

LEGISLATIVE ASSEMBLY

Thursday 2 April 2009

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

GREYHOUND RACING BILL 2009

HARNESS RACING BILL 2009

RACING LEGISLATION AMENDMENT BILL 2009

Bills introduced on motion by Mr Kevin Greene.

Agreement in Principle

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.05 a.m.]: I move:

That these bills be now agreed to in principle.

The main purpose of the three bills before the House is to reform and update the statutory arrangements that underpin the governance arrangements for the greyhound and harness racing industries; repeal the Greyhound and Harness Racing Administration Act 2004, and dissolve the Greyhound and Harness Racing Regulatory Authority; repeal the Greyhound Racing Act 2002 and Harness Racing Act 2002, and by way of the proposed legislation transfer the functions and responsibilities of the dissolved authority to a single controlling body for each of the greyhound and harness racing codes; provide for an independent board structure for Greyhound Racing New South Wales and Harness Racing New South Wales based on the recently introduced Racing New South Wales model; provide for an independent integrity auditor function across all three codes to receive and consider complaints about the conduct of racing officials; and provide for necessary savings and transitional arrangements.

Before going into the detail of the proposed amendments, it would be appropriate to mention a number of important matters. Firstly, I acknowledge the contribution of the board and the staff of the Greyhound and Harness Racing Regulatory Authority over the past four years. I acknowledge once again in this place the contribution made by Peter Baldwin to the greyhound and harness racing industries, and offer my sincere condolences to family, friends and work colleagues upon his sudden and tragic death. There is a need to acknowledge the strategic thinking and leadership of the boards and, in particular, the Chairs of Greyhound Racing New South Wales and Harness Racing New South Wales. They have accepted the challenge of driving change for the overall benefit of their industries, and ultimately for the many people in New South Wales who enjoy the spectacle of racing. Throughout the racing industry and Government there is an acceptance that change based on a foundation of appropriate and modern governance arrangements is necessary if future viability is to be ensured.

I now turn to the detail of the respective bills. The lead bill is the Greyhound Racing Bill 2009. The Harness Racing Bill 2009 and the Racing Legislation Amendment Bill 2009 are cognate bills. The Greyhound Racing Bill 2009 formally dissolves the Greyhound and Harness Racing Regulatory Authority. The Greyhound Racing Bill 2009 and the Harness Racing Bill 2009 provide for the following matters in respect of their individual codes of racing: to re-enact the Greyhound Racing Act 2002 and Harness Racing Act 2002 to provide

for the new arrangements; to reconstitute Greyhound Racing New South Wales and Harness Racing New South Wales, including with a board structure which provides for members to be appointed on merit, and in accordance with skills-based criteria; the transfer of the functions and responsibilities of the former authority to Greyhound Racing New South Wales or Harness Racing New South Wales, as appropriate; to create the Office of Integrity Auditor to receive and investigate complaints in relation to the conduct of racing officials; to establish a greyhound racing industry consultation group and a harness racing industry consultation group, and other related formal requirements, aimed at facilitating robust and productive consultation between the controlling body and industry stakeholders.

All three codes of the racing industry throughout Australia accept that change is necessary to meet the challenges of the present economic climate, evolving laws and the new ways of transacting cross-border business including novel technologies. The Government has responded to that call and has already made several changes, and undertaken comprehensive reviews from which informed policy has been developed. The Government supports, and is committed to, a healthy and sustainable racing industry. Its approach includes enacting the race field laws, and also seeking independent input from the Alan Cameron Wagering Review. The proposals are based on amendments made last year to the Thoroughbred Racing Act 1996, which provides for the arrangements under which Racing New South Wales operates. The proposals are also based on the recommendations made in the Malcolm Scott Review and the statutory five-year review of the greyhound and harness racing legislation. All of these have involved substantial consultation and consideration of what is the best way forward.

The Government acknowledges that all three codes of racing consider self-management of their respective industries, free of Government intervention, as a fundamental aspect of their governance arrangements. The racing industry is traditionally self-funding and provides a significant contribution to the economy of this State. A billion dollars annually and up to 50,000 full-time and part-time jobs represents a place in the top three industries. The governance arrangements to be implemented are based on the Racing New South Wales model introduced last year. This features a single board for each of the three codes that are responsible for all aspects of the control and regulation of the relevant sector; that is, both regulatory and commercial responsibilities. The model for the controlling bodies is that they are a body corporate created by statute, which does not represent the Crown and which is not subject to Government direction.

In principle, the five-member board of each controlling body is to be independent and appointments are on merit in accordance with skills-based criteria. The bills prescribe the following skills criteria: experience in a senior administrative role, or experience at a senior level in one or more of the fields of business, finance, law, marketing, technology, commerce, regulatory administration or regulatory enforcement. The chairperson of the five-member board will be elected by a simple majority of the members of the board and will serve as chairperson subject to holding that majority. It is essential in the twenty-first century to recognise the need to recruit persons with high-level business and management skills. The independent board model is recognised as best practice for these purposes. The bills also carry forward the existing duty of members of Greyhound Racing New South Wales and Harness Racing New South Wales to act in the public interest and in the interests of the industry as a whole.

A maximum eight-year term for future members of the board is also important to ensure that there is a regular reinvigoration of talent. As with the Racing New South Wales board, there is provision for a review of the appointment process to apply to the racing controlling bodies and I will deal with that later in this speech. The disbandment of the authority and the transfer of its regulatory functions to Greyhound Racing New South Wales and to Harness Racing New South Wales have been in the public domain since the tabling in Parliament on 26 June 2008 of the Malcolm Scott Review and the five-year review of the greyhound and harness racing legislation. A return to a single industry board for each of the greyhound and harness racing codes reflects the Racing New South Wales model, and is the norm nationally.

The functions of each single board will be as follows: to control, supervise and regulate greyhound or harness racing, as appropriate, in the State; the licensing and registration functions in relation to racing clubs, trial tracks, racing animals and prescribed participants, such as trainers, drivers, bookmakers; to initiate, develop and implement policies considered conducive to the promotion, strategic development and welfare of the greyhound or harness racing code in the State; to distribute money received as a result of the of commercial arrangements required by the Totalizator Act 1997; to allocate dates on which races may be conducted; and to develop and review policy in relation to the breeding and grading of greyhounds, and in relation to the breeding and handicapping of harness horses.

The single board model for each code has overwhelming industry support and it makes sense from the perspective of meeting industry needs. I am aware of uninformed comments that a single industry board will result in the diminution of integrity as a core industry value; I do not share that view. It is not evident in the manner in which Racing New South Wales conducts itself, nor is it the experience of any other racing body in Australia. I am satisfied that each code of racing understands that public confidence in the integrity of the conduct of racing is an absolute essential requirement, and that the consequences of ignoring that requirement would have adverse commercial consequences.

The transfer process is complex and it is being oversighted by a transition working party chaired by Michael Foggo, the Commissioner of the Office of Liquor, Gaming and Racing, and consisting of the chairpersons and chief executives of Greyhound Racing New South Wales and Harness Racing New South Wales—Professor Percy Allan, AM, Graeme Campbell, Brent Hogan and Max Pool. Stephen Price, chairperson of the authority, is also a member of the working party and assisting him as acting director of the authority is Darrell Loewenthal, a former director of Racing, and Deputy Director General of the Department of Gaming and Racing. The task is, as I said earlier, complex but the team is well credentialed and capable.

The Integrity Auditor is a new and important role. The Integrity Auditor will be a person with legal qualifications and be responsible for receiving and investigating complaints about the conduct of racing officials in relation to responsibilities and obligations under statute, and also the code of conduct of the relevant controlling body. The Integrity Auditor may decide that a complaint is frivolous, vexatious, trivial or not in good faith. Also, that it does not relate to the exercise of functions by the racing official in a corrupt, improper or unethical manner. The purpose of these limits is to ensure that the right to make a complaint is not abused.

The bills provide for the Integrity Auditor to exercise his or her function independently of the controlling body. Each controlling body may request advice from the Integrity Auditor on specific matters, for example, settling the code of conduct. A racing official may be a member of the board, or a staff member. Under the proposed legislation Greyhound Racing New South Wales and Harness Racing New South Wales may appoint, with the Minister's approval, one person to the Integrity Auditor for both codes, or a different person for each code. The Thoroughbred Racing Act 1996 makes provision for the Integrity Assurance Committee. That committee has existed since 1996 and with some minor changes to bring it into line with the Integrity Auditor concept it will serve the same purpose for the thoroughbred racing code.

The bills also provide for an industry consultation group in each of the greyhound and harness codes and other requirements aimed at facilitating formal and robust consultation between Racing New South Wales and stakeholders. The five members of the industry consultation group will consist of the following: one person nominated by either the New South Wales Harness Racing Club, or the New South Wales Greyhound Breeders, Owners and Trainers Association, as appropriate; one person nominated by TAB clubs; one person nominated by country clubs, or non-TAB clubs in the case of the harness racing industry; and no more than three persons, each to be nominated by an eligible industry body.

The Minister, in consultation with Greyhound Racing New South Wales and Harness Racing New South Wales, will determine an eligible industry body, which is basically an organised stakeholder group. Joint meetings between the industry consultation group and the relevant controlling body are provided for on at least six occasions each year, unless otherwise agreed. The controlling body must respond formally to any recommendation made by the industry consultation group, including the provision of formal reasons when it does not agree to a recommendation put by the industry consultation group. The bills also require Greyhound Racing New South Wales and Harness Racing New South Wales, in consultation with the relevant industry consultation group and industry stakeholders, to prepare an industry strategic plan within twelve months of the commencement of the amending legislation, and regularly undertake formal consultation in relation to the initiation, development and implementation of policies for the promotion, strategic development and welfare of the industry.

The bills also mirror the provisions in the Thoroughbred Racing Act 1996 which provide for the controlling body to set minimum standards in respect of the conduct of races and race meetings. These provisions place beyond doubt that a controlling body can set standards in relation to such matters as the design and construction of racecourses, and also the level of prize money to be paid in connection with races. Greyhound Racing New South Wales and Harness Racing New South Wales will also be able to give directions to a race club to ensure compliance with the standards. The usual provisions have been included in the bills to provide for continuity of decisions and operational arrangements. There are also some special provisions in

relation to transferring greyhound or harness assets, rights and liabilities and the like from the authority to the new industry boards. In addition to these matters, there are also some unique savings provisions applicable to the present circumstances.

The current boards of Greyhound Racing New South Wales and Harness Racing New South Wales were appointed in the normal way in February 2009 for three-year terms. The appointments were made in accordance with existing provisions and arrangements on a nominee basis. The reason for this is twofold. With the disbanding of the authority and the transfer of its functions to the new boards, it would be unwise to diminish the capacity of the receiving board to manage the transfer by depriving it of continuity of operation and the associated corporate knowledge. Also—and this is the case for all three codes—it is necessary to undertake a review of the appointment process that should apply in relation to an independent racing controlling body board.

