is a beekeeper in New South Wales to be registered in this State. The Act does not provide for exemptions from registration. This requirement is very different from laws in Victoria and Queensland, which allow New South Wales beekeepers to keep bees for a limited time in those States without having to be registered there.

This bill proposes to amend the Apiaries Act 1985 to provide for regulations to be made to allow interstate beekeepers operating in New South Wales for short periods to be exempt from registration in New South Wales. The intention is to allow beekeepers registered in other States to operate in New South Wales for a three-month period without New South Wales registration. This approach to interstate registration is consistent with the principles of mutual recognition. It will also reduce the regulatory burden on industry by making it easier for registered beekeepers to conduct their businesses. They will be able to follow seasonal sources of nectar and pollen without having to comply with unnecessary administrative requirements.

The New South Wales Apiarists Association and the Australian Crop Pollination Association support the proposed amendments. These proposed amendments are not considered significant and are consistent with the principles of mutual recognition. They will reduce the costs of compliance for business and the community, and reduce administrative costs for government. Farmers requiring bees for pollination will benefit directly from reduced obstacles to the delivery of cross-border beekeeping services. Beekeepers will benefit from reduced market barriers and increased mobility. Finally, animal industries and exhibitors of animals, and ultimately the community in New South Wales, will benefit from these animal welfare reforms. All of these proposals are sensible and useful amendments, and I commend the bill to the House.

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

ACTING-SPEAKER (Mr Thomas George): Order! Government business having concluded, the House will now proceed to Orders of the Day (Committee Reports).

JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL

Report: Report on the Fifth General Meeting with the Valuer-General

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

Debate adjourned on motion by Mr Paul McLeay, by leave, and set down as an order of the day for a future day.

PUBLIC ACCOUNTS COMMITTEE

Report: Review of the Audit Office under section 48A of the Public Finance and Audit Act 1983

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

Mr PAUL McLEAY (Heathcote) [10.33 a.m.]: Every three years the Public Accounts Committee commissions a review of the Audit Office to determine whether the office is complying with applicable auditing

practices and standards. After a competitive tender process the committee commissioned Oakton Services to conduct the review. The committee also set out comprehensive terms of reference for the review, including the examination of auditing standards, costs and charges, planning, management, resources, and communication with clients.

I draw to the attention of the House two findings of the review. The first is the positive conclusion of the review about the Audit Office. The reviewer stated that it was able to provide positive conclusions in relation to all the terms of reference the subject of the review. Evidence gathered from its fieldwork demonstrated that the Auditor-General and the Audit Office have in place robust and professional frameworks to effectively and efficiently deal with their core business and to interact with their clients.

The second point I highlight is that the reviewer found that the Public Accounts Committee's new process for following up the implementation of audit recommendations results in a significant improvement in the ability of the Audit Office to promote greater accountability. The committee is very proud of the new concept it has adopted during this term, and we are pleased that the reviewer made this finding. The committee's experience is that its following up of performance audits has been a constructive process that ensures proper attention is brought to agencies' responses to the recommendations of the Auditor-General. It is reassuring to see that the independent reviewer also sees this as a positive move that improves accountability.

Both these findings were particularly pleasing to the committee. However, while the reviewer gave a very positive report, it also made 21 recommendations for further action. The first of these was that the Audit Office should review the market for appropriate financial audit methodology software, as the licence on its current software will expire at the end of next year. The Auditor-General agreed. A number of recommendations addressed tightening up certain internal procedures. The Auditor-General has agreed to make suggested changes, or to ensure compliance where this required improvement.

There were two points on which the Auditor-General and the reviewer did not see eye to eye. One relates to recommendation 17, in which the reviewer suggested changes to the new compliance audit framework of the Audit Office. The reviewer considered that further guidance was needed on agency selection. However, the Auditor-General was of the view that the selection of agencies for inclusion in the 2009 compliance program reflected the Government's risk profile. The second point of disagreement was whether the Audit Office should publish a rolling three-year plan of performance and compliance audits, similar to that published by the Victorian Auditor-General's Office. In response to this recommendation the Auditor-General undertook only to publish details of the proposed numbers of performance audits across outcome areas over the medium term. The Auditor-General currently publishes his performance audit program for the coming year.

These points of disagreement notwithstanding, the Audit Office, under the leadership of the Auditor-General, Mr Peter Achterstraat, is to be commended for the high standards the reviewer found. This accords with the experience of the committee, which has continued to enjoy a helpful and professional relationship with the Audit Office. It is also reflected in the comments from government agencies when they appear before the committee. Agencies have frequently commended the Audit Office for the cooperative and professional approach it has taken. The committee has continued to be impressed by the quality of the work provided by the Audit Office, and acknowledges the significant contribution it is making to improve the accountability of public administration and the efficiency and effectiveness of service delivery in New South Wales.

The committee thanks Oakton Services for the professional and rigorous conduct of its review, and the Audit Office for, as appears from all reports, welcoming and assisting its reviewer. This review process was important for the committee. Not only is the committee obliged statutorily to commission a review every three years; we also want to be assured that the Audit Office is serving its customers' needs and that it is conducting its processes as strongly as ever. The committee also needs to assure people regarding the notion of who audits the auditor. The committee often hears evidence from government agencies that are subject to a review of the Audit Office. At times those agencies complain about the Audit Office's processes. They say, for example, that the Audit Office did not have the required technical expertise to understand the particular issues of the agency. So it is important that the Auditor-General is required to endure a similar auditing process.

The committee felt it important to assure particularly the smaller agencies, but also the larger agencies that feel the Audit Office conducts frequent reviews, that the Audit Office is also subject to a similar review process involving a similar level of detail. As a result, the Committee believes that this process is sound. The independent auditor, Oakton Services, did a very professional job. The company's relationship with the committee was very strong, and we thank the individuals involved. The committee found comfort in the fact that the Audit Office is doing its job well, that it is planning well, and that it is coming to terms with the changing circumstances of the New South Wales public sector. Whilst recommendations were made, most of them were

agreed and some related to proposals the Audit Office already had in place. I thank the Auditor-General for the way he and his executive team run their office. I look forward to continuing to work with the Audit Office in a very constructive relationship. I commend the review to the House.

Mr GRANT McBRIDE (The Entrance) [10.40 a.m.]: I have been a member of the Public Accounts Committee for only a short time. It has been an important learning experience for me and I now appreciate the committee's value. The Public Accounts Committee and the Joint Standing Committee on Road Safety have always undertaken important work, which has been translated into legislation and improved governance in the management of government and road safety. The management of government is obviously the most important criterion for the Audit Office: Is the government, through its numerous agencies, delivering for the people of New South Wales?

I commend the Chair of the Public Accounts Committee, Mr Paul McLeay, for his assistance in helping me to gain a clear understanding of what the Audit Office does. I have always been interested to know how one audits the Audit Office. It seems incongruous to audit the Audit Office. I have always been a little bit suss about the competitive tender process to undertake the audit. I can assure the House and the people of New South Wales that the process was very effective. It gave the Audit Office the opportunity to compare itself against other jurisdictions throughout Australia. There is no doubt that in comparison with all the other States and the Commonwealth the Audit Office of New South Wales comes up tops. As to the review process, I congratulate the chairman of the committee on introducing the new style.

[Interruption]

I ask you, Mr Acting-Speaker, to bring the House to order, particularly the member for Cessnock.

ACTING-SPEAKER (Mr Thomas George): Order! The member for The Entrance does not need the assistance of Government members. The member for The Entrance will be heard in silence.

Mr GRANT McBRIDE: Thank you, Mr Acting-Speaker, for that sound judgement. In the iterative process the Audit Office puts out a challenge to the organisations to report, a review is done and from that review the concerns are set out. Through the matrix system they are then given the opportunity to respond to those issues. It is not judgemental; all they have to do is come up with a report and that is the end of it. Consultation can be deferred to give organisations an opportunity to respond to the concerns of the Audit Office within the Public Accounts Committee process.

Some interesting exchanges took place during the Public Accounts Committee's recent sustainable procurement review. Both the Government and the Public Accounts Committee required departments to change their criteria, but they were stonewalling. Departments were confronted during the review process. The Auditor-General was sitting with departmental representatives as they put their cases. The review process is very effective and speedy, and it is delivering great results. No doubt the review undertaken by Oakton Services establishes that the New South Wales Audit Office is an outstanding organisation. It is effective and cost-effective in comparison with other Australian jurisdictions.

I commend the committee secretariat for doing a terrific job in backing up the Public Accounts Committee. The volume of work dealt with by this particular committee is the most I have ever experienced on any committee in which I have been involved. But most important are the results. The process designed by the secretariat, in conjunction with the chairman, and the Audit Office, has resulted in the most efficient auditing process available in the whole of Australia.

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

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 10 of 2009

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

Mrs JUDY HOPWOOD (Hornsby) [10.45 a.m.]: I had intended to make only a few brief points but in the surprising absence of the Chair, Mr Allan Shearan, I will review the legislation that the Legislation Review Committee dealt with in its report entitled "Legislation Review Digest No. 10 of 2009", dated 31 August 2009.

The legislation dealt with by the committee were: Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2009, Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009, Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009, Education Further Amendment (Publication of School Results) Bill 2009, Liquor Amendment (Temporary Licence Freeze) Bill 2009, and Occupational Health and Safety Amendment (Authorised Representatives) Bill 2009.

The committee has worked tirelessly in its assessment of this legislation. It read the briefing notes and then dealt with each bill in succession. Once again the legislation dealt with a cross-section of issues relevant to the community. The legislation dealing with the publication of school results was a little bit controversial, but all the legislation is relevant to the people of New South Wales. I note that the digest has been referred to on a number of occasions in this Chamber. Obviously I have not listened to all of the debate in the House, but during the times that I have listened I have noted that many members speaking to legislation have referred to the Legislation Review Committee reports, and that is indeed encouraging.

I refer specifically to the Crimes (Forensic Procedures) Amendment (Untested Registrable Persons) Bill 2009. This significant and important legislation deals with how people are detected and how police are able to lay charges against those who have been captured and fallen foul of their DNA. The bill amends the Crimes (Forensic Procedures) Act to make further provision with respect to the carrying out of forensic procedures on untested registrable persons. It authorises the conduct of certain forensic procedures on persons who have been found guilty of sexual and other serious offences against children, and those who are required to be registered and are subject to certain reporting obligations under the Child Protection Offenders Registration Act 2000.

The bill substitutes section 75W to enable a police officer to detain an untested registrable person when that person attends a police station to make a report in accordance with the person's reporting obligations under the Child Protection (Offenders Registration) Act 2000 if that is necessary for a forensic procedure to be carried out. It amends section 75X (1) of the Forensic Procedures Act to make it clear that the police officer must inform a registrable person of certain matters before asking that person whether he or she consents to the carrying out of a forensic procedure. It also amends section 75X (2) to provide that a police officer must inform the registrable person that reasonable force may be used to enable the forensic procedure to be carried out, and it enables a police officer to arrest an untested registrable person who fails to comply with a Local Court order for the carrying out of a forensic procedure in accordance with the order.

The committee was concerned that proposed section 75ZC (2), which relates to the making of an order for the carrying out of a forensic procedure on an untested registrable person when the person is not present, could mean that the person has not been given notice of the proceedings. The making of an application to a court under proposed section 75ZB (2) for an order for the carrying out of a forensic procedure on an untested registrable person when the person has not been required to consent could also mean the person has not been provided with an opportunity to consent to the carrying out of the forensic procedure. The committee noted a number of other potential infringements for the Parliament to address. I again commend the work of the hardworking committee members and staff.

Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report: Children and Young People Aged 9-14 Years in NSW: The Missing Middle

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

Mr ROBERT COOMBS (Swansea) [10.51 a.m.]: It is with great pleasure that I speak to this important report of the Committee on Children and Young People entitled "Children and Young People Aged 9-14 Years in New South Wales: The Missing Middle". It is a substantial report, consisting of 353 pages in two volumes and containing 59 recommendations. It is also a timely reminder of the continuing relevance of the role of parliamentary committees in providing and promoting a forum for public debate which, in turn, can lead to more informed government administration and policy making.

Although the committee's primary responsibility is to monitor and review the work of the Commission for Children and Young People and to report its findings and recommendations to Parliament, the committee has a broader responsibility to examine trends and changes in services and issues affecting children and young

people and to make recommendations about the need for changes to the functions and procedures of the commission under section 28 (1) (d) of the Commission for Children and Young People Act 1998. It was under this section that the committee self-referred the inquiry in February 2008.

