

LEGISLATIVE ASSEMBLY

Wednesday 21 October 2009

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

RURAL FIRES AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 24 September 2009.

Mr PAUL McLEAY (Heathcote) [10.03 a.m.]: There are few crimes as mindless, callous and irresponsible as arson. According to a report by the Australian Institute of Criminology, 20,000 to 30,000 vegetation fires across the nation are deliberately lit each year. This is outrageous and unacceptable. The Rees Government has introduced the Rural Fires Amendment Bill 2009 to give our bushfire investigators the powers they need to adequately investigate all cases of bushfire. When one considers the tragic loss of life in the Victorian bushfires, the grief and despair of the families of those who perished, the thousands of people left homeless, the property, environment and wildlife destroyed, one understands why the Government remains determined to tackle bushfire arson as a priority.

In the fight against bushfire arson, bringing those who commit this dangerous and mindless crime to justice is another important weapon at our disposal. In order to gather the necessary evidence it is therefore essential that our fire investigators be given sufficient power and resources to carry out this task. For that reason, the amendments before the House provide new investigative powers to assist the Rural Fire Service [RFS] in identifying the cause and origin of fires without hindrance and with appropriate legal authority. The New South Wales community abhors the crime of arson and we believe that penalties for arson offences should be significant in order to function as an effective deterrent to such behaviour.

Earlier this year, at the request of the Premier, the Attorney General reviewed New South Wales laws relating to arson. We wanted to make sure that the punishment for those who deliberately light bushfires is tough enough and reflects the seriousness of the crime. As recommended by that review, these amendments double the on-the-spot fines for minor bushfire offences, such as lighting a fire during a total fire ban, or failing to extinguish a fire. This Government and our fire services remain resolute in our commitment to protecting life and property from the threat of bushfire, and especially those that are deliberately lit. We have a proud history of legislative reforms, unprecedented funding and practical measures to back this up. As I say, the Government and the Rural Fire Service have absolutely no tolerance for the appalling crime of arson.

The Rural Fire Service currently has 131 specially trained wildfire investigators who work closely with the Police Force to investigate suspicious fires and ensure that offenders are brought before the courts. Another 16 trainees are undertaking their wildfire investigation training this very week. As well as this, Rural Fire Service senior officers are trained in site preservation and arson-related behaviour to help with the identification and prosecution of those responsible. These amendments will provide the commissioner and his authorised investigators with the power to enter certain lands to investigate the cause or origin of a fire. This power may be exercised up to 24 hours after the fire has been extinguished.

Bushfire arson has the potential to destroy families' homes, belongings and livelihoods, endanger lives and damage huge areas of our natural environment. For this reason, the penalties are severe. Anyone found guilty of intentionally causing a fire or who is reckless in spreading a fire can face a jail term of up to 14 years.

A person who maliciously destroys or damages other people's property by fire can face up to 10 years jail, or 25 years if the action is intended to be life threatening. These penalties are intended to be a major deterrent to this antisocial, reckless and potentially life-threatening behaviour. I understand that a recent example of the application of these penalties was the conviction of Murray James Toomey for 31 offences relating to deliberately lit bush fires on the Central Coast in October 2006. On 14 April 2009 he was sentenced to a total of eight years and two months, with a non-parole period of five years and two months. Highly trained Rural Fire Service fire investigators worked closely with the Police Force in the investigation of this individual, and their information led to his apprehension and subsequent conviction.

I will also talk about things we can do to prevent fires. I recently attended the Rural Fire Service's Region East exercise at the Cataract Scout Park, near Appin, on the weekend of 18 to 20 September 2009. I did so as a volunteer firefighter with the Bundeena Bush Fire Brigade. Our crew, led by our captain, Ian Nightingale, spent a very worthwhile two nights and two days. For our new recruit, Maxine Hall, it was the first time she saw live fire and her strength as an individual showed in her coolness and comfort on the fire ground. Jen Edwards, our FireWise officer for our brigade, was also part of the crew. She did an excellent job, including on the Sunday. She was our officer in charge for the day. Our officer in charge for the event was Troy Dillon. Troy joined the Bundeena Bush Fire Brigade six or seven years ago as a cadet. He has been a very committed firefighter. We were very proud of him on the day. In fact, the sector leader of Strike Force Delta, which we are in, handed him over as the officer in charge for the sector on the Saturday afternoon. Troy did a magnificent job with maturity and skill, and his training came to the fore.

I am pleased to say that our crew met the Premier, who was there on the day. Also present were the member for Wollondilly, who is a member of the Lakesland brigade; the Minister for Emergency Services, who is in the House this morning; and the New South Wales Rural Fire Service Commissioner, Shane Fitzsimmons. They witnessed the excellent activities that took place. Region East covers most of the greater Sydney area, the Hunter and the Illawarra, and it holds an exercise each year. Usually this involves competitive events based on firefighters' skill sets. This year, however, the exercise was unique in that it comprised a large hazard reduction burn plus four challenge events and one competitive event. The events were all based on brigade training skills sets.

An incident management team managed the fire. The team consisted of Rural Fire Service members who required assessment or mentoring in these roles. An experienced and well-trained team of mentors and assessors coordinated the exercise. I particularly draw the attention of the House to Superintendent Terry Jackson, who did a magnificent job. There are a lot of well-intentioned volunteers at these events and it can be quite traumatic, but he kept his cool and kept the burn on track and contained. He did a splendid job.

A main reason for including the hazard reduction as a component of the exercise was a risk management strategy to help protect the Scout Jamboree that will be held on that site in January 2010, at the height of the bushfire season. There were will be 12,500 Scouts and leaders camped on the site over a two-week period, with day attendance numbers rising to approximately 16,000 Scouts. We know what little boys can do in the bush in the middle of a drought. It was a good time to have a significant hazard reduction burn in the area. The Cataract Gorge exercise had 24 rural fire brigades from across Region East participating and involved about 280 RFS personnel, including helicopters on the site.

I also bring to the attention of the House three of Bundeena brigade's firefighters, who I think just got back from Queensland this morning. They were near Bundaberg at a little place called Gin Gin. They went up there on Monday afternoon as part of a team of 10 from Sutherland district, which is part of Region East. They have been well trained. I offer my support and prayers and wish them well. They were the Deputy Captain, Dean Nightingale; Scott Burton, who is an excellent firefighter and a man who is very committed to the brigade and his work; and a good friend of mine, Brian Hartrick, who not only has a lot of skills but is an essential member of the brigade because of his driving capacity.

Recently, Rural Fire Service brigades across New South Wales held their open days. The Bundeena open day went very well. Each year as part of the process of keeping their community safe brigades provide information to residents on how to be prepared. The message is simple: prepare, act, survive. I commend the amendments to the House. I take the opportunity to remind the community that information from members of the public is crucial in any investigation. Anyone with information about suspicious behaviour near bushfires is urged to call Crime Stoppers on 1800 333 000. I commend the bill to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [10.14 a.m.]: The Rural Fires Amendment Bill 2009 provides that certain fire hazard management functions of local authorities such as councils are to be exercised

instead by hazard management officers of the Rural Fire Service; enables the Commissioner of the Rural Fire Service to enter and inspect land, with or without the consent of the owner or occupier, to investigate the cause or origin of a fire; enables the commissioner to apply for a search warrant to enter and inspect land to investigate the cause or origin of a fire; enables an officer of a rural fire brigade to remove persons or things that are an interference from a fire or other emergency; and increases the penalty notice amounts to \$1,100 under the principal Act, for certain fire-related offences, such as failing to comply with hazard reduction notices, lighting a fire during a total fire ban and leaving fires unattended.

Members who have spoken have given a comprehensive outline of this bill. I will make a number of points but first I put on the record my appreciation, indeed the appreciation of the community of Wagga Wagga, for the enormous amount of work that the Rural Fire Service does on our behalf in either a voluntary or paid capacity. We can only admire the great dedication we see, the acts of bravery that occur and the tremendous self-sacrifice of these officers to protect people, communities and property. From time to time arsonists have carried out acts that have caused enormous grief to communities. It has resulted in the deaths of individuals and families and loss of property and livestock. The cost to the community is incalculable. Some things can never be replaced but the loss of human life is a tragedy. Such acts do occur. Members on this side do not oppose this bill. These measures are important and the Government has indicated that it takes this issue very seriously.

We all recognise that the reduction of litter and fuel load is important and that it must occur in a managed way. This bill will go some way towards allowing that to occur so that the risk is reduced. The airwaves are full of commentary about the risk in New South Wales where we have been lucky enough to have substantial rainfall. The undergrowth has grown and the litter load will increase. Even in residential areas there are problems: Gutters are full of leaf litter and people are unprepared. The message is going out loud and clear. Indeed, last Saturday I listened to the ABC and heard about the Rural Fire Service holding open days and inviting the public to come along. The Rural Fire Service was giving out information to people so that they could prepare for what could be a very difficult fire season.

While the Minister is at the table I would like to make a suggestion. This is just me thinking out loud; it is not official policy. Perhaps at some stage the Minister could consider giving more responsibility to the Rural Fire Service in the management of tree removal rather than have councils do it. There is always an argument about removing trees for safety. Members of the public apply to councils and a council officer comes out to assess the tree for removal. Perhaps the Rural Fire Service could take on that role. I understand councils charge a fee for someone to assess a tree for removal. Perhaps there is an opportunity for the Rural Fire Service to help in this regard and use their expertise. In a fire, if the Rural Fire Services regards a tree as a fire hazard it has the authority to remove it or have it lopped. It may be possible to utilise the expertise of Rural Fire Service officers. In some of the more remote areas, or areas that are not the subject of intense focus, it would be a great additional tool for the community of New South Wales if fire service officers were able to carry out that task.

We rely on and admire the efforts of the Rural Fire Service. My local bushfire service, the Eunony brigade, holds fundraising campaigns regularly; funds are very important in providing up-to-date equipment, such as fire sheds and tankers. Eunony raises money by holding garden open days and garage sales. It also holds familiarisation days. The next one is on Sunday 1 November. All members are encouraged to come along and upgrade their technical skills so they can use the new machinery acquired by the Rural Fire Service. That is important in rural areas.

I encourage people who read *Hansard* and who live in residential areas surrounded by national parks or State forests to contact the Rural Fire Service and use the benefit of their knowledge to gain information and, indeed, help from the Rural Fire Service. We have learned from the fires that occurred in Victoria. Indeed, the fire that ripped through Canberra started in the Tumbarumba area, which in those days was part of my electorate. History records that the fire was devastating. Even to this day problems occur with trees falling on the roadways and the National Parks and Wildlife Service has to monitor the situation because the roads become unsafe. Along the Alpine Way, where the fire destroyed vast tracts of land, falling trees present significant difficulties.

I have covered everything I want to say about the bill. I believe the bill will pull the management of the issues together. I understand that through the shadow Minister there has been consultation with the Rural Fire Service Association and others, who are comfortable with the amendments in the bill. I appreciate the work of the shadow Minister. Indeed, the Opposition agrees with 99 per cent of legislation that comes before the Parliament. It is important to get it right for the safety of residents and the wellbeing of the Rural Fire Service.

In conclusion, I make special note of a highly regarded local identity involved in the New South Wales Rural Fire Service for most of his life, the late Bill Baker. I attended his funeral last Friday. There was a large turnout for his funeral, which was an enormous show of respect from a community that valued his contribution not only as a member of the Rural Fire Service but also as a member of the community and a vocal participant in the NSW Farmers Association. Bill Baker was a passionate farmer, a passionate community advocate. He supported young farmers and always spoke out on various issues. He was never backward in coming forward in advocating for the Rural Fire Service and its needs. Whether it was new equipment or legislation such as this, Bill Baker would always have his say.

Bill was a life member of The Nationals and so is his wife. They frequented many of my functions as well. His wife, Robyn, and their two children, Julian and Sally, were very proud of Bill's achievements. The Rural Fire Service had a guard of honour for Bill. I have never before seen the church packed with so many people. They were paying their respects to a man who has dedicated so much time to the Rural Fire Service. I thank the House for the opportunity to make this contribution.

Mr RAY WILLIAMS (Hawkesbury) [10.24 a.m.]: I make a brief contribution to the Rural Fires Amendment Bill 2009. As the member for Hawkesbury, it is worth pointing out that the Hawkesbury electorate is perhaps one of the most bushfire-prone areas within New South Wales. It is the interface between the developed areas, small farms and major bushlands. The Hawkesbury encompasses no less than seven national parks. Residents in rural farmlands live in close proximity to those national parks and when summer approaches they are normally under threat from bushfire.

My area also has some of the most ably assisted fire control officers, bushfire brigades and Rural Fire Service members from anywhere in the country. I acknowledge the fire control officer from The Hills, John Hojel, the fire control officer from the Hawkesbury area, Karen Hodges, and the Hornsby fire control officer, Angelo Baldo, who serve the area well and conduct the activities of the Rural Fire Service with aplomb and expertise that is second to none.

In relation to the amendments and further controls, it is important to note that Rural Fire Service officers do not have sufficient control over or say in where hazard reduction takes place. I undertook a survey a couple of months ago across the Hawkesbury. I received thousands of responses that highlighted a lack of hazard reduction across the Hawkesbury area. This may be because of close proximity to national parks and the build-up in bushland areas. It is good to note that in the last month the Hawkesbury and The Hills areas have undertaken a more stringent approach. Hazard reduction has increased in those areas, which has pleased residents.

This bill must formalise changes so that fire control officers can be in control of their own destiny and make decisions when and where hazard reduction takes place. Sometimes decisions are made because the undergrowth is too dry or too wet, or there will be too much smoke. People face the real potential of losing property and life unless we undertake appropriate hazard reduction. Time and again Rural Fire Service members have told me that they are not allowed to undertake hazard reductions because of restrictions from the Department of Environment, Climate Change and Water. The department has told them it is dangerous to the environment, it would produce too much smoke, the weather is too hot or there is the threat of fire. It is important to cut through the bureaucracy and the red tape and give control to the Rural Fire Service, the people on the ground, who are usually community members who know best how to undertake hazard reduction.

I know the rules stipulate that hazard reduction should be undertaken every eight to nine years in a mosaic pattern across areas. I guarantee that is not the timeframe currently undertaken for hazard reduction across the Hawkesbury, The Hills and Hornsby areas. We must allow Rural Fire Service members to undertake hazard reduction when they see fit. That will happen when it is driven by good action through government not through the bureaucratic red tape of the environmental departments, which are overriding what should be common sense hazard reduction.

Mr STEVE CANSDELL (Clarence) [10.28 a.m.]: I do not oppose the Rural Fires Amendment Bill 2009 as it will bring all parts of the State into line. My parliamentary colleagues have referred to the fact that much of the authority has been taken away from local Rural Fire Service brigades. Over the past 12 months I have met with several fire captains. The most contentious issue they raised relates to the seven- or eight-page form they have to fill out and send to the regional office when they want to carry out hazard reduction in the winter months. When those applications are rejected they feel disempowered in many ways. In the past, when someone wanted to burn off an area, the fire captains would go out and inspect the area and ask whether they

could assist with the burn-off. They would be present at every cool burn-off to ensure that the fires did not get out of control, and to secure the safety of the flora and fauna. If there are not many cool burn-offs we could end up with a major fire such as those that occurred in Victoria where everything died.

For the past 20 years, after every bushfire has occurred, a royal commission has been appointed to inquire into the loss of life. In order to resolve these problems we must ensure that the fire trails are kept open. We require more hazard reduction in State forests, national parks and on other land where there has been a huge build up of fuel and no cool burns have occurred during the winter months. Recently there were some pretty horrific fires at Brooms Head on the North Coast. The bushfire brigade fought the fires that were burning three metres from the back fences of homes at Brooms Head. A slight change in the weather and the dedication of Rural Fire Service volunteers prevented real tragedy and the fires were put out.

This morning I spoke on the phone with a lady who was concerned about an article in yesterday's *Sydney Morning Herald* in which I had been misquoted. The article, which was written by Mr Malcolm Brown, said that the locals were complaining about fire trails being opened because they did not want four-wheel drives to go through them. In fact, I had said that the locals were concerned that the fire trails were not opened, that they were overgrown, and that very little hazard reduction had occurred. Residents were concerned that some national parks had attempted to close some of those fire trails so that four-wheel drive vehicles could not use them.

Last week the Hon. Melinda Pavey and I were taken to the Rural Fire Service lookout at Brooms Head to see firsthand the extent of the fires across the valley. One Rural Fire Service volunteer who had been up for 16 hours fighting the fires—he managed to get only four hours sleep—accompanied us to the lookout to assess the danger and to see whether he needed to go back to work. That volunteer said to me, "Steve, we were given two new trucks that we did not even ask for, which is fantastic, but we could not get them up the fire trails because they were so overgrown, which put the lives of firefighters and the community at risk." National park administrators must make more effort to effect cool burn-offs and local fire captains must have more control of and more say in them. Last winter it was too wet, too dry or too windy, or there was some other reason why we could not effect cool burn-offs.

Over the past eight or nine years many impediments have prevented bushfire hazard reduction in local areas. Many national parks are in receipt of a hazard reduction budget, which in my view should be increased. Over the past 20 years we have seen a doubling in the size of national parks, but there is no point in locking them up if their maintenance and budgets for hazard reduction and feral animal control are not improved. National parks become overgrown with weeds, feral animals multiply and lives are put at risk when major fires go through these areas. I said earlier that I did not oppose the bill. I congratulate all the dedicated volunteers who fought the fires, prepared the meals, and ensured that the firefighters were well fed and watered, and had rest when they needed it. I thank all the volunteers from the Northern Tablelands and from down south who assisted the local guys and gave them some respite in the later stages of the fires. I commend the bill to the House.

Mr ROBERT COOMBS (Swansea) [10.35 a.m.]: My contribution to debate on the Rural Fires Amendment Bill 2009 will be brief, as all members are at one with the proposed amendments that will improve or increase hazard reduction by the Rural Fire Service. Recently there was a large fire in Blacksmiths, a small town in my electorate. It is alleged that the fire was deliberately lit and police investigators are closely examining the facts. That fierce fire came close to a number of homes in the area, which was a concerning and frightening time for residents. A number of residents came to see me and wrote letters to me acknowledging that foul play might have occurred. However, a number of residents were also quick to remind me that hazard reduction had not occurred in the area for a long time. I concur with their observations.

I wrote to Lake Macquarie City Council Mayor Greg Piper and to the Minister for Emergency Services, the Hon. Steven Whan, who is in the Chamber, and said that I concurred with the comments of residents in the area. A planned process of investigation and assessment must be implemented with a view to ensuring that regular burn-offs take place in the area. After assessing similar sorts of fires that have occurred across the State I found, alarmingly, that fires take place when there is a lot of undergrowth and when the conditions are right. As I said earlier, no hazard reduction has occurred in this area for a long time, and residents are now relieved that this legislation will ensure that that happens. Local fire authorities have been alerted to the dangers that exist in these areas. I hope that this legislation results in greater activity, investigation and work to ensure there is no loss of land, homes or limbs.

Mr THOMAS GEORGE (Lismore) [10.38 a.m.]: The overview of the Rural Fires Amendment Bill 2009 states:

The object of this Bill is to amend the Rural Fires Act 1997, (the principal Act), as follows:

- (a) to provide that certain bush fire hazard management functions of local authorities (eg councils) are to be exercised instead by hazard management officers of the NSW Rural Fire Service.
- (b) to enable the Commissioner of the NSW Rural Fire Service (the Commissioner) to enter and inspect land, with or without the consent of the owner or occupier, to investigate the cause or origin of a fire for up to 24 hours after the fire has been put out.
- (c) to enable the Commissioner to apply for a search warrant to enter and inspect land to investigate the cause or origin of a fire.
- (d) to enable an officer of a rural fire brigade to remove persons or things who or that are an interference from a fire or other emergency.
- (e) to increase the penalty notice amounts for certain fire-related offences under the principal Act.

I refer to offences such as failing to comply with hazard reduction notices, lighting a fire during a total fire ban, and leaving a fire unattended, which will incur a penalty of \$1,100 under the principal Act. As members on this side have indicated, the Opposition will not oppose the bill. However, I will raise a few matters. The bill certainly will streamline the bushfire hazard management protocols of councils across the State. I do not think anyone would disagree that we need to control burns with hazard reduction not only in this State but also across the entire country. Each and every one of us has vivid memories of the bushfires that occurred in Victoria earlier this year. I have vivid memories of one particular gentleman whose house was left standing after the fires. The gentleman had taken action to cut down trees around his house—he had virtually undertaken hazard reduction around his house—but as a consequence the local council took him to court and he was virtually bankrupted. However, after the fires his house was the only house left standing in the area. It simply shows that common sense prevails above the law at times, and that we must undertake proper hazard reduction and proper control burns. As I understand it, this will now be left in the hands of the local Rural Fire Service.

We must have common sense in good neighbourhood policy. I question the good neighbour policy of the National Parks and Wildlife Service. I have plenty of constituents in my electorate, especially in the Woodenbong-Legume area, whose properties adjoin national parks. On many occasions the residents of those areas adjoining national parks—whose families have lived there for more than one or two generations—have rung the National Parks and Wildlife Service at the appropriate time to seek permission to undertake a hazard reduction burn or to advise the service that they will be doing some hazard reduction. The National Parks and Wildlife Service has said to them, "Don't you dare let the fire get into our place, because if you do we will sue you." If the service were to work with the neighbouring residents whose properties adjoin the national parks and allow them to carry out control burns and proper hazard reduction, it would probably put the whole community in a better safety situation, rather than the way the issue is attacked now.

The member for Clarence spoke about the way fires come up to the back fences of people's properties. In many coastal areas, national parks come up to the back fences of people's properties. In the electorate of the member for Clarence at Evans Head, where the area adjoins the Bundjalung National Park, the residents, in their wisdom, had mowed some 50 metres back from their fences as a precautionary measure against fires. A representative of the National Parks and Wildlife Service came along and said to the residents, "Who has done this?" The residents were chastised because they had taken the initiative to mow away from their back fences. The National Parks and Wildlife Service officer said, "I don't want to see that; that should not have happened." Common sense has gone from hazard reduction in this State. I know from my experiences with the Minister in the north of the State that he has been listening to the residents' concerns.

Hopefully, now that hazard reduction and control burns are the responsibility of the Rural Fire Service the local residents will have a say in what happens in their own areas rather than decisions being made for the whole State. I hope that there is a valley-by-valley approach, to enable the local Rural Fire Service officers—who fully understand the local weather conditions on days when people apply for a control burn permit—to issue the appropriate certificates on a day that is suitable to the local community. As other members on this side of the House have indicated, the Opposition will not oppose the bill. It ensures statewide consistency in hazard management approaches and will remove discrepancies in the definition of community safety. I am pleased to support the bill.

Mr STEVE WHAN (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [10.44 a.m.], in reply: I thank the members who have taken part in this debate—the members representing the electorates of Hawkesbury, Clarence, Swansea, Lismore, Tweed, Lane Cove, Blue Mountains, Heathcote, Wollongong and Wagga Wagga. The Rural Fires Amendment Bill 2009 will allow the commissioner and officers of the NSW Rural Fire Service to play an enhanced role in preventing bushfires, and to respond effectively to fires and other emergencies. The debate is timely, given the bushfires that have occurred over the past weeks around New South Wales, particularly on the North Coast. We are also seeing significant fire activity in Queensland, where we have recently sent 50 volunteer firefighters plus four Rural Fire Service staff.

The bill allows the commissioner and officers to enter and inspect land to investigate the cause or origin of a fire, and to apply for a search warrant for the purposes of such investigations. It enables brigade officers to remove persons and obstacles from a fire or other emergency, and shifts the responsibility for bushfire hazard management from local government to the NSW Rural Fire Service. In most cases around New South Wales that was already the case; the bill essentially makes it consistent around the State. These changes will further the State's strong position in being prepared for bushfires. It is likely that we will have a tough bushfire season ahead, and it is critical that the community prepares for that as much as is practicable.

The tragic loss of life and destruction of property in Victoria on 7 February this year, and the disruption and dislocation of whole communities, provides a sobering reminder of the need to continuously improve the ability of the Rural Fire Service to protect New South Wales communities. The bill addresses exactly that. In particular the bill will truly make the NSW Rural Fire Service a one-stop shop for the community of New South Wales in relation to bushfire hazard management. The bill also responds to calls from peak bodies including the Local Government and Shires Associations, which have championed such calls for streamlining processes and resolved some two years ago that the provisions of this bill should be included in the rural fires legislation.

As I said when introducing the legislation, the bill will also empower an officer of a rural fire brigade to remove any person, vehicle, vessel or thing that may interfere with the work of any rural fire brigade or the exercise of any of the officer's functions. Any person has the right to defend his or her property against fire or other emergency. However, the presence of members of the public at the scene of a fire or emergency may hinder the performance of trained fire brigade officers. The provisions are designed to ensure that members of the public do not do that. This applies particularly to people who are sightseeing and so on, which unfortunately occurs in many of these situations.

The bill also provides for the Rural Fire Service commissioner or those authorised by him with the power to enter land—other than that used only for residential purposes—to investigate the cause or origin of a fire on that land or any adjacent land. This power of entry will be exercisable for up to 24 hours after the fire has been put out, where the owner or occupier of the land does not consent to the entry for the purposes of an investigation into the fire's cause or origin. In most cases people consent to the entry of fire investigators. Therefore, the provision is required only in cases where an owner or occupier does not allow fire investigators to enter the land.

Yesterday the member for Tweed raised questions regarding this section of the legislation, asking whether 24 hours was an adequate period. The Rural Fire Service believes that 24 hours is adequate. It is not a matter of sending the investigators out from the city, as the member for Tweed suggested. We have fire investigators in a number of locations around the State. Indeed, in my travels around rural New South Wales I have met a number of them. In any event, if the 24-hour limit is not adequate, the Rural Fire Service can obtain a warrant to go onto the land. Our advice from the Rural Fire Service and the Attorney General's Department is that the 24-hour limit is a reasonable provision. It certainly substantially improves fire investigators' access to those properties.

A number of other matters have been raised during the debate. The member for Tweed raised a matter regarding Aboriginal land. The advice I have received from the Rural Fire Service is that all landowners, public and private, have a general duty of care to manage their lands under section 63.

Mr Thomas George: National Parks as well.

Mr STEVE WHAN: Indeed, National Parks as well. The commissioner has powers under section 66 for private lands and under section 74F for public authorities to, upon receipt of a complaint, inspect and, if warranted, serve a notice on the landowner/manager to remove the hazard. If they fail to do so, the

commissioner can do the required work and recover costs. Those powers are contained in existing legislation. It was clear that the member for Hawkesbury had not read the legislation before he made some of his comments. The member for Tweed also referred to Roads and Traffic Authority land. It is open to any member of the community to lodge a hazard complaint with the Rural Fire Service either in writing or online. The Rural Fire Service will inspect the hazard and carry out the steps I have outlined, if it is warranted.

The member for Tweed also sought clarification for penalties affecting arsonists. After the February Victorian fires Premier Rees directed the Attorney General to carry out a review of arson penalties. The review found that New South Wales penalties were comparable to those of other States and that the sentencing schemes were satisfactory. In other words, at the top end of the scale when somebody has deliberately lit a fire that can cause death, severe penalties can be imposed. The challenge of all States is actually getting convictions, not so much the extent of the penalties. The review found that it was warranted to increase the penalties on a number of minimal-type offences, which this bill does, but that penalties for more serious offences were adequate. Our challenge is to get convictions and to do that we work closely with the New South Wales Police Force to ensure that it is able to collect the evidence required. Part of that work also includes the participation of fire investigators, about which I talked earlier.

Government members made a number of positive comments about the Rural Fire Service. The member for Heathcote, who, of course, is a volunteer firefighter, talked about the number of hazard reduction projects in which he has been involved in the past few weeks. This year, in spite of other comments in this debate, has been extremely successful for hazard reduction. Certainly in some areas weather conditions have made that difficult. Volunteer firefighters have done a lot of work, as highlighted by the member for Heathcote. The member for Hawkesbury said that decisions were being made by people presumably not to proceed if undergrowth is too dry or too wet. Quite frankly, that is exactly the right decision. If undergrowth is too dry and if conditions are bad, the Rural Fire Service will not light a hazard reduction burn if it feels property and lives could be endangered. The member for Hawkesbury in making his simplistic statements and spreading gossip—

The DEPUTY-SPEAKER: Order! The member for Hawkesbury will come to order.

Mr STEVE WHAN: —should reflect on the fact that the experts in these organisations make judgements on when hazard reduction is safe to undertake. Much planning goes into hazard reduction burns and clearances, including mechanical clearing as evidenced in asset protection zones around the State. When a hazard reduction is planned, the experts plan containment areas, determine the source of water and undertake a large amount of work to ensure a safe and effective hazard reduction. Local brigades are directly involved in that process. For people like the member for Hawkesbury and the member for Clarence who suggested that the process is too complicated, I suggest they go to the Rural Fire Service website and click on the link to apply for a permit to burn and they will see how simple it is. The process is very simple and the Rural Fire Service guarantees a response within a certain period of time, which it manages to achieve in approximately 90 per cent of cases.

The member for Clarence commented that only through a slight change in the weather were houses and properties saved during the Brooms Head fire. The Rural Fire Service advised me that the wind changes played a small part, but that the most important feature was that Brooms Head was surrounded by an asset protection zone, including some natural areas of swamp, which obviously cannot burn. The service had been working on the asset protection zones around the town, and the hard work of local firefighters saved buildings in that area. Patchwork hazard reduction had been undertaken to the west of the fire, and this also helped to reduce the fire intensity. Unfortunately, Opposition members like to make simplistic comments without thought on these issues. The shadow Minister said that the brigade received a couple of trucks it did not even ask for—a comment repeated today by the member for Clarence. Somebody asked for them because the Government receives bids from local areas for new trucks and supports that as part of the fleet upgrade. This makes our Rural Fire Service the safest and most effective in the world.

The re-equipment program that this Government put in place makes our Rural Fire Service volunteers safe when fighting fires. It was this Government that put that program in place. Many volunteer firefighters have told me that when this Government came to office the Rural Fire Service had antiquated equipment because the previous Liberal Government did not bite the bullet and make the necessary changes and provide funding. Even today, Opposition members suggested that the funding model for the Rural Fire Service, which includes contributions from insurance companies, is unfair and they do not support it. That tells the Rural Fire Service volunteers that those opposite are not committed to maintaining the growth in funding that we have provided since coming to office.

Members of this House should be aware that each local area has committees that plan hazard reduction using local knowledge and input from landowners within the area. The legislation makes it clear that, unlike in most other States, the New South Wales commissioner has the final say over hazard reduction and also the ability to impose hazard reduction if a landowner resists. This Government took action in the early 1990s to make sure our Rural Fire Service has those powers. Local members should be aware of that. Indeed, they probably should be aware also of the work their local committees have undertaken to plan hazard reduction for their regions. It is disappointing sometimes to hear that they do not acknowledge that work.

We have worked hard with local councils in the past few years to get them to establish asset protection zones around housing. Often that protection is achieved through mechanical clearing along the fence line behind houses, as some members commented during the debate. Earlier in the season during the South Coast fires in the Shoalhaven area firefighters burnt off the asset protection zones created by council as part of their involvement in hazard reduction planning with the local fire service to save houses. It was effective and extremely impressive work. We do not hear much from the Opposition about actual policy—we hear a lot of gossip—but today the member for Clarence repeated the comments of the shadow Minister. I have listened carefully to the shadow Minister's comments on hazard reduction. Recently she suggested that at the current rate of hazard reduction it would take 112 years to complete all works. That statement completely bemused the Rural Fire Service commissioner and anyone taking an intelligent look at the fire service.

I delved further and I think I have worked out what she means. I think she is suggesting that every five to six years we should clear about five or six million hectares of land with hazard reduction work. She says New South Wales has more than 20 million hectares of bushfire-prone land—that is true. She suggests that each year in New South Wales we should burn off 12 times more than the amount of land that burned in the Victorian fires in February. What a completely ridiculous notion! Hazard reduction is undertaken in New South Wales on the basis of protecting strategic areas of assets and lives. That is why we focus on asset protection zones around homes and why much work is undertaken to prevent fires damaging the most important thing: people's lives.

This year there has been a record level of hazard reduction in national parks. In my electorate I have observed intensive and widespread hazard reduction in the Kosciuszko National Park. The member for Blue Mountains will be pleased to know that some of the incendiary work done by helicopters in the Kosciuszko National Park was done on ridge tops. I had an interesting discussion with one of the helicopter pilots who undertook that work. The member for the Blue Mountains spoke about hazard reduction on ridge tops in his contribution to this debate yesterday. The Rural Fire Service is working very hard to ensure that the required record amount of hazard reduction work is carried out. However, there is one fundamental point that people need to understand: the Rural Fire Service does not own the land; the land managers own the land—

Mr Adrian Piccoli: Thank goodness.

Mr STEVE WHAN: That is not the sort of vote of confidence the Government likes to hear. The Rural Fire Service works with land managers to ensure they undertake hazard reduction. The Opposition recently issued a press release saying that some areas of New South Wales were to receive only a few hundred dollars per year for hazard reduction and fire trail maintenance. That related only to one grants program that tops up the work done by the land managers in hazard reduction in conjunction with the Rural Fire Service. That is an example of either a complete lack of knowledge by the Opposition in this matter or a willingness to mislead the public. I suspect it is the latter.

The bill is a very positive one and I am pleased the Opposition supports it. It will enable the Rural Fire Service to work in areas previously retained by councils for hazard reduction—there are only a few of those. It clarifies the powers of the Rural Fire Service and increases offences for people who allow fires to escape from their properties or leave fires burning. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

EDUCATION AMENDMENT (SCHOOL ATTENDANCE) BILL 2009**Agreement in Principle****Debate resumed from 23 September 2009.**

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [11.02 a.m.]: I lead on behalf of the Liberal-Nationals Coalition on the Education Amendment (School Attendance) Bill 2009. We do not oppose the bill but it is appropriate to comment on the potential lack of impact of this legislation on school attendance and truancy across New South Wales. We always attempt to deal with truancy in our schools but the impact of legislation in itself is not significant; rather, it is about how legislation is implemented and acted upon. I make that comment because significant measures are already in place to deal with truancy, particularly chronic truancy.

We are not talking about a child who skips school for one day to have a swim in the river; we are talking about chronic truants and parents who are not dealing with their children. Measures are in place through the Department of Education and Training and the Department of Community Services to coerce children and impose responsibilities on parents to send their children to school, but they are not being enforced as they should be. The Government has also lacked the will to use those powers effectively. The Minister for Education and Training feels the most appropriate way to deal with this matter is by introducing further legislation. It might make for a great press conference to be seen to be doing something but something actually needs to be done about it.