A special review provision has been included in the bills that the review must report before February 2012. This corresponds roughly with the Racing New South Wales requirement in the 2008 amendments that such a review must be completed within three years of the commencement of that legislation. Of particular interest to me are the transitional arrangements for authority staff. One of my key priorities is to ensure that the authority staff are given every assistance throughout this process. The proposal is in the nature of a transfer of regulatory function. In principle, therefore, the staff transfer arrangements are based on compensation for loss of public service conditions. I am advised that the great majority of staff have a position with the receiving body.

I am also advised that the transfer arrangements are essentially the equivalent of the 2002 restructure arrangements. Greyhound Racing New South Wales and Harness Racing New South Wales have undertaken detailed consideration of their future needs. I am advised by the working party that there are a significant number of comparable positions in either Greyhound Racing New South Wales or Harness Racing New South Wales. A comparable position in a receiving body is one that has substantially the same duties as a former position in the authority. Staff in that situation have the right to apply to transfer to the new body. If they elect to do so they enjoy the following arrangements: their application will receive preference, they will have a guarantee of 12 months employment, they will receive a compensation payment for relinquishing public sector conditions on a scale which includes up to a maximum of 20 weeks pay for those over 45 years of age with six or more years of service, they will receive a starting salary with the new body that matches their existing base salary, and there will be payment or transfer of their accrued recreation and long service leave entitlements.

Staff who do not fall into that category, and staff in that category who do not elect to transfer, will be subject to the public sector arrangements for excess staff—that is, a voluntary redundancy or redeployment. The exact detail of these costs depends on the options that staff choose to make and the individual service details of those staff. Greyhound Racing New South Wales and Harness Racing New South Wales have made provision for the transfer costs and will recoup such costs over time from future operational savings. Stewards are appointed by the relevant controlling body to exercise certain functions in accordance with the relevant rules of racing. Those appointments and the number of stewards currently available are to be maintained under the new arrangements. The employment of the stewards will be subject to the same transitional arrangements as those that apply to other authority staff.

They may elect to transfer across to either Greyhound Racing New South Wales or Harness Racing New South Wales into a position that is substantially the same as their current position; otherwise, they will be subject to the public sector arrangements for excess staff—that is, a voluntary redundancy or redeployment. One important issue in relation to stewards, which must be clarified, is that they will be transferred across as a greyhound panel to Greyhound Racing New South Wales and as a harness panel to Harness Racing New South Wales. The bills provide for the three codes to enter into a stewards' tri-code arrangement if they wish to do so, subject to the agreement of the Minister. There are many good reasons to consider such an approach. They include shared training opportunities, succession planning and providing a career path. Malcolm Scott identified these in his review. There has been some speculation that a multi-skilling approach would result in a steward officiating in a code with no relevant experience. I cannot see that the codes of racing would permit that to occur under any future arrangement.

The reality is that a panel of stewards might consist of lead stewards who specialise in that code and a steward from another code, or a trainee steward, being trained across codes. The advantages of such an approach are obvious in terms of training, multi-skilling, succession planning and also ensuring that one code's panel of stewards does not become insular. In any event, if the controlling bodies cannot agree on an approach it is unlikely that a proposal will be put to the Minister for approval. The third bill in the reform package essentially deals with four matters. This bill provides for the repeal of the Greyhound Racing Act 2002, the Harness Racing

Act 2002 and the Greyhound and Harness Racing Administration Act 2004, which is the statute that establishes the Greyhound and Harness Racing Regulatory Authority. Earlier I dealt with the consequences of the repeal of the 2004 Act and the transfer of the functions of the authority.

The third bill also provides for the Greyhound and Harness Racing Appeals Tribunal to be dissolved and its functions to be amalgamated and accommodated under a single statute under the Racing Appeals Tribunal. In the future the amalgamated appeal body will be known as the Racing Appeals Tribunal and will operate under the Racing Appeals Tribunal Act 1983. Nevertheless, the subject of the appeal will continue unchanged in that it will be essentially a right to appeal against a disciplinary decision made in accordance with the separate Rules of Racing that are applicable in the three codes of racing. The procedure applicable in relation to appeals will in the main be carried forward, except that, in the case of the greyhound and harness arrangements, appeals from a decision of stewards will fall directly to the Racing Appeals Tribunal. There will be no avenue of appeal to Greyhound Racing New South Wales and Harness Racing New South Wales.

The judicial officers who are now appointed as the Racing Appeals Tribunal and the Greyhound and Harness Racing Appeals Tribunal will continue their terms under the amalgamated body with exactly the same responsibilities. I acknowledge the contribution of the serving members the Hon. Justice Wayne Haylen, QC, and Judge John McGuire. I especially acknowledge the contribution of His Honour Mr Barrie Thorley, AM, who retired from the tribunal last year after 14 years of distinguished service. For sometime there has been concern about the dangers of persons jumping the fence and disrupting a race meeting. The danger is not only to themselves but also to the jockey, driver, clerk of the course and the handlers of the racing animal. There is the danger that might result to the racing animal itself. There is also the possibility of disruption of the race and the adverse impact that might have if the race is abandoned, and prize money and bets are not paid.

For several years there has been legislation to address inappropriate behaviour at sporting venues. The bill proposes an amendment to the Sporting Venues (Pitch Invasions) Act 2003 to include invasions at racecourses. The proposed offence is that a person must not enter or remain on a restricted area of a racecourse during a race meeting or trial meeting unless that person has appropriate authorisation. A police officer is an authorised person for these purposes. A jockey or driver, or another person authorised by the relevant controlling body or engaged in the control and management of the race meeting, is in the same category. The ambit of the restricted area would include any racecourse, parade ring, stable, kennel or swabbing area and includes pathways connecting those places.

Penalties range from expulsion, a penalty notice of \$500, a 12-month ban, a life ban and a maximum penalty of \$5,500. For convenience, I mentioned earlier the arrangements to bring into line with the Integrity Auditor the Integrity Assurance Committee constituted under the Thoroughbred Racing Act 1996. Those provisions are formally in the third bill. The third bill also deals with savings and transitional matters as appropriate to the circumstances. I commend the bills to the House.

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

REAL PROPERTY AND CONVEYANCING LEGISLATION AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 1 April 2009.

Mr VICTOR DOMINELLO (Ryde) [10.30 a.m.]: Yesterday when I was addressing the House on this bill the member for Miranda interjected several times and asked:

In law, we do a thing called statutory interpretation, mate. You would have done that. You are a lawyer, are you not?

He went on to say:

It is statutory interpretation. You are a lawyer. You should know the answer to those things.

I will give the member for Miranda the answer. In 1984 the Commonwealth amended the Acts Interpretation Act. Section 15AB of that Act specifically provides for the use of extrinsic material in the interpretation of Acts

and statutory rules. Surprise! Surprise! In 1987 this House passed mirror provisions in relation to the interpretation of Acts. I draw the attention of the member for Miranda to section 34 (2) (h) of the relevant legislation, which states, in relation to materials that can be used to assist the court in the interpretation of Acts:

- (h) any relevant material in the Minutes of Proceedings or the Votes and Proceedings of either House of Parliament or in any official record of debates in Parliament or either House of Parliament.

Even before 1984 courts often used parliamentary debates in *Hansard* in the interpretation of Acts. The *Statutory Interpretation in Australia*, sixth edition, which is the bible for the interpretation of Acts, states:

Starting with *TCN Channel 9 Pty Ltd v Australian Mutual Provident Society*—

I will give the citation later—

in which it relied on the comments of Mason J. in *Wacando* and the *Whitfords Beach* case to do so, the Federal Court admitted reports of parliamentary debates and explanatory memoranda, without legislative authority, on numerous occasions.

It goes on to say:

During the period leading up to the enactment of state legislation permitting courts to refer to parliamentary debates, several state courts made references to *Hansard*.

Under the heading "Background", the learned text states:

In 1950 the Commonwealth Parliament passed 80 Acts which took up 281 pages. There was a steady increase in the volume of Commonwealth Acts for the next 50 years. In 2000, 372 Commonwealth Acts were passed—

Mr Barry Collier: Point of order: This bill is about real property. It is not about statutory interpretation laws. I ask that the member be brought back to the leave of the bill.

The SPEAKER: Order! I will listen further to the member for Ryde. I am sure he is making a passing reference that is relevant to the bill.

Mr VICTOR DOMINELLO: To the point of order: specifically the member for Miranda raised the interpretation of Acts yesterday. I am drawing his attention to that issue. I have almost finished my point.

The SPEAKER: Order! The member for Ryde may make a passing reference. However, I advise him to return to the leave of the bill.

Mr VICTOR DOMINELLO: The *Statutory Instruments in Australia* continues:

Similar increases were experienced in the states and territories. Since 2000, legislatures have continued to pour out a steady flow of legislation that affects all our activities. It is not surprising that Spigelman CJ of the Supreme Court of New South Wales observed:

The law of statutory interpretation has become the most important aspect of legal practice—

no doubt the member for Miranda knows that—

Significant areas of the law are determined entirely by statute. No area of the law has escaped statutory modification.

I draw the attention of the member for Miranda to this salient point:

In Australia, a rough sampling shows that in approximately 50 per cent of cases reported in recent years, in print form or electronically, the courts were required to rule upon the meaning of some legislative instrument.

Mr Barry Collier: Point of order: Again, I acknowledge that statutory interpretation is part of the law courses throughout all the universities of New South Wales. I ask the member for Ryde to return to the leave of the bill. Members do not want a dissertation on the relevance of statutory interpretation by the Supreme Court, the High Court or any other court of this land.

The SPEAKER: Order! I ask the member for Ryde to confine his remarks to the leave of the bill.

Mr VICTOR DOMINELLO: Yesterday the member for Miranda said there is "a thing called statutory interpretation". What I am trying to do today and what I tried to do yesterday is, in a neutral setting,

ask questions about issues in the bill that may be of concern to the public. I did not raise these questions to attack the Government. I was not full of rhetoric. I simply pointed out the problems and asked the Government to please explain. All I got was a cheap shot from the member from Miranda, "Don't you know about statutory interpretation?"

Mr Barry Collier: Just learn to get used to it, mate. This is Parliament.

Mr VICTOR DOMINELLO: The final thing—

Mr Barry Collier: Talk about the bill, Victor.

Mr VICTOR DOMINELLO: If the member for Miranda stopped interrupting—

ACTING-SPEAKER (Mr Thomas George): Order! Members will listen to the member for Ryde in silence.

Mr Gerard Martin: As long as he talks to the bill.

ACTING-SPEAKER (Mr Thomas George): Order! Is the member for Bathurst disputing my ruling?

Mr Gerard Martin: No, I am endorsing it.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Bathurst will remain silent. The member for Ryde will be heard in silence. The member for Ryde will direct his comments through the Chair.

Mr VICTOR DOMINELLO: The last question I raise relates to proposed section 111A (7). Do the words "arising as a consequence of the default" add anything to the provision? The only relevant issue is whether the sale occurred after the commencement of the section, unless it is proposed to protect against sales already on foot but have no contract executed. If that is the case, perhaps the section could be better worded. In the context of statutory interpretation and to assist the courts in their role, I would be grateful if the Government answered the concerns I have raised in this debate.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.38 a.m.], in reply: I thank the members for Burrinjuck, Maitland and Ballina. In particular, I note the commitment of the member for Ballina in his proposal to bring this bill before the House. Both sides of the house acknowledge his commitment and work, and I commend him in that regard. I note also the contributions of the members for Coogee, Albury, Smithfield, Baulkham Hills, Wakehurst, Pittwater, Tweed and Ryde. To assuage the concerns of the member for Ryde, I will ensure that the department will look at the issues he has raised and get back to him. Is the member happy about that?