The committee deliberately set broad terms of reference for the inquiry, with the aim of creating as accurate as possible a picture of the needs of children and young people in New South Wales aged from about 9 to 14 years of age. The committee was to have particular regard to the extent to which the needs of children and young people in the middle years vary according to age, gender and level of disadvantage; the activities, services and support that provide opportunities for children and young people in the middle years to develop resilience and the ability to bounce back from adversity; the extent to which changing workplace practices have impacted on children and young people in the middle years, including possible changes to workplace practices that have the potential to benefit children and young people in the middle years; and any other matter that the committee considered relevant to the inquiry.

The committee was impressed with the quality of the 110 submissions received, and this confirmed its view that the inquiry was one of real relevance to children and young people, parents, carers, teachers and the community as a whole. The committee heard from a total of 133 witnesses over four days of public hearings at Parliament House and during the course of two regional visits—one to Casino, Lismore and Ballina and one to Fairfield. While in recent years increased emphasis has been placed on providing services and conducting research about children aged 0 to 8 years, children and young people aged 9 to 14, the middle years, have been largely overlooked. That is why the report's title refers to the "missing middle". They have been largely overlooked despite the fact that the middle years are a time of significant physical, social, emotional and psychological change. It is a critical transition period, with children moving from primary to secondary school, and a time when peers assume greater significance in the lives of children and young people.

Increased autonomy and responsibility mean that children and young people in this age group begin to spend more time without the supervision of adults, assume greater levels of responsibility within the home environment and perhaps commence employment for the first time. The years between the ages of 9 and 14 are crucial to physical, social and emotional development. As such, they provide a key opportunity for positive intervention to help children and young people reach their full potential. Identifying and responding to early warning signs can help prevent children in this age group from becoming more vulnerable and can make a significant difference to their lives. Research indicates that intervening in the middle years can be effective and that this period of major transition and heightened risk can be a key turning point for children and young people.

The committee repeatedly heard that the best response to the missing middle is "connectedness". The overarching theme that emerged from the evidence and research in this field is ensuring that 9- to 14-year-olds remain connected to their families and peers, engage with their schools and participate in their communities. The committee also heard that to do so successfully requires a nuanced approach that sees children and young people both as individuals with burgeoning independence and as part of a family or wider community group, with a need for belonging. Evidence to the inquiry identified gaps in services across a wide range of areas critical to the education, health and welfare of this age group, and at the same time identified a number of promising programs throughout the State.

Many programs and approaches that have the potential to impact on the health, wellbeing and resilience of children and young people in the middle years are discussed in this report. Of particular interest to the committee are those programs that are likely to impact on multiple outcomes for this age group. For example, well-designed sport and recreational activities conducted outside of school hours can assist in the social, emotional and skills development of 9- to 14-year-olds; reduce the risks associated with lack of adult supervision, such as injury from accidents; contribute to improved health and wellbeing; and, in some circumstances, support parents or carers to participate in the workforce. Indeed, the committee has found that in many cases programs may be relevant to the work of more than one New South Wales government department, and has recommended a cross-government approach to the planning and implementation of such programs.

Therefore, the development of a whole-of-government plan for children and young people from 0 to 18 years is a key recommendation of the committee. The plan would identify a small number of significant programs or approaches with the potential to impact on multiple outcomes for different age groups—such as, 0 to 8 years and 9 to 14 years. It would include a focus on early intervention as well as on programs aimed at disadvantaged children and young people. The committee considers that funding for programs for this age group should not be piecemeal. Instead, a funding stream to provide services and programs for 9- to 14-year-olds

should be recognised as essential for the support of children and their families. This would allow for the development of services for the 9- to 14-year age group identified as priorities in the whole-of-government plan and would support the implementation of a number of other recommendations in this report.

Rather than simply make aspirational recommendations, the committee has devised practical responses to the issues in evidence. Fortunately, New South Wales has an excellent means of advocating for these practical changes: the Commission for Children and Young People. Accordingly, the report places the commission squarely at the centre of ensuring that the links in the chain of connectedness remain strong. I take the opportunity to acknowledge the work of the outgoing Commissioner, Ms Gillian Calvert, AO. The committee has been impressed by Ms Calvert's commitment to the service of children and young people since her appointment in 1999. Under her guidance, the commission has found creative and innovative ways to work for the safety, welfare and wellbeing of children and young people and for the recognition of their right to be heard in accordance with the governing principles of the Commission for Children and Young People Act. Her commitment to the cause of children and young people has undoubtedly established a benchmark for Government agencies and community organisations, not only within New South Wales but also nationally and internationally.

I also take the opportunity to welcome Ms Calvert's successor as Commissioner for Children and Young People, Ms Gaye Phillips, who has just this week taken up this important role. Ms Phillips comes to the commission with an impressive background with the United Nations Children's Fund in both Australia and Asia. From December 2003 until May 2007 she was the UNICEF Representative for Malaysia and UNICEF Special Representative to the Republic of Singapore and Brunei Darussalam. Immediately prior to her assignment to Malaysia Ms Phillips served as the Executive Director of the Australian Committee for UNICEF from 1996 to 2003. The committee looks forward to working with Ms Phillips in the positive and productive manner which has characterised the working relationship between the committee and the commission to date.

I also take this opportunity to thank my predecessor as Chair, Ms Carmel Tebbutt, MP, for her foresight in bringing the attention of the committee to this important and under-researched area. I also thank the current and former members of the committee during the Fifty-fourth Parliament for their commitment to the long and wide-ranging inquiry process. Many organisations and individuals took the time and effort to make submissions to the inquiry. Without their vital input this report would never have come to fruition. The committee owes a particular debt of gratitude to Professor Anne Graham, Director of the Centre for Children and Young People at Southern Cross University. Professor Graham's expertise in the social and emotional wellbeing of children and young people, and their participation and engagement in school and community, was of invaluable assistance to the committee in finalising its report.

The evidence to the inquiry identified an ongoing need to genuinely consult with children and young people about their needs when developing relevant policies and services. This committee was the first in the history of the New South Wales Parliament to take evidence from children, and the ensuing report is very much the richer for having done so. I especially pay tribute to the many children and young people who gave evidence to the committee. Members were genuinely impressed with the maturity, honesty and thoughtfulness with which they addressed the inquiry's terms of reference, and were greatly encouraged by the idea of these children and young people becoming the future leaders of New South Wales. The committee hopes that they will see in the report that the committee has genuinely endeavoured to take their views into account.

Finally, I stress that it has been the aim of the committee to find out what works and what might work better to meet the needs of children and young people aged 9 to 14. The committee has pointed out areas where we as a community can do better but it would be unfortunate if readers of the report were to conclude that there is not already an enormous amount of excellent work being done in homes, classrooms and youth centres across the State. In conducting the inquiry committee members have been repeatedly impressed by the extraordinary hard work and unstinting dedication of parents, carers, teachers and all those working in this field, and we hope that the report and its recommendations will assist them in this vital work. I commend the report to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [11.02 a.m.]: I speak in relation to the report of the Committee on Children and Young People entitled "Children and Young People Aged 9-14 Years in NSW: The Missing Middle". As the mother of a nine year old I have a vested interest in this report. I think it is great report and I congratulate the committee. I am still reading through the report, but did you go to the Southern Tablelands?

ACTING-SPEAKER (Mr Thomas George): Order! The member for Burrinjuck will direct her remarks through the Chair. I again ask Government members to remain silent.

Ms KATRINA HODGKINSON: The electorate of Burrinjuck and the whole of the Southern and Central Tablelands cover a big area and many villages and towns are quite isolated from each other. I note that many recommendations of the committee relate to sporting activities and the need to put pressure on the Minister for Sport and Recreation for extra funding for recreational activities for 9 to 14 year olds, which is a fantastic recommendation. But the Community Assistance Program [CAP] grants that we get for each electorate every year are only about \$40,000. People in the city are centralised but the population in country areas is spread out all over the place and it is very tough to allocate such a small amount of money for sporting facilities. I receive many applications from towns all over the electorate of Burrinjuck—Cowra, Young, Grenfell, Crookwell, Yass, Gunning, Collector, Cootamundra, Harden, Boorowa—and it is a hard job to spread that small amount of money around. I hope the committee's recommendations are successful, but I think we have a fat chance of getting many of them implemented.

The report also mentions kids with disabilities. Children with disabilities have a high risk of developing obesity problems, and that is where participation in sport can help. This week I spoke in the House about the initiative of a fellow from my electorate who is a personal trainer. Noel Schiller, from Young, is a father of four. He has had a working-with-children check, and has volunteered to be a mobile physical education teacher to go around to the smaller schools in my electorate whose students are hampered by a lack of physical activity. I was interested in this particular recommendation of the committee because at Saturday morning sport it is often the kids with disabilities or the kids who have weight problems who are asked to hang on to the ribbons or to do the timing as the teachers do not want to risk those kids being injured. It is really important that we increase the physical education opportunities within all of our schools, not just in city schools. Let us get physical education out into the regions, out into the country, particularly to those small schools where obesity is becoming a significant problem, particularly in the age group of 9 to 14 years.

I bring to the committee's attention that the need for youth centres in regional towns is greater than ever, particularly for that age group. I notice in one of the recommendations that the member for Clarence had a conversation with one of the young people from his electorate who said that the children would love to have a place where they can go to ride their bikes or just get some exercise on their skateboards or whatever, but also to have an area so that their parents know they are safe—they feel safe but they are also away from their parents and have got a bit of freedom. It is a very fragile age group and, as members of Parliament, there is so much more we could be doing for them.

The committee's recommendations are great but I do not believe that the Government will have the wherewithal to implement them. I certainly support the recommendations I have read so far. Currently there is a push at Yass to get a youth centre up and running. Father Chris Riley came to address us at the memorial hall a few weeks ago and he was very well received. He said the community really needs to push for something for it to be successful, and he is right. But also communities need a hand, and a youth centre for this particular age group would be very welcome. If the Government could see its way clear to assist with the funding for a youth centre for Yass, it would be of great benefit to all involved. Perhaps the committee could help to push for more youth centres for country towns around about the size of Yass, and including Yass, and for facilities for other recreational activities for kids, such as BMX bike tracks and skate parks. This is a good report, the recommendations are clear and I support them.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [11.07 a.m.]: I also commend this excellent and extremely important report of the Committee on Children and Young People entitled "Children and Young People Aged 9-14 Years in NSW: The Missing Middle". As other members have said, the focus on early intervention means that this age group has often been overlooked and that is why this report is one of the more important reports that anyone will see in the duration of this Parliament.

I thank the secretariat and the witnesses. There were 133 witnesses and 110 submissions from all over the State. The former Chair, Ms Carmel Tebbutt, and I were extremely sorry to leave the committee. We enjoyed our time on the committee and we enjoyed very much working with the secretariat—Mel Keenan, Jo Alley, Cheryl Samuels, Jacqueline Isles and John Miller. I thank them for their dedication and hard work during both the witness visits and in the preparation of this wonderful report.

I will briefly mention some of the salient points of the report. One of the things that was very noticeable was the lack of suitable after-hours and holiday school care for children in years 7 and 8. Much of the after-school care is designed for younger children, and children in years 7 and 8 tend not to go to after-school care, which means they are frequently at home by themselves. That is an enormous problem, considering that the rate of obesity increased from 11 per cent in 1985 to 25 per cent in 2004 and that the next assessment, to be

undertaken next year, is expected to indicate an increase. Children aged 9 to 14 do face the challenges of independence and this is the first generation of young people who have the potential to have a shorter lifespan than their parents. That is why the committee is keen to examine the built environment, and I urge it to do so.

I will refer specifically to three of the committee's recommendations. Recommendation No. 4 relates to subsidising the cost of participation in sport and after-hours school activities for low-income and indigenous families. I still work in an Aboriginal health service and I know that access to sport is an enormous problem for indigenous families. The cost is frequently cited as the reason these young people, many of whom are good at sport, drop out. Recommendation No. 6, which refers to a policy allowing for the use of school facilities for after-school activities, is very important. We have an enormous physical investment in our schools, but they are under-utilised because of fears of vandalism. We must look at improved utilisation of this extensive network of facilities.

Recommendation No. 17, which relates to the use of bus passes for free travel from after-school care, is also important. Because of the cost of public transport many children are picked up from after-school care. We must examine that issue and I believe that some accommodation is achievable. The identification of a government funding stream for these children is vital. As the member for Burrinjuck said, there are competing priorities in government, but we need a dedicated funding stream. Support for the Commission for Children and Young People is also vital in regard to this age group, and many of the committee's recommendations apply to the commission. I also place on the record my admiration for Gillian Calvert for the magnificent job that she has done as commissioner. Of course, Gaye Phillips will have a great deal to do because many of the report's recommendations will impact on her role.