Introducing a bill without a plan to deal with a serious social problem is not good enough. The Opposition does not oppose providing magistrates with additional powers to make school attendance orders and increasing fines, but to make a difference we need human resources to get these kids to face their problems and the reasons they are not attending school. A lot of those problems relate not just to the children themselves but to the personal circumstances of their parents—or, in some cases, absent parents. Legislation in itself will not deal with the problem. We need a comprehensive plan across several government departments.

Over the past few weeks I have been fortunate enough to participate in the Liberal-Nationals Coalition social policy framework meetings. The purpose of our framework is the recognition that to deal with significant social problems one needs a comprehensive plan amongst and between various government departments. How to deal with chronic truancy is a classic example. All government departments that have an interface with the kinds of students and parents we are talking about need to be involved, particularly in the more disadvantaged areas. The introduction of this bill is only the tip the iceberg.

I am concerned that this legislation has not been presented to Parliament together with a plan to engage the Department of Community Services, which has an enormous responsibility in identifying children at risk and why they are chronic truants. The Department of Community Services has a responsibility to protect those children from themselves, protect them from their parents in some instances and protect them from other adults. If that protection is not afforded to those children then they find themselves in significant difficulties, and that is one of the reasons for chronic truancy. A plan that does not involve the Department of Community Services is no plan at all.

It is well known that chronic truants are more likely to come to the attention of the Department of Juvenile Justice, so that department should also be involved in this to some degree. It is also well known that children who hang around with others who have spent time in juvenile detention centres are more likely to find themselves in juvenile detention centres later on. A plan that does not involve the Department of Juvenile Justice is no plan at all. The police who observe these kids walking the streets during school hours and late at night need to be involved. A plan that does not involve the New South Wales Police Force is no plan at all. Some of these children come from severely disadvantaged backgrounds and their health plays a part in their truancy. They perform poorly at school because of their significant health issues.

From consultation with my colleagues I know that in western New South Wales this is a significant problem. Children with significant dental problems, hearing problems and other forms of disadvantage and disability do not perform well at school and become chronic truants. A plan that does not involve the Department of Health is no plan at all. We need a whole-of-government plan to deal with truancy. The social policy framework of the Liberal-Nationals Coalition recognises that to deal with problems such as chronic truancy there must be a comprehensive plan involving all government departments. The Opposition does not disagree with this legislation but it needs to be part of a significant plan.

Unfortunately, the Government deals with problems by introducing legislation and holding a press conference—that is it. I have no doubt that the Government introduced legislation extending the school leaving age to 17 years in good faith. The Liberal Party and The Nationals supported the legislation. We agree with the general principle that the longer students stay at school the better their future employment potential, future earning potential and their future health outcomes are. They are all good aims for a Parliament. However, that legislation did not come with a plan to deal with students who drop out of the system despite the legislation. To a large degree, this type of legislation is simply powerless. There is no plan to deal with those students who drop out anyway.

In the past couple of weeks we have been informed that TAFE will limit the number of students who can undertake a year 10 equivalent course at TAFE. TAFE is not the ideal option for students to do year 10; a mainstream school is always the best option. I am confident that TAFE teachers encourage students to undertake their year 10 course at school. However, for many students that is not an appropriate option. They may have been expelled or they may not be able to go to school for other reasons. They must have alternatives, and until now TAFE has provided them with an alternative. All students must now complete year 10 to satisfy the law. We should facilitate students' obedience to the law by providing options. But the Government will limit the number of students who can undertake a year 10 equivalent course at TAFE.

The Government should have supported the legislation to raise the minimum school leaving age to 17 years with a plan that included measures such as alternatives for students who do not fit into the mainstream school system, additional resources for TAFE, additional resources for schools to handle the extra students undertaking year 10, and additional school counsellors to assist the students whom we are trying to keep at school but who for social, parental or other reasons will drop out. That legislation did not come with a plan. Similarly, this legislation does not come with a plan. Whilst the Coalition is pleased to support the legislation, we want to see legislation that deals with significant social issues supported by a plan.

Part of the legislation deals with fining parents who do not send their children to school. In some cases parents who do not send their children to school have sufficient means to pay a fine. However, in the vast majority of cases in disadvantaged areas it is not appropriate to fine parents. A bit over one year ago Premier Morris Iemma announced that the Government would crack down on truancy. He said that the Government would introduce prison terms for parents who did not send their children to school. The Liberal Party and The Nationals roundly rejected that and all those involved in the education system as a ridiculous proposal. Fortunately, the Government decided to drop the proposal. I am concerned about the imposition of financial penalties on young people who are independent or beyond the control of their parents. In most cases it would be a pointless measure.

If we want to achieve the desired outcomes—students attending school and getting an education, not roaming the streets and causing problems—this type of legislation must come with a plan. If the Government had introduced this legislation together with a plan we would have well and truly supported it. Unfortunately, it does not come with a plan. The Coalition will not oppose the legislation, but it seems the New South Wales Labor Government has run out of ideas. It is all about spin and media and trying to shape the public's perception that this tired old Government still has ideas. There are serious social problems in New South Wales. Introducing this legislation to deal with truancy and increasing the school leaving age are not appropriate. We need fresh ideas. Unfortunately, the New South Wales Labor Government does not have any fresh ideas.

Mr ALAN ASHTON (East Hills) [11.15 a.m.]: The New South Wales Government does have fresh ideas, such as those proposed in the Education Amendment (School Attendance) Bill 2009. I appreciate the Opposition spokesman's in-principle support for the bill. As a former teacher I want to make a few comments on this bill. To some extent, everyone is an expert on schools. Everyone has attended school or had children or relatives who attended school. That means there is probably no area in which governments come under greater scrutiny than in relation to education. One important issue in relation to schools is truancy. One type of truancy is fractional truancy, which is not significant: occasional, unexplained absences that are generally satisfied with a note. A student may have gone away for a time or on a whim decided to jig or wag school—similar to bundying off. Whilst I used to get into trouble at school, I never jiggged a day's school in my life. I always turned up, although some of my teachers may have preferred I did not.

The member for Clarence, who is seeking to interject, attended the university of hard knocks. I appreciate his comments. It is not only the right of every child in New South Wales to receive an education; it is also the duty of every parent to send their child to school or provide home schooling, if appropriate. Some home schooling situations work very well. I personally prefer that children regularly attend school with their

peers. I believe it is a better way to learn about life. Currently the Act provides a limited means of enforcement in cases of persistent non-attendance. I am not talking about occasional unexplained absences. In the most serious cases the education department must take the matter to court, and the only penalty option available to magistrates is a monetary fine. As the Opposition spokesman said, a monetary fine is not always appropriate.

I have taught at schools where female students, particularly the oldest daughters, were encouraged to stay at home and help mum with the housework and care for a young family. That was to the detriment of those students. Some boys were taken out of school to work with their father, usually in carpentry or another building trade where an extra pair of hands was helpful. That would occur occasionally and it was not generally a great tragedy for the student. However, when it went from being fractional truancy to continuing non-attendance it was a real problem.

This bill will create greater options for the Department of Education and Training and schools to intervene in these cases and avoid the need to proceed to court action. It is a very serious matter to take students and parents to court. A conferencing system is needed so that the student, the principal, the family, the year adviser and other people within the school structure can meet to make sure that the student attends school and court action is avoided. Too often a magistrate can only issue a fine or an instruction that the student must go back to school. Often students with poor attendance at school have problems such as mental health issues. We have heard of cases of students with dental issues, which cause the student to be out of school for a long time. Some students may not be able to get to school every day for various reasons. We need to have a range of options for magistrates in dealing with persistent non-attendance at school. This bill will allow the Department of Education and Training and, if necessary, the courts to better tailor their interventions to address the particular circumstances of a child.

I turn now to one of the newer processes that this bill establishes: the attendance improvement conference. In order to achieve lasting improvements in a child's school attendance it is vital for schools to work in partnership with parents or caregivers and the child. Certain government and non-government agencies and representatives of the community may also have a role to play: the Department of Community Services; the juvenile justice system—although we hope not to have to involve it too often—the police; and the Department of Education and Training, which has people who move around schools to follow up school attendance problems. This means that a wider range of people can be involved.

The bill will enable the Director General of the Department of Education and Training to arrange for a conference to be held with the relevant parties before the matter is drawn to the court's attention. We are putting in place a system that involves informal attendance at a conference with the school principal and the staff about why a certain child is not attending school or why his or her attendance is very poor. Non-attendance or poor attendance at school can mean a failure to complete the School Certificate, which can put a student back a year and might mean that they have to attend school until they are 18 or 19. School attendance is a criterion for passing the School Certificate examination—I think the attendance rate for a pass is about 85 per cent, and I think that level of attendance is now required at universities too. The best way of dealing with this issue is to get the people who know the child and who know why he or she is not attending school regularly to talk with the people who have knowledge of the range of services, support and solutions that may improve the child's attendance.

An authorised person appointed by the director general or the Children's Court will conduct these conferences as the case requires. The person who is appointed to act as an authorised person will be determined according to the student's individual circumstances. For example, if the child is Aboriginal an Aboriginal elder may be appointed to run the conference and take the lead in developing strategies to improve the child's attendance. The essential criterion for a person to be invited to the conference will be that the person can make a positive contribution to improving the child's attendance at school. The conferences may seek to identify and resolve issues in dispute in relation to compulsory schooling for the child and they may seek to identify any services whose provision to the child or his or her family facilitate compulsory schooling for the child. For example, a child may have become a carer.

As members of Parliament we are all aware of situations where the mother or the father is desperately ill or has left the family—and this happens particularly in housing commission areas—leaving a child at home without much support, because the support services are not aware of the situation. With the parents not around or a parent ill, the child may be looking after several younger brothers and sisters. We need to proactively engage that family so that the student does not miss out on an education by having to bring up the rest of the

family. The key to improving that child's attendance would be to identify support services that could assist the family in coping with the parent's illness and relieve the child of the total responsibility that he or she currently has for the parent's care.

Students may not attend school for other reasons. School bullying is in the news today—unfortunately it is in the news too often. The Department of Education and Training and the Government have a policy on bullying, which would be supported by every member of this House. There may be occasional bullying or serious bullying that can have tragic outcomes, but bullying may lead to a student not attending school. I know from experience—and I am sure the member for Wyong knows of such cases—that some students attend school, get their name marked off and then disappear and spend the whole day in the library. They convince the librarian that they are studying for an assignment or a project.

I knew one student years ago who would go to the end of the school and just sit behind a tree all day. He got his name marked off as being at school but there was a much sadder story involved that needed to be identified. It is only after you move around the school and pick up these things that you can give all the care you can to get the student not only to be at school, which is a legal requirement, but also to attend classes and enjoy the experience.

It is also important that the participants in these conferences feel able to speak freely and that attempts are made to identify and overcome the barriers to the student's attendance. Accordingly, nothing that is said in a conference can be used in subsequent court proceedings, except in care proceedings under chapter 5 of the Children and Young Persons (Care and Protection) Act 1998. A parent and other persons attending the conference may give an undertaking with respect to the compulsory schooling of their child. For example, a parent may give an undertaking to attend a parenting or rehabilitation class. We are not trying to apportion blame; we are trying to find a satisfactory solution to regular non-attendance at school.

We recognise that such conferences will not work in every case and that it is only one of a range of new processes that this bill sets up. But conferences recognise that in the first instance the best way to tailor an attendance strategy for an individual is to work with the people who know the child best—invariably the parents, relatives or, in Aboriginal communities, the elders or people involved with the Aboriginal community. I am involved in football clubs in my local area and I know that there is a virtual father figure in some of these schools that takes on these kids. The only thing about school that some kids get any thrill out of is playing sport at the weekend. But to do that they have to attend school, and it is often people involved in sporting groups who take on the role of looking after the kids and making sure they go to school and complete their schooling as best they can.

To get to the stage at which the provisions of the bill come into play a lot has usually happened at the school level, but a higher set of guidelines needs to be established through legislation. The provision for conferencing is a more formal part of the bill and it will give school staff a much clearer role. It will give confidence to the staff that seriously non-attending students will not fall through the cracks and that there is a role for them to play. As recognised by the Opposition spokesman, of course we have to identify health issues and mental health issues and so many other reasons why students fail to attend school. I believe that with the formal construct of the bill, conferencing will enable that.

Mr KEVIN HUMPHRIES (Barwon) [11.27 a.m.]: I speak on the Education Amendment (School Attendance) Bill 2009. It is interesting that what is an educational and social issue has become a judicial issue. I believe that probably reflects wider issues in our community, particularly demographic changes and the social reaction to those demographic changes, and how governments respond to change and whether they have a reactionary response as opposed to a proactive response. The fact that we have devolved this issue further in my time—I have been in Parliament only two years and I have spoken quite regularly about the issues around truancy and the background to truancy—demonstrates that it is an issue, as previous speakers have said, that needs a very careful and considered approach and not necessarily a reactionary approach or a judicial approach.

The failure of families to educate their children and the issues around that failure are often very complex, and they can be as varied in my area—and I am sure it is no different from anywhere else—as housing, parenting skills, peer and social pressures, particularly peer pressures on students not to attend school, and dysfunction within families, which can revolve around issues such as drug addiction and violence. Issues of truancy can be associated with transport or, in some remote areas, the lack of transport. Truancy also can be associated with students who have some sort of learning difficulty.

Those students feel uncomfortable in the mainstream system and become disengaged over time. The issues relating to a family's responsibility to educate a child are complex. Often when families fall down or need support, it is about the community taking responsibility for raising the child and assisting the family. The debate to date has put very little emphasis on alternatives and flexibility in schooling options, particularly with regard to the responsibility devolved to principals—the people who run and operate our schools at the local level. This sort of legislative response takes that responsibility and the responsibility for truancy further away from them and teachers and counsellors. Counsellors, welfare officers and truancy officers are struggling to address this issue.

A legislative response marginalises the system even further and potentially disengages people and distracts us from searching for meaningful strategies to deal with truancy. The penalties that have been proposed by the Government are no more than a reminder of parental responsibility; they are not a solution to truancy. As I have said previously, they are a distraction from deeper issues that our community is not resolving. In fact, we have a demographic shift in many communities—not only in isolated communities but also in urban communities. Too many young people are chronically truanting, and that is particularly true in remote communities. There is no doubt that it is an indigenous problem. We should be more creative in the way that we respond; we should not simply impose penalties.

Mainstream public schooling is not the only option to address this problem. Other options include selective schools, church-run schools, community-based schools, home-based schooling and, as members have mentioned, TAFE and vocational education and training. If we dig down to discover the background of embedded truancy we find that it is largely experienced in our more dysfunctional communities. While I support the conferencing strategy provided for in proposed section 22C, many more barriers need to be considered that will not necessarily be resolved by conferencing.

My experience of 20 years in education—sometimes in tough, remote schools—suggests that once a child is disengaged from the school environment another set of psychological and emotional barriers emerges. It is difficult to get children to come back to school, particularly younger children and early teens, once they have been away from that environment, regardless of whether they have been sick or caught in a truancy cycle. They develop a fear of rejection when they return and that, in turn, puts more pressure on their parents. That is compounded when their parents do not have strong parenting skills or the school concerned does not have flexible re-entry programs. Conferencing is one strategy, but our schools need far better transition programs for families who have disengaged from mainstream schooling. That will require much more parenting education and support for parents, not only to help them to understand the value of education but also to re-engage them in the whole education process.

Members have spoken about the interagency issue and said that it must be addressed. The fact that we still operate with a silo mentality does not necessarily help. One of the best support mechanisms I have seen to get teenage boys back into the education system is the police boys club network. A number of disruptive young lads who were chronic truants at Bourke participated in a police boys club boxing program assisted by police officers and mentors. Those young lads began to feel worthwhile and developed a sense of discipline and teamwork. The arrangement was that if they did not go to school they would not be able to attend training or participate in any competitions.

The school involved had access to a very poorly funded program, but there are other agencies in our community that the education system can rely upon for support. I firmly believe that the police boys club principle works well. I visited Ipswich in Queensland to see how its 8,000-strong police boys club system operates. It enters into contracts with schools to provide time out for kids on long-term suspension. The sports-based programs that the club runs are the entry point and it also runs life skills programs and assists students back into the education system.

The all-or-nothing approach taken in this State will not improve the truancy situation in any meaningful way because it continues to disengage people. The Legislation Review Committee's report highlighted the potential for this legislation to lead to disengagement in disadvantaged communities. That is particularly true given that the Government has raised the school leaving age to 17. The principals I have spoken to call that policy the 300-pound gorilla in the room. The Government has increased the school leaving age, but it has not implemented any support programs. The penalty provided for in the legislation is 100 points or \$11,000. The fact that some students will never fit back into the system creates the potential for the legislation to fail. It will certainly fail people in that position. Although I support the principle of conferencing, much more work needs to be done to support families and to provide more flexible and wide-ranging strategies. Those strategies should be the prerogative of the principal at the local level, which would lead to a far better result.

Reference is also made to compulsory schooling orders. Two Aboriginal education foundations in western New South Wales are doing a fantastic job. Yalari, which is run by Waverley Stanley, has 70 Aboriginal students from western New South Wales attending schools around the State and in Sydney and Brisbane. That number will be increase to 150 next year. The Penfold foundation, which is run by Brother Paul Hough, has placed about 300 Aboriginal students from western New South Wales in boarding schools in the city and around the State. Many communities have experienced "white flight" as people leave country areas, but we are now experiencing "black flight".

When young people do not fit into the mainstream education system, their families are choosing from a far broader range of alternatives than was previously available. The fact that by 2010 we will have about 500 Aboriginal students from western New South Wales attending boarding schools across the State—largely in Sydney—and also in Brisbane is indicative of the alternatives that we should pursue for our disadvantaged communities and families who want more. I sincerely support those foundations and will continue to do so. The Government is struggling to understand this issue.

Is it linked to truancy? Yes, it is, because many of these kids had been systematically disengaged from current mainstream systems. The interagency approach is failing many of our disadvantaged communities and the education system struggles to pick them up. Some fundamental social reform is needed, as the shadow Minister alluded to in his speech. That is why The Nationals and the Liberals are engaging with families and industries around the State on our social policy. Our social policy targets four areas: smarter, stronger, healthier, safer. It is in that order for a reason. The smarter part of our community is the underdone part and probably gets the least amount of attention. If we start targeting our educational systems in a more meaningful way and give them the support they need we will not have to deal with the safer end, where a lot of these kids become disengaged from mainstream schooling and some end up in our detention centres.

Not many people know this, but 10 years ago the average age of a juvenile offender in western New South Wales was 16 years. Today it is 12 years. That is the average age of juvenile offenders coming before our judicial system. This bill will increase it, not decrease it. Today, by the time kids are 16 they are well entrenched in antisocial ways and are well educated in the ways of the criminal world. That is a blight on our community and why we need far more strategies than just coming up with the judicial system and punishing families—which may even marginalise them more. That has to be part of the pie but it has to be in the context of far greater strategies.

Another marginalised group of students are those who struggle because they have learning delays or developmental disabilities. They are often referred to places such as the Dalwood Assessment Centre and Palm Avenue School at Seaforth. Being a rural principal, over the years I have referred students there on numerous occasions. It is a fine facility that has made significant gains for many students I know personally. Many people in New South Wales find it offensive to put that facility under a cloud and relocate it to a health facility dominated by Westmead. I have contacted the Minister for Health for a briefing on the matter, so I will reserve comment on that for the moment. One of the reasons Dalwood was successful was because of its intensive outreach program and its intensive residential program. It is not appropriate to have those students relocated to Westmead—we do not know under what arrangements—and potentially reside at Ronald McDonald House.

The proposal to wind back these services for students who are already marginalised and who fit the description of those who do not attend mainstream school needs far more consideration. I urge the Government to proceed with this legislation in a compassionate way. Much follow-up with parents and families is needed. There needs to be training at the local levels of our schools and our communities. The Government needs to pursue many more alternatives. *[Time expired.]*

Ms MARIE ANDREWS (Gosford) [11.42 a.m.]: I support the Education Amendment (School Attendance) Bill 2009. Participation in education is of fundamental importance to securing a child's future. It was in recognition of this that the Government has recently raised the school leaving age in New South Wales, and this bill is a natural extension to raising the school leaving age. It recognises that a child's education can be disrupted by a wide range of factors and that it is necessary to have a flexible range of options to deal with each individual situation that arises. Tragically, one such situation is when a child of compulsory school age becomes homeless and starts living on the street. While this child needs and deserves an education of the highest quality, he or she may not be ready to resume formal schooling because of what he or she has experienced while on the street.

In another example, some Aboriginal children may have ceased to engage in the formal education system because they feel it is not relevant or meaningful to them. Such children need the help and support of

their community to address this situation and get them back into formal education. Care and compassion needs to be shown to these children. Recognition must be given to their needs. They must be given all possible help to become happy, productive and fully functioning adults. It is first necessary to understand that while a resumption of formal education is a long-term goal, steps need to be taken in the interim to get these children started on the road to their future. This bill provides a way for this to happen.

Under the bill, a child who is unable for social, cultural or other reasons to participate effectively in formal school education may participate in an alternative education program that is approved by the Minister for Education and Training. Students would be deemed to be meeting the compulsory education requirements while they were satisfactorily participating in such an alternative program. For example, this will enable a child who has been living on the streets to participate in a program such as Oasis, which is run by the Salvation Army. I am aware that there is such a program in the electorate of Wyong.

The Oasis program helps get homeless children off the streets, off drugs and alcohol, and away from abuse and violence. While partly an educational program, it also offers other services and family support. It is not a traditional school environment, but programs such as this can play a role in reintegrating such a child back into engagement with compulsory education and training. Such a program would be able to be recognised as an alternative way of meeting the compulsory education requirements of the Act, at least for an interim period. The ultimate aim, where practicable, would be for the child to resume his or her school education.

While the Minister enjoys a broad discretion to approve the program that best meets the child's needs, it would be expected that any program that was approved would be based on a coherent educational rationale; would specify outcomes to students, including transition back to formal school education; and would monitor and report on those outcomes to the Department of Education and Training. Despite recent claims in the media by the Opposition, TAFE courses will continue to be an option for secondary school aged students who are better suited to an adult learning environment. Where a parent or caregiver, a principal and a TAFE institute agree that studying at TAFE is the best option for a student under the age of 15, that child will be able to enrol in either a general studies course or the start of a qualification. The Rees Government recognises the need for a flexible range of options to support children and their families to improve attendance at school. The provision of alternative education programs is one such solution. I take pleasure in commending the bill to the House.

Ms PRU GOWARD (Goulburn) [11.47 a.m.]: I support the Education Amendment (School Attendance) Bill 2009. Like many members who have spoken on this bill already, I realise there are already anti-truancy provisions in legislation and this should be unnecessary legislation. A number of aspects of the bill are helpful, particularly the fact that it strengthens the power of magistrates to impose penalties or to opt for community service orders. When it comes to imposing penalties, such as the maximum of \$11,000 for subsequent offences—that is, for repeated failures to produce a child for school—we are talking about people with very little money who will struggle to pay the first \$2,500, let alone \$11,000. They may be jailed for their failure to pay a fine, which may not lead to anything other than the eventual destruction of the family.

By contrast, the alternative—to impose community service orders on the parents in lieu of a fine or to direct parents to undergo rehabilitation programs that could result in improved attendance by the child—is quite a sensible way to deal with the issue in a mandatory fashion. When we are talking about parents who consistently fail to produce their children for school, like a lot of other aspects of this issue—that is, the issue of neglectful parents—we have to accept that there will be a point where remedies become mandatory, not voluntary.

Magistrates are lawyers who deal with the law. They have no idea about what sort of community service order would work best for a particular family or particular parents, nor the rehabilitation programs that might be necessary. It is difficult to see who is going to make a submission to a magistrate as to the nature of the rehabilitation program. Is it envisaged that the rehabilitation program will be for drugs and alcohol or for parenting, alertness or parental responsibility? The list could go on forever. It could well be beyond the capacity of a magistrate to even be aware of the available remedies, let alone the diagnosis of the problem in the case of a particular family.

Whilst in theory this is a part of the amendment bill that I particularly welcome, it will fail if it is not properly supported by evidence and advice to the court and the magistrate that is appropriate to the family. Again, what has that to do with the Department of Education and Training, which deals with the child and is not expert at rehabilitating lost souls, lost parents, parents with drug and alcohol problems, parents with mental illness or depression, or parents not alert to the responsibilities incumbent upon them? It is great that the bill contains these measures but let us see the detail of how the Government proposes to do this.

The shadow Minister for Education, the member for Murrumbidgee, said that this is about integrated policy. I cannot assume anything other than the Government recognises this and that advice will be needed from the Department of Community Services. The department's involvement is through the child, but it is the agency in the best position to do an assessment of that family and those parents. The bill focuses on poor parenting, not on the outcomes for children in anything other than the obvious fact that children are not attending school.

It will fall to an agency somewhere to make the assessments. If they are well made, it could make all the difference. We all know the benefits of early intervention in a child's life when there are issues of neglect and/or abuse, particularly persistent neglect. Interestingly, they are often not picked up until a child goes to school. State schoolteachers are conscientious and for the first time the child is in a universal system where there is scrutiny of all children. It is often late in the process—by the time the child is five or six—for the State to intervene and very difficult for the Department Committee Services to do so. However, if we can intervene with these families, even as late as when children are five or six, and engage parents in programs that enable them to bring children to school, that is a very good outcome.

Where a child is independent or beyond the control of the parent, as applies to many teenagers—particularly those under the care and control of the Minister—it is difficult to see how a fine of \$110 will make a difference. It is pitiful that the only concession is that it will not be recorded as a conviction. A child between the age of 15 and 17 years who breaches a schooling order does not need a fine. It will do nothing; they will not pay the fine. Will we put them into a juvenile detention facility for failing to pay the fine? It is a nonsense. It is disappointing that the bill does not recognise that a child of 15 to 17 years who is not attending school needs great assistance in finding alternatives for them.

We must also recognise that it is a key indicator of childhood neglect. Children who are not attending school are likely also to not be fed properly, washed properly or emotionally engaged with their families. In the case of Ebony, one of the saddest observations made by the judge in the sentencing hearing was that possibly one of the reasons the child did not speak was not that she was autistic but that she was never spoken to; she was never held, never cuddled and never comforted. The complexity of the neglect is beyond the bill. However, it is important to recognise that when a child does not attend school, or when we have to give them breakfast or mandate their attendance at school, it is more than just parents who have some naive hippy idea about not wanting their children to attend school and be oppressed in the school system. It will never be as simple as that.

Having said that, some people prefer to homeschool their children. A number of my colleagues have already observed that this is easily a front for wilfully, persistently neglectful parents. Again, the case of Ebony stands out. Her parents never ever took her to school. There was always some reason why the school was not good enough. In the end they withdrew her older sisters from school on the same grounds: that they were being bullied. However, as it turned out there was no evidence of bullying. In fact, the children were quite bright students and, I understand, would have been quite happy to continue attending school. As the Child Death Review Team report observed in the case of Ebony, a lot of study has been done about this in the United Kingdom. Whilst this is a not a large group of parents, it is a very dangerous group of parents because these children die of neglect. It is quite easy to see that these families would use the option of homeschooling as an excuse to continue to wilfully and persistently neglect their children.

This bill is perhaps not necessary. However, if it reiterates the importance of school attendance as a way of identifying children at risk, highlights the importance of schooling and education for all New South Wales children and gets those families into the system where they can get the extra support they clearly need, it is a good thing. However, these parents may then turn to homeschooling. It should be noted that Ebony's parents never obtained formal permission to homeschool their children, but that did not stop them from bluffing the caseworkers or anyone else who tried to contact them.

This bill must be supported with sufficient resources. When a family says, "Our children are not going to school because we are going to homeschool them", the department should back that up by replying, "We will check that out and if you do not have a permit to conduct homeschooling, that will not wash; they will be at school tomorrow or you are for it." If that is not the case, this bill will not only fail children, it will make the situation worse. Homeschooling will become a convenient way out for families who wish to avoid, for whatever, sad tragic reason, any responsibility for their children. The Opposition welcomes the bill. We recognise that it merely reiterates what has gone before it. However, it does contain a couple of provisions that, if used wisely and if supported by the relevant departments, will make a significant difference at an early stage in the life of a family that could otherwise well end up in tragedy.

Mr NICK LALICH (Cabramatta) [11.59 a.m.]: I support the Education Amendment (School Attendance) Bill 2009. In particular, I am pleased to support a timely and important amendment that will be made to the Education Act 1990. I refer to the decision to amend the objects of the Education Act to provide that every person concerned in education in New South Wales is to have regard to the provision of opportunities for Aboriginal families, kinship groups, representative organisations and communities to participate in significant decisions made under the Education Act relating to the education of their children. This amendment does not merely apply to the proposed system for improving school attendance; it applies to every significant decision made about an Aboriginal child's education.

The amendment reflects the commitment of the Rees Government to improving the educational outcomes and wellbeing of Aboriginal and Torres Strait Islander students so that they excel and achieve in every aspect of their education and training. It is the natural extension of the Government's Aboriginal education and training policy, which has committed the Department of Education and Training to collaborative decision making with Aboriginal people, parents, care givers and their communities, and affirmed the inherent rights of Aboriginal students to fair, equitable, culturally inclusive and significant educational opportunities so that all students obtain a high-quality education as a platform for enriching their life chances and achieving their full potential. This commitment is reflected in the bill's strong emphasis on collaborative decision making and harnessing the knowledge, experience and enthusiasm of the community to develop strategies that will keep Aboriginal students engaged in learning.

This commitment is also reflected in the bill's move away from a prosecution model towards a system that heavily relies upon alternative decision-making processes. To use a practical example, it is anticipated that if an Aboriginal student has unsatisfactory attendance a conference will be organised that would be attended, and if possible run, by an appropriate Aboriginal Elder along similar lines to circle sentencing. The family, community, and government and non-government agencies would work together to develop a strategy that would keep that student engaged in education. In some cases this may even result in an alternative education program—designed and implemented by the Aboriginal community—being put in place for that student. This is an important part of an important bill. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed) [12.02 p.m.]: I am 100 per cent for the Tweed. I bring to the notice of the House—I am sure every member will be interested to hear this—that my saying, "I am 100 per cent for the Tweed" today marks the 100th time I have uttered those words. I am off the nervous nineties and past the century mark. I am sure every member would be impressed by that.

ACTING-SPEAKER (Mr Thomas George): Congratulations. But it is now 101 times, because you have already said it twice today!

Mr GEOFF PROVEST: I have a particular interest in the Education Amendment (School Attendance) Bill 2009. First I will address comments made by the Minister in her agreement in principle speech with regard to the bill attempting to deal with school non-attendance. It is important that we have a system that is flexible enough to address the underlying causes of the problem. The failure of a family to educate a child can be caused by wide-ranging factors, such as mental illness, drug and alcohol addiction, social isolation, parental disabilities, and an absence of parenting skills or family disruptions. I take on board what our shadow Minister for Education and Training, the member for Murrumbidgee, pointed out in this debate earlier today. While the bill identifies certain key components, increases the monetary penalty for offences under the Act, and expands the range of options available to the Department of Education and Training, it is not a holistic plan and it does not address the real problem.

I have several concerns about the legislation. I have often visited the schools in my electorate, and the teachers do an excellent job. Our local Department of Community Services caseworkers also do an excellent job. From my impressions and from what I have seen, in many cases the families that experience truancy and other difficulties—including, as the Minister pointed out, mental illness, drug and alcohol addiction, and so on—are from a lower socioeconomic area. In the Tweed we do not have a high average income; we have a large number of people on disability benefits, Centrelink payments, and so on. Simply increasing the fines will not address the underlying problem. I ask the Minister in her reply to inform us of how many people have been prosecuted under the existing truancy laws. The shadow Minister for Education and Training referred to the fact that under part 5 section 23 of the Education Act 1990 it is already an offence for parents to fail to send their children to school. Furthermore, under the Children and Young Persons (Care and Protection) Act 1998, if parental contracts are breached the Children's Court can issue care orders to protect the child, with the possibility of the Department of Community Services becoming involved.

The Department of Community Services is already fairly heavily involved in the Tweed electorate. Last year alone, approximately 2,400 cases in the Tweed electorate were reported to the Kids Line, which is an increase of several hundred on the year before. Many of those cases involved child abuse and many referred to issues concerning the welfare of children. In my discussions with the Department of Community Services caseworkers, the Teachers Federation, and the Federation of Parents and Citizens Associations, a common denominator I found in virtually every case we looked at—and we looked at a number—was that the children were disengaged from their local schools, they had poor school attendance, they engaged in a lot of antisocial behaviour, they were involved in some of the notorious youth gangs in the Tweed, and so on. This is a key component in taking a holistic approach.

I note provisions in the new Act for intergovernmental negotiations. I have seen firsthand that there are a lot of silos within government departments. It is particularly relevant in my area of the Tweed because we have a border with Queensland. Often these families live across borders. Currently in the Tweed, around 15 per cent of our schoolchildren within the electorate attend schools in Queensland, and roughly the same number of Queensland children attend schools in New South Wales. I ask the Minister to also address in her reply how these court orders or penalties will apply in my electorate when the parents live in a State other than New South Wales and their children attend school in this State. Will States cooperate in this regard?

The Tweed electorate has approximately 5,500 primary school students and about 3,500 secondary school students. The Tweed electorate is experiencing a fairly significant growth rate in its number of schoolchildren. The Tweed Hospital looks like exceeding 1,400 births this year, whereas last year there were only 1,100 births. Our doctors and nurses are doing a magnificent job, and I always stand 100 per cent behind them. But an increasing number of schoolchildren is relevant. Recently I asked a question regarding the number of demountable classrooms in the Tweed electorate. Currently the electorate has 47 demountables in its schools, and that number looks like increasing to 54. It is a fast-growing area.

The bill strengthens the power of magistrates, including providing an increase of the monetary penalty to \$2,550 for a parent for the first offence, rising to a maximum of \$11,000 for subsequent offences. Magistrates may also opt to serve a community service order on the parents in lieu of a fine, as well as direct parents to undergo rehabilitation programs that could result in improved attendance for the child. I raise a concern with regard to this aspect. We have a number of great-serving magistrates within our legal system in New South Wales, and I very much support them. Recently we had a case in the Tweed that created a fair amount of media attention in Sydney.

I will not mention names but it involved three children under the age of 15 years. The children were not attending school and their parents were regular drug users. The Department of Community Services came in, removed the children from their parents and placed them into foster care. The parents were ordered to undergo weekly urine tests for drug use and if the tests returned a clear result the children would be returned to them. A Sydney magistrate overturned that ruling. He claimed it was an impingement on the rights of the parents to undergo weekly urine tests. I believe that magistrate is way out of touch with community feeling. I do not know of any parent in the electorate of Tweed, or in New South Wales generally, who would find that intrusive. Children are the future of New South Wales and need our support.

