

# LEGISLATIVE ASSEMBLY

Wednesday 4 March 2009

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**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.**

## VICTORIAN BUSHFIRES

### Condolence Motion

**Debate resumed from 3 March 2009.**

**Ms PRU GOWARD** (Goulburn) [10.07 a.m.]: I join my parliamentary colleagues in offering my condolences and those of the people of Goulburn to the people of Victoria. When the fires were burning their relentless and tragic course across that State, we all watched, in hypnotised horror, news reports of their disastrous journey. We tuned in to weather bulletins, hoping and praying for a cool and wet change to pull the fires up short, to no avail. We all know the end of that dreadful day in February 2009.

As the full extent of the devastation unfolded over the following few days, no-one was left untouched by the destruction. We learnt a lot of things about our fellow Australians as stories were told of impossible choices, forces unimaginable, moral dilemmas and simple gestures of deep humanity, like the group of adults found huddled dead over a baby, sheltering it from the heat—such a simple, futile, loving gesture in the midst of all that fear and dying. As we listened and learnt, all of us, deep inside, must surely have asked, "What would I have done?"

The confrontation between our fragile mortality and the forces of nature on that day will continue to shock and touch us for months and years to come. Our hearts go out not only to the dead, the injured and their loved ones, but to the police and emergency service workers who are tasked with the gruesome job of uncovering bodies, dead and alive, charred and often disfigured beyond recognition. Our thoughts are with funeral homes staff—those who prepare what remains for burial, and those who carry unnaturally light coffins to their final resting places.

The fires struck chords with many in my electorate, where bushfires are not an unknown phenomenon. They evoked memories of the 1965 Chatsbury fire that devastated Wingello, killing three people and destroying 32 homes; of the 1978-79 fires in the Southern Highlands and the south-west slopes that burnt more than 50,000 hectares, inflicting heavy stock losses and destroying five houses; and of the destructive 2001-02 fires in the northern villages of my electorate. Australians know intense weather extremes. They mould our childhoods, our lives and our memories. We do indeed love a sunburnt country. We do not, however, love the charred and blackened landscape that is revealed when a bushfire has burnt itself out.

I have been humbled by the response of all Australians to the Black Saturday fires. Residents in the Goulburn electorate have been no exception. Despite being on standby and keeping a watchful eye on the Bungonia fire that was still flaring on that day, Merrynda Beville of the Colo Vale Brigade, Craig Morris, Captain of Mittagong, and Jason Pickup, also from Mittagong, hit the streets, not only collecting more than \$20,000 in two days to send to Victoria but also answering questions about fire prevention techniques. Leo Shanahan, a man I have known all my life and an Exeter farmer who lost cattle in the Canberra fires, donated hay that was carried to Victoria by Canberra carrier Pat Moore.

The Goulburn community trawled wardrobes and drawers. Rowan Begg organised donation collection points for people to drop off their contributions, Signage One provided the signs, Kennards donated a forklift to

pack the Granger Freight Line trucks used for transportation, and Goulburn Hydraulic and Plant put up its hand to pay for petrol. Local business jumped on board; everyone wanted to help. I went to give blood at the Red Cross Blood Bank in Goulburn. The service had barely coped with the huge number of people who turned out to give blood—many, like me, giving for the first time, as a very small contribution to the bushfire effort, but nonetheless one that everyone wanted to make. Wherever we go there are bushfire fundraising events.

So how do we make sense of this horrible event? Where do we place it as a nation and as individuals? Few of us will ever be called upon to answer the question, "What would I have done?" But it is surely a haunting question that both goes to the heart of our national identity and challenges each of us. Because, although few of us will be called, the truth is that this continent demands that the question be asked. The Australian continent—its climate and geography, its natural history and evolution—demands it. Bushfires, floods—it is still, and always will be, the land of Dorothea Mackellar—a land of extraordinary natural catastrophes, an unforgiving sun, far distances and isolation.

There are the jaundiced among us who are wont to describe Australians as timid people clinging to the fatal shores of a hostile land. We are in fact people who live in a land of extraordinary beauty and plenty, but also one where nature can be at her most unforgiving. We live with that. Despite our climate-controlled cars, offices and homes, we know we are never far from those unforgiving forces. We know, perhaps better than most, that it is only by caring for each other, supporting each other and rallying around that we are able to withstand the onslaught of the Australian elements. Bushfires particularly mark our mostly unwritten part of history. They are an indelible part of the Australian story, their marks charred into the Australian character; the quality of mateship at Gallipoli and the survival of many, against the odds, in the prison camps of the Second World War, and the high levels of volunteering so often remarked upon. In fire fighting today we see those same qualities: men and women working alongside each other, each doing what they do best, uncomplaining and supporting. We see personal acts of heroism or of sacrifice, all because the survival of us all depends upon it.

Australians know what it is to be up against insuperable odds better than most people on earth, and we stand ready to honour and support those who have withstood the terrible test of fire. The Black Saturday bushfires touched the hearts of so many people in the Goulburn electorate—far too many to mention by name or by deed. Our efforts cannot of course replace the lives that were lost but we hope it will go some way to easing the burden on those who must now rebuild. As Victorians keep a watchful eye for further trouble and begin the terrible job of clearing up the debris of their lives and the lives of those who did not escape, our hearts and our thoughts are with them all.

**Mr PETER BESSELING** (Port Macquarie) [10.15 a.m.]: Like many of my parliamentary colleagues, I too wish to express the condolences of the people of the Port Macquarie electorate to those who lost loved ones in the recent Victorian bushfires. I wish not to wax lyrical about this terrible tragedy but to deliver a simple message from our community to the communities in our sister State that have been devastated by this touching event. The simple message is this: We may not be able to relate personally to what you have gone through, but we are here to support you. This message has been delivered loudly and clearly by many of our community groups and I include the following selection as but a mere example—I stress "but a mere example"—of the support that has been forthcoming.

The list includes Harrington Bowling Club, \$500; Harrington Ladies Bowling Club, \$500; Manning Valley Chambers of Commerce and Tourism at Harrington on Sunday, \$12,097; two fishing clubs at Harrington Hotel, \$1,000; Tommy's and LJ Hooker Port Macquarie dinner, \$10,000; Hastings Public School, \$1,400; Bunnings Port Macquarie, \$4,000; Port Macquarie Quota Club, \$250; North Haven Bowling Club, almost \$1,000; Kendall Services Club, \$100; St Agnes Parish Sunday Church Appeal, nearly \$12,500; St Agnes Parish schools, nearly \$14,000; Catholic Care of the Aged, Port Macquarie, \$1,200; Camden Haven Golf Club, \$6,000; Laurieton United Servicemen's Club, nearly \$14,000; Port City Bowling Club, \$20,000; Westport Women's Bowling Club, \$2,100; Westport Euchre Club, \$100; and Wednesday Night Jazz Club, \$250.

I mention the monetary donations not to serve as some sort of tally or measure of our community's grief but more as a snapshot of the work done in our area by groups large and small to support our Victorian colleagues. To our volunteers who have offered their services or have been engaged in the fire fighting and clean-up effort, to the many businesses and individuals who have supported our community groups and to the groups themselves, your efforts will not be in vain. Paul Buttigieg wrote the poem, *Bushfire (The Australian Spirit)* in 2006; and with apologies for the lack of artistic understanding of its rhythm, its words are more than appropriate:

My last saucepan  
Amid the ashes  
A last possession  
Bent

But never enough to stop me  
Boiling the water  
Whilst I lost everything  
We're not losing our cup of tea  
We're not giving up  
Still  
There is hope  
Even if my house has gone  
Others  
Are hanging on  
And I must help I will build again  
There is no time for feeling sorry  
Only for pouring tea  
For heroes

On behalf of the entire Port Macquarie electorate: We may not be able to relate personally to what you have gone through, but we are here to support you.

**Mr ANDREW FRASER** (Coffs Harbour) [10.20 a.m.]: I offer my personal condolences to those severely affected by the bushfires in Victoria as a result of Black Saturday. I can relate to some extent to the feelings they are experiencing having eight months ago last weekend lost our home to a fire, although not to a bushfire. My wife was extremely well prepared for a bushfire because we live in a regional area. We in the bush are fully aware of the dangers posed by this country's climate. As a result, Kerrie packed most of our belongings into boxes that could be easily removed if a bushfire occurred and we had to evacuate our home.

However, because of that we have lost everything. We found very few mementoes after the fire. We sieved through the remains of various areas of our home where we knew the valuables had been kept and I found my maternal grandfather's Army badge from the 1<sup>st</sup> AIF and a blob of melted silver that had been my paternal great grandfather's silver tea service, which was a wedding present. We found very little other than those remains. Family photographs? Basically none. Children's school records and birth certificates? Nothing. Our marriage certificate survived in a form, which is perhaps an indication of our surviving through hell and high water. As politicians we know that we cannot get anywhere in this game without a great spouse. We are currently rebuilding, and our new home has come out of the ashes. The tenacity we have witnessed in Victoria will see the emergence of new homes and new beginnings for many people.

The Victorian fire has been a tragedy. More than 200 people are known to have died—not just died but perished—in the most unimaginable circumstances. My daughter Elizabeth is still undergoing treatment on her badly burnt foot at Royal North Shore Hospital, which I commend for the great caring services we have received over the past eight months. Elizabeth will probably have to wear pressure stockings on her feet and legs for the next 18 months to two years, but she is alive. She demonstrates the same tenacity demonstrated by the people of Victoria. We received support from not only members of this House but also friends, family and our community. It was second to none. The great nature of the Australian people is evident at these times in the willingness of communities and individuals to help.

I recently attended a fundraising event at Woolgoolga hosted by the local chamber of commerce. Because so many other events were being held in the electorate at the same time not many people turned up. However, the 60 people who did attend raised more than \$8,000 in cash. The Lions clubs, Rotary clubs, Apex clubs and other service clubs and individuals in the community are to be commended for the great job they have done, not only in raising cash but also in providing goods and services for the people who have been so severely affected. When the extent of the tragedy became apparent, Peg Maven from the Clothes Peg at Moonee Beach immediately organised a community appeal. Thousands of dollars and innumerable truckloads of goods have been sent through the Lions Club to assist people in need in Victoria.

Russell Crowe, who is a constituent of mine, has launched an appeal in conjunction with the Coffs Harbour City Council to build a community centre in one of the affected areas. That centre will probably be a memorial of the tragedy, but at the same time it will foster a sense of community. As was mentioned yesterday, to some extent that feeling has been lost. It is not only the homes that have been destroyed. The Leader of the Opposition said that in one town 43 of the 50 inhabitants have perished. The loss of community in that case is beyond comprehension. Firefighters from far and wide have assisted the Victorians in their battle against the fires. This morning's news showed firefighters from New Zealand doing a haka. As David Koch said, if they had done the haka in front of the fire it may have stopped it in its tracks. People from Woolgoolga have travelled to

Victoria to assist, and some are on the fire front at the moment. I saw members of the local Salvation Army unit board a plane to Victoria a couple of days ago to assist people who are at a loss and who do not know what will happen tomorrow.

Many valuable lessons can be learnt from this tragedy. We owe a debt of gratitude to all the services: the Army, the State Emergency Service and the Rural Fire Service—or the Country Fire Authority [CFA] as it is known in Victoria—who have lent a hand. Those groups have not been immune from tragedy with the death of David Balfour, a volunteer who served with the New South Wales Rural Fire Service and the ACT Rural Fire Service. We must understand the dangers of the Australian bush. Over the past 15 years there has been a huge push by preservationists—not conservationists—to halt the removal of the fuel load on the floor of forests. As has been said before during this condolence motion, three factors affect fires: first, climate, over which we have no control; secondly, topography and geography, over which we have very little control; and, thirdly, fuel loads. We have a great deal of control over fuel loads.

The first thing the National Parks and Wildlife Service has done on the establishment of many of the national parks created over the past 15 years in New South Wales is to remove bridges and roads. New South Wales should reintroduce the policy of ensuring that Rural Fire Service C-class tankers can travel on any road within a national park or State forest at 70 kilometres an hour. We must also maintain those roads and ensure that fuel loads are kept to a manageable level; that is, at 10 tonnes to 20 tonnes per hectare. The fire regimes implemented since European settlement and in place until recently have meant that fuel loads have been far lower than they are now. The management regimes that have now been forced on State Forests by the National Parks and Wildlife Service are a recipe for disaster. In some areas in my electorate and in areas that I represented until the last redistribution, the fuel load on the forest floor is more than 100 tonnes per hectare. The National Parks and Wildlife Service asked the local Rural Fire Service to assess whether a hazard reduction burn could be carried out in the Oakes State Forest, which is now part of the Bellinger River National Park. The Rural Fire Service representatives refused to do so because the fuel load was more than 100 tonnes per hectare and they could not manage such a burn.

The last big fire in the Coffs Harbour area occurred in 1969. It travelled to the mountains at Dorrigo to the sea at Bongle Bongle and north of Coffs Harbour. One man was killed and a very good friend of mine was injured when a huge burnt-out tree fell on the bulldozer they were operating. The two men were undertaking a mopping-up operation similar to that being undertaken by David Balfour when he was killed. Rex McLennan, who is now more than 80 years old, has never worked again as a result of his injuries. We should be talking to people like him to ensure that appropriate management processes are implemented and that no-one else suffers as those in Victoria have suffered.

About a week ago, when the fires were flaring yet again, I listened to the head of the Country Fire Authority on the news. In effect, he said that the rest of Victoria was a bomb waiting to explode. The majority of the areas he was referring to are in national parks that I believe have not been properly managed in the past in relation to hazard reduction. In 2002 when I applied for information, under freedom of information, in relation to fuel loads and the amount of hazard reduction that had been done in national parks, I received a letter stating that if I sent a cheque for \$15,000 information could be provided. I say that to highlight that we do not want to pay huge amounts; all we want in New South Wales is a regime where hazard reduction is brought to the fore. The so-called conservation or preservation of forests in Victoria has meant that not only more than 200 people have died but horrific injuries have been occasioned to animals, and the loss of animals is absolutely beyond belief. Conservation has not been practised in Victoria; in fact, whole ecological communities right down to carbon in the soil have been destroyed.

Last Friday while having dinner with a friend he advised that he had been in Victoria on what I thought was business but he had been there to try to pull together the pieces of the Rowland family, his cousins and their children, from Crookwell, who were in Victoria, I think on a work related matter. My friend found nothing, and I mean nothing. The workers who had the dreadful task of identifying where remains lay pointed out to him the location of the ash of the four bodies. He found it almost impossible to finalise their affairs. Why? I can attest that as a result of such fires no credit cards, bank statements or mail are left. One cannot access any mail. My friend had to get a court order to somehow try to tie up the estate. No remains were left to bury and he could only have a memorial. His experience was chilling. He saw charred bodies—the ash remains of his relatives.

With that in mind, parliamentarians must ensure that the chance of such an event happening again in New South Wales is minimised. We must ensure that in the approaching winter fire control season we put in maximum effort to prevent a tragedy similar to that in Victoria. I offer my condolences to all families who have

lost loved ones. I thank members of the emergency services, police, the Salvation Army and everyone else involved for their great job. I also thank the communities in New South Wales who have really put shoulder to the wheel to raise funds and to provide goods for the people who have lost everything.

**Ms SONIA HORNERY** (Wallsend—Parliamentary Secretary) [10.32 a.m.]: All members of this House express their concern and acknowledge the challenges faced by the member for Coffs Harbour, who experienced such devastation with the loss of his home. We are heartened to hear that he has been able to rebuild.

**Mr Andrew Fraser:** We are getting there.

**Ms SONIA HORNERY:** We also acknowledge that the contribution of the member for Coffs Harbour is extra special because he really understands and empathises with the people in Victoria.

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [10.33 a.m.]: I agree with the Parliamentary Secretary, it is terrible that the honourable member for Coffs Harbour, who has the most wonderful wife and family, was touched in that personal way with the loss of his home eight months ago. I add my condolences to those of the Premier and all members of the House on the terrible tragedy of the Victorian bushfires. We were all struck not just by the devastation of the Victorian bushfires but also by the speed and seeming randomness with which the fires struck. The terrible stories and images we have seen and heard in the past weeks give us all pause to reflect on the fragility of our own lives, and how quickly a normal, happy existence can sadly turn to tragedy.

We have all been touched not just by the sadness of the fires but also by the truly inspiring way in which all Australians have responded in the very best tradition of Aussies extending a helping hand. Amongst the outpouring of support for Victorian bushfire victims, I am proud to report to the House that one of the strongest community responses came from artists and art institutions—our wonderful creative people who live in New South Wales. Members may be aware of the Arts Unite event at the Opera House on Sunday 22 February. This was a fundraising concert at which artists from Opera Australia, the wonderful Sydney Theatre Company, the Australian Ballet, the Bell Shakespeare Company, the Australian Chamber Orchestra and the wonderful Sydney Symphony came together to perform a selection of their work. The Opera House itself contributed to the event by making its facilities available free of charge, with the night's takings at the Opera House bars and parking station also donated to bushfire relief. Funds from the event were directed through the Red Cross Bushfire Appeal.

The ticket price of \$50 was modest for such a marvellous opportunity to see so many of our most outstanding artists in one place at one time united, and the event was a sell-out. I am delighted to report that Arts Unite raised a staggering \$138,988 for bushfire relief. We must congratulate the Red Cross on the extraordinary success of its appeal. The professionalism and speed of the Red Cross response to this crisis is truly commendable. We are a lucky society to have such a strong, well-run organisation to help us respond as a united community to events such as the recent bushfires.

I also advise the House of another terrific grassroots event involving musos supporting bushfire relief. On Sunday 22 February, my office, together with the New South Wales Branch of the Australian Hotels Association [AHA] and a couple of outstanding individuals, organised an afternoon of jazz music at the Unity Hall Hotel in Darling Street, Balmain. Members may be aware that the Sunday jazz gig at the Unity Hall has run every Sunday for the past 37 years. This was a truly wonderful event, driven by very well-recognised people in the musos community who pulled together some of our most inspiring jazz musicians, including Galapagos Duck, the wonderful Billy Fields, continental Robert Susz, who has a marvellous way to play his instrument, the beautiful Delilah, Janet Seidel—such a talented woman—and the wonderful Bob Henderson, Dave Wray, Col Nolan, John Leigh Calder and of course the world-famous Unity Hall Jazz Band.

At Unity Hall money was collected through the AHA's Red Bucket Appeal. As members know, the AHA has put a red bucket for bushfire relief on the bar of every hotel in this great State. Those two events are obviously just a small part of an overwhelming level of support for bushfire relief across Australia. The events gave the artists involved, the community and the hotels industry a way to work together to help bushfire victims rebuild their lives, and we are proud to have contributed to them. That is what communities and being good neighbours is all about: coming together to care for each other and tell our stories. I place on the public record in this great Parliament of New South Wales my personal thanks and admiration for the individuals who made

those events happen: Libby Christie, the Sydney Symphony managing director, who initiated the Arts Unite event and brought along her colleagues and counterparts in other major organisations; and Richard Evans, the Opera House chief executive, who put his staff to work on the event.

As to the Unity Hall Jazz event in Balmain, let me offer my sincere thanks to Scott Leach, President of the New South Wales branch of the AHA, who I must say really hopped to it when we first talked about the idea of getting this event happening, and also to the AHA leadership in creating the Red Bucket Appeal. I also thank Will Hardman, the licensee at the Unity Hall, for bringing his venue on board for this great cause. Finally I thank two outstanding individuals, community-minded musos—as they all are—without whose help the Unity Hall event would not have happened. They are John Leigh Calder, who hit the phones right away, and was critical to recruiting his fellow musicians to play the gig free of charge—and who himself played and sang at the gig—and John Wardle, an absolutely inspiring community organiser and activist, who worked so hard at getting the word out about the Unity Hall gig, and whose tireless efforts have helped to create so many new performance opportunities for musicians in New South Wales venues. He is a real trailblazer in every sense of the word and a real community leader. I am proud that I carried the bucket at the Unity Hall gig, and I am absolutely delighted to report that we raised \$1,500 that day. My greatest thanks are for the pub-goers who put their hands in their pockets to help this most worthy cause.

I also bring to the attention of the House one other simple Government initiative to assist in Victorian bushfire relief. The Office of Fair Trading, of which I am very privileged to be the Minister, is working to expedite the approval of mutual recognition of trade licences for New South Wales tradespeople to work in Victoria. As Victoria begins to rebuild, the availability of competent, licensed tradespeople will be critical, and we are pleased to support those men and women to get quickly to work where they are most needed. These initiatives, along with all the other events, donations and support that have happened in response to the bushfire tragedy are expressions of our caring, our compassion and how well Australians pull together when we need to. The bushfires have touched every one of us and the Government is proud to do its bit to help.

**Debate adjourned, by leave, on motion by Ms Sonia Hornery and set down as an order of the day for a later hour.**

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

**Bill introduced on motion by Ms Linda Burney.**

### **Agreement in Principle**

**Ms LINDA BURNEY** (Canterbury—Minister for Community Services) [10.41 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Children and Young Persons (Care and Protection) Amendment (Children's Employment) Bill 2009. The bill before the House will amend the Children and Young Persons (Care and Protection) Act 1998 to make the child employment provisions of the Act applicable to children up to 16 years of age who are employed as models. The existing child employment provisions in the Act apply to children up to the age of 15 years who are employed for still photography, entertainment or exhibition work. Exhibition work includes modelling before a live audience, for photographs and for film, TV or video recording. The effect of the amendment in this bill will be to extend the application of those provisions to children between the ages of 15 and 16 who are employed for modelling.

This bill will also make a consequential amendment to the Code of Practice in the Children and Young Persons (Care and Protection—Child Employment) Regulation 2005. That amendment will extend the daily time restrictions on the employment of children to include children between the ages of 15 and 16 years who are employed for modelling. Importantly, the bill will also increase the penalty for employment of a child in contravention of the child employment provisions of the Children and Young Persons (Care and Protection) Act 1998. The existing maximum penalty for which the Act provides is 10 penalty units, which means \$1,100. This bill will increase the maximum penalty for that offence to 100 penalty units, which means \$11,000. Employment is defined in the legislation as work by a child for whom payment is made or some other material benefit is conferred on the child or another person.

The Act requires all employers of children for still photography, entertainment, modelling or other exhibition work to hold an employer's authority and to comply with the mandatory Code of Practice in the

Children and Young Persons (Care and Protection—Child Employment) Regulation 2005. The provisions of the mandatory Code of Practice acknowledge that child employees may be less capable than adults of negotiating conditions of their employment. For that reason the Code of Practice contains specific requirements on matters such as working hours, travel time, amenities, supervision and the effect of work on the child's education. Additional sets of requirements relate to the employment of children who are under three years of age and babies less than 12 weeks old.

The Children's Guardian has delegated authority to permit variations to the limits in the Code of Practice. That authority is only exercised when an assessment shows the welfare of employed children would not be compromised. The Code of Practice prohibits casting of a child in a role or situation that is inappropriate in view of his or her age, maturity, emotional or psychological development and sensitivity. The Code of Practice requires that details about each proposed instance of employment be notified in advance to the Children's Guardian. That notification provides an opportunity for the Children's Guardian to assess whether each proposal is likely to comply with the "appropriateness" test in the Code of Practice for each child involved.

One effect of this bill will be to give models between the ages of 15 and 16 years the benefit of the safeguards that the legislation already provides for models below the age of 15. I believe that is appropriate in view of the concern expressed in our community about the dangers for young people who are drawn into an adult world at an age when they are more mature physically than emotionally. It is difficult to define a precise age at which models are likely to be able to look after themselves in the workplace, but the broad consensus is that it is older than 15 years for most children. The extension of the legislative safeguards in New South Wales to apply to models up to 16 years of age is consistent with community opinion in New South Wales and elsewhere.

For example, in the cities of London, Milan and Sao Paulo the fashion industry peak bodies have responded to community views by making a voluntary commitment not to engage models under the age of 16 years. The legislative scheme in New South Wales recognises that children do work as models and is designed to regulate the activities of employers to promote the welfare of the children for whom they are responsible. I am sure all members would agree that it is preferable to extend the existing legislative protection to children between the ages of 15 and 16 who are employed as models, rather than leave them to fend for themselves.

The other significant effect of this bill will be to increase the maximum penalty that a court may impose on an employer for failure to comply with this legislation in relation to any child it is intended to protect. Failure to comply with the legislation is already an offence for which the maximum penalty prescribed in the Children and Young Persons (Care and Protection) Act 1998 is currently 10 penalty units. Non-compliance could occur in a range of ways, including failure to obtain an employer's authority from the Children's Guardian or to notify the Children's Guardian about a proposed instance of employment. The most extreme form of an offence under this provision would be for an employer to proceed with an employment proposal in defiance of a notification from the Children's Guardian that it would contravene the code of practice.

The maximum penalty prescribed for a comparable offence under the Industrial Relations (Child Employment) Act 2006 is 100 penalty units. That provision applies where an employer fails to comply with requirements contained in a compliance notice. This bill will increase the existing maximum penalty under the Children and Young Persons (Care and Protection) Act 1998 to match the corresponding provision in the Industrial Relations (Child Employment) Act 2006. That would enable the courts to impose similar fines on employers who deliberately flout either of these laws. I commend the bill to the House.

**Debate adjourned on motion by Mr Greg Smith and set down as an order of the day for a future day.**

## **ASSOCIATIONS INCORPORATION BILL 2009**

**Bill introduced on motion by Ms Virginia Judge.**

### **Agreement in Principle**

**Ms VIRGINIA JUDGE** (Strathfield—Minister for Fair Trading, Minister for Citizenship, and Minister Assisting the Premier on the Arts) [10.49 a.m.]: I move:

That this bill be now agreed to in principle.

I am delighted to introduce the Associations Incorporation Bill 2009. The bill rewrites and overhauls the current legislation bringing the regulation of associations up to date with the modern business environment, removing archaic and redundant provisions and making other amendments, which have arisen from a review of the Act. Not-for-profit associations are an important and integral part of our community fabric, and the associations incorporation legislation provides a simple, inexpensive means for community and sporting groups to achieve corporate status. Incorporation allows these groups to act as a body corporate and provides limited liability.

Currently more than 35,000 associations are registered under the New South Wales legislation. Incorporated associations represent a diverse range of activities, from the wonderful local soccer or music club to childcare services, community support groups and animal breeding clubs. The bill will streamline and simplify administrative procedures for these groups and assist associations in managing their affairs more efficiently. The bill will also strengthen the financial accountability of larger associations while ensuring that smaller associations have less onerous financial reporting requirements.

One of the most fundamental reforms is the insertion of the objectives of the Act into the statute itself. Specifically the bill provides that the objects of the legislation are to establish a scheme for the registration of associations engaging in small-scale, non-profit and non-commercial activities and to provide for the corporate governance and financial accountability of associations. The inclusion of these objects will alleviate stakeholders' concerns about the legislative intention in regulating associations.

The bill makes significant changes to the current Act making it easier for associations to manage their own affairs while ensuring they remain accountable to their members and, of course, the public. The review of the Act found that it is not appropriate to impose the same level of administrative obligation on small associations as on associations that have significant turnover and, indeed, assets. In response, the bill introduces a two-tiered financial reporting system, which will distinguish small and large associations on the basis of a financial threshold. This threshold will be based on the association's gross receipts for the financial year last ended or the association's current assets. The threshold will be calculated in accordance with the regulations to allow refinements and adjustments to be made as required. This will provide a comprehensive yet flexible method for determining the appropriate threshold through a comprehensive public consultation process.

Large, tier 1 associations will be required to have their accounts audited annually by an appropriately qualified auditor. Small, tier 2 associations will be exempt from this requirement. The purpose of introducing this two-tiered system is to ensure that larger associations are properly accountable for financial and asset management while recognising that smaller associations should not be unduly burdened by the same financial reporting requirements. On occasions the auditing of large associations' financial records may put individual associations in financial distress, or there may be some other reason why an association is unable to comply with auditing requirements.

Recognising that this legislation is dealing with not-for-profit, usually volunteer-run community groups, the bill includes power for the Commissioner for Fair Trading to make an order exempting an association or a class of associations from the requirements where appropriate. The exemption can be subject to appropriate conditions or a time limit and can be varied, suspended or revoked by the commissioner if necessary. Alternatively, a situation may occur where the commissioner finds it necessary to direct a small association to have its financial records audited either to ensure the association's assets are protected or for some other reason. The bill provides the commissioner with the power to make this directive.

Incorporation under the Act is only suitable for non-profit groups. The current Act provides a list of circumstances in which an association is deemed not to be trading or securing pecuniary gain for its members. During consultation it became apparent that the current definition is difficult to interpret and does not give adequate direction to associations on what constitutes securing pecuniary gain. The bill adds a new clearer definition of the term "pecuniary gain", which includes circumstances where association members will obtain financial benefits. In addition, the bill retains a list of circumstances in which an association is not considered to be securing pecuniary gain—for example, where an association carries out fundraising activities but no part of the gain is divided among or received by members. The new definition is more comprehensive and provides clearer direction on these matters and greater certainty for associations.

The public officers of associations play a very important role. They are the formal public point of contact for an association and are therefore required to provide an address for the service of notices upon the association. The current Act requires a register of the committee members to be kept at the public officer's

residential address and public officers are required to provide their residential address for this purpose. During consultation some stakeholders made the point that, given that some associations are formed to deal with sensitive family or personal issues, it may be inappropriate for the public officer to provide a residential address. The bill addresses these concerns by clarifying that the public officer must provide the commissioner with either a residential address or some other address at which the officer can generally be found.

The register of committee members will be kept in New South Wales at the main premises of the association or the association's official address. The bill also states that an outgoing public officer and committee members must hand over all records and documents relating to the association. This then will eliminate the need for court action to obtain association records, which is both inefficient and costly to the association. In regard to disclosure of interest, the bill will require committee members to disclose any conflict of interest when dealing with contracts and prohibits a member from voting on any matter where a conflict of interest exists. Such provisions are standard practice for good corporate governance and will set ethical standards for committee members as well as providing consistency with the contractual obligations of funding providers.

As part of the process of updating the terminology of the Act and bringing it into line with other corporate structures it was determined that the term "constitution" should be substituted for the term "rules". Reference to by-laws is also removed in the bill and the constitution is defined as the document recorded in the Register of Incorporated Associations for a particular association. The term "constitution" is more comprehensive than "rules" and better represents the role of the document. This terminology aligns with other community organisations, such as sporting groups, which may also be guided by forms of model constitutions for their sports.

The bill includes new provisions, which provide the Commissioner for Fair Trading with wider powers to direct an association to change its name in circumstances where an association's name is unacceptable or has become unacceptable. The current Act does not grant the commissioner these wider powers and does not clearly list the classes of names that are unacceptable for incorporated associations. To address this, the bill includes clear guidelines for determining if a name is unacceptable for the purposes of the Act. Unacceptable names include a name that suggests a connection with the Crown or State, a name similar to or the same as that of another association, or a name that is offensive and/or undesirable. This provision is consistent with the restrictions on the registration of business names set out in the Business Names Act 2002.

The bill includes an independent appeal mechanism, enabling an association to apply for a review by the Administrative Decisions Tribunal with respect to a direction from the commissioner to change its name and for other decisions. The bill also clarifies the process for changing or reserving the name of an association. The review of the Act found that legislative requirements for an incorporated association to use a common seal are archaic and unnecessary. After consultation with stakeholders it was decided that requiring the signatures of two executive association members would be sufficient for the execution of documents. Although the bill removes the requirement for a seal, it does not prevent associations from continuing to use a seal if they wish to do so. This approach is consistent with the Commonwealth Corporations Act 2001 and provides cost savings to associations.

Another finding of the review was that the current Act does not set out clear statutory duties for the members of an association's management committee. Other jurisdictions such as South Australia, Western Australia and Victoria include statutory duties in their Acts and New South Wales stakeholders raised the importance of having a statutory regime to ensure ethical standards are maintained. Accordingly, the bill introduces high-level statutory duties for committee members. The new requirements aim to protect the public associations, and the association members from rogue officers who might improperly use their position or information to the detriment of the association or to gain a personal advantage.

These provisions will empower the Commissioner for Fair Trading to take legal and disciplinary action where the statutory duties and requirements are breached. This is particularly important given that other members of the association may not be in a financial position to take such action. Another important matter dealt with in the bill relates to meetings of an association. The provisions relating to meetings and voting have been updated to enhance the ability of association's to operate efficiently. In particular, more flexibility has been created around the requirements for holding meetings. For example, where an association's constitution allows, a general meeting will now be able to be held at two or more venues using any technology that gives the association's members a reasonable opportunity to participate.

This innovation will be of great benefit to associations whose members are spread across large geographical areas. The bill also provides associations with the option of holding postal ballots. To protect the integrity of the voting process postal ballots will only be able to be conducted for resolutions of a kind permitted by an association's constitution and must be conducted in accordance with requirements which will be prescribed in the regulations. The bill also streamlines the Act by repealing the defunct provisions contained in the current part 6, which relates to insurance.

Amendments to the regulations in 2002 had already removed any prescribed requirements for insurance. The insurance crisis being experienced at that time had resulted in many associations being in the untenable position of having a legislative requirement to hold public liability insurance but being unable to purchase it. While the Office of Fair Trading strongly advises associations to hold insurance for their association it has not been mandatory under the legislation since 2002. The bill removes these redundant provisions. As a consequence of the requirements of the Ministerial Council Corporations Agreement 2002 the bill redrafts the provisions that currently disapply the operation of the Commonwealth's corporations legislation. Following negotiations with the Australian Government an agreement was reached for the bill to include a blanket disapplication but to reapply a number of key matters. These relate to the areas of financial disclosure, fundraising market misconduct, unconscionable conduct and consumer protection.

In closing, I will give a brief overview of the very extensive consultation process which has led to these reforms that are of such importance to community-based associations and their members. In addition to the consultation carried out during the initial review which involved release of a discussion paper, acceptance of submissions and meetings with stakeholders there has since been ongoing detailed consultation in the development of the bill. These consultation processes included the provision of information on the Fair Trading and other websites, invitations to comment directly mailed to stakeholders and other interested parties, and the preparation and publication of an editorial in a range of community newsletters.

In response to the exposure draft bill released in 2008 Fair Trading received 59 written submissions, the majority from incorporated associations. Consultation meetings were undertaken with stakeholder bodies such as the Council of Social Service of New South Wales peak sporting organisations and the Canterbury Bankstown Migrant Resource Centre. Feedback from the submissions and meetings informed the revision of the draft bill and extensive changes were made in response to the concerns and suggestions of key stakeholders. I am proud to say that this bill is the result of a genuine and two-way communication between Fair Trading and the community members who will be directly affected by it.

I acknowledge the contributions of all the organisations and individuals who assisted in the development of this bill. The resulting legislation addresses the concerns of stakeholders as well as incorporating their proposals for reform. The Associations Incorporation Bill 2009 maintains the current simple and inexpensive alternative for acquiring corporate status for small non-profit non-commercial organisations. In doing so, the bill streamlines the processes involved in the incorporation and regulation of associations. At the same time, the bill simplifies and clarifies many of the current requirements and increases flexibility for associations in carrying out their operations and complying with their obligations. It also better protects associations their member funding bodies and the public from potentially unscrupulous and illegal conduct. Associations play vital roles in our society and I am pleased to introduce a bill that will deliver benefits to both associations and their members throughout New South Wales. I commend the bill to the House.

**Debate adjourned on motion by Mr Greg Smith and set down as an order of the day for a future day.**

**TELECOMMUNICATIONS (INTERCEPTION AND ACCESS) (NEW SOUTH WALES)  
AMENDMENT BILL 2008**

**Agreement in Principle**

**Debate resumed from 4 December 2008.**

**Mr GREG SMITH** (Epping) [11.07 a.m.]: I speak on behalf of the Opposition on the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The Opposition does not oppose the bill, which amends the Telecommunications (Interception and Access) (New South Wales) Act 1987 to harmonise the provisions of the principal Act with those of the Commonwealth Act. It amends the definition of "certifying officer" and substitutes the definition of "permitted purpose" so that those definitions

correspond with the definitions in the Commonwealth Act in their application to New South Wales. It provides for the inspector of the Independent Commission Against Corruption and the inspector of the Police Integrity Commission to be eligible authorities for the purpose of the principal Act.