Mr Victor Dominello: That is all I ask.

ACTING-SPEAKER (Mr Thomas George): Order! Members will direct their comments through the Chair.

Mr BARRY COLLIER: The member for Burrinjuck raised the Torrens Assurance Fund. The changes to the Torrens Assurance Fund are designed to allow the fund to operate in the way it was always intended to, that is, to compensate innocent landowners who through no fault of their own have suffered loss or damage through the operation of the Act. This would include the unfortunate landowners who are victims of fraud through registration of a fraudulent mortgage on their title, or who find that their property has been sold from underneath them, or who have lost the benefit of a mortgage because of an omission of the Registrar-General.

The changes sought by the bill will also ensure that most claims against the fund will be made administratively, rather than by court action, which can be very costly. These changes will ensure that people in those situations will be adequately compensated for their loss of interest in land. The Registrar-General occasionally receives claims for compensation that are not compensable under the Act, such as personal injury, future economic loss and expenses that are not related to the claim for compensation itself. These changes will benefit landowners in New South Wales by limiting the Torrens Assurance Fund's exposure to claims that are not related to land.

The member for Ballina raised questions regarding the obligations imposed on mortgagees exercising their power of sale. When a borrower defaults on a mortgage the lender can step in and sell the mortgaged property in an effort to recover the money owed. What should be expected of the mortgagee when they exercise their power of sale is that they try to get the best price for it, preferably market value, so that after the mortgagee has been paid and the debt cleared, any money left over from the proceeds of sale can be given to the owner. In some instances where a mortgagee exercised their power of sale, the temptation exists to just look after their own interests and sell the property at a price that merely ensures that their debt is covered, but which may be below market price. In New South Wales, there is no law that governs the behaviour of mortgagees when they exercise their power of sale, and the decisions of the courts in this area have been contradictory.

Compare this with the Corporations Act 2001, which requires that where property of a corporation is sold by a "controller"—defined to include a mortgagee—the controller must take all reasonable care to sell the property for not less than the market price. It is ironic to note that while this obligation is currently imposed on the sale of corporate assets, no similar protection is awarded to the sale of an individual's land. Accordingly, it is proposed to impose a duty of care on mortgagees and chargees when exercising a power of sale in respect of mortgaged or charged land, requiring the mortgagee to take all reasonable care to ensure that the property is sold for not less than its market value at the time of sale. When a court finds that a mortgagee has sold land at less than the market price, the amount of the difference may be taken into consideration on accounts owing between the mortgagor and the mortgagee when calculating the outstanding mortgage debt.

The provision will apply only to the sale of land by a mortgagee, not to a mortgagee's sale of property generally. The proposed change will make New South Wales law consistent with Queensland and Northern Territory laws and substantially consistent with the Federal Corporations Act. It is important to point out that under proposed section 111A (4) the title of the purchaser cannot be challenged on the ground that the mortgagee has committed any breach of duty, but a person who does suffer loss or damage as a result of the breach of duty has a remedy in damages against the mortgagee or chargee exercising the power of sale or selling the land. The member for Ballina also asked whether a mortgagee could contract out of its obligations under the Act. The answer is no, a mortgagee cannot avoid its obligations. That measure is introduced by the bill's inclusion in mortgages of a clause stating that proposed section 111A does not apply. Proposed section 111A (5) provides that this section has effect despite any stipulation to the contrary.

In response to the member for Ballina I advise that the current proposal goes further than the original bill. It applies to agents, such as receivers and attorneys appointed by the mortgagee, and will therefore assist more landowners who are under threat of having their homes sold. Further, the current bill includes a number of other matters affecting mortgagees. It was preferable to introduce all matters in one package to minimise the impact on banks and other financial institutions. In response to the member for Albury, who wanted to follow every rabbit down every burrow, proposed section 111A mirrors the Corporations Act to retain the consistency as far as possible between the State and the Commonwealth. The question of market value has been extensively considered and recent High Court decisions have clearly settled what "market value" means. It would be inappropriate to require a mortgagee to sell for more than the market price.

The member for Albury also raised questions about the effect of witnesses signing documents. The bill requires a witness to have known a person for 12 months. If not, they must inspect certain identity documents. The documents that are required to be inspected by the witness will be prescribed by regulation—a drivers licence and so on. In further response to the member for Albury on the question of how market value is determined, as I have indicated it has been considered by Australian courts on numerous occasions and its meaning is generally well accepted. In the High Court case *Spencer v Commonwealth of Australia* (1907) CLR 418, Mr Justice Isaac, who might have been the Chief Justice, said:

To arrive at the value of the land ... we have ... to suppose it is sold ... not by means of a forced sale, but by voluntary bargaining between the plaintiff and a purchaser, willing to trade, but neither of them so anxious to do so that he would overlook any ordinary business consideration.

The member for Albury indicated "reasonable care" does not appear to place a high enough obligation on a mortgagee. Reasonable care is a phrase used regularly by the courts. In *Commercial and General Acceptance Ltd v Nixon* (1981) 56 CLR 130, the High Court considered the meaning of section 85 of Queensland's Property Law Act, a section that is similar to proposed section 111A. When looking at whether the mortgagee had discharged the duty imposed by the section, Justice Gibbs said:

I consider that the words of the section imposed on a mortgagee exercising a power of sale a duty higher than merely to select a proper person to carry out the sale. The duty is to take reasonable care to ensure that the property is sold at the market value, and the mortgagee does not discharge that duty simply by delegating it to another, whether that other be an agent or an independent contractor.

The member for Albury also thought that the bill imposes an unreasonable obligation on a witness to a land dealing and requires a witness to ensure the identity of the person signing it. It is appropriate that witnesses to a land dealing be required to take more responsibility to verify the identity of the person signing. The proposed section 117 merely requires that the witness have known the person signing for at least 12 months, or, if not, have taken reasonable steps to verify the person's identity. The checks necessary to satisfy the reasonable steps required by the legislation will be set in regulations. They will be similar to the 100 point check with which we are all familiar. It will require a person to sight a drivers licence and at least one other form of identification, which again will be prescribed by regulation and publicised in the Registrar-General's directions which will be available on the Internet.

If a witness has known the person signing for 12 months, or has sighted the required identify documents, their obligation under the section is satisfied. If the person signing is later discovered to be a fraudster, no action will be taken against the witness if they acted in good faith in attempting to comply with proposed section 117. I should add for the benefit of the member for Albury that the law in relation to negligence and what is a duty of care has been well settled in the case of *Donahue v Stephenson*. The member for Coogee, a member of the Legislation Review Committee—and I acknowledge the work done by that committee—said that the committee is concerned about proposed section 129 (2) (n), which purports to restrict the liability of the Torrens Assurance Fund where the loss arises from an improper exercise of a power of sale.

[Interruption]

ACTING-SPEAKER (Mr Thomas George): Order! Members who have extra energy might like to join the protest out the front of Parliament House.

Mr BARRY COLLIER: The purpose of the Torrens Assurance Fund, as set out in section 129 of the Real Property Act, is to compensate people who suffer loss "as a result of the operation of the Act". It is not a general insurance policy that compensates for all loss relating to land. Proposed section 129 (2) (n) merely states the current law. The Torrens Assurance Fund does not currently extend to cover losses suffered by a mortgagor where a mortgagee negligently exercises the power of sale. No change to this situation is affected by this amendment. There is nothing in the proposed bill that will interfere with a person's right to pursue a mortgagee who acts improperly in the exercise of the power of sale. In response to the member for Albury, quite often what is "reasonable" means what is reasonable in the circumstances, and it can sometimes be a matter for the court to decide what is reasonable in the circumstances.

In response to the member for Baulkham Hills, the purpose of the bill is to restrict the number of statutory charges and other statutory interests affecting the land that are not recorded on the title. The bill applies to all dealings over land. In response to the member for Wakehurst, in relation to section 56C it is a requirement to keep documents for only seven years. If the Registrar-General asks for documents outside that period it would be a complete answer to the Registrar-General's demand that the documents had previously been destroyed. In response to the question about ascertainable market value, clause 111A (1) (a) applies where the land has an ascertainable market value. Most land will have a market value and therefore subsection (1) (a) applies. There may be land that, because of unusual circumstances, does not have an ascertainable market value. In that unusual circumstance, section 111A (1) (b) would apply, and a different test of the sale price would also apply. In 99.9 per cent of cases section 111A (1) (a) will apply. I understand that the Law Society of New South Wales believes that this is one of the most significant pieces of legislation in the past 20 years or so and says that the legislation should be supported. It is significant legislation and I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

EDUCATION AMENDMENT BILL 2009**Agreement in Principle****Debate resumed from 11 March 2009.**

Mr JOHN WILLIAMS (Murray-Darling) [10.53 a.m.]: I speak briefly on the Education Amendment Bill 2009. I draw the attention of the House to the difficulties of education in far west New South Wales, in particular the indigenous centres of Dareton and Wilcannia. We would like to see students in those areas to still be at school when they reach the age of 17, but one of the biggest difficulties is the lack of attendance by the students. The Government continually talks about the value of a good education and the opportunity to build a bridge from education to employment. That is being denied families in far west New South Wales where this Government has not shown a duty of care in ensuring that these children have an opportunity to break the current cycle and participate in getting an education. Having enough resources available to ensure they can get to school in the first place is just as important as encouraging them to learn.

Attendance at school in Dareton and Wilcannia is a problem for the future of those centres. In effect, the students do not attend school. The school does not have the means to ensure that students attend school and that when they get there they stay there, and there are not enough resources to ensure that students walk away with a learning experience. I have listened to debate on this bill and I have noted the point that every person has a certain skill in life that needs to be recognised during the education process. We need the resources to be able to recognise a student's skill, to encourage the student to make the most of it, and to direct that student into the area of employment that is most suitable for him or her. Rather than the education system being one size fits all, it needs to be flexible enough to ensure that students who demonstrate a certain skill in an area can have that skill developed with a view to getting the full benefit of that skill later in the workforce.

The schools are underresourced. Many things that are taken for granted in the city by students going through their education process are not available in parts of the Blue Mountains. We must ensure that problems, such as the skills shortage we are currently experiencing, are addressed before they become a crisis. We need the ability to identify those students who have the hand-skills and the ability to fill the void in the employment structure in regional areas and thereby ensure that the necessary skills are available to employers. I thank the House for the opportunity to speak on this bill.

Mr RICHARD AMERY (Mount Druitt) [10.57 a.m.]: I make a couple of comments on a bill that I believe is not only reformist but a bill that has instigated quite a considerable amount of public debate. The Education Amendment Bill 2009 has a very small overview and description. The overview states:

The object of this Bill is to change the current school leaving age of 15 years by requiring children:

- (a) to complete Year 10 of secondary education (unless they have reached the age of 17 years), and
- (b) if they have completed Year 10 but have not reached the age of 17 years:
 - (i) to continue with their school education, or
 - (ii) to participate on a full-time basis in approved education or training or, if they have reached the age of 15 years, in paid work.