On 1 April 2008 former Premier Morris Iemma announced that magistrates would be given the option to make special orders against problem parents if their children were repeatedly missing classes. This would include, as a last option, the prosecution of parents who disobey court orders about school attendance, and potential jail sentences. The Government has finally, 18 months later, introduced this bill to combat truancy. Minister for Education and Training Verity Firth backed away from a "jailing parents" policy and has removed it from the bill. The Liberal-Nationals Coalition has always strongly opposed the jailing of parents. The Government has not been transparent on the truancy rate data that is collected by the schools and the Department of Education and Training. Perhaps it should tailor its truancy solutions for particularly troublesome areas.

I have recently been in the presence of police liaison officers. In the Tweed we have police liaison officers for primary and secondary schools who go out of their way to engage with children. On a number of occasions I have seen children engaging in antisocial behaviour and virtually out of control whilst truanting. I do not expect teachers to approach those children. The electorate of Tweed is undermanned by police and they could not attend on such occasions because of more pressing jobs. I believe the increasing of penalties to fine parents will result in hitting people who are not in a position to pay. Parents who are well off will not be hit by these penalties but it will hit parents who are on Centrelink payments. I am not opposing the bill but I think it is

a little bit of window-dressing. The bill is a step in the right direction but we need a whole-of-government approach. Under the bill parents will be consulted, but as a general rule of thumb truanting children tend to be aggressive. The children usually thumb their noses at authority and walk away, and the parents usually say they cannot control the child, they do not know what to do or where to turn. As always, I am 100 per cent committed to the schoolchildren of the Tweed.

Mr RUSSELL TURNER (Orange) [12.13 p.m.]: As stated in the Legislation Review Digest, the object of the Education Amendment (School Attendance) Bill 2009 is to facilitate the provision of information to the Director General of the Department of Education and Training about children who are not attending school, to provide for confidential conferences with parents and other relevant parties to assist in ensuring a child attends school, to provide for the making of compulsory school orders by the Children's Court directed at parents whose children do not attend school and, in certain cases, directed at children who do not attend school, and to increase the monetary penalties for parents who do not ensure that their children attend school, in particular, where parents fail to comply with compulsory schooling orders.

The Opposition supports the bill but I am concerned that it will not make a lot of difference to parents of truanting children. Some members have referred to Aboriginal parents in this debate and have said that many Aboriginal children do not attend school regularly. The same argument applies equally to all children. School principals will tell you that truancy is always a problem—it occurred even when I attended school. It is great to see more emphasis being put on children receiving a good education, because without a good education the prospects of employment are greatly diminished. I sometimes question why we force children to attend school when we do not look at the reasons for non-attendance in the first place. Often it is because of the negative attitude of a child's parents, who perhaps did not attend school regularly and do not see the need for their children to go to school either. Other parents cannot be bothered to get out of bed in the morning to encourage their children to go to school. I know of instances in Orange where people collect the children to make sure they get to school, knowing it is not the number one priority of their parents on the day.

I cannot see how the increase in monetary penalties for parents who do not ensure that their children attend school is going to make any difference. In fact, it might compound the problems within the family: If one takes money from their social welfare payments too often the children will miss out. We must place more emphasis on getting children to attend preschool. It is too late once children get to high school and have gotten into a pattern of not attending school. By that stage the children have fallen so far behind that they cannot catch up without one-to-one support and a commitment from both the family and the student. More emphasis must be placed on attendance from preschool on. My son was a former schoolteacher and in his view unless you get a child on track from four or five years of age it is almost too late—it is certainly too late by the time they get to eight years of age.

The member for Barwon has spoken about the truancy problem in remote areas. I remind the House that the non-attendance of children at school is not confined to remote areas. We have problems in Orange and I am sure there are problems in metropolitan Sydney. Truancy rates are compounded in remote areas because of the lack of employment opportunities, et cetera. A few years ago I spoke with a woman who lived in a remote area who was desperately trying to get her son to attend school. The woman had about six children and her son who was about 16 years of age would not go to school. He basically said, "What is the point of going to school? I will never get a job." In the area in which he lived there were very few opportunities to obtain employment. It is hard to argue with his reasoning for not going to school. But unless he went to school he stood a good chance of being unemployed.

As previous speakers have said, the regular non-attendance of children is compounded by the introduction of the law that a child must attend school up to the age of 17 years and complete the Higher School Certificate in some form. I agree with the ideals of the legislation and I commend the provision that children will not have to sit at a desk all day studying for the Higher School Certificate if they undertake an apprenticeship or a TAFE course. That is a step in the right direction. But I do not see any point in children who have not regularly attended school and are basically uneducated continuing at school until the age of 17 years when previously they could leave school at 14 years 9 months. Parents and teachers have commented to me that children who are forced to attend school will disrupt the class. They will be dismissed from class for the day, giving them the excuse to wander down the street. Their parents may be under the impression they are at school. They catch up with their mates down the street and because they have nothing to do they inevitably become involved in antisocial behaviour or, worse, break into a house or steal a car. The solution is not to force children to attend school. They have fallen so far behind in their education they will never catch up and concerns have been raised that they will disrupt classes for a further two years.

Although I support these amendments, I do not believe the bill goes in the right direction. I note there will be compulsory schooling orders and confidential conferences with parents. Those measures are a step in the right direction. We must convince parents that the education of their children is vital, and the earlier we convince them of that the better. As I said earlier, education must start in preschool and continue into the first couple of years of primary school. Students must get a good start in their education. Children who do not attend preschool at least three days a week begin their primary school education 18 months behind children who have attended preschool regularly. They will fall further behind if their parents do not see the advantages of education. These children may be the third generation of a family that has never been employed. The parents do not see the benefit of education because they are happy to stay in the social welfare system. That is sad because they miss out on exciting opportunities in life. They are unable to take advantage of all the wonderful opportunities. Although I support the bill, because of the reasons I have stated I do not believe it will solve many of the problems.

I agree with the comments made by a previous speaker about the wonderful work done by the Police and Community Youth Clubs [PCYC]. Orange has a wonderful new PCYC facility. Unfortunately, not every child takes advantage of this facility. Some children have switched off from school and hold a grudge against society. Some do not fit into the PCYC movement because they have never been disciplined about their responsibilities of attendance and participation. Some respond well to the PCYC activities, but for others it is simply a childminding exercise. It is not always the right solution. I cannot stress strongly enough that we must do more to convince parents to take advantage of regular attendance at school when their children are young. Our public schools are great institutions. Whether they are small schools with eight pupils or large schools with 1,000-plus pupils, they offer great opportunities. Sadly, in this day and age children are still leaving the system virtually unemployable, having received very little education. I do not know how that can occur in 2009. We have let down these parents and children. This bill goes some way to addressing the problems but I do not believe it goes far enough.

Mrs DAWN FARDELL (Dubbo) [12.25 p.m.]: I support the amendments in the Education Amendment (School Attendance) Bill 2009, following discussions with parents and teachers in my area and particularly staff who will deliver the program. The member for Orange made sound observations about truancy rates and parents placing greater importance on their children attending school. In my area some children do not attend infants school and on one day the junior high school reported 100 out of 400 pupils not attending roll call. That issue is being addressed at both the junior high school and the senior college. Yesterday I was advised that meetings are to be held to address a number of issues. I thank the Minister for Education and Training for her involvement in arranging those meetings.

One of my constituents has been a foster carer of a special needs child since he was three years of age; the child was removed from his parents' care. My constituent was made his official guardian through the Family Court. She is constantly called to the school about his non-attendance and has been threatened with fines. The boy, who is now 12 years old, has continually run away from home. His foster carer is a wonderful Christian woman who has raised him and loves him dearly. When the boy's father was released from incarceration the boy went to live with him. The father has not been a steady influence and refuses to attend mediation conferences at the school. The boy mixes with youth who are detrimental to his behaviour. He is in that untouchable age group of 12 to 16 years: Under the law they cannot be charged with criminal offences but they have the right to decide where they want to live. As I said, the foster carer, who is the official guardian, is called to the high school to deal with his truancy.

Parents can be fined if their children do not attend school. But we must implement programs to assist the parents, particularly among the indigenous population in my area. Many parents do not place enough importance on education. Education is a necessity in life. Many of the parents are illiterate. We now see generations of young people with low education levels, 15 or 16 years of age, becoming parents. They are unable to provide ongoing educational opportunities for their children. Buninyong school in Dubbo is addressing this issue. With the assistance of student teachers, classes are being held at Apollo House to improve the reading skills of young people and also to help mum and dad with their literacy skills.

Many young people are not suited to attending school after year 10. My son is one of those. My two daughters attended year 12, but my son wanted to work with his dad. He has worked very hard and at 27 years of age he is financially secure. He drives trucks and organises plant hire; he does it very well. I am very proud of Alan. However, others need to complete their year 12 education. The legislation provides that a young person who holds a position or attends TAFE will be exempt from attending school until they reach 17 years. That is a good provision. However, two weeks ago I asked Department of Education and Training staff in my area for

their advice on this issue. They said that smart young people who want to leave school before they reach 17 years will get a job for a couple of months and then leave that employment. What will happen then? Does the legislation cover that situation?

Do we put them back into school until they are 17, when they might be three or six months behind with their education, when they are disruptive in class and when they will lack learning for another six months? How do we address those issues to convince them to stay at school until 17 rather than leave at 16 and go and be smart and get a job for a couple of months and then deliberately get the sack? Not all young people are like that, but people like that are around and they will find the loopholes in this legislation. We need to address those issues. I will support this legislation but we need to look at those young people who will work the system.

Mr STEVE CANSDELL (Clarence) [12.30 p.m.]: I support the Education Amendment (School Attendance) Bill 2009. Something needs to be done to ensure our children get an education and that the students who are at school stay at school. But how do we deal with truancy? It is well and good to have legislation but if we have no plan to back that up there is no point in having that legislation. Legislation is in place now that is not supported to the extent that it should be through truancy officers. Legislation and government departments are in place now to deal with this matter on a whole-of-family basis, not just as an issue concerning the children.

Children who truant are the end result of a major social problem of dysfunctional families. We say we will fine the parent—and at one stage we were going to send the parent to jail—but in many of these families fining the parent will not mean a darned thing. Magistrates can fine them all they want but they are not going to pay the fine. They have not got the money to start with. It is irrelevant whether they are hit with a \$1,000 fine or a \$10,000 fine: they cannot pay it. The whole family needs to be case managed because not just educational issues are involved. Mental health, alcohol and drug problems concern the Department of Health, juvenile justice, corrective services and the police. All those government departments need to be involved in a whole-of-government approach.

In my area a couple of years ago we talked about this issue with the Premier's Department, the Department of Community Services and the police to try to achieve a whole-of-government process rather than just a scattergun approach with the Department of Community Services going to see the family, the Department of Education and Training trying to round up the kid, the police going in and arresting the father, mental health being involved and juvenile justice running around looking for the kid. That sort of approach just goes on and on, with everyone trying to have a little bite. Everyone should be getting together to resolve the whole family problem and get the kid back in school.

Why do kids truant? Obviously, dysfunctional families are one reason. Usually in what we class as middle-of-the-road, normal, functional families, the kids may truant now and then but they have a steady influence at home and peer pressure from friends they hang with. Kids may truant once or twice but it is not an ongoing problem. This legislation is not for these children. This legislation is for children who continuously truant and very rarely get to school.

Extreme dysfunctionality in the family environment is a big issue. Also, students who fall behind very rarely catch up. They feel inadequate in a classroom so they would rather be suspended from school—and that is the beginning of behavioural problems—to cover up their feelings of educational inadequacy. When they come back to school they do not fit in because they are not up to scratch with their education. Therefore, they do not bother going to school. We need intensive tutoring for those children who are suspended or who lag behind in the classroom. There are also issues of bullying. It all comes back to just not fitting into the school environment with other kids.

I will give a small school in my area a real rap. Tucabia Public School is a small school 35-odd kilometres from Grafton. I visited the school about four years ago with Governor Marie Bashir. The school has an ethos of complete inclusivity with all the children. If there is a kid who is falling behind in spelling, the other kids—not the teachers—help them out with their spelling, arithmetic or any part of the school curriculum. If there are other issues and kids feel alone they have a supportive structure in the school—I am sure it would have carried on because it was very successful—to make those kids feel included and part of the school community rather than feeling alone and isolated. This is why kids truant. Children will not go to school if they do not feel part of the school environment. These kids need to be included. We need a whole-of-government approach to resolve issues in their families and to bring these kids into the mainstream classrooms.

The member for Orange mentioned preschools. This is a vital part of these kids' future. Educators have told me that once a year we need to do a Pedals for Pre-school fundraiser, which highlights the need for better

funding of preschools. Children who have not had preschool education start primary school far behind the other kids. Unless they have intensive help in the school classroom, which they rarely get, these kids never catch up. They lag behind throughout primary school and when in high school they are the ones who will wag school. They are the ones that this legislation is there to protect or help.

I know we have had extra funding recently from the Federal Government and some from the State Government. We need to look at the needs of community-based preschools and get the funding up to scratch so that all, not just the middle-class, can afford preschool education, to ensure that every child has the opportunity to get preschool education to prepare them for their future—not just education but their whole future. Kids who stay at school until year 10 and beyond have a normal life, very rarely get involved in crime and very rarely mix with those in the community who do not want to be mainstream. The ones who do not go very well at school and do not want to stay at school normally start hanging with the wrong crowd. They are the ones who are incarcerated and basically live a life of incarceration. This costs a lot more down the track than a little bit of extra funding in preschools in their early life and support for their family through their school years.

As I said, I support anything we can do at all. I support the bill but we need a plan to go with this legislation. We do not need a few lines of support, we need a full support program to encourage these kids. Recently we all supported legislation forcing kids to stay at school until they are 17 through the extension of school learning legislation. But, once again, that was legislation with no plan whatsoever. Kids try to get out of school early because they do not fit into the curriculum. They upset the class and make it difficult for the teachers and for the other students. To keep a lot of those kids at school who are not scholastic—they are not interested in French literature or many subjects that are taught at school these days—there should be some pre-trade courses from possibly year 8 to year 10 to involve them so that when they leave school they have hands-on trade skills that they can then attract—

Mr David Harris: They are there.

Mr STEVE CANSDELL: There is very little. Go to the country. You guys in the city are wonderful! You have got all these things available. Transport in the country is another thing we could talk about for ages. You can just jump on a bus or a train, but in the country there is no public transport and these sorts of opportunities also are not there. The very minimal programs that have been implemented have been very successful. If the Government were to put its money where its mouth is we might get some results. This Government is great with spin and it has enacted legislation to force kids to stay at school until they are 17 years old. Schoolteachers will pull their hair out because the Government has not provided them with any support.

The Government is also discouraging kids who do not want to stay at school from going to TAFE to complete year 10. The TAFE program has been very successful for children who do not fit into the school system. The Parliamentary Secretary is still shaking his head. The Grafton TAFE does a great job with year 10 kids who have been suspended from school or who cannot fit in and who have behaviour problems. They are treated as adults at TAFE and they do very well. We need more funding, not less, and we need a plan to support this legislation.

Mr VICTOR DOMINELLO (Ryde) [12.41 p.m.]: The Education Amendment (School Attendance) Bill 2009 is designed to facilitate the provision of information to the director general of the Department of Education and Training about children who are not attending school, to provide for confidential conferences with parents and other relevant parties to assist in ensuring that a child attends school, to provide for the making of compulsory school orders by the Children's Court directed at parents whose children do not attend school and, in certain cases, at children who do not attend school, and to increase the monetary penalties for parents who do not ensure that their children attend school, in particular, where they fail to comply with compulsory school orders.

I will focus on proposed section 23, which deals with penalties that can be imposed upon parents for failing to send their children to school. Before going into the detail of that proposed section it is important to record that in the 12 months that I have been the member for Ryde I have met within many community representatives and experts to deal with a broad range of issues. We have discussed some of the more difficult social issues, such as alcohol abuse, drug abuse, violence, bullying, racial and social intolerance, mental health and obesity. When I ask how we deal with these complex social problems the answer always focuses on education, education, education. The more money we allocate to education the fewer difficulties we will have in resolving the complex social issues that we must address on a day-to-day basis.

Education is the act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgement and generally preparing oneself or others intellectually for mature life. That act or process can be carried out or achieved by parents, community elders or even oneself. However, schooling is the process of being taught at school. To me, schooling is about learning to learn. Having been educated, as adults we have the tools to learn about the ever-evolving and often more complicated issues that affect us and our community. For that reason it is critical that we as a society emphasise the importance of and need for children to attend school so that they can learn to learn and they have every opportunity to live a happy and fulfilling life. One of the ways to emphasise the community's desire is to impose penalties on parents who fail to send their children to school. Section 23 of the Education Act 1990 provides:

- (1) The parent of a child of or above the age of 6 and below the age of 15 is guilty of an offence if the parent:
 - (a) fails to cause the child to be enrolled at a government school or registered non-government school or to be registered for home schooling, or
 - (b) fails to cause the child to attend any such school at all times when the school is open for the child's instruction or participation in school activities or to receive instruction in accordance with the conditions to which the child's registration for home schooling is subject.

Interestingly, the maximum penalty only 19 years ago was 10 penalty units, which represents \$1,100. The rate of inflation is not reflected in the much more significant penalty imposed by this legislation. This legislation provides:

- (1) A parent of a child of compulsory school-age is guilty of an offence if the parent fails to cause the child:
 - (a) to be enrolled at, and to attend, a government school or a registered non-government school, or
 - (b) to be registered for home schooling under Part 7.

Maximum penalty:

- (a) in the case of a first offence—25 penalty units, or
- (b) in the case of a second or subsequent offence—50 penalty units, or
- (c) in the case of a parent subject to a compulsory schooling order—100 penalty units.

That is, \$11,000. That is a significant increase in the penalties available to a magistrate dealing with a parent who has failed to send a child to school. I applaud the inclusion of proposed section 5, which provides that instead of imposing a fine on a person the court may make a community service order under section 8 (1) of the Crimes (Sentencing Procedure) Act 1999, and may do so as if a reference in that subsection to a sentence of imprisonment were a reference to a fine. Clearly, in addition to being able to impose a far more onerous penalty, the magistrate will have the ability to impose a community service order. That order would obviously refer to attending rehabilitation or education programs about the importance of education. I imagine that magistrates would have a broad discretion with regard to what they could include in community service orders.

If a community service order is breached under proposed section 23 (5) can we assume that that enlivens the court's jurisdiction to impose a custodial sentence for breach of a community service order, or is proposed section 23 (1) (c) intended to provide that even if a parent breaches a community service order by failing to send a child to school pursuant to a compulsory schooling order the maximum penalty is \$11,000? I would appreciate the Minister clarifying that point. I assume that my understanding is correct and that if a community service order is breached then that would enliven the court's jurisdiction to impose a custodial sentence for breach of the court's order; that is, for contempt.

I agree with the member for Murrumbidgee about truancy generally. Truancy is a complex issue and it can have a complex and varied range of drivers. Often it is a result of family breakdown, which can be the result of myriad factors. We need a comprehensive plan. Like other Opposition members, the member for Murrumbidgee was 100 per cent correct. The Government has failed to provide a comprehensive plan time and again, not only with regard to education but also across the field. I should not start talking about this Government's failures with transport, because I could speak about them for the next two hours.

Mr John Williams: You will have to get an extension.

Mr VICTOR DOMINELLO: I would have to get several extensions—and call for a division if necessary. I agree that we need a comprehensive plan. This legislation is evidence that there is no plan. In May

this year the Government introduced the Education Amendment Bill, which, everybody now knows, was designed to alter the compulsory school age definition contained within section 21B. It now refers to a child of or above the age of six and below the minimum school leaving age, the minimum being the age at which the child completes year 10 of secondary education or attains the age of 17 years, whichever first occurs, with a number of qualifications. At the same time as the Government presented that bill—and history will record that the Opposition supported it—it should have introduced the penalty provisions for not going to school. One marries with the other.

If the Government had a plan it would not have introduced legislation saying that you must send a child to school between X and Y ages and then, six months later, say the penalty for not doing so is Z. It is complete incompetence. It shows the Government has no vision and no plan in relation to one of its fundamental responsibilities. We now have a further piece of paper in front of us that could and should have been debated in May this year if we had a competent government. We are now debating issues we could have spoken about in May. There has been more consultation on an issue that should have been consulted on a long time ago. This provision should have been brought together as a uniform package in May—

Mr David Harris: The only scary thing is having to listen to you talk.

Mr VICTOR DOMINELLO: But no, we get this ad hoc plan and ridiculous comments from the member for Wyong, who really does not care. All he can do is make 10¢ worth of contribution that does not do anything for his community. He should ask himself how his contribution represented his community and better advocated its position. No, he wanted his 10¢ worth in *Hansard* so he can go down in history in a screaming heap. I support the thrust of this legislation but I am appalled, again, that the Government has failed to present a comprehensive package.

Mr JOHN WILLIAMS (Murray-Darling) [12.52 p.m.]: I will speak briefly on this bill. I have a fair idea how truancy works. I see quite a bit of it in my electorate so I am pretty well versed with what I see. According to the explanatory note, the purpose of the bill is:

- (a) to facilitate the provision of information to the Director-General of the Department of Education and Training about children who are not attending school, and
- (b) to provide confidential conferences with parents and other relevant parties to assist in ensuring a child attends school, and
- (c) to provide for the making of compulsory schooling orders by the Children's Court directed at parents whose children do not attend school and, in certain cases, directed at children who do not attend school, and
- (d) to increase the monetary penalties for parents who do not ensure that their children attend school, in particular, where parents fail to comply with compulsory schooling orders.

Flashes of the bleeding obvious—if this has not been happening in the past, where are we going? This is a common sense approach that might have been put in place some time before. All these words are great and the proposed actions are great, but where is the resource? If a child in Wilcannia chooses not to attend school, it is a fact of life. Once the child has not attended school for a couple of months he cannot get back into the system, he cannot catch up and he is lost to the education system. If we are concerned about ensuring truancy is addressed we have to break the cycle of truancy. It is a cycle of truancy: the children have started to practice it. How much school you have missed is something of a bragging right: being truant seems to be a badge of honour.

We need to look at the child and ask how we will get him to school. Has he had breakfast? Probably not. Has he had a good night's sleep? Probably not. A routine has to be put in place, and that must be done by a resourced interagency approach that can in some way break the cycle that will continue under the current regime. Good luck imposing monetary penalties! These people never have any money so that will not work. If you take their licence they will probably drive without one anyhow. None of that is going to work. I was amused to hear about Kevin Rudd's preschool proposals for Aborigines. That is a guy who was totally out of touch with reality.

The reality is that in a couple of areas where preschool was provided—I cite Dareton as one case—the bus went around to pick the kids up but the kids were not interested in going to preschool and the parents were not interested in sending them. How are you going to get them to preschool, by military operation? These are pieces of paper. There is not a cohesive approach to addressing this problem, to breaking the cycle, and no-one understands the individual issues of each of those students who decide they will not attend school. There are

many social reasons why the children are missing out. This is an important part of a culture that is running off the tracks. If we could get kids to school and get them educated we might move the needle in the right direction, but all this is purely words. We need to see resources put into place to get it to happen

Mr WAYNE MERTON (Baulkham Hills) [12.57 p.m.]: I am pleased to speak on the Education Amendment (School Attendance) Bill 2009. The object of the bill is:

... to amend the *Education Act 1990* to ensure that children of compulsory school-age attend school, and for that purpose:

- (a) to facilitate the provision of information to the Director-General of the Department of Education and Training about children who are not attending school, and
- (b) to provide confidential conferences with parents and other relevant parties to assist in ensuring a child attends school, and
- (c) to provide for the making of compulsory schooling orders by the Children's Court directed at parents whose children do not attend school and, in certain cases, directed at children who do not attend school, and
- (d) to increase the monetary penalties for parents who do not ensure that their children attend school, in particular, where parents fail to comply with compulsory schooling orders.

Currently in New South Wales parents have a legal duty under the Act to enrol their children in school, or enlist them for home schooling, and ensure they attend regularly. Section 23 of the Act currently provides for the prosecution of a child's parents if the child fails to attend school, with a monetary penalty of up to 10 penalty units. However, as the Minister mentioned in the agreement in principle speech the imposition of a fine may, in some cases, be an additional stress to a family already struggling. School attendance has caused great concern in the community for many years; it is not a creature of 2009. It was an issue when members went to school. Looking around the Chamber, and in the mirror, I note that it has been some decades since several members attended school and that truancy, or wagging as it was called, was an issue in the 1950s, 1960s and 1970s.

In an ideal situation every child should attend school on the appropriate designated days and parents should have every incentive to ensure that children attend school. It is not necessary to speak about the virtue of a good education, particularly in this modern age of technology when it is essential for children to have the appropriate skills to enable them to go on to tertiary education or to undertake a trade. The Opposition does not oppose the bill as it has a number of commendable features.

Proposed section 22C provides the department with the power to convene a conference with persons and agencies to improve a child's attendance. The conference could include the child's parents or carers, the school executive, other government agencies, such as New South Wales Health or the Department of Community Services, and individual members of the community who may be able to assist in improving attendance. It is obvious that if a child does not attend school there is either a single cause or a series of underlying causes and difficulties. Many of the difficulties, if not all, arise from the home situation. Unfortunately we must accept that many young people do not live in happy homes. Many are the victims of sad home environments and, as is reported all too often in the newspapers, of abuse by parents or family members. To suggest that one size fits all and that the reasons for non-attendance are the same for every truant does not reflect reality.

It is important for the department to ascertain the reasons for truancy, and I believe that allowing the department to convene a conference to examine ways to improve attendance is an excellent measure. The Minister stated in the agreement in principle speech that the purpose of the conference is to discuss reasons for a child's non-attendance and to develop strategies to improve attendance. The conference may identify issues that exist in a household or issues affecting the family that otherwise would not have surfaced. Therefore the conference option is commendable. Also, it is important for the department to be proactive in bringing people together to ascertain reasons why the child's attendance is not satisfactory.

I turn briefly to compulsory schooling orders. If, after the conference, school attendance is not satisfactory, proposed section 22D allows the Department of Education and Training to apply to the Local Court, exercising its Children's Court jurisdiction, for a compulsory schooling order. Following evidence being given before a magistrate, an order for compulsory schooling can be made. Proposed section 22D provides that a compulsory schooling order may require a parent to cause the child to receive schooling in accordance with the order. If a child is over 12 years and the Children's Court is satisfied that the child is living independently of his or her parents or the parents are not able to control the child, the Children's Court may direct a compulsory schooling order at the child, in place of his or her parents. For children aged between 15 and 17 years, a fine of

up to one penalty unit or \$110 may be imposed for failing to comply with a compulsory schooling order. Proposed section 22D provides for a maximum penalty of \$1,100 for a parent of a child who does not attend school.

The Opposition believes that the bill is worthwhile, although there has been some inaction on the part of the Government. I recall that back in April 2008 former Premier Morris Iemma announced that magistrates would be given the option to make special orders against problem parents if their children were repeatedly missing school. This would include, as a last option, the prosecution of parents who disobey court orders over school attendance, with parents potentially receiving jail sentences. Now, 18 months later, the Government has finally introduced this bill to combat truancy. The Minister for Education and Training, Verity Firth, has backed away from the Government's jailing policy, which has been removed from the bill.

The bill is a step in the right direction. The Opposition welcomes any measures that can be implemented by the community to ensure that young people attend school and gain the benefit of proper and adequate education. In most cases the facilities are available, but the necessary ingredient is that young people must attend school at designated times and days to complete their education. The Opposition does not oppose the bill.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [1.07 p.m.], in reply: I thank members for their contributions to this debate and their support for the bill. It is the right of every child in New South Wales to have an education and access to the lifelong benefits and opportunity that education brings. Most parents agree with this principle and see that their children are enrolled and regularly attend school. Regular attendance at school is one of the most important contributors to educational success. However, there is no doubt that for some people this is not an easy task and they confront quite difficult hurdles. When working in schools I came across many sad cases of school-aged children who were unable to attend school because of things such as mental or other illness, in themselves or in family members, or because their parents required them to look after siblings so that the parents could go to work.

This bill is important in addressing some of the issues that the most serious cases of non-attendance in our education system confront. I have been advised that last year approximately 400 families were required to go through the legal process. Members should remember that this bill is about last resort measures. Many programs and interventions occur before this stage is reached. Although a number of Opposition members made contributions, they seemed to focus on the fact that they thought these other interventions also should be written into the bill. Clearly, that is not the purpose of the bill. The purpose of the bill is to talk about the last resort, the last part of the process. Many of the Opposition speakers, but not all of them, also showed a serious lack of knowledge of all the processes that are available and taking place in our school system. That is a little sad.

The bill introduces improved processes to help manage the very small number of cases in which parents are not fulfilling their responsibilities with regard to their children regularly attending school. The current provisions of the Education Act regarding attendance were framed in the 1940s and reflect an overly punitive approach. In most cases, if the Department of Education and Training wishes to pursue a case of persistent non-attendance it must take the matter to court. Once in court, the only penalty option available to magistrates is a monetary fine. Such a fine is not well connected to our ultimate goal, which is seeing the child returned to a pattern of regular school attendance. In many cases, a fine may in fact exacerbate the causes of the child's non-attendance.

The member for Murrumbidgee raised this aspect in his contribution on behalf of the Opposition. However, I was a little confused. I am not sure whether the member had read the bill, because all the matters he raised are addressed in it. In particular, the member for Murrumbidgee spoke about other agencies being involved. He said there is no plan to involve the Department of Community Services, the Department of Juvenile Justice, or other departments. It seems the member simply has not read the bill. I direct the member for Murrumbidgee to proposed section 22C, which creates a new, pre-court process whereby the Department of Education and Training is to convene an attendance conference of relevant parties to identify the causes of a child's poor attendance and develop a strategy to address it.

The conference is to include parents or caregivers, the school in question, any relevant community organisations, such as an Aboriginal land council, and any government agency that may be able to play a role contributing to the child's attendance. Such agencies may include Community Services, Juvenile Justice, Health, Police and others. This process is actually written into the bill. This multi-agency approach is one of the principles that underpin the bill. The member for Murrumbidgee is happy to criticise the Government, but

perhaps he should spend a little longer finding out about what he is to speak about. It is disappointing that the member for Murrumbidgee, as the shadow Education spokesperson, showed such a level of misunderstanding of what is proposed.

The member for Murrumbidgee spoke about—as did several other Opposition members—the idea that somehow these students would not be able to access TAFE schooling. The member for Murrumbidgee also repeated the incorrect claims in the media recently regarding options for young people to complete their schooling at TAFE. In a small number of cases, an adult learning environment may better suit an individual student. With the agreement of the student's parents or caregivers, and the principal of the school, and the local TAFE facility, that student may enrol in TAFE in lieu of a secondary school. That is the case right now, and it will continue to be the case in the future. The Minister has made it very clear, so it is completely disingenuous of the member for Murrumbidgee to suggest otherwise.

Recently TAFE New South Wales clarified this process in an email to staff. The email reiterated that all relevant parties must be in agreement that completing years 9 and 10 equivalents at a TAFE college is the best option for the young person in question. This is entirely appropriate. As the member for Murrumbidgee himself said, TAFE is not suitable for every student of this age. To underscore what I have just said, this process is already in place, and it will continue to be in place. The member for Murrumbidgee is utterly incorrect when he suggests the Government is seeking to close TAFE's doors to young people for whom TAFE is the most appropriate option.

The bill provides the Department of Education and Training with new powers to convene conferences of the various parties, including government and non-government agencies, who play a role in identifying the reasons for a child's poor attendance and in working out how to contribute to improvements. The purpose of these conferences is to try to resolve attendance issues without the need to proceed to court. For the serious cases that do proceed to court, the bill also expands the options available to magistrates in responding to these cases. For the first time, magistrates will be able to issue a range of orders that may be more appropriate than the traditional fine. These may include an order for parents to participate in a parenting or rehabilitation program, or for an agency to provide a particular form of support.

The member for Goulburn questioned whether magistrates would be aware of rehabilitation programs that might be available or are taking place for students. I am happy to advise the member that the Department of Education and Training is currently working with the Attorney General's Department to prepare materials for the Judicial Commission to distribute to magistrates on precisely this question. I was a little confused about the issue that the member for Goulburn raised in terms of home schooling. Home schooling has been around for a very long time and it is subject to a very strict process of registration and checking. Parents have to provide the curriculum they are teaching at home, and it has to be signed off on. The member for Goulburn was critical of home schooling. She seemed to indicate that she thought many people who do home schooling use it as an excuse for truanting from school. I think that is an outrageous connection to make. I know a lot of parents involved in home schooling who would be utterly insulted by that sort of connection. I hope that is not what the honourable member meant more broadly, but certainly that is the message that came across from what she said in this Chamber.

I want to briefly address the issue raised by many members of the Opposition about there being no plan. The Opposition has produced a very flimsy document on social policy, together with some very brief underpinnings. All of those things are already included in the State Plan, but they contain a lot more detail. In fact, the State Plan not only addresses all of these issues but it also includes regular checking mechanisms. Recently meetings were held with communities around the State to look at the progress of the State Plan and refine it to make sure it is on track in delivering what it is meant to deliver. Members of the Opposition seem to have very little knowledge about the programs currently in place with regard to what happens in our school system and before-school system. To assist members of the Opposition, I can tell them that there is a program called Brighter Futures. The program is about dealing with children before they enter school, to make sure they have a good transition into school. It is also about supporting parents and making sure that regular school attendance occurs.

Schools as community centres are also set up around the State. The schools have coordinators who work with parents to make sure they have the skills to support their children in education. We also have what is called positive parenting programs, breakfast programs, and after-school learning centres to help with homework. With regard to truancy, there are partnerships with shopping centres, to ensure that shops in

particularly shopping centres do not serve students unless they have a specific pass. A wide range of programs is currently in place to support measures to address truancy. This legislation is about the final process, when all of those measures do not work.

We have student welfare officers in various regions who assist in case-managing children. We also have the Home School Liaison Officer Program. In my electorate I have worked with Nadine Johnson and Carol Jennings. I worked with them as a principal, and I know they are still working in the area. They have told me how difficult their job is: they have been bitten by dogs and they have been physically assaulted. They work very hard to try to support students by making sure they attend school, which includes picking them up in the morning and dropping them home in the afternoon. It is disingenuous of Opposition members to say there is no plan when clearly there is. It is also disingenuous of them to suggest that in their minds none of these services exist, when we have so many people in our community working so hard to deliver programs to support kids so they can continue to attend school. This bill is about adding expanded options for the Department of Education and Training and the judiciary, and it will allow strategies to improve attendance to be better tailored to the individual and family in question in extreme cases. I thank all members for their contributions to the debate. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 25 September 2009.

Mr GEORGE SOURIS (Upper Hunter) [1.20 p.m.]: I lead for the Liberal-Nationals Coalition on the Prevention of Cruelty to Animals Amendment Bill 2009. The Opposition does not oppose the bill. I am also representing the Opposition spokesman on this bill in the other place, the Hon. Duncan Gay, who will make more fulsome remarks when the bill reaches the upper House. The object of the bill is to amend the Prevention of Cruelty to Animal Act 1979 and to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trades and the confinement or use of laying fowl for commercial egg production, and to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal. I commend the bill to the House.