The bill provides for the Ombudsman to have comparable powers to the Commonwealth Ombudsman to obtain information or ask questions when conducting an inspection of the records of an eligible authority. It also provides for the record-keeping requirements for an eligible authority to be consistent with the record-keeping requirements of Commonwealth agencies under the Commonwealth Act. It removes the requirement for eligible authorities to provide copies of warrants issued to them, and copies of instruments revoking such warrants, to the Minister. The bill also enables the Ombudsman to exchange information with the Commonwealth Ombudsman in relation to certain matters concerning the administration of the principal Act and the Commonwealth Act. The bill makes other amendments with respect to statute law revision, and of a savings and transitional nature.

Many changes have been made to the Commonwealth Act over many years and these revisions have not always been maintained in the State's principal Act. The Commonwealth's Telecommunications (Interception and Access) Act 1979 provides the means by which a government law enforcement agency can apply to operate a telephone interception. Under this Act State law enforcement agencies are permitted to apply for a warrant to intercept telecommunications in the proceedings of an investigation.

Six amendments have been made to the Commonwealth Act since the last time the principal Act in New South Wales was amended, which was in November 2006. The bill seeks to harmonise the two pieces of legislation to ensure that there is clarity and consistency in the law. As part of the changes the bill makes, the definitions of "certifying officer", "eligible authority" and "permitted purpose", which are defined in section 5 of the Commonwealth Act, will be amended in line with the Commonwealth's definitions. Section 3, regarding the Ombudsman's information inspection, is amended in line with section 5C of the Commonwealth Act to give the New South Wales Ombudsman comparable powers to his Federal counterpart. The relevant State Minister under section 6 (a) no longer needs to be provided with a copy of the warrant as the information is provided to the Federal Minister. However, under section 36 of the Commonwealth Act there is a specific provision outlining that the Act does not interfere with any State Act requiring copies of documentation to be provided to the State Minister.

Years ago I worked in areas that dealt with the application for warrants under the Telecommunications (Interception) Act. In the current television series *Underbelly*, one of the stars plays the part of Robert Trimbole. Robert Trimbole was located in Ireland as a result of telephone interceptions on acquaintances of his who were connected with the racing industry. Trimbole was using the name Michael Pious Hanbury. I took Australia's extradition request to Ireland. Trimbole was originally arrested, unfortunately under the provisions of terrorist legislation, for suspicion of possession of an unlicensed pistol. This was done so authorities could hold him for 48 hours without having to bring him before a court. Subsequently an extradition arrangement was entered into between Australia and Ireland, and I was the person who took the request to Ireland because it had to be there within eight days of Trimbole's arrest. We had sufficient evidence to have Trimbole extradited. There was powerful evidence to have him returned to Australia for various murders, including the murders of Douglas and Isabel Wilson, for conspiracy to murder Donald Mackay, and for various drug importation and passport offences. Unfortunately, because the wrong thing was done—even though it was done for good purpose—ultimately Trimbole was let go because of the tainting of the original arrest. He died in Spain.

The bill's provisions that allow the Ombudsman, particularly the State Ombudsman, and various other people to monitor authorities as to how they are maintaining their telephone intercepts and whether they are keeping proper records are very important. In the 1980s the Stewart royal commission inquired into the *Age* tapes. New South Wales and Federal police were illegally intercepting telephone conversations. Even though the police, again for good purpose, had gathered very useful material in some instances, they were breaking the law. It was partly because the Commonwealth was not prepared to use this material in court cases; the Commonwealth simply used it for intelligence gathering and would not share it with the States. Ultimately, I think as a result of the pressure brought about by the royal commission, and the fact that it was very useful to use telephone interception material in court cases, the law was changed so that State authorities were able to use such material.

When I worked at the Independent Commission Against Corruption as counsel assisting we used, with some success, telephone interceptions. Again, we were reviewed from time to time, as all other agencies are. It is important that these things happen, because from time to time people decide, "We won't bother with all the

red tape; it is too voluminous, it is too time consuming. Let's just get on with it." When you are protecting the privacy and liberty of the subject, and mistakes are made from time to time, we really need other agencies, such as the Ombudsman, to maintain monitoring to ensure that the records are being properly kept, that the purpose of seeking telephone interceptions is a proper purpose and that they are usefully employed. Therefore the Opposition has no hesitation in not opposing the bill. Any harmonisation of legislation between State and Commonwealth is important; it makes the law more consistent throughout the nation.

**Mr FRANK TERENCEZINI** (Maitland) [11.16 a.m.]: Firstly I thank the member for Epping for his inside knowledge of Robert Trimbole. When I watch the next episode of *Underbelly* I will be better informed. I acknowledge the member's vast knowledge from his experience in the legal profession. I support the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The bill proposes to harmonise the Telecommunications (Interception and Access) (New South Wales) Act 1987 with the Commonwealth Telecommunications (Interception and Access) Act 1979, the principal Act covering this area of law.

It is appropriate that the Commonwealth has primary responsibility for this area, as the Commonwealth has the constitutional power to legislate in respect of telecommunications pursuant to section 51 (v) of the Australian Constitution. The New South Wales Act serves to apply the powers to intercept and access telecommunications, as provided by the Commonwealth Act, to specified eligible authorities in New South Wales—currently the New South Wales Police Force, the New South Wales Crime Commission, the Independent Commission Against Corruption and the Police Integrity Commission. The bill proposes to expand the list of eligible authorities to include the Inspector of the Independent Commission Against Corruption and the Inspector of the Police Integrity Commission.

The other key feature of the New South Wales Act is the protections it provides to ensure that sensitive information accessed by eligible authorities is handled appropriately. I am sure all members of this House would acknowledge the capacity of telecommunications interceptions to acquire information that is highly sensitive. Balanced against that, of course, is the need to provide protections. Individuals and organisations have a reasonable expectation that information that is personally or commercially sensitive be used or disclosed only for lawful purposes. The principal protections within the Telecommunications (Interception and Access) (New South Wales) Act 1987 that serve to inhibit the misuse of information are contained in section 5 of the Act.

This is a good example of where we can amend a bill, expand its operation, harmonise its operation with the Commonwealth, and still maintain all those very important protections. All of us who have worked in the legal profession—whether on the prosecution side or the defence side, or, as is the case with the member for Epping, with the Independent Commission Against Corruption—know the probative value of information gained from telephone intercepts and covert surveillance. Indeed, it is one of the great pillars by which the Independent Commission Against Corruption operates. The commission has its function of private hearings and public hearings, and one of its main arsenals is its ability to gather this information. When the information is disclosed, it is unequivocal and it serves a very important function.

Balanced against that, however, is the need to make sure that the information is used correctly. The oversight and accountability functions we have via the Inspector of the Independent Commission Against Corruption and the Ombudsman are very important. The bill ensures that all those protections are maintained and that, although we are expanding the use of such material, by harmonising the legislation with the Commonwealth Act the information will not be misused. Certainly there is a public interest in gathering this information, but there is also a public interest in making sure that the material is not misused. It is also important that the people who have this powerful legislative power to conduct such covert investigations are monitored, that all the i's are dotted and the t's are crossed, and that the law is complied with. For those reasons I support the bill. I thank the member for Epping for his insight into his legal experience and practices. I commend the bill to the House.

**Mr MALCOLM KERR** (Cronulla) [11.19 a.m.]: I support the Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008. The other night *Underbelly 2* had something like 2.2 million viewers and no doubt a lot of people will now be interested to read the speech of the member for Epping in *Hansard*.

**Mr Barry Collier:** He could have got a job as a consultant.

**Mr MALCOLM KERR:** Yes, he could have. Peter Lamb, who is well known to the member for Epping, was a consultant. It is long overdue. It is a great pity that it has taken this length of time for the legislation to come before the House: there is no element in it that required its delay until 2009.

One remembers the public interest in the telephone intercepts referred to in the *Age* tapes, the way the police officers were treated and how every effort was made to ensure that the information gleaned from the *Age* tapes was not made available to law enforcement authorities. It has taken a number of Royal commissions, as the member for Epping has said, for this legislation to be introduced. It covers an area that will no doubt have to be revisited because of the tension between the liberty of the subject and the public interest to ensure that no injustice occurs in the unmasking of organised crime. The legislation is a belated first step and the Opposition supports it.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.21 a.m.], in reply: I thank the members for Epping, Maitland and Cronulla for their contributions to the debate. I note the experience of the member for Epping in his recounting of his involvement in the extradition of Robert Trimbole from Ireland—

**Mr Greg Smith:** Attempted.

**Mr Frank Sartor:** Failed again.

**Mr Greg Smith:** The orders were made; it was just that the superior courts interfered.

**Mr BARRY COLLIER:** As they do from time to time. Telephone interception is an important tool of law enforcement. The Telecommunications (Interception and Access) (New South Wales) Amendment Bill 2008 introduces important changes to the New South Wales Act that, along with the Commonwealth Act, will ensure that it is conducted in accordance with strict controls. The amendment brings the New South Wales telecommunications interception laws into harmony with the Commonwealth Act, removing unnecessary uncertainty for the law enforcement agencies of the State.

The Government is committed to ensuring law enforcement agencies can investigate properly all allegations of misconduct and abuse of power. It is also committed to making sure this is done under strict controls. The bill make some important changes to the record-keeping requirements and the powers of the New South Wales Ombudsman, which ensure that the use of interception warrants is properly overseen. The bill adds to the already comprehensive record-keeping requirements in the Act. Agencies will now have to keep records in relation to executed warrants such as their duration, the name of the person who carried out the warrant, and the services from which communications have been intercepted. This is to ensure a more detailed record is created so that the use of warrants can be more effectively overseen.

The New South Wales Ombudsman plays an important role in monitoring the use of interception warrants. The bill makes clear what sort of information is relevant to the Ombudsman's role. It clarifies the location of records. The making, keeping or copying of records, the accuracy or completeness of records, and any matter relating to a record or contravention of the Act are all relevant questions. These changes remove any uncertainty as to what information the Ombudsman may request in performing his oversight role under the Act. The bill proposes to enhance the ability of the New South Wales Ombudsman to oversight the use of this legislation. I note that the member for Epping particularly recognised the important role of the Ombudsman as far as this legislation is concerned.

Proposed section 19A will allow the New South Wales Ombudsman to exchange information with the Commonwealth Ombudsman in relation to the administration of the New South Wales Act. Given the high level of cooperation that occurs between New South Wales and Commonwealth law enforcement agencies, it is only appropriate that the monitoring of this legislation involves cooperation between New South Wales and Commonwealth oversight bodies.

The member for Cronulla asked why it has taken so long for the New South Wales Government to respond. In 2007 the Commonwealth Attorney General wrote to the then New South Wales Attorney General, the Hon. Bob Debus, regarding the New South Wales Ombudsman's concerns about the disparity between the New South Wales and Commonwealth telecommunication Acts. After discussions with the Federal Government in early 2008 it was decided that any changes to the New South Wales Act would be delayed until the Commonwealth developed proposals to eliminate inconsistencies between Commonwealth and State legislation. Subsequently, the Committee on the Office of the Ombudsman and the Police Integrity Commission forwarded to the Attorney General correspondence from the Ombudsman formally outlining their concerns. Since then, the Cabinet has worked swiftly to prepare legislative amendments to the Telecommunications (Interception and Access) Act, and will continue to closely monitor developments within the Commonwealth Act. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

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

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

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

#### **Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [11.27 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Law Enforcement (Powers and Responsibilities) Amendment (Search Powers) Bill 2009. The bill introduces a scheme for a new class of search warrant—the covert search warrant—to assist police and other law enforcement agencies in the investigation of serious criminal offences, and creates new search warrant powers in relation to the examination of computers. The bill is part of the New South Wales Government's ongoing commitment to providing law enforcement agencies with the necessary armoury to respond effectively to major crime and keep the community safe.

The essential feature of the new covert search warrant scheme is the power to enter and search premises without the occupier's knowledge and delay the subsequent notification to the occupier. The use of covert search warrants is not intended to be an everyday event. In addition to the legislative restrictions of the scheme, which I will expand upon shortly, covert search warrants will not be necessary in many cases. Furthermore, the execution of a covert search warrant is considerably resource intensive and logistically difficult. Surveillance teams are required to ensure that the occupier is elsewhere, a covert entry to the house must be made, the area needs to be monitored to ensure that the occupier does not return, and so on.

The new scheme recognises that there may be cases in which law enforcement agencies would benefit from obtaining covert access to premises to obtain intelligence or evidence in relation to a serious criminal offence. By conducting a covert search, the police could monitor the organisation and development of criminal activity without notifying the suspects that they are under surveillance. Premature notification to a suspect of the existence of an investigation may lead to an investigation failing, notwithstanding the commission of serious offences. Searches of clandestine drug laboratories are but one example of where there may be the need to covertly examine the premises to determine whether the manufacturing process is sufficiently advanced for the seizure of evidence to occur.

These are tough new policing powers, and the Government has therefore taken care to ensure that the scheme is appropriately restricted and accompanied by strict judicial oversight and comprehensive safeguards. Covert search warrants will be available only in connection with certain serious offences and may be authorised only by a Supreme Court judge. Before a warrant can be granted the issuing judge must be satisfied that it is necessary for the entry and search of the premises to be conducted without the knowledge of the occupier, and specifically give consideration to the nature and gravity of the searchable offence and the extent to which the privacy of any person not believed to be knowingly concerned in the commission of the offence is likely to be affected. Furthermore, while the issuing judge may authorise that service of an occupiers notice be delayed for up to six months at a time, service may be delayed beyond 18 months only in exceptional circumstances and may not be delayed beyond three years in total.

Law enforcement agencies will be required to report certain matters to the issuing judge following execution of the covert search warrant, a copy of which is to be furnished to the Attorney General. In addition, agencies will be required to report annually on the exercise of covert search warrant powers, as will the New

South Wales Ombudsman, who will have an ongoing oversight role in relation to the scheme. The scheme is based on the existing scheme for covert search warrants for terrorism offences and incorporates the same safeguards and protections, in particular, the need to seek approval from a senior officer prior to making an application and the need to seek a warrant from the Supreme Court. The scheme also draws upon the operation of covert search warrants in other Australian jurisdictions. As mentioned, the bill also creates new search warrant powers in relation to the examination of computers. These powers are based on existing Commonwealth provisions and will strengthen the ability of New South Wales law enforcement agencies to effectively investigate technologically concealed criminal activity. I now turn to the main detail of the bill.

New section 46A provides that covert search warrants will be able to be obtained only in relation to specified serious offences. These are generally indictable offences punishable by imprisonment for a period of seven years or more that involve various drug, sexual and other serious offences. New section 46B provides that only a Supreme Court judge may issue a covert search warrant. New section 46C provides that applications for covert search warrants must be authorised by certain senior police officers and members of the Police Integrity Commission and the New South Wales Crime Commission. New section 47 contains the grounds on which an application for a covert search warrant may be made. The eligible applicant must suspect on reasonable grounds that there is, or within 10 days will be, in or on the premises a thing of a kind connected with a searchable offence and consider that it is necessary for the entry and search to be conducted without the knowledge of the occupier of the premises.

New section 47A contains the authority conferred by covert search warrants—namely, entry to the subject premises without the occupier's knowledge, the impersonation of another person for the purpose of executing the warrant, and the doing of anything else that is reasonable to conceal from the occupier anything done in the execution of the warrant. The executing officer may also gain access to the subject premises, if necessary, by entering adjoining and adjacent premises without the knowledge of the occupier of those premises. Provision is made elsewhere in the bill for the occupier of the subject and adjoining premises to subsequently be notified of the entry.

New section 48 sets out the grounds on which the two kinds of search warrants may be issued and enables a standard warrant to be issued instead of a covert search warrant in specified circumstances. New section 49 specifies that things may be seized and detained in the execution of a search warrant and also enables a covert search warrant to authorise the placement of things in substitution for seized things. New section 49A authorises the return or retrieval of certain things seized or placed under a covert search warrant. Amended section 62 of the principal Act sets out the information to be contained in an application for a search warrant, including the considerations for the issuing judge when determining whether to issue a covert search warrant. As I mentioned, these include the extent to which it is necessary for the entry and search of the premises to be conducted without the knowledge of the occupier, the nature and gravity of the searchable offence, and the extent to which the privacy of any person not believed to be knowingly concerned in the commission of the offence is likely to be affected. The offences in section 63 of the principal Act are extended to the provision of false or misleading information in a report or occupiers notice in relation to a search warrant.

Section 66 of the principal Act is amended to require a covert search warrant to specify certain matters. New regulations will be developed prior to the commencement of the scheme in order for relevant forms to be prescribed in this regard. Section 67 of the principal Act is amended so as to alter the current requirements for service of occupiers notices in relation to the execution of standard warrants and to provide for service of occupiers notices in relation to the execution of covert search warrants. At present an occupiers notice is required to be personally served on an occupier on entry to premises, or as soon as practicable after, unless service is postponed. Service may be postponed on more than one occasion for up to six months at a time. New section 67 subsections (4) to (7) instead require personal service on entry or within 48 hours after entry. If this proves impossible an eligible issuing officer may make orders to bring the entry to the notice of the occupier otherwise than by personal service. These changes will create more certainty for both occupiers and law enforcement agencies alike.

New section 67 (8) requires service of an occupiers notice in relation to a covert search warrant as soon as practicable after the warrant is executed unless it is postponed under new section 67A. New section 67A enables an eligible issuing officer to postpone service of an occupiers notice in relation to a covert search warrant for an initial period of up to six months and on further occasions for up to three years in total. An eligible issuing officer may not postpone service for periods exceeding 18 months in total unless satisfied that there are exceptional grounds to justify the postponement. New section 67B requires an adjoining occupiers notice to be served on an adjoining occupier whose property is entered under a covert search warrant within specified periods, unless service is postponed or dispensed with by the eligible issuing officer. Section 73 of the principal Act is amended to provide for the expiry of a covert search warrant 10 days after the date on which it

is issued. New section 74A requires a person executing a covert search warrant to report certain matters to the eligible issuing officer who issued the warrant within 10 days after the execution of the warrant or, if the warrant was not executed, within 10 days after the expiry of the warrant. A report is also to be provided if premises are entered for the purposes of returning or retrieving a thing under new section 49A. Copies of reports provided under the new section are to be given to the Attorney General.

New sections 75A and 75B contain the computer examination powers to which I referred earlier. New section 75A enables the removal of computers and similar devices from premises, the subject of a search warrant, for up to seven working days, or longer on application, for examination. New section 75B creates new search warrant powers in relation to the search and examination of computers, including access to computers "networked" to a computer at the search premises. New section 76A provides for applications under part 5 in respect of covert search warrants to be dealt with in the absence of the public. New section 76B makes it an offence to publish certain applications, reports and notices concerning search warrants. As I mentioned, the Ombudsman will have an ongoing oversight role in relation to the covert search warrant scheme.

Amended section 242 of the principal Act provides for the Ombudsman to monitor the operation of provisions of the Act relating to covert search warrants and to make a yearly report to the Attorney General and the Minister for Police. In addition, new section 242A requires the Commissioner of Police, the Commissioner for the New South Wales Crime Commission and the Commissioner for the Police Integrity Commission to each report annually on the exercise of the covert search warrant powers. In summary, the bill represents an important bolstering of law enforcement capability to assist in combating major crime in New South Wales. The Government takes these powers very seriously and is seeking to introduce them only with the strictest of safeguards and strong and effective oversight. I commend the bill to the House.

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

## VICTORIAN BUSHFIRES

### Condolence Motion

**Debate resumed from an earlier hour.**

**Mr GREG SMITH** (Epping) [11.40 a.m.]: I join with so many others in expressing condolences to the people of Victoria, particularly those whose relatives have died in this terrible conflagration we have seen over the past month. Bob Dylan wrote a great song called *Blowin' in the Wind*, which contained many prophetic passages, one of which is:

... how many deaths will it take till he knows  
That too many people have died?  
The answer, my friend, is blowin' in the wind,  
The answer is blowin' in the wind.

Some have interpreted the thing that blows in the wind as the Holy Spirit, but I think in the context of the bushfires it is the incendiary quality of gum trees—eucalypts in hot and fiery conditions. Eucalyptus oil in trees causes them to explode in firestorms. We have all seen on television the bewildering speed of a fire running along like some sort of evil spirit that can be seen in modern movies such as *The Lord of the Rings*. No-one in the path of this terrible incendiary force has a chance to put it out or to do anything to divert it.

To my mind the worst way of dying is to be burnt to death. I had a much older cousin from Bega who put petrol on top of some green wood to burn it off, which was a practice he had adopted for years. Unfortunately, one day he was set alight. I remember visiting him in St Vincent's Hospital, where he was slowly dying of septicaemia after more than 90 per cent of his body had been burnt. The man was just wrinkled up and the smell was terrible. People should not have to go through that form of death when perhaps—and I hope it is more than perhaps—something can be done. Have there been sufficient deaths to know that we have to do something drastic about keeping the forests at least clear of fallen branches and burning off more regularly?

My colleague the member for Blue Mountains would be far more knowledgeable about these things but there is a reserve behind my house in Epping where there are many gum trees and from time to time borers get into the trees and they die. The trees are felled but they are just left lying on the ground. That is tinder, and from time to time when it is very hot we are afraid that the whole area could go up in flames, probably burning down many houses in a fire caused by the incendiary gums. Most people have gum trees in their backyards, which is a

great thing—they look good. But they are dangerous. Not only do they blow up in bushfires but they also fall over. I am not trying to get into a debate about how hard it is to cut down gum trees but I think they have been put too close to houses and that people sometimes live too much among the gum trees. Don Burke had a famous song as the theme tune for his television show and the song's chorus was, "Give me a home among the gum trees". But, unfortunately, we are living on a time bomb.

I have experienced the fear of a bushfire. In 1984 many parts of Sydney were threatened by bushfires. At the time I lived in Lane Cove, not that far from areas of the national park, and our street was threatened. All the residents in the street came out of their houses, smoke was everywhere, you could see flames, and people were evacuating houses in other streets. A couple of ladies lived across the road from our house and they were panicking because they had palm fronds on their roof. I removed the fronds. I am not saying there was anything great about my doing that; I am just pointing out how we rallied as a street, just as people rallied so well to support each other. The fire brought people together as we experienced a genuine fear, even though the fire was some distance away. It was frightening to inhale heavy smoke, have it in your hair and all through the house, and to see the oncoming fire that we thought might jump Epping Road and come over to our side.

However, that was minor. Being in the middle of an uncontrollable fire would be one of the most terrifying experiences, if not the most terrifying experience. Unfortunately, people do silly things in times of fear because they do not think straight. A friend of mine in the 1994 fires foolishly ran back into his house to collect heirlooms when the house was surrounded by fire. A fireball entered the house after he ran back in, but luckily the emergency services and bushfire volunteers were there and one of them dragged him out of his house and got him to safety. Another friend was so scared that it caused him to resign from his job. His resignation was quickly accepted but, unfortunately, when he changed his mind he could not get his job back. It was a terrible experience for him and something he regretted doing, because he wanted to keep working. My neighbours were terrified during the 1994 fire, but imagine the terror when the fire is actually in your street and in your house. It would be dreadful. I cannot think of anything worse.

On a number of occasions recently the subject of penalties that apply to people who light fires has been raised. I believe a man has been charged with arson causing death, lighting a bushfire and other offences in relation to a fire in the Churchill area in Gippsland where at least 11 people died. A similar situation has occurred here in Sydney where firefighting volunteers have been charged with lighting fires. In 2005 the Court of Criminal Appeal dealt with a case that arose out of bushfires in the Ku-ring-gai Chase National Park. The appellant was a fellow who had become a probationary member of the Coal and Candle Volunteer Rural Fire Brigade in 2003, had completed the basic firefighting course and had been assigned to a firefighting crew from December 2003. By January 2004, when the bush in the McCarrs Creek area in Ku-ring-gai Chase National Park was like tinder, he lit a Jiffy firelighter and threw it into the bush. Then he drove a short distance, lit another one and threw that into the bush. One of those firelighters burnt an area of approximately 20 metres by 15 metres. The other firelighter burnt only a small area and members of the Rural Fire Service were able to extinguish it.

This man continued on his terrible frolic. From time to time he would ring the local brigade president and offer his assistance in fighting a fire that he had lit. One of these fires burnt for five days and burnt 1,480 hectares of the national park, with a perimeter of 32.5 kilometres. Approximately \$1 million was expended in combating the fire, which involved 443 personnel, more than 50 vehicles and 8 aircraft. Although there were no houses destroyed, various settlements were threatened, damage was caused to water and communication supplies of the Akuna Bay marina and a number of firefighting personnel suffered injuries as a result: a broken ankle, eye injuries, a torn ligament, a back injury and dehydration. The habitat of a large number of native species was damaged.

I am afraid our criminal justice system does not deal well with these matters. A number of sentences were imposed, the longest being a non-parole period of 22 months, the balance of seven months to be served as periodic detention. This man caused more than \$1 million worth of damage and risked lives and property and that was the court's judgement. Thankfully, the Court of Criminal Appeal increased the sentence on a Crown appeal. The offender ended up with a number of fixed terms, amounting to five years and two months with a minimum of two years and eight months to be served. That is still not much when the penalty under section 203E of the Crimes Act provides that a person who intentionally causes a fire and who is reckless as to the spread of the fire to vegetation on any public land or on land belonging to another is guilty of an offence with a penalty of up to 14 years imprisonment. That refers to people who deliberately or recklessly light fires; it is not aimed at people burning off or doing authorised work. Of course, such offenders may have mental problems. We have too many people in our community who indulge in that sort of behaviour and we often hear of fires being deliberately lit during high fire danger periods.

The answer is to scrutinise volunteers more closely. I do not mean any insult, but this man was a volunteer. And he is not the first to have deliberately lit a fire. The actions of such people reflect on volunteers, who put their lives at risk and who are the cream of our society. In wartime that sort of behaviour would be seen as treason. We are not talking about the volunteers themselves but about people who are minded to set bushfires. Unfortunately, the penalties imposed by the courts are not harsh enough and they do not provide a deterrent. In many other cases much lighter penalties have been imposed on people who have started fires. Some have even avoided a custodial sentence. In fact, custodial sentences appear to be the exception.

We must also clean up the bush and allow action to be taken much more readily to remove flammable materials. We must scrutinise carefully people who exhibit unusual behaviour, who are known firebugs and who we suspect are firebugs. We must watch them much more carefully, and perhaps impose restrictions on their activities. We impose such restrictions on parolees and on young people who are deemed not to warrant a custodial sentence but who still require supervision. We do it reasonably well in those cases and we must find a way to deal better with firebugs, because they cause so much damage.

That does not detract from the terrible tragedy that has occurred. As always, the Australian people have responded magnificently—never as magnificently as on this occasion. That response has been not only with money and goods but also with volunteers. Governments and charities such as the Red Cross and the St Vincent de Paul Society have sent people to Victoria to help. The greatest thing one can do is to give one's life for one's friends. Ultimately we are all friends and we all face these dangers from time to time. We must cooperate and work together in response.

**Mr GREG APLIN** (Albury) [11.53 a.m.]: I join with the Premier, the Leader of the Opposition and other members of the House in this motion by registering the condolences of the people of the electorate of Albury for all those in Victoria who suffered so greatly in the terrible bushfires of Saturday 7 February and since that dreadful day. We grieve for the families, friends and communities who have lost so much, for the overwhelming destruction of homes, businesses, pasture, livestock, infrastructure and the environment. We pledge our support to assist in the rebuilding of lives and property.

As I left Albury late on Monday afternoon there was a convoy of Rural Fire Service vehicles assembled behind the emergency service headquarters near the airport. This is the base for the regional Rural Fire Service and it has been operating the Albury Fire Management Centre continuously since 1.00 p.m. on Saturday 7 February. Monday saw another crew of volunteer firefighters from New South Wales flown into Albury to assemble, be briefed and take commission of tankers and support vehicles. For more than three weeks convoys of Rural Fire Service vehicles have converged on the northern staging point at Albury. There is evidence everywhere of mobilisation to assist Victorian counterparts, including electronic signs on the Hume Highway directing drivers to the staging point, crews of Rural Fire Service, National Parks and Wildlife Service firefighters, paramedics and State Forests personnel at the airport and in town and columns of Rural Fire Service vehicles on the main roads.

The city of Albury and the surrounding area have frequently been shrouded in smoke from the bushfires burning near Beechworth and in other parts of north-east Victoria. The airport was shut for a period on Sunday 8 February. The threat of bushfire remains very real for this part of southern New South Wales and north-eastern Victoria, but nothing prepared people for the shock of the devastation wrought by the infernos further south. The catastrophe has rocked our nation and it has elicited responses from all quarters. I recognise the unstinting service of volunteer and professional firefighters, paramedics, police and State Emergency Service members, Australian Defence Force personnel, relief agencies, fundraisers and charities and the thousands of people in our State who have contributed in some way to connect with the living victims of this tragedy. The call for assistance was heard and was answered. The supreme sacrifice of Canberra firefighter David Balfour in the line of duty will always be remembered.

There have been many acts of kindness over the past couple of weeks. Rotary clubs in Albury and the community centre in Corowa organised donations of goods and toiletries and packed them for distribution through relief centres. Service clubs allocated funds to purchase fodder from farmers who had been forced by drought to cut and bale their crops so that the feed could be transported to the surviving but starving stock where the pasture had been completely destroyed. Albury businesswoman and long-time acquaintance, Susan Hines, contacted my office to offer assistance as a hairdresser, indicating that the company she represented, PPS Hairwear Australia, was willing to donate \$35,000 worth of hair-care products. Her aim was to set up a temporary salon in an affected area to enable survivors and others impacted by the fires to have their hair done and to feel just a little bit better in themselves, even if it was just for a short time.

We directed her to my colleague across the border, Bill Tilley, the Victorian State member for Benambra, who arranged with others for the temporary salon to be set up at the neighbourhood house in Wallan. Murray King of Budget Rent a Car in Albury donated an eight-tonne truck for transporting the donations and a commuter van to ferry survivors to and from their appointments. Men, women and children had their hair done. They talked to the hardworking hairdressers and for a while the edge was taken off the pain. Bill Tilley told me the hairdressing service would be extended to Kinglake in an effort to give survivors there just a small moment to escape and to feel normal. It is this type of voluntary initiative that says so much about the character of our community. To Susan and her many colleagues and assistants, I thank you and all the countless others who have worked tirelessly to relieve the pain and suffering in so many ways.

Living so close to Victoria, it is no wonder that many residents of the Albury electorate share much in common with our southern neighbours. After Black Saturday there was the anguish for friends and relatives, the desire to assist, to raise funds, to do something for communities that are in our sporting, social, commercial and tourist circle. We identified with the Mudgegonga and Barwidgee Creek communities when John and Sue Wilson died and their home was razed in the early hours of Sunday 8 February. Mr Wilson had been fighting the fire with a hose stretched from a tank and water pump to the back fence; his wife died in the brick house, which had collapsed. The fire had begun four kilometres south of Beechworth late Saturday afternoon when falling tree branches appeared to have hit power lines and sparked the blaze.

The fire raced across more than 22,500 hectares of bushland and forests in 36 hours and threatened communities including Dederang, Glen Creek, Coral Bank, Stanley and Yackandandah. The region experienced severe fire conditions with strong winds and temperatures that peaked at 44.8 degrees in Albury after 4.00 p.m. on Saturday. Fuelled by the strong winds and the searing heat the fire jumped the Kiewa Valley Highway and the Kiewa River and spread quickly through the night, spotting up to 10 kilometres ahead of the main fire front. Firefighters worked all night to help save hundreds of houses in the fire's path. In the words of a Beechworth incident controller, Leith McKenzie:

It has been a hell of a day and night for us all. We gave it our best shot. Together, with the community, we have done our very best to limit the spread and impact of this fire.

The New South Wales Rural Fire Service continues to play a major role in assisting the Victorian fire crews. I sought a briefing from Superintendent George Alexander, manager of the southern border team, and I place on record the professional firefighter's account of conditions and reaction in our region from Black Saturday onwards:

Saturday 7 February 2009 will go down as one of the blackest days in the history of the State of Victoria and Australia. On that day 384,569 hectares of land was burnt with an untold number of native animals and livestock lost along with 1834 private dwellings, 103 State/Community Infrastructure Assets and 385 Agricultural Assets resulting in an estimated 7,000 people having to be relocated.

Unfortunately 210 people lost their lives along with one fire fighter in this natural disaster.

The weather conditions in the two weeks preceding 7 February 2009 in the Albury area saw temperatures exceeding 35C everyday and a record eight days exceeding 40C. During that period nine outbreaks of fire were recorded in the Southern Border Team area. None of these fires caused any concern with the exception of the Mt Raven fire north of Woomargama.

On about Tuesday 3 February 2009 the Bureau of Meteorology was forecasting severe fire weather conditions for Saturday 7 February 2009, with high temperatures, low humidity and high winds.

On Friday 6 February 2009 the Southern Border Team Duty Officer arranged pre-emptive Strike Teams in the Albury and Corowa areas for a rapid response to any fire outbreaks.

The forecast for Saturday 7 February 2009 in Albury was—Temperature—44C, Relative Humidity—10%, Winds—Northerly at 35km/hr gusting to 55km/hr with a Fire Danger Rating 93. Total Fires Bans had been declared for the southern part of New South Wales and for the whole of Victoria.

The Albury Fire Management Centre was opened at 1300hrs on Saturday 7 February 2009 with 30-minute weather conditions being emailed to the Region South Major Incident Coordination (MIC) desk at State Operations along with any fire activity.

At 16.50hrs the Mt Raven fire flared up within containment lines with responses from Woomargama, Central and Mullengandra Brigades. This outbreak was quickly extinguished with tankers patrolling the fire until sunset.

At about 17.40hrs a phone call was received from the Country Fire Authority (CFA) Northeast area Duty Officer Peter O'Keefe requesting ten Strike Teams to respond to a fire in the Kilmore area in Victoria. This level of response was outside the capacity of the Southern Border Team and the Mutual Aid Agreement (MAA) between Rural Fire Service (RFS) Region South and the CFA, which stated—Strike Team can respond to within one hours travel time of the Border. This request was passed onto the MIC for action at a State level at 1745hrs.

At about 1815hrs the Albury Fire Management Centre made a phone call to CFA Region 24 office in Wodonga to determine the situation at Kilmore. During that phone call the CFA advised that it had received a report of a fire starting on Library Rd Beechworth about 30 minutes travel time south of Albury. The CFA were advised that a Strike Team was available from Albury if assistance was required.

At 1929hrs Strike Team RFS 1 Alpha was paged and responded from the Albury Fire Management Centre at 2030hrs to Beechworth. A replacement Strike Team RFS 1 Bravo was arranged out of Corowa for Sunday's day shift.

Overnight the MIC arranged Strike Teams from Mid Murray and Riverina Zones to go to the Kilmore fire on Sunday 8 February 2009. The State also arranged for two additional Strike Teams from Region West to go to the Kilmore fire, along with three Strike Teams from Region East for the Beechworth fire. These Strike Teams arrived in Albury during the afternoon of Sunday 8 February 2009. These Teams were refuelled and fed at Albury before proceeding into Victoria.

The Southern Border Team continually provided day and night shift Strike Teams to the Beechworth fire from Saturday evening on 7 February 2009 to Wednesday morning 11 February 2009. Volunteers of the Southern Border Team continue running the Staging Area at Lavington for all crews going to and from Victoria, along with supply stores as required to crews in Victoria.

On Sunday 22 February 2009 a further Strike Team was deployed to Healesville to be a Strategic resource available to respond to fires in that area and returned to Albury on Tuesday 24 February 2009.

Again Thursday 26 February 2009 a further Strike Team was deployed to Healesville to be a Strategic resource available to respond to fires in that area and returned to Albury on Saturday 28 February 2009.

The Southern Border Team also managed a Staging Area at North Albury feeding, fuelling and providing logistical support to all resources deployed to and from Victoria. This staging area has been operational since Monday 16 February and has processed 1172 personnel and 366 vehicles.

This involvement from the Southern Border Team included a total of 196 personnel from 31 Brigades, 32 appliances and 6 support vehicles, resulting in 4626 person hours and 824 tankers hours.

I salute the volunteers and RFS staff who have responded so magnificently in this time of crisis. Many people are questioning whether houses in fire-prone areas or bushland settings should have bunkers or some form of fireproofing. An article in the *Border Mail* of Tuesday 3 March featured a former Victorian Department of Sustainability and Environment firefighter who has turned a steel shipping container into a fire hide-out by digging it into the side of a rise, sealing vents and clearing ground around the entrance. Castlecrag architect Dugald Mackenzie has designed a bushfire-proof house after speaking to survivors of the Jannali fire, which razed homes fifteen years ago. His Bushfire Basher house has a one-hour fire rating—meaning it would take one hour for a fire to burn through special panelling—with a safe room inside the house.