When this matter was first raised in public there was a lot of concern that the Government was trying to somehow reduce costs within the system and reduce unemployment by requiring children to stay at school longer. That is, of course, until the information came through about what was the real intention of this particular legislation because it was not just about extending the compulsory age for education. As the Minister has often said in many forums, including the Parliament, it is about improving participation of young people from the age of about 15 years, including the small group of people who, having completed compulsory education, left school at 15 years and then had no job, perhaps hoping to get on some form of benefit, and whose future was therefore put in jeopardy. Provisions allowing a person to leave school at 15 years have been preserved, as long as they are participating in something other than being idle in the community, such as doing a TAFE course, various trades, getting a job, or perhaps completing their education on a part-time basis through TAFE.

One of my constituents, who knew that I had left school just prior to my fifteenth birthday, said to me, "Isn't it somewhat hypocritical that members of Parliament, like yourself, who left school at 15 are now

requiring people to go on to the age of 17?" I pointed out that had this legislation applied in 1965 when I left school I would not have been affected at all because at the age of 14 years and nine months I left school and walked into a job within a week, and I have remained in employment ever since. I could assure my constituent that if this law had existed in 1965, I would not have been affected by it one iota—it is very important to highlight that aspect. A person who may leave school at the compulsory age or a couple of months before it when they get an exemption from the Department of Education to work in a family business or take up an apprenticeship, take up a trade—as they always could have done—will comply with the legislation.

Retention in higher education is extremely important. In many years past my electorate of Mount Druitt had historically low retention rates at higher levels of high school. I recall being involved with my friend and colleague the Federal member for Chifley, Roger Price, in a senior high school debate in the Mount Druitt electorate. At that time retention rates from years 9 and 10—from the age of 15—to years 11 and 12 were among the lowest in the country. The reason we believe those retention rates were low in the Mount Druitt area was that education and job opportunities for young people in that era were very limited. Former Deputy Premier and education Minister Ron Mulock started a major debate within the community. He espoused that we should have a senior high school in the Mount Druitt cluster, that is, using one of the years 7 to 12 high schools as a school for years 11 to 12 only, and that the rest should be used as feeder schools, that is years 7 to 10.

I am very pleased to say that his campaign was successful both within the community and the party itself. Mr John Aquilina was the Minister for Education, Training and Youth Affairs—shadow Minister when Labor was in Opposition—and he also championed the cause for senior high school or college. Without going through in detail all the major debates within the community forums and parents and citizens associations, the opposition from the Teachers Federation and debates within the annual conference of the Labor Party, I am pleased to report that the senior college concept that now exists within Mount Druitt, and in other parts of the State such as Dubbo, has been an outstanding success not only in improving retention rates to years 11 and 12 but also in ensuring an increase in the number of subject choices available to students staying on at school.

The excellent work of the ever-expanding Mount Druitt TAFE provides opportunities for young people to participate in other forms of education, again dovetailing into the provisions of this legislation, which will only affect those who lack opportunity or encouragement, either in the home or amongst their peers, to be involved in other forms of education or employment. The people who will be mainly affected by this law will be those who look at the age of 15 as a way of getting out of school without having a future, without having a job, and without having further education opportunities. I commend the Government, the Premier and the Minister for Education and Training for formalising some very good programs that have been going on for some years, increasing participation of young people once they turn 15 years of age and ensuring that they go on until the age of 17 years, finishing their Higher School Certificate, getting some sort of extra training in TAFE or getting a job. It is excellent legislation and I support it.

Debate adjourned on motion by Ms Pru Goward and set down as an order of the day for a later hour.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.06 a.m.]: I move:

That standing and sessional orders be suspended at this sitting to permit:

- (1) the introduction, without notice, and passage through all stages of the Crimes (Criminal Organisations Control) Bill 2009;
- (2) Government business to take precedence of general business;
- (3) private members' statements be called on at any time during the sitting; and
- (4) the House to adjourn on motion.

Mr DARYL MAGUIRE (Wagga Wagga) [11.07 a.m.]: The Opposition will not oppose the motion, but seeks concurrence for a brief adjournment after the introduction of the bill and the Premier's agreement in

principle speech, which will give the shadow Minister the opportunity to read the bill for the first time. I understand a briefing will occur at sometime in the near future, and we would like the shadow Minister to have the opportunity to attend. We would, of course, then be willing to participate in the debate.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.08 a.m.]: I have listened to the member for Wagga Wagga and am happy to agree to his requests that, following the introduction of the legislation and the Premier's agreement in principle speech, debate be adjourned to allow the member for Epping to peruse the detail of the legislation and attend whatever briefings have been organised. Then, at an appropriate time, the legislation will be brought back before the House and concluded in accordance with the motion I have moved.

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

Motion agreed to.

CRIMES (CRIMINAL ORGANISATIONS CONTROL) BILL 2009

Bill introduced on motion by Mr Nathan Rees.

Agreement in Principle

Mr NATHAN REES (Toongabbie—Premier, and Minister for the Arts) [11.09 a.m.]: I move:

That this bill be now agreed to in principle.

Today the Government introduces the Crimes (Criminal Organisations Control) Bill 2009—tough new laws to ensure that police have the powers they need to deal with violent outlaw motorcycle gangs. The Government is introducing legislation that gets the balance right. The legislation is a proportionate response to an escalation in violent crime involving outlaw motorcycle gangs that has spilled into public places, and is threatening the lives and safety of innocent bystanders. The legislation is specific to outlaw motorcycle gangs and their members and to target outlaw motorcycle gangs, seeking to declare them as criminal organisations, we will put in place strong safeguards to ensure that the gangs alone are the subject of the bill. Sensibly and prudently, we have sought expert legal advice from the Solicitor General on this bill. I am advised that these laws are backed by that advice, which says that they are well protected against any future High Court appeals.

Ten days ago bikie gangs crossed the line and risked public safety at Sydney Airport. Since then there have been frequent shootings in public streets. Last week the Commissioner of Police briefed the Attorney General and the Minister for Police on what police needed to fight outlaw motorcycle gangs. Since the terrible incident at Sydney Airport, 12 members of various outlaw motorcycle gangs have been arrested. I am advised that yesterday afternoon, officers attached to Strike Force Raptor arrested another man linked to outlaw motorcycle gang crime. A 36-year-old Rockdale man has been charged with a range of firearms offences. Strike Force Raptor is just one element of the Government's strategy to fight outlaw motorcycle gangs. But the Government knew that police needed to be backed up with new powers. Today, my Government makes good that pledge.

Once these laws take full effect, the Commissioner of Police will be able to seek a declaration from a Supreme Court judge that a bikie gang is a declared criminal organisation. An eligible judge may make a declaration if they are satisfied that an organisation's members associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that the organisation represents a risk to public safety and order in New South Wales. Once the organisation is declared, the commissioner may then seek control orders from the Supreme Court in respect of one or more persons on the basis that those persons are members of a declared criminal organisation and there are sufficient grounds for making the order. The controlled member will not be able to associate with another controlled member of that gang. If they do, they will risk two years jail for the first offence. Do it again and they will risk five years in jail. To help take these gang members off the streets there will be no presumption in favour of bail for this offence.

Members of declared criminal gangs will also be stripped of their licence, if they hold one, for working in a number of high-risk industries that are vulnerable to bikie and organised crime infiltration. Some of these industries are the security, tow truck, car repair and motor trading industries. They will be stripped of any firearms licence. This Government will also take away the means for bikies to earn a dishonest living through

car rebirthing or drug dealing in pubs and clubs. This bill will also take away their dishonest earnings through amending section 6 of the Criminal Assets Recovery Act 1990 to include the offences in section 93T of the Crimes Act 1900 of participating in a criminal group.

Criminal organisations are engaged in a range of criminal activities aimed at making a profit. These criminal activities include drug trafficking, money laundering, extortion, bribery, tax evasion and illegal gambling—in short, the "core business" of outlaw motorcycle gangs. The effect of this amendment is that the New South Wales Crime Commission will be able to pursue people who participate in criminal groups, either knowingly or recklessly, regardless of whether they are a controlled member of a declared criminal organisation. Taking away the profit motive for criminal organisations will serve as a strong deterrent to the commission of further offences by such organisations. These are tough and well-constructed laws. They aim to give no second chances to those declared members of an illegal gang.

I now turn to the detail of the bill. Part 1 of the bill deals with preliminary matters such as the commencement of the proposed Act on the date of assent, the definition of certain words and expressions used, as well as provision for the extraterritorial operation of the Act. Part 2 of the bill includes the provisions dealing with declared organisations. Clause 5 provides for judges of the Supreme Court who consent to being eligible judges for the purposes of the proposed part to be declared to be eligible judges by the Attorney General. Clause 6 enables the Commissioner of Police to apply for a declaration in relation to a particular organisation and sets out the requirements for such an application.

Clause 7 requires notice of the making of the application to be published in the *Government Gazette* and in at least one newspaper circulating throughout the State. The notice is to invite members of the organisation concerned and other people who may be directly affected, whether or not adversely, by the outcome of the application to make submissions to the eligible judge at a hearing to be held on a date specified in the notice. Clause 8 gives the people referred to in the notice the right to be present and to make submissions at the hearing unless information to be disclosed at the hearing involves criminal intelligence. Other people who may be directly affected may also be present and make submissions with leave. Provision is also made to enable submissions to be made in private in certain circumstances. Clause 9 enables the eligible judge to make the declaration sought by the commissioner if the eligible judge is satisfied that members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and the organisation represents a risk to public safety and order in New South Wales.

The proposed section sets out the matters the eligible judge may take into account in deciding whether to make the declaration. This includes (a) any information suggesting that a link exists between the organisation and serious criminal activity; (b) any criminal convictions recorded in relation to current or former members of the organisation; (c) any information suggesting that current or former members of the organisation have been, or are, involved in serious criminal activity, whether directly or indirectly and whether such involvement has resulted in any criminal convictions; (d) any information suggesting that members of an interstate or overseas chapter or branch of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity; (e) any submissions made in relation to the application by the Attorney General or as referred to in section 8; and (f) any other matter the eligible judge considers relevant.

Clause 10 requires notice to be given of the making of the declaration in the *Government Gazette* and in at least one newspaper circulating throughout the State. Clause 11 provides for the duration of declarations. Clause 12 provides for the revocation of declarations. Clause 13 provides that the eligible judge is not required to provide reasons for making a declaration and the rules of evidence do not apply to the hearing of an application for a declaration. Part 3 of the bill deals with the control of members of declared organisations. Division 1 of part 3 deals with the making of interim control orders.

Clause 14 enables the Supreme Court, on the application of the Commissioner of Police, to make an interim control order in relation to one or more members of a declared organisation pending the hearing and final determination of a confirmatory control order in relation to the member or members concerned. The order may be made in the absence of, and without notice to, the member concerned but only takes effect when the member is notified of its making in accordance with proposed sections 15 and 16. Clause 15 states that an interim control order takes effect when notice of it is served on the member concerned.