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

[The Assistant-Speaker (Mr Grant McBride) left the chair at 1.27 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: I welcome to Parliament Councillor Steve Procter. I met with Steve earlier on his tour of Parliament House. He is a very welcome guest of the member for Maitland.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.20 p.m.]

BADGERYS CREEK PLANNING

Mr BARRY O'FARRELL: My question is directed to the Premier. Given the Legislative Council's Badgerys Creek inquiry has revealed that Labor lobbyist Graham Richardson's access to senior planning officials has increased to a meeting a month since the Premier appointed Kristina Keneally as planning Minister, does he support her "don't ask, don't tell" policy of ignoring probity concerns surrounding those lobbying her department?

Mr NATHAN REES: Continuing a long tradition, the Leader of the Opposition is bagging some of the best public servants in our State. The Director General of the Department of Planning in New South Wales is one of the most upright and decent public officials I have ever come across. He is a man of utter integrity and decency. Any suggestion by the Leader of the Opposition to the contrary is a disgrace. He is perpetrating an Ern Malley hoax on the people of New South Wales. Today the Leader of the Opposition seeks to traduce the good name of a very competent, highly qualified and well-regarded public official.

Mr Barry O'Farrell: Point of order: Apparently the Premier has an English honours degree. My question was solely about whether he supports the planning Minister's policy of "don't ask, don't tell" in relation to those lobbying her department.

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

Mr NATHAN REES: The Minister for Planning appeared in front of the kangaroo court inquiry and answered every question that was put to her. The Government established the lobbyist register. The Opposition has refused to adopt it. It does not put the number of people nor their names on the public register. We do. Opposition members should put up or shut up.

STUDENT ASSISTANCE

Mr GEOFF CORRIGAN: My question is directed to the Premier. Can the Premier update the House on how the Government is helping students in disadvantaged communities?

Mr NATHAN REES: I thank the member for his question and for his longstanding interest in this most important matter. For too many children early disadvantage damages their chances in life. They struggle to do well at school, they have difficulties finding a job and they may not live the fulfilling life that we all would wish for the children of New South Wales. Labor governments will never be satisfied with that situation. Every child deserves a future that is not determined by their parentage or postcode.

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

Mr NATHAN REES: Every child deserves a future that is not determined by their postcode. That means breaking the link between family circumstances and life opportunities, and education is the key. We have spent the past decade doing precisely that: reforming the education system to give every student the best possible chance. We have reduced class sizes in the early years and introduced the Best Start program to give every child a running start at school. We have reinforced the basics of literacy and numeracy, and the House is only too familiar with our national leadership on that front. We have implemented a learning guarantee to provide every New South Wales student with the opportunity for world-class education and training up to the age of 17.

Today I am pleased to update the House on our latest efforts to break the link between community disadvantage and lower educational results. In partnership with the Commonwealth we are implementing the National Partnership for Low Socio-economic Status School Communities. This partnership will be the single largest program for schools serving disadvantaged communities that this country has ever seen. The Commonwealth has committed \$437 million of new funding over five years for government and non-government schools in New South Wales. On top of this the New South Wales Government has committed \$175 million to expand the partnership even further. This new funding takes our existing State resources to \$1.2 billion for disadvantaged schools and students.

Our co-investment of \$175 million means that we can include in the national partnership program an additional 107 schools that would otherwise have missed out—schools such as Alexandria Park in South Sydney, which the Minister for Education and Training and I visited earlier today, where more than one-third of the students are Aborigines, Claymore Public School in Sydney's south-west or Tamworth West Public School. These schools are now in the program thanks to the New South Wales Government's contribution to this partnership alongside the Commonwealth Government. All up, the national partnership will provide a boost for some 616 schools across New South Wales. In other words, around one in every four New South Wales schools will be part of this program—553 of them are government schools, 39 of them are Catholic schools and 24 of them are independent schools. Appropriately, the lion's share goes to our public education system. More than 170,000 students across the State will benefit, including 19,000 Aboriginal students.

The gap in achievement by postcode is a persistent and difficult problem that will not be solved overnight and it will require some new thinking. That is why we have developed new ways to lift educational outcomes. There are three key areas. The first key area is to train teachers to use data to improve literacy and numeracy results. It is all very well to celebrate the 90-odd per cent of students who do well but we also have to lift, with personalised teaching and personalised attention, the 10 per cent who struggle.

The second key area is improving teacher quality. A key determinant of student success is teacher quality, and some of the State's best teachers are working in our most disadvantaged schools. But we need more of them and we need to keep them longer. That is why funding will enable schools to hire a new category of teacher: highly accomplished teachers. These teachers will be paid close to \$100,000—\$98,000, in fact—to do what they do best: teach. Catholic and independent schools will have similar options. Schools will also be able to attract and employ paraprofessionals to provide additional support in our classrooms.

The third key area is to provide more flexible practices, such as allowing students to work together in smaller groups, teachers working in teams, and before and after school programs, medical services and so on. That is what we are funding: real, concrete activities that will make a noticeable difference in our classrooms and give our students the best start to their education. Good education means work, better health and a more fulfilling life. We will not be delivering this national partnership in isolation; it forms part of a comprehensive plan along with the Teacher Quality National Partnership and the National Partnership on Literacy and Numeracy.

All these partnerships form part of Labor's Education Revolution, in which New South Wales is a proud ally. That revolution goes beyond what occurs in the classroom. It also extends to the massive school infrastructure program currently underway and the digital education revolution, which are giving our students and teachers the best facilities and equipment to do their best. In New South Wales 14 different computer programs loaded onto laptops will make New South Wales students the most computer-savvy students anywhere in the world.

Mr Chris Hartcher: In the world?

Mr NATHAN REES: That is right, in the world. The Opposition did not support the stimulus package, it did not support the new science labs and it did not support the new school halls. It is on the record. The Opposition did not support any of the construction that is now going on right across New South Wales. New South Wales is leading Australia in the implementation of that stimulus package. Part of our practical programs is to make sure that our classroom activities are matched by infrastructure that is absolutely world-class and the best in Australia—a far cry from that pathetic bit of dross the Opposition released as its policy framework the other week. I notice Ern Malley has left the room.

The Coalition has been in Opposition for 14 years and it spent 14 minutes trolling the Internet to come up with a document that was dragged from a Scottish website. Its policy document contained six principles and four goals for education. That is it after 14 years! The goals of the New South Wales Liberals and Nationals will be to deliver equity and excellence by ensuring all students receive a world-class education. Tick—we have already done that.

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

Mr NATHAN REES: The Coalition will provide for universal participation in early childhood education. This is meant to be a policy document. One would think there would be a target and some numbers as to how it would be funded. But there is no mention of any of that. It is a policy that has no detail as to costing,

funding or a target. It also refers to ensuring that every young person has opportunities in education, training or employment. Duh! This is the member for Murrumbidgee's nonsense. This is too good! It also refers to improving the voice of students, parents and teachers in our education system. It does not get much better than that. That is the result of detailed policy work over 14 years. It took members opposite 14 years of effort to come up with that nonsense.

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

Mr NATHAN REES: That is nothing other than embarrassing and it is not policy. In contrast, this State's education system has been independently tested and assessed as the best in Australia by a country mile and one of the very best in the world. We export our curriculum to the United Arab Emirates, Indonesia, Hong Kong and Malaysia. It is an extraordinary system with extraordinary teachers doing extraordinary work. Today we are providing even more assistance precisely where it is needed.

BADGERYS CREEK PLANNING

Mr ANDREW STONER: My question is directed to the Minister for Planning.

Mr David Campbell: There's a surprise!

Mr ANDREW STONER: Why is that so surprising?

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

Mr ANDREW STONER: Will the Minister admit that her "don't hear, don't ask" approach to running her department is not about transparency and accountability but about setting up Sam Haddad as the scapegoat for a decade of New South Wales Labor's abuse of the planning system?

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

Ms KRISTINA KENEALLY: Yesterday Opposition members asked questions about images we did not use and advice we did not take. Embarrassed as they are that they called for an inquiry into land that we did not rezone, they have tried to make this inquiry not about Badgerys Creek but about lobbyists. Let us go to that subject. Here are the facts. We had two days and 10 hours of hearings involving 15 witnesses, three of whom were called twice; we have released 22 boxes of files, at a cost of \$62,000 just to compile the documents in those boxes; and we have had six weeks of media coverage. What have we found? What do we have to show for that? We found that land at Badgerys Creek was not rezoned. In fact, rezoning of that land has been knocked back twice by the Department of Planning. We also found out that Graham Richardson drinks coffee. For goodness sake!

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

[Interruption]

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

Ms KRISTINA KENEALLY: We did not need an inquiry to tell us that Graham Richardson is a lobbyist or who his clients are because that information is publicly available on the lobbyists' register. This Government, Government members, ministerial advisers, our officers and public servants abide by the lobbyists' code of conduct. Members opposite do not.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting. I understand that this is a politically charged issue. However, the standards of the House will be maintained. Members ask questions and Ministers respond. If members continue to interject they will be placed on three calls to order. I will not hesitate to remove them from the Chamber.

Ms KRISTINA KENEALLY: I do not know Graham Richardson, but I do know that his strike rate with the Department of Planning since I became the Minister for Planning is not great. Mr Richardson has lobbied the Director General of the Department of Planning about eight matters over the past year. Of those eight matters, four have been rejected and the other four are under consideration.

[Interruption]

That is what planning departments do—they assess proposals on their merits. The member for Terrigal has no idea how government works. What we have seen here today from the Leader of The Nationals is an attempt to smear the Director General of the Department of Planning, Sam Haddad. Sam Haddad has 30 years of experience in the New South Wales planning system and he has worked at the United Nations. He has served both Labor and Liberal governments with distinction and he has my utmost confidence and support. Any suggestion to the contrary by members opposite here in coward's castle is abominable and should be treated with contempt.

INFRASTRUCTURE INVESTMENT AND JOBS

Mr PAUL PEARCE: My question is addressed to the Minister for Planning. Will the Minister update the House on how major projects are supporting jobs investment in New South Wales?

Ms KRISTINA KENEALLY: I thank the member for Coogee for his question. One person I will not thank is the member for Wakehurst, the shadow Minister, who thought it was appropriate to wink at me when he gave notice of his ridiculous motion. I would have thought that after the Hon. Greg Pearce's behaviour in the budget estimates hearing that men of the Liberal Party would have learnt something about how to treat female parliamentarians.

Mr Brad Hazzard: Point of order—

The SPEAKER: Order! The House will come to order. This debate is about to go somewhere that is not in the public interest. I will hear the point of order, but I ask the member for Wakehurst to be concise.

Mr Brad Hazzard: There is no way that I would wink at that Minister for any reason. Mr Speaker, I ask you to tell the Minister to keep to the substance of the question. Playing the sexist card in here is not what it is about; this is about planning issues.

The SPEAKER: Order! The Minister will resume her answer.

Ms KRISTINA KENEALLY: The member can deny it, but we all saw it. Six months ago the Government implemented an initiative to release details of major project approvals each month and to provide the number of jobs and the amount of capital investment that those approvals will support. I am happy to inform the House about the September figures: 40 major projects were approved in New South Wales in September, supporting 1,364 construction jobs, 479 operational jobs and more than \$1.8 billion of capital investment in this State. Of those 40 approvals, 13 were approved by the Minister under part 3A and five were approved under part 4 of the Environmental Planning and Assessment Act, and the remaining 22 were approved by the Department of Planning. This means that since September 2008 the major projects system has supported more than 61,000 jobs and more than \$19.9 billion of capital investment through 490 major project approvals.

One of the projects approved in September was for stage two of Sydney's \$1 billion central business district electricity upgrade. The \$800 million city grid project will see a ring of electricity substations connected by tunnels under the Sydney central business district and support more than 300 jobs. This approval continues the New South Wales Government's investment in Sydney's electricity supply infrastructure, making our city's power supply the most secure in the country and putting it on par with the best in the world, such as those in London and New York.

The major project system ensures that proposals are vigorously and transparently assessed on their merit. Last month this merit-based assessment led to the refusal of two proposals—the Ashington proposal in Double Bay and the expansion of Parklea Markets as a hotel, retail, convention and exhibition precinct. The Ashington proposal came after months of vigorous assessment and a 52-day consultation process. The assessment found that the benefits of the proposal would not outweigh its impact on the Double Bay area and that the proposed towers would be intrusive on the character and the built form of the town centre.

The decision to reject the proposal was consistent with advice received from the Planning Assessment Commission and the New South Wales Government Architect. The Planning Assessment Commission also reviewed a request to declare an expansion of the Parklea Markets a major project. The Planning Assessment

Commission raised concerns about the current land-use zoning conflicts, about the size and the scale of the proposal and the multitude of proposed uses. As a result, the Government has refused to accept the proposal as a major project and referred it to Blacktown council.

It is clear that the Government's focus with the major project system is supporting jobs, supporting investment, supporting the New South Wales economy. Less clear is what the Opposition's policy is when it comes to major projects under part 3A. Yesterday I took part in a debate with the shadow planning Minister, Brad Hazzard, a debate hosted by the Urban Task Force and ably moderated by Quentin Dempster. In the debate the member for Wakehurst provided a fascinating insight into the evolution of Opposition policy making. The member for Wakehurst confirmed that the Opposition would scrap part 3A and the major project system. But a few minutes later he said, "Except for roads and ports and rail."

Mr Barry O'Farrell: State significant developments.

Ms KRISTINA KENEALLY: Wait, there's more. Then a few minutes later he said, "Oh, and coalmines too." Then a few minutes later he said, "Oh, and projects that cross council boundaries too." Wait, there's more.

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

Ms KRISTINA KENEALLY: Then a few minutes later he said, "Oh, and other things." There was not even the back of an envelope for him to write this policy on. At the rate the Opposition is going it is going to abolish part 3A and replace it with i3A 2.0. We also discovered yesterday that the Opposition plans to introduce a planning panel for every council in New South Wales.

Mr Brad Hazzard: Point of order: Bridges, ports, mines, et cetera—

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

Mr Brad Hazzard: Today's *National Trust* magazine—

The SPEAKER: Order! The member will resume his seat. I call the member for Wakehurst to order for the third time.

Ms KRISTINA KENEALLY: At the debate yesterday the shadow spokesperson said he had explained the Opposition policy on part 3A. I said to the room, "Do you think he has?" and there was a chorus of voices back that said no. So, Brad, people did not quite understand exactly what you were talking about. We also learned that the Opposition plans to introduce a planning panel to every council in New South Wales, an independent hearing and assessment panel-style panel for every council in New South Wales. I do not think that is what local government thought the Leader of the Opposition meant when he said he was going to return all planning powers to council, that he was going to give them a panel to make decisions. What would that cost? One independent hearing and assessment panel costs \$100,000. Multiply that by 152 councils in New South Wales—that is \$15.2 million—and that is assuming that each council has only one project. Who is going to pay for that? Or will the councils pay for it?

The SPEAKER: Order! If the Leader of the Opposition wishes to ask another question, he should seek the call.

Ms KRISTINA KENEALLY: As the member for Mount Druitt pointed out, we are no closer to understanding the Opposition's policy on part 3A than we were last week. Is it, as the Leader of the Opposition says, going to abolish part 3A?

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

Ms KRISTINA KENEALLY: Is it the Leader of the Opposition's policy or is it as the member for Wakehurst said in September?

The SPEAKER: Order! The Leader of the Opposition will not make a mockery of the rules of this place. The Minister has the call.

Ms KRISTINA KENEALLY: He went to the same school of manners training as Mr Pearce and Mr Hazzard.

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

Ms KRISTINA KENEALLY: Is it as the member for Wakehurst said to the Newcastle *Herald* in September, we will not abolish part 3A—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. This was a question about the Government's policies. Clearly they have run out of ideas and can only talk about what the Opposition is going to do. If anyone wants to see what is wrong with New South Wales, this is it—they have run out of ideas.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The member started to take a point of order, but he lost his way. I ask the Minister to begin concluding her answer.

Ms KRISTINA KENEALLY: Is it as the member for Wakehurst told the Newcastle *Herald* in September, they will not abolish part 3A, they will just review it, or is it, as he said yesterday, they will keep State significance for roads, ports, rail projects, coalmines, projects across council boundaries—

Mr Adrian Piccoli: He told you to sit down, Kristina.

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

Ms KRISTINA KENEALLY: At this rate, they will not have anyone sitting over there.

Mr Chris Hartcher: You will be sitting over here.

Ms KRISTINA KENEALLY: I can see why they don't want me to continue.

The SPEAKER: Order! I call the member for Terrigal to order for the second time. Members who continue to interject will be removed from the Chamber. I have extended a degree of latitude to members, but they are now abusing it, particularly Opposition members.

Ms KRISTINA KENEALLY: Maybe it is what the member for Wakehurst said at the end of the debate. Speaking favourably about the number of building cranes in the sky in Abu Dhabi, he said—

Mr Adrian Piccoli: Point of order: You have told the Minister to sit down. She is not being relevant and she is flouting your ruling.

The SPEAKER: Order! I will decide when a member is flouting my ruling. Continual interjections do not assist the Minister to conclude her answer.

Ms KRISTINA KENEALLY: Commenting favourably on the number of building cranes in the sky in Abu Dhabi, the member for Wakehurst said, "Abu Dhabi is doing very well. Perhaps—

Mr Adrian Piccoli: Point of order: You made a ruling about the relevance of the Minister's answer. She has made no effort to wrap up the answer.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I have asked the Minister to commence concluding her answer.

Ms KRISTINA KENEALLY: I am attempting to conclude. They keep interrupting me. Reflecting on the number of cranes in the sky in Abu Dhabi, the member for Wakehurst said, "Abu Dhabi is doing extremely well. Perhaps sometimes a benevolent dictatorship doesn't hurt." I hope the people of Ku-ring-gai are listening, because when you talk about the death of democracy, if this mob is elected, this Abu Dhabi-style development and Abu Dhabi style democracy is coming to a town near them.

Mr Adrian Piccoli: Point of order: The Minister continues to flout your decision. Maybe she does not understand Australian—it means sit down.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. The Minister has concluded her answer.

PLANNING TRANSPARENCY AND ACCOUNTABILITY

Mr BRAD HAZZARD: My question is directed to the Minister for Planning.

The SPEAKER: Order! Government members will come to order. I call the Minister for Emergency Services to order.

Mr BRAD HAZZARD: Given that a senior planning department official, Andrew Abbey, has admitted to meetings in coffee shops—with no notes being kept—how does the Minister—

The SPEAKER: Order! I call the member for Blacktown to order. I call the member for East Hills to order.

Mr BRAD HAZZARD: Given that a senior planning department official, Andrew Abbey, has admitted to meetings in coffee shops—

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

Mr BRAD HAZZARD: Given that a senior planning department official, Andrew Abbey, has admitted to meetings in coffee shops, with no notes being kept, how does she, as the responsible Minister, justify not requiring her department to advise her on who seeks to influence the advice her department gives to her on planning proposals?

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

Ms KRISTINA KENEALLY: It is good to see the member for Fairfax is here in the Chamber again today and has asked the right question for the Opposition.

The SPEAKER: Order! All members who have been called to order are now deemed to be on three calls to order. If members continue to interject they will be removed from the Chamber. The Minister has the call.

Ms KRISTINA KENEALLY: Opposition members fail to understand how a merit-based planning system works. They fail to understand completely. It is the job of the Department of Planning to provide advice to the Government on the merits of planning proposals. That information is freely available in what is called the director general's reports, as well as a number of other documents that are freely available on the Department of Planning's website. People can go on the website today and read the director general's reports and the merits of the decisions taken by the Government. They can read my determination and the conditions of consent that I put on those approvals. People can go on the website and read the issues raised in public consultation.

It is not the job of the Department of Planning to provide advice on the views of particular lobbyists. It is the job of the Department of Planning to provide advice on the merits of proposals. That is precisely what they do. Yesterday at the debate I gave the member for Wakehurst 12 folders full of my decisions and the director general's reports that back them up. I presented him physically with 12 folders of all of those decisions, the merits that sat behind them. I challenged him to put some meat on the bones of their continual claim that there is a culture of decisions for donations in New South Wales. I said, "Tell us which decision, which donation and which development?"

Mr Michael Daley: Too much like hard work.

Ms KRISTINA KENEALLY: It was too much like hard work for him, because he could not point to one. One would think that if there was a culture, the Opposition could at least point to a few. I doubt the member for Wakehurst has ever read a director general's report; I doubt he has ever read a project determination, despite the fact they are freely available on the website of the Department of Planning. It is this Government that has introduced the lobbyist code of conduct. It is this Government that has introduced the lobbyist register. It is this Government that has introduced new legislation that requires proponents to declare political donations when

they lodge their development application. It is this Government that has introduced the joint regional planning panels to determine applications between \$10 million and \$100 million in line with the recommendation and inquiry of the Independent Commission Against Corruption into Wollongong.

It is this Government that has delegated the Minister's decision-making to the Planning Assessment Commission in cases when political donations have been made. It is this Government that is delivering transparency in the planning system; that is delivering confidence, efficiency and certainty in ensuring that decisions are made at the most appropriate level. What we have on the other side is a promise of chaos, a promise of uncertainty, a promise of bureaucratic red tape and a cost blowout that will do nothing to invite investment, jobs or homes to this State.

BUILDING THE EDUCATION REVOLUTION

Mr GERARD MARTIN: My question is addressed to the Minister for Education and Training. What is the New South Wales Government doing to ensure value for money in the delivery of the Building the Education Revolution projects in New South Wales?

Ms VERITY FIRTH: I am happy to advise the House that New South Wales is making great strides in bringing the Building the Education Revolution [BER] to every corner of our State, from the smallest bush community to schools in big cities. I am also pleased to advise the House that as of last Friday, all 1,641 approved projects for rounds one and two of primary schools for the twenty-first century, by far the largest spend under the Building the Education Revolution, have all had their orders placed. Physical starts have occurred at 439 of these schools, with more and more happening every single day. In fact, as you would know, Mr Speaker, the first P21 completion happened in your electorate at Ebor Public School, with the construction of the new covered outdoor learning area, refurbishment of the administration building and new covered walkways and pathways. I hope you had a great day there.

The SPEAKER: It is a great school.

Ms VERITY FIRTH: We are using managing contractors to roll out the main spend of the Building the Education Revolution to ensure that the projects delivered offer value for money, that projects are built on time and under budget, and that projects are delivered with quality and safety assured. I am glad that the Opposition is mumbling, because recent claims by Opposition members that management fees will eat up to a quarter of the funding are absolute nonsense, and they know it. Despite this, they are out there today shopping a fake list of fees to newspapers around the State, despite knowing that these costs are part of the general construction cost of these projects, as they are of other building projects. The rubbery figures being thrown around by the Liberal and National parties are typical of its sloppy and misleading approach to these matters.

This grubby tactic has only served to heighten the anxiety of parents, students and teachers at those schools and I am happy to have the opportunity today to set the record straight. As part of the package the Commonwealth Government provided 1.5 per cent of funding in addition to the funding that is provided to schools to pay for overall program management. This does not come out of any school's budget. It pays for the staff dedicated to managing the program strategy, planning, coordinating the funding applications, delivery, review of value for money and reporting. Four per cent of a school's budget is set aside for the management of that specific project. This covers procurement of projects, including contract administration, scope and nomination management, planning and the coordination of supplies. These are modest figures. In comparison, when the Howard Government ran the Investing in Our Schools Program, the favoured program—

The SPEAKER: Order! I remind the member for Murrumbidgee that he is on three calls to order.

Ms VERITY FIRTH: —they charged 10 per cent. I do not remember the Liberal Party shopping around releases to every electorate in the State attacking the figures in the guidelines of their program. What the Opposition has not understood at any point is that buildings do not just miraculously appear on school sites. There are costs involved in delivering this work. This is a program that is so large, and has to be delivered so quickly, that it cannot be done during school holidays. It means that schools across New South Wales, with a half million children aged between five and twelve, will become building sites. Therefore, site supervision is extremely important when children are at school and there are trucks and cranes around. Site supervision is a construction cost; it is not a profit for contractors. The Building the Education Revolution program is twice the size of the Olympics, to be delivered in half the time and on thousands of sites.

The work that we are doing in schools every day is like building the Olympic Stadium when the athletes are running around in the middle of it. This means particular and unique challenges on these projects and they do come with a price tag. But if the price means child safety, then the Government is willing to pay for it. We have also insisted on working with children checks being done on people who come onto our school sites; that is really important. It is about ensuring the safety of children and teachers. We must ensure the quality of the work, and that cannot be done without paying people to make sure that planning and supervision are provided. I repeat: site supervision is a construction cost, not a profit for contractors. The statewide average cost for site supervision is 6.6 per cent.

This is the most heavily audited public expenditure program ever undertaken in New South Wales. It is being audited by the Building the Education Revolution audit squad and Department of Education and Training auditors, the Nation Building and Jobs Plan Taskforce's probity auditor, Deloitte, the New South Wales Audit Office, the Independent Commission Against Corruption, and the Australian National Audit Office. We have also set up a website where we are progressively and transparently displaying all the costs incurred on school projects. This is an unprecedented investment in our schools—thousands of projects supporting 15,000 full-time jobs a year. Together with our own record capital expenditure in schools, the New South Wales Government is supporting 160,000 full-time jobs a year.

What is so unbelievable is that we have the Opposition out there carping and criticising when, if they had their way, none of this money would ever have gone into any of these schools in the first place. This is the Liberal and Nationals Coalition who wanted an education stimulus package of \$3 billion rather than \$16 billion. This is an Opposition that opposes stimulus spending in Parliament and then Opposition members crawl back to their electorates desperately hoping that the voters do not pick up on the fact that they actually voted against it when they were in Parliament. Opposition members now have the chance to stand up and let the parents and schoolchildren of New South Wales know which schools across the State should have had their projects removed and which schools across the State should no longer get that hall or library.

Why doesn't the Liberal party—the so-called party of small business—stand up and let the hundreds of tradies, architects and suppliers who have found work through the Building the Education Revolution know which of them should have gone to the wall during this economic crisis? This type of policy inconsistency is all we see from members opposite. They are too lazy to craft a consistent education or stimulus policy. The Opposition has an education policy that consists of six principles and four goals, and it is uncoded and unfunded. The Opposition cannot even tell the difference between Minnesota and Chatswood!

Opposition members oppose this stimulus spending in the Parliament but at every photo opportunity and at every ribbon-cutting ceremony they are out there nudging their way into the press releases and into the good-luck story. I can guarantee the House that Opposition members will make no mention of their opposition in this Parliament to this stimulus spending when they go to the schools in their electorates and cut those ribbons and welcome those projects. They will do absolutely everything they can to derail this program every step of the way, but they will be there backing the program when those halls and libraries go up. That is the hypocrisy of this Opposition.

TOMAREE COMMUNITY HOSPITAL

Mr CRAIG BAUMANN: My question is directed to the Minister for the Hunter. How can the Minister claim that services at Tomaree Community Hospital are "adequate" when the hospital has had to spend \$800,000 this year—nearly a quarter of its total budget—on ambulances to take patients elsewhere for treatment, including simple X-rays?

Ms JODI McKAY: I thank the member for Port Stephens for his question. This is the first question that either the member for Port Stephens or the member for the Upper Hunter have asked me as Minister for the Hunter. So this is indeed a red-letter day. It is abundantly clear that we as a Government are getting on with the job of executing what is a long-term blueprint for the redevelopment of Newcastle. That includes schools, basic infrastructure and health services. What we have been able to deliver for the Hunter region is more than what we have seen from the Opposition by way of ideas or policy. In fact, the Leader of the Opposition visited the Hunter twice last month. We thank him for his interest in the Hunter region.

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

Ms JODI McKAY: While the Leader of the Opposition was in the Hunter, he refused to be drawn on any policy, any plan, or any idea for the Hunter region. He had no policy for the future transport connections for Newcastle's central business district. He would not be drawn on that issue—

Mr Andrew Stoner: Point of order: My point of order relates to Standing Order 129. The Minister refuses to be drawn on Tomaree Hospital.

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

Ms JODI MCKAY: The Leader of the Opposition refused to be drawn on any transport connection solution for the inner-city area of Newcastle, he refused to be drawn on any solution for revitalising the Newcastle central business district, he refused to be drawn on how he would deal with EnergyAustralia Stadium, and he refused to be drawn on the issue that exists between the Newcastle Knights and the Jets. As the member for Port Stephens well knows, he came to my office within the last six weeks. We had a meeting about Tomaree Hospital with a local resident, because it was an issue the honourable member had raised previously in this place. I have agreed to look at those issues, and I have agreed to talk to the Minister for Health in regard to them. I certainly understand that there are currently no general practitioners in that area who are willing to undertake, for example, on-call responsibility. We are certainly looking at how we can work through that issue.

The member for Port Stephens also raised with me the availability of accessing X-ray services, particularly on weekends. I understand that issue, given the destination of Port Stephens particularly for holidaymakers and visitors to the area. I have also agreed to raise that issue with the Minister for Health, as the member for Port Stephens well knows. It took us, I think, three goes to try to arrange that meeting with the member for Port Stephens. I believe I ended up writing to the member for Port Stephens to request the meeting—

Mrs Jillian Skinner: Point of order: My point of order relates to relevance under Standing Order 129. The question was about a quarter of that hospital's budget being spent to take patients away from it, and it asked the Minister to explain why she thought it was adequate.

The SPEAKER: Order! The Minister's response is relevant to the question asked.

Ms JODI McKAY: As I indicated, I ended up writing to the member for Port Stephens to indicate to him that I had made a commitment to meet with the local residents. Two or three attempts were made by my office to contact the member for Port Stephens. He eventually responded, he brought the residents in, we met, and I have agreed to look at these issues and to talk to the Minister for Health about them.

BACKYARD SWIMMING POOL SAFETY

Ms ANGELA D'AMORE: My question is addressed to the Minister for Local Government. What is the New South Wales Government doing to keep kids safe around backyard swimming pools in New South Wales?

Mrs BARBARA PERRY: As all members of this House would agree, protecting the most vulnerable in our society is a key role of Government. It remains a sad fact that while backyard pools in New South Wales do provide safe, healthy fun, there are occasions where pools become the location of tragic deaths or injuries of young children. For 0-4-year-olds drowning is a leading cause of accidental death. Of considerable concern is a recent spike in these drownings. Royal Life Saving New South Wales has indicated that eight children under five years drowned in private swimming pools in New South Wales in 2007-2008.

Increased awareness and the tragic reminder of toddler drownings have raised community expectations and acceptance of the need to effectively fence swimming pools. The community has definitely come a long way since broad pool fencing requirements were introduced in 1992. That is why this Government is continuing its efforts to increase pool safety by bringing forward sensible reforms to ensure that a high standard of four-sided barrier fencing is consistently applied to all new pools in New South Wales.

While the Government has already introduced the highest Australian standard for pool fences, these new reforms will bring more pools in New South Wales into line with Australian standards. Changes will include the removal of automatic exemptions to barrier requirements for new pools on large, very small and waterfront properties, there will also be increases in fines for non-compliant barriers, and we will be making it clear that councils need to follow up on complaints received about pools.

As research into pool barriers has demonstrated, the risk of toddler drowning is significantly less in pools with stronger barrier requirements. That is why under these changes all new properties will need to have a

poor barrier that completely isolates the pool from the house. Sensibly, especially for pools on small properties, owners will still be able to use boundary fences and house walls as part of the swimming pool barrier, as long as they meet legislative requirements and the Australian standard. For areas that need disability access, pool owners will continue to be able to apply to their local council for a special exemption if they believe that the barrier requirements are impractical or unreasonable.

To manage non-compliance the Government will increase maximum court imposed penalty amounts under the Act from \$1,100 to \$5,500, as well as increasing on-the-spot penalty notices from \$220 to \$550. Members should note that the penalties are to be provided with a compliance period so that instead of paying a fine, owners can simply choose to comply with the Act. Currently most councils investigate and resolve concerns such as these. Once the amendments are passed, however, it will be clear that all councils will be required to investigate and address complaints within a reasonable timeframe.

To further strengthen compliance, the Government is granting councils the power to enter properties and undertake remedial work to rectify barriers in situations where non-action poses a significant risk to public safety and the owner refuses to do the work. I would expect this power to be used infrequently and to be strictly limited to situations where non-action poses a significant risk to public safety. I believe, and I am sure all members of this House would agree, that there is no cost equivalent to a child's life. That does not necessarily mean, however, that measures to protect life should not be cost effective. As a Government we understand that our role in keeping kids safe around pools is limited. We understand that we can improve fence standards but we cannot keep watch over kids in their backyards. We also understand that primarily keeping kids safe around water is the responsibility of the community.

As a mother with young children I cannot emphasise enough the need to supervise your children, to teach them how to swim and to learn cardiopulmonary resuscitation. The sad reality of many drowning deaths is that many of them are preventable. All too often pool owners prop their gates open or fail to ensure that their fences are in good order. With the summer swimming season almost upon us, all pool owners should get out into their backyards, take a look over their pool fences, check that their latches are working and make sure that nothing is propped open that could give a child access. An unsupervised moment can cost a lifetime. Let us all work together to make this summer as safe as possible.

RETIREMENT VILLAGE CHARGES

Mr PETER BESSELING: I direct my question to the Minister for Fair Trading. In situations where a small retirement village is absorbed into a larger commercial operation, what measures are being considered by the Government to protect residents from exorbitant cost burdens such as excessive payroll tax?

Ms VIRGINIA JUDGE: I thank the member for Port Macquarie for his strong advocacy on the part of his constituents, in particular his representations on behalf of local seniors.

The SPEAKER: Order! The member for Upper Hunter will cease interjecting.

Ms VIRGINIA JUDGE: If my memory serves me correctly, the electorate of the member for Port Macquarie has the greatest proportion of over 65-year-olds in the State. This is a key issue for residents of retirement villages right across New South Wales, their families and members of the community who are considering retirement village living as they get older. As all members would be aware, the Rees Government recently passed reforms to the retirement village legislation. The new laws strengthen the protections offered to residents while maintaining the viability of the industry.

Consultation with all stakeholders is continuing as part of the development of supporting regulations, including meetings between the Office of Fair Trading, the Retirement Village Residents Association, the Retirement Villages Association and the Aged and Community Services Association of New South Wales. The Office of Fair Trading has convened a workshop on the content of the regulation with members of the Retirement Villages Advisory Council. I have also listened firsthand to the views of residents on visits with the member for Swansea to The Village in his electorate and with the member for Wyong to the Lake Haven Masonic Village.

The draft regulation was released on 7 October for a 28-day public consultation period, which closes around about 4 November—there is still time for people to get their important submissions in. This will provide a further opportunity for many voices to be heard and ensures that the regulation provides a fair outcome for our

residents. At the same time it supports absolute best practice in the industry and offers what everyone wants: certainty for all concerned. I encourage everyone with an interest in retirement village living to read the draft regulation and accompanying information, whether they are residents, families and friends, staff or operators.