Building is a heavily Government-regulated activity but there are no Australian Standards for safe or fireproof rooms for people, only for goods. In the wake of these most recent devastating fires a standard should be urgently examined before too many people go off and build various forms only for it to be discovered, sometime in the future, that most or all of them are deficient. While an initial homeowner may understand what the architect meant by a safe room and how it should be maintained, it is a sure thing the next owner will not. It is almost certain some people will be accidentally trapped in these safe rooms and die unless extra safety measures are included.

The issue is urgent because people are already building so-called fireproof houses and fireproof or safe rooms. A one-hour fire rated house also needs better definition before people rely on it because every house is different and houses are too big to be tested whole in a laboratory. Only elements of buildings are tested in laboratories. Expert engineering investigation is clearly called for so that an Australian Standard can be developed. While investigations and inquiries begin, the task of battling fires, caring for survivors and rebuilding shattered communities goes on. Our thoughts are with those who have suffered and with those who are working to ease the pain. I commend this condolence motion to the House.

**Mr MATT BROWN** (Kiama) [12.08 p.m.]: I have two strong emotions today with regard to this condolence motion. The first is one of sadness, grief, and shock. Countering that is pride, humility and gratitude. Those emotions are reflected right across the nation and across communities I represent in Kiama. We have all been touched by the tragic loss of families and friends and by the horrific stories we have heard. We have also been touched by the generosity of the Australian spirit. The devastation we have heard and seen images of is nothing short of mind-boggling. It is nearly unbelievable. When I first saw those reports coming through and heard of the death toll of around 30, I was shocked and rocked, as everyone else was, but that death toll continued to rise and rise to such staggering and sickening proportions.

More than 200 people are dead and 2,000 farms and businesses have been destroyed. Those are enormous numbers. Every one of the people who have been injured will have a terrifying tale to tell and it is not until one hears some of the heartbreaking stories of death and destruction that one understands the depth of what Australians are feeling. This could not have been better portrayed than when the Victorian Premier, John Brumby, was stuck for words because he was too overcome with emotion.

There are also the stories of those who survived the tragedy gathering together in community halls with nothing more than the clothes they were wearing when they fled their homes. In this modern era of communication we are used to sending text messages, speaking on mobile phones and sending and receiving emails, but suddenly these survivors were left without any form of communication because their mobile batteries died and they had no way of recharging them. Therefore, they had no know way of knowing whether family members and friends had survived and the anguish they must have experienced would have been horrific.

Many people on the South Coast and in the electorate of Kiama have either lost family and friends or they have been injured. My deepest sympathy, thoughts and prayers are with them. I placed a condolence book outside my electorate office and had one placed in North Nowra and Bomaderry. I thank those businesses for overseeing those books. Many people wanted to do something to express concern for their brothers and sisters in Victoria and the condolence book was one way in which they can show how they felt.

A friend of mine who is a member of the Victorian Parliament, Danielle Green, the member for Yan Yean, described 7 February 2009, Black Saturday, as the day Armageddon came to her community. She is also a member of the Diamond Creek Country Fire Authority. She referred to the tragic events of that day and how volunteer after volunteer came to help. In that fire she lost friends, branch members and community members whom she had represented and lived with for years. In her condolence motion she said that she has never been sadder or prouder in representing her community. Everyone has wanted to do something, send messages of support or send money. Even the owner of my corner store in Manning Street put out a jar where people could place their change after purchasing milk. Those acts of generosity are taking place right across the country and hundreds of millions of dollars have been raised. Of course, those fundraising efforts are ongoing.

Volunteers in New South Wales have travelled down to help our Victorian brothers and sisters, including one of our colleagues from this Chamber, the member for Heathcote. I thank all those who have given their love and support in whatever way. They are all heroes. It is that generosity of spirit that has helped to make our community strong and what has made this country so great. In closing, to those suffering loss, injury and an uncertain future, our thoughts and prayers are with you, as is our ongoing support.

**Ms GLADYS BEREJKLIAN** (Willoughby) [12.14 p.m.]: Words are totally inadequate at this time as we try to fathom the total extent of the tragedy that we are still in the midst of. What we see and hear through the media is but a small window of the extent of the trauma, loss and dislocation suffered directly by thousands of our fellow Australians. I join with my colleagues on all sides of this Chamber to express our deepest condolences to those who have lost loved ones, but also those who are coping with the shock and trauma of what occurred.

Since Black Saturday 210 people have lost their lives and 37 people are still missing; more than 500 people have been injured and 100 people have been admitted to hospital with burns. I understand that 20 people are still in a critical condition, with nine in intensive care. An estimated 7,500 people have been left homeless. In total, 623 separate fires have so far burned more than 400,000 hectares of land and a number of fires are still out of control. The fires have destroyed more than 2,000 homes, including more than 3,500 structures in total and they have damaged thousands more. We cannot begin to count the loss of our native animals and other things, such as fodder, grain, crops, pasture, stock and fencing.

Many towns north-east of Melbourne have been badly damaged or almost completely destroyed, including Kinglake, Marysville, Narbethong, Strathewen and Flowerdale. Many houses in the towns of Steels Creek, Humevale, Wandong, Callignee and Koornalla were also burnt, with several fatalities recorded at each location. This is a human tragedy of epic proportions. Lives have been cut short and the lives of relatives and friends have been changed forever by what has occurred, as have the lives of emergency workers and volunteers, who will forever be traumatised by what they have seen, heard and what they will continue to experience in ongoing weeks.

A local constituent, who came to talk to me about a local matter, brought this home to me. She apologised to me at the beginning of the meeting for being so emotional. She told me she had just learnt that two of her best friends had died in the town of Yea. She had only recently gone to visit them and at the time they were babysitting their grandchildren, who were able to run to safety, but unfortunately they were not able to and they were found metres from what they assumed was a safe bunker near their property. She was still in shock at having lost her best friends and was not yet able to come to terms with that. That one example demonstrates what tens of thousands of people are going through across Victoria and all parts of Australia.

Through this tragedy, the extent of which is beyond our comprehension, we can take comfort in the overwhelming support that communities, large and small, across our State and Australia have shown, financial and non-financial. Let us consider first our rescue workers: more than 4,000 firefighters from the Country Fire Authority and the Department of Sustainability and Environment were ably assisted by firefighters from New South Wales, South Australia, Australian Capital Territory, Tasmania and Western Australia, as well as firefighting personnel from New Zealand. As we have learned from colleagues in this Chamber, New South Wales has made an enormous contribution, with around 300 firefighters, 71 fire engines, a number of police officers trained in disaster victim identification, ambulance paramedics, a burns specialist and burns nurses, Rural Fire Service critical incident support personnel and specialist urban search and rescue personnel.

These fighters and volunteers have made an outstanding contribution and deserve our support on their return to help them deal with what they have experienced. It is also heart-warming to know that more than \$211 million has been donated to the cause so far, from schoolchildren to people in charitable organisations and service organisations. I commend, thank and congratulate local Rotary clubs in the Willoughby electorate, Lions clubs, the Australian Red Cross, the Salvation Army and other citizenship groups who, like everyone else in our State and country, have dug deep to help wherever possible.

I acknowledge the businesses, farmers and corporate Australia who have made their contributions to the cause, as well as employers who have allowed volunteers to undertake their responsibilities. I also acknowledge those providing counselling services, whether grief counsellors or other counsellors. Their work has only just begun and we need to accept that there is a long road ahead, which may take decades. We owe to all those who have lost their lives, to all those whose lives have been changed forever, and to successive generations of Australians, to learn what we can from this human tragedy. But for today our thoughts and prayers are for those who try to make sense of their loss and work out how to rebuild their lives.

**Mr GRANT McBRIDE** (The Entrance) [12.20 p.m.]: On behalf of my electorate of The Entrance, on the Central Coast, and myself I offer condolences to all those who have lost loved ones, suffered injury and lost property in the Black Saturday bushfires in Victoria, and I extend our best wishes for the future to those who have survived. Loss of life on this scale is unprecedented in peacetime and therefore is impossible to relate to on a personal basis. Personally I am left numbed trying to comprehend the difficulties and relentless challenges ahead for those affected: rebuilding lives literally from the ground up, coping with the physical and psychological damage, and the ongoing pain that remains in the heart forever.

Australia is characterised by flood and bushfire. It is the nature of our continent, and it will always remain the same. However, as others said in this condolence motion, we must learn from this experience and develop strategies, policies, building codes and other relevant action relating to minimising loss of life and property in the future. The devastation of Darwin by Cyclone Tracy in the early 1970s is another example of a natural disaster beyond previous experience. Following the rebuilding of the city of Darwin a comprehensive review resulted in new processes and standards that revolutionised building and construction codes in cyclone-prone areas across Australia. The Victorian Government has already put this process in place and, as with Darwin, a comprehensive reassessment will result in new provisions to manage the issue of bushfire across Australia.

The Central Coast, where I live, is a bushfire-prone area, and on occasions homes and lives are threatened. Both councils in the area have comprehensive management plans, fire control officers, and headquarters that work with a committed cohort of volunteer rural fire brigades across the coast. We are blessed to have these dedicated volunteers ready to risk their lives on behalf of our communities. I commend the Central Coast volunteers who have travelled to Victoria to assist in the ongoing battle relating to the fires still burning and in the rebuilding of the lives and communities of those affected. I also congratulate all the businesses, schools, clubs, organisations, families and individuals who have made a contribution, monetary or otherwise, to the Victorian bushfire relief fund.

**Mr JONATHAN O'DEA** (Davidson) [12.22 p.m.]: The date 8 January 1994 is ingrained in my mind as an especially important date. The first reason is that it was the worst day of the Sydney bushfires, when the community was faced with loss from the harsh reality of the powerful element of fire. The second reason is that it was the day I was married. I can still clearly picture ash falling on my beautiful bride's dress as we left the church and the surreal sunset that formed the backdrop to our wedding reception.

Victoria came to New South Wales' assistance in our time of need in January 1994. While interstate rivalry has its place on a sporting field, it is great to see how Australians pull together in times of adversity, as

we have for our southern neighbours some 15 years after the 1994 fires. The Victorian bushfire tragedy is at a scale so unprecedented that the Prime Minister declared 7 February as a national Day of Mourning, in memory of the precious lives lost. The support in our Federal Parliament was obviously bipartisan, as it is here in New South Wales. I particularly note the caring words of the Federal Opposition Leader, Malcolm Turnbull:

The measure of our support for you, indeed the measure of love for you, must be whatever it takes. Whatever it takes to put you back on your feet. Whatever it takes to heal broken bodies and soothe broken hearts.

Numerous brave citizens have stepped up and performed extraordinary feats during the devastating fires, risking life and limb to come to the aid of their families, friends and neighbours. These include hundreds who have travelled from New South Wales. Many people, including from my own local community, have made generous donations. It is in times of adversity, such as war and natural disaster, that admirable Australian characteristics are perhaps best recognised by the international community. As Princess Anne, representing Queen Elizabeth, observed at a recent Victorian memorial service:

Individuals and towns have responded with resilience, ingenuity, courage and selflessness to situations that were changing at terrifying speed. People from around Australia and across the world watched in horror but with admiration at their response.

I understand that a total fire ban has been declared for the whole State of Victoria. The Rural Fire Service authorities have provided ample warning to residents via text messages, community meetings, and of course their website. It is important to educate the community on fire prevention and risk mitigation, a message I have tried to spread within my own local community. I also note that in the past day or two there has been some welcome rain in various parts of Victoria—a great relief for all.

In a previous speech to this House I spoke about the Rural Fire Service and its preparations for a day of need in a hot summer. Today I speak at the end of a hot summer, when the need has eventuated and the service has again performed very well, as have officers from the police, the National Parks and Wildlife Service, and other emergency services agencies. I am very conscious and concerned about the enjoyment and preservation of our natural heritage of bush within the borders of my Davidson electorate. I have previously spoken about the Blue Gum High Forest in St Ives, Garigal National Park, as well as Narrabeen Lagoon and its remaining bush catchment. Today we are learning to better coexist with our environment while recognising the importance of controlling fuel loads that future fires might feed on.

City fires in buildings are mostly in a defined area and are generally predictable. The method of attack is basically to squash the fire and put it out. On the other hand, bushfires have a psychology of their own, and do not behave like a city fire in a confined space. They can be boisterous and noisy, alternating with periods of calm. They can change intensity and speed depending on fuel load, weather, and whether they are going up or down hill. They can easily jump rivers and roads, and embers can travel on the wind for kilometres, as has happened with the Victorian fires. Modern bush firefighting has a lot to do with understanding the fire's psychology and treating it with tactics denying it fuel and energy. Fire control centres therefore play a crucial role in such battles, as do support areas.

In January 2009 a fire started in Garigal National Park at East Killara, in my electorate of Davidson. Many attended, including the Ku-ring-gai Rural Fire Service Brigade and the National Parks and Wildlife Service. I visited the site and was impressed with the organisation of the personnel on the ground. I saw that the fire service had on site a media liaison officer who was giving periodic briefings on the situation to the media present. It is important that the media be able to inform the public about an emergency. However, at the fire in Killara I noticed that most of the media were dressed in the same yellow-coloured waterproof macs and trousers as the firefighters. While I am all for the media having some access to fire areas, I recommend they consider wearing a designated colour and style of uniform to better distinguish them from firefighters. In the heat of battle when fighting a fire, trained firefighters should not need to ask a person who is similarly dressed if they are a fellow firefighter or not.

The Ku-ring-gai brigade of the Rural Fire Service has its depot in Wahroonga and is led by Captain Chris Hunter, and its 45 members include David Cordery, who has been in the brigade since it was formed around 52 years ago. Likewise, at last week's Warringah-Pittwater District Awards I was pleased to recognise 50 years of service by Peter Gatien of Belrose Brigade to the Rural Fire Service. On that occasion the New South Wales Fire Service Commissioner, Shane Fitzsimmons, spoke of the tragic Victorian situation and referred to two New South Wales firefighters who were injured when trees fell on them.

In January the Ku-ring-gai brigade was at the forefront in fighting the fire at East Killara, which burnt a total of 13 hectares over three days. The rugged terrain of the Middle Harbour Valley required the assistance of

two air crane water bombers to control the blaze, which threatened houses in Albany Crescent. The brigade, as with other units in New South Wales and Victoria, has ongoing tasks as part of an integrated approach to fire management, including hazard reduction burning, personnel training, maintaining equipment and public education. The headquarters for the Hornsby-Ku-ring-gai district is at Hornsby Heights, and with the member for Hornsby I recently attended a tour of the facility conducted by Superintendent Angelo Baldo. I also look forward to attending the opening of the new headquarters for the Warringah-Pittwater district at Terrey Hills later this month. All people concerned are doing a wonderful job for our community.

In conclusion, I extend my own and my local community's condolences to all those suffering as a result of the Victorian bushfires, including the friends and family members of the 210 people who lost their lives. New South Wales has not had an extreme fire season for approximately seven years. Victoria reminds us that fuel loads are again building up in the New South Wales bush. At the same time, the largely volunteer staff of the Rural Fire service continues its work of being prepared for the next challenge.

**Mr GERARD MARTIN** (Bathurst) [12.31 p.m.]: On behalf of the people in the electorate of Bathurst I extend my condolences to all those suffering as a result of the Victorian bushfires, particularly the family, friends and communities left behind by the 210 people who lost their lives. As has been mentioned in the past 24 hours in this Chamber, in terms of loss of life we are addressing what has been the largest single natural disaster in Australia's history. The figures are quite bewildering—210 people dead, and it will probably be closer to 250 when the process of identifying those missing is completed; a myriad of lost property in the built and natural environment; and loss of natural fauna. It will take years for the land to regenerate.

It is difficult to do battle with Mother Nature but in New South Wales—and probably in most jurisdictions in Australia—we have good emergency management plans. Our Rural Fire Service, its systems and strategies, are recognised worldwide. In fact, we export this intellectual property overseas and we particularly help South-East Asian countries to develop professional firefighting capabilities. The way things have come together in the wake of the fires on 7 and 8 February has been testament to the professionalism of those managing the Rural Fire Service and the dedication of its support volunteers. For those reasons we are blessed, but at the end of the day the toll has still been horrific. No doubt changes will be made following the deliberations of the Royal commission. We will go through a period of change to our legislation to ensure it does not happen again but, given the history of the climate and geography of our country, it is very difficult for anyone to say that. It is a challenge for the Government and the community to be as best prepared as we can.

My electorate borders the electorate of the Blue Mountains and its topography is very similar to those areas that have been burnt in Victoria. The electorate starts at the western end of the Blue Mountains, continues into the Capertee Valley and south to Abercrombie behind the Jenolan Caves. Major fires have burned in all those areas in recent years but, fortunately, there has been very little loss of life. On 2 December 1997 in Lithgow there was a fire with similar climatic features to those experienced in Victoria. At that time I was the mayor of Lithgow. The temperature was in the high 30s that day, with very gusty strong north-westerly winds and the humidity in single digits. Emanating from the ridge behind my house in Hepburn Street was a massive fire that spread down through the Blue Mountains. Unfortunately, we lost two of our firefighters on that ridge, probably 200 metres from my backdoor: Teddy Hughes, a council foreman, and Col Eather, the captain of the Marrangaroo Brigade. Both those men died on the mountain above my place. It was a tragedy for the community because they were both well-known residents of a country town—blokes that we grew up with and worked with.

The real tragedy of these events is the loss of human life. Once we had that fire under control I held a function at the Civic ballroom in Lithgow on behalf of the people in the area to farewell the 300 Victorian firefighters. Those men and women had done a sterling job, they gave up their time to come and live in our community for a week or so, they bunked down in our huge ballroom as best they could, they were well looked after and fed, and they worked extremely hard. They took great pleasure in helping. In recent weeks a number of Fire Brigade personnel from around Bathurst, Lithgow and Wallerawang, have gone to Victoria to assist, so in some ways we are repaying that friendship.

Friendships developed from that group of Victorian firefighters and many regularly return to Lithgow to meet with people they met during the fires. One of the great things to come out of these tragedies is the building of relationships and friendships with people who are prepared to come to the aid of their fellows, whether it is across State or council borderlines. It is a comfort to know that in times of adversity we can rely on our friends. As a Government member I am very proud of the effort we have made in going to the aid of the Victorians. As the Premier has said, while there is a need and the Victorians call we will be there to assist them. I commend the condolence motion to the House.

**Mrs JUDY HOPWOOD** (Hornsby) [12.38 p.m.]: I support the condolence motion for the Victorian bushfire victims, which states:

- (1) That this House—
  - (a) places on record and expresses its deepest condolences to the families and friends of those who lost their lives in the bushfires which recently devastated the State of Victoria;
  - (b) offers its sympathy to those who have been affected by the fires whether through injury or the loss of their property and personal effects; and
  - (c) acknowledges the ongoing contribution of the fire fighters and those engaged in the recovery effort, including those who have traveled from New South Wales to assist in these efforts.
- (2) That this resolution be communicated by the Speaker of the House to the Speaker of the Parliament of Victoria.

On behalf of the residents of the electorate of Hornsby I contribute to the condolence motion and acknowledge the serious fires that have ravaged Victoria and continue to challenge firefighters and the many service providers in the area. I represent an electorate that is approximately 50 per cent bushland and one that has confronted serious fires before and during the time I have represented it. I know we will face similar challenges, given the nature of our land. Friends who live in Canberra suffered the trauma of their houses being razed in the Canberra fires, but they did not lose family members. Arson has been a factor in the fires in New South Wales and other States. Arson has occurred in my street: 17 fires were started along the ridge of my street in Mt Colah, one directly behind my house. A person was convicted of starting at least three fires. I have experienced the impact of fire. Thank goodness, I have not lost family or friends. But to some extent I understand the trauma faced by the people in Victoria.

I was born in Melbourne, Victoria. I remember having to tolerate the extreme heat in February whilst sitting in my classroom that had no airconditioning. I also remember some extremely serious fires that occurred in Victoria during my childhood that resulted in loss of life and property. My thoughts and condolences go to those who have been affected by Black Saturday and the subsequent days of horror that overtook much of rural Victoria to the east and west of Melbourne. With the immense loss of life and alteration to lives, the people in Victoria who have been impacted by these fires will never be the same. They may rebuild, but their traumatic experience will leave a mark upon their lives. Many people are mourning the loss of friends and family members. Others, who know people who have suffered the loss of friends and family, are remembering the victims but also are trying to move forward and put in place measures that will prevent a disaster similar to the events on 7 February and subsequent days.

I have relatives and friends who live in the general fire area in Victoria. On Sunday morning after Black Saturday I made many calls to Victoria. My friends Ken and Roseanne Morton were evacuated from the Bunyip area. I was very pleased to hear that a day or so after the fire danger had passed they were able to return to their property. I have family in the Millgrove-Warburton area—the Yarra Valley area generally. Although they did not lose property, since that February weekend they have been living in the spectre of the fire and the subsequent days of bad weather that could create a situation similar to Black Saturday. In my electorate there have been a number of significant and dangerous fires. In 1994, before I was elected, an extremely serious fire burnt out a large area of the Hornsby electorate. It encroached upon my house, but luckily did not go into the surrounding valley. In 2002 the Chilvers fire burnt out 50 per cent of the electorate of Hornsby and much of Hawkesbury. At the time, I had been the local member for about 10 months and I was very much involved.

I did not work alongside the firefighters because I am not trained to do so, but I was involved in briefings and saw firsthand the impact of the fire on the community. I saw the expertise of the firefighters in carrying out their jobs and other services assisting people who were stranded, had lost property or needed assistance with overnight accommodation and meals. I express my extreme gratitude to everyone who is involved during these fires, whatever service they provide. I know that the stranded people in my electorate were accommodated at Berowra Community Centre and Hornsby RSL, to name just two services that assisted. In early 2009 a serious fire occurred between the industrial area in Mt Ku-ring-gai and Berowra. Due to the expertise of local firefighters, the fire was quickly brought under control and there was no loss of life or property. However, animals were disrupted and many may have lost their lives.

Last week I visited Melbourne. As many members know, I have been investigating homelessness. Sadly, my uncle, Maurice Peeler, who lived in Millgrove, died suddenly last Monday morning. His funeral was to be held on Friday. Unfortunately, due to warnings of extreme temperature and high winds, his funeral was unable to be held until the following Monday. On Friday I went with my cousin to the Yarra Valley area. I did

not visit the fire areas because they have been cordoned off to visitors. In the Yarra Valley I saw closed businesses and visited a home in dense bushland. It was a smoky environment. A pall of smoke hung over the area and I felt the air of expectation and sensed people's fear of another bad day of fires. The Yarra Valley area is not out of danger and they expect further fire issues. I saw a heart-warming vision of a New South Wales Ambulance Service vehicle on duty. They were ready to provide assistance. I know that many officers of the New South Wales Fire Brigades, the Rural Fire Service, the Police Force, the Ambulance Service and the State Emergency Service, and many volunteers from New South Wales and other States are assisting the people in Victoria. The fire areas are devastated and the people need as much help as we can give them.

When I was flying back to Sydney on Saturday, it was a clear day and I looked down on many thousands of hectares of brown trees. In the trajectory of the plane flight, I flew over Marysville and other areas that had been devastated by the fires on Black Saturday and subsequent days. Many people have been made homeless, and so many individuals and corporations have raised many millions of dollars. I will mention some of those from my local electorate. My electorate leapt into action to assist the people in Victoria. The schools that assisted are too numerous to name, but I will mention a couple. I had the honour of opening the school parliament at Asquith Public School. It was just after Black Saturday and one of the motions the little children debated was whether to send all the money they raised through cake stalls and other activities to one school or a number of schools in Victoria. As late as today I have received information from the *Bush Telegraph Weekly* that Hornsby North Public School has formed a fellow school relationship with Victoria's fire-ravaged Strathewen Primary School.

The front of the *Bush Telegraph* has a wonderful picture of children with a big bucket full of money that they will send to Victoria. I believe that Lynne Slevin came up with the idea of that school adopting a school in Victoria. I know that is just one example of many. I congratulate the service clubs in the area that have been working very hard every weekend with their buckets—Lions, Rotary and Apex. Last Sunday I opened a jazz concert in Hornsby mall featuring the New Orleanians jazz band. The concert was organised by Hornsby Lions and buckets went around to collect money during the concert. It is fantastic to see all this human effort.

On Sunday I was at the Ross Turner Cricket Cup game. All the profits from the canteen and the proceeds from the sale of a book were sent to Victoria to help the victims of the bushfires. Sporting clubs, service clubs, schools and the general community are all pitching in to help people who are our neighbours. Given our bush interface, there by the grace of God goes everybody. I gave blood last week in Chatswood, and I encourage everybody who can to do the same. People suffering severe burns generally need precious blood products. They will need them not only now but also into the future.

It is very hard to quantify how many animals have been lost in the bushfires. I know many people in my electorate are very concerned about the animals affected by the fires. The veterinary and welfare response to the animals has been amazing. Burn injuries to animals require very similar solutions and dressings to those used for humans, which come at a cost. We have all been heartened to see Sam the koala, a symbol in so many ways not only of the loss of animal life but also of the need for water, veterinary products and assistance from animal welfare groups. I conclude by quoting one verse from the poem *My Country* by Dorothea Mackellar, which is so appropriate:

I love a sunburnt country,  
A land of sweeping plains,  
Of ragged mountain ranges,  
Of droughts and flooding rains.  
I love her far horizons,  
I love her jewel-sea,  
Her beauty and her terror -  
The wide brown land for me!

I believe that poem signifies the type of country in which we live and the challenges we face. We have floods to the north, and perhaps we have not focussed enough on those. However, I know that people in the Hornsby electorate have been working to raise funds for those in the northern State who have, in such a contrasting way to those in Victoria, lost so much. The poem typifies, for example, flood, fire and famine, and in just one line describes the country in which we live.

**Mr TONY STEWART** (Bankstown) [12.53 p.m.]: The weekend of 7 and 8 February—Black Saturday in particular—will be forever etched into the memory of all Australians. I and the people in my electorate of Bankstown offer our condolences and our hearts and prayers go out to the people affected directly by these terrible, tragic fires in Marysville, Kinglake, Churchill, Flowerdale, St Andrews, Wandong, Humevale, Bendigo, Long Gully, Callignee, Hazelwood, Jeeralang, Arthur's Creek and the other towns and communities devastated by these terrible fires.

The people in my electorate of Bankstown, as in many other electorates that have been spoken about so eloquently on both sides of the House, have opened their hearts and dug deep into their pockets to support the needs of those in Victoria affected by this tragedy. I will mention some of those areas from which that support came very quickly and strongly. Bankstown Sports Club, one of the true hubs of the Bankstown community, immediately provided \$10,000 to the Australian Red Cross. In addition to the cash donation, the club, which has a 109-room Travelodge hotel, which is currently being refurbished, has begun to transport to Victoria all the furniture from the refurbished building—single beds, double beds, linen, chairs, tables, framed pictures and other items, all in fantastic condition—to be stored and provided on a needs basis when required by the victims of the fires.

Revesby Workers Club, another great club in our community, donated \$10,000 to the Australian Red Cross. Riverside Gourmet Pizza makes great pizzas and lots of dollars were donated when it raised money for the fire victims. Clubs NSW donated \$50,000; Canterbury City Council donated \$10,000; and the Catholic Archdiocese of Sydney donated \$50,000, which included fundraising contributions from many churches in my local area. The Lebanese Muslim Association donated \$5,000; Bankstown Rotary, Yagoona Lions and other community clubs in the area got together and raised very significant amounts. I commend also Bankstown City Council for raising \$27,000.

It touched me that many, many of my local schools—in fact, I would say all of my local schools, and there are around 30 in my electorate—provided funds to benefit the victims of the fires and their families. Bankstown Girls High School held a special assembly to raise money; Yagoona Public School collected a huge donation for the Red Cross; Bankstown North Public School collected donations; Holy Saviour raised \$772 and is still raising money; and La Salle College raised \$2,400. St Euphemia College raised a whopping \$16,000 for the victims. Malek Fahd Islamic School is still raising funds but it has already raised significant funds. I commend the school for that. St Felix Primary School has held a couple of functions to raise funds and St Marys Primary School, which I visited in mid February, held a special gold-coin day.

A microcosm of children all over Bankstown is raising funds for the fire victims. I went around to the classes where gold coins were being collected and I saw one little boy in year 2 contribute some money that had been given to him, but then he dug deep into his bag in an effort to donate his lunch money. That little gesture by a six-year-old boy reflects how deeply people's feelings go for the victims of the bushfires: he recognised the significance of the tragedy and wanted to give everything he had to support them. In my role with Youth Off the Streets I have been dealing with Father Chris Riley, who responded immediately to the crisis and sent a team of volunteers to Victoria to support the initiatives of the Red Cross, the Salvation Army and others who were working at the front line. It is another example of how Father Chris Riley is always there to support humanity and provide assistance for those in need.

As a child I spent my early youth in Victoria, not far from the areas devastated in the Gippsland area. I can recall as a seven-year-old experiencing a similar fire situation. No words can describe what you go through in such a tragedy. Our house was saved, but I recall all the able-bodied men in town in Yallourn going to fight the fire. I will never forget the images of the kangaroos and other animals that came into our front yard for a safe harbour, not frightened at all but sitting quietly. Some had burning fur so we turned the hoses on them to try to put the fire out. These images that I recall are devastating. I acknowledge the comments made by the member for Hornsby about Sam the koala and the many other animals that have been victims of the fire. As a young child I will never forget those images, and now I will never forget, nor will the people in my electorate, what these people went through in Victoria. Certainly, whatever we can do to reach out to meet their needs should be done and will be done. I commend the motion to the House.

**Mr MIKE BAIRD** (Manly) [1.00 p.m.]: I offer my condolences to those who have lost loved ones in the horrific bushfires in Victoria. Our thoughts are with those who have lost their homes, those who have been injured and who have a battle ahead of them to recover, and the people who must regroup and re-establish their communities. Over the past few days and weeks as we have dealt with the tragedy of these bushfires we have been reminded that Australia is not a group of isolated States—it is a nation and, in many respects, a large family. We grieve for and empathise with the pain and loss being experienced in Victoria.

I have been particularly touched by the response of my community of Manly. I will not do justice to that response because my constituents have demonstrated deep, significant and heartfelt compassion. I congratulate them and reaffirm the important message being sent to the people of Victoria that they are not alone. The Manly Life Saving Club has a very real connection with this tragedy because members Lynne and

Howard Schauer lost Lynne's brother Garry, his wife, Jacinta, and their six-year-old daughter, Erryn. Their 12-year-old daughter, Maddison, suffered burns to 50 per cent of her body and will be in hospital for at least three months. It is hard to comprehend the tragedy that has befallen that young girl. Not only is she struggling to recover in hospital but she has also lost her entire family in one swoop. It would be inhuman not to feel the pain and despair that she must feel.

I commend Manly Life Saving Club for gathering around these members, who have been very active not only in the club but also in the wider local community. The club will hold a fundraiser this Friday at 7.00 p.m. to help pay for the treatment of Maddison's burns and to help her extended family to rehabilitate and to fathom this unbelievable loss. Similar responses have occurred across Manly. Most people have not been affected as the Schauers have been. I pass on to them my heartfelt sorrow and 100 per cent support in this tragedy. Those who have not been as directly impacted have done a great deal to help and have contributed enormously. They include the Salvation Army local chaplain, a volunteer firefighter who was so moved that he loaded a trailer with toys and drove from one town to the next in the affected area handing them out. He reported that the response was overwhelming. People appreciated that someone cared enough to stand beside them.

North Steyne Surf Life Saving Club also raised money for the bushfire appeal at a Valentine's Day disco; Mackellar Girls Campus responded quickly by holding a mufti day and raised more than \$5,000, and challenged other schools to do the same; Harbord Diggers and the Mounties group raised \$50,000 and will match every donation made at the club; Toni and Guy's hairdressing salon offered \$25-haircuts and donated the proceeds; Manly West Primary School had a gold coin donation campaign and raised \$2,325 from just 688 students; and staff at the Bluewater Cafe raised more than \$2,000 by donating the tips they received last weekend and patrons who were aware of the gesture added to their efforts. The northern beaches Lions clubs have done a particularly good job in fundraising. Club members liaised with Sydney Ferries to travel on ferries and have raised \$17,780 from commuters and ferry staff. I also pay tribute to the Sydney Ferries staff who have contributed. The proceeds will be distributed directly to the Lions clubs at Marysville and Kinglake and at Whittlesea, Churchill and Traralgon in Gippsland.

An event held in my electorate typifies this State's response to the bushfire tragedy. Last Saturday night representatives of all churches in the Manly area came together to pray for the affected families and victims of this great tragedy and determined as a community to make a difference and to support the victims. It was a moving event and I pay tribute to everyone in Manly who put a shoulder to the wheel. I particularly extend my condolences to the Schauers. We cannot understand the depth of their tragedy, but we stand alongside them willing to help in any way we can. We pass on our best wishes and the support of this Parliament.

**Mr ALLAN SHEARAN** (Londonderry) [1.08 p.m.]: Along with my colleagues I express my condolences to the families and friends of the victims of the recent fires in Victoria. The constituents of Londonderry are very aware of the dangers that confront bushfire-prone areas. Londonderry abuts the Blue Mountains National Park, bushland and rural and semi-rural areas. We face constant danger and hopefully we are prepared for it.

On Black Saturday I was at a family function with my neighbours enjoying a quiet drink and some food and swimming. We gradually became aware of the unfolding horror in Victoria. Over the proceeding days we witnessed the extensive media coverage of the devastation and loss of life, property, flora and fauna. The images of the horror make us feel that we can do nothing other than volunteer or donate money and goods to help. At times like this we tend to think about the impact that such an event would have on our own family. Following Black Saturday I visited my son, who lives in the electorate of Hornsby. As the local member said, that area is also prone to bushfires.

My son's property backs onto a vast bushland area. There was a whiff of smoke at the time and I was somewhat alarmed. He seemed to be rather relaxed. I asked him whether he was concerned and whether he knew what was going on. He mentioned it was some fire near Lane Cove and that smoke had drifted up towards his residence. That alone would be enough to have me worried and ready to go. I asked him what procedures he had in place to prepare for such an eventuality. He said he was not going to be worrying about the house or any of the memorabilia or things we might think are of value in the house; all he was going to worry about was his young family and his wife. He has two little boys, three years and one year old. His plans were simply to grab them, put them in the car and get out of the area as quickly as they could. The devastation that occurred in Victoria will leave a long memory of what can happen and will play an important part for those preparing for outbreaks in their areas.

What also brought it close to home was that my sister-in-law and her husband reside in Yackandandah in the northern part of Victoria. We did not think the fires would be of any concern to them but we learned that they were on alert. It would have been ironic if the fires reached the township of Yackandandah as it was only 18 months or so ago when her property was burnt to the ground—they had a shop and a residence—and they had only just rebuilt and moved back in. They had the same approach. They were not concerned any more about protecting their assets; if the fire became threatening they would jump in the car and get out.

This brings to light what happens in our local areas. The Rural Fire Service brigades, particularly in Londonderry and the surrounding area, do a fantastic job. I have attended many functions where they are training or receiving awards. What struck me each time I attended the functions was the camaraderie they have, the spirit of community and the element of volunteering that is particularly a part of the Australian culture. It is amazing how our Rural Fire Service is regarded overseas. Late last year I was speaking with the Commissioner for the Rural Fire Service, Shane Fitzsimmons. He commented that a delegation from Greece could not quite comprehend how effectively and efficiently our Rural Fire Service operated. It could not understand how it could liaise with other emergency services and how we could have volunteers with such equipment and training. That is particularly poignant when one considers the millions of dollars the Government puts into the Rural Fire Service for equipment and training required now and in the future. Although it is millions of dollars, it is funding well spent.

In January this year there was a bushfire outbreak at Londonderry, attended by Londonderry Rural Fire Service and others. The Londonderry fire had many features that occurred in the Victorian fire. The day after the Rural Fire Service volunteers had quelled the fire they said that the continually swirling winds would change the direction of the fire, not every couple of minutes but every 20 or 30 seconds. They found that very hard to combat, but combat it they did. The fantastic job they did must be acknowledged. Although many acres of bush were destroyed, no houses were destroyed and no lives were lost. Some sheds and machinery were lost but importantly no lives. That is of fantastic credit to those who fought that fire.