This report states that we should genuinely consult with young people about their needs. One young person asked me, "Why are big people allowed to hit little people?" The United Kingdom includes young people in the membership of all committees dealing with issues that affect them. Those young people frequently have insights that would not occur to the rest of the community. Recommendation No. 22 refers to the mental health needs of children and young people, and especially Aboriginal children. My experience working in an Aboriginal health service has highlighted the lack of mental health services for young Aboriginal children, especially those aged 9 to 14. It is a major problem. It is appropriate that I read onto the record the conclusion of the executive summary, which states:

A more systematic approach, by all levels of government, to involve children and young people in decision-making that may affect their lives, is needed. To this end, the Committee has recommended that the NSW Commission for Children and Young People work with relevant NSW Government Departments to develop plans to increase the genuine participation of children and young people in New South Wales.

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

Report noted.

PUBLIC BODIES REVIEW COMMITTEE

Report: Report on an Inquiry into Environmental Impact Reporting in the NSW Public Sector

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

Mr MATTHEW MORRIS (Charlestown) [11.14 a.m.]: It is a pleasure to make a contribution to the debate on this report. The report examines the environmental impact reporting regime in the New South Wales public sector and initiatives undertaken in the private sector and makes seven recommendations that the committee believes will improve current practice. Environmental impact reporting is the public disclosure by an organisation of the environmental impact of its own operations. The purpose of environmental impact reporting in the public sector is to reduce the impact on the environment of government operations. The reporting process allows an evaluation to be made of progress in achieving this objective and therefore provides an incentive to change behaviour.

Before December 2008 there was no single policy for agencies reporting on their environmental impact. Instead, a number of separate policies operated in areas such as waste and recycling, energy usage and fleet operations. Most of these policies were not applicable to all agencies. The committee's inquiry found that there was particular criticism of: the lack of a single, consistent framework for reporting; the failure to mandate

reporting for all public sector agencies on an annual basis; and the lack of auditing or validation of the data reported. At the end of 2008 the Government announced a new sustainability policy that consolidated and replaced these discrete policies. The new policy set a number of targets in a range of performance areas, including greenhouse gas emissions, water reduction, office building performance, fleet operations and waste recycling and purchasing. The targets are supported by a number of action strategies. With the exception of the waste, recycling and purchasing element, the policy, in line with recommendations of a review of red tape of government agencies, is not mandatory for all agencies. The policy focuses on whole-of-government reporting with a major role for the Department of Environment and Climate Change in this centralised reporting arrangement.

As a result of its inquiry the committee has recommended that application of all elements of the Sustainability Policy be extended to all public sector agencies. While the committee is of the view that the new policy is a positive move forward, particularly as a means of providing a single framework for environmental impact reporting, it still retains features of the old policies that were criticised in contributions to the inquiry, not unreasonably in the committee's view. The committee considers that the new policy should have ensured a more comprehensive and regular reporting requirement, particularly through annual reporting legislation. Consequently, this report recommends that all public sector agencies report to Parliament as part of their annual report on their environmental performance under the Sustainability Policy and that the Government establish a program to support the implementation of environmental management systems within public bodies, or similar systems that are integrated into business management systems to measure and review performance.

The committee also makes the point that confusion could arise from the title "sustainability policy". The new policy is clearly an environmental reporting policy, not a triple bottom line policy, as the term would suggest. A major international development in standardising approaches and principles to environmental impact reporting—and especially sustainability or triple bottom line reporting—has been the global reporting initiative. This initiative, the principles of which are supported by the New South Wales Government, has specific features for public sector organisations. However, there is no indication of how the principles of the initiative have informed and developed the sustainability policy. The committee has therefore recommended that the Government initiate an independent review of the effectiveness of the Government's Sustainability Policy after three years of its operation and that the review include an assessment of the policy against the principles in the global reporting initiative.

Another criticism of the sustainability policy is the lack of mechanisms for independent validation of data. The committee has recommended that the environmental performance of agencies be independently audited and that the Audit Office be empowered to audit environmental performance information contained in public sector annual reports. The committee hopes that the Government will act on these recommendations to ensure that New South Wales does not lag behind other jurisdictions in environmental impact reporting. The measures that the committee has recommended can only help to preserve the environment in New South Wales for the benefit of future generations.

I place on the record my heartfelt appreciation to the committee staff, who I know have put a considerable amount of time and energy into not only researching this issue and looking at other jurisdictions but also helping the committee to find a clear way forward and providing sound recommendations to the Government. I also thank my committee colleagues, who gave generously of their time and energy to produce this report.

Naturally, issues around the environment are topical and have been for some time. It is fair to say that the level of public interest in environmental issues will continue to grow as time goes on, and that makes it even more important that government and government agencies ensure they are not only performing well in an environmental sense but are also reporting back so the broader community and, particularly, this House can understand exactly what impacts we may or may not be having on the environment. It is certainly a sound agenda for any government to have. I commend the report to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [11.20 a.m.]: I begin by congratulating the committee and staff on this report. The Public Bodies Review Committee has carried out important work in the years since it was created. I served on that committee for a time. Some of the topics we investigated relate to the matter of reporting. The fact that the committee has seen fit to look at environmental reporting is important. I note that there are seven recommendations, which seem to me to be the basis on which good policy can be implemented. Like the member for Charlestown, I hope that the Government does not allow this report to simply sit on the

shelves and gather dust. The member was correct to say there will be a focus on the environment, and rightly so. Many wrongs have to be righted. Many issues right across our region and State need addressing. I was particularly interested in the text from Ms Tebbatt, who was with the Audit Office. She said:

Yes. We think that the State of the Environment report is a great thing. It gets data on indicators into the public forum and it enables everyone to make judgments from an external perspective on how well we are going on environmental issues and what is the current status. From where we sit it is a great publication. When we commented on deterioration it was something that was raised in the report. We have not done any recent work in this area, which is why we cannot comment on the adequacy of the indicators or on performance. This report itself raises some issues about greenhouse gas emissions.

One of the good things for us is that the novice reader can pick up these reports and make that sort of judgment. Even we could pick it up and say, "There are some indicators where we are performing well and there are others where there are gaps." That is what we meant by "significant deterioration".

The Auditor-General, Mr Achterstraat, said:

Well, we have done native vegetation.

Meaning a review, and he went on:

At the moment we are doing two environmental-related audits.

He said they were doing a follow up on the state of our rivers. They did an audit in 2003 and five years later they are going to see how many of the recommendations were picked up. He said:

So currently we are doing the follow-up audit of the state of the rivers. We will be publishing that in the next few months. We are also doing an audit at the moment on the way the New South Wales public sector deals with waste recycling.

The point I make is that the rivers are receiving a lot of focus—I have spoken about that in this place—with the catchment management authorities and the indigenous landowners, who are now embarking on environmental programs to clean up the environment. I have raised the issue also of other departments that need to lift their game. I have noted that the two chains that determine a roadway were not audited. I encourage the Auditor-General to look at that issue. The other day I drove down to Warilla, and the highway is an absolute disgrace. It is just one example of many throughout the State where the Roads and Traffic Authority and the Government have neglected garbage that, sadly, is tossed from motor vehicles and is polluting waterways. All these issues are linked. If this report helps to encourage the Roads and Traffic Authority, the Government and others to report back on what they are doing to address the problem, it has to be adopted as a good report and good work.

I refer not only to the highway to Wollongong and Warilla but also the Hume Highway, the Sturt Highway, the Olympic Highway, the Pacific Highway—you name it. Wherever one looks, the Roads and Traffic Authority and this Government have neglected the collection of garbage and maintenance of the roadsides. They will tell you they have a number of staff who remove garbage. The fact is they only remove garbage from the roadside truck stops and car stops; no-one is picking up the garbage that gets into the waterways. That is the key to the problem.

I wanted to highlight that in saying that this report, if it is adopted, should bring the focus of members on the government side and others to this environmental catastrophe that is occurring. It is occurring because of neglect over the years, and it needs addressing. I have written to the environmental committee of the Roads and Traffic Authority, but that committee does not include representatives of the Environment Protection Authority. I also ask the Environment Protection Authority why it has not prosecuted the Roads and Traffic Authority for neglect of the environment. This report helps. Let us hope the Government adopts it.

Ms KATRINA HODGKINSON (Burrinjuck) [11.25 a.m.]: I will make a brief contribution on the report of an inquiry into environmental impact reporting in the New South Wales public sector. I am a little bemused because it seems like an exercise in trying to find something to do. Substantially, the report is given over to public hearings and transcript. The recommendations are:

That application of all elements of the Sustainability Policy be extended to all public sector agencies.

That all public sector agencies report to Parliament, as part of their annual report, on their environmental performance under the Sustainability Policy.

That the Government establish a program to support the implementation of environmental management systems within public bodies (or similar systems that are integrated into business management systems) to measure and review performance.

That environmental performance of agencies be independently audited.

That the NSW Audit Office be empowered to audit environmental performance information contained in public sector annual reports.

That Government initiate an independent review of the effectiveness of the NSW Government Sustainability Policy after three years of its operation.

That this review include an assessment of the Policy against the principles in the Global Reporting Initiative.

In comparison with the last report, this is just a lot of fluff and nonsense. This week the Premier has been talking in this place about the need for regional jobs. The Deputy Premier has been talking about the environment. It is all right to have a triple bottom line, and environmental impacts are important, but not at the expense of jobs. We cannot have it both ways all the time, particularly when there is a lot of unemployment in regional areas. One example involves the forestry industry. Forestry is vital to this State. The environmental positives relating to forestry are that it is a totally sustainable industry; it produces a home-made product; and it is good for the environment because the less timber products we import the more we prevent or reduce equatorial logging. Equatorial logging has been a substantial factor in global warming and holes in the ozone layer, and if we can produce the product here it is good for Australian jobs. It is a sustainable industry and it is environmentally friendly. Importing timber products and losing jobs at home do not allow forestry to thrive, and that is a bad outcome for Australia and New South Wales.

The Government has just announced that it is going to cut another 8 jobs out of 14 in the tree plantation improvement unit in Coffs Harbour. Last year the Department of Primary Industries scrapped 200 jobs in regional New South Wales. Just this week the Deputy Premier talked about the assessment of river red gum forests in the Riverina—potentially another 600 forestry jobs going. Triple bottom lines are important and we always have to look at the environmental impact of anything we do in policy development, but the Government must look at all sides and keep people in jobs. It should look at the practicalities rather than at some theoretical academic approach. It should get down to the grassroots and work through what the practical implications will be for those regional communities that might be affected.

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

Report noted.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Report: Report on the Eleventh General Meeting with the Police Integrity Commission

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

Mr KERRY HICKEY (Cessnock) [11.29 a.m.]: On 21 May 2009 the Committee on the Office of the Ombudsman and the Police Integrity Commission met with the Commissioner of the Police Integrity Commission and his executive officers for the eleventh general meeting. This was the second time the committee had met with the commissioner during the Fifty-fourth Parliament. It was my first meeting with the commissioner since my election as committee Chair. A number of issues were discussed during the general meeting. These included Project Rhodium, which is the risk assessment commissioned by the Police Integrity Commission of the New South Wales Crime Commission. Oversight of the New South Wales Crime Commission is an important area and one to which the committee will be paying close attention. Another was Project Marella, which will test the perception that student police officers trained in larger than usual classes are more likely to engage in misconduct once they become police officers than those trained in smaller classes.

The general meeting was dominated by issues raised in the inspector's special report to Parliament, the commission's Operation Alford and the ongoing disagreement between the commission and the inspector regarding the complaints reports contained in the inspector's special report to Parliament. It is worthwhile noting that the crux of the dispute between the commission and the inspector seems to be application of a judicial standard of procedural fairness to a commission of inquiry. Each of the complaints upheld by the inspector turns on the obligation of the commission to provide procedural fairness to witnesses called before it. As previous committee reports have noted—particularly the 10-year review of police oversight in New South Wales—the Police Integrity Commission is not a judicial body. The rules of evidence do not apply to it, nor is it able to make findings of guilt or innocence. As such, the rules of procedural fairness in relation to Police Integrity

Commission investigations and public hearings are not hard and fast. The Commissioner of the Police Integrity Commission told the committee that "the risk of harm or threat of damage to reputation is what triggers, essentially, the commission's obligations in relation to its hearings and reports".