Clause 16 sets out the information that must be included in the notice served on the member. This includes the grounds on which the order was made, an explanation of the ramifications of the making of the order and an explanation of the right to object to the making of the order at the hearing for the making of the

confirmatory control order. Clause 17 provides for the duration of interim control orders. Clause 18 requires the Supreme Court to hear applications for confirmatory control orders as expeditiously as possible in hardship cases. Division 2 of part 3 deals with the making of final control orders.

Clause 19 provides for the making by the Supreme Court of confirmatory control orders. Clause 20 enables the member the subject of an order to appear at the hearing for the making of the order and to make submissions in relation to the application for the control order. Clause 21 provides for the form of a control order, including a requirement that it specify the right to appeal against its making. Clause 22 provides that a control order takes effect when the order is made if the person is present in court, or when the person is served with a copy of the control order in cases where they are not present when the order is made.

Clause 23 provides for the duration of control orders—namely, that it remains in force until revoked. Clause 24 provides for appeals against the making of control orders. Clause 25 provides for the variation and revocation of control orders. Division 3 of part 3 deals with the consequences of making interim control orders and control orders. Clause 26 makes it an offence for a controlled member of a particular declared organisation to associate with another controlled member of the same organisation.

Clause 27 provides for the suspension and cancellation of authorisations to carry on prescribed activities held by a controlled person on the taking of effect of interim control orders and control orders, respectively. The prescribed activities cover a range of industries that are well known to be associated with outlaw gangs and related intimidatory practices. Industries at risk of infiltration by outlaw motorcycle gang members include the security industry, pawnbrokers, commercial agents and private investigators, liquor, racing and casinos, motor traders, repairers and tow trucks. It also includes possessing or using a firearm under the Firearms Act 1996 or being a firearms dealer.

Part 4 of the bill contains a number of miscellaneous provisions, including protections for criminal intelligence, clause 28, and protections for certain submissions, clause 29. Clause 30 requires the commissioner to keep a register of information relating to declared organisations and controlled members. Clause 31 requires the Attorney General to be given notice of applications under the proposed Act and the right to be present and to make submissions at the hearings of the applications. Clause 32 states that questions of fact in proceedings under the proposed Act are to be decided on the balance of probabilities. Clause 33 enables the Commissioner of Police to delegate functions with respect to the categorisation of information as criminal intelligence. Clause 34 provides immunity from civil and criminal liability for people exercising functions under the proposed Act and for the Crown.

Clause 35 prevents challenge or review by a court other than by way of appeal under proposed section 24, or administrative body. Clause 36 provides for proceedings for offences under the proposed Act or regulations made under the proposed Act. Clause 37 enables the making of rules of court, while clause 38 enables the Governor to make regulations for the purposes of the proposed Act. Clause 39 provides for the Ombudsman to keep under scrutiny and report on the exercise of powers by police under the proposed Act for a period of two years after the commencement of the proposed Act. Clause 40 provides for the Attorney General to review the proposed Act after five years.

Schedule 1 to the bill contains amendments to other Acts, including the Criminal Assets Recovery Act 1990 extending the operation of that Act to section 93T of the Crimes Act, the Criminal Procedure Act 1986, and the Bail Act 1978 to provide that there is a neutral presumption on bail in relation to the offence of association. The Government has decided to proceed quickly to protect the community against the threat posed by violent gangs, and there is more legislation on the way. As I have said, the Government has also decided to give police new search warrant powers to combat organised crime. The laws to give police new search warrant powers are being drafted now and will be introduced to the House later this session.

While we are moving ahead with our reforms this problem needs a national approach. The problem of international crime transcends State borders. The New South Wales Attorney General will discuss this further with his State and Territory colleagues and with the Commonwealth. It is important to emphasise that law-abiding motorbike riders and owners have nothing to fear from this legislation. But my Government is determined to get tough on outlaw motorcycle gangs who masquerade as motorcycle enthusiasts. The New South Wales Government has listened to front-line police. These laws will give our police the power they need to disrupt and ultimately dismantle these criminal gangs. Our plan to fight these criminal gangs is based on new powers and a solid operational response, and the bill is a proportionate response to the threat posed. I commend the bill to the House.

Debate adjourned on motion by Mr Barry O'Farrell and set down as an order of the day for a later hour.

EDUCATION AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Ms PRU GOWARD (Goulburn) [11.22 a.m.]: Like a number of Opposition members I do not oppose the Education Amendment Bill 2009 but I express a number of reservations about it. In this modern era it is important for our children to have as much education as is available to them. Keeping them at school for one more year might afford them that opportunity. We all know about the relationship between the lack of education and crime, in particular, for boys.

ACTING-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber.

Ms PRU GOWARD: I appreciate the importance of ensuring that young women have a decent education and decent access to training, and I appreciate the correlation between those with a year 11 education or less and higher birth rates. I understand the correlation between boys with a year 11 education or less and crime rates. In principle, there is no reason for anyone to object to the raising of the school-leaving age. However, this falls down in the provision of education facilities, in particular, alternative facilities. Today young people increasingly have options—options such as welfare support. If children aged 15 are unable to fit in at home they are now eligible for youth allowances that enable them to live away from home.

Children now live in an era where they have a range of options other than attending school and living at home with their mother and father. It is important for the State Government to ensure that it provides this group of young people with options. If it does not do so it will condemn our schools to being reformatories. If we do not provide options and we do not recognise that those children aged 15 who want to leave school because they are not happy at school, they are not coping at school, and they find school to be irrelevant to their interests, will be difficult to manage for a further compulsory year at school unless they are provided with alternatives.

The Government is committed to increasing resources for education and it recognises that there will be additional strains on schools. However, it goes further than that. We are now talking about young people approaching adulthood who cannot be constrained just by having an increased number of teachers. As I said earlier, they need options—different ways of being taught and different skills. The TAFE system is on its knees. It never seems to have enough money and it cannot provide courses for the kids who want them. Employers cannot afford to take on apprentices, in particular as a result of the economic times in which we find ourselves today.

If we do not help out the TAFE sector those kids for whom school is already irrelevant will have no options. I am sure that all members are aware of where that would lead. These resourcing issues are not just about creating a few more teaching positions and building a few more classrooms; they are about addressing options for children between the ages of 15 and 16. If children who have reached the age of 15 want to leave school, quite a lot has been missing in the years leading up to that point. We know, for example, that there is a high rate of learning disability amongst people who leave school before year 11, for the obvious reason that they cannot read. School and learning have little relevance to them and they struggle daily with confronting their failure.

If we force children to remain at school for an extra year we should provide them with more teachers. The Government must accept that it has to put a lot more resourcing into early intervention for children with learning disabilities, in particular dyslexia and in particular boys. By the time those children reach the age of 15 schooling will be relevant and they will have a desire to stay and learn. They do not necessarily want to do honours in English but they must be able to read textbooks and skills training journals. The concept of reading and being able to write fluently should not be one with which they struggle every day. Another year at school does not mean another year's worth of schoolteachers; it means a creative and resource-intensive alternative pathway, perhaps through TAFE.

We should put a lot more resources into the school system. We also require a lot more resourcing for the early years, in particular, for those children with learning difficulties who will leave school at 15 or stay for

an additional year and be a disruptive influence or be unhappy people who will get no more out of it. The Education Amendment Bill 2009 will be a hollow piece of legislation if it is not supported by the allocation of additional resources for teenagers and more resources for early childhood.

Ms KATRINA HODGKINSON (Burrinjuck) [11.28 a.m.]: I speak in debate on the Education Amendment Bill 2009 and echo the comments made by many Opposition members relating to this bill—all comments with which I agree. It is time to raise the minimum school-leaving age for students if they have completed year 10 but have not reached the age of 17 years. Year 10 can be completed in a number of ways—at a public school or a private school, through the Catholic education system, or by being registered for home schooling. Several families in the Burrinjuck electorate have chosen the home-schooling option, which has produced some amazingly talented and well-presented young men and women. A child will have completed year 10 through homeschooling when he or she is registered to do so under the Education Act, and meets the conditions on which his or her registration is granted. Recognition also will be given to the achievements of children who have completed the equivalent of year 10 outside New South Wales.

Opposition members have mentioned the value of the TAFE system—the old tech system in New South Wales. As a former TAFE teacher I can espouse the wonderful virtues of the New South Wales TAFE system. For several years I taught at Queanbeyan and Yass TAFE colleges in labour market programs. In the late 1980s and early 1990s Joint Secondary Schools TAFE courses covered literacy and numeracy, business skills and various other courses as required. The different people utilising the TAFE system never cease to amaze me. One of my first classes at Queanbeyan TAFE involved teaching office skills to people who were deemed unemployable to help them get a job as a receptionist or other position in an office. I taught typing, business English and that sort of thing.

The class was a mixture of boys and girls aged from 14 years to 28 years. The two 14-year-old girls had children and the 28-year-old was a grandmother—you can see where I am coming from. In Australia many girls continue to become pregnant at an early age. I am afraid that will not change because it is part of the Australian life. Despite all our messages to young girls about completing their education and thinking seriously about entering into relationships—pursuing constructive and practical relationships into the future in a loving way and acting as responsible parents by raising children as part of a stable family—there will always be many who, for one reason or another, end up becoming pregnant and giving birth. We must make sure that our system fully supports those young girls.

I agree that the school-leaving age should be increased and that all boys and girls should finish year 10 at least. I also fully support students remaining within the education system, going on to some form of apprenticeship or having meaningful employment for a minimum of 25 hours per week until they reach 17 years of age. However, those young girls to whom I have just referred will always find that task particularly difficult. Many of them come from country communities and have to travel a distance to attend TAFE. Some of them are too young to get their drivers licence and public transport is not necessarily available, and the cost of courses can be quite significant. The tyranny of distance because TAFE colleges are located in other towns and the availability of subjects play a vital role in ensuring these girls can obtain access to various courses.

As the member for Goulburn quite rightly pointed out, many young men also struggle, particularly with literacy. I have around 37 nieces and nephews—my husband's family is rather large. Many of the boys are now aged in their thirties. I have watched them grow up; they have really struggled, particularly with literacy. They left school early because they wanted to but, fortunately, they obtained apprenticeships and other forms of employment after a lot of hard work. Apprenticeships are particularly difficult to find, especially as we face pretty tough financial situations because businesses are struggling to keep afloat and employ more people. The member for Goulburn also mentioned the needs of young men, particularly those with a practical mindset. I am trying not to be sexist; I am just speaking from my knowledge of the differences between boys and girls. Boys tend to be much more hands on and more practical, particularly with things like motor mechanics.

I recall that the motor mechanics course conducted at Goulburn TAFE had several units withdrawn—Goulburn was formerly in the Burrinjuck electorate. That decision proved dreadful for Goulburn because suddenly all those young men had to drive to Wollongong to finish the course modules. Travelling that extra distance must have been tough on them. It could be particularly tough now that it is much harder to get a drivers licence or a motorbike licence. The roads are dangerous without having to travel great distances, particularly when many of these guys undertake this course at night by trying to combine it with apprenticeships. Every time the Government removes modules and courses, particularly from country TAFE colleges, it has to think about the impact on students.