On the Friday after the fire the Premier, the Minister for Emergency Services and I attended the site. We were at the property of one of the grateful homeowners who appreciated the effort put in by the Rural Fire Service. We heard the fires were licking against the fence of this property owner, and the Rural Fire Service called for one of those huge helicopters—

**Mr Geoff Provest:** *Elvis.*

**Mr ALLAN SHEARAN:** I do not know what the name of this one was but he had film of it. It was quite spectacular. It saved his house. It dropped water in the precise spot it had to be dumped. When one thinks of the fire and the updraft one recognises that the skill of that helicopter pilot was unreal. It was amazing. That morning the assembled media was in attendance with the Premier and the Minister. It was disappointing that the first dozen or so questions related to matters other than the fire. The homeowner got to the stage where he became irate and quite vocal and said to the throng of media that enough was enough, that the real purpose of this media conference was to show appreciation to the members of the Rural Fire Service who were able to save his house. This was before the Victorian fires yet there were few media reports of the success of that effort and few media reports acknowledging the fantastic job the members did.

One of the things to come out of this devastation and disaster was the spirit of Australia. We can talk about the volunteers, the fundraising and how touched everyone has been about the terror and horror our neighbours had to face, but the spirit of Australia continues to exist. Whatever comes out of the royal commission—of course, there will be a number of words and recommendations and different theories—what will really be remembered is how Australia as a nation got together. Many members of the Rural Fire Service in my electorate volunteered to assist in Victoria. Four or five of them had been selected to go but they got word that night that they were not required. They were ready to go at the drop of a hat. The efforts of the volunteers and the effort put in to raise funds to rebuild the properties and townships that were destroyed demonstrate that the Australian spirit is still very much alive. I commend the motion to the House. On behalf of my constituents I wish our Victorian counterparts well and hope they are recovering and that their rebuilding is a success.

**Mr GEOFF PROVEST** (Tweed) [1.19 p.m.]: Once again, I am 100 per cent for the Tweed. I join with my colleagues who spoke yesterday and today in expressing condolences to the fine people of Victoria. We were all very touched by the human misery created by these terrible fires, the loss of property and the hardship—but also the mateship—that has been instilled in the rest of the country. The Tweed was no exception. Many appeals were started: indeed, I started one from my own office several days after the bushfire. That appeal

generated enormous community support, which was great because on Australia Day there was an unfavourable incident involving antisocial behaviour within the Tweed community, which dampened people's spirits. However, the people of The Tweed bounced back once they saw the grim footage of what happened in Victoria.

A large number of items were collected including new clothing, hairbrushes and other articles. We were fortunate that one of our local transport companies, Shoobridge Transport, offered its assistance. I helped load the truck and it was rather symbolic that on the day the Tweed experienced torrential rain. This fine nation of ours is a land of great contrasts! The first semitrailer departed on the night of Saturday 14 February 2009 to be offloaded in Melbourne on the Sunday. The load included various types of donations. The Tweed has a strong sugar industry and the New South Wales Sugar Cooperative Condong Mill Manager, Greg Petersen, and Graham Martin from the sugar industry donated around 1.5 tonnes of molasses and one tonne of packed sugar in two-kilo bags.

Cudgen farmers Ken Hodgkinson and Doug Paddon donated six tonnes of sweet potatoes. Other Cudgen farmers helped to plough and package those sweet potatoes, which will be very helpful because they have a shelf life of around one month, so they can be distributed throughout Victoria. The local Tweed community banded together to provide clothing, linen, toiletries and food products, large and small. One gentleman bought out of his own pocket three DVD players. People who could not even afford to donate, including pensioners, made donations. I remember one lady who came into my office. All she could afford were two boxes of no frills tissues, but it was her way of saying that she cared about her fellow Australians. The Tweed Heads Tennis Club at Terranora donated 400 undergarments. Included in the box were 12 pairs of fishnet stockings. I was perplexed as to the use of fishnet stockings but the ladies informed me that once the rebuilding was started, the people of Victoria needed something to lift their spirits: they could have a party and the women could wear the fishnet stockings.

I acknowledge the hard work of Heather Goodall of Tweed Valley Real Estate, who actively rallied local people and businesses to donate goods. I acknowledge also the Commonwealth Bank and SunCorp at Tweed Heads South. The manager of the Commonwealth Bank stated that the response was amazing. He had collected money for the tsunami appeal but for this appeal people donated large wads of cash. They were so touched by this tragedy that they put their hands deep into their pockets. Donations are continuing and at one stage it was difficult to get into the front room of my electorate office because of the large number of items. I even called on the Tweed-Coolangatta Quota Club, a fine group of ladies, who gave up many hours to sort and package the donated goods. I am pleased to announce that Shoobridge Transport delivered a second semitrailer load to Victoria. I convey my thanks to Peter Shoobridge, who bent over backwards to support this fabulous cause.

I am still a director of Bowls Australia, the national governing board. Two days after the bushfires the Australian Open, the richest bowls tournament in the nation, the pinnacle of the bowls calendar, was to be held in Shepparton. We were concerned about imposing on the fine people of Shepparton by bringing along people from the ABC, which televises the event. Phone calls were made and Shepparton Council informed us that the event would lift the spirits of the people. I attended the event on the Sunday. Indeed, I was devastated on arriving at Tullamarine Airport to hear the plane captain indicate that the smoke that could be smelt in the cabin did not emanate from the plane but was due to the bushfires. We actually raised \$500 on the way down on that flight.

Driving through the bushfire areas had a sombre effect on me. I have seen the aftermath of bushfires before but to see 60 to 70 foot trees burnt to a cinder and hectare after hectare of ash and destruction was quite shocking. All that was left of houses were brick chimneys and a pile of bent and twisted corrugated iron on the ground. My condolences once again go to those people who have lost family and friends or property. Many people lost their lives at Marysville, and Marysville Bowls Club lost several of its members, including a 15-year-old boy and one of its life members, who just days before were involved in a good game with each other. Peter Wilshire, the former chief executive officer of Victorian Bowls, who I understand has just been released from hospital today, suffered some pretty horrific burns while trying to protect his property.

I had the opportunity also to talk to many of the volunteers. I saw some of the aid distribution areas. The grim determination in the eyes of the people said it all. I was extraordinarily touched by people's mateship—the Australian way. It was very hard talking to victims who have suffered loss of friends, family and all their possessions. There is a spirit within them: one can sense that despite how grim life was, they will keep working to make their life better.

In some areas the fire had skipped around so that some houses, livestock and sheds remained safe. The residents expressed to me a great sense of guilt that they had survived, their family had been untouched, while their friends, neighbours and family down the road had lost everything. That type of guilt is difficult to deal with. That guilt reduced one family to tears one night in a clubhouse, and I was very moved by that. I also saw a classic example of the Australian spirit. On the way to Shepparton, after many hectares of black devastation, beside the main road was a house that was virtually a burnt-out shell. I do not know whether the family, the owners of the house or a passer-by had done it but someone had purchased a brand-new Australian flag and had tied it to the highest point of the burnt-out house. That flag fluttered in the breeze and the colours of the Australian flag were a symbol of rebirth to me that day.

The Tweed, like many other areas, sent six task forces to Victoria. The personnel were from our Rural Fire Service brigades in Pottsville, Bilambil, Cudgen, Tweed Coast and Burringbar. Our town brigades also sent down task forces. That is quite symbolic to me. As I have said in this place before, my young son Patrick, who is about to have his twenty-eighth birthday, recently spent five days in Victoria with the Bilambil Bushfire Brigade because he was keen to do his bit to assist. Indeed, they were all keen to assist their fellow Australians. I am pleased to report that Patrick returned home yesterday safe and sound, much to the relief of his mother and his father.

The tragedy and sympathy that this disaster has created is second to none. The issue is contentious, particularly in my area. We really need to look at our conservation laws. I am aware that in New South Wales we burn off only about 5 per cent of our national parks and about 20 per cent of our State forests. While I understand that the conservation laws are there to protect the environment and our flora and fauna, in front of these 60-foot trees for hectare after hectare there is not another living thing. There is not a bud, an ant, a wallaby, a kangaroo, a koala or a kookaburra. The re-population of those areas will take years. Sure, a number of the plants, which are part of the Australian bush, will survive and grow back. But in terms of native wildlife, there is nothing. I cannot help but think: Is this the right way to go, to have these draconian conservation laws—which are provided in principle to protect our wildlife—yet here they have been completely wiped out? We really need to revisit our conservation laws.

As has been mentioned by a number of my colleagues, our building codes also need to be addressed. Some of the houses survived the bushfires; some took precautions and some did not. We should learn from this. I have only been in Australia for around 50 years; I am 50-odd years of age. Bushfires seem to be a regular occurrence. We had the fires in Canberra. Yesterday both the Premier and the Leader of the Opposition referred to many previous bushfires. But we do not seem to have learnt very much from them, and we suffer the pain and the loss of life. I find that totally unacceptable, when we can do something about the situation. The people of the Tweed dug so deep to help their fellow Australians, it really impressed me. I was proud to once again be 100 per cent for the Tweed and to be part of the Tweed community.

At times we were struggling to find volunteers to pack bags and so on. I was down at Koala Beach, near Pottsville, on that Friday. I assisted a group of constituents, young mums, with regard to getting an extra bus service to take their children to work. They said to me, "Geoff, what are you doing later today?" When I indicated that I was about to help people pack items for the Victorian bushfire victims, they did not say a word in response. But when I turned up at 11 o'clock that day at Tweed Heads Civic Centre, about 15 volunteers were there. They did a ring-around, and they volunteered their time. They did not want to go home until the last container was packed.

I want to relate another touching moment during the campaign. A fairly elderly gentleman is suffering incurable cancer and has about three or four months to live. Initially when the call went out for shampoo, soap, hair brushes and other items, the gentleman came in with well over \$200 worth of hair brushes, soap, shampoo, and so on. He had a smile on his face. The smile related to the fact that the hairdresser he had bought the items from thought it was rather strange, because due to his chemotherapy and radiation treatment he had no hair. He felt that although he had only a short time to live he wanted to help his fellow Australians. Once again I am 100 per cent for the Tweed and I am proud of the way the people of the Tweed actively took part in assisting our fellow Australians in Victoria.

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

*[The Acting-Speaker (Mr Thomas George) left the chair at 1.34 p.m. The House resumed at 2.15 p.m.]*

## DISTINGUISHED VISITORS

**The SPEAKER:** On behalf of the House I acknowledge the presence of Professor Atshuler, Professor of Urban Policy and Planning at Harvard University, guest of the Minister for Planning.

## PARENTS AND CITIZENS DAY

**The SPEAKER:** I also point out that today is Parents and Citizens Day. The parents and citizens associations around the State do an excellent job of supporting their local public schools and are an integral part of the community. I am sure both sides of the House will join me in thanking them for their efforts.

## PAKISTAN TERRORIST ATTACK

### Ministerial Statement

**Mr NATHAN REES** (Toongabbie—Premier, and Minister for the Arts) [2.18 p.m.]: I want to place on record the Government's deep sense of sadness and dismay at yesterday's terrorist attack on the Sri Lankan cricket team in Lahore. I know all honourable members will join me in condemning the perpetrators of this cowardly crime. Whatever insane motivation lay behind it, it was more than an attack on individual players, on a particular team, or on cricket itself. When our grandfathers, and some of our own generation, use the phrase: "It's just not cricket", it is usually because someone is cheating, acting inappropriately or with insufficient kindness in a situation fraught with difficulty.

What happened yesterday in Lahore went well beyond that pleasant cliché. It was not cricket, it was not appropriate, it was not civilised—it was terrorism. It was not within the rules of a just war or anything like a proportionate response to provocation. It was not forgivable in any political context, in even the post 9/11 world. Like all acts of terrorism, it was an assault on the values of a peaceful world order, on the foundations of civilised society, and as such it will surely fail. As some members would be aware, eight Pakistani citizens died yesterday, some Australians were injured and, of course, the confidence of a nation was smashed. Among those who narrowly escaped injury was Trevor Bayliss, the coach of the Sri Lankan players. Mr Bayliss hails from Penrith. To his wife, Julie, and their family, I convey our goodwill and the thoughts especially of the people of western Sydney.

I believe the Australian captain, Ricky Ponting, now touring in South Africa, spoke for all Australians, and the entire cricketing world, when he condemned the attack and expressed sympathy for the victims. On behalf of the Government I extend our sympathy to the families of all victims, to the grieving people of Pakistan, and to the relatives of the injured Australians. This is the least we can do in support of our allies and friends and fellow Commonwealth members. This is the least we can say on behalf of cricket, whose excellence, charm and thrill will survive even this: its darkest hour.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.20 p.m.]: I join with the Premier in expressing our condolences, our shock and our horror at what since the Munich Olympics has been the first direct attack on international sports people. In 1972 we saw things that should never have been associated with the Olympic movement and yesterday we saw things that should never be associated with a game of sport. Australia has a close association with Pakistan, India and Sri Lanka, which is helped in part by the bonds of that magnificent game of cricket. One of the most popular teams to tour this country is the Sri Lankan cricket team. Not only were cricketers targeted but also—if the reports are to be believed—the intention was to stop the bus and walk through the bus cold-bloodedly assassinating each of the cricketers.

When you realise the likes of Muralitharan were on board, you know the impact that would have had on those countries around the world where cricket, as in this country, is strongly supported. The five Sri Lankan cricketers injured, largely by shrapnel, included the captain, the vice captain, and one who in the second test of the series scored his second double ton in a row. They are extraordinary young men aged between 25 and 31, the cream of their country. They are the cream of all that we hold as good in a sport that is often remarked to be the gentlemen's game. As the Premier said, it is not cricket. We share our horror and abomination. We condemn those who perpetrate it. As Gandhi said, "Victory attained by violence is tantamount to a defeat, for it is momentary."

## QUESTION TIME

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### STATE ECONOMY

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Given that the Premier's mini-budget forecast a growth rate of 1.5 per cent for the New South Wales economy and today's national accounts figures revealed negative growth of 0.3 per cent in the last quarter, will he explain the impact of his miscalculation on the State's finance and jobs?

**The SPEAKER:** Order! Government members will remain silent.

**Mr NATHAN REES:** I remind the House that the volatility in figures does not affect only the New South Wales Treasury forecast but, indeed, forecasts all over the world. Whether it is a major bank or a major jurisdiction in Australia or overseas, projections have been volatile, such as the Federal Government's \$115 billion. The Australian Bureau of Statistics today released data on a national output showing a decrease in gross domestic product of 0.5 per cent in the December quarter. In New South Wales the State final demand decreased by 0.3 per cent over the quarter, following a revised increase of 0.5 per cent in the previous quarter.

Over the last two quarters New South Wales demand has grown by 0.2 per cent, compared to a negative 0.4 per cent for Victoria and a negative 0.4 per cent for Australia. There are some upsides and cause for cautious optimism around export volumes, which grew by 8.2 per cent in the December quarter. We have been encouraged by yesterday's results, which showed New South Wales leading Australia in the January retail sales figures, which rose 1.9 per cent. Volatility in projections, estimates and the data for every jurisdiction and large business is a feature of the current times. We will update our responses, as required. Everyone is dealing with a world in which there is increased volatility to an extent we have not seen for 70 years.

### JOB CREATION

**Mr BARRY COLLIER:** My question is addressed to the Premier. Will the Premier update the House on what the Government is doing to create jobs in New South Wales, and are there any alternative policies?

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

**Mr NATHAN REES:** I thank the member for Miranda for his question and his longstanding interest in this most important matter. There is no higher priority for my Government than the support of existing jobs and the creation of new jobs for families in New South Wales. Yesterday I outlined measures that we will work hard to deliver: investing in a better future for our State, stimulating our economy and training our workforce. Our \$56 billion infrastructure program will underpin more than 150,000 jobs each year for the next four years, the largest infrastructure spend of any government in Australia. Last week the Minister for Transport and I opened the \$2.3 billion Epping to Chatswood rail link, which involved about 10,000 workers and will keep supporting jobs.

We have invested \$123 million in hospital works and upgrades on the Central Coast at Belmont, Wyong and Gosford hospitals, directly supporting 120 jobs. New laws are being introduced to streamline the planning processes to make sure that we deliver the stimulus package in a timely fashion and getting projects out of the ground, according to the Federal Government's timetable, by June this year. We will work hand in glove with the Federal Government on the measures it has put in place. I have said previously that we will energetically pursue business investment and events in New South Wales, such as the announcement yesterday of securing the Edinburgh Military Tattoo.

**Mr Brad Hazzard:** Whom did you beat?

**Mr NATHAN REES:** We beat Auckland, New York and Melbourne to secure that event. It will inject close to \$15 million into the State's economy. The last time it came to Sydney it brought 22,000 visitors. It is a huge vote of confidence for our city. Our State is well and truly open for business. Major international corporations are voting with their feet and choosing to call New South Wales home. The international airline V Australia is a \$44 million venture creating 1,000 direct jobs and bringing an additional 46,000 visitors from the United States of America to Australia every year, which translates into 500,000 extra visitor nights and visitor spending of \$76 million. That creates jobs right throughout the hospitality and service industry and is a big tick for Sydney. It is a show of confidence in New South Wales. Late last year I had the pleasure of turning the first sod on the construction of the \$120 million Bluetongue Brewery on the Central Coast, which will create jobs close to home for 150 people at capacity and 200 jobs during the construction phase.

**The SPEAKER:** Order! I call the member for Terrigal to order for the second time. He will cease interjecting and running a commentary.

**Mr NATHAN REES:** That is a massive boost for the local economy. Those employees will make their home in the Wyong employment zone, which we fast-tracked for approval last year. This 700-hectare site has the capacity to generate 6,000 jobs and to inject nearly \$2 billion into the Central Coast economy. In country New South Wales we have helped businesses like the regional airline Rex, which we have helped to establish a pilot training college in Wagga Wagga. This will create 70 highly skilled jobs, training for more than 200 professional pilots each year, work for subcontractors and investment of \$25 million into the town. That is another big tick for rural New South Wales. The managing director of Rex, Nick Davies, said:

Without the active support of the NSW Government, we would not have moved our flying school from Mangalore in Victoria.

He went on to say:

The Government has made it possible for Rex to construct a brand new state-of-the-art flying academy in Wagga Wagga with the ability to produce more than 200 professional pilots per year.

Efforts of the Government have secured also four major motion pictures: *Happy Feet 2*, *Wolverine*, *Mao's Last Dancer* and *Guardians of Ga'hoole*.

**The SPEAKER:** Order! Hansard is having difficulty hearing what the Premier is saying. I ask members, particularly those on the Opposition benches, to remain silent. I call the member for Coffs Harbour to order.

**Mr NATHAN REES:** Those films have generated \$329 million in investment and more than 1,000 jobs during production. Support like payroll tax concessions from the New South Wales Government was a key factor in attracting these films to Sydney. The director, George Miller, said:

This incentive by the NSW Government is a significant step. It allows us to make *Happy Feet 2* in Sydney.

It helps us in our attempts to attract substantial foreign investment which will create hundreds of high-end, highly skilled jobs as well as nurture the careers of many people.

That is another big tick from an international force in his field. So far this financial year alone our business attraction programs have generated more than 4,800 new jobs and almost \$1.5 billion in investment for New South Wales. So far from the Opposition we have heard only about its plans to take advice from Max the Axe Moore-Wilton. The Opposition has no strategy at all for how to deal with the financial crisis. Its first idea, repeated again today, was a lazy, reckless plan to cut \$1 billion in payroll tax, which would see our credit rating plummet from triple-A to triple-C. The Leader of the Opposition and the alternative Leader of the Opposition, the member for Manly, had very different ideas on this matter not that long ago. On 27 January the *Sydney Morning Herald* reported:

Mr O'Farrell is proposing that the Rees Government adopt the policy for a year. The shadow treasurer, Mike Baird, said that if economic conditions persisted, the Coalition would adopt the policy upon winning the state election in March 2011.

So which is it: now or later? Is there any consistency at all? No. The Opposition's position on the Rudd Government's \$42 billion stimulus package for the national economy is very similar.

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

**Mr NATHAN REES:** A package that will build more school halls, more school gyms, science labs—

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

**Mr NATHAN REES:** —and more social housing for those in need, worth some \$6.5 billion in New South Wales and delivering around 30,000 jobs each year. It was clearly supported by us from day one. But in the Opposition—no surprises—confusion reigns. The Opposition's first instalment occurred on 3 February when the shadow Minister for Education—he was first out of the blocks—issued a press release welcoming the package. His press release stated:

Shadow Minister for Education Adrian Piccoli today welcomed Kevin Rudd's \$14.7 billion investment in school maintenance and minor capital works.

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

**Mr NATHAN REES:** Clearly, he had not done the basic work of checking with his colleagues because on the very next day the Federal Nationals leader Warren Truss and the Liberal leader Malcolm Turnbull announced their reckless opposition to the very same package. Warren Truss went as far as to say:

We are stealing from our children.

Then the leader of the New South Wales Liberals weighed in on the stimulus package. On 4 February the Australian Associated Press reported:

NSW Opposition Leader Barry O'Farrell would not say whether he believes Mr Turnbull is doing the right thing by opposing the package.

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

**Mr NATHAN REES:** The article goes on to quote the Opposition leader saying that New South Wales "can't afford a delay" on a stimulus package. Later that day the Opposition leader gives this line a go:

Malcolm Turnbull supports a package. Kevin Rudd supports the package. I support a package.

The policy equivalent of "the cheque is in the mail".

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

**Mr Barry O'Farrell:** You're the only bloke who hasn't got a package.

**Mr NATHAN REES:** Your problem is you've got six packages and you don't know which one to wrap a bow around. The member for Manly had this to say—boldly going where his leader refused to go, or was too scared to go. On 10 February he joined former fellow investment banker Malcolm Turnbull in opposing the stimulus package. He told ABC radio listeners:

My hat is off to Malcolm Turnbull and what he's done. Malcolm has very clearly taken a principled decision and he believes in this—and so do I.

It seems that in preparing a basic yes or no answer to the single biggest stimulus package in Federal Government history the New South Wales Opposition—

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

**Mr NATHAN REES:** —is unable to arrive at a single response. It is utterly inept. The Opposition should take the advice that Roger Corbett—

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

**Mr NATHAN REES:** The Opposition should take the advice issued by Roger Corbett last week at our Jobs Summit.

**Ms Gladys Berejiklian:** We heard about him yesterday. He told us yesterday.

**Mr NATHAN REES:** No, he didn't. You will get the quote today. He said:

I would like to call upon the Opposition here in NSW Barry O'Farrell and the federal people to pull together to close this gap because speed is of the essence.

That was in relation to the Federal Government's stimulus package. There is no more critical issue in New South Wales than the working families of New South Wales whose jobs could depend on this package. The people of New South Wales deserve to know today what the Liberal Party in New South Wales supports and what it does not support. Which elements of this package, which will stimulate our economy and deliver jobs, does the Opposition oppose and which elements does it support? My Government is 100 per cent behind the stimulus package and the 30,000 jobs it will deliver New South Wales. We will put politics aside for the best interests of New South Wales, and I suggest the Opposition does the same.

**The SPEAKER:** Order! Members on the Government benches—including the Minister for Planning—will come to order.

## PAYROLL TAX

**Mr ANDREW STONER:** My question is directed to the Premier. Now that New South Wales is experiencing negative economic growth on the back of the Government's disastrous mini-budget and as yesterday the Premier demonstrated in this House that he had no plan to protect New South Wales jobs and businesses, will the Government now implement a proposal to cut payroll tax for 12 months by 15 per cent?

**Mr John Aquilina:** Point of order: The question is out of order. Clearly it is an argumentative question not only to seek facts but also to debate the issue.

**Mr Adrian Piccoli:** To the point of order: Mr Speaker, you have ruled previously, even yesterday after the point of order taken by the member for Terrigal, that if you were to interpret the standing orders as strictly as the Leader of the House asks you to then very few questions would be ruled in order.

**Mr John Aquilina:** Further to the point of order: The question referred to the "disastrous mini-budget". In whose opinion? Where is that seeking facts? It is clearly an argumentative question and should not be allowed.

**The SPEAKER:** Order! I have heard enough on the point of order. It is difficult to interpret whether words are argumentative in relation to every aspect of a question. This question is argumentative in a number of respects and also asks more than one question. I ask the Leader of The Nationals to restate the question and to ask only one question at a time.

**Mr Adrian Piccoli:** Further to the point of order: The member for Terrigal took a point of order yesterday about argumentative wording. A member asked a Minister to inform the House about the "success" of the new Epping to Chatswood rail link and you ruled that the question was in order.

**The SPEAKER:** Order! I have not upheld the point of order; I have simply asked the Leader of The Nationals to restate his question.

**Mr ANDREW STONER:** I direct my question to the Premier. Now that New South Wales is experiencing negative economic growth on the back of his mini-budget and that yesterday he demonstrated in this House that he had no plan to protect New South Wales jobs and businesses, will he now implement the Opposition's proposal to cut payroll tax by 15 per cent for 12 months?

**Mr NATHAN REES:** State Final Demand, which was published today, is not the indicator used to determine that the economy of any State is in recession. It is only part of the picture and it does not take into account imports, exports and inventories. This Government will reduce payroll tax in a fiscally responsible manner, not in a lazy or ill-disciplined manner. We will implement a policy that is sustainable for the people of New South Wales and our economy. In January this year the Government delivered the first of three planned cuts to payroll tax, reducing the tax rate from 6 per cent to 5.75 per cent. We have budgeted to reduce the rate to 5.65 per cent next year and to 5.5 per cent in 2011.

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

**Mr NATHAN REES:** That is a measured and responsible approach to reducing payroll tax. In contrast, the policy proposed by members opposite would benefit only 8 per cent of employers; that is, 92 per cent would not benefit.

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

**Mr NATHAN REES:** In response to the rest of the question, the Government has increased the grant to first home owners by \$3,000 and removed infrastructure levies worth up to \$60,000. Last week we announced that more than \$600 million would be provided for training positions and we have created 4,000 new apprenticeships and 2,000 new cadetships. The Minister for Planning has approved 60 projects of State significance or equivalent. That represents almost one approval every two working days and it will underpin 19,000 jobs and more than \$8 billion in investment. This Government's plan stacks up against any examination.

## RAIL MAINTENANCE REFORM

**Mr ROBERT FUROLO:** I direct my question to the Minister for Transport. Will the Minister update the House on the Government's rail maintenance reform program and are there any alternative policies?

**Mr DAVID CAMPBELL:** I appreciate the conversations that the member for Lakemba and I have had about employment and public sector reform, and his interest in the topic. Today I visited Sydney's biggest rail maintenance depot at Flemington. Train carriages are taken there for routine maintenance or when components need to be fixed at short notice, for example, lights, windows or seats. Most people are unfamiliar with this aspect of RailCorp's operations and until now no-one has wanted to acknowledge it because it has been a problem area.

Until late last year, RailCorp management and rail maintenance workers had been at loggerheads about multi-skilling and changing work practices. In fact, the issue had been ongoing for more than 10 years and inefficient work practices had festered. Change was necessary and that change is now occurring. I am pleased that with the Premier's support we have made some significant progress in the past three months and we are implementing reforms that will result in quicker and more efficient rail maintenance work. These changes will ensure that carriages are repaired and cleaned more quickly and that trains spend less time in repair yards and more time on the CityRail system carrying passengers.

Workers at Flemington will commence training this month so that they can, at the very least, meet private sector train repair efficiency and turnaround standards. The program will involve multi-skilling workers and monitoring the time it takes them to carry out repairs. These reforms are being made possible by cooperation between RailCorp and the unions. They have been achieved because the New South Wales Government locked the parties in a room and told them to sort out the issue once and for all. All electric maintenance depots are expected to have implemented these reforms within a year of commencing training. Not only will these reforms improve frontline services for commuters—

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

**Mr DAVID CAMPBELL:** That is because members opposite are working out the numbers.

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

**Mr DAVID CAMPBELL:** Barry is in trouble and he knows it. Not only will these reforms improve frontline services for commuters but they will also support the future of our rail maintenance workforce by providing jobs for the future. RailCorp currently employs 352 apprentices in the area responsible for rolling stock, rail network maintenance and the delivery of new infrastructure. It is those positions that these reforms will protect. Our public transport services are a key driver of jobs growth in this State. State Transit apprentices will comprise about one-quarter of the 261-strong bus maintenance workforce that is responsible for mechanical works, body repairs and electrical works. Next month State Transit will seek to employ another 11 apprentices to work in the maintenance area.

Unlike the Opposition, the New South Wales Government supports frontline workers. The Opposition has a reputation for bagging them. That is why Barry has hired Max the Axe. Liberal and Nationals members are laying in the boot because they want to wield the axe against public sector workers. While this Government is working to protect jobs, the Opposition has hired the bloke who destroys them. The Minister for Finance says that that is the approach taken by members opposite during a recession. For those who may have missed it yesterday, I will recap Max Moore-Wilton's stewardship of New South Wales rail services alongside the then Minister for Transport's chief of staff. About 24,000 jobs were axed from the transport—

**Mr Greg Smith:** Point of order: I refer to Standing Order No. 129, which relates to relevance. As the Minister well knows, this has nothing to do with the question.

**The SPEAKER:** Order! That is a not a point of order. The question asked the Minister to address alternative policies.

**Mr Chris Hartcher:** Point of order: I draw your attention to Standing Order 59, which relates to repetition. By his own admission the Minister is referring to what the Premier said yesterday. Standing Order 59 is designed to prevent that.

**The SPEAKER:** Order! Standing Order 59 refers to tedious repetition. I will hear further from the Minister.

**Mr DAVID CAMPBELL:** Max the Axe and Barry O'Farrell oversaw the demise of about 24,000 transport jobs when the Coalition was in government from 1988 to 1995. Country rail services were slashed, including the Western Mail to Dubbo, the Northern Mail to Moree, Tamworth, Armidale and Tenterfield, the North Coast overnight express to Grafton and the Griffith rail service.

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

**Mr DAVID CAMPBELL:** Those services were all slashed by Barry and Max the Axe.

**The SPEAKER:** Order! The member for South Coast and the member for Cessnock will come to order.

**Mr DAVID CAMPBELL:** The Opposition is reckless and lazy. It has announced its intention to go back to the bad old days of job cuts and slashing services with the appointment of Max Moore-Wilton as its chief adviser.

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

**Mr DAVID CAMPBELL:** Max wielded the axe that Barry gave him then and—be under no illusion—Barry is sitting there sharpening the blade again.

#### DEPARTMENT OF HOUSING SAVINGS

**Mr MIKE BAIRD:** My question is directed to the Minister for Housing. Given that Standard and Poors have, among other issues, identified the need for government to deliver on expense reform to retain the triple-A rating, will he explain what progress he has personally made on the savings identified in the mini-budget for his department, which, by today should have delivered more than \$9 million in savings for the taxpayers of New South Wales?

**Mr DAVID BORGER:** In relation to expense savings in Housing NSW I refer the member to the last annual report and to the very advanced system we have employed in New South Wales by engaging multitrade contractors to drive down costs and deliver more effective—

**Mr Barry O'Farrell:** Point of order: I suspect the Minister misheard the question. The question related to the mini-budget delivered five months after the end of the financial year, the annual report he is referring to.

**Mr DAVID BORGER:** Housing NSW has fully complied with the Premier's very clear directive to reduce the number of senior executive service positions in Housing NSW.

**Mr Mike Baird:** Point of order: My point of order is relevance under Standing Order 129. The Minister is talking about the senior executive service. Department of Housing savings do not—

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

**Mr Mike Baird:** The Department of Housing does not mention anything about the senior executive service. It is the savings in his department.

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

**Mr DAVID BORGER:** Housing NSW is like any other government department. The mini-budget and the Premier's directives to make sure we make savings where we can have been complied with, in a climate, I might add, where we are providing record assistance to people who will become homeless as a result of the economic crisis—who are, in a sense, economic refugees. We have increased the budget for temporary accommodation by 50 per cent in the past financial year.

**Mr Mike Baird:** Point of order: It is on relevance under Standing Order 129. I am just going to read out to the Minister—

**The SPEAKER:** Order! Given that the Minister has concluded his answer, I ask the member to resume his seat.

## HOUSING ASSISTANCE

**Mr DAVID HARRIS:** My question is to the Minister for Housing. What action is the Government taking to assist people who are most in need of housing assistance?

**The SPEAKER:** Order! Members will come to order, particularly the member for Terrigal and the member for Coffs Harbour.

**Mr DAVID BORGER:** Housing affordability is a fundamental issue of our time and the Rees Government takes the issue very seriously. We know housing is a health need, a psychological necessity for the aged and an educational necessity for the young. We are heavily investing in jobs because we know that economic security coupled with housing security will help people ride out future uncertain times. Unfortunately, during the Howard years public housing suffered from chronic underinvestment by Canberra. Members opposite do not like hearing this but it is true. The former Federal Government starved the New South Wales public housing sector of \$1 billion worth of funding and those opposite did absolutely nothing about it. However, we have been fighting to stem that tide of neglect.

I am advised that the number of people we helped to secure temporary accommodation across New South Wales increased by more than 7,600 in 2007-08, an average increase of 643 a month compared with the previous year. This is in clear contrast to the Coalition's poor record. A key priority of the Labor Government, both State and Federal, is to increase the amount of affordable housing and to deliver more jobs for the people of New South Wales—and members opposite oppose it. The New South Wales Government has made serious investments to meet the need and the Federal Government recently announced a stimulus package of \$6 billion nationally over 3½ years. As the Prime Minister has outlined, the funds will be divided between States and Territories on a per capita basis, which would mean that New South Wales will receive \$2 billion for social housing, which will enable us to build 6,000 units of social housing with 75 per cent of all dwellings to be completed by December 2010 under the two-stage national partnership. The new investment will mean we will have more scope to help people facing housing stress and to help to improve the lives of people currently in social housing.

Importantly, the total State and Federal investment will create more than 37,000 new jobs in the building, construction and other related industries. These extra jobs coming into towns and communities across New South Wales will be a big boost for families who are doing it tough in these uncertain times. As the Premier has made it very clear, the New South Wales Government will do everything humanly possible to create jobs, to protect jobs, and to deliver jobs. It is important to note that the New South Wales Government is already spending \$808 million over the next two years to upgrade properties and to buy or build 2,500 new homes for public housing. Last year in my electorate of Granville the Premier and I announced a plan to bring forward years of future spending on maintenance to relieve the backlog of maintenance, and that will create 2,500 additional—

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

**Mr DAVID BORGER:** That will enable us to create 2,500 trade jobs. That is a true measure of how committed the Labor Government is to a fair go in difficult times. I do not think one could find a clearer contrast to that than what the Opposition has offered in past elections to sell off all public housing in New South Wales and kick 340,000 people out on the streets. This is a very tender issue. We know how Max wielded the axe and we know how Howard wielded the axe on social and community housing in New South Wales, and we will not forget it. We are not just about assisting housing affordability. Another important issue is to harness our investment to shape better, stronger communities and neighbourhoods. We need the kind of communities that have corner shops and civic centres, and a mix of cultures, religions, income levels, points of view and ways of thinking.

We need to break up the estates of the 1970s and try to build better communities where people are closer to hope, opportunity, jobs and transport. We need the kind of communities that look after their own and that inspire local pride. The Prime Minister has asked that the building programs start as soon as possible. I ask members of the Opposition to get on the bus and support this package. I know in their communities disadvantaged people are seeking housing now and could have received it except for the Howard cuts. That is shameful and we will not forget it. We are working very closely with the building and construction industry to achieve this extraordinary investment. I look forward to keeping the House up to date on this important project.

**The SPEAKER:** Order! I remind photographers in the gallery that photographs of members should be taken only when members are at the lectern.

### EDINBURGH MILITARY TATTOO

**Mr GEORGE SOURIS:** How can the Premier continue to claim that New South Wales beat off Melbourne's bid for the staging of the Edinburgh Military Tattoo when Chief Executive Officer of Events Victoria, Brendan McClements, is quoted as saying, "We know the event and we've seen no reason to pursue it"?

**The SPEAKER:** Order! The House will come to order. The member for South Coast and the member for Lane Cove will come to order. I call the member for Wakehurst to order for the third time. I call the member for Terrigal to order for the third time.

**Mr NATHAN REES:** Well, he would say that, wouldn't he—22,000 people visiting and 160,000 people attended the last tattoo when we had it here in 2005—

**Mr George Souris:** Stop digging.

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

**Mr NATHAN REES:** I am disappointed in the purported contribution from the member for Upper Hunter. It is a departure from his most recent contributions: "I welcome the announcement of the Government's Building the Country Package for towns with fewer than 10,000 to enable the upgrade of their community halls". That was the member for Upper Hunter on 21 January this year.

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

**Mr NATHAN REES:** In the same publication he stated, "The new home buyers supplement gives new home buyers who build a new house or buy a newly constructed house an extra \$3,000." That referred to our homebuyer assistance grant. The member continued, "The first home owners grant, funded by the New South Wales Government, has recently been increased. Generous concessions on stamp duty are also provided by the New South Wales Government." The member can go about talking the State down or he can go about talking it up. I suggest he take the latter course.