As part of my ongoing consultation I am hosting a roundtable with key industry and resident stakeholders on Monday 26 October so that everyone has the opportunity to hear each other's views firsthand before the final regulation is made. The draft regulation reflects the Government's responsive and responsible approach to this usually important issue. I will listen carefully to all ideas to ensure that this regulation provides a strong framework for the future. I assure all members that the aim of the Government is to make cost sharing as fair as possible. The member for Port Macquarie has raised this issue with me on a number of occasions. I expect the meeting will stimulate a great deal of debate, which is a good thing, as to whether residents should pay for an operator's payroll tax liability.

As the member for Port Macquarie has outlined, community concerns about this issue have arisen in response to cases where small independent villages are bought by larger consortia and become part of a company that has a payroll in excess of the threshold. This matter has been tested in tribunals both in New South Wales and in Queensland, but with differing outcomes. Operators have argued that the larger scale of the operation results in cost savings to residents; however, to date that has not been clearly demonstrated. The draft regulation currently proposes to prevent operators charging residents payroll tax as part of their recurrent charges unless the village employs sufficient staff to reach the payroll tax threshold on its own. I am really looking forward to hearing the response of people to these proposals.

The current draft of the regulation also prevents operators from using recurrent charges to pay for expenses that are considered to be unrelated to the operation of the village, such as flat rate management or administrative fees. The draft regulation aims to ensure that the operation of our retirement villages is fair and balanced. Other key issues in the draft regulation include the scope of recurrent charges, the treatment of budget deficits and what constitutes capital maintenance or replacement. The Government welcomes the view of the community on these matters.

Before moving into a retirement village there is a huge financial and emotional investment. People should not rush into these decisions or make a hasty commitment based on first impressions alone. That is why I continue to urge people to sit down with family and trusted friends to see what option really best suits their particular needs and to seek legal advice on all aspects of the contract. I will be very happy to meet with the member for Port Macquarie and the retirement village residents to hear their views in person.

CHILD PROTECTION

Mr KERRY HICKEY: I direct my question to the Minister for Community Services. Will the Minister update the House on the Government's delivery of the recommendations of the Keep Them Safe report?

Ms LINDA BURNEY: Caseworkers and foster carers are the front line of our child protection system. These dedicated people perform a tough job. They deserve our wholehearted support. They undertake a big job, and they cannot do it alone. Commissioner Wood said:

... it's not realistic to expect a single government agency to fix the deep-seated social problems that lead to neglect and abuse ...

I am disturbed and surprised by the consistent attacks on caseworkers by the shadow spokesperson.

Mr Adrian Piccoli: Point of order: The Minister is not going to get away with this. My point of order relates to relevance.

The SPEAKER: Order! Government members will remain silent. I ask the member for Murrumbidgee to state his point of order.

Mr Adrian Piccoli: My point of order relates to relevance. It was a serious question and we expect a serious answer. Every time the Minister speaks she accuses the member for Goulburn of attacking caseworkers, which she has never done. We will not allow the Minister to keep doing this.

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

Ms LINDA BURNEY: It is important to recognise the role of caseworkers, not to continually attack them. They have been accused of turning off their answering machines at 4.45 p.m., when in fact Community Services works 24 hours a day. The Government supports our caseworkers and our foster carers. In 2002 the Labor Government had to rebuild the child protection system, including doubling the number of caseworkers on the ground. Commissioner Wood said about this package:

It was a comprehensive and smart package that made enormous gains in the face of an increasingly complex client base and spiralling reports.

Within every large government agency there will inevitably be allegations of and regrettably actual misconduct. It is unrealistic to think it will not happen in a large government agency. To strengthen the system, following Commissioner Wood's recommendations the allegations unit will be centralised under Community Services. Currently, allegations of misconduct by our caseworkers or foster carers are assessed at a regional level. Commissioner Wood recommended that the investigations be brought into a centralised unit. That is happening. Pursuant to law, every single allegation is investigated. Investigations must be fair, thorough and efficient and they must have a clear outcome. Often, investigations that are undertaken prove misconduct. More often than not there is no misconduct. The centralised unit that Commissioner Wood recommended will have 27 people, including 18 new staff. That recruitment is now taking place. An additional \$2.2 million a year will be provided. On 23 June 2009 the shadow Minister said on her website:

My bet is that they will put off all the hard decisions until after the next election, hoping they will never have to take on the unions or make the hard changes Wood demands.

The shadow Minister's words have been proven completely wrong. Her claim is ridiculous, when we look at the Government's measures. We have centralised the allegations unit; we have introduced new legislation, which the Opposition participated in; we have appointed a new President of the Children's Court; and we have established our child wellbeing units. On Monday this week I announced 550 information sessions across New South Wales to train 27,000 workers. That is evidence of the Government acting on Commissioner Wood's recommendations. I do not know what the shadow Minister is talking about. Child protection is everyone's business and we should have a bipartisan approach to this issue. When the shadow Minister was asked for bipartisan support, she was unable to give a commitment.

As the Premier said yesterday, the Opposition's social policy framework is pathetic. There is nothing in the policy about community services. However, the public remembers what the Opposition did when it was last in Government. We cannot build a child protection system that will prevent every child from being hurt by their parents and carers. No child protection system in the world can prevent abuse altogether. But the Government is determined to implement the changes recommended by Justice James Wood. My announcement about the allegations unit is yet another demonstration of the Government rolling out Commissioner Wood's 106 recommendations, which the Government has accepted. We are pushing on with those changes and we will continue to do so, with or without the bipartisan support of the Opposition.

Question time concluded at 3.24 p.m.

EMERGENCY SERVICES PERSONNEL DEPLOYMENT

Ministerial Statement

Mr STEVE WHAN (Monaro—Minister for Emergency Services, Minister for Small Business, and Minister for Rural Affairs) [3.24 p.m.]: I advise the House about the deployment of New South Wales Emergency Services personnel to Queensland and previously to the Pacific. The expertise of the New South Wales emergency services is widely recognised both within our national borders and abroad. As always, our emergency services personnel stand ready to assist our interstate and international neighbours in their time of need. Members would be aware that Queensland is currently experiencing severe bushfires under conditions not seen for many years in that State. On Monday a deployment of 54 Rural Fire Service firefighters—50 volunteers and four staff—left Sydney for Queensland to assist their northern colleagues. They have been working since yesterday morning on fires in the Rockhampton and Bundaberg areas. Those crews will return on Friday morning, subject to confirmation of flights.

At this stage, we have been requested to provide 35 firefighters who will leave tomorrow afternoon from Mascot airport. They will be accompanied, as were the previous firefighters, by New South Wales Ambulance personnel. The team will replace the crews in Bundaberg. We have not received a request to replace

the crews in Rockhampton. This deployment follows the exceptional work of four New South Wales Fire Brigades specialised search and rescue operators as part of the New South Wales emergency response team deployed to Samoa after the earthquake and subsequent tsunami on 30 September 2009. I also recognise the experienced health professionals who travelled to Samoa as part of that response team. Public health specialists trained in emergency medicine and anaesthetics supported by nurses and paramedics were integral to the relief team. Their work is acknowledged and applauded. Of course, our condolences and thoughts are with the people of Samoa in the wake of this disaster.

One of the lasting legacies the Fire Brigades team left Samoa was its \$240,000 cache of equipment. Generators, portable lighting, hand tools and gas detectors were gratefully received by the Samoan Fire Department, and the remainder of the cache was donated to the Samoan people. I draw particular attention to the actions of Station Officer Barnes. One of her fellow officers deployed to Samoa, whom I met at the Fire Brigades training centre, told me about her. Upon hearing that a female firefighter with the Samoan Fire Department was restricted to office duties because her only pair of firefighting boots had been lost in the tsunami, Station Officer Barnes took off her own boots and kindly gave them to her Samoan counterpart. It is stories like this and the willingness of our personnel to go the extra mile to help others in need that make us intensely proud of our emergency services. The Rural Fire Service volunteers and Fire Brigades staff are a credit to their organisations and their State. I thank them all for their efforts.

Mr ANTHONY ROBERTS (Lane Cove) [3.27 p.m.]: On behalf of the Liberal-Nationals Coalition I congratulate the volunteers who served overseas and also those who currently are assisting our interstate brothers and sisters. I particularly extend our condolences to the Samoan and Sumatran-Indonesian communities. Early on the morning of 30 September 2009 a huge wall of water ripped through villages and resorts on the southern coastlines of Samoa and American Samoa. The tsunami also reached as far as Tonga. In Samoa the tsunami claimed 179 lives. In Sumatra the earthquake left 1,100 persons dead and many more injured. Whole families have been lost to these disasters and villages have been destroyed. The earthquake has left a death toll of 1,100, nearly 3,000 people injured and nearly 14,000 homes and community buildings heavily damaged or destroyed.

Australia, in its humanitarian efforts, responded quickly by deploying the Australian Defence Forces. As the Minister for Emergency Services stated, this State has responded by deploying our New South Wales firefighting services. Also, the Australian Government has provided \$17 million on behalf of taxpayers to assist in reconstruction. The Samoan tsunami took five Australian lives, including Maree Blacker from Tasmania; Vivien Hodgins, a Ballarat teacher; a six-year-old girl; and a 15-month-old boy. A number of people are still missing. Some 310 Samoans were seriously injured in the earthquake that originated 190 kilometres south-west of American Samoa.

As part of the Australian and New South Wales humanitarian operations I pay particular tribute to the Australian Red Cross and UNICEF, but also to the Socceroos who, together with their main sponsor, Qantas, and the Football Federation of Australia, have kicked off fundraising for Samoa with a \$25,000 donation. We know that the tragic effects of these disasters extend to our Samoan and Indonesian communities in Sydney and New South Wales. I speak on behalf of the Liberal-Nationals Coalition when I say that we understand that both those communities have very strong faiths and we join in their prayers for the dead and injured as the survivors rebuild their lives and their communities.

PETITIONS

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

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

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

Tumut Hospital and Batlow Multiple Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

Daylight Saving Referendum

Petition requesting a referendum on the abolition of daylight saving, received from **Mrs Dawn Fardell**.

South Coast Rail Services

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

South Coast Rail Line Staffing

Petition opposing the relocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

Princes Highway Rest Areas

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

Rural Rail Branch Lines

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

Gocup Road Upgrade

Petition requesting the immediate upgrade of Gocup Road, received from **Mr Daryl Maguire**.

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**.

Bus Service 400

Petition requesting improved services for the 400 bus route, received from **Mr Paul Pearce**.

Oltan Mine Proposal

Petition opposing the use of open cut mining methods within the City of Lake Macquarie, received from **Mr Greg Piper**.

Pet Shops

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

Game and Feral Animal Control Amendment Bill 2009

Petitions opposing the Game and Feral Animal Control Amendment Bill 2009 in its entirety, received from **Mr Phil Koperberg**, **Ms Clover Moore** and **Mr Greg Piper**.

Quandialla Police Station

Petition requesting the retention of the Quandialla Police Station, received from **Ms Katrina Hodgkinson**.

Shoalhaven Police Station

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

Culburra Policing

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

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

Petitions opposing the construction of tourism developments in national parks, received from **Ms Clover Moore** and **Mr Greg Piper**.

Arakoon State Conservation and Recreation Area

Petition opposing the development of commercial accommodation within the Arakoon State Conservation and Recreation Area, received from **Mr Andrew Stoner**.

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

Royal Flying Doctor Service

Petition opposing the current tender process and requesting a permanent air ambulance contract with the Royal Flying Doctor Service, received from **Mrs Dawn Fardell**.

Blue Mountains District Anzac Memorial Hospital

Petition asking that services at the Blue Mountains District Anzac Memorial Hospital be re-instated and the future of maternity and paediatric services be assured, received from **Mrs Jillian Skinner**.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Notices of Motions (General Notices) Nos 458 to 469 will lapse on Thursday 22 October 2009 pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Planning Transparency and Accountability**

Mr BRAD HAZZARD (Wakehurst) [3.33 p.m.]: At a time when New South Wales has the lowest housing starts for 25 years, when those capable of growing our State are more interested in going to Queensland, Victoria and Abu Dhabi and are more interested in carrying out developments in those areas than in New South Wales, and when the public and business have lost confidence in our planning system, we need to consider exactly what is going wrong in this State. Why is there a smell around the planning system under this Labor

Government? Why do we have a Minister who has had the opportunity to explain herself and to indicate that she will take some steps to ensure that the advice that she is getting from her department is being accumulated appropriately but who seems to just not get it?

The Minister appears not to be interested in discharging her ministerial duty, her fiduciary duty or her obligations to ensure that the decisions she finally makes are not based on tainted advice that has been given to her. A pretty simple little formula for planning is happening in New South Wales. The planning rule book is now contained in this book—the *Whatever It Takes* Graham Richardson text of the politics of New South Wales.

Ms Tanya Gadiel: Point of order: The member for Wakehurst is using a prop.

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Wakehurst may quote from the book, but he should cease waving it around.

Mr BRAD HAZZARD: I am going to do exactly that. In this book Graham Richardson says:

... from my teens to my forties, I learned what makes people tick. I learned the right words to get someone on side and when to say them. If anger was needed or a hint of menace, I learned how to provide it. In short, I was a pretty good persuader, bloody good in fact.

That is what Graham Richardson has been doing in the 10 meetings that he has had with Department of Planning officials, and the Minister is not interested. During her time in office as the Minister for Planning the Department of Planning has responded to a culture that the Minister has allowed to fester: Labor lobbyists, particularly Graham Richardson and a number of others, have ensured that they have the ear—not the direct ear but certainly the ear—of the Minister. That has happened through those various meetings.

In the various inquiries we have heard about a culture that has extended beyond meetings at the highest level inside the Department of Planning to meetings just a bit below the top levels. They are happening not just in the department but also out in coffee shops; they are happening in places around Sydney where there can be no evidence of what is being said. A cosy relationship has been established to the point where the Graham Richardsons of the world—Labor lobbyists—can sit with departmental officials who keep no notes.

We have indications that since this Minister became Minister for Planning there has been an average of almost one meeting a month between Graham Richardson and Department of Planning officials, and that a number of those meetings have occurred in coffee shops. In fact, at the inquiry they were unable to produce notes for a number of those meetings. Andrew Abbey, one of the departmental officials, has had to reconstruct notes because there were no contemporaneous notes. But those notes show an absence of information rather than a wealth of information. This is a cause for concern right across New South Wales, yet we have a Minister who fails time and again to seize the opportunity to stand up and explain what she is doing to ensure that the advice that she is getting from departmental officials has not been tainted by the people who have already indicated through books like *Whatever It Takes* that that is what they will do—whatever it takes to persuade.

The Minister has clearly become the Minister for Joe and Eddie. We know of the close association between Joe Tripodi, Eddie Obeid and Graham Richardson but we also know it took just six weeks for the Minister to collapse the entire structure around the release of land in western Sydney. The Growth Centres Commission was considering the release of land, the Minister transferred from the disabilities portfolio, had a few chats with Joe and Eddie and before we knew it the whole orderly release was gone. We have a stink in this State that has extended to every part of the State, and this Minister is not interested in addressing it.

Water Conservation

Mr PAUL McLEAY (Heathcote) [3.38 p.m.]: My motion should be accorded priority because it is National Water Week this week. We must work with the community to achieve our ambitious water targets. We have set a target of a 24 per cent reduction in Sydney's domestic water consumption by 2015. We need to know that the community will work with us. The Government has to assist the community with the mechanisms to reach that target—a combination of residential, commercial and household water consumption. The only way to do that is by setting ambitious targets and giving people the tools they need to achieve them. There is no better time to talk about this matter than National Water Week and that is why this matter deserves priority.

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

The House divided.**Ayes, 38**

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

Noes, 45

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

Pairs

Mr O'Dea	Ms Hornery
Mr Page	Mr Khoshaba
Mr Souris	Mrs Paluzzano

Question resolved in the negative.

Question—That the motion of the member for Heathcote be accorded priority—put and resolved in the affirmative.

WATER CONSERVATION**Motion Accorded Priority**

Mr PAUL McLEAY (Heathcote) [3.47 p.m.]: I move:

That this House:

- (1) congratulates the Government on being on track to save 24 per cent of Sydney's water needs by 2015 through wise water use and improved technology;
- (2) notes more than 53,200 rebates for water saving devices have been paid out since 2002, saving an estimated 1.8 billion litres per year; and

- (3) calls on the Opposition to celebrate National Water Week and support the Government's Metropolitan Water Plan to secure the water future for greater Sydney residents.

This week is National Water Week. What better time to draw attention to the conservation of our most precious natural resource? Members on this side of the House know how precious water is and we have a plan. The New South Wales Government's Metropolitan Water Plan is a fundamental part of our water strategy. This Government's package of dams, recycling, desalination and water efficiency will secure Sydney's drinking water supply in the face of climate change, uncertain rainfall and the threat of drought. The Government's Metropolitan Water Plan aims to save 24 per cent of Sydney's drinking water needs by 2015. I am pleased to say that we are on target to reach that goal.

To achieve that target the Government has made water efficiency rebates and subsidies available and appealing, and it is actively and aggressively targeting both residential and business sectors. The most popular program, WaterFix, is helping to save a massive 9.9 billion litres of water a year. For just \$22 households can be visited by a qualified plumber who will install new water-efficient devices, including tap-flow regulators, shower heads and toilet system flush arrestors for single-flush toilets. They will even repair minor leaks. The member for Camden told me that he has had tap-flow regulators installed in his home.

Members will see why this program has been hugely popular with more than 475,000 households to date, including more than 73,000 Department of Housing properties. To put this figure into perspective, this is the equivalent of around a third of all households in Sydney Water's area of operations, which covers greater Sydney, the Blue Mountains and the Illawarra. As a Labor Government we are proud to say that this rebate is offered free to low-income households, including holders of pensioner concession cards, health care cards or Veterans' Affairs gold cards. I am also proud to say that the do-it-yourself water-saving kits allow householders to make the same modifications to their homes for free. To date more than 206,200 kits have been given out for free, with more than 16,500 distributed in 2008-09 alone. It is estimated that this has helped save more than 776 million litres of our precious drinking water per year.

Our rainwater rebate has encouraged more than 53,600 purchases of rainwater tanks since October 2002. The rebate is available across the State by applying to one's water utility or directly to the Department of Environment, Climate Change and Water. To encourage the maximum water-saving yield from a tank the program offers rebates ranging from \$150 for a 2,000 litre tank to \$500 for tanks with a capacity equal to or greater than 7,000 litres. An additional rebate of \$500 is available if a licensed plumber connects the tank for indoor use to supply a washing machine or a toilet, and \$1,000 for a connection to both. This program alone has saved an estimated 1.8 billion litres of water per year. These are big numbers. To put it simply, this is the saving of the equivalent of 1,800 Olympic-size swimming pools of our precious drinking water.

We are not only targeting water saving in the home; we are also encouraging people to save water in their gardens. For just \$33 you can sign up to our Love Your Garden Program. For \$33 people will be visited by a qualified horticultural expert to evaluate the amount of water the garden needs. Smart water tools such as tap timers, rain gauges and tap tags are provided, along with a detailed report to assist the customer to adopt a watering schedule that is matched to their garden's water needs. To date more than 18,900 properties have been visited, helping to save an estimated two billion litres of water through more appropriate watering practices.

We on this side of the House know we cannot just save water in the home. Around 27 per cent of our daily water use is by businesses and industrial users. So we are targeting Sydney's largest water-using businesses to identify and encourage improvements to their water management systems. To date our Every Drop Counts business program has helped over 400 businesses save more than 15 billion litres of water per year. Across greater Sydney 122 water monitoring systems have been installed in businesses to help businesses monitor and reduce their water use, with a further 100 sites being targeted for installation. More than 50 water efficiency audits have taken place at factory floors, offices and sporting fields to identify water-saving opportunities in businesses, and more than 2,000 smart rinse valves have been installed in kitchens, helping to cut pre-rinse water use by 42 per cent. This hugely successful program won the prestigious Stockholm Water Prize in 2006, was a finalist in the 2008 Save Water Awards and was runner-up in the 2009 AWA Water and Environment Merit Awards.

We are not just sending our plumbers into homes; we are also sending them into businesses across greater Sydney to identify water-saving opportunities. Our BisFix program is helping businesses to reduce water use in their bathrooms. A qualified plumber completes an audit and report detailing water-saving opportunities

and their associated costs. To help encourage businesses to take up the water-saving opportunities Sydney Water provides 50:50 co-funding to the business to implement the findings of the report provided to the business. Last year alone audits were conducted at 70 businesses.

Our water efficiency programs do not extend just to homes and businesses; they also extend to our schools. On another day I will tell the House all about the wonderful work that has been happening in our schools, particularly in my local area, which this week have their water monitors back in training to make sure every drop counts. We have our plan and we are implementing it. We are disappointed that the Opposition has no plan to secure our water future, no plan for Sydney, and it is leaving us high and dry.

Ms KATRINA HODGKINSON (Burrinjuck) [3.54 p.m.]: I move:

That the motion be amended by the addition of a new paragraph (4):

- (4) condemns the Government for overcharging New South Wales residents with massive water charges of up to 40 per cent to pay for an unwanted and unnecessary desalination plant.

I am sure the mover of the motion would be interested to know that this is Back to Burrinjuck Week, celebrating 100 years of Burrinjuck Dam. Celebrations will be taking place all week in Yass and Bookham and the surrounding districts.

Mr Geoff Corrigan: You should be down there.

Ms KATRINA HODGKINSON: If it were not a parliamentary sitting week I would be down there. On parliamentary sitting weeks it is our responsibility to be here to represent all the citizens of the electorate. I pass on my best wishes to the organisers of Back to Burrinjuck Week, and my best wishes for a wonderful celebration. I know a lot of hard work has been undertaken for those celebrations to occur. Getting back to the motion, I congratulate the people of Sydney on the water savings they have made as part of the water wise rules that were brought in by Sydney Water. We should praise those people where and when it is due. These water wise rules have been in force for the past three months.

Part of the motion calls on this House to congratulate the Government for being on track to save 24 per cent of Sydney's water needs by 2015. It is now October 2009 and the figures for the first quarter of the first year of the projected savings are now in. There are three more quarters to go during this financial year and 23 quarters left before the target date of 30 June 2015. That means a little over 4 per cent of the time for the water savings to be met has passed. Does anyone here believe this is an appropriate time to congratulate the Government on its performance? It is a bit like congratulating a marathon runner before the start of the race for not tripping over at the starting line. It is a bit rich to be looking for reasons to congratulate yourself when only 4 per cent of the time has passed.

I recognise water wise is a water-saving plan. The Minister's press release, which came out about four weeks ago, showed an increase of just 1.3 per cent in water usage since the plan began. However, I ask the Minister: What is the usual increase in water usage in Sydney during the last months of winter and the first of spring? An increase of 1.3 per cent is impressive but the Minister does not say 1.3 per cent of what or compared with what. I have real concerns about the savings the Minister is talking about, given we all know that State Labor has an absolute addiction to spin and deception over substance.

I took a quick glance at the Sydney Catchment Authority website. Let us look at the last week in September 2008 and compare it with the same week this year. In the week ending 2 October 2008 the Sydney Catchment Authority supplied 9,784 megalitres of water to Sydney. During the week ending 1 October this year the Sydney Catchment Authority supplied 10,723 megalitres to Sydney. That is a 9.5 per cent increase in water usage for this week. While other weeks varied, some with an increase as low as 4 per cent, most increases were significantly higher than 1.3 per cent. Perhaps the mover of the motion would care to explain, or have the Minister explain, what the 1.3 per cent figure refers to. The figure that the Minister proudly touted in his press release is worthless without a proper explanation. It is right up there with his explanation as to why he cannot waive fixed water charges for general security irrigators who have suffered two or more years of no allocations on the Lachlan, the Gwydir and the Belubula rivers during this incredibly extended drought.

Irrigators are screaming out for assistance. Some of these people have had no general security allocations for six or seven years. They are crying out to the Government to waive fixed water charges. It is not uncommon for some irrigators to pay \$25,000 or \$30,000 a year in fixed water charges yet receive nothing, not

a drop. A fortnight ago in Forbes on the Lachlan River I was delighted to announce that it will be the Coalition's policy to waive fixed water charges for general security irrigators who have not received any allocations for two or more consecutive years during the present devastating drought. Many third party groups greeted that announcement with great acclaim, and I was delighted to be able to make that announcement.

The motion notes that more than 53,200 rebates for water-saving devices have been paid out since 2002, saving, the Minister claims, an estimated 1.8 billion litres of water. I hope that data is correct. If so, that is not to the credit of the State Labor Government but to the credit of Sydney residents, who have also contributed their own money towards installing water-saving devices. The water rebates are partial payments for the cost of the whole installation. That the residents of Sydney, Wollongong, Newcastle and surrounding areas have taken up these rebates reflects very well on them and I congratulate those individuals. The figures are not all that great if they are used to measure the success of the rebate scheme. How many houses are in the greater Sydney metropolitan region? Certainly it is not 53,200, which would mean 100 per cent uptake of the rebate. In fact, Sydney Water supplies water to 1.7 million households. That means that the take-up rate of the rebate is 3.12 per cent.

Mr Paul McLeay: No, it is not; it is 30 per cent.

Ms KATRINA HODGKINSON: Sydney Water supplies water to 1.7 million households. Why on earth should we congratulate the Government on statistics like that? I will allow the member for Hawkesbury to continue to speak to the amendment.

Ms TANYA GADIEL (Parramatta) [4.01 p.m.]: Every drop of water saved through rebates is another drop in our dams. The New South Wales Government has targeted showers and washing machines through significant subsidies and rebates. Now it is tackling the last remaining big water user in many homes, the toilet. Our do-up-your-dunny rebate is supporting jobs in western Sydney. I notice that the member for Camden has used the water fix service but the question is: Has he used the do-up-your-dunny rebate yet? This \$16 million program is the Government's plan to replace single-flush toilets with water-efficient, dual-flush models. More than 12,000 homes had taken advantage of the water saving toilet subsidy, helping to save 260 million litres of drinking water annually.

Some 40 dual-flush, subsidised toilets have been installed every day, or 1,000 every month, across greater Sydney since the introduction of this popular program. The program offers a choice of three water-efficient models and includes installation by a qualified plumber and removal of the old unit. Households can save up to \$370 on the toilet purchase and installation and can have the cost of their new toilet spread over four water bills. The service takes about three hours and the toilet is covered by a 10-year warranty. Average households can save up to \$50 a year on their bill by switching to an efficient loo. Importantly, this program is supporting 300 jobs in western Sydney at Caroma Dorf's Wetherill Park factory.

As I mentioned previously, the Government offers a \$150 rebate on washing machines rated 4.5 stars or higher for water efficiency as part of the Government's Climate Change Fund. I am pleased to say that our data shows that the Government rebates have driven down the cost of water-saving washing machines, halving the average retail price. The average price of 4.5 –star-rated water-efficient washing machines has dropped from around \$1,600 to less than \$850 since the introduction of the rebate 12 months ago. That is a huge saving and a welcome ease on the family budget.

It also proves that our \$150 rebate is clear incentive for people to buy water-saving washing machines. Our research shows this had made a notable difference in the market for these machines. Since we introduced the rebate last year more than 23,800 people have taken up the \$150 rebate. Not only has the Government rebate driven prices, consumers also receive a \$150 rebate off the cost price. They have been able to save money off their water bills over time. It also represents a huge water saving. Washing machines are one of the highest water users in the household and the average 4.5 star washing machine saves around 24,000 litres of water a year.

To date the Government's washing machine rebate is helping to save more than three billion litres of water a year. But the good news does not stop there: our rebate has encouraged industry to become more water wise in order to respond to this increased demand. Manufacturers have increased the number of models of water-efficient washing machines rated 4.5 stars or higher to meet the new demand and 4.5 star washing machines are now cheaper than ever, with some popular models retailing for around \$700.

Since the Government introduced a rebate on washing machines rated 4.5 stars or higher last August, the number of residents buying 4.5 star water-efficient washing machines has increased more than tenfold, while the number of models registered under the Water Efficiency Labelling and Standards Scheme has increased

more than sixfold. Currently 35 per cent of all washing machines sold in New South Wales are rated 4.5 stars or higher, up from 2 per cent just 12 months ago. We are leading the change in water-saving efficiencies and programs. Householders, businesses and industries have responded. In fact, only the Opposition has not responded. It refuses to get behind the Government's programs, which save families money, save our precious water and save our water future.

Mr RAY WILLIAMS (Hawkesbury) [4.06 p.m.]: Once again this incompetent, broken and morally corrupt New South Wales Government pats itself on the back in this House and commends itself for saving a few drops of water in the delivery of a service it is charged to provide to the residents of New South Wales. The Government has delivered the rebates through overcharging with a 40 per cent increase in water bills over the last couple of years. I have lived on tank water all my life. I have never had to use a drop of Sydney water. Areas such as Box Hill, Nelson, Oakville, Maraylya, Maroota, Wisemans Ferry, St Albans, Lower Macdonald, East Kurrajong and Blaxlands Ridge have tank water and the people there do not depend on Sydney water.

People in my area know everything about water harvesting and how important it is to capture water because if we do not retain water on our own properties we do not survive. People in areas such as Wilberforce, Freemans Reach and Glossodia obtain their water from the Hawkesbury River. They, too, do not draw on the reserves of Sydney water. It is important to note that the many residents in the new growth areas of Kellyville, Beaumont Hills, Rouse Hill, Stanhope Gardens, Kellyville Ridge, Glenwood and Quakers Hill paid \$1,000 for the privilege of having recycled water from the Rouse Hill treatment plant directed back to their homes.

They are now paying 500 per cent or 600 per cent more for the privilege of having that recycled water pumped to their homes and they are also paying 40 per cent more for their potable water. They are getting it in the neck twice because they are paying for an unwanted and unnecessary desalination plant that we were promised by this lying Government we would not get unless dam levels dropped below 30 per cent. That was a lie perpetrated by the former Premier of this State. However, the Government went ahead and constructed the desalination plant. The lie that the Government continues to perpetrate is that it was not going to start that desalination plant unless the reserves in dams dropped to 30 per cent. I can inform the House that the Government is now proposing to commence and run that desalination plant when dam levels are at 70 per cent.

I can also inform the House that the levels of the dams, especially Warragamba Dam, will never be at 70 per cent because the Government currently pumps water over the banks of Warragamba Dam and down through the Hawkesbury River to ensure the dam levels never reach 70 per cent. That is to justify the operation of a desalination plant, so that the Government can run the desalination plant and it can continue to gouge money out of the residents across New South Wales—people like pensioners, self-funded retirees and low-income people who are struggling at this point of time, paying hundreds and hundreds of dollars more a year for their water charges from this morally corrupt New South Wales Government. I speak about people such as Bob Newland of Oakville, who has got Sydney water, albeit from the Hawkesbury River, to his dam. He says:

I suppose you are already aware of the massive price increases imposed by Sydney Water over the past 12 months.

Nevertheless I thought I should once again draw to your attention the very recent history of Sydney Water price increases.

1st July 2008, a price increase ... of 20.24%.

1st July 2009, a price increase ... of 16.15%.

Therefore a total price increase of [some 40 per cent] in 12 months was applied at a time of world financial crisis, where most companies struggled to survive, and the Australian Government spent massive amounts of (our) money to stimulate the economy.

I speak about people in Kellyville—as I said before, in areas that were charged \$1,000 per home in order to get recycled water. Mr Brian Leonard is now paying \$75 more per quarter for his Sydney Water charges than he was paying in 2006. These are the Sydney Water charges that those thousands and thousands of people from the electorates of Riverstone are forced to pay. I cannot believe that the member for Riverstone is not in the Chamber to argue against his own Government implementing this hardship on the people of his electorate, given that they have been impacted by this massive increase in Sydney Water charges by this incompetent New South Wales Government.

Mr PAUL McLEAY (Heathcote) [4.11 p.m.], in reply: I thank all members who have contributed to this debate. Members on both sides provided some interesting points of debate and contention. We all join in the Back to Burrinjuck celebrations and we wish the people of Burrinjuck well for their centenary celebrations this week.

Mr Thomas George: What about the Lismore Show?

Mr PAUL McLEAY: I acknowledge the Lismore Show as well. The member for Parramatta distinguished herself with her talk of the dunnies of Parramatta and the do up your dunny campaign. I think it is

part of the Premier's strategy on plain speaking that he announced last week, and I am sure the campaign will win an award. The amendment of the member for Burrinjuck, which suggests that the Government should be condemned for its desalination plant, is misguided given that the Opposition's proposal at the last election was about people drinking recycled water. It was a mischievous campaign that preyed on people's belief that recycled water is wholesome. People seem to think, "This is surely better. I recycle my newspapers, I recycle my bottles, so why wouldn't I recycle my water?"

But what the Opposition did not explain was that its policy was not just about people's gardens and washing machines but also about getting the run-off and the effluent from the streets and the stormwater drains, which sounds like a good idea, as well as from showers, sinks and bathrooms, then filtering it through exactly the same reverse osmosis process as the desalination plant, and then pumping it into the dams or pumping it straight back into the water system and having people drink that water. The problem with that is that if we are forced to drink our own effluent—

Ms Katrina Hodgkinson: That's a ridiculous proposition.

Mr PAUL McLEAY: The Opposition said it was just a case of this water is cleaner and greener than anything else. Under the Opposition's policy the process was exactly the same. The process with recycled water is exactly the same as the reverse osmosis through desalination, except that recycled water has to be either pumped back into the dam or pumped back into the system. To use some catchy terms, under our policy of using a desalination plant if something goes wrong the water might be a little bit salty, whereas under the Coalition's policy if something goes wrong the water might be a little bit silty. Ours is a much safer option for people. A desalination plant should be something that is part of the suite of services that we provide.

The SPEAKER: Order! Opposition members were heard in silence. They will pay the same courtesy to the member for Heathcote. The member for Burrinjuck will cease interjecting.

Mr PAUL McLEAY: The notion that we should build infrastructure and then never use it is simply ridiculous. The Opposition seems to suggest that we should not prepare for what we on this side of the House agree is coming—that is, climate change. Climate change will lead to changes in water patterns and rainfall patterns. If the Opposition suggests we do not need the desalination plant because for two years the State's dam levels have gone up, that means the Opposition does not accept climate change. Indeed, I believe the Opposition is making that very clear.

The national debate fuelled by The Nationals particularly, together with strong elements of the Liberal Party, in not accepting the notion of climate change and not accepting that we need to do something about the change in our climate and the change in rainfall patterns—which will have the biggest impact on New South Wales—shows that the Opposition has its head in the sand. Not only is the Opposition not taking a proactive role but it is pretending that climate change does not exist. We have made a decision. We have built a desalination plant and we will use it. It will not be a case of building the plant and having it sit there or pretending we do not need it in the first place. We have a suite of options and we have a strong water plan—as opposed to the other side of the House, which has no plan at all.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 46

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

Pairs

Mr O'Dea	Ms Hornery
Mr Page	Mr Khoshaba
Mr J. D. Williams	Mrs Paluzzano

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

The SPEAKER: Order! It being just before 4.30 p.m., the House will now proceed to Government business.

**ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (HEAVY VEHICLE
REGISTRATION CHARGES) BILL 2009**

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

Agreement in Principle

Mr DAVID BORGER (Granville—Minister for Housing, Minister for Western Sydney, and Minister Assisting the Minister for Transport) [4.26 p.m.]: I move:

That this bill be now agreed to in principle.

The purpose of the Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009 is to provide a more administratively efficient mechanism by which the New South Wales Government can give practical effect to ongoing national commitments for heavy vehicle registration charges. The bill will align the heavy vehicle legislation in New South Wales with parallel legislative drafting in other jurisdictions, and will reduce the risk of New South Wales potentially facing a comparative financial disadvantage. It is important that New South Wales is not disadvantaged by other States and pricing decisions in relation to heavy vehicles.

The Act currently requires a Cabinet decision and legislative amendment each time a national decision is implemented or new, more productive heavy vehicles are introduced. Placing the descriptions of heavy vehicles and the annually adjusted charges in the regulation will improve the agility of New South Wales in responding to rapid technological and intergovernmental change. The bill will also facilitate the timely introduction of newer, safer and more productive heavy vehicle configurations, providing New South Wales the

opportunity to better address significant challenges including climate change, safety, efficiency and congestion. The amendments in the bill will ensure that New South Wales continues to fulfil its commitment to national consistency in administering heavy vehicle registration charges.

This bill is a result of extensive consultation by the National Transport Commission between all States, Territories and relevant industry groups. In addition, the New South Wales Government has undertaken extensive consultation with the road transport sector in New South Wales. New South Wales must fund improvements in road infrastructure to support the valuable contribution of the heavy road freight and passenger transport industries to the people of New South Wales. The National Transport Commission heavy vehicle charges determinations aim to ensure that expenditure on road maintenance and improvement is proportionate to their use by heavy vehicles.

This bill acknowledges that the current rate of innovative technological change means more productive heavy vehicle combinations must be recognised by the determinations at regular intervals. It is sensible that New South Wales is able to respond swiftly to these changes. The bill facilitates transparency in the charging regime by strengthening the prohibition on any regulatory amendment attempted without reference to an Australian Transport Council or intergovernmental agreement.

Essentially, this bill allows New South Wales to align with other States so that we have a nationally consistent system when charging heavy vehicle users for their impact on and damage to our roads and so that no State is disadvantaged in relation to the national road freight industry. The bill also brings forward part of the planned consolidation of road transport Acts into a single Act, which was scheduled to be undertaken in late 2010. Consistent with the Better Regulation Principles, the consolidation will simplify application and interpretation of road transport law for legal practitioners, administrators and all New South Wales road users. The State Government is determined to ensure that the national reform program causes minimal disruption to freight operators at a time when the global financial crisis means many are already doing it tough.

Following consultation with the road transport sector, including the New South Wales Road Freight Advisory Council, the Government agreed to defer the introduction of the reforms for six months until 1 January 2010. The former Minister for Roads, Michael Daley, did a very good job in negotiating an acceptable outcome with the industry. The industry supported the decision and congratulated the Government on giving customers a fair go. Mr Ron Finemore, a member of the Road Freight Advisory Council and a leading industry figure, said at the time, "These are difficult economic times for all and the Government's initiative shows that they are on top of the issues involved." The measures within this bill enhance the ability of New South Wales to give practical effect to ongoing national reform commitments. Stakeholders who operate nationally will benefit from the amendments, as they will be able to more readily interpret their rights and responsibilities.

The New South Wales Government, through the State Plan, is committed to cutting red tape by the simplification, repeal, reform or consolidation of existing regulation. This bill contributes to that commitment. The proposed changes also will facilitate the introduction of newer, safer and more productive heavy vehicle configurations, providing New South Wales the opportunity to better address significant challenges, including climate change, safety, efficiency and congestion. 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.

SURVEYING AMENDMENT BILL 2009

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

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [4.33 p.m.]: I move:

That this bill be now agreed to in principle.

The Surveying Amendment Bill 2009 introduces a series of legislative amendments, which have import for the discipline of surveying and the area of spatial information in New South Wales. These amendments reflect several recommendations for reform that were raised during the review of this Act, in accordance with section 40 of the principal Act. The review, which was required to be undertaken five years after the introduction of the

principal Act, was to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives. The report on the Review of the Surveying Act 2002, which was tabled before Parliament in October 2008, indicated that while there were some areas for reform, the policy objectives of the Act did remain valid and the terms of the Act were, in the main, appropriate to secure those policy objectives. This bill reflects the report recommendations, the outcomes of further consultation with key professional groups and government agencies, as well as collateral amendments, which clarify aspects of the principal Act.

In 2002 the Board of Surveying and Spatial Information was formed. Amendments were made to the Surveying Act in 2002 and again in 2005 when the term "spatial information" was incorporated into the legislation. As the former Minister for Lands noted when introducing the amendments in 2002, the board would continue its former functions. This included the registration of land surveyors, the investigation of complaints, disciplinary actions, and matters relating to reciprocal recognition of registration and licensing schemes. As a result of that amendment, the board also undertook the registration of mining surveyors, complementing its existing role. In relation to the registration of mining surveyors, the board membership was expanded to incorporate the nominee of the Minister to administer the Coal Mine Health and Safety Act 2002. The 2005 amendments introduced a definition of "spatial information" in section 3A of the Act.

To some people it may have seemed a bold step to introduce into legislation a definition that sought to articulate an emerging but rapidly growing area of innovation, particularly as the intent was not to regulate spatial information professionals but to empower the board to provide "advice on the collection, collation and dissemination of spatial information other than surveys". The logic supporting this amendment was, of course, that surveyors typically are involved with the measurement and delineation of interests in relation to land—not just the dimensions of length and breadth, but also in relation to height and depth below the Earth's surface, whether that surface is terrestrial or aquatic. The surveying profession are the forefathers of the modern spatial information industry.

The 2009 bill adds to the title of the principal Act to become the Surveying and Spatial Information Act 2002 and reflects the significant changes that have occurred and the importance of this particular area of information. Members of the general public have become more familiar with spatial information products. Data may be collected through a variety of technologies incorporating traditional surveys, from remote sensing to photogrammetry and Light Detection and Ranging, or LiDAR. The derived products are used for a wide variety of applications. These include urban and regional planning, land and resource management, emergency response and disaster recovery, analysis of climate change impacts, as well as the planning of trips and locating local restaurants.

The growth of services in this area over the last seven years since the terminology was introduced into New South Wales legislation has been impressive. This is evidenced in the leadership role taken in this ministerial portfolio in the spatial information arena. For example, the statewide network of Continuous Operating Reference Stations, or CORS, is an on-ground integrated system that continuously records, distributes and archives satellite data to support global navigation and positioning systems. The Land and Property Management Authority, formerly the Department of Lands, has overseen the implementation of the CORS network in New South Wales. The authority continues to investigate and implement technology solutions to provide more efficient information delivery outcomes.

To support improved data collection, the implementation of E-Plan enables surveyors to submit land surveys in electronic form directly from their office locations, wherever they may be across the State, to the Land and Property Management Authority office for processing. This is complemented by the Spatial Information Exchange, which is also known as SiX. SiX is a web-based portal that allows integrated access to a range of location-based information sources, thereby providing a seamless service delivery channel for use by government agencies and the general public.

The 2008 report entitled "The Value of Spatial Information" stated that spatial information had a direct impact upon the gross domestic product of Australia of between \$6.43 billion and \$12.57 billion. It also noted that spatial information was likely to become "a mainstream enterprise resource in government and business organisations as it penetrates mainstream consumer markets... [increasing] the direct impacts in some sectors up to 50% over the medium term." The growth of location-based information services into the future will, I am sure, be more astounding as government and industry embrace new ways of communicating and delivering spatial information services to the community. There is a great deal more potential and value to be realised in this area.

The bill also sets out the key objects of the Act. These items outline fundamental elements providing some guidance to the public as to the overall purpose of the Act. These objects provide for, firstly, the registration of surveyors to ensure that only appropriately qualified surveyors carry out land or mining surveys; secondly, registered surveyors to provide services to the public in a professional and competent manner; thirdly, the maintenance of the State cadastre and ensuring its integrity; fourthly, the coordination of surveys by public authorities and establishing the State control survey; and, fifthly, the investigation of and giving of advice to government relating to the collection, collation and dissemination of spatial information other than surveys.

In addition, the bill introduces a definition of "State cadastre" for the first time in our legislation. While those involved in property and spatial information areas often use the term "cadastre", the word has an ancient history and meaning generally referencing a register of land ownership and value. In the twenty-first century the term has come to mean more than ownership. It is, as more particularly described in the bill, the description and delineation of rights, interests, restrictions and responsibilities, above and below the earth's surface.

Increasingly the rights, interests, restrictions and responsibilities of the New South Wales Government and its citizens are becoming more complex. Traditionally, the rights of others may have impacted land ownership. For example, a landowner may hold a title in fee simple, subject to an easement or a right of way to a neighbour. However, today we record not only the rights and obligations as between private landowners but also the public values and interests, such as the protection of vegetation, the acknowledgement of carbon sequestration interests or the protection of marine ecosystems. These rights, interests, restrictions and responsibilities are defined by reference to their spatial location and extent, with the potential that different entities or individuals may have co-located interests.

The existing definition of land survey is amended to incorporate references to the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986. This amendment removes any doubt that a registered land surveyor must undertake such surveys. New section 22A provides that a firm, defined in the bill as "a corporation, partnership or other incorporated association of persons", may offer land surveying or mining surveying services for fee and reward. It is a requirement that the survey be carried out by a registered land or mining surveyor, as is appropriate, or a person acting under the general or immediate supervision of a registered land or mining surveyor. The intention is to allow firms involved in land and mining surveys to conduct their business as other professional firms may.

Through the registration of land surveyors and mining surveyors, the Board of Surveying and Spatial Information can ensure that only appropriately qualified persons carry out the surveys as defined by the Act and ensure that services are provided in a professional and competent manner. The constitution of the board is amended at section 27 (2) (e) by clarifying that nominations to the board relating to the spatial information industry representatives may be made by professional associations comprised of persons or bodies of persons. This amendment removes any potential misinterpretation of who can nominate a board member.

Collateral to the inclusion of the definition of State cadastre, the functions of the board are expanded to include subsection 28 (1) (f1) to provide advice to the Minister in relation to the maintenance of the integrity of the State cadastre. New section 29 outlines the role of the board in providing information to the public in respect of the discipline of surveying, particularly land and mining surveying, but also in relation to allied disciplines. This proposal arose from the consultation process. Members of the surveying profession indicated a need for further information about their services to be made available to the public.

Access to information will assist members of the public in understanding and locating the services they require. An example of a related survey discipline is hydrographic surveying. Hydrographic surveys focus on the measurement of physical characteristics of waters and surrounding marginal land in order to portray the detail of coastal or estuarine areas. Historically, this information has related to navigation. This area is becoming increasingly important as we map the potential impact of sea level rise over time. This information will assist government and the public in understanding possible impacts of sea level rise, climate change and coastal erosion. Hydrographic surveyors may also undertake work in relation to other bodies of water; for instance, collating information in relation to dams and port infrastructure. It is not the intention that the board be involved in the registration of these disciplines. It is intended that information on these specialities be made available so that the public can make informed decisions about the services they require.

Finally, it is noted that the board has the power to make a determination about what, in its opinion, constitutes general or immediate supervision for the purposes of section 21 (3) of the principal Act, as outlined at clause 75 (2) of the Surveying Regulations 2006. The bill amends section 36 of the principal Act to allow

regulations to be made prescribing what constitutes supervision. This amendment confirms the board's power to make a determination on what, in its opinion, constitutes general or immediate supervision and clarifies the foundation of the existing regulation. In recent times, the issue of what constitutes an appropriate level of supervision required for different survey activities has become an item of discussion within the profession itself. This issue can be resolved after further consultation through a determination of the board.

These amendments will bring certainty to some areas of minor contention within the survey profession, which have been brought about, in part, by changes in technology and work practices, as well as the ever-expanding role of spatial information. Overall, the purpose of these changes is to ensure the public are provided with competent and professional services that meet their needs and expectations. I commend the bill to the House.

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

STATE REVENUE LEGISLATION AMENDMENT (DEFENCE FORCE CONCESSIONS) BILL 2009

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

Agreement in Principle

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [4.47 p.m.]: I move:

That this bill be now agreed to in principle.

In introducing the State Revenue Legislation Amendment (Defence Force Concessions) Bill 2009 the New South Wales Government is leading the way for national reforms to the first home buyers program to support defence personnel. This is an Australian first: the first time that a State has legislated specifically to ensure that defence personnel are able to claim the same benefits as everyone else. The New South Wales Government administers a number of State and Commonwealth first home benefit schemes through the Office of State Revenue.

The First Home Owners Grant is a grant of \$7,000 to assist in the purchase of a first home. The grant is a national scheme, funded by the States and Territories, which operates on a uniform basis under the Intergovernmental Agreement on Federal Financial Relations. The First Home Owners Grant has been complemented since October 2008 by the First Home Owners Boost, a temporary additional grant funded by the Commonwealth. These payments were reduced in value at the end of September and will expire on 31 December 2009.

The New South Wales New Home Buyers Supplement is a temporary assistance program, announced in last year's mini-budget, that operates until 30 June 2010. Like the First Home Owners Grant, the New South Wales Government funds the supplement. It provides a grant of \$3,000 to first home buyers purchasing a newly constructed dwelling. It is an important stimulus to our housing construction sector. This grant is in addition to the First Home Owners Grant and the First Home Owners Boost.

First Home Plus provides a stamp duty exemption on all first home purchases up to \$500,000 in value and a further concession for properties worth between \$500,000 and \$600,000. This program is worth up to \$17,990. First Home Plus One also provides a stamp duty concession for first home buyers who are purchasing under a shared equity arrangement with a financial institution or another person. Under these schemes, New South Wales first home buyers currently receive up to \$34,990 in grants and stamp duty cuts, which are among the most generous in Australia.

A key requirement of all these first home benefit schemes is that the new homeowner must live in the dwelling as his or her principal place of residence. Under this residence requirement, at least one of the applicants is required to occupy the home as the applicant's principal place of residence for a period of at least six months commencing within 12 months of purchase. The residence requirement is intended to ensure that the benefits are received on the purchase of a first home for owner occupation, not a first investment property. The Office of State Revenue conducts checks to ensure that applicants comply with the residence requirement, and applicants who do not are required to repay the grant and pay the duty, and in some cases may be subject to

penalties. To overcome any unfair application of the time limits, the chief commissioner of State Revenue has the discretion to reduce the period of occupation, to extend the period during which occupation commences, or to exempt an applicant from the residence requirement entirely.

The First Home Owner Grant discretion is administered subject to national guidelines. For consistency, the same guidelines are also applied to applicants for the New South Wales Government's other assistance schemes for first home buyers. For many Australian Defence Force personnel, however, the nature of their employment is such that they are unable to comply with the residence requirement, and would also be unable to benefit from the discretions to fully or partly waive that requirement. This is due to the requirement for Australian Defence Force members to provide unrestricted service such that they must be free to be posted or deployed across Australia and overseas if necessary. Operational requirements and a rotation policy mean that Australian Defence Force personnel will normally be moved to different localities a number of times during their careers, sometimes at short notice. In addition, deployments of Australian Defence Force personnel within Australia and overseas occur on a sometimes unpredictable basis in response to events such as peacekeeping missions and natural disasters, as well as deployment to locations at or near war zones.

As a result of the unrestricted service requirement for Australian Defence Force personnel, many may effectively be locked out of eligibility for first home benefits if they choose to buy a home while in the service. This is so even if the person intends to use the home in the period after completing service in the Australian Defence Force as his or her principal place of residence. In cases where benefits are obtained on the purchase of a home that was bought with the genuine intention of occupying it as the applicant's principal place of residence, failure to satisfy the residence requirement could result in the applicant being liable to pay or repay significant amounts to the Office of State Revenue.

The Government wants the rules reformed so that the men and women serving and protecting our country are not unfairly disadvantaged. The bill provides equivalent financial assistance to members of the permanent Australian Defence Force who are unable to meet the residence requirement for the First Home Owner Grant and the other first home owner assistance schemes provided by the New South Wales Government. As a result, members of the Australian Defence Force who are otherwise eligible for first home assistance will be able to obtain and retain those benefits without being disadvantaged by the requirement for unrestricted service with the Australian Defence Force. Members of the Army Reserve, Naval Reserve and Air Force Reserve are not subject to the same unrestricted service requirement as members of the permanent defence forces. The proposed assistance will therefore apply only to members of the regular Army, the permanent Navy and the permanent Air Force. This initiative will apply from the date this bill was introduced.

Amending the residency provision in the First Home Owner Grant Act 2000 and the criteria in the Duties Act 1997 for first home owner assistance will support service men and women doing their job and will give them one less thing to worry about while they are serving Australia's interests. The Australian Defence Force has about 3,000 members deployed to 12 different overseas operations, including in Iraq, Afghanistan and East Timor. About 500 Australian Defence Force personnel are involved in domestic operations, such as protecting Australia's borders, and they can also be called interstate at short notice. The men and women who serve in our armed forces are prepared to sacrifice their lives in active duty and deserve to be supported in every way possible. That is why the New South Wales Government is asking the Commonwealth and other States to support our push to change the rules for defence personnel in relation to first home owner grants. 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.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Mr THOMAS GEORGE (Lismore) [4.58 p.m.]: In speaking on the Prevention of Cruelty to Animals Amendment Bill 2009—

Mr Richard Amery: Do you think you should? You are on the board of an abattoir.

Mr THOMAS GEORGE: I used to be. I am pleased to see the member for Mount Druitt in the House because he has vast experience as a former Minister for Agriculture. Of course, there should still be an agriculture portfolio. The object of the Prevention of Cruelty to Animals Amendment Bill 2009 is to amend the Prevention of Cruelty to Animals Act 1979 to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trades and the confinement or use of laying fowl for commercial egg production and to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal. The topic of cage layer hens creates a great deal of discussion throughout this country and the world.

New regulations were implemented in 2008 to improve the welfare of cage layer hens. Those regulations required increased floor space, and minimum cage heights and cage door sizes. The majority of egg producers in New South Wales have adopted the new regulations. However, I understand that some producers are still failing to comply. This legislation will increase the penalties for offences against the layer hen cage provisions in the Prevention of Cruelty to Animal Regulations from \$2,750 to \$5,500 for individuals and to \$22,000 for corporations. That will bring this State's penalties into line with those in States such as Queensland and Western Australia.

The aim of the animal trades codes of practice is to protect animals used and kept for commercial purposes. National standards from livestock enterprises have been agreed to and endorsed by the Primary Industries Ministerial Council. The first of these will be standard for commercial pig production, which will be introduced under the regulation later this year. This amendment is designed to ensure consistency for all livestock species and avoid similar issues that have arisen in relation to egg producers. The bill also aims to broaden the scope of inspectors notices. Currently, notices must relate to the care of an animal. I believe the proposed amendments will allow inspectors notices to apply to any contravention of the Act or regulation, not just those that are considered to fall within the meaning of care of an animal. As the member for Upper Hunter, who represents our shadow Minister in this place, said, we will not oppose this bill.

Mr GERARD MARTIN (Bathurst) [5.00 p.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2009, particularly as it relates to the New South Wales egg industry and penalties. New South Wales is the largest egg producer in Australia, accounting for 37 per cent of the nation's egg production. The New South Wales egg industry has a gross production value estimated at \$123 million. It comprises some 176 egg producers, four million layer hens and employs approximately 3,700 people throughout the egg supply chain. It is certainly no yoke. This is not an insignificant industry. The New South Wales Government fully appreciates the importance of a productive and profitable layer hen industry. We are also committed to improving the welfare of layer hens.

The bill will improve the welfare of caged layer hens by providing increased maximum penalties for breaches of the layer hen cage regulations. Nationally agreed standards for the housing of caged layer hens were implemented from 1 January 2008 in the interests of improving animal welfare. These national standards are regarded as striking the right balance between improving animal welfare and providing a realistic framework for a viable New South Wales egg industry. Since the issue of improving cage standards was first raised, many egg producers have voluntarily adopted the new cage sizes. Some began adopting the new framework well before they were required to do so—certainly the more progressive of them did so.

The New South Wales Government has worked closely with egg producers during the transition to the larger cage size by providing a range of advisory services. For example, Industry and Investment NSW employed a full-time poultry industry development officer to assist producers through the transition period. In addition, a computer-based decision support system was developed so producers could conduct their own economic analysis of the viability of building new sheds, or retrofitting existing structures with bigger cages. The services of an Industry and Investment NSW environmental engineer were also available to provide technical advice to producers on options for new cage installation. I am pleased to say the RSPCA has been following up on compliance with the caged hen standards since the regulation was introduced. Since the introduction of the regulation, the egg industry has generally worked hard to comply with the new standards. More than three-quarters of egg producers in this State now comply with the national requirements.

Unfortunately, the RSPCA is detecting a number of small producers and, unfortunately also, several larger producers who are not as yet compliant with the new standards. About 30 egg producers are still operating with cage sizes that do not meet the national standards. Some of these producers are taking steps to comply, but others do not seem to be making any effort at all to meet the standards. Some non-compliant producers believe if they are caught the current maximum penalty of \$2,750 for individuals can simply be absorbed as a business expense. Clearly, for a few the current penalty regime does not provide a strong enough deterrent for

non-compliance. The New South Wales Government wants to make it clear to egg producers that it expects full compliance with the new standards. That is why the bill proposes to increase the maximum penalty for breaches of the layer hen cage regulations from \$2,750 to \$5,500 for individuals, and to \$22,000 for corporations. This will bring penalties in New South Wales into line with Queensland and Western Australia—the States with more recent legislation in this area.

The Government is confident that higher penalties will act as a stronger deterrent against breaching the regulation, particularly for the bigger commercial operators. It is not fair that those producers who have already invested heavily in meeting the new standards should be disadvantaged in the marketplace by those who refuse to move forward. In a letter to the Minister for Primary Industries, the Australian Egg Corporation has reaffirmed its support of the proposed amendments. The Australian Egg Corporation advised:

The Australian egg industry fully supports any move by your Government to gain compliance by NSW egg producers to the Prevention of Cruelty to Animals (General) Regulation 2006 as it relates to layer hen housing.

The corporation goes on to say:

... we are appreciative of your expeditious move to increase the penalties associated with non-compliance of the Regulation as per the Prevention of Cruelty to Animals Amendment Bill 2009.

This letter demonstrates the strong commitment of the egg industry to protect its reputation and the welfare of layer hens from the actions of a minority of non-compliant producers who, it appears, will have to be brought screaming to the table to comply. This 100 per cent increase in penalties should go a long way towards doing that. The bill will deliver greater protection for industry and improved animal welfare outcomes. I commend it to the House.

Ms CLOVER MOORE (Sydney) [5.07 p.m.]: I will make a brief contribution to debate on the Prevention of Cruelty to Animals Amendment Bill, which will increase the maximum penalty for breaching the cage size requirements for layer hens or for breaching the Animal Trades Code of Practice. I have repeatedly stated my opposition to factory farming conditions of animals. Laying fowls should not be subjected to lives of extreme misery. Animal Liberation describes the harrowing life of a chicken in a battery cage: They are crammed into tiny spaces for all their lives where they cannot act out their natural instincts—to spread their wings, scratch the dirt, socialise, or search for food. The cages are in huge sheds with artificial lighting set to stimulate egg production. Most hens have osteoporosis and fractures by the time they are slaughtered due to lack of exercise.

In January 2008 the Government increased the minimum size of cages for battery hen facilities from 450 square centimetres to 550 square centimetres. While this could be seen as a positive move, the change is only miniscule. The organisation Voiceless points out that the extra space is similar in size to an average beer coaster or passport. I share the concern of animal welfare groups that this increase will not really improve animal welfare but will make it more difficult to phase out factory farming conditions in the long term. Factory farms will be forced to upgrade their cages to the new requirements, making it less likely that future governments will support a phase-out, given that the industry will have invested in new cages.

All countries in the European Union will have phased out battery cages by 2012 and this is the direction we should be taking. There is no need to institutionalise animals in appalling conditions. Factory farming only saves the consumer a few cents in comparison with more humane ways to rear animals. The free-range and organic markets are growing as people become more aware of how their eggs are produced. I welcome the announcement by Woolworths that it will reduce the number of caged eggs it sells, including through its home brand. I believe this reflects a change in what the consumer wants.

Catering at City of Sydney community and civic functions now includes free-range eggs. We require caterers to use food products that are cruelty free, as well as locally produced or organic, sustainable or from Fairtrade sources. Again I call on the Government to establish a plan to phase out factory farming methods, with assistance for farmers, in support of more humane ways to rear animals.

Mr PAUL PEARCE (Coogee) [5.10 p.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2009. I agree with the concerns of the member for Sydney about the current treatment of fowls in cages. Longer term we should look towards free range to allow a proper level of animal welfare. However,

I disagree with her view not to support the legislation because I believe there should be some incremental improvement in the conditions of the relevant fowls. I emphasise that I agree with the member for Sydney that we should move down the path, along with the European Union, of doing away with factory farming of fowls.

Law enforcement is an important issue in today's society. Enforcing the Prevention of Cruelty to Animals Act in New South Wales is a particular aspect of law enforcement. It is particular because, while police play an important part, much of the law enforcement under the Act is provided by two dedicated charitable organisations. These organisations are the Royal Society for the Prevention of Cruelty to Animals [RSPCA] and the New South Wales Animal Welfare League. Under section 348 of the Prevention of Cruelty to Animals Act the Minister for Primary Industries approves both of these organisations to enforce the provisions of the Act.

It should be noted that Industry and Investment NSW is responsible for the administration of the Act but it does not have an enforcement role. These two charitable organisations have inspectorates that carry out their compliance and enforcement duties. The inspectors come from diverse backgrounds. They may formerly have been police or have worked in occupations such as defence, wildlife care, veterinary nursing, zoo keeping, farming or local government. Their backgrounds are often helpful in their animal welfare compliance work. The inspectors can remove animals from owners who are cruel, neglectful or indifferent to their pets' sufferings. Further, they have extensive investigative and compliance powers under the Act.

These include the power to enter private premises, seize property and make arrests. They can also lay charges, with penalties involving significant terms of imprisonment, and prosecute offences in the courts. In their daily work inspectors investigate complaints about all types of animals in all kinds of situations. For instance, in 2007-08 the RSPCA and Animal Welfare League inspectors inquired into almost 14,000 complaints of animal ill treatment. As well as complaints about pets, inspectors investigate areas such as pet shops, the treatment of animals in saleyards, the suffering of farm animals during drought and those who intentionally hurt animals. Following their investigative work inspectors, as well as the police, can take action in addition to commencing proceedings. They may provide advice on appropriate care, issue official warnings, give directions to address welfare concerns or issue infringement notices.

The RSPCA, the Animal Welfare League and the police prosecute owners who treat animals cruelly. The RSPCA and the Animal Welfare League laid 835 charges in 2007-08 in addition to their other enforcement actions. It is vital that the legislation makes an inspector's job as easy as possible. The bill therefore proposes an important amendment relating to failure to comply with an inspector's notice. If an RSPCA inspector is satisfied that a person is in breach of the Act or the regulation relating to the care of an animal the inspector can issue a notice. The notice spells out the actions that a person must take for the care of the animal to avoid any further contravention of the legislation.

Currently there is no penalty for not complying with an inspector's notice. To some, this may give the impression that a notice can simply be ignored. The bill introduces a provision that will make failing to comply with an inspector's notice an offence, subject to a maximum penalty of \$2,750. This provision is required as part of the commitment made by the Primary Industries Ministerial Council to standardise animal welfare legislation in all jurisdictions. Other States already have offences for failure to comply with notices or orders, and New South Wales legislation needs to be brought into line. Creating an offence for failing to comply with a notice ensures that people understand the seriousness of an order issued by an enforcement agency and the need for them to comply with it. It is certainly not something to be ignored. Again I emphasise that animal cruelty in the area of caged fowls and factory production needs to be addressed in the longer term. However, this legislation is a step in the right direction and I commend the bill to the House.

Mr RUSSELL TURNER (Orange) [5.15 p.m.]: Tonight I speak briefly on the Prevention of Cruelty to Animals Amendment Bill 2009. I note that the object of the bill is to amend the Prevention of Cruelty to Animals Act 1979 to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trade and the confinement or use of laying fowl for commercial egg production, and to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal.

The member for Coogee said that even though an inspector might come onto a property the farmer does not have to comply with any directions. I find that unusual, but I assume that is correct. Opposition members will not oppose the bill because the present penalties are a little meaningless and, therefore, we support the increased penalties. It has been noted that some producers do not comply with the regulations introduced in 2007. If they receive an infringement notice they seem to regard the small fine as part of the cost of running the business. Therefore, we support the increased penalties.

However, I note that most responsible larger producers comply with the new regulations with respect to cages, the amount of feeding and watering space, and the design of doors. These measures are a great improvement on the days when I was in poultry production and when the member for Mount Druitt was the Minister for Agriculture. Many producers in the western areas of Sydney who do not comply with the new regulations are just hanging on so that they can get a few more years out of their cages before selling the land off for subdivision. Probably a few small producers scattered throughout the State are in a similar situation: they are hanging on as long as they can before giving it away, leaving the business to those prepared to invest. Nowadays this is a high-investment business. Putting birds into appropriate cages requires significant investment compared with the old days when cages were put in a shed, some without even having walls.

We have come a long way. I will demonstrate the way birds are looked after in the present system. When I first started poultry farming in Sydney each of my birds laid about 160 eggs per year. By the time I gave it away just on 10 years ago—and I assume there has been a little improvement since then—those same birds, through better housing, nutrition and genetics, were laying over 300 eggs per year. People talk about cruelty to animals but I do not think that is the case with hens. Anyone with animals knows they must be looked after in order to get optimum production out of them, whether it is a cow in a paddock or a bird in a cage. I note that the member for Sydney referred to birds being subjected to artificial lighting, but I remind her that birds generally are under that lighting 16 hours a day.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Orange has the call. Members will listen to him in silence and observe the words of wisdom he is about to offer the House.

Mr RUSSELL TURNER: I agree with the member for Sydney that the birds are subjected to a form of artificial lighting but, as I said, they are on 16 hours a day. I remind the member that at the peak of summer, in around December, we have daylight for about 15½ hours in any event. Does the member for Sydney expect us artificially to darken the sheds so that the birds do not have 15½ hours of normal daylight? As a former producer I respect the RSPCA's perspective that, whilst it is not over the moon, so to speak, about putting birds in cages, it recognises that it is an economic reality. That is in contrast with the position of Animal Liberation—that little group of fanatics that gutlessly invaded my farm at half past three in the morning not long after I became the member for Orange. The gutless *Sydney Morning Herald* reporter who accompanied them wanted a comment from me at half past three in the afternoon after he got back into his bunker at the newspaper's offices. However, I will not talk about that today. Suffice it to say that I was found to comply with all the conditions at the time, and the conditions these days are even better than they were then.

With regard to our supporting a modern poultry industry where birds are kept in cages, I believe the public will make the choice as to when that comes to an end. I do not believe it needs legislation. If the general public are flocking to free-range and barnyard eggs—as some people tend to exaggerate, I believe—Woolworths will provide more space on its shelves for free-range eggs. But the vast majority of people in these tough economic times want a quality product for the least amount of money at the checkout. So we should let the public make a choice.

Recently I was talking to one of the major producers of free-range eggs in New South Wales. He is building a rather large complex for free-range eggs, in responding to his customers, the retailers, who want free-range eggs. However, the council has put 82 conditions on that development. Some of those conditions are to do with the widening of the road, and so on, but many of them are to do with animal welfare. We all travel along rural roads from time to time and we see a little hand-painted sign stating, "Free-range eggs". The small producers who produce those free-range eggs are not subject to any conditions. No-one knows how old the eggs are. We often hear of complaints that the eggs have blood spots in them, and that the eggs have gone past their use-by date. As I said, no conditions are placed on those small producers; whereas the major producers can have conditions put on them, whether it is by their local council or by this Parliament, when they are producing a quality product. As I said, we should let the public make the decision about what products they purchase.

I note that the Australian Egg Corporation supports the legislation. One would suspect that the corporation, as a responsible body representing producers throughout Australia, would support it. The member for Sydney spoke about countries in the European Union [EU] banning battery cages by 2012. However, we will find that countries that are not part of the European Union will start exporting cheaper eggs into the EU, simply because countries that do not have the regulations of the EU will be able to produce eggs more cheaply. If it were viable to do so and Australia were not so isolated cheaper eggs would be coming into Australia from countries that do not have regulations with regard to health issues, cage size, or anything to do with improving

animal welfare. Whilst the member for Sydney might sprout about the fact that we need to follow the EU's example, I guarantee that if that were to happen we would start getting cheap imports produced without the regulations regarding health issues and cage size management that exist in Australia.

As I said, the Opposition supports the legislation. It is a good measure, because the current penalties are far too low. However, I am totally against banning cages. As I said, we should let the public make up its mind on that aspect. As I said, a major producer is moving that way because of demand from the shops he serves. If he gets more demand he will put in another shed. But in the meantime we should let industry sort itself out. The RSPCA will keep a check on the errant producers that are simply giving a bad name to all the producers that are producing a quality product as cheaply as possible under very good conditions. As I said earlier, so far as I can see the bird death rate is falling, and egg production is continually increasing through better management, better shedding, better genetics and better food, which is an indication that the birds are not suffering. We are responding to the public, who want a quality product at the lowest possible price. I support the bill.

Mr RICHARD AMERY (Mount Druitt) [5.25 p.m.]: I want to make a few comments about the Prevention of Cruelty to Animals Amendment Bill 2009 which, as has been said by a number of members, increases the maximum penalty for offences under the Prevention of Cruelty to Animals Act in relation to caged birds and egg production. I will not repeat the overview of the bill. The member for Orange, a former egg producer, is very familiar with the history of the industry. I know that as somewhat of an expert in the industry he would be able to speak about how the industry has evolved over the last 20-odd years. Mr Acting-Speaker, your predecessor Fred Caterson spoke with me on the back of a truck near Schofields on one occasion about opposing the deregulation of the egg industry at that time. The issue of cage egg production has haunted the industry, so to speak, for certainly more than 20 years—almost since the time that I have been in this place.

With regard to the issue raised by the member for Sydney, we should all have sympathy for the plight of animals in intensive industries. I cannot in any way say that putting animals in these cages—whether they are 450 or 550 square centimetres, or the 750 square centimetre cages that will possibly come into Europe—will make the life of laying hens a happy one. It is obviously something to which we all turn a blind eye, I suppose, when we buy our products. The same would apply to cattle in feedlots, the pig industry, even the relatively new rabbit industry, and so on. What we can do is to try to make the plight of those animals a little better.