I implore the Government to think seriously about the impact on the lives of those students before removing more TAFE courses. Why not consult with the students? It might be some bureaucrat who just looks at the numbers on a page in his office, wherever the Department of Education and Training is in Bridge Street, and says, "Oh, look, there's only a dozen people doing this motor mechanics course. Let's wind it up." No thought appears to be given to the impact on the lives of those 12 people or where cutting the course will take them. I also raise the need for environmental management courses and more practical courses within our TAFE network to provide those without an academic mindset or desire to continue with academia the ability to pursue more practical interests. Some wonderful environmental management courses in forestry are available. Tumut TAFE college has a brilliant forestry course, obviously because Tumut is a softwood plantation area. I compliment the people involved with that course at Tumut TAFE because they are turning out students second to none. However, more of that could be done, particularly in rural TAFE colleges.

At this point I pay tribute to all the schools in my electorate, from Cowra to Grenfell, from Collector to Crookwell and Cootamundra—right across the board. We have an amazing school network in the Burrinjuck electorate. I give full credit to all the principals, teachers, and the parents and citizens associations. In country areas parents and citizens associations work harder than anywhere else because they are not given the same levels of funding and do not have the same access to sporting venues and so on as their metropolitan cousins. I give full credit to all those teachers who are willing to stay in the public education system, but also to those in the Catholic education system and, obviously, to the students and to the parents and carers who support them.

This bill will impact on some parents and students who have been looking forward to leaving school at an early age. The member for Mount Druitt said he left school at age 15; many people in that bygone era did the same. We must remember that people are living a lot longer now. The average age expectancy for men and women has increased by something in the order of 20 years since the 1960s. We need to be better educated. We need to ensure that our young students have a positive mindset and do not just go through the basic level of education and then go on the dole. There can be no more positive message for a young person than to say, "You are going to get a job or you are going to continue with your training in some shape or form. You are not going to go on the dole." That is a message that I have endeavoured to share with students in the Burrinjuck electorate. It is a message that was instilled in me at a very young age by my grandmother at Vale View.

I remember my grandmother complaining vehemently about the union movement's strike action. At this moment I can hear the protests of corrective services officers outside Parliament House. It has been difficult to speak in the Chamber because of the noise. My grandmother was very strongly opposed to strikes of any form and very strongly opposed to people not fulfilling their obligations to an employer. Employees must understand that they are answerable to their employer and if they do not like that, they can do something else. I have never been on the dole, and obviously I would not rely on social security. That is my mantra and that is my attitude. I would do anything else before I went down that path. We need to make sure that students in the future develop a very positive attitude to education and employment.

I point out to the Government that apprenticeships are becoming harder and harder to get. The State needs apprenticeships, particularly country towns. Anything that the Government can do to stimulate and encourage apprenticeships will never be enough because we will always need more. The Government must ensure that TAFE colleges provide relevant courses that encourage young people to enrol. Young girls who give birth at an early age must be encouraged and supported, and young men who wish to pursue more practical activities also should be supported. I reiterate that the Opposition does not oppose the bill.

Mr CRAIG BAUMANN (Port Stephens) [11.41 a.m.]: I support the Education Amendment Bill 2009 because it goes to the heart of a cause about which I am very passionate, the Beacon Foundation's No Dole or Real Futures Program. I refer members to my predecessor's contributions in this place. John Bartlett presented four separate private members' statements about this program. He was Chairman of the Tomaree Real Futures Program and remained chairman until his death last year. After John's death, I assumed that office. I quote from a statement John Bartlett made in this place on 16 September 2003 when he advised the House of the inaugural charter signing ceremony at the Tomaree Education Centre:

At the ceremony year 10 students signed a charter in front of many distinguished visitors. The charter said that by 31 March next year they will be back at school, doing a TAFE course, doing a further education course or working.

The people who came to the charter signing said that, for their part, they would endeavour to ensure that people leaving school would go into a small business or into a job. The community made a commitment to get young people in year 10 to commit themselves to a future that did not involve the dole. This program is the initiative of the Beacon Foundation. Tomaree High School is one of approximately 10 schools in Australia now being funded, I believe to the tune of \$20,000, to ensure that the things the community is promising come together. The project is co-hosted by the Tomaree High School, the Beacon Foundation,

the Port Stephens Council and the Tomaree Work Placement Committee. These groups have come together to say to the kids, "We want you to change the culture. Do not look at the dole as a way of living your life in the future because it is not going to give you the income and it is not going to create the wealth that will give you a good standard of living. We want you to commit yourself and be involved in further education or work."

They are John's words on a subject about which he was very passionate. I believe it is impossible to talk about this bill without acknowledging the fabulous work of the Beacon Foundation. For more than a decade it has been encouraging school students to agree voluntarily to what the Government is now proposing to make law. The mission statement of the Beacon Foundation is:

... the conscious and public commitment of students to pursue further education, training or employment coupled with active support and involvement from local businesses and a focus on individual career planning have proved key ingredients in assisting young people make a positive transition from their school years.

The Beacon Foundation began in Tasmania in the 1990s in response to the rapidly rising number of students dropping out of school and youth unemployment. At that stage the foundation's primary aim was to discourage as much as possible young people from going on the dole. At that time, a quarter of Australian school students were from households that relied on welfare. The foundation wanted to break that trend. I believe that for too long young people have needed greater encouragement, legislated or otherwise, to stay in school, or in training, or in employment in their younger years to ensure a better future for them and even their future families. For some, the temptation simply to get the dole and live off the system is too great—and perhaps too easy.

Australian Bureau of Statistics data revealed that around one in four, or almost 25 per cent, of Australians aged between 15 and 19 years was looking for full-time work in February this year. That should be compared with 15 per cent at the same time last year. Economic crisis or no economic crisis, that is a dramatic increase. Late last month, as the Chairman of the Tomaree Real Futures Program, I witnessed year 10 students at Tomaree High School and St Philips Christian School sign the Real Futures Charter, thereby formally committing to being in education, employment or training on 31 March 2010. I told the students that what they were doing was wise, brave and admirable because it was so important that it could potentially become the law.

However, I will raise the issue of funding for this legislation as a major concern. As Chairman of the Tomaree Real Futures Program, I have witnessed firsthand, like John before me, how this not-for-profit organisation has struggled to make ends meet to support the able and willing students who are taking part in the program. Its success requires the dedication of teachers as well as the support, financial and otherwise, to make the program a success. Without the hard work and dedication of local sponsors and school staff, I know the success of the foundation would not be what it is today. The Premier has acknowledged that the legislation will result in an additional 8,900 students staying in schools each year. Given this Labor Government's investment in schools in this State, that is a frightening thought. How will an already struggling education system cope?

The Government must have the funding and the resources to back up this legislation. There is no point raising the legal age, forcing students to stay in school or training or education if there is not adequate education, training and employment opportunities for them. But what is the status of schools that are already practising this legislation under the Real Futures Program? The Premier said that the new laws will require an extra \$98 million for additional staffing at schools and \$25 million in additional classrooms and associated infrastructure. If the Premier acknowledges publicly that keeping students in school or education or training is a costly venture, what funding support will he offer to schools such as Tomaree High School that are currently struggling financially to do just that?

I encourage the Premier to financially support the New South Wales Real Futures or No Dole schemes that are currently running. If one assumes that there are approximately 400 government secondary schools in the State, one realises that the implementation of this bill will cost approximately \$250,000 per school. Unfortunately, as is so common with this Labor Government, many promises are made without the funding to support them. However, I hope that with the education and futures of thousands of young people at stake, the Labor Government will step up and get this one right. If those funding and resources are provided, I will give my support to the Education Amendment Bill 2009.

Mr WAYNE MERTON (Baulkham Hills) [11.47 a.m.]: The Opposition does not oppose the Education Amendment Bill 2009, which will amend the Education Act 1990. However, I will discuss matters that should be canvassed. The object of the bill is:

... to change the current school leaving age of 15 years by requiring children:

- (a) to complete Year 10 of secondary education (unless they have reached the age of 17 years), and

- (b) if they have completed Year 10 but have not reached the age of 17 years:
 - (i) to continue with their school education, or
 - (ii) to participate on a full-time basis in approved education or training or, if they have reached the age of 15 years, in paid work.

Participation in approved education or training includes an apprenticeship, a TAFE or other vocational course or a university course.

Few people can deny the propositions that it is essential for our young people to receive the best possible education available and that they should be given every opportunity to achieve their full potential. The legislation stipulates that students cannot leave school until they reach the age of 17 unless, not having reached the age of 17 years, they have completed year 10, and continue with their school education or participate full time in approved education or training. Essentially, it means that young people could achieve year 10 status at the age 15 or 16, as I understand the current situation. Then they have literally 12 months in which they must either seek approved employment or an apprenticeship, or stay at school. That concerns me to some extent because many young people will never aspire to attend university and they have no real desire to do the Higher School Certificate.

At a time when our nation is looking for people with trade qualifications—it is universally accepted that there is a shortage of tradespeople—we should do everything in our power to encourage young people to get involved in a trade. I am concerned, and I have been concerned for some years, that in many cases tradesmen do not get recognition for their skills and the jobs they do. Often people underestimate the abilities of tradesmen. For example, I refer to the motor industry. It is common knowledge that the cars of the current era are much more complicated than those made in the 1950s, 1960s, 1970s and even the early 1980s. They are complex because at the end of the day the modern motor car is basically evolved around a computer, and if the computer is not functioning the car simply will not go.

Gone are the days when someone could pull out the coil, the spark plug and the distributor cap and check the spark and the plugs, give it a turn and the car would go. These days the average amateur enthusiast, on buying a new car, will lift the bonnet and quickly shut it because he is frightened by what he may have seen. Today's cars are immeasurably complex. Many young people are trade bound, whether it be in the motor industry, the building industry or any other industry in which there is a solid apprenticeship structure and opportunities to establish a successful career. Let us be realistic: many tradespeople—and rightly so because of the tasks they fulfil—end up doing much better than those who have finished the Higher School Certificate, gone to university and got a degree, and then suddenly find themselves, at the age of 21 or 22, looking for a job although they have limited practical experience and qualifications. They are thrown into an employment market that is difficult at present.

I have absolutely no problem with young people being compelled to complete year 10 or at least sit the exam. We as a community should recognise that many young people simply are not earmarked to be academics or to undertake tertiary education because they have neither the desire nor the interest in undertaking a tertiary education course. Many of them simply want to get—to use a great Australian expression—on the tools and become meaningful members of the Australian workforce. Members will note that the recent Federal Government stimulus package devoted considerable funds, via the New South Wales Government—I acknowledge the presence of my friend the Minister for Housing in the Chamber today—to build housing in New South Wales for people presently on the public housing waiting list and those who are in urgent need of government-assisted housing. That is a commendable and worthwhile project.