### JOB CREATION

**Mr KERRY HICKEY:** My question is directed to the Minister for Planning. What action is the Government taking to streamline planning to create jobs? Are there any alternative policies?

**Ms KRISTINA KENEALLY:** Last Monday the New South Wales Opposition said that infrastructure programs were being delivered too slowly and that they would bring in Max the Axe to speed them up. Then the next day, on Tuesday, the Opposition said that I am approving infrastructure projects too quickly and that I should slow down.

**Mr Brad Hazzard:** Point of order: I never said you were doing it too quickly; I said you are doing it corruptly and rottenly with the money that has been paid to the Labor Party.

**The SPEAKER:** Order! The member for Wakehurst will resume his seat. I placed him on three calls to order only a few moments ago. This is his final warning.

**Mr John Aquilina:** Point of order: The member for Wakehurst referred to the Minister as acting corruptly. That is unparliamentary and I ask him to withdraw the comment.

**Mr Barry O'Farrell:** To the point of order: In September 2007 the Independent Commission Against Corruption identified the corruption risks in any Minister for Planning personally approving development applications from donors to any political party.

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat.

**Mr John Aquilina:** To the point of order: I ask that the point of order be upheld. It is not a matter for debate.

**The SPEAKER:** Order! On previous occasions when a member has sought that a matter be retracted I have put that to the member who made the remark. I ask the member for Wakehurst to retract the comment.

**Mr Brad Hazzard:** I withdraw, Mr Speaker.

**Ms KRISTINA KENEALLY:** This flip-flop approach by the Opposition—does Barry talk to Brad, does Brad talk to Barry—demonstrates that the Opposition has no policy direction on planning, no idea how things are delivered and no understanding of how things get done.

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

**Ms KRISTINA KENEALLY:** I make no apology for efficient decisions that deliver jobs and economic investment to New South Wales. The Premier noted yesterday, and again today, that since September we have approved about 60 projects—he said today that it is actually 61 projects—creating \$8.4 billion of capital investment and 19,000 jobs. I can update the House with the latest figures as of this morning.

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

**Ms KRISTINA KENEALLY:** As of this morning there have been 64 part 3A approvals worth \$9 billion, creating over 20,000 jobs. In the context of the global financial crisis, this is precisely the type of action we need to create jobs and economic investment in this State.

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

**Ms KRISTINA KENEALLY:** Part 3A is, of course, the section of the Environmental Planning and Assessment Act that allows the Government to use a streamlined planning approval process to support projects that are important to the State's economy and development.

**The SPEAKER:** Order! The member for Hawkesbury will cease interjecting.

**Ms KRISTINA KENEALLY:** In contrast, the Opposition has promised to abolish part 3A, and those uninformed, uneducated calls from the Opposition to abolish part 3A are raising alarms in the investment community.

**The SPEAKER:** Order! I direct the Deputy Serjeant-at-Arms to remove the member for Wakehurst. I remind all members that continuous interjections will not be tolerated. A number of members are on three calls to order.

*[The member for Wakehurst left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]*

**Ms KRISTINA KENEALLY:** The Opposition policy has been a cause for alarm from industry groups and investors. In a recent letter to the editor of the *Sydney Morning Herald* on 26 February 2009 the New South Wales Minerals Council stated that part 3A is an effective reform to the New South Wales planning and assessment regime. The Minerals Council says that we have set a cracking pace and we are taking decisive action to free up the wheels of government. The Minerals Council says that is precisely what is needed to shield New South Wales from the worst effects of the economic crisis. In a media release the Urban Task Force pointed out the obvious fact—a fact that is obvious to everyone except the Opposition—that one cannot fast-track project delivery times at the same time as promising to abolish part 3A. The media release stated:

We're particularly concerned at their plans to remove the State government's authority to fast-track regionally significant commercial, industrial, retail and residential development.

The Executive Director of the Sydney Chamber of Commerce, Ms Patricia Forsythe, stated:

Part 3A has proved to be a critical planning instrument which overcomes red tape to generate economic activity and investment.

It is worth noting that, as the New South Wales Opposition promises it is going to abolish part 3A, the Victorian Government has announced that it is going to introduce a system similar to that in part 3A into its planning process. Without part 3A we would still be waiting for major infrastructure projects, such as the \$257 million redevelopment—

**The SPEAKER:** Order! The Leader of the Opposition is continually interjecting during this question time. It does not reflect well on him and he should cease doing so. The Minister has the call.

[*Interruption*]

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

**Ms KRISTINA KENEALLY:** It is the member for Manly who wants to be the Leader of the Opposition, not I. Without part 3A we would still be waiting for major infrastructure projects such as the \$257 million redevelopment of Liverpool Hospital, the \$464 million upgrade of a 25-kilometre section of the Pacific Highway north of Coffs Harbour, or the New South Wales section of the \$850 million Queensland to Hunter gas pipeline. I note that the member for Upper Hunter welcomed that announcement.

The Government is getting on with the job and proactively making distinctions that will help stimulate investment and infrastructure in New South Wales. We unlocked the expertise of the Growth Centres Commission, bringing it together with the Department of Planning to refocus it on land release, urban renewal and major development assessment. We have introduced project managers—those "go to" people the Premier spoke about yesterday—to ensure that projects are delivered, that problems are resolved, and that there is a single point of contact for proponents and the broader community.

The Opposition has always failed to understand the role of the Planning Assessment Commission. Under laws brought in by the former Minister, Frank Sartor, signed by me, we have depoliticised the planning process by appointing a clear delegation of decision-making authority, so that when a proponent has a declared political donation their proposal is decided by the Planning Assessment Commission, which stands in the shoes of the Minister. I have not heard the Opposition welcome that, and I have not heard it make comment on it. The Opposition has consistently misunderstood it.

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

**Ms KRISTINA KENEALLY:** Our goal is to have the best planning system in Australia—one that supports economic investment and jobs, one that supports sustainable development and protects the environment, one that is open and transparent, and one that plans for and supports our future population growth. Meanwhile, the Opposition wants to axe jobs, axe legislation that facilitates growth, axe the ability to stimulate the economy, and axe common sense. That demonstrates the Opposition's lack of consistent policy direction and understanding of what is required to deliver. It shows why the Opposition cannot be trusted with the planning system, let alone with economic investment and jobs growth in New South Wales.

### **PORT MACQUARIE BASE HOSPITAL**

**Mr PETER BESSELING:** My question is to the Premier. What steps has the New South Wales Government taken to fund the construction of the fourth pod of Port Macquarie Base Hospital?

**Mr NATHAN REES:** There is no doubt that Port Macquarie Base Hospital is a busy hospital. It has 500 full-time equivalent staff, it sees more than 30,000 people in its emergency department every year, and it admits 7,000 of those people. Over 60,000 bed days are supplied by its 181 beds, and more than 800 babies are born in the hospital each year. That is why last year I visited the hospital and announced a \$1.3 million upgrade of the Port Macquarie Base Hospital emergency department. This will help the hospital continue to cater for growth in demand while planning continues for the fourth pod development of the hospital.

The emergency department upgrade will see the creation of new triage and treatment areas, including two spaces dedicated for children, a new public area, and a new entrance for the public and ambulance vehicles. This redevelopment will build on recent improvements in the Port Macquarie Base Hospital emergency department, which include an express community care centre which sees about 20 emergency department patients a day and fast-tracking patients with chronic treatment needs into an appropriate service and freeing up emergency beds. Recent improvements also include an aged care services team located in the emergency department, providing expert clinical care and management of older people presenting to the emergency department.

Over the next four years alone we will be spending \$2.1 billion on health infrastructure. Of course, there are always competing priorities for building and rebuilding our health capital program, but the member for Port Macquarie and the people of his community should be assured that this project is being given careful consideration.

## INFRASTRUCTURE INVESTMENT PROGRAM AND ROAD PROJECTS

**Mr GRANT McBRIDE:** My question is addressed to the Minister for Roads. Will the Minister update the House on how roads projects in New South Wales are supporting jobs?

**Mr MICHAEL DALEY:** This year the Rees Labor Government is presiding over a massive infrastructure investment program. Our Government is investing over \$13.9 billion across the State in hospitals and schools, and in my portfolio of Roads. This financial year the Government, with the assistance of the Rudd Labor Government, will invest over \$1.8 billion in major infrastructure programs in the Roads portfolio. This investment will support over 21,000 jobs. In other words, 21,000 families will be supported with infrastructure from the Roads portfolio. That is 5,000 direct jobs and over 16,000 jobs indirectly created by these projects. We will invest over \$1 billion in roads maintenance, 60 per cent of which will go into the bush, which will support over 4,600 jobs—2,600 jobs within the Roads and Traffic Authority directly and another 2,000 through a variety of contracting arrangements with local councils.

This year alone we have invested over \$558 million in the Pacific Highway, and that will create over 6,600 jobs, both directly and indirectly. We are investing over \$126 million in the Princes Highway, which has created 1,500 jobs. Some of these projects also include a \$45 million investment to build a four-lane dual carriageway deviation of the highway between Oak Flats and Dunmore. We have invested another \$33 million to extend the Northern Distributor from Bellambi to the Princes Highway at Bulli and \$20 million in joint State and Federal funding for construction of the Conjola Mountain realignment. We have invested \$11.8 million, including Federal funding, for the construction of four lanes on the highway between Forest Road and Jervis Bay Road. All of these projects are putting people to work in local communities—they will see the effect that these projects have in pumping money into their small towns.

Together with the Federal Government we have invested more than \$568 million in the Hume Highway, which has created over 6,700 jobs. Together with the Federal Government we have invested more than \$73 million in the Great Western Highway this year, which has created over 873 jobs. Over the longer term the Rees Government has committed to \$360 million towards the highway's upgrade, including \$21 million to continue construction of the Woodford to Hazelbrook section, \$30 million to start major work at Lawson, \$12 million to complete the Leura to Katoomba upgrade, and \$7 million for planning, land acquisition and preconstruction of the sections at Bullaburra and Wentworth Falls East.

The member for The Entrance can see the benefit and impact of these works every day on the Central Coast. The New South Wales Government has committed more than \$300 million up to 2011 for road projects in this area—road projects that were preserved in the mini-budget for the people of the Central Coast. This year alone we have invested \$65 million in roads projects. This year we have supported over 774 jobs in the Central Coast region. Together with the Rudd Labor Government we have also invested more than \$32 million in the Illawarra and South Coast areas and nearly \$50 million in the Hunter. This investment has created over 380 jobs in the Illawarra and on the South Coast and nearly 600 jobs in the Hunter. Ours is a Government focused on job creation, stimulating the private sector, and providing confidence and certainty in our infrastructure.

**Question time concluded.**

### PETITIONS

#### **Drink Container Deposit Levy**

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

#### **National Parks Tourism Developments**

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

#### **Breast Screening Funding**

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Mrs Shelley Hancock**.

### **Murwillumbah District Hospital Services**

Petition opposing cuts to services at Murwillumbah District Hospital, received from **Mr Thomas George**.

### **Tumut Renal Dialysis Service**

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

### **Schofields Railway Station**

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

### **South Coast Rail Services**

Petition opposing any reduction in rail services on the South Coast, 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**.

### **School Student Transport Scheme**

Petition opposing any changes to the School Student Transport Scheme, received from **Ms Katrina Hodgkinson**.

### **Bus Service 311**

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

### **Hurlstone Agricultural High School**

Petition opposing the sale of Hurlstone Agricultural High School farmland, received from **Ms Katrina Hodgkinson**.

### **Gaden Trout Hatchery**

Petition opposing the closure of the Gaden Trout Hatchery, received from **Ms Katrina Hodgkinson**.

### **Caged Birds Trade**

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

### **Pet Shops**

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

### **Sow Stalls**

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

### **Byron Bay Overhead Transmission Lines**

Petition opposing Country Energy's proposal for overhead transmission lines along the existing route in the shire of Byron Bay, received from **Mr Don Page**.

### **Alstonville Tropical Horticulture Centre**

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

### **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**.

### **Wagga Wagga Police Communications Centre**

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

### **Shoalhaven Mental Health Services**

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

### **Iron Cove Bridge Project**

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

### **Preschool Speed Zones**

Petition asking that 40 kilometre per hour speed zones be introduced outside all preschools in New South Wales, received from **Ms Katrina Hodgkinson**.

## **BUSINESS OF THE HOUSE**

### **Reordering of General Business**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.20 p.m.]: I move:

That General Business Notice of Motion (General Notices) of which I gave notice today [Payroll Tax Cut] have precedence on Thursday 5 March 2009.

The Labor Government talks much about working families. Every media grab talks about the importance of working families. That has led me to worry about those families that do not have working people in them, whether they are retired or otherwise. Yet we see nothing being done by the State Government at this time of incredible global economic challenges other than the pressure it is putting on both families and businesses across the State. Although the Minister for Housing in question time was not able to answer questions about how his department is performing in meeting the Treasurer's requirement to cut \$20 million from departmental overheads, he reiterated the importance of housing to the economic security of families.

In this last week we have had the loss of 600 Pacific Brands jobs—including in the Premier's electorate, in Unanderra, Borambil and Cessnock—which will have a huge impact on the families and businesses in those regions. The member for Albury knows all too well the impact that the loss of more than 200 jobs from Drivetrain Systems is going to have on Lavington and the families that live in that region. Yet we see nothing practical or positive from the State Government when it comes to doing the single most practical thing of assisting businesses to maintain their workforces and families to maintain the jobs that will determine how they get through these difficult times.

New South Wales needs to reduce the rate of payroll tax—something confirmed again today by the Premier in question time when he pointed to two businesses that have come to New South Wales because of

special deals done in relation to payroll tax, as he described it. That is a sign that our payroll tax is not competitive with that of our neighbours in Queensland and Victoria. In 2011 a business on the New South Wales North Coast with a wages bill of \$900,000 will pay \$49,500 in payroll tax, while a similar-sized business just across the border will pay nothing. That means investments and jobs are going to Queensland and Victoria, threatening jobs in New South Wales.

The Liberal-Nationals have a proposal. We now have the toughest economic times anyone can remember. We have a global financial crisis—accepted by the Premier back in September. One of the things we could do to assist business is to have an immediate cut of 15 per cent in the payroll tax liability of businesses for this year. This will have an impact on businesses that employ two million workers in New South Wales—two thirds of the State's workforce. That would be a practical thing to help Armidale as much as it would help Roseville, something that would help Penrith as much as it would help Bega. But the Government refuses to do so. It would leave almost \$1 billion within those businesses. At this time when businesses are under enormous financial pressure it would assist them in maintaining existing workforces—\$1 billion dollars is the equivalent of almost 16,500 jobs.

When the Liberal-Nationals put forward this practical proposal what was the response of those opposite? The Premier wants to talk today about backflips with double pikes. He said on 28 January that it was irresponsible to have payroll tax cuts: he opposed them. On 3 February, when the global financial crisis suddenly dawned on him, he decided firstly to go to Canberra to beg for money and, secondly, to hold a summit three weeks later when all options would be on the table. But on the first day of that summit he ruled out any further reduction in payroll tax. In four weeks there were three positions from a Premier who has done nothing to practically assist either Labor's working families or families generally.

New South Wales cannot afford to continue with the Premier's inaction on this issue. Employers are crying out, as has been demonstrated by the recent tough decisions that Drivetrain Systems and others have had to take. Families are crying out. There were 10,500 jobs lost last month. We cannot afford inaction from the Premier—23,000 jobs have been lost since he became Premier. It took five months before he sat down with business to talk about what can be done with jobs and another month, he says, before he will take any practical steps. The easy way to assist is to use this week of Parliament to cut payroll tax rates, give businesses some relief, give families some hope and, finally, protect the working families of this State.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.25 p.m.]: For months we have been listening to the Premier and the Rudd Government speaking about government investing responsibly in infrastructure, supporting jobs, businesses and families. Both governments have come up with real money in order to do this. This is a time of unprecedented financial global turmoil—turmoil that has turned into crisis around the world. Yet New South Wales, under the leadership of the Premier, together with the Rudd Government, is showing the way forward. What has the Opposition come up with in all of this time?

**Mr Steve Whan:** One policy.

**Mr JOHN AQUILINA:** One policy aimed at blowing an irresponsible billion-dollar hole in the budget. The Opposition wants a 15 per cent across-the-board cut in payroll tax. The Government supports cutting payroll tax, the Premier supports cutting payroll tax, and that is exactly what the Government is doing, but in a responsible way. From 1 January this year payroll tax was cut from 6 per cent to 5.75 per cent. Next year payroll tax will be cut to 5.65 per cent and the year after that to 5.5 per cent. That is cutting payroll tax in a responsible way. That is not a one-off 15 per cent reduction, which would blow a billion-dollar hole in the budget and cut back the initiatives being provided by the Rudd Government and the initiatives being provided by this Government in its mini-budget.

Last year the Government increased and indexed the payroll tax threshold. The total cost of payroll tax saving measures over the three years to 2011-12 is estimated at approximately \$1.9 billion. And the Opposition wants to blow \$1 billion in one year! The Government proposes to do this over a three-year period in a responsible way at a saving of \$1.9 million. As the Premier and the Treasurer have already indicated, this is not a temporary measure; it is permanent. What is even more important—unlike the Opposition's proposal—is that it is fully funded. The Opposition thinks it can just manufacture money, blow a billion dollars from the budget and still go on promising this and that. It just does not work that way. Oppositions can say anything they like because they do not have to deliver; governments deliver, and the Rees Government is delivering jobs and infrastructure in a responsible way.

Public spending is part of the global economic recovery effort. The New South Wales Government is doing its share through its \$56 billion four-year infrastructure program, supporting 154,000 jobs. As the Minister for Emergency Services indicated, that is a record for any government during any period. The Government opposes the motion.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 39**

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

**Noes, 49**

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

**Pair**

Mrs Hopwood

Mr McLeay

**Question resolved in the negative.**

**Motion negatived.**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

**Federal Stimulus Package**

**Mr FRANK TEREZINI** (Maitland) [3.36 p.m.]: I was somewhat surprised at the motion moved by the Leader of the Opposition earlier today. The global economic system is slowing; the whole Australian economy is slowing. We cannot turn on a television or radio without hearing about the global financial crisis.

We cannot open a newspaper without reading about it. The latest news today is that the accounts are showing a further contraction in the Australian economy. This is the first opportunity we have had to debate this matter of public significance. The Opposition should show some leadership and debate the Federal Government's \$42 billion stimulus package. Instead, the Leader of the Opposition moved a motion about payroll tax. The entire financial system throughout the world is slowing, and the Opposition comes up with a payroll tax proposal. I thought, "What is this about?" It occurred to me that the Leader of the Opposition is under pressure to come up with an idea, and he has come up with a cut in payroll tax.

The member for Manly has made a second move on the Opposition benches. His first move was there; his second move was a bit closer, and now he is within striking distance of the leadership. That is why the Leader of the Opposition moved a motion about payroll tax—a ham-fisted, half-baked idea of a one-off 15 per cent cut in payroll tax. It would create a \$1 billion hole to support 8 per cent of the population. It is politicking at its worse. He does not want to talk about the real issue, that is, the stimulus package. My motion should be accorded priority because the global financial crisis is the most important issue in New South Wales, Australia and the world. If Opposition members oppose the motion, they will show themselves as opportunists. For the reasons I have given, the House should debate my motion.

### **Payroll Tax Reduction**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.40 p.m.]: My motion should have priority because there is absolutely no reason to debate the motion of the member for Maitland. As I said on national television in a live interview on 4 February, Kevin Rudd supported a Federal stimulus package; Malcolm Turnbull supported a Federal stimulus package; the only debate was on the size; and they could have that debate because, of course, the Rudd Government inherited a \$20 billion surplus from the Howard Government. I went on to say that I support a Federal stimulus package but that the real issue for New South Wales was that the Premier had not done what every other Premier in the nation had done and that is put a stimulus package in place to assist families and businesses in New South Wales.

It is a spurious point of order to try and debate an issue upon which there is agreement. We ought to be debating what the New South Wales Parliament is meant to debate: the measures that we will take to assist our industry and our families at this difficult time. The member for Maitland was right in one thing: internationally and nationally there has been a slowdown—as he says, things are slowing down. But here in New South Wales it is worse because the Premier is frozen solid with inaction. He failed over the past six months—and it is the anniversary of his appointment tomorrow—to sit down with business until last week. Over five months he failed to do anything to try and protect jobs and businesses in New South Wales despite the fact that when he became Premier he talked precisely about those gathering storm clouds referred to by the member for Maitland.

This is a Premier who is happy to hide behind Federal initiatives but will show no initiative and take no action of his own. What we have talked about on the Liberal-Nationals side are the sorts of things we can do and what this Parliament should be debating this week to assist families and businesses that are currently doing it tough. We have talked about the 15 per cent reduction in payroll tax that would positively assist. I have some news for the member for Maitland and the Leader of the House: Payroll tax is collected on the number of people who are working in New South Wales. The 23,000 jobs that have been lost since Nathan Rees became Premier means payroll tax collections are going down; we are going to lose revenue. We are saying it is better to invest upfront to maintain jobs than simply see that revenue disappear. If the member for Maitland does not understand that there are businesses in Maitland as well as across the State employing two-thirds of all workers in New South Wales who need assistance, who would be positively assisted by a payroll tax deduction—

**Mr Frank Terenzini:** Most of them don't pay it.

**Mr BARRY O'FARRELL:** They do. Businesses paying payroll tax employ two-thirds of the State's workforce. That just displays the ignorance, not just of the member for Maitland but, more disturbingly, of the Minister for Finance and the Treasurer who have control this time. Cutting in half lead times for infrastructure projects would assist because, despite the rant of the Minister for Planning in the House today, the Federal Government recognises that our planning system is broke and that is why the Federal Government is cutting through it in relation to Federal projects in schools and in social housing.

We do not need to do that just in those areas, we need to do it across the board, which is why we are arguing for wholesale reform, including the removal of the corrupt practice of part 3A—as recommended by the Independent Commission against Corruption. That is why we are doing work on cutting lead times, to ensure that businesses do not have to put up with the enormous cost and communities do not miss out on the benefits of

increased services. That is why we have in place a policy to assist small businesses being paid on time. As at the end of December, \$132 million, 75,000 invoices, which are on average less than \$2,000 apiece are owed to small business by the Department of Health and cannot be fixed.

We will put in place a policy that businesses are paid within 30 days or else they automatically receive penalty interest rate payments, because as soon as that has happened under previous governments, guess what? The political will, the bureaucratic will, has been found to pay those bills on time. If it is not automatic those small businesses and other companies have to make themselves unpopular with the agencies concerned and threaten their future contracts. We are also talking about putting in place industry action plans. We will have the Department of State Development do something other than stand by and watch as businesses go to Queensland and Victoria while businesses that are already in New South Wales struggle at these times.

We know that Nathan Rees is a puppet—a puppet of Labor's head office—but we are still a sovereign state in the Federation. He is not meant to hide behind the Prime Minister's skirt; he is not meant to hide behind a Federal stimulus package. We need new projects, new funding, and new initiatives to assist Labor's working families.

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

**The House divided.**

[*In division*]

**The SPEAKER:** I take this opportunity to advise members of the presence of a stranger in the House. Of course, baby Julian's vote will not be counted in this division. I congratulate the member for Drummoyne on the addition to her family.

**Ayes, 49**

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

**Noes, 38**

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

**Pair**

Mr McLeay

Mrs Skinner

**Question resolved in the affirmative.****FEDERAL STIMULUS PACKAGE****Motion Accorded Priority****Mr FRANK TERENZINI** (Maitland) [3.55 p.m.]: I move:

That this House:

- (1) welcomes the Rudd Government's \$42 billion stimulus package;
- (2) congratulates the Government on its commitment to work in partnership with the Commonwealth to deliver the package; and
- (3) calls on the Opposition to declare its support for the stimulus package, which is critical to working families in New South Wales.

Financially speaking, these are the most difficult times faced by our generation and possibly by the next generation. The global financial crisis is engulfing the entire world and every western Government is making attempts to salvage what it can in this increasingly dire situation. The Federal Government has put in place a stimulus package worth \$42 billion, \$21.5 billion of which will be spent on roads, rail services, schools and housing.

The COAG agreement specifically sets out a 2010 timeline for the completion of 75 per cent of the projects mentioned in the package, so time is of the essence. In response, this Government has implemented a streamlined, faster planning approval process. The Minister for Planning recently announced changes to the State's Infrastructure State Environmental Planning Policy to ensure that that deadline is achieved. That involves amendments that will allow both public and private schools to obtain approval in 10 days to erect halls and gymnasiums. About 6,000 school sites have been identified and \$6.5 billion has been allocated to the education sector. That spending will create tens of thousands of jobs.

The housing sector will also benefit from a \$2 billion injection of funds. About 9,000 multi-dwelling public or social housing units will be considered for construction within 800 metres of any railway station in New South Wales or within 400 metres of the commercial centre of 32 major regional centres, including Maitland. That construction has been assisted by changes allowing the Department of Housing to self approve up to 20 units, up to a height of 8.5 metres in specified areas. The Government is also providing a \$1,600 rebate for the installation of insulation. The stimulus package is about creating jobs and redressing some of the contraction in growth that is occurring in New South Wales. Fast action is needed to stop companies like Pacific Brands laying off workers across Australia. Australian businesses must be supported through these tough times, and many businesses have been doing it tough for some time. We must ensure that we send a clear signal to them that we will do whatever we can.

Australia is not alone in confronting this situation. Many other countries have implemented similar stimulus packages and opposition for political gain is pointless. Federal, State and local governments must do whatever they can to implement this package. Opposition members refuse to accept that this is the most important issue that has confronted our country since the Great Depression. This Government has announced a \$13 billion infrastructure program that will create thousands of jobs and the Federal and the State governments are making an enormous effort to ensure that while the global recession continues to bite in Australia we are best placed to handle it. The stimulus package is the mechanism by which to achieve that. I am disappointed that the Opposition rejected the opportunity to debate this motion today because it deals with the most important issue facing the State. These are very uncertain times. As has been stated throughout Australia, there is no guarantee that this package will lead to a full recovery, but every government must do whatever it can.

New South Wales will lead the way with its infrastructure program. It will make sure the deadline is adhered to. New South Wales will recreate tens of thousands of jobs in our schools and in public housing so we

can send out that clear message that we are about creating jobs. There is nothing worse than losing one's job, because when that income has gone the mortgage is in trouble and that creates social problems. I put that to the House and commend the motion.

**Mr MIKE BAIRD** (Manly) [4.00 p.m.]: Not surprisingly, I oppose this motion on behalf of the Coalition. There is much to talk about in relation to the motion. If ever there were a Charles Dickens novel, this is it: A tale of two governments. Those who sit on the government side are economically ignorant. Kevin Rudd proposed a \$42 billion stimulus package. When Malcolm Turnbull approached this issue he did not pursue a position that would mortgage every single Australian to the tune of close to \$10,000; he put forward a proposal for the good governance and good economic management of this country. He said there was no evidence whatsoever that the \$10 billion stimulus package put forward last year created any of the jobs Kevin Rudd spoke about. The best one could say was there was a small blip. So, for him to come back a few months later and have the hide to say to the Australian people, "Here is \$42 billion"—how he came to that figure no-one knows—is reckless. It is a debt binge and it will have a negative impact on every family in this country.

Malcolm Turnbull said we need a stimulus. We on this side of the House have been very clear: There needs to be a stimulus, and every level of government has a role to play. Every member on this side of the House is committed to Malcolm Turnbull and his decision to stand up for the interests of Australian families, to stand up against a debt splurge that is going to mortgage future generations to the tune of at least \$10,000 each. Let us not forget 1996 when we were left with a legacy from Mr Keating and his cohorts of \$96 billion debt. That took more than a decade to get rid of. It is very proper to challenge and ask questions about how one has come to an amount of \$42 billion. Malcolm Turnbull said it should be in the range of about \$15 billion to \$20 billion.

When Kevin Rudd was asked whether this package would be effective his words were simple. He said there could be no guarantee. He is not sure; no-one is sure. So why would we not question why we did not wait and hold something back? Every economist, every commentator, says there is more to come; yet we have gone all in. Kevin Rudd has taken every family's chips and put them on the table and said we will try to stop it with everything we have. The right approach, I believe, is to put some in now and then to measure what was effective and then go again if required. Economists say it will get worse. If you can leave something in the bank, down the track you can attack far more strategically or effectively. It is a simple proposition.

The second paragraph of the motion gives an insight into this Government. It talks about the Government's commitment to work in partnership with the Commonwealth to deliver the package. Parts of this point are amazing. Ultimately, Kevin Rudd and his team said, "Nathan, you are not going to be able to deliver what we need, so we need a coordinator general and we want you to be ready to go." That means that the Government's planning system, and capital and infrastructure lead times—which cover everything—across all departments, are not going to work so they need to be fast-tracked. Nathan executes the orders from General Kevin Rudd. In doing so, the Government has sidetracked local communities and at the same time has admitted its system—this Labor Government system that has been in for up to 14 years—is not working. What is the Government's response to get it working again, to turn around the economy in this State? Absolutely nothing. It has executed Kevin's plan and done nothing else.

We say to the Premier and everyone on the government side, "Start to implement what the Opposition has spoken about." In February the Premier said, "If we had known then what we know now, we would have done things differently back in the mini-budget." It is interesting that members on the Government side do not talk about the mini-budget. It is the forgotten war. They do not talk about it because it was exactly the wrong thing to do at the wrong time.

**Mr Allan Shearan:** It retained our triple-A rating.

**Mr MIKE BAIRD:** The triple-A remains on watch. After the performance we saw today we are not sure where that is going. The Premier does not understand basic economics, and to this day he still has not produced a plan to attack the global financial crisis. He dismisses the payroll tax measure. Obviously he has not worked in a small business or had any association with a small business—businesses that today are struggling. Small business revenues are falling by 30 per cent to 40 per cent. To counter that, businesses have to cut costs and obviously the Premier thinks the Government has nothing to do with that. He needs to adopt our payroll tax measures and change the culture of government. It is no good just implementing Kevin's plan. He needs to take responsibility across the whole of government to get the State working again.

How does one do that? The lead time for every single piece of infrastructure, every capital works project, has to be halved. There is a culture of inertia in this State and that is why we saw the statistics that came out today. They showed that over the past 12 months growth in this State was the lowest of any State in the country. That means we are in the worst possible position to prepare for this crisis that is upon us, and it is no-one's fault but members on the government side.

**Ms MARIE ANDREWS** (Gosford) [4.07 p.m.]: It is with great pleasure that I support the motion moved by my colleague the member for Maitland. The comments made by the member for Manly in opposing the motion demonstrate why the people of New South Wales and Australia call on Labor governments in times of crisis. We are suddenly facing a crisis now. They also show that members opposite are out of touch with the Australian people and with the universal thinking on how this financial crisis will be met. As governments all over the globe are telling us, we are facing a global economic crisis that needs a swift and decisive plan to fight back. Fortunately, we have a Federal Labor Government that has shown the nation sound and strong leadership at a time when we need it most.

The Rudd Government's \$42 billion stimulus package is a powerful response to one of the most challenging sets of economic circumstances our country has ever faced. It provides us with insulation for families, for jobs, for business and for the economy. The New South Wales Government understands the imperative for us to respond quickly. That is why we are working shoulder to shoulder with the Commonwealth to help stimulate the economy and support jobs. On a State level we have a raft of changes to ensure the benefits of the Rudd Government's package translate into benefits for jobs, families and the economy. We have fast-tracked approval for housing initiatives so that construction can begin as soon as possible and we can reach our goal of 6,000 homes by 2011.

We have schools across the State submitting their priority projects for capital works so that we can meet the Federal Government's tight deadlines. This will ensure our \$5 billion share of the Commonwealth's schools package will be put to use straightaway. Principals have been asked to consult their school communities, including parents and citizens associations—and I note today marks the association's special day—to ensure school communities are receiving projects that matter to them, projects that will make a real difference to school communities, like school halls, gyms, libraries, science laboratories and classrooms.

We have introduced urgent legislation that sets out implementation of the works program and we have created a statutory position of infrastructure coordinator-general to oversee the works. The economy needs action and it needs it now, which is exactly what we are doing. Having no plan at all or, worse, rejecting the Rudd Government's package just will not cut it and is dangerous in these tough economic times. As leaders all over the world address their nation States with a plan to fight back, the Opposition fails to even recognise the seriousness of our economic situation. It is irresponsible, brainless and a slap in the face to the New South Wales people, who are under financial pressure. I urge the Opposition to show the New South Wales people that they understand the challenges being faced and to support the Rudd Government's \$42 billion stimulus package. It is a plan that will stimulate the economy and support jobs. It certainly is the right one at this time.

**Mr VICTOR DOMINELLO** (Ryde) [4.10 p.m.]: Last year the Rudd Government gave \$10 billion in cash handouts with not one iota of evidence that one job was created. The only evidence of a positive impact of the handout was a blip on the horizon from sales over Christmas. But one would expect sales over Christmas to increase. What job has been created from the injection of that \$10 billion? At least another \$10 billion is coming our way from the \$42 billion stimulus package. That is a total of \$20 billion, yet not one job can be guaranteed. Who will be lumbered with this debt? It will be our children—future generations will be lumbered with it.

Not one road, not one hospital will be built with that \$20 billion. The people of Ryde could have benefited from the construction of the North West Metro, or rail links could have been built in the south-west, but nothing has been promised from that \$20 billion. There is no doubt that it is economic vandalism. It is unbelievable that a Government that calls itself responsible is giving away \$20 billion and taking a gamble on whether it will create jobs. If I had \$20 billion, I would stimulate the economy with real projects, not gamble with it. The Rudd Government's actions are unbelievable. The Treasurer said that it was about spending money on socks and jocks. Ironically, 1,950 jobs were lost in Pacific Brands. This is not a laughing matter; it is very serious.

Those 1,950 workers will now be on unemployment benefits. Will the Rudd Government borrow more money to pay for their unemployment benefits? There must be a limit to this drunken splurge, and the people of Australia know it. They know one does not get something for nothing. People will have to pay for acts of

recklessness and stupidity. The Rudd Government plans on passing this debt to future generations. That is irresponsible. The Opposition cannot support that and we as a responsible Parliament should not support that. Premier Rees is yet to put in an adequate submission to Infrastructure Australia, and that is a disgrace. He is trying his best, but he is not up to it.

**Mr ALLAN SHEARAN** (Londonderry) [4.13 p.m.]: I take great delight in supporting the motion. I call upon the Opposition to do the right thing by the people of New South Wales. The Opposition has the opportunity to support a plan that will provide insulation for jobs, families, business and the economy in one of the toughest economic landscapes we have ever faced. I urge the Opposition to do the right thing and support the Rudd Government's \$42-billion package as one that will stimulate the economy and support jobs.

What have the New South Wales people heard from the Opposition on the Rudd Government's stimulus package? It is rather confusing, as the Premier said earlier in question time. For instance, on 3 February 2009 the shadow Minister for Education and Training was first to welcome the package in a press release but, not surprisingly, continuous change or policy on the run seems to be a feature of the Opposition. For example, the very next day the Federal Nationals leader and Liberal leader recklessly opposed the package. As if they were not confused enough, the leader of the New South Wales Liberals in an AAP news report on 4 February stated:

NSW Opposition Leader Barry O'Farrell would not say whether he believes Mr Turnbull is doing the right thing by opposing the package ...

NSW can't afford a delay [on a stimulus package]

Later that day he popped up on the news again, this time on ABC television, with a line that confused even political gurus:

Malcolm Turnbull supports a package. Kevin Rudd supports the package. I support a package.

If one is confused, there is more. There was a much clearer message from the member for Manly, who, on 10 February, stated his opposition to the stimulus package. On ABC radio he stated:

My hat is off to Malcolm Turnbull and what he's done. Malcolm has very clearly taken a principled decision and he believes in this—and so do I.

New South Wales families are confused by the Opposition, and so they should be. The Opposition is refusing to put politics aside in the best interests of New South Wales. We have heard from leaders across the globe that in these unprecedented economic times dillydallying is dangerous. I urge the Opposition to get behind the Rudd Government's \$42-billion package, a plan that will build more school halls, gyms and libraries and more social housing for those in need, a plan that is critical for families in the worst global economic downturn people have had to face. The policy should be jobs, jobs, jobs and infrastructure—infrastructure for residents now and for the future.