Both the commission and the inspector are independent of each other. It seems that there is space for disagreement to exist between them without adversely affecting the operations of either. Indeed, the committee was pleased to note that, despite some disagreements between the inspector and the Police Integrity Commission, by and large a cooperative relationship exists between the two agencies. However, should a situation of serious conflict arise between the inspector and the commission regarding particular recommendations or complaint reports, clarification can and should be sought from the Supreme Court.

The independence of both the commission and the inspector is mirrored in both those offices' relations with the committee. The committee cannot direct either office, nor is it bound to accept recommendations from them. The committee does not play the role of an adjudicator in conflicts between the commission and the inspector. However, the committee does have the power to monitor and review the functions of both the commission and the inspector. The committee has resolved to conduct an inquiry into the way in which complaints made against the commission are examined, and the procedures in place between the commission and the inspector to enable this. Public hearings have been organised for October 2009, and I anticipate tabling the report of the inquiry in November 2009.

I thank Mr John Pritchard, the Commissioner of the Police Integrity Commission, and the staff of his executive team for the detailed information they have provided to the committee in regard to the general meeting. I draw to the attention of the House the fact that this report is a consensus document. I thank also members of the committee for the constructive and bipartisan approach they bring to the work of the committee, in particular the exercise of its oversight role. I thank, too, the committee staff—in particular, Pru and Hilary—for their hard work and dedication.

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

Report noted.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Report: Report on the Fifteenth General Meeting with the NSW Ombudsman

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

Mr PAUL PEARCE (Coogee) [11.34 a.m.]: On behalf of the committee Chair, I report on the fifteenth general meeting with the NSW Ombudsman. The Committee on the Office of the Ombudsman and the Police Integrity Commission held its fifteenth general meeting with the NSW Ombudsman on 21 May 2009. This is the second time that the committee has met with the Ombudsman during the Fifty-fourth Parliament but the chairman's first opportunity to do so since his election as committee Chair. The general meetings are a valuable tool for the committee in performing its work of monitoring and reviewing the functions of the Office of the NSW Ombudsman. Arising from this general meeting are two particular matters, which I would like to draw to the attention of the House.

The first matter concerns the Ombudsman's access to official visitors to correctional centres. These official visitors make unannounced visits to correctional centres as a way of independently monitoring the conditions and practices at those centres. The Department of Corrective Services used to supply the Ombudsman's office with the contact details of all official visitors. Now, on the basis of privacy concerns, the Commissioner for Corrective Services has issued a directive that the general managers of correctional centres are to facilitate the Ombudsman's contact with the official visitors. This has resulted in greatly reduced contact between the Ombudsman and the official visitors. The Ombudsman can no longer raise grievances with the official visitors that may be best dealt with by them and can no longer speak to the official visitors before visiting prisons. This makes it difficult for the Ombudsman's officers to acquire an understanding of current issues or find out which inmates may benefit from an interview.

The Ombudsman has suggested a number of ways in which official visitors' privacy could be respected while allowing the Ombudsman access to their contact details. However, neither the previous Minister for

Justice nor the Commissioner for Corrective Services has agreed to these suggestions. As matters now stand, the Ombudsman has no way of contacting the official visitors directly. The committee is concerned that general managers of correctional centres holding the contact details of the official visitors might compromise the independence of both the official visitors and the Ombudsman. It also places an extra administrative burden on the general managers. The committee intends to write to the Minister for Corrective Services, asking him to rectify this matter.

The second matter arising from this general meeting to which I draw members' attention concerns legal professional privilege. Under section 21 of the Ombudsman Act claims of legal professional privilege can prevent the Ombudsman from gaining access to documents held by a public sector agency. At the previous general meeting in March 2008 the Ombudsman gave evidence to the committee that in some cases claims of legal professional privilege were made to obstruct his investigations. Having considered the concerns, which the Ombudsman had raised, the committee wrote to the Premier and the Attorney General in October 2008.

The letter drew attention to the following matters. The NSW Ombudsman is the only ombudsman in Australia who can be refused access to documents by public sector agencies on the basis of legal professional privilege, and the Police Integrity Commission and the Independent Commission Against Corruption are not prevented from accessing any class of document. The situation is anomalous with the Ombudsman Act, as legal professional privilege cannot be claimed in relation to freedom of information investigations. The committee's letter requested that consideration be given to an amendment to remove the legal professional privilege exemption from the Ombudsman Act. The committee understands that amendments to legislation need careful consideration. It is an important matter; we would not raise it otherwise.

The committee does not understand why almost one year has passed and we have still not received a response to this request, despite follow-up action being taken by the committee secretariat. The committee will write again to the Premier and Attorney General to raise these matters and is looking forward to a full and prompt response. The committee is pleased to note that the issues it raised with the Premier and Attorney General concerning the Ombudsman's ability to effectively oversight warrants for telecommunications interception have been addressed by the Telecommunications (Interception and Access) (New South Wales) Amendment Act 2009.

In conclusion, I echo the chairman's view in expressing thanks to the Ombudsman and his staff for the detailed information they have provided to the committee. I thank also my colleagues on the committee and the chairperson for their participation in the general meeting and their contribution to the reporting process. The committee's report is a consensus document representing the bipartisan and constructive approach taken by members of the committee to the exercise of its oversight role.

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

Report noted.

LEGISLATION REVIEW COMMITTEE

Report: Legislation Review Digest No. 11 of 2009

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

Pursuant to standing orders debate postponed and set down as an order of the day for a future day.

The DEPUTY-SPEAKER: Order! Debate on committee reports having concluded, the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

KU-RING-GAI PLANNING

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.42 a.m.]: I again raise issues concerning the State Government's planning proposals for the Ku-ring-gai Council area. In particular, I make

the point that three months after the planning panel announced its decision at a public meeting at the Kuring-gai campus of the University of Technology, Sydney—which was a disgrace—we are still awaiting a decision from the Minister. That decision should have been left in the hands of the local council. It is a decision that should ensure that the agreement between council and the Government, represented by the Metropolitan Strategy, for an additional 10,000 dwellings is adhered to.

The problem that exists throughout Ku-ring-gai in relation to the way in which the Government is handling its planning proposals covers a number of areas. It relates to the disregard of the Government's key planning principles, in particular planning principles that revolve around good design and context. It also relates to the altering of the planning panel's brief, which disregards the Government's Metropolitan Strategy and the subregional strategy. Instead of providing for one town centre, three small villages and two villages, as provided under the Metropolitan Strategy, the draft town centre's local environmental plan provides for six town centres. The least that communities around this State should be entitled to expect from government is some consistency. When a Metropolitan Strategy is delivered, it ought to be adhered to. It is also about the Government's continued refusal to allow the gazettal of any conservation areas in Ku-ring-gai, despite repeated attempts by council for the Government to do so. In addition, in the past few months the National Trust has made the point about the damage that is being done to heritage properties across the Ku-ring-gai area.

I want to make clear that the New South Wales Liberal Party understands that there is a better way. We are determined to put the public—and public interest—at the centre of government again. We trust people and want to empower them to make decisions. With regard to planning, I am on the record as having said that we will return local planning controls to local residents. It is local residents—not Macquarie Street planners—who have to live with the results of these planning decisions. We will scrap part 3A of the Environmental Planning and Assessment Act, because it is one of the wide-ranging powers that Labor has vested in its planning Minister. Originally intended to be used only on State significant developments, part 3A has been used increasingly to override the decision-making powers of local residents and councils. In my electorate of Ku-ring-gai, part 3A has been used in relation to the proposed redevelopment of the University of Technology, Sydney Ku-ring-gai campus, at Lindfield, and the Sydney Adventist Hospital site at Wahroonga.

We will rewrite the State's planning legislation, which is 30 years old and is no longer relevant. This Government has patched that legislation, but those patched amendments have made the legislation even less functional than before. We will appoint a Minister for Planning and Infrastructure to ensure that planning decisions are matched by decisions to commit to improvements to infrastructure. Too many of Sydney's planning problems, locally and elsewhere, have been caused by Labor's failure to match its decision to increase populations with funds to improve infrastructure such as roads, rail services, water and sewerage.

We will also create a separate Minister for Heritage. Increasingly, Labor has downgraded the importance of heritage in the planning system. It has failed to acknowledge the inherent conflict of interest in vesting a planning Minister with responsibility for heritage protection. That is why we will remove heritage agencies from the planning portfolio and vest those powers in a separate Minister for Heritage, who will be a voice for heritage protection in the community and at the Cabinet table. Finally, we will initiate campaign finance reforms. This will include capping donations and restricting them to Australian citizens, imposing limits on election spending, introducing an effective lobbyists register, banning so-called success fees, and requiring the Independent Commission Against Corruption to monitor donations and decisions. It is about restoring confidence in public administration, particularly confidence in the way in which planning decisions are made—planning decisions that should be made against clear guidelines, and made transparently and on the basis of merit.

When I met with Minister Keneally after the announcement of the planning panel's decision, I made the point to her that the Government's proposals, if implemented, would force Ku-ring-gai to accept substantially more than the 10,000 dwellings over the next 25 years, as previously agreed under the Metropolitan Strategy. I also pointed out to the Minister the existing problems with local infrastructure and services, especially traffic around the town centres and along the highway, and the lack of any commitment or funding program to ensure upgrades to fix these or meet the needs of the new population densities being proposed; the inappropriateness of the height, bulk and density of the proposed developments, which are out of character with surrounding environs, and the absence of effective interface arrangements to protect neighbouring property owners; and the plan's heritage weaknesses and its failure to protect identified heritage conservation areas, with some streets of high conservation value ignored and other properties wrongly classified for heritage protection.

I hear that the State Government has appointed an independent expert to assess Ku-ring-gai dwelling yields. The Metropolitan Strategy provided for 10,000 dwellings. Under the draft town centres plan, on the back

of previous planning decisions made, that will be exceeded by at least 40 per cent—some suggest by 60 per cent. If an independent expert has been appointed, the Minister should say so. Will that independent expert have access to the panel's feasibility studies? Who is the independent expert? Will the expert's report be received before the Minister makes a decision on the proposals?

TRZECINSKI MEMORIAL BRIDGE

Mr FRANK TERENCEZINI (Maitland) [11.47 a.m.]: On Sunday 6 September this year I had the honour of attending a most significant and solemn ceremony to dedicate a memorial to one of Maitland's now favourite sons, Paul Zigmund Trzecinski, or "Ziggy", as he was known. He is already known to many as Private Trzecinski. He is Maitland's only fatality from the Vietnam War, and many years ago we decided to name one of our bridges in his honour. The Trzecinski Bridge, the largest memorial ever dedicated to a fallen Australian soldier, is known to many people in the area—and to others far and wide—but not too many people know about Paul Trzecinski's story, or indeed who he was and what he did.

Paul Trzecinski was born on 3 October 1946 in Poland, and with father, Bernard, mother, Krystyna, and brother Bernard, arrived in Australia in 1954. After spending some time at the Bathurst migrant camp, they moved to the Maitland area. Another son, John, also joined the family. All boys were educated at the Marist Brothers School. Private Trzecinski was always destined for service, and as a teenager he joined the military cadets. When his opportunity came, he enlisted with the 7th Royal Australian Regiment and went to fight for his country in Vietnam in 1967. After one tour he returned to Australia and married Charlene, before returning to Vietnam for a second tour. He left his wife pregnant with their son Paul. Unfortunately, father and son would never meet.

On 27 January 1968, whilst on patrol at Nui Dat, in Phuoc Tuy Province, Private Trzecinski was killed in action. He was the only Maitland man not born in Australia to be killed in the Vietnam War. He was a child migrant to this country who, when given the first opportunity, took up arms to fight for his new home and his new nation. There can be no better demonstration of someone embracing his or her new country than by being prepared to die for its cause. After 40 years, the Maitland Vietnam Veterans and Services Legion made application to the State War Memorial Committee for funding to erect a memorial to this soldier. I strongly supported this application, and with a great deal of work and lobbying, together with great persistence from my staff member Terri O'Connell, the application was approved. This memorial is now placed about 300 metres north of the Trzecinski Bridge, on a reserve overlooking a magnificent lake. It provides all those who pass by the opportunity to stop and see this beautiful tribute to our fallen soldier.

Attending the ceremony and performing the official unveiling was General Peter Cosgrove, AC, MC, the Hon. Joel Fitzgibbon, MP, the Federal Member for Hunter, and President of the Maitland Vietnam Veterans and Services Legion, Mr John McIntosh. Also present was Maitland Mayor, Councillor Peter Blackmore, and, of course, the Trzecinski family, including Private Trzecinski's wife Charlene and his son Paul. Also in attendance—and I wish to thank them for initiating the project and working so hard to see it to fruition—was Mr Dennis McCann from the Maitland Vietnam Veterans and Legions Club, together with Mr Brian Boughton, CSC, OAM. I also express my thanks to all the other distinguished guests and visitors, around 150 in total, who attended the ceremony and paid their respects to Private Trzecinski.