However, the Minister would be the first to agree that we need tradesmen. They are commonly called "tradies"—I guess that is the buzzword at the moment—but I keep referring to them as tradespeople. I suppose the expression "tradesman" is not entirely appropriate these days because so many girls are involved in the building industry, which is commendable. So, for the sake of clarity and to avoid confusion, I will refer to them as tradies. We need tradies to build houses, and no doubt we have a shortage of tradies. So let us aim for year 10. Let us aim to encourage young people to sit their School Certificate in year 10. The legislation provides that young people under the age of 17 do not have to continue at school, although they may have achieved their School Certificate, if they seek employment or undertake an approved educational training course, including apprenticeships and TAFE and other vocational courses or a university course.

There are two other issues. In my particular area of Baulkham Hills the lack of public transport is a big problem. Often young people have difficulty accessing TAFE because there is no cross-regional transport. The

Minister would be the first to agree that public transport is a problem generally in western Sydney so often it is difficult for young people to access a TAFE college or employment opportunities. When the Government introduces legislation such as this it must also provide a support network and transport must be available to enable young people to access TAFE facilities to undertake an apprenticeship course or other vocational course, or even a university course. Everyone knows that young people who have completed year 10 can become bored. Often they present social difficulties. A young person can feel isolated if most of the kids in their class are hell-bent on attending university to become lawyers, doctors, accountants, et cetera, which is wonderful. We do not want to encourage a small group of kids to sit in the back of the classroom saying, "Look, I've done year 10. I don't want to go to school any more", "I can't get an apprenticeship", or "I can't get the job I'm interested in because it's 15 or 20 kilometres from home." Those are the kinds of distances we are talking about in western Sydney.

[Interruption]

The situation in country areas is completely different in terms of distances; the distances I mentioned are negligible in country areas. We must provide opportunities for young people to seek employment, an apprenticeship or a TAFE qualification. That is particularly necessary in western Sydney, where people have no public transport other than buses. There is no rail network. The Government promised to build a rail network, which was to be completed by 2010. However, not one sod of earth has been turned to date. The Government also promised to provide a metro by 2010. That promise lasted seven months. Young people who live in Baulkham Hills are captives of the bus network. Although the Government owns the bus network there is a shortage of buses. Although we support this legislation, we say to the Government, "Please, for the sake of young Australians and of our community, give these young people a chance to get an apprenticeship, go to TAFE and complete their education." Young people want to become worthwhile members of the community, whether they be tradesmen in the building industry or the motor industry.

They need meaningful jobs in which they can earn good money and become good Australians. The community is screaming out for them. Yes, introduce legislation like this but first make sure that all possible facilities are available to enable it to work so we do not end up with a few kids sitting at the back of the classroom or running amok because they do not want to be at school, are captives, and are bored witless. If that happens, the Government should look again at the legislation very carefully and realise that something has gone wrong. The Government has the power to make this legislation work. The Opposition supports the legislation and wants it to work. The Opposition wants the Government to give young people the support, networks and opportunities they need so that this legislation will be implemented in the way I believe the Government wants it to be implemented. Do not walk away from it.

Mr FRANK TERENCE (Maitland) [12.01 p.m.]: I support the Education Amendment Bill 2009. The overview is to change the current school leaving age of 15 years by requiring children:

- (a) to complete Year 10 of secondary education (unless they have reached the age of 17 years), and
- (b) if they have completed Year 10 but have not reached the age of 17 years:
 - (i) to continue with their school education, or
 - (ii) to participate on a full-time basis in approved education or training or, if they have reached the age of 15 years, in paid work. Participation in approved education or training includes an apprenticeship, a TAFE or other vocational course or a university course.

This is truly a bill for the times and one that recognises the importance of formal education and achieving that end goal—that is, a year 10 certificate. I concur with what the member for Baulkham Hills said, which reminded me that when I left school at 16 with a year 10 School Certificate I became an apprentice motor mechanic. The member for Baulkham Hills is right in saying that the expertise needed for repair work these days compared with the late 1970s and early 1980s has come such a long way. When I was an apprentice I noticed that the children who left school at the permitted age of 15 without a School Certificate got employment in motor repair industry garages and workshops, not as apprentices but as assistants with the aim of one day becoming an apprentice. They invariably would miss out on an apprenticeship when they competed against people who had attained the formal qualification of a School Certificate.

The proprietor of a garage or workshop or dealership, such as where I worked, had to compare applicants who had the School Certificate with applicants who had no formal qualifications. Invariably the person with the formal qualification got the job, which greatly disadvantaged those people who would otherwise

have become good motor mechanics or tradesmen. That was my personal observation a long time ago. Before young people go out into the real world it is ultra-important for them to attain a qualification to show they have reached a level of competence and analytical ability to cope with an apprenticeship, for example. In my view this bill is focused on apprentices. TAFE was mentioned by the member for Baulkham Hills. TAFE has 500,000 students, 42,000 of whom are apprentices. TAFE is an enormous institution with a budget of approximately \$1.73 billion.

For six years in the late 1980s and early 1990s I was a TAFE teacher in western Sydney, and I have watched TAFE very closely over the past 20 years. It is an enormous institution that has adapted very well to the changing needs of industry and the community and provides an excellent education. Maitland has an excellent TAFE college that does just that. This bill is one that puts out the clear message to our youngsters at school to keep going with their schoolwork and to make sure they attain their School Certificate because that will increase their chance of obtaining a formal apprenticeship or traineeship. Employers look for that formal qualification. The motor vehicle industry is the perfect example of an industry where the skills needed to be a mechanic or technician these days involve mathematics and English skills to interpret workshop manuals and to make sure that the job is done properly. From my personal observations, I believe the bill will increase opportunities for young people when they leave school with a formal qualification. For those reasons I commend the bill to the House.

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

CRIMES (CRIMINAL ORGANISATIONS CONTROL) BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [12.05 p.m.]: The Liberal-Nationals support giving police the powers to tackle crime in all its forms across this State. The Liberal-Nationals support police being given the resources to do that job on behalf of the people of New South Wales. That is why we are happy to support the passage of the Crimes (Criminal Organisations Control) Bill 2009, because it stands in stark contrast with what this Government has been doing for the past six months, and for the past 14 years. Police wanted these powers last year and were denied them by the Rees Government. Police wanted these powers. They wanted the resources to have a capacity to smash criminal bkie gangs, not just to lock up criminal bkie members. But this State Government, so pre-occupied with spin and with its own internal factionalism said, "No." It said, "Wait." It has taken a disastrous attack at Sydney Airport 10 days ago to get this Government to wake up to the crisis within our community.

If ever there were need for evidence of a State Labor Government asleep at the wheel, these events provide it. The Government did not respond when police asked it last year for powers to tackle this issue, but waited until someone was murdered in broad daylight, in public, in horrific circumstances at Sydney Airport. It is classic State Labor Government. It is catch-up politics, and that is the concern of the Opposition. If police had been given these powers, whether last year or earlier, we would not have the reign of terror that exists across this city today—bashings, bombings, beatings, murders and drive-by shootings in suburbs where, but for the grace of God, no bystander has yet been seriously injured or killed. Police need the resources to tackle what is now a sophisticated criminal regime run by outlaw motorcycle gangs, half of whom are headquartered in this State, as Federal police commissioner Mick Keelty said last Sunday.

Two years ago in South Australia the Labor Premier blew the whistle on what was happening in that State, urged national action and urged other States to follow suit with the powers that he was about to give his police, the fighters of crime in his State. But what did the New South Wales Labor Government do? Absolutely nothing. It sat on its hands and allowed the problem to fester in New South Wales to the extent that on a Sunday afternoon in broad daylight, in front of hundreds of innocent members of the public, a person was murdered, bashed to death with a bollard, at Sydney Airport. That is the cost of Labor's failure to give the police the powers in this State required to tackle this issue. It is not just about powers because, no matter how many powers we give to the police, unless there are resources available to police—particularly the number of police available—it will all be for nought.

That is why we are concerned. We have seen freedom of information figures that demonstrate that the number of detectives assigned to local area commands has fallen from 2,370 to 1,596—a drop of 800 in the

number of experienced police dealing with the sort of intelligence that could have anticipated and dealt with the crisis that we see in Sydney today and to which this legislation seeks to respond. Those who continue to repeat their mistakes truly are without brains. That is best exemplified by the State Government, which for 14 years has allowed this problem to fester and failed to respond to reasonable requests by police to have the power to tackle sophisticated outlaw motorcycle gangs in 2009, and has also allowed the number of experienced police—across the board, but particularly experienced police engaged as detectives—to fall to the sorts of numbers indicated.

It gets worse than that because between November 2008 and 11 December 2008 there were 16 drive-by shootings, which were put down to the work of outlaw motorcycle gangs in this city. Whilst our current point of reference in this debate is the horrendous episode at Sydney Airport 10 days ago, the fact is that this has been brewing. It was clearly brewing in November and December last year when, in the course of a month, 16 drive-by shootings occurred, in Mount Druitt, Fairfield, Seven Hills, Belmore, Glenwood, Carlingford, Leumeah and Merrylands—mainly areas represented by those opposite. They are areas represented by Labor Party members who, if they had been awake, would have been supporting their police at the time and arguing for stronger powers. It is just another sign that the malaise, incompetence and inexperience that infects the ministry also affects those who sit behind it—and no-one on that side is without blame.

But what do we see? Police numbers—not just detectives, but police numbers generally—have dropped in those local area commands that are in the middle of increased drive-by shooting violence. As the shadow Minister Michael Gallacher so amply demonstrated yesterday, we have seen a drop in the number of police in the areas that have been particularly affected by drive-by shootings. We have had police requests for additional powers last year ignored. We have seen this State Government preside over a reduction in the number of detectives—the people we rely upon in the police service to use the intelligence to put in place the strategies to deal with organised crime, and in this case it is organised crime of the most sophisticated type. We see Labor members sitting on their hands, even though they represent areas that have experienced drive-by shootings and where the number of available general duties police has fallen. It is incompetence on incompetence on incompetence, and that is the recipe for the reign of terror that currently affects this city and the recipe that delivers to us this type of legislation.

We make no mistake on this side. Whether through Michael Gallacher, an experienced former policemen who understands what life on the front line is like, or through Greg Smith, an experienced prosecutor who understands these sorts of villains and the villainy they get up to in this State, we have people on this side of the House who understand what needs to be done at the very front line. More importantly, I am supported by colleagues in the lower House and the upper House who understand the impact of this reign of terror that has been allowed to grow by the State Labor Government on innocent families, innocent businesses and innocent communities. That is why for many months, and indeed for years in the case of some of my colleagues on this side, we have been arguing to give police the powers and resources needed. But when you have a government that is so focused upon itself, whose members' sole drive seems to be to become Premier or determine who is going to be the next Premier, when you have a government that is determined by people who want to make sure they have a job in either this ministry or Carmel Tebbutt's ministry, or whoever follows her, it is not focusing on the needs of this community. That is how you end up with a bloke like Tony Kelly as police Minister.