**Mr FRANK TEREZINI** (Maitland) [4.16 p.m.], in reply: If the public of New South Wales wanted an example of how the Opposition is running these days, they should have listened to this debate. The Leader of the Opposition moved an amendment to the motion putting on record his support for the stimulus package. In his contribution the member for Manly talked down the stimulus package. It depends what day it is and who is talking as to what the Opposition thinks about the Federal Government's injection of \$42 billion into the Australian economy. This is typical of Opposition members. One does not know whether they support it. If I were to ask the member for Wagga Wagga now, he might give a different answer. One does not know where they stand from one day to the next.

I suspect that the member for Manly is toeing the party line and trying to please his leader. I notice he devoted only one line in his contribution to payroll tax. He talked in general terms about the stimulus package and devoted one line to pleasing his boss. He got it in by talking down and contradicting his leader, who, only moments before, put on record that he was in favour of it. The Opposition is divided; it has no direction. The member for Ryde, who has left the Chamber, did not say anything about payroll tax. I tried to egg him on and remind him that he was supposed to talk about this great one-off, ham-fisted idea of reducing payroll tax by 15 per cent, which would apply to everything, notwithstanding that it would put a \$1-billion hole in the budget and would help only 8 per cent of the population because not every business pays payroll tax. It is supposed to be the golden answer, but the member for Ryde did not even mention it.

[*Interruption*]

The member for Manly is now talking about it. It is a pity he did not talk about it when he made his contribution. He devoted one line to it, but that is all. The Opposition is divided. It will say one thing on one day and something different on another. The Nationals are another story altogether, but I am concentrating on the Liberals, who are divided and do not know what they are talking about. We in Australia find ourselves in a very serious situation. If the Opposition—the aspiring alternative government—cannot get its act together on such a fundamentally important issue in the whole of Australia, there is absolutely no hope for it. I suspect that there is a lot of frustration welling up in the member for Manly. If he could say what he really wants to say—

**Mr Mike Baird:** Point of order: The Opposition is united in its support for Malcolm Turnbull. What we want to see is a stimulus from the Government side—

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Maitland may resume his remarks.

**Mr FRANK TERENCE:** Some \$56 billion of State money in infrastructure. There is your stimulus.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 52**

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

**Noes, 35**

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

**Pair**

Mr McLeay

Mr O'Farrell

**Question resolved in the affirmative.**

**Motion agreed to.**

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

**Bill introduced on motion by Ms Kristina Keneally, on behalf of Mr Nathan Rees.**

**Agreement in Principle**

**Ms KRISTINA KENEALLY** (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [4.30 p.m.]: I move:

That this bill be now agreed to in principle.

To put it simply, the Nation Building and Jobs Plan (State Infrastructure Delivery) Bill 2009 is about jobs for the people of New South Wales. This bill is critical to ensure the rapid delivery of the infrastructure projects funded by the Commonwealth to implement the 5 February Council of Australian Governments [COAG] agreement on the Nation Building and Jobs Plan to help reduce the impact of the global economic crisis on this State.

The COAG agreement puts into action the Rudd Government's \$42-billion package to stimulate the economy and boost construction in the face of unprecedented economic circumstances. The COAG agreement will provide New South Wales with significant funding for important State infrastructure projects. In addition to stimulating the economy and generating jobs, the COAG agreement presents a unique opportunity to provide significant education, road and housing infrastructure for the people of New South Wales. Like all the States and Territories, New South Wales must meet the tight timeframes set out in the COAG agreement in order to qualify for the Commonwealth funding. If we do not meet the timeframes we do not get the money—it is as simple as that.

The purpose of the bill is to provide additional measures to ensure New South Wales can deliver the infrastructure projects within the timeframes required by the Commonwealth for funding. The Commonwealth has laid down significant construction commitments and tight deadlines, and our Government will meet them. As agreed between the States and the Commonwealth, these projects must begin immediately to stimulate jobs and economic activity. I introduce this bill today to ensure that these infrastructure works, which will not only stimulate the economy and generate jobs but also provide important infrastructure for the people of this State, will be provided on time. I now turn to the detail of the bill.

Clause 5 makes it clear that the bill applies only to projects funded by the Commonwealth under the Nation Building and Jobs Plan. I emphasise that this bill will not apply to other infrastructure projects, whether or not they are funded by the Commonwealth. Examples of these infrastructure projects include halls, libraries and maintenance work for government and non-government schools, social housing, community infrastructure provided by local councils and local transport infrastructure such as road repairs, railway boom gates and road safety black spot projects.

Part 2 of the bill establishes the New South Wales Infrastructure Coordinator General, who will be responsible for planning and implementing the timely delivery of the infrastructure projects. The bill also provides for the establishment of a taskforce consisting of government and private sector representatives to provide advice on the exercise of functions by the coordinator general. Part 3 of the bill requires State Government agencies to cooperate with the coordinator general in relation to infrastructure projects to ensure that the projects are delivered on time. Part 4 of the bill provides for the coordinator general to take over the delivery of infrastructure projects on behalf of State Government agencies.

Project authorisation orders will be able to be made by either the Premier or the portfolio Minister responsible for the works. Such orders will be made where project delivery timeframes would not otherwise be met by the relevant agency and it is necessary for the coordinator general to take over the delivery of the project to make sure that it is delivered on time. If such an order is made, the coordinator general will be able to exercise all of the functions of the agency in relation to the project. The coordinator general will also be able to

issue directions to the agency, with the concurrence of the Minister who made the order and after consulting with the agency, and the agency must comply with those directions. The bill also provides that the coordinator general can establish alternative procurement and tendering frameworks for the infrastructure projects to ensure that the projects can be delivered on time.

Part 5 of the bill allows the coordinator general to vary the usual planning and environmental approval processes in relation to infrastructure projects to ensure that the projects can be delivered within the timeframes required by the Commonwealth. As members will be aware, the Government has made significant reforms to planning legislation over the past couple of years that are designed to streamline approval processes. This includes the significant amendments to the planning legislation made by the Environmental Planning and Assessment Amendment Act 2008, which was passed in mid-2008. Many of these changes can be relied upon to deliver projects in a timely manner.

The Government has also recently made important changes to the infrastructure State environmental planning policy [SEPP] to streamline the approvals processes for school infrastructure and affordable housing. The processes under the infrastructure SEPP will be taken advantage of wherever possible to deliver these projects. If a project can be delivered within the required timeframes under the existing approvals processes there will be no need for the coordinator general to make use of part 5. However, given the Commonwealth's tight timeframes under the existing approvals processes, an alternative approval mechanism needs to be available if there is a risk a project will not meet the Commonwealth deadline. After all, this is about doing whatever we can to generate jobs and to deliver community infrastructure. Part 5 provides that alternative mechanism.

Under clause 23 the coordinator general will be able either to exempt a project from the usual development control legislation or to require an alternative authorisation under clause 24. The definition of development control legislation has been drafted widely to cover any Act, regulation or instrument that prohibits the carrying out of development or that requires the approval of any person or body before development is carried out. Where the coordinator general makes an order that an authorisation is required under part 5 to undertake the infrastructure project, clause 24 sets out the application and authorisation process. Importantly, the coordinator general can impose those conditions on an authorisation which he deems appropriate, including requirements to provide for public notification, environmental protection, heritage conservation, threatened species protection and bushfire protection. This will ensure that appropriate conditions are imposed on development authorised under part 5.

I make it very clear that this bill applies only to infrastructure projects funded by the Commonwealth under the Nation Building and Jobs Plan. Once the projects are completed the legislation will be repealed. That is why the bill establishes a mechanism under which the coordinator general must keep the need for the Act under review. Once he or she is satisfied that the Act is no longer required, he or she will provide a certificate to that effect and the Governor can then repeal the Act.

The COAG agreement on the Nation Building and Jobs Plan will provide crucial funding to stimulate the State economy and provide important infrastructure for the people of New South Wales. However, we need to ensure that we comply with the Commonwealth's tight timeframes to receive this funding. This bill will ensure that these infrastructure projects can be provided within these tight timeframes, thus boosting our State economy. I commend the bill to the House.

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

## **BARANGAROO DELIVERY AUTHORITY BILL 2009**

**Bill introduced on motion by Ms Kristina Keneally.**

### **Agreement in Principle**

**Ms KRISTINA KENEALLY** (Heffron—Minister for Planning, and Minister for Redfern Waterloo)  
[4.40 p.m.]: I move:

That this bill be now agreed to in principle.

The Barangaroo Delivery Authority Bill 2009 provides for the establishment of a dedicated delivery agency for the Government's major foreshore urban renewal program at Barangaroo. The Barangaroo Delivery Authority will have the task of renewing a vacant 22-hectare slab into a new quarter of our city, with new foreshore access for its people and a new headland park on our harbour. In delivering this outcome, the authority will seek a new world benchmark in urban waterfront renewal in terms of environmental protection, design excellence and community building. Sydney is facing challenges from changes to land use, commerce and demographics. These challenges are being experienced in port cities all over the world, driven by international movements of labour, technology and commerce. The responses to the challenges created have varied from city to city, as have the quality and success of the results. Sydney's response, when seen in an international context, is exemplary.

Management of significant parts of the foreshore by the State Government has seen protection, renewal and reuse of post-industrial foreshore carried out with benefits that most cities can only dream of. It has created legacies of which we can be proud: the preservation and activation of The Rocks as one of the most intact and attractive heritage precincts in the world; the renewal of Darling Harbour into Sydney's playground, an integrated part of Sydney life for both visitors and locals alike; the re-emergence of Pymont from an abandoned suburb to a modern media and technology hub in an enviable living environment; the creation of hectare upon hectare of new foreshore parkland and, soon, the completion of a 14-kilometre urban foreshore walk; and the remediation of Homebush Bay into Sydney Olympic Park, home to the "greatest ever Games" and a welcomed open space asset for western Sydney—indeed, all of New South Wales. It is a legacy of change that we are proud of and that Barangaroo will build upon.

I give this context because, like all cities, Sydney is in a constant state of reinvention, at the push and pull of both internal and external forces. It is our ability to respond positively and proactively to make the most of change that will be critical to Sydney's future. Fortunately for Sydney, the State Government has a clear vision guiding the renewal of Barangaroo: to unlock a large section of city foreshore that has been isolated from public use for over a century and transform it into a new working CBD precinct, set in a generous and dignified public domain; to secure Sydney's growing financial role in the highly-competitive Asia-Pacific region, attracting new global players, investment, knowledge and jobs growth; to create a new western face of the city, transforming an isolated part of town into a precinct of buildings and parkland which mirrors the city's much-celebrated eastern face; to build 11 hectares of new park, community and cultural facilities and complete the State Government's 14-kilometre Sydney Foreshore Walk—a public walkway unprecedented in harbour cities worldwide; and to leverage development of transport infrastructure at this underserved part of the city. Barangaroo will tap into the Sydney Metro—with pedestrian links to Wynyard and a new station to service the site—and a new ferry terminal is being explored to open new access from the harbour.

Barangaroo is not the largest urban renewal in Australia but it is undoubtedly the most prominent and most important. The position of the site at the foot of the CBD allows a unique nexus between Sydney's environmental, economic and social advantages. No other site is so poised to leverage the future growth of our city and no other project presents such a public opportunity to provide leadership in sustainable development. An entire harbour headland is to be transformed. For the first time in more than a century the public will have access to 1.4 kilometres of foreshore at Barangaroo that has been locked away, physically and psychologically, from our city. We will return this area to a bustling and peopled waterline activated by living, recreational and working activities, shared by both locals and visitors. Supporting the recreational side of this equation will be 11 hectares of foreshore promenade, public domain and park, not least of which will be the Headland Park at the northern end of the site. This aspect of the renewal is nothing less than restoring to Sydney Harbour an entire headland previously razed for industrial use. In so doing, Barangaroo will reinstate—with Balls Head, Blues Point, and Ballast Point—the archipelago of green headlands that once defined the western harbour, centred on Goat Island and reflected in its indigenous name "Mel-Mel", or "The Eye".

This is one of the most ambitious and significant greening projects in any harbour anywhere in the world. Of course, there is a long way to go. The next stage in the design process will articulate both the built and non-built elements of the Headland Park and the other public spaces of Barangaroo. We will create public spaces not only of beauty but also of usefulness and relevance to the people of Sydney, none more so than the local residents of Millers Point. The historic suburb of Millers Point will see its historic headland returned and its streets and residents reconnected to the waterline. Residents will be able to walk directly into this new parkland and down to the waterline, just as they would have a century ago. We are returning Millers Point to Millers Point.

I acknowledge the support, advice and intellectual rigour that former Prime Minister Keating has provided to this visionary endeavour. Mr Keating is currently Chair of the Barangaroo Public Domain Design

Review Panel, but his involvement with this project goes back far further. As a member of the competition jury and a strong public advocate for the project, Mr Keating has helped draw attention, from both within and outside government, to the unique opportunity that the renewal of the Barangaroo headland provides to Sydney. It is unsurprising, given Mr Keating's previous integral involvement in securing the protection of Ballast Point and his longstanding public advocacy for the improved planning and development of Sydney Harbour. It is an involvement that I, as Minister, note my sincere gratitude for.

This recreational role is balanced with and supported by Barangaroo's emergence as a new financial centre, supporting Sydney's competitive position in our global region. Originally the gateway to a colonial then State economy, Sydney is now the inbound gateway to our national economy and our outward gateway to the global economy. With this increased economic role has come the greater diversity in exchange of people, culture and ideas that have enriched and now help define the character of Sydney. The Barangaroo project will renew attention on Sydney and convert it into investment and jobs for New South Wales. This is most obvious during the construction phase, where an estimated \$3-billion injection will flow into our economy, creating around 4,000 jobs over the project cycle. In the long term Barangaroo will play a key role in attracting new regional and global headquarters to Sydney that may otherwise locate elsewhere. This, in turn, generates long-term financial, skills and cultural investment in Sydney, well beyond the life cycle of the project itself.

With this aspect of renewal in mind, I note the advantages of having the Lord Mayor of Sydney, Clover Moore, on the board of the new Barangaroo Delivery Authority. Like all urban renewals, Barangaroo will present significant socioeconomic and cultural development opportunities for the renewal area. "Value capture" from the financial input of an urban renewal can be targeted to deliver long-term benefits that flow well beyond the renewal site. Housing, transport, cultural facilities, community services and training are just some of the benefits that can be redistributed when an urban renewal program works in an integrated manner with the local community. As both the Lord Mayor and as a long-time champion of local communities in Sydney, Clover Moore's work on the authority board will ensure that both "global Sydney" and "local Sydney" are well served by this renewal program.

I also take this opportunity to welcome the new Chief Executive Officer of the Barangaroo Delivery Authority. John Tabart will bring exactly the skills and expertise the project needs. He was selected from a field of 55 candidates for the position because of his extensive experience including: managing the London-based United Kingdom property development and investment subsidiary of Laing O'Rourke, the largest privately-owned construction group in the United Kingdom; and 10 years at the helm of VicUrban, the master developer that delivered the \$16 billion, 200-hectare Melbourne Docklands project, adjacent to that city's CBD. We are putting the organisation and people in place to work across government, with the community and with the private sector to deliver the most significant urban renewal project Sydney has seen in decades.

This Government's vision for Barangaroo has been public, and consistent, since 2005. The vision was explored through an international design competition in 2005 and 2006. This competition attracted more interest than any other Australian design competition bar the one for the Sydney Opera House. Two public exhibitions were held with thousands of Sydneysiders expressing their interest in this new precinct. It was then expanded and tested through concept plan development, public exhibitions, environmental assessments and approvals, and it continues to be refined in response to stakeholder feedback and the Government's determination to pursue a project of excellence. Recently exhibited amendments to the Headland Park design are a case in point.

There is no doubt that the planning phase of this renewal has met the Government's desire to work at benchmark standards, and credit is due to the Department of Planning, the Sydney Harbour Foreshore Authority and the numerous other agencies and stakeholders that have worked together to achieve this. As we now turn to the delivery phase of this project, the Government will continue to pursue the benchmark standard, creating a specialised delivery vehicle—a governance model that is common to successful renewal programs internationally.

I now turn to the specific provisions of the bill. The bill provides for the establishment of the Barangaroo Delivery Authority. It specifies the authority's functions and provides for other matters related to the development, use and management of Barangaroo. The objects of the bill are to encourage the development of Barangaroo as an active, vibrant and sustainable community and as a location for national and global business; to create a high-quality commercial and mixed-use precinct connected to and supporting the economic development of Sydney; to facilitate the establishment of Barangaroo Headland Park and public domain; to promote the orderly and sustainable development of Barangaroo, balancing social economic and environmental outcomes; and to encourage design excellence outcomes in architecture and public domain design in Barangaroo.

The authority's board will include the chief executive officer of the authority, the Secretary of the Treasury, a nominee of the City of Sydney Council, and up to four other appointed members. The authority will be subject to the usual accountability mechanisms, with board members and staff being subject to the Independent Commission Against Corruption and the Ombudsman. The authority will have annual reporting requirements and will be subject to annual audit by the New South Wales Auditor General.

The bill includes requirements relating to disclosure and misuse of information and management of pecuniary and other interests. Board members will also be required to comply with a code of conduct. The functions of the authority will be to manage the orderly and economic development and use of Barangaroo including the provision and management of infrastructure; to promote, provide and manage cultural, educational, commercial, residential, tourist and recreational activities and facilities at Barangaroo; to develop and manage the Headland Park and other public domain areas and to encourage the public's use of those areas; to facilitate appropriate commercial activities within the Headland Park and public domain areas consistent with their use and enjoyment by the public; to promote development in Barangaroo that accords with best practice environmental planning standards and which applies innovative environmental building and public domain design; and to liaise with government agencies with respect to the coordination and provision of infrastructure, including transport infrastructure, associated with Barangaroo.

The authority will have all necessary ancillary and consequential powers to ensure the delivery of its core functions. In particular, the authority will have powers to acquire and dispose of land. These powers are necessary to ensure the delivery of essential infrastructure including, for example, the proposed new pedestrian link to Wynyard.

As I have already mentioned, the creation of the Headland Park is a key feature of the Barangaroo project. It will be the jewel in the crown of Barangaroo. With this in mind, the bill includes special protections for the Headland Park to ensure the park always remains available for use and enjoyment by the public. Importantly, the bill prohibits the authority from disposing of fee simple estate of the land identified for the Headland Park. The bill also provides for the ongoing management of the Barangaroo Headland Park. In particular, the bill allows for the Headland Park and public domain areas, once established, to be managed on behalf of the authority by the Sydney Harbour Foreshore Authority. This is appropriate given Sydney Harbour Foreshore Authority's expertise in this area and its role in managing open space in adjoining foreshore areas.

The success of the Barangaroo project depends on ensuring necessary infrastructure to support development is delivered in an efficient and timely manner. It is appropriate that a contribution towards the costs of this infrastructure be made by those who will benefit from the improvements to Barangaroo. With this in mind, the bill provides for a 1 per cent levy to be imposed on development in Barangaroo. These contributions will be used for the provision of local, State and regional infrastructure. This will apply in lieu of the developer contributions that would otherwise have applied to development under the Environmental Planning and Assessment Act and the City of Sydney Act. The bill requires the authority to prepare a contributions plan detailing the infrastructure to be provided from these contributions and the timing for delivery of the infrastructure. This will include provision of the new pedestrian link to Wynyard, crucial to the success of the transport strategy for Barangaroo.

Barangaroo provides an opportunity to conduct a focused and considered renewal process aimed at generating a new urban precinct in Australia's premier international city. This is the last significant area adjacent to the Sydney central business district to be developed, certainly the last with a harbour frontage. It is essential therefore that it be carried out with expertise, sensitivity and focus, and it is for this reason that a dedicated delivery agency will be established.

World Youth Day gave most Sydneysiders their first taste of the potential of Barangaroo's scale, spectacular location and immense potential for Sydney. Barangaroo will create a nexus between Sydney's competitive work culture, its enviable lifestyle and its unique natural environment. During construction it will generate thousands of jobs. The companies, industries and individuals it will ultimately attract will contribute to the financial and intellectual capital of Sydney for generations to come. Whilst all harbour cities are facing the challenges of change, few, if any, would be positioned to respond with a plan that offers a green gift to future generations whilst simultaneously fostering the economy and jobs of those generations. This is the opportunity that Barangaroo presents. This is what the Barangaroo Delivery Authority will deliver. Accordingly, I commend this enacting bill to the House.

**Debate adjourned on motion by Mr Victor Dominello and set down as an order of the day for a future day.**

**CRIMES (APPEAL AND REVIEW) AMENDMENT BILL 2009**

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

**Agreement in Principle**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [4.57 p.m.]: I move:

That this bill be now agreed to in principle.

A report on the operation of the Crimes (Appeal and Review) Act 2001 was tabled in Parliament in August 2008. The report was prepared in accordance with section 120 of the Act, which required the Attorney General to examine whether the Act remains appropriate for securing its objective. The object of the Act is to provide a streamlined and simple appeal process while still affording an appropriate opportunity for aggrieved parties to seek redress against decisions of the court. Public consultation was undertaken in the course of the review.

The report concludes that the Act is largely effective in achieving its objectives. The report contains 17 recommendations, 16 of which involve legislative amendment. This bill will give effect to the majority of these recommendations. Two recommendations are not addressed in this bill. The report recommended that further consultation be undertaken in respect of two matters. First, recommendation 8 proposes that an appeal against a sentence in the Local Court to the District Court should be determined primarily on the transcripts and material that was before the Local Court. At present, an appeal against a sentence is a *de novo* appeal, where the parties are entitled to produce new evidence on appeal that was not before the Local Court. Second, recommendation 9 proposes that an appeal against a sentence imposed by the Local Court should not be set aside unless the sentence was manifestly excessive or, in the case of an appeal by the prosecution, manifestly inadequate. The Attorney General's Department is undertaking further consultation in relation to these matters.

The reforms in this bill have the objective of clarifying and improving the appeal and review processes from the Local Court and Children's Court to the District Court, the Land and Environment Court and the Supreme Court. I now refer to some of the more significant amendments contained in the bill. The first two items in schedule 1 amend the definition of the terms "conviction" and "sentence" in the Act to make it clear that a court is authorised to quash the recording of a conviction when dealing with an appeal against the severity of a sentence. The amendment overcomes the problem raised in a line of authority in the Land and Environment Court, most recently expounded in *Advanced Arbor Service Pty Ltd v Strathfield Municipal Council* [2006] New South Wales LEC 485, in which the court held that in relation to appeals against sentence it was precluded from quashing the conviction and imposing a sentencing order that did not include a conviction. The bill amends section 3 to make it clear that a court when dealing with a severity appeal may set aside the conviction imposed to make a non-conviction sentencing order.

Item 4 rectifies a technical issue referred to in recommendation 14 of the report. Section 11 of the Crimes (Appeal and Review) Act 2001 allows a defendant to lodge an appeal against either the conviction or the sentence. Section 11 does not make specific provision for a single appeal to be lodged against both the conviction and the sentence. Where an appeal against the conviction is unsuccessful then technically a defendant may be precluded from challenging the sentence. This amendment makes it clear that an appeal may be made against both the conviction and sentence. Items 5, 6, 7 and 10 of schedule 1 of the bill give effect to recommendation 2 of the report.

This recommendation achieves two objectives. First, it ensures that the District Court is not placed in the position of conducting an original summary defended hearing in circumstances where there has been no defended hearing in the Local Court. It does this by creating a right for the District Court to set aside a conviction that has been recorded in the absence of the defendant or where the defendant initially entered a guilty plea and remit the matter to the Local Court for a defended hearing. Second, recommendation 2 streamlines the appeal process by providing that if a sentence is imposed in the absence of the defendant then, if a magistrate declines to annul the sentence, the defendant cannot appeal that refusal but may lodge a severity appeal against the sentence in the normal manner. This allows the District Court to bring the matter to finality on appeal without requiring the District Court to remit the case to the Local Court to further exercise its sentencing discretion.

Item 17 of schedule 1 gives effect to recommendation 11 of the report by reinstating during the appeal period any suspension of licence that was in place immediately prior to the determination of proceedings. When

a person is charged with a serious driving offence such as driving with the mid or high range prescribed concentration of alcohol or street racing a police officer may suspend the person's licence immediately upon laying charges against the person. The suspension then remains in force until the court determines the charge. If the court finds the offence proven then periods of licence disqualification apply. The underlying purpose of these provisions is to ensure that a person who is charged with a serious traffic offence is immediately taken off the road for the protection of the community.

Section 63 of the Crimes (Appeal and Review) Act stays the execution of certain sentences during an appeal period. The stay ensures that a party is able to seek the reconsideration of the sentence before the District Court before it takes effect. In relation to serious traffic offences, the operation of this provision means that a defendant who has had his licence suspended leading up to the determination of the case in the Local Court is able to drive during the stay of execution during the appeal period. This acts contrary to the intention of removing serious traffic offenders immediately from the road and protecting the community. Item 17 creates an exception to the stay provision so that the licence sanction remains in force during the appeal period subject to any order of the appeal court. This provision will commence once the Roads and Traffic Authority has made adjustments to its systems to record these outcomes.

Schedule 2.1 of the bill makes amendments to give effect to recommendations 4 and 6 of the report. The purpose of these amendments is to improve the protection afforded to victims of domestic violence when either an appeal or review is made against an apprehended violence order under the Crimes (Domestic and Personal Violence) Act 2007. If an appeal under section 11A is granted by the District Court then the apprehended violence order that is in place is annulled and the proceedings are remitted to the Local Court for a further hearing. During the period between the annulment and the further hearing in the Local Court the victim is not protected by an interim apprehended violence order. This potential gap in protection of victims is addressed by placing an obligation upon the District Court to make an interim order in favour of the victim unless it is satisfied that it is not necessary to do so. The second amendment will create a right for a person who is seeking an apprehended violence order to apply for an annulment of an order dismissing the application if that dismissal was made in their absence. The change is intended to ensure that a person in need of protection is not prevented from seeking an apprehended violence order if the case is dismissed in their absence and their failure to attend was due to illness or misadventure.

The remaining provisions in this bill address a number of other minor technical and procedural issues identified in the report. They improve the operation of the Crimes (Appeal and Review) Act by clarifying provisions that were uncertain and modernising and streamlining provisions that are historic vestiges of the former appeals regime under the Justices Act 1902. The Crimes (Appeal and Review) Act provides an effective and efficient framework for parties aggrieved by decisions of magistrates to seek redress. The District Court finalises more than 90 per cent of all grounds appeals within 12 months of lodgement and 90 per cent of sentencing appeal within six months of lodgement. The provisions in this bill will finetune the operation of the Act to ensure that it continues to provide an effective system for appeals. I commend the bill to the House.

**Debate adjourned on motion by Mr Victor Dominello and set down as an order of the day for a future day.**

## VICTORIAN BUSHFIRES

### Condolence Motion

**Debate resumed from an earlier hour.**

**Mr PETER DEBNAM** (Vaucluse) [5.08 p.m.]: Obviously we totally support the Premier's motion, which states:

- (1) That this House:
  - (a) places on record and expresses its deepest condolences to the families and friends of those who lost their lives in the bushfires which recently devastated the State of Victoria;
  - (b) offers its sympathy to those who have been affected by the fires whether through injury or the loss of their property and personal effects; and
  - (c) acknowledges the ongoing contribution of the firefighters and those engaged in the recovery effort, including those who have travelled from New South Wales to assist in these efforts.
- (2) That this resolution be communicated by the Speaker of the House to the Speaker of the Parliament of Victoria.

As the Premier said, all Australians are accustomed to bushfires and dealing with the trauma they cause and their consequences. I spent most of my early life in Terrey Hills at Ku-ring-gai Chase and every second or third year we experienced a very serious bushfire in the local area. However, we never experienced a fire event as serious as that which occurred on Black Saturday. Australians watched in horror as the tragedy unfolded. I will remember a television report showing a fire racing up a ridge and passing a house in one or two seconds. It was hard to believe the speed at which the fire travelled. As a result, we were at first shocked to hear the number of casualties and people killed in the fire, and then we were not surprised to hear as it passed 100 and 200. All Australians were immediately dumbfounded by the impact of this tragedy on Victoria and on particular towns that were quickly wiped out. I think that sense of grief and loss that spread across Australia is evidenced in the fundraising that happened so quickly.

So, on behalf of my local community I add our support to this motion, sending our sincere condolences to everybody in Victoria affected by the fires. I hope the remedial efforts undertaken will ease the trauma for all those families and townships that have been affected. I also add to the Premier's words and thank the firefighters and the emergency services. The Premier mentioned that a number went from New South Wales: 3,242 Rural Fire Service volunteers; 390 firefighters from the Fire Brigade; 25 volunteers from the SES; 135 ambulance officers; 337 firefighters from National Parks; 42 firefighters from Forests New South Wales and 321 police and one police dog, who assisted in Victoria. We need to thank all those people as well.

Last week I was at an SES awards night for Waverly and Woollahra in my local area. I took the opportunity to thank those people for their efforts in the front line, putting their lives at risk on so many occasions for us—some of them at this event—but also to thank them for their commitment to training. Quite often we think of all these emergency service workers who simply get there on the day, in the middle of a firestorm or in the middle of a thunderstorm to fix the problems, but we do not always remember they have committed, days or weeks before, to training, getting to a level of expertise so they can professionally carry out their jobs. So I thank the SES again for its work, and specifically acknowledge the training commitment of all those emergency service workers who do us so proud.

**Mr NINOS KHOSHABA** (Smithfield) [5.12 p.m.]: Like many of my parliamentary colleagues, I speak today about the tragic events that occurred on 7 February this year. On behalf of the residents of the Smithfield electorate, I pass on our sincerest condolences to all those affected by this tragedy. Our thoughts go out to the families, friends and loved ones of those who lost their lives on that day. At the time of the bushfires, I was at the Vietnamese Lunar New Year festival in my electorate of Smithfield. I will always remember that day for the extremely hot weather we experienced in Sydney. What I did not know at the time was that our brothers and sisters south of the border were experiencing one of the greatest natural disasters in our nation's history. The Victorian bushfires truly shocked the nation. This horrific fire did not discriminate. It destroyed everything in its path. It is a fire that will never be forgotten. Such destruction could not possibly be expressed in words. We will now always remember that day as Black Saturday.

The loss of human life has significant impacts on families, friends and the wider community. Every life is special. Sadly, the bushfire official death toll is 210 and it is concerning that this figure may increase. I have been informed that, in combination with the loss of life, the fires have destroyed at least 2,000 homes and damaged thousands more, leaving 7,500 people homeless. The question we have to ask ourselves is how did this happen? The CSIRO has stated that the high temperatures, some in excess of 45 degrees, the high-pressure system, the dry air and the extended rainfall deficit combined resulted in tinder-dry fuel, which can be easily ignited and is extremely difficult to extinguish. What made the fires more dangerous were the strong winds, enabling fires to spread rapidly, and they were practically impossible to stop until the weather moderated following the cool change.

Apart from the natural causes of the fire, I am deeply concerned that arsonists could have deliberately lighted these fires. It is sad to think people within our own community can possibly think of committing such actions, risking the lives and homes of our friends, families and neighbours. It is beyond me. These actions are rightly described as mass murder, as stated by the Prime Minister. The effects of their actions are felt across our nation and indeed the world. They are the cause of the loss and pain felt by the many thousands of people who have lost a loved one. Despite these cowardly actions from such individuals, I am glad to see the great majority of Australians are willing to go the extra mile to give a helping hand to those people who have lost everything. Many donated money, many donated goods and many donated their time and experience.

Individual actions have the ability to make a difference, but when our community unites, nothing can stop us. The various fundraising activities throughout Australia are testament to our commitment to help our

fellow Australians. In this tradition, my electorate of Smithfield joined the rest of the country in providing assistance to those in need. It will be impossible to name all those who have contributed to those affected by the bushfires. In no particular order, I would like to mention some of those people and groups who have assisted. They include the Golden Heart Charity function, which raised more than \$43,000; Club Marconi donated \$5,000; and Isabella Lazar, a 10-year-old student from St Gertrudes Primary School, donated \$20 of her birthday money, stating she felt sorry for the children who were left with no toys. Bossley Park Primary School raised money in a different way by performing a fundraising magic show with all donations heading south to Victoria. All of these contributions are very important in ensuring that those who were fortunate enough to survive can rebuild their lives sooner rather than later.

With all the good will displayed by the whole nation, unfortunately we cannot bring back those 210 very brave and special people, everyday Australians who enjoyed life and did not deserve to have their lives cut short by this devastating fire. I place on record that my sincere thoughts go to those who were injured in the fire. More than 500 people were injured and more than 30 people are still unaccounted for. I cannot imagine the fear, the pain and the trauma of those who were injured by the fires. This tragedy will never be forgotten, especially by those who have lost a loved one or who bear the scars from that fire. I ask all members of Parliament, State and Federal, to ensure that these Australians are assisted in every possible way for however long it takes.

I also commend and pass on my special thanks to all those organisations and volunteers who have assisted and are still out on the ground—organisations like the Red Cross, Salvation Army, the Australian Defence Force, the various State fire brigades, the SES, the rural fire services, both large and small business and, more importantly, those everyday Australians who gave so generously. Special mention must go to all the families of those volunteers for supporting their loved ones in helping our fellow Australians. On a final note I encourage all Australians to continue to support the Victorian bushfire appeal. The entire proceeds will go towards supporting those affected by the bushfire and will help them rebuild what they have lost. The rebuilding phase will not be completed overnight, but judging from the courage displayed by the many thousands of people who battled the fire and the support of the nation, I am sure they will succeed.

**Mr MALCOLM KERR** (Cronulla) [5.17 p.m.]: I place on the record the sympathy of my community in the electorate of Cronulla. I think the member for Miranda spoke yesterday, and I know the member for Heathcote is at present in Victoria in his capacity as captain of the Bundeena Bushfire Brigade. I know as well the Federal member for Cook, Scott Morrison, and the Federal member for Hughes, Danna Vale, have spoken and conveyed their sympathy for what has happened.

Certainly, Sutherland shire people know bushfires and know the terror and tragedy that can occur during bushfires, yet, as the member for Blue Mountains would recognise, the loss of life, the scale of property damage and the effect on the community from what has happened in Victoria is unprecedented. It has been a national tragedy, one that has united the whole of Australia to provide not only our heartfelt sympathy for the people of those areas, but also to provide practical help for them. That practical help will be ongoing.

I was pleased to be present at a concert held at the Shirelive Church where more than \$36,000 was raised. A number of artists gave freely of their time, including Shannon Noll, a local resident. The concert was conducted by Glenn Wheeler, who is often the master of ceremonies at various civic and charity functions. Also, in attendance was Jason Stevens, a former Sharks footballer. As well, Johnny Pace, who lives in the area, spoke to the mayor of Sutherland shire about putting on another concert to help victims of the Victorian bushfires.

I do not think any of us will ever forget the day when we heard the news of the fires in Victoria and the disbelief experienced at the damage, loss of life and speed of the fires. We saw on television burnt out vehicles in which people were burnt to death as they tried to drive away from the flames but the fire overtook them. Many of us were shocked to realise how quickly, and the distance, those fires could travel. It was to the credit of the Victorian Government that it was quick to set up a royal commission to determine the causes of the fires and how they can be counteracted in the future. The Victorian Government sought the views of the Opposition before the appointment of the royal commission to ensure a bipartisan approach was taken to this tragedy.

It was not long ago that the people of Bundeena felt the full force of the tragedy of bushfires. Fortunately, because of the courage of firefighters, and despite extensive damage to the national park, further damage was not occasioned. Nevertheless, we must always remember that firefighters put their own lives at risk and they are placed in danger because of these bushfires, which, as the member for Blue Mountains would be aware, have become more intense and widespread over the last decade.

**Mr Phil Koperberg:** That's true.

**Mr MALCOLM KERR:** The member says, "That's true". We must be aware that in the future the danger will increase. The Victorian royal commission will be of great importance and no doubt the New South Wales Government and the Federal Government will cooperate in that inquiry. Areas that have the potential for bushfires, such as the Sutherland shire, must look at the findings of the royal commission and determine the applicability of those findings to their area. The findings will not be universally applicable because various areas have different conditions and the applicability will vary from region to region. Certainly the Sutherland Shire Council and the State Government should examine the findings and seek to implement those findings that are considered appropriate. I place on record comments by the Deputy Prime Minister. She gave examples of where people have been saved as a result of their own courage and ingenuity, as well of the kindness of strangers. She stated:

But, while we rejoice in the tales of courage and lives saved, unfortunately it is the tragedy that will collectively remain with us today and tomorrow and beyond.