This memorial is not only for the people of Maitland but also for all those who pass by the memorial and wish to stop and learn about the story of Private Paul Zigmund Trzecinski and his sacrifice. Even more than that, memorials such as this serve as a reminder to all of us, and cause us to focus our minds on those who stepped up and played their own individual part in securing for us the beautiful and peaceful way of life that we enjoy today—those who made great sacrifices in past conflicts and those who continue to make them in our present conflicts. As a result of the hard work of all the people whom I have referred to, we now know who Private Paul Trzecinski was, what he did, and what we owe him. People who stop to read the plaque will know his story, and will have cause to think about the horrors and sacrifices of war and how it has affected and irrevocably damaged generations of people over the years.

In this way, Private Trzecinski continues to serve his country by reminding us how we must treasure the precious yet fragile way of life we have today. I sincerely thank all those from the Maitland Vietnam Veterans and Services Legion who, through their continual hard work and commitment, and of course through their own personal memories and sacrifices, allow us to gain some insight and learn more about these individuals who gave their lives in service. There are many more stories just like this that need to be told.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [11.52 a.m.]: I commend the member for Maitland for bringing to the attention of the House his efforts in getting the memorial for Private Trzecinski and for all the work he has done in relation to remembrance and memorials for those who have fallen in times of war. This is a key area of work for local members because it is important that local communities remember the sacrifices of others and acknowledge their families.

LAKE ROWLANDS EXPANSION

Ms KATRINA HODGKINSON (Burrinjuck) [11.53 a.m.]: The Lake Rowlands expansion is very important to the residents and farmers of my electorate, who are serviced by the Central Tablelands Water utility. On 14 June 2007 the ABC News broadcast from Orange carried a story that stated:

Central Tablelands Water expects to hear from the New South Wales Government within weeks on whether it supports a multi-million dollar plan to expand the capacity of Lake Rowlands, near Blayney.

The then Minister for Water Utilities from which this response was expected was Nathan Rees. Unfortunately this request has gone the way of many others made to the State Labor Government. It is in a state of bureaucratic limbo as Central Tablelands Water waits for the State Government to get around to deciding whether it will support this project.

Lake Rowlands Dam is located on the Coombing Rivulet, a tributary of the Belubula River, just south of the Mount Macquarie State Forest. The Belubula River is itself a tributary of the Lachlan River, which it joins near the small community of Gooloogong—the northernmost village in the Burrinjuck electorate. It has a capacity of 4,500 megalitres, and the proposal is to increase the capacity of the lake to 26,500 megalitres. A new dam constructed 2.5 kilometres downstream of the existing dam wall will achieve this aim with no loss of existing infrastructure and virtually no loss of productive farmland. This will increase the secure yield of the dam from 1,900 megalitres a year to about 7,500 megalitres. According to projected usage, this increased storage will be sufficient to meet secure yields to 2065.

Going against the trend for most rivers and water supplies during this terrible drought, the water level of Lake Rowlands is at 96 per cent—climbing from a level of 74 per cent in July. The dam is located 880 metres above sea level. Lake Rowlands gravity feeds water to almost all the towns and villages it services. The one exception is the City of Orange, which requires only a 40-metre lift—this is minimal in energy expenditure terms. The General Manager of Central Tablelands Water, Tony Perry, has said that Lake Rowlands is a great catchment to the extent that in the years of the drought before 2007, Central Tablelands Water experienced only six or seven months of water restrictions.

In circumstances where water is very scarce, it makes sense that the Government should make the best use of a good catchment. At its meeting on 17 August this year the Central Tablelands Water Council resolved to continue promoting the proposal to enlarge Lake Rowlands. Central Tablelands Water provides water to a significant part of the Burrinjuck electorate, in the Cowra and Weddin shires. Why then has this project fallen into its current state of bureaucratic limbo? In February 2007, Central Tablelands Water wrote to the then Minister for Natural Resources, Ian Macdonald, seeking his approval to proceed with the expansion project. Just a week before the 2007 State election the Minister visited the site of the proposed new dam. His enthusiasm for the project was such that he promised that if re-elected the New South Wales Labor Government would give favourable consideration to the expansion project.

In July 2007 Central Tablelands Water then wrote to the new Minister for Water Utilities, Nathan Rees, seeking his support and referring to the promises made by Minister Macdonald on behalf of the Government. But Central Tablelands Water, which had been pushing for the expansion of Lake Rowlands for about 10 years, suddenly found itself back at square one. In October 2008 Central Tablelands Water had the expansion of Lake Rowlands included in the Central New South Wales Councils water security feasibility study. I expect that the result of the study, conducted by MWH Consulting, will be provided to the Government on 11 October 2009. It is important that the Minister for Water undertake to release this report immediately to the public.

The Labor Government's promise to provide favourable consideration to the expansion project is now more than two years past its delivery date. The communities of Orange and Cowra have expressed interest in accessing water from the upgraded facility. In addition, Newcrest Mining Ltd, through its Cadia Valley Gold Mining Operations, is also in need of significant increases of water to expand its operations. Cadia Valley Gold Mining Operations is extremely valuable to my electorate of Burrinjuck, but also to those electorates immediately surrounding Burrinjuck. It contributes \$643 million directly to gross regional product and some

\$40 million to household income, and it employs more than 1,000 people. The company has plans to increase the output and production life of the Cadia Valley mines. I cannot stress enough the importance of this project to the local region. Access to significant additional water storage, such as Lake Rowlands, will provide significantly greater water security. The customers of Central Tablelands Water have already been let down by Nathan Rees and Ian Macdonald. I call on the Minister for Water, Mr Phillip Costa, to rescue the Lake Rowlands proposal from its bureaucratic inertia and finally make good on Labor's election promise. I would greatly appreciate a visit from Mr Costa to look at the project, which I urge him to act on immediately.

MISTAKEN IDENTITY LITIGATION

Mr MATTHEW MORRIS (Charlestown) [11.58 a.m.]: I take this opportunity to update the House on the mistaken identity litigation concerning Mr Robert Mitrevski of the Charlestown electorate. I appreciated the contribution of the member for Port Stephens on this matter—although playing politics has done nothing to help the cause in finding a solution for Mr Mitrevski. Since first raising this matter in the House, I have held discussions with both staff from the office of the Minister for Lands and staff from the office of the Attorney General. I place on record my thanks to those staff for their time in trying to find a way forward in this matter.

Following those discussions it has become clear that both the Bakovski family and their legal representative, Mr Bruce McDonald, have committed an offence. In fact, when the writ was sought from the court an affidavit was required to be lodged declaring that the property details and persons of interests were correct. Clearly we know this information was not correct and that both the Bakovski family and their legal representative, Mr McDonald, did not undertake the appropriate checks and balances to ensure that the property details were accurate. I stress that prior to putting information before a court the onus is on the individuals concerned to ensure that the correct parties are identified.

We all know that providing false information to a court is an offence. What makes this behaviour worse is the fact that even when information was produced proving that Mr Mitrevski of Charlestown was the wrong man, they did nothing! The Bakovski family and their legal representative need to explain why they misled the court in the first instance and then did nothing to correct the error. The Bakovski family's legal representative has a lot to answer for in this matter. In fact, I question his professional conduct, and I will be lodging a formal complaint with the Law Society of New South Wales concerning this matter in an attempt to ensure that similar unprofessional conduct is not repeated somewhere down the line.

The office of the Attorney General has advised me that Mr Mitrevski should make application to the court to have a representative appointed on a pro bono basis. This wrong should be corrected and Mr Mitrevski should not be one cent out of pocket. The Bakovski family and Mr McDonald have forgotten the legal requirement that the onus is on them to provide accurate and correct information to a court. It is staggering that they did nothing when they clearly knew they had the wrong person. I know that Mr Mitrevski spoke to them at their home face to face, and that all sorts of documentation—including licences, birth certificates and bank statements—was provided very early in the proceedings to both the Bakovskis and their legal representative that proved beyond doubt that Mr Mitrevski of Charlestown was not the person of interest.

Rather than resolving the matter at that time—it really should have been resolved by a simple telephone call—they did nothing. One can only wonder why people would operate in that fashion. Regardless of the personal issues between the Bakovski family and the real Robert Mitrevski, whom they are pursuing, when they knew that an innocent party was in the mix they should have taken every step available to rectify the matter. Robert Mitrevski of Charlestown should have been excluded and the writ over his property removed.

I will continue to work with Mr Mitrevski to secure pro bono representation for him. I know that Mr Mitrevski and his family have been under great stress and pressure. Many people are providing all sorts of advice to him. He is endeavouring to get on with his life, but this issue has burdened him with a huge cost, both emotionally and financially. Every day that ticks over Mr Mitrevski is accruing interest on a loan he had to borrow to pay his solicitor's fees. This is a blatant abuse of court process. It could not be worse: innocent parties have been involved, the court has been misled by a family who had knowledge that they had the wrong person, and there has been professional misconduct by a member of the legal profession, whose business is to represent people in court.

TRIBUTE TO HARRY MOORE, OAM

Mr GRANT McBRIDE (The Entrance) [12.03 p.m.]: Today I pay tribute to a great Australian, a legend in the Wyong shire, a Wyong shire councillor from 1974 to 1983 and a former member for Tuggerah and

Wyong in the State Parliament from 1981 to 1991—17 years of public life. I am talking about Harry Frank Moore, OAM, "our Harry", who recently passed away. Harry was adopted at the age of nine. He lived on a dairy at Auburn and delivered milk to homes prior to attending school. After school he would mind cows and on some evenings he delivered newspapers. That continued until he left school in 1937, aged 13. All that time, until he went to work, he never had a pair of shoes. At times, it was not a happy or easy existence.

After leaving school Harry worked at various dairies and factories, including Homebush abattoir where he was paid 10 shillings for a day's work, which was fortune. At last, he was able to buy his first pair of shoes. In 1939 Harry's family moved to Woy Woy. They changed his date of birth, increasing his age from 16 to 20 years so that he could get a job labouring underground in the railway tunnel at Hawkesbury River. He later learnt to operate and maintain caterpillar tractors and graders, and went on to work on an airfield at Tocomwal on the New South Wales-Victorian border as part of the Civil Construction Corps. His skill with caterpillar tractors and graders was put to good use in establishing the Norah Head sports club. He knocked over the site—something that could not be done today. That is the type of person Harry was.

After returning to Sydney, Harry joined the Army in March 1944. He completed basic training, as well as a stretcher-bearer's course and jungle training. He was assigned to the 15th Infantry Battalion, 29th Brigade, and was deployed to Bougainville in the Pacific where he served as a rifleman-stretcher bearer until the end of the war. He spent his twenty-first birthday on patrol against the Japanese, but he could not tell anyone because the Army records showed that he was 25 years old. Following the war and before returning to Australia, he guarded Japanese prisoners of war. He was discharged in January 1947, being credited with 545 days on overseas active service with the Australian Army. Harry joined the RSL. His commitment to the RSL in the Wyong shire, particularly Toukley, is legendary.

Harry was married to his wife, Cassie, for nearly 60 years. Harry first met Cassie in Woy Woy in 1939 when he was 15 and she was 12. Cassie and her family, who lived in Sydney, regularly spent holidays in Woy Woy and they got to know each other over a number of years. They were married on 2 November 1946 in Sydney. Harry and Cassie spent many years living in Darlington and Chippendale in the inner city before moving to Norville, where they lived for the rest of their lives. Every year they would have a special lunch for their wedding anniversary, often inviting friends and family to help them celebrate. Sadly, Cassie died just days before their sixtieth anniversary in 2006. Harry and Cassie did not have any children of their own. However, they helped look after Caroline, who was born in 1947 to Cassie's sister, Edna. They had a great relationship with Caroline for the rest of their lives. They also informally adopted their grand nieces—the children of Caroline and her husband, Terry Street—Kirsty, Robina and Bronwyn. Harry was like a grandfather to them.

Harry originally joined the Phillip branch of the Australian Labor Party in 1947. He developed a strong relationship with a number of people, which led to his going into public service and politics. Harry is legendary in this Parliament. I have asked other members to make a contribution about their knowledge and experiences of Harry. Harry's community achievements are legendary in the Wyong shire. He was associated with every organisation in the Wyong shire, particularly the seat of Wyong. He was well known for his work in this fast-developing area from the 1970s through to the 1980s, subsequent to entering politics. After his life in politics he carried on as a community activist until he passed away. Harry was a unique character. It was a great experience for me, and others, to have met him. Harry Moore was a true Australian.