The industry, whilst firstly vehemently opposing deregulation and then opposing cage egg production, did come to the party over the last 10 years or so. Reference has been made to the fact that the new cage sizes were flagged in about 1988 during an Agricultural and Resource Management Council of Australia and New Zealand meeting, and the issue was debated during a number of meetings. The Tasmanian Minister for Agriculture, David Llewellyn, tried to push for the European Economic Union type of furnished cages or boxes to be introduced. I opposed that—not for any sort of light reasons. Tasmania has a small egg-producing industry, whereas the New South Wales egg-producing industry accounts for somewhere between one-third and 40 per cent of national egg production. However, we brought in the new cage sizes with the cooperation of the industry.

We need to recognise that no State Government alone can do away with cage egg production; it is not possible. Hypothetically, if we did it in New South Wales the whole industry would move to our neighbouring States. As the member for Orange highlighted—this will probably apply in Europe—New South Wales would have a very small egg-producing industry and all egg production would be supplied by the other States. All the States are concerned about the issue. Tasmania and the Australian Capital Territory have lobbied on the issue and taken up the animal welfare cause. We need to exercise a bit of common sense here and recognise that the industry has given ground quite considerably in this area. We are simply talking about the cage sizes of 450 to 550 square centimetres. As the member for Orange indicated, in addition to the larger cages, the very sad life of laying hens has been improved by the changes to watering and feeding facilities, ventilation of sheds and diet.

Since 1995 the Government has taken the position not to be prescriptive and outlaw the smaller cages but to let the buying public decide. Parts of the industry have diversified into free range, barn laying and so on. I do not have the exact figures but I recall claims that egg production had risen by about 10 per cent—and by considerably more these days. People in supermarkets have to pay more for these products but they can vote with their feet in deciding whether to buy free-range products. People should realise that free-range eggs are not necessarily healthier eggs—some people argue to the contrary—or that the life of free-range poultry is happier. Free-range chickens are subject to predators and weather conditions and their death rate is not much better than that of caged chickens.

The Government also took into account the high cost the industry would have to bear in adopting the changed cage sizes. That is why in 1998 all State governments agreed to a 10-year lead time to introduce the changes. That was a generous amount of time for the industry to deal with the extensive cost of restructuring the industry. Nearly all the major players are now complying, but if the Government does not crack down on the producers who are not complying they will be playing into the hands of animal welfare groups by giving more justification for the ending of caged egg production. That would not be to the benefit of the consumer or to the industry.

Many improvements have been made overall to animal welfare in caged egg production. I have no doubt that government, organisations such as the RSPCA and the industry will continue to work to make the life of laying hens better. Progress is being made and the industry is covering a considerable amount of the cost in making the changes. If we do not have compliance with the new regulations for cage sizes the people not complying will place more pressure on the industry and give animal welfare groups, particularly the more radical groups, evidence to use as to why there should not be caged egg production in this country. I thank all members for their contributions to this debate.

Mr GRANT McBRIDE (The Entrance) [5.32 p.m.]: I acknowledge the contributions to the debate by the member for Orange and the member for Mount Druitt. Both members spoke from different perspectives. The member for Orange was a chicken producer. Under the watch of the member for Mount Druitt, as the responsible Minister at the time, significant changes were made to the regulation of the chicken industry to meet the future prevention of cruelty to animal requirements. The object of the Prevention of Cruelty to Animals Amendment Bill 2009 is to amend the Prevention of Cruelty to Animals Act 1979 to increase the maximum penalties that may be imposed for offences under the regulations relating to animal trades and the confinement or use of laying fowls for commercial egg production, and to make it an offence to fail to comply with a notice issued by an inspector in relation to an animal.

I have visited chicken meat factories and observed their processes, which was a confronting experience. I have also had the opportunity to visit laying hen farms and observed their processes. Any reasonable person who saw the processes 10 years ago would realise that that was cruelty to animals. In the end the consumer will decide because there is a significant difference in cost between cage eggs, free-range eggs and organic eggs. A lot of the descriptions contained in the bill can be challenged, for example, the meaning of free-range eggs and organic eggs, and other aspects amounting to marketing points for sale in the chicken industry.

I recently visited a free-range chicken farm. The difference from what I saw 10 years ago was unbelievable. Chickens are not kept in cages anymore; they are kept in laying areas, which are significantly bigger than what the cage areas were. The chickens were rotated on a large area of something like five hectares. The chickens acted almost like trained animals. The chickens know when the shutters come up that it is time to go out and wander around and when the shutters come down it is time to go back to the laying area. In addition, there was a considerable improvement in the water and food supply and in general maintenance of the hygiene of the laying sheds. Australian manufacturers have responded to the challenge and specific machinery has been developed to harvest the eggs in these new circumstances.

As a consumer I have learnt the different varieties of eggs. I recommend that most people should buy the different types of eggs to assess the difference in quality and price. The matter has been managed well but because these are medium-sized businesses that are labour intensive, with associated costs, it is also a highly competitive area. The change will not be easy and the costs could run into hundreds of thousands of dollars, depending on the size of business. The phasing in of the changes recognises the needs and the financial challenges associated with this industry. I support the bill as it reflects the changes in the values of society and what the public wants from the chicken industry.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [5.38 p.m.], in reply: I thank the member for Lismore, the member for Coogee, the member for Upper Hunter, the member for Mount Druitt and the member for The Entrance for their contributions to the debate on this bill. I also take this opportunity to recognise all of the people involved in the activities of animal welfare organisations. Their dedicated work is essential for the maintenance of high animal welfare standards in New South Wales. In particular, I recognise and thank those officers of the RSPCA and Animal Welfare League who conduct the necessary enforcement activities under the Prevention of Cruelty to Animals Act.

The Prevention of Cruelty to Animals Amendment Bill 2009 introduces a number of important reforms to the Prevention of Cruelty to Animals Act 1979. In particular, the bill will improve the welfare of caged layer

hens by allowing increased maximum penalties for breaches of the layer hen cage regulations. The amendments will also allow higher penalties for breaches of the animal trades codes of practice, which currently apply to other animal trades such as pet shops, and in future will also be made for other livestock. The bill also seeks to create an offence for failing to comply with a notice issued by an inspector under the Prevention of Cruelty to Animals Act. The amendments will underpin the standards in place to safeguard the welfare of commercially kept animals in New South Wales.

The national standards for cage sizes came into effect nationally on 1 January 2008—almost two years ago. About 80 per cent of egg producers in this State are now complying with that national framework. It is not fair that the producers who have already invested heavily in meeting the new standards should be disadvantaged in the marketplace by those who refuse to move forward. This animal welfare issue was first raised in the mid 1990s. Industry has had a long time to adjust to the new cage sizes and to upgrade its equipment. The RSPCA and the department are responsible for enforcing animal welfare requirements under the Act, particularly in relation to cage sizes. Twenty months later it is not surprising that the RSPCA has taken action against some non-complying egg producers. The Government does not propose to tell the RSPCA, an independent and greatly respected organisation in this State, what it should or should not be doing.

The industry has undertaken substantial reinvestment in recent years and the new cage egg system has improved the health, hygiene and welfare of birds. Currently, 90 per cent of eggs bought in New South Wales are cage-laid eggs, for the simple reason that they are much cheaper than the free range, barn laid or organic alternatives. The majority of Australian consumers buy eggs based purely on price, and there is a significant cost difference between the price of free range and cage eggs. Cage eggs are an important source of affordable nutrition for Australian families and our cage egg producers have worked hard to provide a safe source of eggs for all Australians to enjoy.

New South Wales legislation has to be brought into line with that of other States, which have offences for failure to comply with notices or orders. Currently in New South Wales an inspector who is satisfied that a person is in breach of the Act or the regulations relating to the care of an animal can issue a notice. The notice spells out the actions that a person must take for the care of the animal to avoid any further contravention of the legislation. However, in New South Wales there is currently no penalty for not complying with an inspector's notice.

As to the issue raised by the member for Sydney, calls for a ban on caged layer hens illustrate a failure to understand the impacts of such an approach. Essentially, this action would destroy the majority of the egg industry in New South Wales. It also would seriously disadvantage New South Wales consumers. Currently, 90 per cent of eggs bought in New South Wales are cage-laid eggs, for the simple reason that they are much cheaper than their free range, barn laid or organic alternatives. The bottom line is it is up to consumers to decide which eggs they are most comfortable buying. It is important that all families, not just wealthy families, are able to afford eggs.

Scientific evidence shows that eggs are a highly nutritious food and a particularly good source of protein that can be included in the diet of healthy Australians. Cage production systems allow for good disease control, lower mortality rates, increased monitoring of birds, and reduced risk of damage attributed to aggression by other birds, such as feather pecking. It is important to note that the so-called ban on battery cages in the European Union is not a complete ban on cages. Larger, furnished cages still will be allowed. Furnished cages are fitted with nest boxes, scratch pads and perches. The New South Wales Government will continue to work closely with the egg industry to ensure practical measures are adopted that address important animal welfare issues but do not disadvantage New South Wales egg consumers.

The animal trades codes of practice come under the Prevention of Cruelty to Animals Regulation. The purpose of these codes is to protect animals that are used or kept for commercial purposes—for example, animals associated with pet shops, dog and cat breeding, security dogs and animals in boarding establishments. For equity reasons, it is appropriate that the penalties for breaching the codes are consistent with the penalties under the regulation for layer hen cages. This is timely and important legislation. This bill will deliver greater protection for industry and improved animal welfare outcomes. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

MAJOR EVENTS BILL 2009

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

ACTING-SPEAKER (Mr Matthew Morris): Order! Government business having concluded, private members' statements will now be proceeded with.

PRIVATE MEMBERS' STATEMENTS

PITTWATER BUS SERVICES

Mr ROB STOKES (Pittwater) [5.44 p.m.]: This evening I want to refer to bus services in the community of Pittwater. Bus services play an important part in the daily lives of many Pittwater residents. We depend on our buses to keep us connected and to ensure that we can access employment, social, educational and sporting opportunities. We are extremely fortunate in Pittwater to have dedicated and professional bus drivers and depot managers, many of whom are long-serving and highly experienced employees. The contribution they make to our community is greatly appreciated. I congratulate Dominic Larosa, depot manager at Mona Vale, and all his staff on their tremendous efforts.

However, it is extremely frustrating that the State Government is failing to properly support these drivers and effectively placing their safety and that of their passengers at risk. Earlier this year it was revealed that the State Government employs only 55 transit security guards for the entire Sydney Buses network. This is completely inadequate and highly dangerous, given the high rates of alcohol-related antisocial behaviour and violence reported across Sydney. Whilst the Government has introduced tougher laws to remove intoxicated patrons from licensed premises and move people on from public places, its efforts appear to end there. It is merely shuffling drunks out of pubs and parks and onto buses.

Bus drivers are often the ones left to deal with the mess. Having to transport intoxicated people places drivers and innocent passengers in uncomfortable and potentially dangerous situations. Unlike staff and patrons in licensed premises, drivers and passengers do not have teams of security staff to protect them, to control unruly behaviour and to evict troublemakers. Rather, bus drivers and passengers too often are left to deal with dangerous situations and to fend for themselves. This is particularly the case in my community of Pittwater where bus services are notoriously dangerous and prone to alcohol-related disruptions, particularly on Thursday, Friday and Saturday nights. This has prompted a number of local drivers to contact me about the horrific and often threatening situations they regularly encounter. Incidents include being spat at and abused, having missiles thrown at them and being threatened with violence.

Alarming, drivers regularly witness drug consumption, sexual intimidation, underage drinking, vandalism and assault. These are not just nuisance acts. They are illegal activities that are placing lives at risk. This places a huge burden on our local bus drivers, who are forced to deal with these occurrences each and every week. Bus drivers are employed to drive buses, not to chaperone drunken troublemakers. How can bus drivers be expected to concentrate and drive responsibly whilst also monitoring the safety and behaviour of all their passengers? It is too much and too dangerous for one person to do. Yet, despite an increase in reported incidents, the Government sits idly by.

The situation in Pittwater has escalated to the point where drivers refuse to be transferred to the area, even if it means working closer to home. For many, night shifts are now out of the question. I am told that even the "tough blokes" are frightened to work on the weekends. Consequently, drivers are raising serious questions about the lack of occupational health and safety procedures and the State Government's apparent disregard for the unsafe working conditions they currently endure. In fact, I am told that for many the only thing keeping them in the job is the need to pay the family bills.

It is time the State Government started listening to their employees' pleas for help and address their increasing concerns. Providing 55 security guards armed with nothing but a yellow vest and no enforcement

powers to patrol the entire Sydney Buses network is not a solution. Drivers and passengers want certainty that they will be protected. With many of the scarcely placed security guards on Pittwater's buses admitting that they also are often frightened, they are clearly nothing but an unsafe, cheap and inappropriate token gesture by the State Government. This situation provides a huge disincentive for people to utilise public transport, at a time when the Government is trying to promote the use of public transport in order to reduce traffic congestion, reduce carbon emissions and combat drink-driving.

With passengers in Pittwater being forced to get off buses before their stop in order to avoid on-board anarchy and bus drivers having to bypass notoriously bad stops where troublemakers congregate, innocent commuters are being seriously disadvantaged because of the State Government's inaction. This problem will not just go away. Taxpayer-funded buses are being vandalised, drivers are being assaulted and innocent passengers are being denied services, because the Government has failed to properly invest in appropriate security on board our buses. We need to retain our experienced bus drivers and not have them driven away in fear for their safety. We need a new approach that addresses their concerns, including more security guards, increased police presence and perhaps the introduction of special constables with law enforcement powers. Without these measures our buses on weekend evenings will continue to be a convenient service for drunks and unruly passengers at the expense of the wider community.

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

Mr TONY STEWART (Bankstown) [5.49 p.m.]: I wish to inform the House, as already reported in the media this week, that I have discontinued my legal proceedings in the Supreme Court against Chris Ronalds, SC, after reaching an agreement with Premier Rees and the State's legal counsel. This action means that my complex and groundbreaking legal case has now been withdrawn from further proceedings in the New South Wales Supreme Court. After nearly 12 months of legal action I am pleased that this issue is finally resolved.

I recently had an amicable meeting with Premier Rees at which we agreed to shake hands and put the past issues on this matter behind us. Importantly, the Premier now fully acknowledges publicly the view that I and many others hold that information not available at the time the Ronalds report was written may have affected the report's findings had it been known to Ms Ronalds. The Premier issued a statement on 19 October, which said:

The Premier and Tony Stewart have had an amicable meeting in relation to the litigation commenced by Mr Stewart in the Supreme Court against the State and Ms Chris Ronalds SC.

It has been agreed Mr Stewart will discontinue the proceedings and pay the defendant's costs—

as agreed—

The Premier accepts that Mr Stewart holds the view that information not available at the time of writing the Ronalds' report may have affected the report's findings had it been known to Ms Ronalds. The Premier has no further comment.

Tony Stewart will continue to work supportively as part of the Rees Government's team and is not precluded from consideration for promotion to office on merit, at some future time.

I am now looking forward to getting on with my life after such a tumultuous year and continuing my focus on addressing the needs of the Bankstown electorate and supporting its great people. Importantly, I will also continue to work supportively as part of the Rees Government's team and will work hard to prove myself to the Premier and to the people of New South Wales should there be any future parliamentary promotion opportunity.

I want to thank many people who were involved in providing me with an opportunity to continue my quest to tell the truth about this matter. In particular, I thank Father Chris Riley, who initially took a risk because he did not know the full story in relation to this matter. He publicly backed me and did so with absolute vigilance and tenacity. I thank Libby and David Koch, who were at the event in question. Libby has made public comment on this matter. She is a friend of mine who I cherish for her understanding and commitment to me and also, very importantly, for believing in me. I thank Johanna Griggs, Sue Muggleton, Sister Annette Cunliffe and Lucy Turnbull, wife of the Federal Leader of the Opposition, who was there on the night and has made public comment to defend my situation. Kathryn Greiner similarly commented publicly on the matter in my defence. Trevor Garland, the Honorary Consul-General of the Solomon Islands, made public comment to defend my situation and to indicate that the allegations made against me were simply wrong.

I want to particularly thank the media. Alan Jones, who does not get many thanks from politicians, deserves my thanks wholeheartedly in relation to this situation. From the very beginning Alan believed in my

quest to clear my name and believed that I was telling the truth. He continually gave me a forum to demonstrate that through his program. Jason Morrison from 2GB did very similar. Chris Smith, also from 2GB, gave me a more than fair go to get the truth out on this matter. John Stanley from 2UE gave me a platform to get the truth out about this situation on air.

Jennifer Sexton from the *Sunday Telegraph* provided the initial coverage of this allegation and demonstrated the real truth about Tina Sanger in relation to the many, many issues that surround her. Lisa Carty, from the *Sun Herald*, and I have grown to understand each other very well. She understood that my quest to tell the truth was a fair dinkum one and that I was going to leave no stone unturned. In a fair and reasonable way she gave me a platform to do that through her newspaper. Simon Benson from the *Daily Telegraph* also continually gave me an opportunity to tell my story but, importantly, he tested that against other evidence and provided an opportunity for me to show that what I was saying was truthful and honest. Imre Saluzinsky from the *Australian* backed that up, as did Alexandra Smith from the *Sydney Morning Herald*. Josh Murray from Channel 10 gave me a real platform through television and continually chased up this story.

I, of course, thank my electorate office staff: Leah Tucker, Jacqui Evans and Christine Mesa, who worked tenaciously to help me in my quest to expose the truth. I also thank Jan Clifford from the Whip's office and my many, many colleagues from both sides of the House for giving me a platform to present the real truth on this matter. I thank the Premier for giving me the opportunity also to move forward in my life.

WIND FARMS

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.54 p.m.]: The New England area, which includes my large Northern Tablelands electorate, has been declared one of five key areas targeted as renewable energy precincts for wind farms. This means developments in these areas would be fast tracked. Earlier this year when the Premier visited our area—it was a very welcome visit—he gave an assurance to our concerned communities that wind farm developments would comply with local community standards. However, as proposals for these developments proliferate, there is still a lot of local disquiet that the views of those most directly affected will not be properly considered.

As the local member I have many times shared the scepticism of members of my community about what the Government classifies as an effective consultation process. Often, and on many important matters, I have had to intervene, at the request of the community, to have processes revisited or started again from scratch. I hope that with wind farm developments the Government, which has become the consent authority, will carefully consider community views, particularly those of the local councils that represent them. Both the Glen Innes Severn and Inverell councils in my electorate have compiled development control plans for wind power generation. These plans propose sensible guidelines that reflect community and council views.

The councils themselves are in an invidious position. While they are not the consent authority in relation to wind farm developments, they are the regulatory authority. That means they have to deal with the complaints and complications that arise from decisions they do not make. It is important that government planners work closely with councils and take into consideration their concerns otherwise we will have a dysfunctional system instead of positive initiatives to build up sustainable energy options. The Glen Innes Severn and Inverell councils' development control plans call for a minimum and mandatory two-kilometre setback of wind turbines from rural residential homes.

The turbines planned for the Northern Tablelands developments are 130-metres tall and, the community claims, generate considerable noise. The two-kilometre set back is a reasonable proposition and its acceptance as a guideline would achieve a lot in smoothing the path for future wind farm developments in New South Wales. It is important to do that because we want to see more of these developments. That is why getting the balance right is so important. It would be wrong for the Government or its planners to assume that country people and councils affected by these developments have some wholesale objection to sustainable energy solutions. The opposite is true: they support these initiatives, as I do, but expect a reasonable approach from the Government and developers. Many country people have been using solar power, windmills and geothermal heating and cooling for a long period.

A petition from Northern Tablelands residents objecting to some aspects of the proposed wind farm development for Glen Innes, delivered to this Parliament by me, states their grounds. They are concerned about the proximity of turbines to houses, visual and noise pollution, electromagnetic interference with television and mobile phone reception, health effects, reduced property values and damage to the environment. I believe the majority of householders in this State affected by similar proposed developments would share those concerns.

Currently General Purpose Standing Committee No. 5 is conducting three public hearings on wind farm developments across the State. Representatives from local councils and community groups appeared at the Tamworth hearing to put forward their views. I am told it was a very constructive process. One resident from the Furracabad Valley, near Glen Innes, told the hearing that one of the 130-metre turbines would be located only 900 metres from her house if the current plans for the Glen Innes project went ahead. It is in the interests of the State and its people that the Government takes time to get it right on wind farm developments. Ideally, all developments would be put on hold until the standing committee presents its report, which I understand will be very soon. This would ensure that community views are taken into consideration and that local council guidelines inform any government decision-making on these developments in the future.

While it is vital that sustainable energy options be pursued, it is generally agreed that the amount of power that can be generated by wind is still relatively minor compared with other options. It would be a mistake, in my opinion—and many in the community share this view—for the Government to rush through these developments without considering the impact on local communities. I urge the Government and the Minister to take the time to carry out detailed community consultation and a proper analysis of the standing committee's report before approving these developments. This would allow fair and sensible guidelines to be put in place and the opportunity to support future wind farm developments, particularly if the balance is right.

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

Mr THOMAS GEORGE (Lismore) [5.59 p.m.]: Like all members, I convey my best wishes to every student sitting this year's Higher School Certificate exams. I am pleased to see the Minister for Education and Training in the Chamber. I remember when my boys did their Higher School Certificate exams and I know that they create a great deal of pressure. I pay tribute to the students who have worked hard to reach this stage in their education. I have admitted in this House on a number of occasions that I did not take that opportunity. I was in the first year 10 cohort under the Wyndham scheme and I convinced my parents that I knew everything and that I should leave school. I am still learning to this day and I now know that I should have taken that opportunity.

I pay tribute to the young people who have succeeded in getting this far. I stress to them that if they do not get the results they are aiming for it is not the end of the world. As long as they know they have done their best they can set goals and get on in life if they work hard. Members might think my contribution is unusual, but in my electorate I have high schools at Bonalbo, Woodenbong, Kyogle, Murwillumbah and Lismore. Those schools include Wollumbin High School, Murwillumbah High School, St John's College, Woodlawn, Trinity Catholic College and Mount St Patrick College at Murwillumbah and Richmond River High School and Lismore High School at Lismore.

Kadina High School is in my electorate. I decided to make a private members' statement today to reassure the students of Kadina High School that they have the support of not only the people of Lismore but also all members of this House. The students, staff and everyone else associated with the school are going through a very trying period, and this must be an especially difficult time for the school's year 12 students. I reassure everybody at that school and all the other schools that I have mentioned that they have community support and that they are in our prayers and thoughts. I know the students will work very hard to achieve good results.

As I said, the exam period is a very difficult and trying time for students. Young people never cease to amaze me. Like all members, I have been to many graduation ceremonies over the past few weeks. It is wonderful to hear about students' achievements and to be a part of recognising them. We all feel very proud of them. The students are a credit to themselves, their families and the schools they represent. They are the future of this State and this country.

I recently had the honour of accompanying the Governor of New South Wales, Professor Marie Bashir, on a visit to Kadina High School. The Governor offered her support and encouragement to the students. One could have heard a pin drop during her 20-minute speech. I have never witnessed students at an assembly so in awe of a speaker. We are all very touched that the Governor offered her support to the school. I reassure all the schools in my electorate that they have our support. I extend my sympathies to the students, staff and everybody else associated with Kadina High School.

Ms VERITY FIRTH (Balmain—Minister for Education and Training) [6.04 p.m.]: I appreciate the comments of the member for Lismore and the warm wishes he has extended to students sitting the Higher

School Certificate exams not only in his electorate but also across the State. I am sure I echo the sentiments of all members when I extend my best wishes to the 69,261 students who are sitting the exams this year. We are on their side and it is natural for them to be nervous. However, they should remember to keep the exams in perspective. There are many different pathways to the courses and careers they wish to pursue and these exams are not the be-all and end-all. I extend warm wishes to their parents, who are also experiencing trying times this month. Those parents have nursed their children through 13 years of school and are now nursing them through the final nerve-wracking month.

I endorse and appreciate the comments made by the member for Lismore about Kadina High School. I am sure that he echoes the thoughts of all members. Our sympathies and best wishes are with the students, parents and staff—indeed, with the entire school community—during this time. Our thoughts are particularly with the students. The Higher School Certificate exam period can be stressful at the best of times, but the Kadina High School students are facing extra stresses. We appreciate the work being done by the students, parents, staff and rest of the school community. I endorse the comments of the member for Lismore.

SWANSEA FOOTBALL CLUB

Mr ROBERT COOMBS (Swansea) [6.06 p.m.]: On Saturday night I had a wonderful time at the Swansea Football Club annual presentation function. Soccer is synonymous with Swansea. I grew up in the area, but I was a rugby league player. Soccer and the Swansea soccer club have always been prominent in local sporting achievements, and I am proud to say that that tradition continues and was on show for all to see on Saturday evening. More than 100 people attended the function, including players, supporters and families, and representatives of the many local small businesses and enterprises that have sponsored the club for many years.

The Swansea Football Club has a long and proud history. It was established in 1950 at the initiative of the Swansea Workers Club, which is one of the oldest clubs in the area and is still a very popular watering hole for many locals. Amalgamations took place in 1973 and again in 1994. The club now has three teams in the local A-grade competition, a number of over-35 teams and a number of women's teams. The club has been very supportive of women participating in the sport. It also has a very large number of junior teams. The club's teams play and train at the Chapman Oval Complex, which has three ovals that are currently being refurbished. The council has made a considerable contribution to address flooding problems and the club is looking forward to the work being completed so that it can enjoy this wonderful asset.

In times of heavy rain, minor flooding and so on teams will soon be able to play and train at Chapman Oval rather than travel elsewhere. The club will also be able to market the local competition more effectively and thereby increase revenue and ensure that it is more financially self-sufficient. The refurbished facility will also include a skate park. A recent public meeting was a little hostile, as some of these meetings can be. Two club veterans—Arch McCallum and Carl Ulrich—had some problems. I commented that I was sure they had not come along to protest about the park and they said that they simply wanted to understand the proposal.

They further explained that they had been part of the formation committee of the club and therefore held the club, its players and all the activities surrounding the club very close to their heart. They wanted to ensure that anything we did would not detract from the overall good standing of the club. I understand that. The changes will incorporate a skate park. I am confident that the management committee that has been set up to oversee the development of the skate park will have good harmonisation with the soccer committee and bring some local youth into the area.

Returning to the presentation night, the clubman of the year was Wayne Broadbent. Wayne is a fantastic fellow. The Broadbent family has contributed to a number of sporting and community organisations in the area, including the Caves Beach Surf Club, and I congratulate Wayne. I congratulate also the hardworking committee of the Swansea Football Club—president Alistair McMaster, vice-president Michael Buckley and secretary Wayne Broadbent and, of course, the very hardworking group of committee members who work tirelessly and donate their time to ensure that the Swansea tradition of strong soccer continues in the area.

BUNDANOON BOTTLED WATER BAN

Ms PRU GOWARD (Goulburn) [6.11 p.m.]: The people in the southern village of Bundanoon in my electorate made a courageous decision this year: Residents, retailers and business operators met and agreed to make Bundanoon a bottled water free town—and I am wearing a T-shirt to prove it. This does not mean that if you visit Bundanoon and you are looking for a drink you have to choose something hot, flavoured or alcoholic.

It means instead that rather than paying for a bottle of water that is trucked into town and sold in a single-use plastic bottle you can enjoy good, clean local water, straight from a public bubbler. The significance of this move has many dimensions. It challenges the need for bottled water in a country with very high water quality, it is courageous on the part of local retailers and it is taking a stand against life's essentials being turned into commodities. Not everything should be bought and sold. Why can people not have free water to drink from a street bubbler? They can bring their own bottle and fill it up if they want to, and reuse that bottle again and again instead of tossing it onto the ever-increasing waste tip in New South Wales.

For many years Bundanoon has been hailed on the national, if not the international, stage as Bundanoon is Brigadoon. It now claims a second nomenclature—Bundy on Tap—just as renowned both nationally and internationally. Many hours of thought went into the transformation of Bundanoon into a bottled water free zone. The man who led the charge, resident Huw Kingston—along with the Bundanoon Community Association, led by Ralph Clarke—is not one to be easily distracted. He is a passionate environmentalist, bike rider and bush walker but, more importantly, he is a dedicated member of the Bundanoon community. He has demonstrated the amazing power a community can wield once its people are of a mind to work together. It is really quite daunting.

The community meeting held to discuss Bundy on Tap attracted almost 400 locals, more people than I had ever seen at any previous meeting, which is saying something for Bundanoon. While I heard one brave man dissent, the vote to ban the sale of bottled water in Bundanoon was unanimous; the "ayes" certainly had it on that cold evening in July. So what drove this idea? For some years the Don't Bore Bundanoon committee have been actively opposed to the commercial extraction of water from a bore in Bundanoon. The licence has been held by Norlex, which, after several years, decided it was time to convert its licence rights into commercial reality. The bore is in the town, just down the road from the only primary school.

Residents argued that for the sake of bottling water, a liquid that can still be drunk straight from the tap in Australia, Bundanoon would suffer—environmentally, socially and financially. Trucks driving through the little town and fears the depletion of groundwater would damage the lush local woodlands and farms drove resistance. Being opposed to such commercial extraction was a challenge for Huw and the Bundanoon Community Association. Huw felt Bundanoon townspeople should lead by example and simply give up drinking the bottled stuff. A working group was formed and the results speak for themselves. Business owners were asked if they would support Bundy on Tap. The town recognised a bottled water ban might damage their business. Maybe it has for some of them and maybe not because their support was unequivocal. It is worth noting, however, that a couple of the retailers in town made more on a Saturday from the sale of refillable bottles than they did in 12 months selling bottled water.

While other places in Australia and overseas have merely discouraged the sale of bottled water, Bundanoon is believed to be the first place to simply ban it. The provision of a number of public bubblers, which are just starting to reappear in Australian metropolitan areas, is an important aspect of the provision of an alternative source of water. It is innovative and brave, and if Bundanoon succeeds it will be copied in towns and villages across the nation and, arguably, internationally. Bundanoon has taken a stand against plastic bottles and, by installing free bubblers throughout the town, it has been a stand in favour of the right of all people to have clean water.

WOY WOY COMMUNITY AGED CARE

Ms MARIE ANDREWS (Gosford) [6.16 p.m.]: This year Woy Woy Community Aged Care is celebrating the twentieth anniversary of its provision of residential aged care services to the frail aged community on the Woy Woy peninsula. On 15 March 1989 Woy Woy Community Aged Care welcomed its first resident. With an initial set up of 40 beds, the centre now provides residential care to 94 residents, which includes respite and dementia secure units. One of the more famous residents in recent years was Olive Riley, who was recognised last year as the world's oldest blogger. Olive lived life to the full right up until her death in July 2008 at the grand age of 108 years.

The story of Woy Woy Community Aged Care is one of which Hollywood makes movies—the story of a community gathering together, and striving against setback after setback to finally realise its dream. It was in 1978 that a letter was first written to the then Health Commission stressing the need for nursing home accommodation on the Woy Woy peninsula. In 1981 a management committee was formed and a charity started to provide the funds for an 80-bed nursing home. Local Woy Woy historian, Mrs Joan Fenton, who at that time worked for the first and Labor member for Peats—now the electorate of Gosford—Mr Keith O'Connell, had the idea to encourage people to become members at \$2 each. By the beginning of 1982 there were 1,000 members.

But even with growing public support, the management committee still had to convince the powers that be that it could raise enough money to qualify for government funding. Mid 1982 saw the first major project of the newly formed auxiliary—the Charity Princess Competition. Time passed, and with it came and went two more Labor members for Peats. During his by-election campaign in 1985 my predecessor, Tony Doyle, managed to gain a promise of \$200,000 from Labor Premier Neville Wran. Throughout this time the management committee was working furiously to obtain an approval in principle for the home so that fundraising could begin in earnest. Finally, in May 1985, Senator Don Grimes, Minister for Community Services in the Hawke Labor Government, granted approval in principle for a 40-bed facility. All up, the community had raised \$500,000 and, together with \$808,000 in Commonwealth funding, Woy Woy Community Aged Care was built on vacant Crown land behind Woy Woy Hospital.

On the first day that Woy Woy Community Aged Care opened its doors in 1989, a person named Jennifer Eddy arrived for a job interview, intending—if she got the job—to stay only for a short while. Twenty years later Jennifer is now the chief executive officer, and a more committed, compassionate and dedicated chief executive officer you will not find. Jennifer and her team are committed to providing the highest possible quality of life for all residents within a homely environment. Woy Woy Community Aged Care caters for residents' lifestyle, leisure, mental stimulation and spiritual needs in an environment that does not appear institutionalised. This is sometimes difficult to achieve with people delaying entry to residential aged care very often until they are in need of high care.

Residents who live at Woy Woy Community Aged Care can expect a busy social calendar. Every year residents enjoy a themed dinner—this year's theme is Halloween—where families are invited to share a restaurant-style dinner and entertainment. For the past five years residents have also enjoyed an annual holiday to such places as Port Stephens and the Blue Mountains. This has been achieved through the generous donation of funds from former Chairman of the Board of Directors of Woy Woy Community Aged Care, Albert Quilkey, and his wife Margaret.

This year residents have chosen to stay closer to home so that they may enjoy the comfort of their own beds. To replace the much looked forward to holiday, Woy Woy Community Aged Care has organised a formal lunch instead. Residents will dress up and have their hair done. They will be picked up in stretch limousines, and given a complimentary glass of champagne. They will be driven to a beachfront restaurant in Terrigal for a fine dining experience and finally they will be chauffeur driven back home. These are just some of the activities and experiences on offer to residents of Woy Woy Community Aged Care. Some of the outings would not be possible without the generous support of Mr Jack Carney and the Woy Woy-Ettalong-Hardys Bay RSL sub-branch, which donated funds for the purchase of their bus in 2002.

The success of Woy Woy Community Aged Care would not have been possible without the support of the local community, in particular, the Woy Woy Community Aged Care auxiliary. After 25 years of fundraising through street stalls, raffles and art shows the auxiliary closed earlier this month due to the increasing age of most of its members. The Friends of Woy Woy Community Aged Care will replace them. I pay tribute to auxiliary president Mrs Elsie Solway, former president of the auxiliary and also board member of Woy Woy Community Aged Care for a number of years Mrs Joyce Allan, longest serving board member Ruth Collins, the first chairman of the board of directors Clem Morrell, subsequent chairmen Bill Hall, now deceased, Albert Quilkey, Dennis McDonnell, recently deceased, and the current chairman Charles Brock, for their contributions to Woy Woy Community Aged Care.

ORANGE NATIONAL FIELD DAYS

Mr RUSSELL TURNER (Orange) [6.21 p.m.]: I take this opportunity to congratulate the Orange National Field Days Committee on its successful fifty-eighth field days event. I had the pleasure of attending the event yesterday, and I have attended most field days over the past 40-odd years. I can remember attending the field days when I was still farming in Sydney, well before I moved to Orange. I have seen enormous changes in the exhibitors, the equipment, and the tempting items for purchase at the field days, which make farming that little bit easier.