That is true. When the Leader of the Opposition, Mr Turnbull, spoke he drew attention to the area of Australia destroyed by the fire when he said:

We live in a very beautiful country, but surely it has a terrible beauty and we have seen the full terror of that beauty in the last few days. To see it in such a beautiful part of Australia is so awesome. The towns of the Yarra Valley were carved out of the mountains to service the rush to the goldfields in the middle of the 19th century. These are beautiful towns that have become so loved by generations since because of their beauty and because of the friendliness and hospitality of their people.

They are areas where one would not think there would be a problem in the world before these fires struck. The lives of those people seemed so idyllic and free from care. Yet in a few short hours after the commencement of those fires, many lives and many families were no more and those people perished in the most horrific of circumstances. We can certainly draw inspiration from the tales of the survivors but the tragedy of what occurred will continue. The Prime Minister was right to declare a day of mourning, but this tragedy also should make us determined to ensure that so far as possible we learn the lessons from these bushfires, which will enable us to meet the challenges of future bushfires.

The member for Blacktown gave a couple of examples where property owners had been subject to prosecution yet it was their houses that survived the bushfires. Certainly those examples should cause us to examine the regulations relating to considerable parts of this bushland. The member for Epping drew attention to the dangers posed by gum trees near homes in Sydney and around the State, and people should pay close attention to his speech in regard to those potential dangers. On behalf of my community I record our expressions of solidarity with the people of Victoria. I emphasise the fact that there is much to learn from what occurred. We must take every action to ensure that tragedies of this scale do not recur.

**Ms JODI MCKAY** (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [5.27 p.m.]: I extend my sincere condolences to the people of Victoria who were affected by the bushfire crisis. Our hearts go out to those families who have been impacted by this tragedy. The loss of lives and property has been truly devastating. As a regional Minister, I understand the impact that a natural disaster can have on a regional community. I have experienced firsthand the devastation of a natural disaster with the Newcastle earthquake in 1989 and the June floods of 2007 and the extent that those events can impact directly and indirectly on a community.

I have been witness also to the unwavering strength of character from those who have lost loved ones, property or belongings to natural disaster and been touched by the support shown within and around those communities. Like others, I am particularly moved by the outpourings of support from local communities throughout New South Wales and Australia in response to the Victorian bushfires. I am particularly proud of the support shown from the people of the Hunter region. Hunter firefighters have been involved in the firefighting effort in Victoria. To leave your loved ones and home life to help others whose home and family life have been deeply impacted upon and put yourself in harm's way is truly courageous. I extend my deepest appreciation to the 22 New South Wales Fire Brigade officers from the Hunter who have been fighting the fires in Victoria.

I also extend my appreciation to all Hunter companies, families and communities who have come forward to assist the relief effort wherever possible. Hunter families opened their hearts and dug deep at a time when these families are feeling the pinch financially. An example of the support shown by Hunter communities for the relief effort is the Hunter Valley community of Singleton. In a town of just 21,000 people Singleton dug deep for the victims of the Victorian bushfires. Club Singleton, also known as Singleton Bowling Club, raised

almost \$9,000 for victims and their families. St Catherine's Catholic College students banded together to raise nearly \$2,200, whilst Singleton Heights Public School raised \$4,080.15. Singleton is just one example of a Hunter community that supported the relief effort. Many other Hunter communities also came together to help those in need. I know those stories have been told in this House.

Another instance that was particularly touching was the response from Travis Collins, a young and talented country music performer from Cessnock whom I had the pleasure of meeting at this year's Tamworth Country Music Festival. Within days of witnessing the devastation of Black Saturday, Travis and his band were ready to travel to fire-damaged areas of Victoria to perform for those reeling from the damage caused by the bushfires. Travis and his band were prepared to perform in the back of their ute, or any way they could, in the hope that they could in some way lift the spirits of the families and communities torn apart by this horrifying disaster. The eagerness and readiness of Travis and his band to help those in need exemplifies the community response to the bushfire tragedy right across Australia. In a time of great national tragedy communities across Australia stood tall and extended a helping hand, which will be the true legacy left by this disaster.

Our thoughts are also with members of the Victorian tourism industry who have been affected by the fires. We trust that the widespread relief efforts and strong community spirit will help Victorian people and our tourism colleagues overcome this disaster. Often New South Wales is in competition with Victoria in both the domestic and international tourism markets. However, the generous nature of the New South Wales tourism industry has been demonstrated in the days following the tragic events of Black Saturday. A special bulletin of "Tourism Insights", an industry newsletter, was issued shortly after the tragic events detailing how people could offer assistance. The newsletter was sent to a 9,000-strong list of tourism industry organisations and operators. To see and hear from many people from the New South Wales tourism industry who contacted my office offering assistance to victims of the bushfires demonstrated to me the Australian spirit of always helping those in need. I commend the motion to the House.

**Mr MICHAEL RICHARDSON** (Castle Hill) [5.32 p.m.]: I join with other members in paying tribute not only to the victims of the Victorian bushfires but also to the brave men and women who fought the fires—the worst natural disaster in Australia's history. The scale of this disaster is almost unimaginable. The fires have left 210 people dead and 500 in hospital. More than 30 people are still missing and 2,000 homes have been destroyed. Members might remember that the Canberra bushfires—which I think were the last major event of this type and which spawned the memorable Federal Government inquiry chaired by Gary Nairn that resulted in the report titled "A Nation Charred"—destroyed 500 homes but only eight people tragically lost their lives. Here we are talking about 210 lives lost, with unfortunately probably more to come. Whole towns in Victoria have been wiped out—houses, sheds, schools and community facilities all gone. People whose lives were spared returned to their homes to find everything they owned destroyed.

The extraordinary ferocity of the fires was shown graphically in television images. It is certainly like nothing I have ever seen in my lifetime, whether on the screen or in reality. It takes a very special person to stand up against a 50-metre high wall of flames. Some 3,000 Rural Fire Service volunteers, more than 300 National Parks and Wildlife Service firefighters, police, medical staff and others came from New South Wales to help. Victoria, and indeed the whole nation, is indebted to them. In this case normal measures were not sufficient. The old rule was that you would decide whether you were going to stay, if you believed you could defend your property, or flee. But, in so many cases, those who stayed died in their homes. Others died trying to escape in their cars. Maybe the fire overtook them; maybe in the smoke they could not see where they were going and they crashed into trees or crashed into other vehicles and then burnt to death in their cars. It was an absolutely horrific situation to be in.

I understand that at one stage the fire advanced 14 kilometres in six minutes. That is about 140 kilometres an hour. Clearly, you are not going to outrun that in a motor vehicle. One witness described driving at 110 kilometres an hour in his Ford Mustang and the fire overtaking him. He got out by spinning around and somehow driving back through the flames. He was lucky; unfortunately others were not. Another witness described driving behind a vehicle with a number of people in it which literally exploded in front of him. Of course, all those people died in the most horrible way.

Motorcyclists were particularly vulnerable. In 1968, when I was living near Lane Cove National Park, I clearly remember being authorised by the police to ride through a bushfire on my motorcycle to get home. The fire was burning on both sides of Lady Game Drive at that time, but I managed to ride the bike through it. Clearly, the intensity of the two fires was very different. Indeed, in Australia we have not previously seen anything quite like Black Saturday, 7 February. One man lost his wife and two daughters. We can only imagine

what he is going through. The Leader of the Opposition spoke about the eight people huddled around a baby, trying to protect it. All of them died. One man, severely burnt, turned up at a home with his daughter, who was also burnt. His wife and other daughter had both perished. "I just want you to save my little girl," he said. All the old rules about how to deal with bushfires have been thrown out the window by these fires. You have to make the decision to go before the fire comes anywhere near your property, otherwise you will not get out.

Like you, Madam Acting-Speaker, I am an English migrant to this country. I came here as a small boy at the age of eight in 1957, and only four weeks after that I had a dramatic exposition of just what a tough country this can be to live in. We were living at the bottom of Grosvenor Road in Lindfield, with Lane Cove National Park across the road from us. School holidays had started; it was a weekday. I looked out across the road and there was a wall of flames on the other side of the road. I raced to the back of the house and there was a wall of flames along the back of the house too. I can assure members, for an eight-year-old English boy who had never seen anything like that in his life it was absolutely terrifying. The fires at that time did not burn down any property. When the fires returned in 1994, seven houses on top of the ridge went up—houses that had been built since the 1957 bushfires—and the first storey of a two-storey house across the road burnt out.

In 2002 there were some very serious fires along Old Northern Road at Forest Glen and Glenorie in which people lost their lives. I recall that I was returning from Wellington, where I had been inspecting a prison site. As I was driving along Windsor Road I could see the huge wall of smoke, and every now and then there would be a black puff of smoke as another house or vehicle went up. But that was nothing compared to what happened on Saturday 7 February. On that day, as the Prime Minister said, "Hell in all its fury visited the good people of Victoria." A few days after Black Saturday the head of New South Wales Fire Brigades, Greg Mullins, warned that people could no longer expect emergency workers to save them from "ferocious megafires". He warned that people also have to take responsibility for their own properties and personal safety by clearing bush away from their homes. Indeed, that was an issue with regard to one person who died at Canoelands, near my electorate, in 2002.

One issue that is likely to be debated for years to come is whether people living in bush communities should build a fire bunker underground on their properties. Some people say no, because the fire will suck the oxygen out of the bunker. But it is a transitory phenomenon. The fire will pass, and surely being in a bunker is better than facing the fire armed with a hose and maybe a diesel pump that does not work because of the lack of oxygen. People have been quick to point the finger of blame. On the one hand environmentalists have been blamed for not allowing sufficient prescribed burning, and on the other environmentalists have hit back by saying that these fires are further evidence of climate change. We heard a little of that debate in this House yesterday.

It is relevant to the debate to note that the Nairn report into the Canberra bushfires, titled "A Nation Charred", recorded: "Of particular concern was the decline of prescribed burning programs in Victoria." Five years ago the members of that committee and the people giving evidence before it were expressing their concern about the decline of prescribed burning programs in Victoria. I have no doubt the royal commission into the Victorian fires will recommend increased prescribed burning, as has every inquiry into bushfires over almost 50 years. But this time the recommendations must be acted on—and heeded here in New South Wales, north of the border, as well. We do not want a repeat of Black Saturday in New South Wales. For that matter, we do not want another Black Saturday anywhere in Australia ever again.

The fact is, the Aborigines burnt the bush over tens of thousands of years before European settlement. Groups would routinely burn the bush with firesticks as they travelled in search of food. These man-lit fires were augmented by uncontrolled fires caused by lightning strikes, so the landscape developed a mosaic pattern of burning. The temperate rainforests that had once covered much of Australia was relegated to cool, moist gullies and mountainsides while the xerophytes, the fire tolerant species, occupied the remainder of the landscape. However, since Europeans arrived fire largely has been suppressed and we have allowed fuel to build to much higher levels than historically was the case, leading to less frequent fires of much higher intensity. As well as destroying lives and property, the wildfires also have killed plant and animal species that had adapted to regular casual burning over tens of thousands of years.

In North America as well as in Australia, the forests in some of the great Rocky Mountains national parks have been changed by decades of fire suppression—something that has been recognised by the United States National Parks Service, where the previous policy of fire suppression has been scrapped. Currently the

fastest-growing category of people in the United States National Parks Service is fire ecologists while Parks Canada now has a target to restore fire to 50 per cent of the levels before the parks were created. But it is not just North America that follows this type of regime. Western Australia has been doing that for more than 40 years—ever since the royal commission into the disastrous 1960-1961 Dwellingup fires occurred. And, significantly, Western Australia has not had a catastrophic wildfire since then.

The Western Australian Department of Conservation and Land Management [CALM], with the help of the CSIRO, has developed individual burning guides for all major forest types, including jarrah, karri and mallee shrublands. By contrast, here in New South Wales we use a burning guide produced in the 1960s. Only one specific new burning guide has been prepared since then—a period of approximately 40 years. Discussion should not always be concentrated on hazard reduction: I would like to see prescribed burns take place for ecological reasons as well as for property protection. The two purposes are most certainly not mutually exclusive, as demonstrated by the Western Australian experience. But a lot of work will have to be done before that is possible in south-eastern Australia. We will have to produce burning guides and remove some of the obstacles to carrying out prescribed burns, and the number of days on which prescribed burns may take place should be increased. When prescribed burns are carried out in Banff and Jasper national parks in Canada, for example, registered asthma sufferers are alerted and warned to close their windows, thus minimising the health impacts of large amounts of smoke. That has obviated one of the key objections to carrying out prescribed burns.

As fire ecologist David Bowman has observed, a return to pre-settlement fire management patterns is "an impossible dream", but it is possible to replicate in part the mosaic burning patterns of pre-European times. In Western Australia, some areas are burnt at three- or five-year intervals, others are not burned for 12 years, still others are not burned for 18 or 20 years, and some are not burned at all. Over the long term there are significant cost savings to be made from that type of land management. The Western Australian Department of Conservation and Land Management spends on average \$4 million to \$5 million a year on fire management. In 2006 the Blue Mountains fires cost \$10 million to extinguish. The Victorian fires will cost more than half a billion, and already have cost more than 210 lives.

Just over five years ago David Bowman wrote, "... it will eventually become impossible to sustain heroic attempts to extinguish massive bushfires." I very much regret to say that last month his words became tragically true. As one firefighter said, it would not have mattered if we had had 100 *Elvis* helicopters and 500 water tankers, we could not have stopped it. He is simply echoing David Bowman's words spoken five years ago. We cannot defeat fire, nor in this country should we try to do so. We have to see fire as one of a suite of tools for managing the bush, remembering that burning the bush too frequently can be as devastating to biodiversity as can catastrophic wildfires. The New South Wales Scientific Committee has identified that burning conducted too frequently is a key threatening process to many species of plants and animals. That is a consideration that also should be taken into account when developing prescribed burn guidelines.

In conclusion I thank the volunteers from around the country who raised more than \$200 million in fire relief funds—an absolutely extraordinary amount. In my electorate, the Red Cross and the service clubs, including Rotary, were particularly active. Castle Hill Red Cross, of which I am proud to be patron, raised more than \$85,000, and Castle Hill Rotary Club brought in \$38,500. Other organisations collected food, clothing and toys—basics to help families to rebuild their shattered lives. I thank not only those organisations but also my extremely generous constituents who dug so deeply into their pockets for people they will never know. The Hills Rural Fire Service sent 61 volunteer firefighters over a four-week period, plus five vehicles, which is a very significant contribution to the efforts being made to fight the fires that continue to burn in Victoria. Once again, Australians have shown that, when the chips are down, we pull together. I again offer my sincere condolences to all those who have suffered loss or injury in the 2009 Victorian bushfires. I repeat: a fire event of this magnitude must never be allowed to happen again.

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

## **BUSINESS OF THE HOUSE**

### **Lapse of Business**

**General Business Notices of Motions (General Notices Nos 1 and 2) lapsed pursuant to Standing Order 105 (3).**

**PRIVATE MEMBERS' STATEMENTS**

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

**GLOUCESTER COALMINING EXPLORATION LICENCES RENEWAL**

**Mr GEORGE SOURIS** (Upper Hunter) [5.45 p.m.]: I express my support for constituents in the Gloucester area who, without much warning, awoke one day and encountered the prospect of coalmining exploration activities taking place in the immediate proximity of the Gloucester township. Gloucester Resources Limited holds coalmining exploration licence Nos 6523, 6524 and 6563. There has been considerable adverse reaction in the local community against the prospect of coalmining occurring at such close proximity to the township. Understandably many people are cynical about exploration activity occurring just when the company's coalmining exploration licences are due to expire and the company is seeking renewal.

I am surprised that a government could contemplate coalmining activities taking place so close to a township as proposed by the exploration areas referred to in the licences. In response to community concern, the Mayor of Gloucester organised a petition against renewal of the exploration licences. Accompanied by the mayor, Mr Graeme Healy and Mr Gary Ferris, I attended the launch of a community campaign on 24 January 2009. Subsequently a public meeting was held in Gloucester. The Newcastle *Herald* reported that 850 people attended the meeting, but the local headcount is closer to 1,000. The community is unanimously and anxiously opposed to the prospect of exploration activity as well as the renewal of exploration licences that may result in highly visible coalmining taking place in the immediate proximity of the Gloucester township.

I intend to table in the House a petition with approximately 1,000 signatures, which is a very large number of signatures gathered from a relatively small community in a relatively short period. As it is my duty to represent the views of my constituents, I seek the indulgence of the House to refer to the petition to inform the House of the community's concerns and the issues that have led to a unified outcry of opposition to the licence renewal proposal. The community gathered at a public meeting in unprecedented numbers and in a short period organised a petition with a large number of signatures. There is considerable community concern that the acquisition of land and the exploration activity that is occurring are in close proximity to the township of Gloucester. The petition states:

3. The possibility that future mining will occur in such close proximity to the township and closely settled areas is creating great anxiety and uncertainty and will undermine the development and growth of businesses.
4. Gloucester with its scenic outlook and beautiful rivers is the gateway to the World Heritage listed Barrington Tops. Tourism to our area contributed \$28 million to the local economy last year and has been growing strongly for many years now. This long-term sustainable industry is now under threat.
5. Future mining within the boundaries [of these explorations] will seriously damage the scenic and social features that define the character and appeal of the region.

From my observations the words used by the petitioners do not exaggerate the situation. As the local member I know exactly how much interest there is in this issue as I have received a surprisingly considerable number of emails and telephone calls about it. Given the size of the public meeting and the large number of signatures on the petition that I am about to lodge, many people in the Gloucester area fear that mining will occur in close proximity to their beautiful town and district.

**MS CHERYL SALISBURY**

**Ms SONIA HORNERY** (Wallsend—Parliamentary Secretary) [5.50 p.m.]: In a country that reveres its sportspeople for their on-field performances and easily forgives their off-field misdemeanours, it is a pleasure for me to highlight the career of a local whose conduct has been exemplary both on and off the playing field and who deserves to be a household name in Australia for her sporting achievements. On 31 January 2009 Cheryl Salisbury—Chez to her friends and teammates—played her 151st, and final, game for the Matildas, against Italy at Parramatta Stadium, and scored her thirty-eighth goal for Australia in a two-all draw. She has retired as the most capped footballer in Australian football history, male or female. This brilliant athlete broke many records in her illustrious 15-year international career. But let us not get ahead of ourselves. How did it all begin?

Cheryl's career started in the under-sevens with the Lambton Jaffas, playing against the boys. It was a wonderful football education for young Cheryl. By the time she was in year 9 at Lambton High School she had been selected for the New South Wales Schoolgirls Team. The same year Cheryl represented Australia at

schoolgirl level. Three years later the 20-year-old won the first of her 151 caps for the Matildas, playing against Russia. The defender then represented Australia in four FIFA Women's World Cup finals, two Olympic Games, in 2000 and 2004, and in the 2006 and 2008 Asian Football Confederation Women's Cup. She is the only Australian to have played in every senior women's FIFA event in which Australia has competed.

Cheryl scored the Matildas first-ever Olympic goal at the Sydney 2000 Olympic Games, in the one-all draw with Sweden. She was twice selected in the FIFA All Star side, in 2000 and 2004—which, for the uninitiated, is the best world team. Amazing as that experience was, Cheryl does not consider it the highlight of her career. The highlight for her was the 2007 World Cup held in China. Cheryl scored in stoppage time against Canada to put Australia through to the quarterfinals, thus giving the Matildas football team credibility similar to the credibility the men's team gained in making the last 16 in Germany in 2006.

But it is what Cheryl does off the park that says so much more about this woman. Cheryl is involved in the Racism No Way program, which aims to tackle racism in Australian schools. Every State and Territory government as well as the Federal Government support the program. Cheryl is also involved in the Red Dust Role Models program. The program uses the profile and influence of positive role models to deliver health messages and to inspire healthy lifestyle decisions in remote, indigenous communities. If Cheryl were a bloke the opportunities for this elite athlete would be endless. Her bank account after 15 years at the top of her profession would be embarrassingly large. Sponsors would be lining up for her to advertise their products. At the moment, Cheryl works in sales. To sum up Cheryl's career I will quote what Ben Buckley, the Chief Executive of Football Federation Australia, said about Cheryl. He stated:

Cheryl Salisbury is an icon of Australian women's sport. She is a superb athlete who would have excelled in any sport she chose to play, and we are very fortunate that her sport of first choice is football. She can retire knowing she is without peer in football.

The people of the Wallsend electorate thank Cheryl for being a true role model for girls in football, for women in sport, and for the wider community.

#### **SHOALHAVEN DISTRICT MEMORIAL HOSPITAL CAR PARKING**

**Mrs SHELLEY HANCOCK** (South Coast) [5.55 p.m.]: When the development application was submitted for the redevelopment of the Shoalhaven District Memorial Hospital in 2001, Shoalhaven City Council traffic and engineering staff undertook a survey that indicated a demand for additional car parking requirements in the order of 45 spaces. It was estimated that by 2008 the demand for additional car parking would increase by an average of seven spaces per year. As a result an additional 93 car spaces are critically needed now at the hospital.

At that time Shoalhaven City Council assisted the area health service by submitting various parking proposals that would have, over time and in a staged process, led to appropriate car parking facilities at the hospital. Disappointingly, the plans as proposed have been ignored, and to date various attempts by Shoalhaven City Council to liaise with the Government have resulted in negligible increases and an increasingly alarmingly situation with respect to the critical shortage of car parking at the hospital. In 2008 the council, aware of the frustration of medical staff, visitors and patients regarding the increasing problems, again entered into discussions with the area health service with a view to presenting an offer to help it recognise the problem and solve it. To date, it has continued to suggest that the council should contribute to the funding of additional car spaces despite the fact that this is clearly not a council responsibility. The problem exists because when the hospital was redeveloped the area health service and the Government ignored the future car parking needs of the area.

At present, visitors are unable to access the car park at all on most days of the week. Indeed, doctors, nurses, patients and visitors have to drive around the block, looking for a space in the residential streets around the hospital, or drive over the curb to access an unformed area adjacent to, but some distance from, the hospital to find a car space. To say that this is unacceptable is an understatement. I will read an extract from an email sent to me last Monday that illustrates the absolutely critical situation faced by so many in the Shoalhaven. A young mother writes:

Dear Ms. Hancock, I am writing this email to bring to your attention a problem that we have experienced today. You may be aware that it is an overcast rainy day here in Nowra, well today I had to take my 6 yr old Daughter Amanda to SMH for a blood test. Amanda has Leukaemia and was only diagnosed on 15th December 2008. We have spent the last 10 weeks at Westmead hospital for treatment. As she is about to start a new dose of Chemo we have a small break in which we were able to come home.

So today we go into town for our 10 am appointment. When we arrive at the hospital we do the usual drive around looking for a park. But there is nothing. So we have to mount the gutter, thru the mushy mud and park almost at the showground. Any other day the walk might have been nice but today with the rain and the mud I didn't enjoy it. I had to take my 3 yr old ... my daughter who has leukaemia and slosh thru mud and rain to get to the door. Once there we walk mud thru the hospital.

I am disappointed that I had to make my daughter, who is rather ill, walk thru rain and mud just to get to the door. Yes, I could have left her at the door and gone and parked but I don't think that is so safe and would rather not do that. We NEED more parking yesterday not tomorrow. This is ridiculous. Up until now I have had no issues with NSW Health in fact I have always been happy with the doctors, nurses and other staff. Both my children were born in the public hospitals. Ten out of Ten for service, but this NEEDS to be fixed. If Amanda was to get a cold it could develop into Pneumonia or worse. We are not the only ones affected by this.

Negotiations are continuing with the area health service and the Shoalhaven City Council. In September last year the council wrote to the area health service, and I think it is fitting that I read an extract from that letter. The letter, addressed to the Chief Executive Officer of the South Eastern Sydney and Illawarra Area Health Service, Mr Terry Clout, states:

It is quite evident that the parking problems in the vicinity of [Shoalhaven District Memorial Hospital] are a consequence of the [area health service] providing inadequate parking for the facility and Council believe that the AHS should provide adequate parking for their staff and the public to attend the facility to mitigate the safety issues and numerous complaints which have arisen as consequence of inadequate parking being provided.

The letter I quoted from the young mother, whose daughter is suffering from leukaemia, is just one of hundreds of emails and telephone calls I receive about the dire situation regarding car parking at Shoalhaven District Memorial Hospital. This week I called on the Government to re-enter negotiations with the area health service and Shoalhaven City Council to find a realistic solution to the problem. It is simply unacceptable to continue to not do anything at all, with negotiations going backwards and forwards but no realistic solution to a serious problem.

### **ROCKDALE ELECTORATE RECREATIONAL FACILITIES**

**Mr FRANK SARTOR** (Rockdale) [6.00 p.m.]: Late last year I brought to the attention of the House Rockdale City Council's proposal to build a car park on the sand dunes at Brighton-le-Sands beach in my electorate. I thank the Minister, the Hon. Tony Kelly, for his recent intervention, and the many members of the community who came out to protect this important beach on Botany Bay. I will update the House on the matter and clarify a number of issues that have been misrepresented by supporters of the car park. The first false statement has been the assertion that the majority of the local community support this car park. That is patently wrong. When council recently advertised an amendment to the car park it received 305 individual submissions, 279 of which, or 91 per cent, were against the proposal, and only 26 individual submissions, or 9 per cent, were for the proposal. That is, the local people opposed the proposal by a ratio of 9:1.

When one examines the petitions submitted a similar picture emerges. Petitions totalling 3,006 signatures were lodged against the proposal, most of which were addressed to Minister Kelly. Of the signatories, 87 per cent live in the electorate of Rockdale. By comparison, petitions totalling 1,608 signatures supporting the proposal were lodged with Rockdale council, with only 30 per cent of the signatories living in the electorate. Simple arithmetic shows that the proportion of petitioners living in Rockdale who are against the proposal is about 85 per cent. The second misrepresentation was that this was just another car park like many others already within Cook Park, which runs along the edge of Botany Bay. In reality, all the other car parks are within the hinterland to the beach, while this car park was proposed to go within the dune zone of the beach itself—a very different proposition.

Thirdly, the proponents have argued that the site is worthless because it comprises dunes that have been artificially constructed and therefore have no value. This argument fails to recognise that nearly the entire beachfront along Cook Park, mostly known as Lady Robinson's beach, has had to be restored. Indeed, when I became the local member in 2003 one of my first tasks was to find funds to have Lady Robinson's beach restored as all the sand had been washed away due to changed tidal flows within Botany Bay. As a result of this project most of the beaches along the strip were reinstated, that is, they are artificial. Moreover, this view totally ignores the ecological significance of a dunes system on a beachfront.

It has also been claimed that when the car park development application was first advertised I supported it. This is not correct, and my staff have verified it. The reality is that I was never aware of the exact nature of the proposed car park until newly elected Rockdale City Councillor Shane O'Brien showed me detailed plans of the proposal immediately after the local council elections last September. Indeed, I believe that the

advertising of this proposal last May leaves a lot to be desired. It would be difficult for most people who received a notice to appreciate the nature of what was being proposed. Finally, many claims have been made about the need for the car park. It was claimed that His Eminence the Greek Archbishop had supported the proposal. When I inquired his office made it abundantly clear to me that the Archbishop had not taken a position on the matter.

It was also claimed that the Brighton-le-Sands nippers needed the car park to access their events. A letter from their manager, Peter Daley, clearly shows that the nippers had expressed no such views. It was claimed that the car park was needed for local businesses within the Brighton-le-Sands town centre, yet the local chamber of commerce opposed the proposal. Finally, it was claimed that there was no alternative place to park, yet we know that the car park only 200 metres away in Boulevard Street, holding more than 150 car spaces, is invariably underutilised. Moreover, it is a two-storey car park that could easily be expanded to provide 100 additional spaces. As I have said before in this place and in a number of forums, I do not support the proposed car parking on planning, environmental and cost grounds, which I will not repeat today.

I thank the Minister for Lands, the Hon. Tony Kelly, for recently requiring Rockdale council to go back to the drawing board and prepare a new plan of management under the supervision of the Department of Lands, including a proper parking and traffic study. Cook Park, and its beaches, is a fragile environment that is close to irreversibly damaged. Yet it is an important recreation centre for many thousands of people, including locals and many who come from distant suburbs within Sydney. Unless council starts managing the park in a more sensitive way than it has in the past the park will continue to deteriorate. This would be a tragedy for local people and for all who care about our environment. Recently the Minister for Transport, who is in the Chamber, was in Cook Park. He knows what a wonderful place it is and the importance of protecting it for future generations.

**Mr DAVID CAMPBELL** (Keira—Minister for Transport, and Minister for the Illawarra) [6.05 p.m.]: I shall respond briefly to the comments by the member for Rockdale. Recently we were in Cook Park, where I had the opportunity to meet with a number of Rockdale constituents. We were discussing improvements to bus services following their representations to the Minister and the member's representations to me. Part of the conversation with the concerned local residents was about the issue of parking and the proposed construction of a car park on Cook Park by Rockdale council. I reiterate the sentiments of the member for Rockdale as to the extreme concern of the local residents, who value their local community and local environment. That was part of our discussion as we reported back to them the results of their strong work and the member's strong representations about improved bus services from that part of the State Transit network into the city and return.

#### **CHATSWOOD INTENSIVE ENGLISH CENTRE**

**Ms GLADYS BEREJIKLIAN** (Willoughby) [6.06 p.m.]: Tonight I raise a serious issue affecting the electorate of Willoughby, that is, the status of the Chatswood Intensive English Centre. As members would know, the Chatswood Intensive English Centre comprises a public school of 200 students, 22 teachers and nine supporting staff. For a long time teachers have raised concerns about the condition of the buildings and the learning environment of the students at the intensive English centre. Only the day before yesterday I received an email from a teacher at the centre who is so concerned about the lack of upgraded facilities that she wrote to me asking me to raise these issues in the Parliament or by any other means I was able to, which I did. Her email states in part:

Matters relating to the condition of the school have now reached the point where the staff feel their only way forward is to appeal for help from anyone who might be able to exert some pressure on the Education Department.

I am pleased to raise the concerns of the teachers in this place. I have visited the school on a number of occasions, and most recently late last year. I was pleased and delighted to speak to students and discuss their progress. But the condition of the school demonstrated to me how desperate the school is for a major overhaul of its facilities and the learning environment. As members know, intensive English centres exist because governments require immigrant and refugee students aged from 11 to 18 with limited English to spend at least three terms in an intensive English centre to bring their English to an acceptable level before entering high school or mainstream education. Intensive English centres perform an important function, and I am proud to have such a learning centre in my electorate. It is just a shame that the current condition of the learning environment is so poor.

Previously I learnt that, in addition to taking in students from non-English speaking backgrounds, other students with physical, emotional, educational and behavioural problems are also educated on the premises.

Unfortunately, the school has been in demountable classrooms for many years, and the specific problems raised with me by teachers at the school include classroom ceilings leaking during wet weather. The air conditioners and heaters are so old and loud that teachers must choose between either communicating with students or no speaking and listening communication with students while the room is being either cooled or heated. There are cockroach and termite infestations and ant nests in the classrooms. The carpet in all the rooms is mouldy. The science room does not have gas or water connected. One demountable has been divided, reducing the internal size. Class sizes often reach the maximum of 18 students, and neither room is spacious enough when a class reaches that size.

The electrical sockets in various rooms do not work. Electricity cables are stretched across door openings to the only socket in the room that works. Electrical wiring in ceilings and wall sockets is compromised when it rains. Ceiling fans in some classrooms do not work. There is no hot water for hand washing in the teachers' toilet facility. There are only two toilets for 22 teachers, male and female. Steps to classroom doors are uneven. In one classroom an internal wall is broken and cracked at floor level, revealing electrical wiring. There are no blinds at the windows, at times causing glare from the whiteboards. Gutters are bent and inadequate. The drainage in a part of the site where students play is ineffective. The small playground area has loose, uneven and cracked surfacing.

There is no suitable area for students in wet weather, not enough shade in hot weather, and not enough outside seating for students at lunchtime. Classroom furniture is old, damaged and dirty. There are not enough properly equipped rooms for student numbers. There are no proper fences around the perimeter of the school, which raises safety concerns. The Department of Education guidelines state that demountable classrooms are to receive a thorough annual cleaning by outside contractors. Teachers who have been at the school for more than 10 years cannot remember that happening. In the event of a fire, the school population can only reach the muster point by first negotiating a narrow pathway, which is unsafe. These are serious concerns. The teacher, showing her level of frustration, advises me in her email:

As working professionals we are constantly reminded to adhere to the principles of "Quality Teaching", but our deteriorating surroundings and inadequate facilities make it impossible for us to meet the standards required for quality teaching.

This has been a matter of concern for me for some time. I have now received a detailed letter from a teacher at the school pleading for someone to raise these issues publicly and to request the Department of Education and Training to address these concerns. I am pleased to do so tonight. I ask the Minister for Education and Training to address this issue as a matter of urgency.

### **KURRI KURRI HOSPITAL EMERGENCY DEPARTMENT**

**Mr KERRY HICKEY** (Cessnock) [6.11 p.m.]: I bring to the attention of the House a major concern throughout my community. On 23 January 2009 the Minister for Health saw firsthand the Cessnock electorate's view about downgrading health services, particularly the recommendation in the Garling inquiry to close the emergency department at Kurri Kurri Hospital. The Hunter New England Health Service has been systematically downgrading Kurri Kurri Hospital, and the service can save more money by closing the emergency department. It is quite disturbing that the New South Wales Labor Government would consider reducing services further to the communities of Kurri Kurri, Weston, Abermain, Neath, Heddon Greta and Clifftleigh.

More than 1,500 people attended a meeting on Friday 23 January 2009 in 43-degree heat before a long weekend during school holidays. That shows that communities in the Cessnock electorate will not tolerate in any way, shape or form any further reduction in services to this or any other hospital in the electorate of Cessnock. The rally in support of Kurri Kurri Hospital was organised by Cessnock City Council and supported by every community group across the electorate. There were representatives from service organisations, businesses, industry groups, unions and the general community. I am very concerned about the lengthy time involved in the office of the Minister for Health arranging a meeting to discuss this issue. As the elected member for Cessnock making representations in this House on behalf of the community I will continue to lobby the Minister for a positive outcome for the Kurri Kurri Hospital emergency department. I have a petition on behalf of the community that is signed by 2,300 constituents who request that the Kurri Kurri Hospital emergency department be kept open 24 hours a day 7 days a week. The petition, addressed to the State Government and the Minister for Health, John Della Bosca, states:

We the undersigned would like the Minister to ensure that the emergency department at Kurri Kurri hospital remain open 24 hours a day, 7 days a week to prevent putting any community member at risk.

I will place the petition in the possession of the Minister for his information. If this is the way that health services are to be delivered in the future—with the risk that people in this area do not receive emergency treatment—then we should take a good, long look at ourselves. Currently when people present to this hospital with any ailment, other than a splinter, they are transported to Maitland Hospital, where they can wait up to 10 hours for treatment. It is an appalling situation that is nothing more than a plan by Hunter New England Health to save money.

When one delves into health delivery by Hunter New England Health one cannot but notice that the top-heavy bureaucracy is looking at service delivery cuts to save money rather than streamlining management tiers to deliver better service. It is unacceptable to my community. To say that this plan will provide a better delivery of health services in the Hunter is ludicrous. A plan to close an emergency department to provide better outcomes for patients, when they already wait a long time at neighbouring hospitals, lacks credibility and common sense to say the least.

The executive officer of Hunter New England Health Services has said that patients will be better off if they are transferred to John Hunter Hospital for treatment for heart attacks and strokes. My understanding is that a person who has had a stroke needs quick treatment to minimise stroke damage. That will not occur if a patient has to travel and wait extended periods for treatment. If the objective is better delivery of services—and it should be—then it would be better to utilise Kurri Kurri Hospital in a manner that will lessen the waiting periods at Maitland and John Hunter hospitals.

My community expects no better treatment than any other community across New South Wales. The closure of any health service at Kurri Kurri or Cessnock, on top of previous cuts to services, is a downgrade of services and is not supported by the doctors, the nurses or the communities. I ask the Minister to give the community an answer in relation to the Garling report, as he promised to the community at the rally. The community expects, demands and deserves a much fairer and just service delivery.