REPCO RALLY

SPEED ON TWEED

TYALGUM MUSIC FESTIVAL

Mr THOMAS GEORGE (Lismore) [12.08 p.m.]: I refer to three events held in the Tweed and Kyogle shires last weekend: the Repco Rally, the Speed on Tweed and the Tyalgum Music Festival. The weeks leading up to these events involved great anticipation, protests and court challenges. The protestors said that the weekend would disrupt the community, the environment and the world. I can advise the House that the protestors were the only ones who caused any disruption during this fantastic weekend. They created division within the community. I refer to various newspaper headlines and articles: "Please Explain"—calling on Tweed shire councillor Milne to explain, "Katie in the firing line", an editorial praising the rally efforts, "Let the majority be the decider of rally success", "Rally campers fill park", an editorial reminding councillors to look after the community, "All in all, a great success—police", "Protestors bring shame to us as a 'fair play' nation",

"Race 'will return' to the Northern Rivers", "Expend energy for a good cause", "Congratulations Murwillumbah", "'Nuisance' protestors provoke road breach", "Now the dust has settled", "Environmental credentials defended", "Rally 'hoon' pays a high price", and "Getting perspectives right". The list goes on.

I place on record my congratulations and appreciation to the communities of Kyogle and Tweed shires. The majority of the rally was held in the electorate of Lismore and the remainder in the electorate of Tweed. The communities of both shires worked very hard to showcase their areas to the world. A very small minority was determined to create a different impression around the world. I congratulate the people involved in Speed on Tweed. It was thought that last year's rally would be the final Speed on Tweed. But Repco Rally Australia got behind the event and Speed on Tweed was held successfully this year. It will continue to be held annually, with the Repco Rally being held every two years.

The people at the rally show in Murwillumbah and the service zone in Kyogle indicated how much they enjoyed the event. The size of the crowds has never been seen before in Kyogle. We thought there would be 20,000 to 30,000 visitors to the area, but there ended up being about 70,000 visitors. This is an indication that not only the community but also others accepted the event and were proud that it was being held on the east coast of Australia.

I compliment the New South Wales police and the two shire councils on their wonderful contribution in making the rally a safe, successful and wonderful event. I also congratulate and thank the 1,200 officials who came from all parts of Australia to be part of the rally over the four days. They were part of Speed on Tweed and the Confederation of Australian Motor Sports. They voluntarily committed their time at their own expense over the long hard days. The local and international media were tremendous. I congratulate Chairman of the Rally Australia Board Alan Evans, Chairman of the organising committee Garry Connelly, and the chief executive officer Gary Upson. They provided a real showcase of the Northern Rivers, of which we are all very proud. People will have the opportunity to submit their compliments or concerns to the review committee, which will operate over the next few months. I am sure when that committee is underway it will be advertised.

CARERS WORKERS COMPENSATION PREMIUMS

Mr ANDREW CONSTANCE (Bega) [12.13 p.m.]: I bring to the attention of the House the concerns of carers in New South Wales about some changes that took place to workers compensation legislation in this House in May 2008. During the winter recess I met with a lady who is the primary carer of her husband, who had a terrible accident. She employs carers within her home to assist with his care and with other domestic duties in and around their house. In no way is she running a business. She is offering no product or service; she is simply employing people to care for her husband, who has a disability.

An issue has arisen relating specifically to changes to workers compensation legislation in relation to the payment of domestic wages over \$7,500 and an increase in premiums that has resulted from the introduction of the small employer premium exemption legislation. This primary carer is employing staff to provide assistance with the care of her husband. That assistance provides respite for her and help with a number of domestic duties in and around the house. The carer is not employing a caretaker, a maid, a chauffeur, a gardener, a butler or any other servant; she is employing people to be carers of her husband.

One of the consequences of the changes in the legislation has been the significant increase in the workers compensation premium. In this carer's case the premium has increased from \$38 to \$643.69. That is a massive increase for someone whose sole role in life is to be the primary carer of her husband. This is obviously an anomaly in the legislation. I do not think any member in this place would intentionally cause a primary carer to fork out hundreds of dollars more each year in workers compensation premiums.

It is important that the State Labor Government and the Minister concerned review this situation. They should look very, very closely at the legislation that was passed in the Parliament on 8 May 2009 and, in particular, at what can be categorised under "domestic purposes", because carers will be punished and are being punished as a result of the increased cost. In the case I am referring to the increase in workers compensation premiums amounts to almost \$600. We have an obligation and a responsibility to look very closely at the way in which carers are recognised in New South Wales, remembering that in New South Wales alone 11.6 per cent of the State population—some 740,000 people—are carers looking after people who need support. The largest single group of carers comprise women aged between 45 and 54 years. It is sad that this primary carer, who is trying to do the right thing by employing other carers to assist in the care of her loved one, is being penalised in this way. It is important that the Minister commit to a review of this situation to provide assistance to this carer, and other carers around the State, as quickly as possible.

SUPPORTED ACCOMMODATION

Mr GERARD MARTIN (Bathurst) [12.18 p.m.]: Bob McLoughlin and his partner Angelo Cinat have been running a boarding house at Wallerawang for more than 30 years—Bob in particular. It is not the normal boarding house model. Bob has developed a system to house approximately 35 intellectually disabled adults in a number of freestanding residential dwellings throughout Wallerawang. The dwellings share a communal facility that is used for entertainment and meals. Bob's boys—and some girls—are legendary in the Wallerawang-Lithgow area. They are accepted by the community and have integrated very well.

Bob is getting on and he is looking to retire, but options to house Bob's residents are very few. Two privately run major boarding houses—one in Dubbo and one in the Blue Mountains—closed recently. A group of relatives and friends of Bob's boarding house residents have become an incorporated body. They are seeking to be proactive in providing accommodation and a lifestyle for their friends and relatives after Bob retires. Their objectives are to improve the standard of living for people with disabilities at Wallerawang; to act as a primary stakeholder in the Wallerawang boarding house by receiving funding, and to contract and oversee an independent service provider to operate the boarding house; to lobby all levels of government to help formulate and promote positive policy for people with disabilities; to raise funds, receive donations and seek grants on behalf of the families and friends of people with disabilities to help achieve their objectives; and to act as a not-for-profit association and comply with various legislation in this important field.

Wollemi Model Incorporated wants to further develop its model into a two-tiered structure incorporating a State body that will establish and provide ongoing operational support for other local community models based on Wollemi Model Incorporated throughout the State. If Bob's boarding house closed tomorrow the Government would have to find accommodation for 35 to 40 disabled people in one of the models we use now—a group home. We know that is a very, very expensive model, even though it is something the Government has really got its teeth into and provided. The friends of Wollemi want to provide a very sensible way forward where the families and friends will still stay involved in the process, will accept responsibility for their kin and will work with the Government to achieve a good social outcome for these people in a very cost-effective way.

Given the way that legislation is structured, boarding houses are a little outside legislation in relation to social housing for people with disabilities. There is the boarding house model and the stereotypical inner-city boarding houses in which people live in crowded and fairly primitive conditions. The model that the Friends of Wollemi are talking about will attempt to build on what Bob McLoughlin has developed over the past 30 to 35 years. I am in discussions with the State Minister for Disability Services, the Hon. Paul Lynch, on this issue. Submissions have also been made to the Federal Government, because of its role in housing the ageing and people with disabilities.

The Friends of Wollemi want a role in both fundraising and management. They want to manage not only the day-to-day operations but also programs provided by the Government through the Department of Social Services and the ALI Funding scheme, under which people are partly responsible for the management of the programs. That will give the Government an opportunity to road test the model that will be of great benefit not only to people with disabilities but also to successive New South Wales governments.

GOULBURN ELECTORATE SCHOOLS

Ms PRU GOWARD (Goulburn) [12.23 p.m.]: What makes a good school? Which schools can deliver the best possible outcomes for our children? Many parents, me included, have agonised over those questions since before our children were even produced. The Goulburn electorate has four excellent public high schools that take the hard work out of that question. In the southern end of the electorate are Goulburn High School and Mulwaree High School, with Bowral and Moss Vale schools in the north. I will talk about these schools and the achievements of their dedicated staff, school supporters and most especially the students, whose collective and unsung efforts belie the need for an entry in a school leagues table. In fact, it is those very efforts that would not be displayed or be part of such a table.

I must point out that when I asked my local high schools why they are so great I received pages of information—far too much to use here. What struck me about their response was the pride emanating from those pages. Extra-curricula programs, intensive assistance for children struggling at school, performance nights that take hours and hours of out-of-school preparation, programs that promote social awareness, and care and consideration for others, contribute to the holistic education of a child. How can those sorts of things be quantified in one simple measurement?

Ros Slater, a teacher at Goulburn High School, has coordinated the Duke of Edinburgh Award since the mid 1970s. Her amazing voluntary commitment has contributed to some stunning results. So much so, that they have been recognised by the Duke of Edinburgh himself. Goulburn High runs a Red Cross Youth Challenge Respect and Responsibility program whereby each morning students provide a breakfast program in two of the local primary schools. What an amazing example those older students are setting their younger peers and what an incredible life experience for them.

The Dunit Program that is run at Goulburn High is designed to help students who are struggling in the classroom environment and who may be at risk of not completing their secondary education. Those students are placed in a small group where a strict structure reinforces appropriate behaviour and respect. A reward system promotes positive behaviour. For some years, Moss Vale High School students have performed in the renowned Southern Stars spectacular performing arts annual event. Southern Stars is a showcase of music, dance and circus arts. It requires hours of practice from students and ongoing help from staff. Dance teacher, Lauren Cordingley, coordinated 47 students in a Michael Jackson segment and worked extraordinary hours to ensure the highly acclaimed performance was spectacular.

Agriculture is extremely important at Moss Vale High School and is run as a Vocational Education and Training course. Animals roam the paddocks, and vegetables and flowers are prolific. An annual display of very creative scarecrows entertains locals when driving past the school boundary. Mulwaree High's principal, Tom Coli, was not joking when he considered how to teach students to look outside the square. The school's amazing space observatory is extremely innovative and students are constantly amazed by what they can see when they look into the sky. The school hosts a Money Matters Program in which students in social science classes prepare material to sell a product. They display their work at a fair and compete in an external competition.

Mulwaree High School's sculpture project encourages students with social, psychological and literacy concerns that have led to self-esteem problems and as a result behavioural or performance problems to spend a day each week on a very practical art metal sculpture project with extremely talented teachers. They produce wonderful works of art, which either hang on the school wall or are sold at a very competitive auction in December. In 2008 the sale of their projects raised \$13,000 and, more importantly, the school has noted an improvement in the students' outlook of life, their confidence, and their behaviour at school and home.

Bowral High School runs a Cluster Values Project, which involves students from all its feeder schools in the area in a program to deepen student awareness and understanding of poverty, its causes and consequences at a local, national and international level. Peter Malone has been accompanying students on their bi-annual senior trip to South-East Asia for sometime now. I cannot begin to imagine the commitment, not to mention the stress, of taking a group of 20 or 30 students overseas! The aim of these trips is to take students out of their comfort zone and give them first-hand experience of Asian culture, as well as provide practical assistance to Third World schools in Cambodia.

I have tried to be fair in the amount of time I have allotted to each school, but I know I will run out of time. The point is this: Without the commitment of the students, teachers, parents and school supporters our schools and our students would simply limp along. Yes, they would tick the curriculum boxes and no doubt fulfil various educational criteria. But those schools offer more than a nod to education; they offer a rounded education, rich in social and cultural content that simply cannot be quantified or measured in a table.

ROYAL NATIONAL PARK ROADS

Mr PAUL McLEAY (Heathcote) [12.28 p.m.]: I draw attention to the roads in the Royal National Park, particularly Sir Bertram Stevens Drive, and recent roadworks that have been undertaken in the area. Members of the House would know that I am a resident of Bundeena. Sir Bertram Stevens Drive is the main thoroughfare through the park to homes in the villages of Bundeena and Maianbar, as well as for the more than one million visitors to the park each year. In preparation for the forthcoming busy summer, not only for visitors to the park but also, unfortunately, for the emergency vehicles that will use its roads, the Roads and Traffic Authority and its contractors have carried out works on those roads.