I acknowledge the present chairman, Andrew Jaffray, his hardworking volunteer committee and staff who present the field site in first-class condition. The little bit of rain the week before helped turn everything lovely and green; there was no dust to be seen. Also present was Charles Armstrong, President of the New South Wales Farmers Association, who spoke about change, which was the key theme of the 2009 Australian National

Field Days. He said that the Federal Government's proposed Carbon Pollution Reduction Scheme should be a talking point among farmers gathered at Borenore this week. He said the scheme was the biggest issue and is probably the biggest influence that will cause a change to agriculture.

Dr John Williams, Commissioner of the New South Wales Natural Resources Commission, who opened the event yesterday, told the *Central Western Daily* that farmers are maintaining essential balances on the land and in waterways and they should be paid for these services. His speech was very thought provoking. We appreciated his taking the time to attend. The Federal member, John Cobb, and the mayors of Orange and Cabonne were in attendance. Also on site were 500 exhibitors displaying products ranging from cheap Chinese tools through to the \$200,000-plus tractor. It was estimated that 35,000 visitors were at the event, including genuine buyers and tyre kickers, who wished they could buy equipment. The event was an enormous boost to the economy of Orange, particularly the accommodation and food industries. Part of the official opening was the awards presentation. A *Central Western Daily* article stated:

A young horse trainer from Panuara is the winner of the 2009 Ivan Kingham Scholarship for an excellent TAFE agriculture student.

Richard Connell was announced as the winner of the prestigious award at the Australian National Field Days yesterday.

It is presented to a TAFE student who shows outstanding achievement, passion and promise for a future career in agriculture.

...

Richard is studying Certificate III in agriculture at TAFE and plans to go on to Certificate IV and a degree in agricultural business management at Charles Sturt University.

He said he was confident there were plenty of opportunities for young people in agricultural industries.

I know the future of agriculture is in good hands with people like Richard wanting to make agriculture their career. I acknowledge that the best local exhibition was Clark Tanks; the best agricultural display was Tracserv; the first prize in the 2009 Orange farm planning competition went to Canobolas Rural Technology High School, with James Sheahan Catholic High School second and Orange High School third. It is great that all those people were recognised, and I congratulate everyone involved. This event was a little bit like parliamentary elections. The field days are held over three days, after which the committee plans for next year's event. Again I congratulate the hardworking committee on all its efforts over the past 12 months and, indeed, on the past 58 years in ensuring these successful field days continue.

WORLD MASTERS GAMES

Mr GERARD MARTIN (Bathurst) [6.26 p.m.]: The World Masters Games have just concluded. Approximately 28,000 competitors, mostly from overseas, came to New South Wales and were principally anchored in Sydney where most of the events were held. However, I am pleased to say that the major component of the games not held in Sydney was held in my electorate of Bathurst—the orienteering competition. People would have seen on television the 100-year-old lady, Mrs Frith, who received considerable publicity for participating in athletics events. Originally she was a Lithgow girl and her daughter, Helen, was a champion high jumper who represented Australia at the Commonwealth Games. When I was a young kid in Lithgow I remember reading about her.

The World Masters Games was mainly Sydney focused but some years ago Lithgow City Council was chosen to host the orienteering competition because the fantastic topography around the Lithgow area suited the event. Some 1,100 people competed, bringing more than 1,000 supporters and staff with them. On Tuesday 13 October the opening ceremony was held in Lithgow. There was a march through the main street of Lithgow down to the Tony Luchetti Sportsground, with competitors carrying flags representing the 33 participating countries. Interestingly, the sportsground is 100 metres or so from where Marjorie Jackson trained before she went to Helsinki in 1952 where she won two gold medals. The very famous and competent Lithgow Valley Highland Band led the march through Lithgow.

Some 2,500 to 3,000 people were seated in the sportsground grandstand to witness the opening ceremony. Lithgow Mayor Neville Castle gave a warm welcome, and various dignitaries from the World Games Organising Committee gave speeches. Those dignitaries were very impressed, particularly by the entertainment from the Lithgow City Band, the Combined Schools Choir and the Lithgow Musical Society, who treated our overseas visitors to a range of Australian songs. The local Aboriginal Wiradjuri people also welcomed the

visitors with a smoking ceremony and some wonderful indigenous dancing. The overseas visitors warmly applauded the high standard of entertainment at the opening. Lithgow Lions Club provided a two-course meal in the old civic ballroom and fed everyone. It was a wonderful effort by the club.

The first day of competition took place the next day at Long Swamp, at Lidsdale, just out of Lithgow. The competition then moved to Clandulla, which is about 50 kilometres from Lithgow near the town of Kandos, onto a private property that was marked out as the main course. That is where the major competition was held. On the Saturday I attended and took part in the medal ceremony, which was held on the side of a paddock but with all the pomp and ceremony of the Olympic Games. It was marvellous to see the wide range of people who won medals. Indeed, quite a number of Australians won gold and other medals.

One of the things that struck me on the day was the number of volunteers who were involved. Many of them were people I knew from Lithgow, such as Jack and Inge Irvine. Jack is a retired solicitor from Lithgow. He and his wife got involved in the event and said they had a marvellous experience being involved and meeting people from overseas, as did a whole range of other volunteers from the local clubs such as the Lions Club. Rylestone-Kandos Volunteer Rescue Association, a very good rescue organisation that has been going for well over 30 years, used the opportunity to provide food services at the Clandulla event to help feed our visitors but also to raise money for the association. It was a case of this international event coming out of the city and people experiencing the wonderful hospitality and friendship that regional New South Wales offers. The people of the Lithgow area, in particular, and those in the Kandos-Rylestone area provide a wonderful example of that.

The visitors spent a lot of time in the surrounding areas, visiting areas such as Bathurst, Jenolan Caves, and many others, obviously spending money and injecting a lot of money into the local economy. I thank the organisers of the World Masters Games for giving the people of the Lithgow and Bathurst regions the opportunity to show what a good job we can do in country New South Wales.

TUMBARUMBA HIGH SCHOOL KOKODA PROJECT

Mr GREG APLIN (Albury) [6.31 p.m.]: On Thursday 1 October I joined excited staff and students of Tumbarumba High School, members of the Rotary Club of Tumbarumba and other community leaders to celebrate the school's receipt of a \$50,000 Schools First Impact Award for outstanding performance in school-community partnerships. The Schools First awards program is open to every primary and secondary school across Australia, and recognises school and community partnerships that enhance a student's education. Schools First is a \$15 million program over three years sponsored by the National Australia Bank, in partnership with the Foundation for Young Australians and the Australian Council for Educational Research.

The award to Tumbarumba High School was for its Kokoda Project in partnership with the Rotary Club of Tumbarumba. School Principal Sheila Ayliffe noted that the initial proposal by the Rotary Club to involve senior students in the Kokoda program presented some difficulties, as walking the track is not an activity endorsed by the Department of Education and Training. The local community, however, embraced the initiative for the long-term benefits it would bring to senior students, and the principal identified those core values of mateship, endurance, sacrifice and courage as qualities the two student groups would carry forward for the rest of their lives.

Master of ceremonies for the award presentation was Grant Harris, head mathematics teacher at Tumbarumba High School and the person responsible for preparing the submission for the Kokoda project. He thanked those who had assisted with the task—Bruce Wright, the originator of the project, Sheila Ayliffe, Joe Powell, Grace McEachern, Tony A'Beckett, Scott Landells and, most importantly, his wife, Debbie. Grant also singled out Trevor Pryor, the Queensland organiser of the 2/14th Battalion, David Baker of Kokoda Culture, Jackie Lauder, a major sponsor and parent, Zoey McIntyre, a 2007 trekker, former Mayor Councillor George Martin, and Chris Skeel-Piggins of Hyne Timber for their outstanding letters of support. As Grant recognised on the day, the Tumbarumba submission achieved success among 800 applications because of the enthusiasm of those involved and the strong and continuing partnership of school and community.

Rotarian Bruce Wright was the instigator of the project and he was invited to address the audience, which included many Tumbarumba Rotarians, fellow trek leaders Christine Goldspink, Chris Brice and Cheryl Hammond, committee members Cathy Gairn and Theresa McIntyre, 2007 and 2009 student trekkers and their parents, 2008 community trekkers, representatives of major sponsors—Hyne Timber, the former Lauders IGA, Hammonds Hardware, Brennans Earthmoving, Alan McCracken from Toyota Material Handling, and the Regional Manager of National Australia Bank, Nicole Killen, accompanied by the Tumut Branch Manager, Liz Crampton.

Bruce Wright's father, Noel, fought on the Kokoda Track with the 2/27th Battalion, and this inspired Bruce to travel to Papua New Guinea to experience what his father had endured. He has since made many trips to Papua New Guinea, walking the Kokoda Track and working on Rotary projects to provide infrastructure for the local people. In 1999 Bruce took his first group from Tumbaramba to walk the track, and during 2006 he recalled talking to Dave Bennetts and other Rotarians about doing something for the youth of Tumbaramba. This desire transformed into a plan to provide an opportunity to students at Tumbaramba High School to travel to Papua New Guinea and walk the Kokoda Track. Grant Harris joined the team, followed by Cheryl Hammond and Christine Goldspink, and the project became known as Kokoda 2007. It generated enormous community interest, and the rigorous training and fundraising activities were strongly supported.

At the award presentation Bruce Wright spoke of the initial reasons for undertaking the arduous adventure. He said that for students in a small regional community this was an opportunity for personal development, for young people aged between 16 and 18 to realise their own real potential, to recognise that life is made up of ups and downs and that if we take small steps we can get over any big hill and then the next one too. In an historical context he said the students would experience some of the hardships faced by their forefathers fighting on that track to help keep our great country free. He also pointed to the benefits of experiencing life in a Third World country firsthand by interacting with local village people and carriers and in realising that you do not need material possessions to be happy. This change of perspective is encapsulated in the project by-line, which reads, "Take your life into Widescreen."

Teachers, students, parents and trek leaders have no doubt that the school-community partnership helped expand student perspectives beyond their local community and built self-confidence, self-reliance, leadership and team skills. The 2007 Kokoda trek saw 17 students with two teachers and four Rotarians successfully negotiate the track. In 2008 the organising committee responded to demand and took two community groups, and the second high school party of 16 students completed the trek in April this year. Preparations are now underway for a student trek in 2011, and the Schools First award money will be utilised to purchase equipment that can be retained by the school for use by trek participants.

Bruce Wright's assessment of the benefits to students and their legacy to the community was immediately borne out when 2007 trekker Zoey McIntyre and 2009 trekker Jared Hannon responded. Zoey has since participated in a year's student exchange in Brazil. Both students are currently sitting their Higher School Certificate exams and we wish them well. Congratulations to all in Tumbaramba who were involved in winning this award.

HAMMONDVILLE FRIENDSHIP GARDEN

Ms ALISON MEGARRITY (Menai) [6.36 p.m.]: I recently visited Hammondville Public School, which is located just across from my electorate office, to answer questions from year 6 students as part of the curriculum unit on government and community. The students showed great interest and knowledge about the topic and I was very impressed by the detailed questions they asked me about my role as a member of Parliament and my life generally. Towards the end of my visit the hardworking year 6 teachers, Mrs Jacobs and Mr McInney, asked me to suggest ways in which the students, as a group, could actively develop links with the local community. I said that I was reasonably sure the elderly residents of the Hammond Care facility down the road would embrace any opportunity to interact with the students on an ongoing basis, and I provided the teachers with a contact person.

Several years ago I witnessed a wonderful performance by a combined choir of school students and Hammond Care residents to celebrate a visit by the New South Wales Governor to that facility. It was clear to me that the interaction between the older and younger members of that choir was more enjoyable for the participants and the audience than if the children had simply performed for the older people. So, during my recent discussions with the Hammondville Public School staff and students, I encouraged them to come up with ideas that would maximise the interaction of the generations. The school certainly took that ball and, as the saying goes, well and truly ran with it. Firstly the students undertook a questionnaire to identify a baseline of knowledge and awareness of the elderly in our local community.

In full cooperation with Hammond Care, a partnership program based on the theme "It takes a whole village to raise a child" was then developed. The program comprises weekly visits to Hammond Care throughout the school term, including performance opportunities, with reciprocal visits from those residents to the school for special assemblies and organised days. To publicly signify the beginning of the partnership, it was decided that the students and Hammond Care residents would establish a "friendship garden". Large and unused

concrete planter boxes along Walder Road, just outside the local shops, provided an ideal opportunity for this initiative. Liverpool City Council readily agreed to provide the mulch and Australian native plants that would give the old planter boxes a new lease of life and greatly improve the amenity of the local area. Council also advised all the shop owners about the project and did a great deal of preparatory works early on the morning of Wednesday 16 September 2009 to ensure that the planting activities could get underway quickly.

The Hammondville Public School students, assisted by the Principal, Craig Levings, Mrs Jacobs and other school staff, enthusiastically led the charge and almost had the first large planter box finished before the other participants arrived! It is fair to say that the students had arrived at school that day very excited about the task ahead, so the most sensible course of action was to let them get things underway as quickly as possible. A group of Hammond Care residents, some in wheelchairs, were soon busily engaged with the children planting out the remaining boxes. There were plants, watering cans and small gardening spades going left, right and centre.

I invited the Mayor of Liverpool, Councillor Wendy Waller, to join us for the event. When issuing the invitation I joked that it was a BYOGG affair. By that I meant that it was a case of bring your own gardening gloves. That is just what the mayor did on that day to lend a helping hand. I acknowledge also the participation of Keith Morgan, Hammond Care's head of the south-western Sydney region, and Danielle McIntosh, Manager, Life Engagement and Activities. Hammond Care's mission statement reads:

Our passion is to improve the quality of life for older people in need.

Hammond Care's involvement in the planning and implementation of this partnership program is yet another example of the incredible efforts made by this organisation to bear witness to its mission statement. In what seemed like no time at all every planter box was finished and we were all very pleased with the result. Our combined efforts had completely transformed the streetscape and demonstrated what a little community effort, and a little elbow grease, could achieve in a relatively short space of time. The Hammond Care residents said they would be going home to tell their mates all about their activities that day. But before heading back, several took a quick detour via the school for some refreshments. I later saw a great photograph of one of the seniors seated at a school computer with operating instructions being provided by a student. So things obviously progressed from the intended glass of water.

As the local member of Parliament I personally find it very sad that many people in the wider community are too ready to criticise the motivation and activities of young people generally. I can only hope that people of that opinion may have passed by our working bee that day, or through some other means, have become aware of the wholehearted involvement of these terrific young people in these activities. Many of those students were from year 6 and they will soon be on their way to high school—now that is another thought. It may give people minded to make such assumptions some cause to stop and reconsider their views. On behalf of the House I thank the caring staff of Hammondville Public School on a job well done. That school, like so many other wonderful schools in my electorate, pursues opportunities above and beyond the set curriculum that will assist in the development of respectful and responsible young citizens.

NATIONAL POLICE REMEMBRANCE DAY

TRIBUTE TO SENIOR CONSTABLE RENAE CAROLINE LANDGRAF

Mrs DAWN FARDELL (Dubbo) [6.41 p.m.]: On Tuesday 29 September I attended the National Police Remembrance Day service held in the Holy Trinity Anglican Church, Brisbane Street, Dubbo, at the invitation of Ross Godfrey, Police Chaplain. Similar services were held around New South Wales on that day, which no doubt many other members of this Parliament attended. The Reverend Canon Roger Zohrab, Rector of Holy Trinity Dubbo, carried out the welcome and invocation. Scripture readings and the homily followed by Police Chaplain David Warner, CGS. The solo of *Amazing Grace* was beautifully sung by David Cooper, RNS Dubbo. Superintendent Stan Single, APM, the Commander of the Orana Local Area Command, addressed the congregation. Police Chaplain David Warner said prayers for the New South Wales police.

Constable Jason Blake, who had not been a member of the police force for very long, read the roll of honour. I will list the names of those members of the New South Wales Police Force deceased during the period 29 September 2008 to 28 September 2009: Sergeant Sean Stephen Lamerton, General Administrative Support Officer Jane Gardiner, Constable Morgan James Hill, Probationary Constable Mason Hammond, Senior

Constable Lindsay "Guy" Winkley, Senior Constable Janice Anne Hennessy, Senior Constable Ian West, Constable Gilbert Joseph Roussel and Senior Constable Renae Caroline Landgraf. Renae was one of our own from Dubbo.

Senior Constable Renae Landgraf, nee Spackman, unfortunately lost her life in May this year at the age of 31 as a result of health complications. Her sudden death has rocked the Dubbo police family and wider community. Accompanied by his three sons and baby daughter, Steve Landgraf, an officer himself, was surrounded by hundreds of friends and colleagues as he farewelled his beloved wife at St Brigid's Catholic Church. In 2001 Renae achieved her dream of being accepted into the Goulburn Police Academy, where she later graduated as Probationary Constable Renae Spackman. Renae transferred to Dubbo Police Station in 2005. In the same year she married her long-time friend Steve, which her family remembers as being the happiest time of her life.

In marrying Steve, Renae welcomed with loving arms his two sons Connor and Harris. In 2007 Renae was blessed with her first child, Ethan. In February this year Steve and Renae had their second child, baby girl Mackenzie. Family members said that, while Renae's life was short, she was able to achieve all she had dreamed of achieving: becoming a police officer, a wife and a mother to a son and a daughter. Friends and family described Renae as being energetic, loving, fun and ambitious. She was an extremely dedicated mother, wife and police officer who worked hard and stuck her neck out for other people. Superintendent Stan Single read a valedictory at the funeral outlining Renae's police service and a description of her achievements and commendations. Renae's police service followed her father Neil's army service and the policing careers of her husband and role model uncle Peter.

Together with police colleagues, a large contingent of nursing and medical staff attended the funeral in support of Renae's mother, Sandra. It was a sad and tragic day when Renae passed away. Renae was a vibrant community member. I knew of Renae well and the work she did with the youth in our Dubbo community. Sandra used to attend the National Police Remembrance Day service each year with Renae. She was a true Briton to attend the service on her own this year. It was a tough day for Sandra but hopefully in time it will become easier for her. Renae and Steve's children Steven, Connor, Harris, Ethan and Mackenzie are in the good hands of their surrounding family and the police force family, as it is known. Our sympathy goes to them all. The National Police Remembrance Day reminds us of the hard work the police perform in our community but it is very tough when it involves one of our own.

Private members' statements concluded.

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT BILL 2009

RURAL FIRES AMENDMENT BILL 2009

Messages received from the Legislative Council returning the bills without amendment.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Debate on private members' statements having concluded, the House will now proceed to the matter of public importance.

CRIME AND SENTENCING

Matter of Public Importance

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [6.48 p.m.]: I ask the House to note as a matter of public importance that the Rees Government is committed to raising greater awareness of crime and sentencing rates to break down some of the existing misconceptions. At the last election the New South Wales Government committed to undertake research into public attitudes towards sentencing. The New South Wales Bureau of Crime Statistics and Research [BOCSAR], in conjunction with the Sentencing Council, completed that research and released their findings last August. More than 2,000 New South Wales residents were surveyed for the study. They were asked about their confidence in the criminal justice system, their views about sentencing and their knowledge of crime and justice. The survey found that about two-thirds of people felt that sentences imposed on convicted offenders are too lenient.

What concerned me about the research was not that some members of the public thought sentences were lenient but that there are widely held misconceptions about crime and sentencing issues in the community.

The survey found some public misconceptions about crime include overestimating the proportion of crime that involves violence, underestimating the conviction rates for assault and home burglary, and underestimating the proportion of burglars sent to jail. Generally speaking, the people who were more accurate in their assessment of conviction and imprisonment rates, had more confidence in the criminal justice system than those who underestimated them. In other words, those who had the least knowledge of our criminal justice system had the least confidence in it. Commenting on the findings, the director of BOCSAR, Dr Don Weatherburn, said:

Large sections of the public mistakenly believe property crime is going up ... overestimate the proportion of crime that involves violence ... and underestimate the percentage of arrested offenders who are convicted and imprisoned ... Since most people obtain their information about crime from TV, radio and the newspapers, the media must take some responsibility for this.

The Government is committed to protecting the community from crime and ensuring people feel safe to go about their daily lives. Misconceptions about crime and sentencing have the potential to undermine the public perception of community safety. Furthermore, one of the cornerstones of the justice system is deterrence through fear of punishment. It is a matter of concern that many would-be offenders may be of the view that courts are becoming lenient when in reality more criminals are being sent to prison, and for longer periods. In fact, a BOSCAR study released in January this year found that from 1993 to 2007 defendants were twice as likely to be refused bail, for almost all offences convicted offenders were more likely to be sent to prison, and offenders were going to prison for longer for almost all offences, with the average length of sentence increasing.

Perceptions of crime and justice are often shaped without people hearing the full details of a case and many only find out about it through the media. One of the reasons the Government has undertaken steps to improve the public's understanding of crime justice and sentencing is to improve the public's confidence in the justice system. Encouragingly, the BOCSAR survey of last year showed that 60 per cent of people would like to learn more about how judges sentence offenders. So in response we organised a series of community information forums on sentencing. I am pleased to report that last Wednesday night we held one at the Regional Gallery, Gosford, on the Central Coast.

Mr Chris Hartcher: Was I invited?

Mr DAVID HARRIS: Everyone was invited; it was announced in the newspaper. The Central Coast Process of Justice Forum is a clear example of our Government's commitment to engaging with, and listening to, the people of New South Wales. The forum is open to anyone with an interest in learning more about how our justice system works. They can come along and hear firsthand accounts from some of our leading experts in the field. The forum attracted a record attendance, with almost 150 interested residents of the Central Coast turning out to hear the insights of legal experts, including former Supreme Court judge the Hon. James Wood. The Attorney General, the Hon. John Hatzistergos, Howard Brown from victims of crime support group VOCAL, and the Deputy Director General of the Department of Justice and Attorney General, Brendan Thomas, were also in attendance.

The panel of legal experts was able to give firsthand accounts of what happens in court when an offender is sentenced and the reasons why sentences are imposed. Other topics covered included the process of sentencing, court processes and support services for victims. Central Coast residents not only had the opportunity to gain a deeper understanding of how criminals are sentenced but also had a chance to raise issues with the New South Wales Government relating to crime in their region. I am pleased to inform the House that crime rates on the Central Coast have fallen for serious crimes including assault in the two years to June 2009. BOCSAR figures show that the incidence of assault in the Gosford-Wyong region fell more than 12 per cent in the 24 months to June this year. The incidence of malicious damage to property also fell more than 10 per cent over the same period.

In the Brisbane Water Local Area Command crime statistics show that crime in all categories is stable, with assault non-domestic violence having fallen by 11.7 per cent. Tuggerah Lakes Local Area Command has also seen a fall in assault-related crime, and domestic violence is down by 12.2 per cent and assault non-domestic violence is down by 10.7 per cent. Driving down crime rates is a priority of this Government and that is why we have ensured that there is a strong police presence on the Central Coast. Some 240 police officers are stationed at the Brisbane Water Local Area Command, which is 13 officers above the authorised strength. Similarly, 206 police officers operate at Tuggerah Lakes Local Area Command, which is seven officers additional to authorised strength levels.

On the Central Coast and across New South Wales increasing police numbers will remain a priority of this Government in order to keep the community safe. The Government is equally committed to ensuring that

police have the equipment and facilities they need to protect the community. That is why we have allocated \$8.9 million to start construction of a new police station at Wyong. The total cost of the project will be \$14.6 million. Construction will commence soon and is expected to be completed by early 2011. The new Wyong police station is part of the Government's commitment to rebuild or improve 37 stations across the State during this term of office.

The New South Wales Government is working closely with New South Wales Police Force local area commands to develop strategies to address antisocial behaviour on the Central Coast. A crime prevention partnership for the Central Coast region was established recently. There have been successes already, with local police working with the Office of Liquor, Gaming and Racing to target licensed premises, including the secondary supply of alcohol. The New South Wales Government has developed an antisocial behaviour pilot project in the Tuggerah Lakes Local Area Command. That is a multi-agency approach to case manage a select number of vulnerable children under the age of 25 years. These extremely vulnerable children have complex needs. Children and young people who are at high risk of harm to themselves or others are often from dysfunctional families. I have outlined a few of the areas where the Government is looking at justice on the Central Coast.

Mr CHRIS HARTCHER (Terrigal) [6.55 p.m.]: The member for Wyong is certainly the last man standing for the Australian Labor Party on the Central Coast. It is fitting to note that he has been made Parliamentary Secretary for the Central Coast—a matter I have addressed previously. He is the one who gets the questions during question time, and we see him jump. He moved the recent priority motion concerning the Central Coast and now he got to raise a matter of public importance about the Central Coast. The Labor Party has given up The Entrance and given up Gosford. All its efforts will now be focused on Wyong. We will watch what happens over the next 16 months with the electorate of Wyong and the Labor Party's efforts to retain that seat through the member.

Mr David Harris: The hard work of the local member.

Mr CHRIS HARTCHER: I would put "hard work" in inverted commas! The significance of the survey referred to by the member for Wyong is that the Labor Government has been in power since 1995. According to the figures he cited from the report, when the Government commissioned the Bureau of Crime Statistics and Research [BOCSAR] to survey the people of New South Wales on the criminal justice system 60 per cent of respondents thought that criminals were treated too leniently under this Government. That is the bottom line: The great majority of people in New South Wales—60 per cent at least, if not more—believe that law and order does not serve the interests of the community and that law and order is not administered effectively in New South Wales. No matter how many community forums are held—with a huge roll-up of 150 people on the Central Coast, for example—the Government is simply not changing that message.

The member for Wyong said that 150 people attended the forum on the Central Coast. Some 300,000 people live on the Central Coast so 150 people represents only .01 per cent of the population. That means that 99.99 per cent of residents did not attend the forum because 99.99 per cent are not interested in what the Government has to say. They can see the lack of law and order with their own eyes. The member spoke about Wyong police station, but he did not speak about the closure and sale of Kincumber police station. He did not talk about the closure of Terrigal police station. He did not talk about the closure of Umina police station. He did not talk about the closure of the Erina shopfront police station at Erina Fair. He did not talk about the downgrading of Woy Woy police station.

Since 2001 the Government has promised to build Wyong police station. It is still not built. In each budget the year of its completion is pushed out. The Government now says it will be completed in 2011. Possibly there will be a ribbon-cutting ceremony featuring the member for Wyong—he will look good in the photo, I do not deny that. Whoever survives the knives, daggers and thrusts of the internal workings of the Australian Labor Party to be police Minister of the day—we have had so many police Ministers I will not even go through the list—will be there with the member for Wyong, and possibly the member for The Entrance, smiling for the photo and cutting the ribbon to open a police station that has been on the books for nearly 10 years.

That is the true level of the Government's commitment to criminal justice on the Central Coast. The Government has failed the people of this State, who do not believe the Government provides effective administration of justice. That BOCSAR survey showed that only 5 per cent of people whose homes are broken

into have a result. In New South Wales, and on the Central Coast, if one's home is broken into there is one chance in 20 that the perpetrator will be caught and brought to justice. That is the effectiveness of law and order policy under this Government.

The survey also revealed that 6 per cent of car thefts result in a conviction. That means that 94 per cent of car thefts go nowhere and 95 per cent of break and enters go nowhere. One's home and car mean nothing to this Government. No wonder people do not believe the Government is serving them effectively. No wonder people do not believe they are getting law and order and justice, with the closure and downgrading of police stations, and the lenient sentences that our courts hand out repeatedly to criminals. However, this afternoon we are invited to celebrate the achievements in justice of the New South Wales Labor Government over the past 15 years.

The Government's own figures from the survey cited by the member for Wyong showed that that is not the case. People do not believe in this Government; people do not accept that there is any reason to celebrate. As an example I cite the events on the Central Coast involving Labor members. The Federal member for Robertson is under police investigation for allegedly improperly securing statutory declarations over the Iguana affair, and a member of the New South Wales Legislative Council, John Della Bosca, is also under investigation by police for improperly procuring statutory declarations. The whole issue of bullying and intimidation—

Mr David Harris: Point of order: The member for Terrigal is attacking a member in the other House. It must be done by way of substantive motion, not snuck into a matter of public importance about the justice system on the Central Coast.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. Members cannot reflect on each other except by way of substantive motion. The member for Terrigal will return to the matter of public importance.

Mr CHRIS HARTCHER: No justice system stands without the leading pillars of the community upholding law and order. What happened at Iguanas was a tragic failure of leadership on the part of the Australian Labor Party. The member for Swansea often says that Swansea is a Central Coast seat. Where is his predecessor? The former member for Swansea, Milton Orkopoulos, is serving a jail sentence for committing sexual offences against young people when he dragged them down here to conferences of the Australian Labor Party. Iguanas and Milton Orkopoulos—that is the moral leadership shown by the Australian Labor Party on the Central Coast. The Catherine Hill Bay decision was overturned in the Land and Environment Court because of a land bribe. At every level Labor has failed the people of the Central Coast.

Mr GRANT McBRIDE (The Entrance) [7.02 p.m.]: I am disappointed with the contribution by the member for Terrigal. The personal attacks he made on John Della Bosca, a member of the upper House, Belinda Neal, the Federal member for Robertson, and former member Milton Orkopoulos are part of the gutter tactics that have become characteristic of the Opposition. The Opposition has used the recent upper House inquiry to pursue members of Parliament. It is not an inquiry; it is a fishing expedition to try to obtain evidence of impropriety. Although the inquiry has been going for five weeks, the Opposition, with the aid of the Greens, has not been able to find one substantive item to illustrate any impropriety associated with the actions of the Department of Planning and the Minister for Planning.

When it comes to justice, the Opposition has no policies. The member for Epping was formerly Deputy Director of Public Prosecutions. He held one of the most senior legal positions in New South Wales. His job was to make sure that the laws of this State were obeyed and that people who broke the laws were properly dealt with. He said, "I do not want a Dutch auction in terms of sentencing." He said in the print media that it was wrong. He said it was bad politics and bad government and it was bad for the people of New South Wales. But the Opposition forgets what he said when they have an opportunity to put the boot into the State Government. They did it tonight in this Chamber and they have been doing it in this Chamber for the last two days. The Opposition does not have any policies, so they throw mud at the Government.

For the five weeks the media has reported on the inquiry the Opposition has not found one skerrick of evidence to show any impropriety. In this Chamber the Opposition has denigrated Federal and State members of Parliament and attacked a public servant who has given 30 years of his life to public service and is held in high regard by everyone he has dealt with. He has been part of the system under both Liberal and Labor Governments. The Opposition fails to obtain evidence to suggest any impropriety in relation to the rezoning of land in western Sydney, so it kicks the guts out of a public servant who is doing his job responsibly. He is

regarded as an honest man of impeccable integrity, but the Opposition makes personal attacks upon him in this Chamber. The Opposition should apologise for the way they have treated him. The only policy they have is a policy of smear.

The Opposition does not have any policies. The Government made a comprehensive response to alcohol-related issues. The Opposition came up with one idea—more highway patrol cars. They say that more highway patrol cars will reduce crime rates in New South Wales. That nonsense came from the Hon. Mike Gallacher, Liberal Party leader and Leader of the Opposition in the upper House and, it turns out, an ex-highway patrol officer. That is all the Opposition came up with. They do not have any innovative ideas about ways to deal with alcohol-related issues. Following a major issue in Terrigal, the Government introduced legislation specifically to deal with crime in our community. What has the Opposition done? I respect the way the Opposition's country members behave in this Chamber. But the disgraceful behaviour of Chris Hartcher, the member for Terrigal, in this Chamber reflects on the whole Opposition.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [7.07 p.m.], in reply: I thank the member for Terrigal and the member for The Entrance for their contributions to this matter of public importance. All Labor Party members who represent Central Coast seats work very hard on law and order issues. The member for Gosford, Marie Andrews, held a public forum at Club Umina on Monday night to consult with the community about the various strategies being put in place in her electorate to meet the concerns of local residents. The member for The Entrance is a strong advocate for greater police presence and ensures that the concerns of his community are presented to police at local meetings we attend with Tuggerah Lakes command. From memory, the member for Terrigal has rarely, if ever, attended those meetings.

The member for Terrigal attacks individuals in this Chamber. He should have a serious look at his own performance. He is sadly lacking. Many of the places that he claims have been closed down are located in his electorate. Perhaps it is a reflection of his level of effort in his electorate. He mentioned Wyong police station. I proudly say that as a result of my efforts and those of the member for The Entrance dealing with successive police Ministers, the police station will be built before the end of 2011. I am proud that we delivered it. I do not know how the member for Terrigal can judge that as a failing. He said it has not happened for 10 years. We have done it and he should give credit to us.

The member for Terrigal failed to mention the major upgrades at Gosford and Wyong courthouses to security and video conferencing facilities. He failed to mention the mobile police stations that have been operating in the Tuggerah Lakes and Brisbane Water commands to ensure that police get out in the community. The Opposition seems to think that police should sit in police stations. They want it to be like the old days when police hung around the police station waiting for a phone call before they ran out into the street to deal with crime. The Government puts police officers in cars and sends them out to patrol the streets. The member for Terrigal failed to mention that the Government introduced tasers for the protection of the community and police. As usual, he is scant on detail. He ignores all the good initiatives on the Central Coast and just criticises and makes personal attacks. That says more about the way the Liberal Party operates on the Central Coast. The Labor Government gets on with the job of supporting local people.

The forum last Wednesday night demonstrated that people's perceptions are wrong, including those of the member for Terrigal. Maybe he should have come along to the forum and learned the facts. Sentences are tougher, more convictions are being secured and crime rates are dropping. This Government is encouraging people to report crime. We are encouraging them to let the police assistance line or their local police station know if something happens so it can be recorded. That is the way to get increased police numbers. Police resources can be targeted strategically if people report crime. Resorting to smear and gutter tactics as the Liberal Party seems to want to do in relation to the Central Coast is not the approach to adopt.

After the success of the forum on the Central Coast last week as well as those held in Parramatta and Campbelltown earlier this year, the New South Wales Government will hold further crime and sentencing public forums across the State in coming months. It is vital for the public to have confidence in the effective operation of the justice system. That happens when they have a thorough knowledge of what is going on, and do not rely on what is reported in the media, which is always very slanted. At the forums they are given details of the statistics and then shown the headlines in the paper. Lo and behold, they are very different. In fact, they are almost the opposite of one another. The newspapers are clearly at odds with the statistics and examples that are given at the forums, which many members of the public were quite horrified to see. I always thought the media

was about reporting facts, but I think these days that has gone out the window and it does not happen as much as it should. News of the community crime and sentencing forums has been well received and we will keep going out to the people and doing the right thing.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.12 p.m. until
Thursday 22 October 2009 at 10.00 a.m.**