#### **TWEED YOUTH ALCOHOL AND OTHER DRUG SERVICES**

**Mr GEOFF PROVEST** (Tweed) [6.16 p.m.]: Once again I inform the House of issues in the Tweed. Last Thursday I launched "Building New Ways—A needs analysis for youth alcohol and other drug services in the Tweed shire". The Tweed Shire Council, at the request of the Tweed Youth Alcohol and Other Drugs Working Party, commissioned a needs analysis to examine the service needs of young people under the age of 18 with respect to alcohol and other drug use. It identified a number of issues and revealed some alarming statistics. Of those surveyed, 64.8 per cent of females have used alcohol compared to 56.6 per cent of males and 20.1 per cent females, compared with 17.9 per cent of males, have used illicit drugs. Even more disturbing, 43.2 per cent of females who had used alcohol reported their first use between 13 and 14 years of age, and 31.6 per cent of males reported their first use between 15 and 16 years of age. Further, 10 per cent of the males who had ever used alcohol reported their first use at 10 years of age.

The alarming statistics on illicit drug use show that 44.3 per cent of females and 26.7 per cent of males who had ever used drugs reported their first use between the ages of 15 and 16. Further, 95.6 per cent of participants who do not attend school regularly were reported to have used alcohol and 76.5 per cent have used illicit drugs. That disturbing statistic means that people not attending school are involved in those activities. Limited access to public transport adds to the need for youth services and spaces to be made available in all communities. The working party made six recommendations. This report was seen as a platform: for further research into local youth alcohol and other drug use, the associated harms and the available services and programs; to initiate and provide leadership in the process to develop an appropriately staffed youth alcohol and other drugs facility with outreach services; and to provide advocacy on a range of issues that have the potential to affect youth alcohol and other drug use and associated harms.

The report clearly shows that a multiple of factors contribute to the misuse of alcohol and other drugs by young people and therefore there is no quick fix or one answer. We need a range of short-term and long-term options that range from education, to early intervention and to treatment. Therefore, the responsibility does not sit in one department or organisation. We require all departments, local, State and Federal governments, as well as communities to work together to find local solutions for local issues. We hope to set the scene for positive action that is inclusive and supportive of young people in the shire as well as driven by a collaborative whole-of-community approach, of which I am a part. Recently I held another forum to handle this issue. We need support to implement the recommendations and commitment for the long haul. This will mean putting aside differences and personal agendas, and working together for the sake of our young people who are the future.

The community has an integral role to play. They are not faceless, nameless young people; they are young people who live in our shire, attend our schools and live next door. Evidence shows that young people who do not feel valued or supported by the community in which they live are more vulnerable and more at risk of using alcohol or other drugs. Support can be through services and facilities not just focusing on the negative but seeing and celebrating the many good things that young people do. More than 30 groups will attend the meeting next week to move this report forward to begin addressing these important issues. I thank Margaret Strong, Tweed Shire Council, Krystian Grufft, Andrew Hamilton, Gerina Appo from St Josephs Youth Service and Julie Watson from the Attorney General's Department. A piece of graffiti encapsulates the experience of adolescence and high school for one young person in the Tweed shire, and provides food for thought in the process of contemplating the need for improved youth alcohol and drug services. It states:

High School!

Best friends become bitches. Boyfriends become pricks. Red Bull becomes rum. Lunch orders become drugs. Lollie pops become cigarettes.

We need to invest in the future of our young people in our shire. I met with Father Chris Riley from Youth Off the Streets in Sydney. I will bring further reports to this House. Once again, I am 100 per cent for the Tweed.

### ST PAULS ANGLICAN CHURCH, MAITLAND

**Mr FRANK TEREZINI** (Maitland) [6.21 p.m.]: On 13 July 2008 I had the pleasure of attending the sesquicentenary celebrations for the St Pauls Church at Maitland. St Pauls Church is more than a church; it is a true community icon in our city of Maitland. Nestled in amongst the tall, leafy sweeping gums in Maitland Park, this church is treasured by the community. Built in 1858, it has served the community well. As it is situated in Maitland Park, it has also endured its share of the bad times—by this I mean it has been underwater several times because of floods. Maitland has had 200 flood events in the past 200 years or so, and St Pauls has seen most of them. In fact, when one sits in the church, one can see the white marker line situated about four meters above ground level—a constant reminder to all parishioners and visitors of past tragedies. Nevertheless, it has survived and survived well.

St Pauls Church is no ordinary church. In 1888 a church bell tower was erected, only one of two in the Southern Hemisphere. The tower was to commemorate the centenary of the colony, and it still stands today. In fact, it houses the only steel bells in the Southern Hemisphere. Since their installation, the sound of those bells have sounded and still sound throughout the valley on special occasions. Whether it is on Australia Day, Anzac Day, a wedding or any other special occasion, we have the great pleasure of hearing the sound of these unique church bells—a real treasure and a very unique heritage in our community.

On 10 February 2009 I attended the church again to present a cheque to parishioners Jim and Irene Hemsworth in the amount of \$2,300 towards a new set of bell ropes. The ropes are rare and have to be imported from Great Britain. The current ropes have been in use for approximately 30 years and are showing signs of wear. It is very important that we obtain these new ropes so that the whole community can continue to hear the great sound of the St Pauls Church bells. The bells make a truly amazing sound throughout the city. Throughout their lives residents have become used to the bells sounding all the time. They are a part of our way of life and it is very important that the bells be maintained. I thank Premier Nathan Rees for making funds available. I thank him and the Government for taking an interest in our cultural and historic institutions. They are very valuable to our community. In fact, iconic buildings that house such historic items serve to bind a community together. The health and wellbeing of a community is very much promoted and maintained by keeping alive our history—in this case, 150 years of history. The sound of these bells serves to remind us of this history.

Of course, church bells such as these are not heard if there are no trained bell ringers. I therefore wish to thank Belinda Vardy, team captain of the group of bell ringers at St Paul's. Bell ringing is an art and we appreciate that it takes a great deal of coordination and teamwork between the six bell ringers. I thank Belinda for her continued work in training members of the community in this task. This group is non-denominational and, of course, new members are always welcome. This is another example of the unique and special nature of the Maitland region, which is steeped in history and tradition—a city built by hardworking people with enormous community spirit. This spirit has been the secret to our survival and our many years of growth. The St Pauls Church, and its bell tower with these unique bells, is an excellent illustration of a city proud of its history and tradition. It has been my privilege to speak about another one of the many heritage items in Maitland in a long-standing institution.

## DRIVETRAIN SYSTEMS INTERNATIONAL

**Mr GREG APLIN** (Albury) [6.26 p.m.]: On 16 February 2009 Drivetrain Systems International [DSI], a major employer in my electorate, was placed into receivership. The impact this has had on Albury and surrounding communities cannot be underestimated, with 208 people immediately losing their jobs, 131 workers keeping their jobs on a part-time basis for eight weeks, and after that there are no guarantees. Ultimately this could result in the loss of 338 jobs in Albury. It is estimated that at least 1,200 people will suffer an immediate impact through these job losses and that in excess of \$20 million will be lost to the local economy. The local employment market will not be able to absorb this amount of workers, so the area will lose families who will have to move to secure employment. If a factory in Sydney were to lay off up to 400 workers it would be all over the news, but to date nothing of any significance has been mentioned in the Sydney media.

Labor Party members in Albury claimed in the local press they had been advising and writing to Federal and State Ministers about this matter for weeks, warning of concerns about the risk of closure and the loss of jobs, and asking for help. Even after the announcement of the receivership on 16 February there was no response at all from the State Government, no representatives at the receivership meeting, no comment, no offer of support. It was only after they were shamed by the media that the Government dispatched the Minister for Regional Development, Phillip Costa, to meet with union representatives and the company to see whether jobs could be preserved, entitlements secured and other opportunities created. By that time, 25 February, the decisions about jobs had already been made.

On 20 February I attended the mass meeting at DSI's Lavington gearbox factory and heard the receiver manager Stephen Longley of PricewaterhouseCoopers clearly articulate the company's position. He said he was axing 227 jobs immediately, but about 20 of those were at Springvale or in the company's South Korea office. This would leave DSI employing 167 in Lavington, Springvale and Seoul, of whom 130 would be at Lavington to complete the Ford transmissions over eight weeks starting, hopefully, in early March. Even that timetable would depend on suppliers agreeing to send supplies, some from overseas.

DSI is currently facing liquidation—a creditors meeting next week will make that decision. The company is in debt to financiers by \$45 million, to trade suppliers by \$20 million and it owes staff \$26 million in entitlements. The receiver is holding out the faint prospect of a sale, hoping to sell the company as a viable proposition, possibly to a global car company. Local reports have identified Mahindra and Mahindra from India and Geely automotive of China, which manufactures London taxicabs, as possible purchasers. It would be preferable to see an Australian consortium take on this company and continue trading and manufacturing transmissions in Australia. That is the most important thing. It is a viable and necessary business.

The company DSI has had several incarnations. It was once the single largest employer in Albury, with 1,251 staff. Locals often refer to it as Borg Warner, because that was its name for many years, then it was BTR Automotive, then ION and then DSI. So it has travelled a difficult road at times. I have raised previous issues in this House relating to the company, as the Minister for Transport, and Minister for the Illawarra well knows. But it is important to note that it is basically viable.

Drivetrain Systems International was manufacturing four-speed gearboxes for gas-powered Fords and six-speed gearboxes for SsangYong, with a new line being built for SsangYong's six-speed front-wheel transmissions. It is world class and competitive on the world stage. This company has played a key role in manufacturing technology and consequent spin-off employment in Australia. Over almost 40 years, DSI and its predecessors have developed technology that has been highly sought after by overseas companies. Interacting with DSI has helped other companies hone their skills, which, in turn, have been transferred to other high-tech manufacturers throughout Australia. So it has played a critical role across the Australian manufacturing industry. This is an important matter, not only for the staff of DSI and for New South Wales but also for the whole country. It is serious and it is tragic.

With regard to creating other opportunities in the region, this should be the daily business of the Minister for Regional Development, and I would like to hear of the major employment opportunities that have been instigated and funded by this State Government in the Albury electorate in the past six years. It is paradoxical that this Government has been systematically removing State offices and employees from the region, the latest being the State Forests office with its staff of 18. We have heard much in this place about the economic crisis and members on the other side of this Chamber claim to be in tune with the plight of New South Wales workers. If this is the best they can do when 338 workers are facing the axe, when a significant company

faces liquidation, when they had union forewarning and an agency in town, when the Minister appears only after intense media exposure, the people of New South Wales had better be prepared for more disappointments and limited support from this moribund Labor Government.

**Mr DAVID CAMPBELL** (Keira—Minister for Transport, and Minister for the Illawarra) [6.31 p.m.]: The issues confronting the workers and their families of Drivetrain Systems International [DSI] in Albury are worrying and a concern. The way to deal with those issues is not what we have heard from the member for Albury in his contribution. He knows full well that this Government worked very hard to get DSI established in its recent incarnation. He pointed out in his contribution that DSI has had several incarnations over the years. He knows that this Government worked very hard to get that business established as DSI because he knows that he talked to me in my then formal role as the Minister for Regional Development and he knows that the former Premier and I went there personally to work on that.

The member for Albury knows that this Government has provided support to a whole range of other businesses in the region, and certainly in Albury itself. He knows full well that successive Ministers for Regional Development have been to that town many times in an effort to support economic growth. It is wrong of him to seek to score cheap political points off the back of the dilemma that faces those families as a result of customers of that business cancelling their orders. He knows that that is what has led to this issue. Nothing this Government could have done could have reinstated those orders and it is wrong of the member for Albury in that sleazy way to seek to create political mischief off the back of the misery of those families.

This Government will work with the receivers; this Government will work with anybody in an effort to try to revive that business. This Government has demonstrated that time and again in Albury and in other parts of this State. But it is not for the Government to invest directly in businesses such as that, as the member for Albury well knows. I note that he acknowledges that the Government should not be investing directly in a business such as that.

### **I ♥ BLACKTOWN CAMPAIGN**

**Mr PAUL GIBSON** (Blacktown) [6.33 p.m.]: Today Blacktown has a population of about 300,000 people and one in 70 people in Australia lives in Blacktown. Blacktown has grown from a small suburb into a major city. It is the largest local government area in New South Wales and the third largest local government area in Australia, third only behind the Gold Coast and Brisbane. Over the past decade or so many major businesses have moved their headquarters to Blacktown or to the Blacktown area. The sporting facilities in Blacktown are second to none—probably amongst the best not only in this country but also in the world. Much of that is a legacy of the Sydney Olympics. Blacktown is a great area of potential. We have Olympic athletes, movie stars and some of the top businesspeople in the world today started their career or were born in Blacktown.

**ASSISTANT-SPEAKER (Mr Grant McBride)**: Such as Frank Lowy.

**Mr PAUL GIBSON**: Yes, Frank Lowy. I do not have enough time to name them all here. Three out of my four children were born in Blacktown. My son was a physical education and a mathematics teacher at Blacktown Boys High School; my daughter did a hairdressing apprenticeship at Blacktown and also managed a hair salon there; and my son was a policeman at Blacktown and Quakers Hill. So my family has a great affinity with the area. One often sees statistics in the paper about Blacktown. Of course, in crime statistics Blacktown is up near the top of the list in many areas, mainly because of the population numbers, not because of the percentage. On a percentage basis Blacktown would have one of the lowest crime rates in all the areas quoted in the statistics.

For the record, there are more practising Catholics in Blacktown than in any other part of Australia today. It is a very holy area. As I have said before, Blacktown is an area that gives more than it receives. I spoke last year about Blacktown City Council and about its summer promotion to instil pride in the Blacktown area. We came up with a slogan for the campaign "I ♥ Blacktown". We have had T-shirts made along the same lines as used in New York many years ago. Today, no matter what part of the world you go to you can see people walking around in I ♥ NY T-shirts. We hope in years to come people will be able to go overseas and see people walking around in I ♥ Blacktown T-shirts. As part of the promotion I am pleased to mention some people who are promoting Blacktown for us.

Alan Jones on radio 2GB is a happy wearer of an I ♥ Blacktown promotion T-shirt. Ray Hadley of radio 2GB fame is also a wearer of an I ♥ Blacktown T-shirt. John Stanley from radio 2UE also is happy to

wear an I ♥ Blacktown T-shirt. Mike Whitney, the television star of *Sydney Weekender*, is a very proud recipient of an I ♥ Blacktown T-shirt. The Minister for Housing in this House is a very proud wearer of an I ♥ Blacktown T-shirt. They are just a few. Ray Hadley has a great affinity with Blacktown: his nan and pop lived in Blacktown all their lives and Ray spent much of his early childhood in the Blacktown area. The Mayor of Blacktown, Charlie Lowles, who has done a great job out there, said:

Our city is thriving. Full of culture, friendly people and plenty of activities.

And he is spot on the money. We should all be very proud of Blacktown, and that is why we should all be very proud to wear I ♥ Blacktown T-shirts. Blacktown Girls High School has got right behind the promotion, as most schools in the area have. Blacktown Girls High School is probably one of the best high schools not only in Sydney but also in the whole nation. The girls out there are very proud to support the I ♥ Blacktown promotion. One often sees promotions that are used for various reasons. This is a promotion that is used for the right reason: to instil pride in Blacktown and in the young people in Blacktown so they can be proud of not only where they live but so that when people ask where they come from, they will be very proud to say, "I come from Blacktown."

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [6.38 p.m.]: I thank the member for Blacktown for his contribution. I acknowledge and confirm his pride in his community, particularly the community of Blacktown. It was wonderful to hear him talk about the summer promotion to promote pride in his community with the I ♥ Blacktown T-shirts. I look forward to seeing the member for Blacktown in his I ♥ Blacktown T-shirt and matching shorts and socks.

#### **ARMIDALE ALTERNATIVE ENERGY INITIATIVES**

**Mr RICHARD TORBAY** (Northern Tablelands—Speaker) [6.39 p.m.]: Across my electorate communities are undertaking projects to combat climate change, particularly exploring alternative energy options and more sustainable household and business practices. Good examples are the Bingara 2020 Vision group's aim to become self-sufficient in energy by the end of the next decade and Armidale's Sustainable Living Expo, organised two years ago, which has been a catalyst for community action on many fronts.

Recently I met with members of the energy focus group of Sustainable Living Armidale [SLA], formed after the first Expo to continue its good work. They have been successful in initiating a project to install solar panels on the city's aquatic centre roof. The program has been further enhanced by Armidale Dumaresq Council agreeing to dedicate a portion of its Federal infrastructure funding towards the cost of the project. The Sustainable Living Armidale group also hopes to fund-raise locally to increase the number of panels to be installed. The aim of this project is to raise awareness of solar energy and to increase its take-up in Armidale and the surrounding district. There are several private operators already supplying solar technology in the city and a cluster scheme introduced through the Solar New England Project will increase the number of households generating their own electricity four-fold. Federal and State Government rebates and improved solar technology have contributed significantly to the rise in local interest.

The Sustainable Living Armidale group regards its aquatic centre project as both practical and educational. As the pool only operates for six months of the year, it could become an exporter of energy in the six months over winter when it is not being used. The income generated would be used to install more panels on public buildings in the city, creating a visible solar profile. SLA Energy will carry out an energy audit of the pool, free of charge to the council, to assist in reducing current energy usage and to maximise the generation potential of the solar panels. From an educational perspective the panels on such a widely used public building will be very visible. People will see them every day as they pass the pool, even when it is closed, and school groups can be shown the details and function of the system. Regular monitoring will assist as an educational tool and when people attend the pool an information board will show how much is currently being generated.

SLA Energy has also taken its campaign to encourage greater use of alternative energy statewide through its submission on the New South Wales solar feed-in tariff for renewable energy. The group wants the State to adopt a long-term, gross feed-in tariff for small-scale, distributive energy grid-connect renewable systems. This would apply to individual households, public buildings, farms, businesses and community groups. The model applies to the gross amount of energy generated, not just the surplus exported to the electricity grid. Time of use metering would focus on import usage and the export tariff would be a minimum 2.5 times the import rate. Funding would be raised via a small increase in tariff on all energy consumption. The system would

be two-tiered with a lower final electricity tariff for low-income households and be guaranteed for a minimum of 20 years. The incentive would cover all renewable energy technologies, providing an incentive for large-scale renewable power to feed into homes and businesses as well as individual small-scale rooftop systems.

In line with the New South Wales Government's objective to build the State's green collar jobs sector, a viable feed-in tariff would be an incentive for increased investment in the alternative energy industry, providing a powerful driver at a time when our economy is in need of long-term sustainable solutions. At present households that install solar panels use most of the energy that is produced. This saves CO<sub>2</sub> emissions, but there is little financial incentive to install solar panels with the current price of energy in Australia kept very low through government subsidies.

A gross system based on all energy produced would be both environmentally and financially advisable. Installation would become a worthwhile and secure investment. Householders or businesspeople wanting to install renewable energy generation could secure funding with a guaranteed price for the energy that they generate. It is this guarantee that has influenced the strong German take-up of photovoltaics, and in a climate with far less solar input than Australia. It certainly deserves more consideration in New South Wales.

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [6.44 p.m.]: I thank the member for Northern Tablelands for his contribution to this discussion. Given that climate change is a reality in our communities, I was interested to hear about the use of solar panels in public facilities, particularly the pool. I am aware of the issue that the member raised in relation to the gross feed-in tariff and, as Parliamentary Secretary, will happily discuss this issue with the Minister.

### **BALLIMORE PUBLIC SCHOOL**

**Mrs DAWN FARDELL** (Dubbo) [6.45 p.m.]: I bring to the attention of the House the benefits of children enrolling in village schools around New South Wales. These small schools, which service little villages and towns outside major regional centres like Dubbo, provide a wonderful educational environment in a caring community setting. With their small class sizes—there are often only a dozen or so children in the entire school—they provide a unique educational experience where children across ages and grades work together and form surprisingly close bonds. The teaching staff in such an intimate environment are also incredibly dedicated and committed to their students, with whom they can develop extremely close and caring relationships.

On the evening of Thursday 11 December 2008 I had the great pleasure of attending the annual presentation night of Ballimore Public School. The village of Ballimore, some 35 kilometres from Dubbo on the Golden Way to Newcastle, has a total school population of 15 students and two dedicated staff—at that time the former principal, Bob Lloyd, and the present principal, Lee Berry—who are embraced by the children and the community. The school has achieved outstanding academic and sporting results and has a vibrant creative arts program. Ballimore Public School has long been under threat because of the very feature that makes it such a unique environment—its small size.

The history of Ballimore Public School dates back to 1884 with the first enrolment of 24 pupils. As early as 1908 falling enrolments forced the school's closure; however, the construction of the Dubbo-Werris Creek railway line through Ballimore later boosted the school's population as railway workers' children were in need of education. Mr Joe Salter was a teacher at Ballimore for 21 years from 1926 to 1947 and during his time there he introduced tennis and cricket. In the 1960s sporting competitions were organised between small rural schools and this tradition has carried on until today with the Dubbo small schools athletics and swimming trials being held annually.

Ballimore Public School is now a two-teacher school with 15 students enrolled and has opened its doors to students who are struggling in larger institutions, with very encouraging results. Children who are shy or easily intimidated by the daunting environment of a large school with many hundreds of students have been given an opportunity to be taught in a more personal setting that can better cater to their individual needs. Unfortunately for Ballimore, the lack of security with regard to enrolments can be very destabilising in what is otherwise a very stable and supportive school. We need to recognise that there are wonderful rural schools within 20 or 30 minutes drive of most large country cities and towns that are not being utilised.

In December last year I also visited Trundle Central School and was shown a wall of plaques from numerous rural schools in the district that had closed down, which was sad to see, especially when one considers that they were once important community assets. Drought and economic hardship in country New South Wales

have seen many families forced to leave these smaller communities. There are families who seek specific educational opportunities and choose to bypass the village school and send their children to larger institutions in nearby towns and cities, but as enrolment numbers decline the viability of these schools can be placed in jeopardy. There has been talk about the closure of another unique village school in the Dubbo electorate, the Drinane Public School. The future of Wongarbon, Eumungerie and Ballimore schools is uncertain due to falling student numbers, yet the evidence is clear that these schools offer huge educational and social advantages.

There is a way forward that will ensure the preservation of these wonderful small schools and offer a valuable educational alternative within the public school system. There are many young people in our school system who do not cope well academically and socially. They could benefit enormously from the small and caring environments of a village school where teachers have more of a one-on-one approach. The close relationships enabled by these small schools also make bullying less prevalent and more easily detected and defused by staff. I sincerely believe that these pupils could be given a new lease on their lives if their needs could be identified and these children could be redirected to nearby schools.

The utilisation of small school options should be encouraged for students who might otherwise have no alternative than the overwhelming prospect of being lost in a crowded playground amongst hundreds of anonymous faces. The future of high achieving rural schools would be ensured by a boost in enrolments, and selected students would be provided with more appropriate educational options. These advantages have not been fully explored. A scheme actively targeting this niche form of education for students in need should be established in negotiation between the school, families and the education department, with transport provided where necessary.

The benefits will be happy, well-adjusted children, although given these small schools are already in operation I doubt there would be any substantial increase in costs in a small shift in total school numbers from a large area school to a small village school. We all know of students from villages who are bussed to larger regional centres for their education; however, I do not believe we have properly investigated or promoted the opportunity for students in large towns and cities to feed back into small rural schools. This would not be a case of exporting troublemakers but recognising that one size does not fit all and that some children who are struggling to achieve in a large institution could thrive in a small school environment. I look forward to discussing this issue with the Minister for Education and Training and I seek the support of students' families and school communities in capitalising on the wonderful educational opportunities that are on offer in our small village schools.

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

**Private members' statements noted.**

**ASSISTANT-SPEAKER (Mr Grant McBride):** Order! Private members' statements having concluded, the House will now proceed to the matter of public importance.

## **JOBS SUMMIT**

### **Matter of Public Importance**

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [6.50 p.m.]: There was an overwhelming response to the New South Wales Jobs Summit held late last week. Building our communities and providing jobs is important. The Government has been working with the people of New South Wales protecting jobs today and investing in our future. Last Thursday and Friday more than 250 people attended a two-day jobs summit organised by the New South Wales Government. Participants represented major businesses, community organisations and unions. It was a productive two days resulting in dozens of recommendations to which the Government will respond over the next few weeks.

The Premier acted immediately on the day by committing the New South Wales Government to establishing "go-to" officers for each sector to provide a better interface between government and industry. When faced with such unprecedented circumstances we need a collaborative response from all sections of the community. We are experiencing the worst global economic downturn since the 1930s and growth in the economies of China and India is projected to slow. That means unemployment in Australia is likely to grow, and that includes unemployment in New South Wales. We are seeing job losses across the country. State and Federal governments are responding with initiatives that will increase infrastructure investment and protect jobs. In contrast, members opposite today opposed the Prime Minister's \$42 billion stimulus package. That is outrageous.

The Rudd Government stands ready to deliver, but the Leader of the Opposition has joined the Federal Leader of the Opposition, Malcolm Turnbull, in opposing a package that will deliver much-needed economic relief to the people of New South Wales. The Coalition opposes the Federal Government's initiative. Members opposite today voted against a motion in support of the stimulus. Businesses in western Sydney, and particularly those in Penrith, are calling on the State and Federal governments to provide assistance and are looking forward to the jobs that the stimulus package will promote. I will join my Federal and State colleagues at a roundtable discussion on Friday at which we will discuss the economic and employment issues facing the Penrith area. Unlike the Opposition, this Government is working with the Federal Government to deliver the Prime Minister's \$42 billion stimulus package, which will protect jobs now. The Premier has demonstrated that we are behind the Prime Minister all the way.

New South Wales will receive \$2 billion for new social housing over the next two years and \$4.4 billion for schools, which will create more than 3,000 building sites on school grounds. That \$4.4 billion is in addition to the Principals' Priorities Program that Premier Rees announced at Jamisontown Public School last year. That will involve more than \$100 million of maintenance work being undertaken at this State's schools. Members opposite voted against these initiatives. The New South Wales Government will play a key role in delivering these projects. It introduced legislation to fast-track the approval, procurement and delivery of stimulus package projects. Over the next four years New South Wales will have the largest infrastructure program of any State Government in Australia. It is a \$56-billion program that will sustain more than 150,000 jobs each year. The list of projects includes: \$950 million to rebuild Royal North Shore Hospital, which will support an average 375 direct jobs a year; \$246 million for 19 new schools; 12 new TAFE projects providing approximately 490 jobs; \$381 million for the latest redevelopment of Liverpool Hospital providing 280 jobs; and \$1.6 billion for the Pacific Highway providing 1,000 jobs.

The Minister for Planning has also been busy approving 61 projects since September worth \$8.4 billion, which will support 19,000 jobs. The New South Wales Government is also appointing additional project managers to the Department of Planning to speed up the approval of major projects. This will help proponents move through the planning approval process and will provide a single point of contact. The first new project managers will start work in the next few weeks. The Government has also cut payroll tax and in the process is providing \$1.9 billion in relief for businesses. It has also cut developer levies to stimulate construction. These are all strong measures to encourage investment and to support jobs.

The Government is also building the State's workforce. It has announced 4,000 new government apprenticeships, and 2,000 public sector cadetships will be created over the next four years. Under a major new partnership with the Rudd Government, an additional 175,000 training places will be created over the next four years. This measure will provide \$620 million over four years to generate a 12 per cent boost in training places available in New South Wales. The State Government will be targeting the areas that are most in need of skilled workers. Those workers will include electricians, toolmakers, welders, sheet metal workers, panel beaters, childcare workers, butchers, hairdressers and carpenters. Having a robust workforce is crucial in ensuring that New South Wales is well placed to recover from the economic downturn. The Government is also looking to the future by investing in emerging industries. Day two of the Jobs Summit focussed on expanding the skills we need in our workforce as we move toward a carbon-constrained future. It is estimated that key industry sectors, such as construction and transport, will create 500,000 extra green collar jobs—making a total of 3.45 million such jobs—by 2050. Unlike the Opposition, this Government is committed to driving investment, supporting jobs and investing in the future for the people of New South Wales.

**Mr RAY WILLIAMS** (Hawkesbury) [6.57 p.m.]: There is possibly no more important issue that we could debate in this House at this time than jobs for the people of New South Wales. While governments around the world are providing stimulus packages to sustain jobs, this Government gave us a horror mini-budget last November that has cost thousands of jobs and taken millions of dollars out of the pockets of families. The Government cancelled the \$50 back-to-school allowance, increased tolls for areas such as mine where people have no alternative but to drive cars to work and will now pay more than \$120 each week just to drive to Sydney, and increased taxes for businesses. All these measures have done exactly the opposite of securing jobs for the people of New South Wales.

The figures speak for themselves. Already 23,000 jobs have been lost in this State since Nathan Rees became Premier, and 10,000 in February alone. Of those, 1,850 were from Pacific Brand and just under 300 were from the Premier's electorate of Toongabbie. If the Premier cannot go into bat for the families in his own backyard, what chance is there for the rest of the workers across New South Wales? Let us not forget that

New South Wales was put on credit watch a long time before the impacts of the global economic crisis. This pathetic New South Wales State Government cannot blame anyone but itself for the thousands of jobs lost across New South Wales.

Chris Richardson from Access Economics predicted that Australia will definitely fall into recession this year and has described the Federal budget as being "buggered". The latest business outlook is that Australia's prosperity will unwind quickly, that house prices will fall by 5 per cent to 8 per cent this year and that unemployment will soar to 7 per cent. They are disastrous figures. Industries across this once great State will begin downscaling their workforces to cope with a rapid decline in demand and available credit. While house prices continue to fall as they have for the past five years, land tax, which is such a burden on businesses, continues to increase because the Government's Valuer-General continues increasing property values. Three individual businesses in the Windsor area have contacted me to report massive increases in land tax this year. Haultruck last year paid \$7,000 inland tax and this year it will pay \$14,000, which is a 100 per cent increase in one year alone. Pastel Pines of Windsor will pay just under \$10,000 in land tax this year, which is an increase of 14 per cent on its land tax bill last year.

Merlene Clarke's saleyards at Mulgrave will pay just under \$19,000 this year in land tax, up from \$12,000 last year. These increases come at a time when land values are dropping, not increasing, and therefore these increases cannot possibly be justified. All three of these companies are within a one-kilometre radius of each other and surprisingly they are all in a flood-affected area. All three of these properties were covered to some degree with water during the last flood, in 1992. The New South Wales Government should be both condemned and ashamed that its Valuer-General is acting in this economically irresponsible and morally reprehensible manner. It is incomprehensible that anyone could raise an argument for an increase in property values in the past four years, let alone the last year. However, the Valuer-General, who as I said is acting solely on behalf of the New South Wales Government, continues to increase property values to claw back even more land tax from business people who can least afford it.

These three Windsor businesses employ dozens of people, most earning wages below \$40,000 per annum. The increase in land tax this year for these businesses will almost certainly have to be absorbed through the retrenching of an employee. These are the people who can least afford to lose a job and they all live and work in the Labor electorate of Riverstone. This is the same electorate where the New South Wales Government under its metropolitan planning strategy has placed at risk the viability of hundreds of other business people who own property in the Riverstone heavy industrial area. In this area there is a proposal to change the heavy industrial zoning to light industrial. This has meant the loss of a sale of one property owned by Tim Howell worth \$400,000. This comes at a time when this person was moving into a larger factory and increasing his business, which would employ more people. Now not only has he lost a sale, but also he will be forced to pay land tax on both these properties. It is something that should never have happened in the first place, and if the member for Riverstone were doing his job properly it would not have happened. Other businesspeople in this area cannot get a development application assessed to expand their businesses because the local council cannot assess applications until the Government makes a decision on this ridiculous draft plan.

On the other hand, the New South Wales Opposition wants to cut payroll tax to less than 5 per cent in an effort to restrain rising unemployment. This 15 per cent payroll tax cut to help protect New South Wales jobs, support local businesses and boost the State's economy in the face of global financial conditions makes good sense. Companies who pay payroll tax employ two-thirds of the New South Wales workforce. This initiative would help keep people in jobs by easing the financial pressures faced by some 30,000 New South Wales businesses. A one-off, 15 per cent across-the-board cut would reduce New South Wales' effective payroll tax rate to 4.89 per cent, making it one of the lowest in the nation. It would also keep almost \$1 billion in the New South Wales business sector, the equivalent of almost 16,500 jobs.

The knock-on effect from this significant tax reduction would be spread right across the board and certainly benefit consumers. It's a responsible measure and one way to support families and business through these tough times. New South Wales businesses already face the highest taxes in the country, with a typical business facing payroll tax bills 13 per cent higher than the national average. Incidentally both Michael Costa, a former Treasurer in this Government, and representatives of the Australian Workers Union have suggested that a reduction in both these taxes now would have a positive effect on the economy and help retain employment.

I say this to the Government: even your own people are begging you to listen to commonsense but these calls fall on deaf ears while your continual factional infighting continues unabated. It is like watching drunken sailors stealing silver from the cupboards while the ship slowly sinks rather than fixing the hole in the side. On behalf of every resident in New South Wales, do us all a huge favour and quit. Call an election now in order to restore this great State to its former glory. Get rid of the greatest impediment to jobs in New South Wales, the State Labor Government.

**Mr FRANK TERENCEZINI** (Maitland) [7.03 p.m.]: The Rees Government is well aware of how the global financial crisis is affecting the State and especially country and regional New South Wales. Times are tough for families across the State. Fortunately for our State we have a very large and diverse economy. We have been through a period of constant growth and expansion. We are successfully attracting high levels of business investment and research and development expenditure. Our job in New South Wales is to build on our strengths, attract new business and create new jobs. We must invest in our State to protect jobs and protect families.

Last week the Premier led a Jobs Summit with industry leaders to consider how we can help businesses respond to the global financial crisis. I am confident that the benefits of job-securing activities and programs to come out of the summit will flow to all regions of the State. We are assisting businesses to relocate to country and coastal areas, bringing new jobs to smaller communities and growing their economies. The Rees Government has programs in place and resources on the ground to drive these jobs. Through the Department of State and Regional Development we are identifying new business opportunities in country towns. In November last year we announced a new funding package, the \$85 million Building the Country Program. That is targeted money that is only available in country New South Wales. It is a strategic package that will generate economic activity within local communities, assist businesses to invest and expand and creates jobs.

Building the Country is made up of seven new programs: a \$52 million local infrastructure fund; \$11.6 million for community broadband development; a country libraries fund, \$9 million; a country halls renewal package, \$2.5 million; a water adjustment innovation fund, \$9 million; \$450,000 for the small communities awareness fund; and a small chamber of commerce fund worth \$450,000. Expressions of interest or applications for all seven of these programs are now open. The Government is actively seeking local councils, businesses and community groups to apply for this money. I know I am keen to attract money from these programs to create economic activity and drive new jobs in my electorate.

This is the way forward. Not only is there cooperation between the two levels of government, but also there is investment in jobs. That is the secret. Without that investment we will not save people's jobs or create new infrastructure. With the spin-off from that I am confident there will be a large, profitable and fruitful injection into the New South Wales economy.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [7.06 p.m.], in reply: It is interesting that the Opposition's response to this important matter of creating jobs in New South Wales was quite weak. It failed to mention a few key matters that would cause jobs to be created and provide a stimulus to investment. One glaring omission was the land tax relief for first home buyers. As the member for Hawkesbury would know, people in western Sydney have had one of the biggest increases in the first home buyers take-up—

**Mr Ray Williams:** Point of order: I hate to take a point of order but I do not believe first homebuyers actually pay land tax. I think what the Parliamentary Secretary is referring to is stamp duty.

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! That is not a point of order.

**Mrs KARYN PALUZZANO:** Part of the package provides relief for first home buyers. The Penrith area is in the top three in the numbers of first home buyers. Members opposite should support anything that provides a stimulus and creates jobs. Those people buying their first homes in Penrith are purchasing them from people who have constructed and developed the homes. That is another point the member failed to mention. This Government has reduced developer levies to create that stimulus. Developers out there, like those he referred to, will now have to pay less in levies. Once again that will provide a stimulus for home buyers in New South Wales.

The member for Maitland referred to the Building the Country Program. I pay particular attention to a couple of those programs that will provide the stimulus for employment. I refer to the country halls program, the libraries program and the broadband program. The halls program will get construction underway. The libraries program will provide both blue-collar and white-collar jobs in those areas. A range of jobs will be created. Enabling the extension of broadband in country New South Wales will reduce the divide between country and city. It will allow the sandstone curtain, as it is often called, to be minimised. The Building the Education Revolution package that the Rudd Government is introducing means that access to broadband is particularly important for New South Wales, as is the Connected Classrooms project. The Premier said today we should put this issue above politics, and it is upsetting that the Coalition has used this debate pull off a political stunt rather than supporting jobs in New South Wales.

**Discussion concluded.**

**The House adjourned, pursuant to sessional orders, at 7.10 p.m. until  
Thursday 5 March 2009 at 10.00 a.m.**

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