The gateway to the Royal National Park is an intersection. John Lane, the Secretary of the Loftus-Yarrawarra Rovers Football Club, has been campaigning for many years about the entrance to Loftus Oval from the intersection of the Princes Highway and Farnell Avenue, which is at the beginning of the park. He was outraged at recent media statements that no community group had contacted the Roads and Traffic Authority on matters relating to the intersection—as was I—given the innumerable times that representations have been made. The solution to that problem requires the Government getting in and getting it done!

For many years there have been problems with Sir Bertram Stevens Drive, including potholes and kerbing and guttering issues. The condition of the road has been poor. It is a category one State road. One would think that means it requires a certain level of quality and finish. Ultimately, this year substantial work was carried out at a cost of several million dollars. About four weeks ago we made a virtue of it, and said that the work had been completed. I thanked the residents for their patience. However, as I drove along the road to my home I knew that my good news would not be well received—and it was not. The work is far from satisfactory. A lot of work needs to be redone.

I call on the Minister for Roads to visit the area and look at that road. I call on him to inspect the work that we made a virtue of. Many residents have contacted me expressing their immense dissatisfaction and anger at what they see as a waste of money in delivering shoddy work and, in some places, dangerous driving conditions. Sir Bertram Stevens Drive is the gateway to the northern Illawarra through the Grand Pacific Drive. Many accidents have occurred on the roads through the Royal National Park. I do not know whether the condition of the road's surface has contributed to any deaths, but it certainly has to be a factor.

I provided photographs to the Minister that clearly illustrate the innumerable hazards and the desperate need for resurfacing to make the road safe. The increasing number of visitors in the summer makes the work urgent. I hope that the Parliamentary Secretary for Roads, who is in the chair, will join me in raising this issue with the Minister. I will read from letters of concerned constituents. Mr Phil Maudsley states:

I have been meaning to write to the RTA re SBSD issue but after reading your comments in "THE PAPER" today I thought I might direct them to you...

Your comments that the road will remain reliable well into the future are a contradiction and are just not true. Maybe you made the comments just when the work was just completed but being a Bundeena resident you must surely realise now that at bad job they did. They had to go back and do some spot repairs on all sections of the new surface they laid. The shoulder section on the east side near the long straight toward Artillery Hill broke up within a week and a really shoddy repair done which is again breaking up. There are obviously small repair jobs where holes are appeared post laying.

Mr Brien Barry of Bundeena states:

The recent roads works undertaken by the RTA can hardly be considered an upgrade as reported in the Bundeena paper. The previous road surface was in better condition which is an indictment of the poor quality of the works undertaken.

The new surface is not smoother or safer due to the appalling workmanship...

Peter Scheider said that he is concerned about it; Phil Scheul was shocked to read about it in the newspaper and said that more work needed to be done. A letter from a person who signed himself "Unhappy" states that it is really bad, that I could not possibly have said what I was reported to have said and that the road should be fixed.

Ms SONIA HORNER (Wallsend—Parliamentary Secretary) [12.33 p.m.]: I join the member for Heathcote in his quest to have the road improved. I will certainly raise the issue with the Minister. It is very concerning and he needs support.

SPECIAL NEEDS STUDENT SERVICES

Mr JONATHAN O'DEA (Davidson) [12.34 p.m.]: The greatest wish we have for our children is that they grow to be healthy and happy, contributing members of society. That is why we place so much importance on our children's education. However, teaching a child the three Rs is difficult enough without the barrier of a learning disability. One Davidson constituent recently contacted me with concerns about foreshadowed changes to the Learning Support Funding Program. Lauren's 10-year-old son has a diagnosis of an autism spectrum disorder. Together with the local primary school, Lauren raises extra community funds to support her son and other students with special learning needs. I understand that proposed changes to the Learning Support Funding Program would facilitate funding on a per capita basis, according to World Health Organisation prevalence figures for autism. Under this new program schools might be given \$1,000 per 100 enrolled students as learning support funding for special needs children. An online special needs training system would also be established for teachers.

Of most concern is the education department's lack of information for or consultation with parents, teachers and carers. Most affected parents are not even aware of the possible changes to their child's education and care. In Lauren's sincere attempt to locate relevant information she was directed to a PowerPoint presentation on the public schools website. Lauren found it "ambiguous and full of jargon—not intended to be understood by the average person". I sympathise with her.

Many questions exist about the proposed funding program. What will happen to schools that already have high numbers of special learning needs children if their funding formula is modified or cut? How much of each school's funding will go towards the administration of the teachers' online training system? How will these funding changes affect the employment of teachers aids and numbers of special needs support classes? I do appreciate the need to review funding approaches given the clear funding discrepancies between different geographic areas. In June this year I submitted a question on notice regarding pupils with autism and autism specific classes for the northern Sydney area. It replicated a question asked a month earlier by the member for Macquarie Fields about his area of south-western Sydney. The two answers were very revealing. For the more than 900 students diagnosed with an autism or related disability in the south-western Sydney region there are currently 26 support classes at 18 schools. However, 511 students in northern Sydney with a primary diagnosis of autism are provided with just four support classes in just three schools. These shocking comparative numbers suggest that children with special needs in northern Sydney are overlooked.

However, the need for adequate funding and facilities should not be at the expense of other sections of the community. For example, the Alikat Preschool at St Ives recently received a notice from the Department of Education and Training to vacate its premises of 15 years to make way for two classes of autistic children. While I obviously welcome additional facilities for autistic children, in this case it will result in a local business, with 60 young children and eight employees, being thrown onto the street with little notice. There is already a shortage of preschool places in the area and many local parents are understandably outraged or upset. I appeal to the Minister for Education and Training to allow an additional year's notice be given to Alikat Preschool so that it can locate alternative premises and obtain necessary approvals to continue in its valuable service.

CABRAMATTA POLICING

Mr NICK LALICH (Cabramatta) [12.38 p.m.]: During this year Cabramatta police station has welcomed the arrival of four new probationary constables. I commend those new probationary constables and welcome them to our area. All police officers have a wide range of challenges as well as the rewards that come from supporting and protecting the local community. The record number of police assigned to Cabramatta is also testament to the strong support provided by the Rees Labor Government. Since 1995 the Government and the New South Wales Police Force have cut crime dramatically as a result of their commitment and actions. The Bureau of Crime Statistics and Research reported that in the past two years across New South Wales the incidence of offences in 16 of the 17 major crimes categories has either fallen or remained stable. Fairfield local government area had similar encouraging results with the incidence of offences in all 17 major crime categories either falling or staying stable. The largest reductions in crime statistics for Cabramatta itself were in the offence of break and enter of a dwelling, down 24 per cent, and stealing from a retail store, down 14 per cent. I thank both Cabramatta Police and Fairfield police for their achievements in reducing figures for these crimes to a record low.

Members are aware that in the early and mid 1990s Cabramatta experienced record highs in all crime categories. This improvement in the statistics is a great outcome for Cabramatta and all New South Wales police districts. Cabramatta Local Area Commander Ray King is to be especially commended. Commander King's ability to manage police officers within the Cabramatta command is a testament to his and their skill in coping with the changing nature of crime in Cabramatta. Commander Ray King and his officers are the reasons for our community being in safe hands. Mums and dads can feel safe knowing their children are being looked after by our local police.

The Government has recently reached an agreement with New South Wales Police Force on wages and conditions, confirming a 4 per cent increase for each of the next two years for the State's police officers. This agreement means that from 1995 to the end of June 2011 police salaries will have more than doubled. In addition, since the Government's election in 1995 police numbers have increased by more than 18.6 per cent. Most recently, the commitment from the Rees Government is to deliver a record 15,956 police officers by December 2011. This is a win for the taxpayer and, most importantly, a win for a safer community in Cabramatta. Further measures implemented by the State Government and Fairfield City Council for keeping the Cabramatta community safe include the use of CCTV cameras, another demonstration of the Government's strong commitment to keep crime rates down.

Cabramatta police have also formed strong partnerships with local businesses, school community groups and the Department of Community Services to further decrease the rates of crime. Local Area Commander Ray King has regular meetings with these local community groups, especially those from the Vietnamese, Chinese and Laotian communities, to ensure that there is mutual understanding. Also participating

in the meetings are members of Cabramatta police, different community groups, government departments such as Health and Education, and the youth liaison officer from the police and community youth clubs, who discuss measures to keep crime rates low. These meetings create a dialogue between all parties, proving that communications with the grassroots of Cabramatta are important in creating a safe environment. As the member for Cabramatta I attend these meetings and I commend those involved. I would like to thank the Cabramatta Local Area Command for its continued work with local government members and the Fairfield City Council. I look forward to an even better Cabramatta and a safer community for us all to enjoy.

NORTHERN RIVERS PUBLIC TRANSPORT

Mr GEOFF PROVEST (Tweed) [12.41 p.m.]: I will give the House an update on an ongoing campaign that is deeply affecting not only the Tweed but also the majority of northern New South Wales, a very fast-growing corridor. I refer to the Casino to Gold Coast rail line. As members know, the service was axed approximately five years ago by the Labor Government as a cost-cutting measure. Since that time there has been very little improvement in public transport, even though it is one of the fastest-growing areas in regional New South Wales. We also have a large population of elderly people who would rely on public transport if an effective system were introduced.

I have raised this issue on a number of occasions. Recently various meetings were held with a number of mayors, which I reported to the House. I have the full support of my four fellow Nationals colleagues in the area and also have bipartisan support from Ian Cohen. Southern Cross University is also involved. One of the issues we are taking forward from the meetings is having discussions with the Queensland Minister for Transport, Rachel Nolan, who is the member for Ipswich. She is fully aware of regional transport systems and the effect they have on employment, health and education in regional areas. Hopefully we will have a meeting with her before the end of the year, because the Queensland Government is getting on with the job. We saw that recently when it built five kilometres of road in New South Wales at the expense of Queensland taxpayers. The Queensland Labor Government is actually achieving results for that State. Unfortunately, that is not happening in the State of New South Wales.

We have a State Government that is hell-bent on funding large projects in the city. The city metro, which is a very controversial project, is virtually a railway to nowhere, yet on the North Coast we have a rail line but no trains to run upon it. The master plan of the Gold Coast Airports Corporation states:

The South East Queensland regional plan advocates Transport Orientated Development [TOD]. The development of an airport as provided by this Master plan will provide mixed use accommodation and commercial areas designed to maximize the efficient use of land through high levels of access to public transport.

That is right. The Queensland Government plans are on the drawing boards and funding is being arranged. They already have the rail link from Robina that terminates at Coolangatta Airport and there is a light rail project that will come down the coast and terminate at Coolangatta via the airport. So there are two great forms of transport. What do we have in New South Wales? We have an inefficient bus service that runs once a day, forcing many people to use their cars. What is needed for future growth, not only of the Tweed but of the electorates of Lismore, Ballina and Clarence, is an effective transport system that would reduce the already higher than State average unemployment and allow young people access to employment and pensioners access to health services.

We will have that meeting with the Queensland Minister and we will push on. I am a realist. I know this State is broke. As a result of mismanagement over the past 14 years, very little funding is available for infrastructure. I propose to join with colleagues on the other side of the House to push this matter. At least let us plan to build the terminal. Queensland will build the line anyway and have it operational in the next 10 years. We should have provision to lock it in to New South Wales. It makes sound common sense to have a good, integrated transport system. We are supported in that view by all levels of the local community, including Karin Kolbe, from Trains on our Tracks, and many people from all walks of life. Professionals and other workers in the community support an integrated transport system, which we do not have.

Recently I made a freedom of information request and received a five-page document, "The Future Transport Needs of Northern Rivers", which this Government spent two years preparing. It runs to five pages. I know the Greens have launched a call for papers in the other place that will perhaps shed some light on the issue. Basically, all it says is that there has been inaction. We are not going to sit idly by on the North Coast and go softly into the night. We are going to stand up for this development because it is a basic right of the people of New South Wales to have an integrated transport system. Once again, I am 100 per cent for the Tweed.

TRIBUTE TO ROBERT AND PEARL KELLY

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [12.46 p.m.]: I rise to pay tribute to Mr Robert and Mrs Pearl Kelly. They were the parents of a large family who live in my electorate and whose presence in the gallery today I acknowledge. Robert and Pearl died within two weeks of each other at the end of July 2009. Far too often in this place we pay tribute to the so-called "great and the good", yet it is people like Robert and Pearl who mean so much to us and whose lives we hope to improve through our roles as members of Parliament.

Bob, who died aged 66, was born in a shack near Wauchope on 2 April 1943, one of 20 children. He was fostered as a young child and worked very hard his entire life. He married Pearl on 21 December 1970 and they were "joined at the hip" for nearly 40 years. I got to meet Robert only once, a few days before his death. He had been unwell for some time, but unfortunately the disease that eventually cost him his life, metastatic melanoma, was not discovered until after he had died. Robert was a kind, dignified and uncomplaining man who was reasonably fit his whole life. He was a loving father and a devoted husband whose family are a tribute to his hard work and love, and that of his wife, Pearl. Pearl was a loving and devoted mother and housewife. Pearl was born in The Mater Hospital on 4 February 1949 and was aged 60 years when she died. Sadly, Pearl had died in the week preceding Robert's death after being diagnosed with leukaemia about three weeks earlier. She had been unwell for some time, suffering from rheumatoid arthritis, type 1 diabetes and lupus.

The amazing thing about this couple is the fact that that they were never rich yet their kids wanted for nothing. On the contrary, Robert and Pearl were battlers who spent three-quarters of their lives making sure their kids were brought up as good citizens and hard workers. Robert spent most of his life as a factory worker, working six days a week, 12 hours a day to provide for his family. Pearl spent her days taking care of the house and getting her three children ready for school as well as ironing for a number of mothers to add to the family income. Pearl did these things on a daily basis to ensure the future of her family.

Because they never had a lot of money, Christmas shopping would start for Pearl and Robert when the preceding Christmas had passed. This became even harder with the birth and growth of their nine grandchildren, one of whom passed away last year, after being born with a number of congenital heart defects, at the tender age of four months—a much-loved and much-missed child and grandchild. Robert and Pearl always seemed to find a way to provide for their children. One story that comes to mind is testament to their family values. Robert had a shed in his backyard. Like many Aussie households, however, this shed was strictly off limits to his three children. This is because Robert would buy one small piece of a bicycle every week until he had enough pieces to build three new bikes and his kids would get a new bike for Christmas, every single year. One year it was pouring rain on Christmas Day so Robert and Pearl cleared their lounge room and dining room of every single piece of furniture and stashed it in the hallway so their children could ride their bikes on Christmas Day.

Together, Robert and Pearl's lives are a tribute to their family and to themselves. It is a great tragedy that this acknowledgement comes after their death: they will never know it, but those who love them always will. They are a great loss to our area, a great loss to the families. They are much missed and dearly loved. I extend my most sincere condolences to all who knew them. May they rest in peace.

CRONULLA MEDICAL EMERGENCY RESPONSE

Mr MALCOLM KERR (Cronulla) [12.51 p.m.]: Members will be pleased to know that they will not be shocked and horrified as a result of what I have to say: I will not be referring to another failure of the State Government. On this occasion I bear good news. Hu and Betty Judd are long-term residents of Caringbah. On 9 September this year Hu Judd was taking his morning swim at Cronulla Beach. However, he lost consciousness and went into cardiac arrest. Fortunately for him bystanders were able to come to his assistance, in particular Senior Sergeant Wayne Drury, who, apart from being a police officer, is a registered nurse and lifesaver. As members will be aware, people use Cronulla Beach and the nearby esplanade for walks. Bystanders were quick to come to the assistance of Hu. Hu's screams alerted them that he had a medical condition, and Wayne Drury was able to provide cardiopulmonary resuscitation, which saved Hu's life. Because of the early assistance given to him the paramedics called to the scene were able to ensure his life was saved.

One of those paramedics was Scott Whittaker, who is a member of North Cronulla Surf Club and a well-known sportsman in the area. As a result of the actions of Wayne Drury, Brad Whittaker, who is chief lifeguard, will be recommending that bravery awards be provided. In response to that Wayne Drury said that he did not wish to get a bravery award; it would be better if the surf life saving movement got the award. This

shows that the shire spirit is very much alive and people are prepared to help their fellow residents. Betty Judd paid tribute to the residents of the shire, and was very grateful when she was interviewed on television in relation to the incident.

As members would also be aware, the shire spirit was very much alive last night at the Rock Eisteddfod when Sutherland Police Citizens Youth Club came first in that very competitive event. I am sure everybody in the shire, and in the State generally, would congratulate the club on a great win.

DUBBO ELECTORATE COMMUNITY EVENTS

Mrs DAWN FARDELL (Dubbo) [12.53 p.m.]: Today I speak briefly on three inspiring community events held in the electorate of Dubbo. On Saturday 18 July I attended the grand opening of the Wiradjuri Dreaming Information Centre in Forbes. The Lachlan Aboriginal Natural Resource Management Group and the Forbes Shire Council were the hosts for the grand opening of the centre, the launch of the *All Clan Recipe Book* and the reveal of the Bundaburrah Jack Painting, a work of art created to capture the history of the rich Aboriginal culture. Overseer of the formation of the dreaming centre, Russell Hill, has been working together with Lachlan Catchment Management Authority and the Forbes Shire Council to develop this wonderful centre. The design artist was Tim Acheson, and he relayed the story of the mural while Lachlan Catchment Management Authority employee Larry Towney talked on the project.

The proceedings also saw the launch of the Bundaburrah Jack painting by the indigenous artist known locally as Sauce. The image of Bundaburrah Jack was burnt into wood and completed within three days. A remarkable piece of art admired by all in attendance, it will hang proudly in the Forbes Shire Council chamber. Henry Hill, a Wiradjuri elder, was also in attendance. The Mayor of Forbes, Councillor Phyllis Miller, officially opened the dreaming centre. A barbeque of bush tucker, including kangaroo rissoles, was cooked by the Forbes Magpies Rugby League Club, and opening and closing performances were given by the Kalare Dance Group from Condobolin. After the traditional dances proceedings finished with a rap dance.

Information sessions were held during the day, allowing the community to read signs and learn about the Wiradjuri culture. Many schoolchildren from Red Bend Catholic College, Forbes High School, Forbes Primary, Forbes North and Saint Laurence's also left their handprints on the design, and further work will continue. Mr Robert Gledhill, Chairman of the Lachlan Catchment Authority, said the dreaming centre had received a lot of support from the community including in-kind business support from Kevin Gunn Bricklaying and A & B Supplies. The centre is designed for all Australians and recognises Aboriginal culture. The Wiradjuri Dreaming Centre is located across the footbridge at the northern end of Hill Street behind the catchment management authority building and the location is visible from the Newell Highway.

The second event is that on 15 August 2009 I was honoured to officially open the Narromine Men's Shed on the scout hall grounds alongside Narromine Shire Council. Similar to all men's sheds now appearing throughout the State, the concept was initiated by a group of like-minded men who agreed their community had the need and who thoroughly investigated all options on how to deliver this concept. Meetings were held with the successful Parkes Men's Shed, and reciprocal visits were made by the two groups. This support continued with the presence of Parkes Men's Shed members at the official opening. The Parkes Men's Shed recently lost one of its founding members who, in his will, bequeathed \$25,000 to the organisation, much to the delight of members.

The Narromine Men's Shed promoted itself to the community and also contacted my office with a wish list of small but necessary equipment required to start the operation. Many items were donated by the business community, and in-kind support was given. On a tour of the facility on opening day, visitors were shown the equipment donated and details were given of the odd jobs the men have been requested to carry out. One in particular was from the Royal Hotel, Narromine to renovate chairs for its premises. As explained to me by the president, "We will accept work as long as there is no pressure on the time for the job to be carried out". The Narromine shed is open on Tuesdays and Thursdays from 8.30 a.m. to 12.00 noon and it has comprehensive by-laws for use of the workshop facility. I congratulate president Keith Richardson and members on their achievement and they are off to a good start, receiving an encouragement award on Friday 21 August 2009 at the Narromine Business Awards.

While speaking on the good deeds of men in my electorate the third organisation I will briefly mention is the National Servicemen's Association of Australia, Goldenwest Sub-branch, which represents Condobolin, Forbes, Wyalong and Tottenham. I was pleased to accept an invitation from honorary secretary and publicity

officer, Trevor Whitney, to become an honorary member and patron for the period 2009 and 2010. On hearing of my acceptance of that position, the former member for Lachlan, Mr Ian Armstrong, and the Federal member for Calare, John Cobb, decided they had better accept their invitations as well.

On 16 August 2009 I travelled to Condobolin to meet with members, to be the guest speaker and enjoy lunch following the meeting. The President is Bruce Howard of Forbes, the Secretary is Trevor Whitney of Condobolin, the Treasurer is Mr Len Krebs of Condobolin, and the Vice-Chairman is Mr Frank Stott. Wives and partners of members were also in attendance. The mid-year break of Parliament is an excellent opportunity to afford members more time to visit and meet with many of the wonderful volunteers in our community.

QANTAS HEAVY MAINTENANCE AND TAMWORTH COMMUNITY COLLEGE

Mr PETER DRAPER (Tamworth) [12.58 p.m.], by leave: The Tamworth community has welcomed the commitment of Qantas to headquarter its heavy maintenance facilities for its new Q400 aircraft at our regional airport. Today's local paper points out that the decision is great news for the city and highlights the opportunities for local young people to explore an aerospace career. After many discussions over recent months with QantasLink about maintaining service capability in Tamworth, I was disappointed to miss yesterday's official events at the Tamworth airport. However, parliamentary commitments saw me in Sydney. I would have enjoyed watching Qantas chief executive, Alan Joyce, name one of its Q400s *Tamworth* in honour of the longstanding relationship between the company and the city.

QantasLink employs 82 people in Tamworth, but, until recently, engineers working at the heavy maintenance facility were licensed to certify only Q200 and Q300 aircraft. Qantas has now retrained 14 local senior engineers on the Q400. As our long history of aviation in Tamworth has shown, new technology or rationalisation programs can have serious implications for employment prospects, so this ongoing commitment to Tamworth by Qantas is very welcome. Apart from welcoming the commitment to maintenance in Tamworth, I welcome also Qantas's commitment to staff training, and would like to highlight a partnership that it has developed with Tamworth Community College.

The local community college has operated for the past 20 years and has been a registered training organisation since 1995. It currently employs more than 60 staff and tutors in training facilities based in Tamworth and Quirindi. The college can deliver 21 nationally accredited qualifications in business, business administration, small business management, micro-business operations, governance, community services, and information technology. It also provides for the literacy and numeracy needs of the region by offering five levels of certificates in general education for adults. Todd Chapman, Manager of Wet Lease Operations for QantasLink, told me:

The Tamworth Community College has been fantastic! They have had a long-standing relationship with the QantasLink hangar, and have conducted a range of courses including leadership training. However more recently, they conducted a three-day program held on the UNE campus that all our Heavy Maintenance staff attended. This program included topics such as; desired team behaviours, conflict resolution, working in teams and change management.

Todd went on to say:

Our future plans with the College involve 1 on 1 coaching for the members of the Tamworth leadership team, a three day offsite training program for that team, plus some re-cap training on working in teams for the senior members of the facility.

Tamworth Community College has built an enviable reputation for the courses it runs and the alternatives it provides to Tamworth's substantial educational facilities. The college is in the process of relocating to purpose-built training facilities at the historically significant Munro Mills in Peel Street, thanks to \$992,000 from the Commonwealth Government. I spoke of the enviable reputation the college has built. Last year the college won the Quality Business Award for Employment, Education and Training, and is nominated for this prestigious award again in 2009. The reputation of the college has flourished because of initiatives developed through responsible and proactive management. Five years ago the college responded to a need to offer more training hours and more diverse training opportunities locally by becoming a founding member of Cooperative Learning Limited, a cluster of four other community colleges across northern New South Wales.

This collaborative and flexible entity delivers training into a wider geographic area, including, Tamworth, Quirindi, Nundle, Gunnedah, Barraba, Bingara, Wyallda, Tenterfield, Moree, Narrabri, Uralla and Guyra. The college also commenced delivering Certificate IV in training and assessment courses, the fundamental qualification that all trainers and assessors need to offer nationally accredited training. This will increase the number of trainer assessors locally, and increase the capacity of our regional community to

participate in nationally accredited training. This year the college started offering qualifications to work-based trainees across 14 disciplines. This initiative has helped the college develop close links with local industry and the broader community.

Speaking of community linkages, I recently had the honour of opening the Tamworth Community College's Annual Art Show. All the artworks on display were sourced from the college's own community courses in drawing and painting, embroidery, and also folk art. The curator of the show is the amazingly talented Maria Henry, who has been working with the college for the past 10 years as a tutor in drawing and painting, ably assisted by Marg Hemmings, the tutor in folk art. This year we viewed 114 brilliant items, including sketches, paintings, needlework, decorated furniture and patchwork quilts. I value the commitment to Tamworth shown by both QantasLink and the Tamworth Community College, and welcome the synergies produced through close cooperation between those two organisations.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 1.03 p.m. until
Tuesday 22 September 2009 at 1.00 p.m.**