Last week Mr Kelly's contribution to the public debate about gangs in this State was to say that New South Wales has the toughest gang laws in the nation. If that is the case, how is it possible that the Federal police commissioner pointed on Sunday to the fact that half of all criminal bikie gangs in this nation are headquartered in New South Wales? If we had the toughest gang laws in the nation, surely half the gangs would be in Victoria and there would be none in New South Wales. But no, gentle Mr Kelly in the upper House believes that we have the toughest gang laws in the nation. The need for the legislation that we are debating today, which is supported by our side of the House, bells the lie of the police Minister who lives in cloud-cuckoo-land, who not only said last week that we have the toughest gang laws in the nation but said on Monday on Adam Spencer's 2BL radio program that everything was under control. He has to be the only bloke in the State who thinks everything is under control. Certainly the Premier today does not believe it is under control, otherwise we would not be rushing this legislation through in this way. If we had the toughest gang laws, if everything was under control, we would not be pushing this legislation through all stages today.

The Government woke up to the organised criminal activities of bikies across this State on the day of the bashing at Sydney Airport—although, to be fair, that is being pretty kind to them because it took a couple of days before the Premier even reacted. The first reaction was a good reaction. The first reaction was to increase the number of police in the State's gang squad. What is important for members of this House to understand is that, until the Government took the position of increasing the number of police officers in the State's gang squad

by 75 in the days following the murder at Sydney Airport, there was a gang squad in this State that consisted of 50 police officers. We live in a strong and vibrant State, four times the size of South Australia. We live in a city that is four times the size of Adelaide. And guess what? Until two weeks ago we had a gang squad in this State that was the same size as the gang squad in South Australia. If you want evidence of a State government asleep at the wheel, if you want evidence of a State government that has almost turned a blind eye to the activity of outlaw motorcycle gangs in New South Wales, it is in that figure. It does not give police the resources in the gang squad even to match the resources in South Australia and it does not give the police in the gang squad the powers that they have in South Australia. It just gets worse and worse and worse.

We will support this legislation because it reflects our view that the police do important jobs for the community. They are the first people that we seek to go to when there is a crisis, when there is a disaster or when we feel threatened. But they are of no use unless they have the power and the resources to do their job. That is why we will support this legislation. I make the point that we take the legislation on trust. Whilst I am grateful to have had a 10-minute briefing from the Attorney General on the legislation shortly before coming into the Chamber, I do take the legislation on trust. I trust that the Government has got the drafting of this legislation right. We have to hope that, in the Government's attempt to detract from its failure to tackle the outlaw motorcycle gang problem earlier and its failure to give police the power and resources to tackle criminal bikie gangs that have conducted a reign of terror across this State—its failure evidenced by the drive-by shootings, the bombings, bashings, beatings and murders that have occurred across the city in recent months—this legislation does what is claimed for it and that it is not being simply rushed through today to provide the Premier with another opportunity to try to distract the media from the other failings of the State Government.

There are strong, far-reaching powers in this legislation and I think on balance they are welcomed by the community in this State because it will seek to overcome past inaction by the State Labor Government that has allowed outlaw motorcycle gangs to conduct a reign of terror across suburbs apparently with impunity. We are talking about criminal motorcycle gangs, not well-respected people who enjoy motorcycles, who are members of motorcycle clubs and who respect their machines whether they are Triumphs or BMWs—we are not talking about those people. We are not talking about the Country Women's Association. We are not talking about the Returned Services League. We are not talking about Rotary or some Lions club. We are talking about outlaw motorcycle gangs who engage in the most sophisticated crime that we could imagine. We have seen in recent times good work by Ross Coulthard on Channel 7 and by other radio and television stations detailing the extent of the tentacles of these bikie gangs in crime in this State and across the nation. We need to fight fire with fire. We need to give police the power to match the sophisticated level that these bikie gangs have been allowed to reach.

I have to say to those who elicit some concern about these powers that to some extent, at one level, they are the same concerns that were expressed when we first introduced breathalyser laws in this State. Why should the great bulk of people be inconvenienced because of one or two idiots who drive their cars when they are under the influence? The good answer is that we give police the powers to stop us and randomly breath-test us so that we are protected from those idiots who will kill not just themselves but others on the road. In the same way we need powers to ensure that we protect innocent bystanders. I would have no problem if you put all the outlaw motorcycle gang members in two rooms and allowed them to shoot themselves to death. I would have no problems with that at all.

My problem is that in the current climate in New South Wales there are drive-by shootings, bashings, bombings and murders that could at any stage affect an innocent bystander. That is why we need to give police these powers. I recognise that within the legislation, the Ombudsman—for whom as an individual and for whose office I have an enormous respect—has the capacity to continue to review the application of these powers over their first two years by police and others. I recognise that within this legislation there is a capacity after five years to review the powers completely. I urge the Attorney General that that review not be undertaken by the Attorney General's Department but by a retired Supreme Court judge so that the public can have some confidence that the review will be undertaken by someone who, like the Ombudsman, has a degree of independence.

There are many laws on the statute books about which we could and should be fearful if we were engaging in criminal activity. That is important. We need to give police the powers to do what they need to do on our behalf to stamp out criminal activity. We also need to send a message to those, whether in this area or other areas, that if they do the wrong thing there are significant powers to deal with them. I say to those members of the community who may elicit some concerns about this legislation that if you are doing nothing wrong you have nothing to fear. We have everything to fear from outlaw motorcycle gangs who are running

amok across this State, seemingly with impunity, and one of these days one of our constituents—one of our residents and one of the people that we are sent here to protect and represent—will end up in the middle of a melee and be either seriously injured or killed.

I am the parent of two young kids. We know that the single biggest activity of outlaw motorcycle gangs relates to drugs. We want to get serious about illegal drugs in this State—everything from heroin through to ecstasy. We need to crack down on these outlaw motorcycle gangs so that my children and the children of everyone else across this State have some confidence that as they grow older and go out and about they are not going to be exposed to the sorts of pernicious activities that these people are involved in. I support this legislation. The shadow Attorney General will in his contribution address the legislation in greater legal detail. Let there be no doubt that we on this side of the House will always support our police service. We on this side of the House will always support giving police the powers they need to tackle the crime problem in our community. We on this side of the House will always support police in their requests for resources to do that job on behalf of the community. As the grandson of a policeman I will never stand for anything less.

Ms KRISTINA KENEALLY (Heffron—Minister for Planning, and Minister for Redfern Waterloo) [12.23 p.m.]: I speak also on the Crimes (Criminal Organisations Control) Bill 2009. That was an interesting contribution from the Leader of the Opposition. Whilst I welcome the Opposition's support for the bill, I observe that the Leader of the Opposition has stooped to a new low. He has copied the member for Vaucluse, Peter Debnam, with his talk of "Lock them up, throw away the key. Let them shoot themselves." What he has done by that reckless and silly comment is given gangs a green light to continue their war and their violence on our streets. He stands here and mouths support for the bill but makes reckless and silly comments like that. He needs to decide whether he wants a career as an Internet blogger or whether he wants to be taken seriously as a credible leader in this State. Certainly that was a reckless comment from the Opposition.

Every member of the Rees Government is aware of just how important it is to get legislation like this right. We want to ensure that police have laws that work. No-one wants police operations going wrong or prosecutions being dropped because the wrong laws were passed by Parliament. That is why the Government has sought the advice of Michael Sexton, SC, the Solicitor General, on these new laws. I am pleased to say that his advice indicates that our laws are firmly grounded in established constitutional principles. You cannot stop people challenging laws, but you can do everything in your power to fireproof those laws from being struck down. We know that gangs will try to use every technicality to get away with their crimes, so we have taken the smart approach and had the very best advisors to Government putting together this legislation, in some cases working round the clock. We need to act quickly to send a message to bikies that their time is up. That does not mean that we have acted rashly or without adequate safeguards. It is important to outline these to members of the House, so the public can rest assured that we have struck the right balance in acting against these gangs.

The Commissioner of Police will need to make an application to an eligible Supreme Court judge, sitting in his or her personal capacity, for a particular organisation to be declared a criminal organisation. That application must be in writing, and must satisfy a number of criteria, such as describing the nature of the gang, specifying the names of persons that the commissioner reasonably believes are members of the gang and setting out the grounds on which the declaration is sought, including any supporting information. Critically, it must also be supported by an affidavit from the police commissioner or other senior police officers verifying the contents of the application. The Commissioner of Police will need to notify the Attorney General of applications made under these new laws, both in relation to the declaration of organisations and the declaration of persons as members of organisations, and supply the Attorney General with the full details, including criminal intelligence, if the Attorney General so requests. Importantly, the Attorney General may be present and make submissions as to the hearing of applications.

Applications made to declare an organisation will need to be notified in the *Government Gazette* and in at least one newspaper, outlining the consequences for members who are subsequently made subject to an interim control order, and inviting members of the organisation and those who may be directly affected to make submissions to the judge in the first instance. A member of an organisation may also be present at a hearing to declare that organisation. So may others directly affected. The judge, acting in his or her personal capacity, will have to be satisfied that the gang is organised for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that it represents a risk to public safety and order in our State. This test will apply whether or not all the members are engaged in this type of activity or if the group is also involved in lawful activity. While these declarations will remain in force for three years, the judge may revoke a declaration at any time following a request by the police commissioner or by considering an application by a member of that organisation.

Following the declaration of an organisation, the Commissioner of Police may then seek from the Supreme Court, through a written application once again supported by affidavit, interim control orders for members of that organisation. If satisfied that persons are members of a declared organisation and there are sufficient grounds for making an interim control order, the Supreme Court, sitting in its judicial capacity, may make such orders against those persons. Within 28 days of the making of interim control orders, the police commissioner must serve notice on those persons that are subject to the orders. The notice must, among other things, set out the grounds on which the order was made and explain the consequences of the orders in terms of restrictions on associations with other people who are subject to an interim control order and the suspension of licences or other authorisations in particular industries.

We recognise that in some cases it will be very difficult for some controlled members to cease associating with other controlled members from the time that the interim control order is served. Some exemptions will be necessary along with mechanisms to allow controlled members to adjust to the restrictions. The bill addresses this issue in the following ways. Certain associations are specifically exempted from the interim control order until such time as that order is confirmed or withdrawn—if the controlled member shows that he or she is reasonable, for example, in associations between close family members and associations occurring in the course of a lawful occupation. Controlled members who do not fall into these specific exemptions but who nonetheless may have cause to argue that the restrictions are unreasonable or should be varied, will be able to apply for an expedited hearing to settle the matter.

When the Supreme Court is finalising these control orders, individuals also have the right to appear before a judge and make submissions relating to the application. Importantly, they can also seek to convince the court there are reasons that they may need to associate lawfully with another declared member or to arrange their business affairs prior to a loss of licence. I emphasise that these provisions apply only when the court is satisfied there is a good reason to do so. The court may also vary or revoke an order on application, depending on the evidence presented. The commissioner or the person subject to the control order may also appeal to the Court of Appeal following a Supreme Court order. This may be on a question of law or with leave on a question of fact.

The making of an appeal does not affect the operation of a control order to which the appeal relates. It is no accident that we are using Supreme Court judges, both in their personal capacity and as judicial officers, to give effect to the processes in this legislation. Our judges use complex laws every day and they are best suited to consider the complex matters with which this legislation deals. That is the reason why they are also best suited to consider the protection given to criminal intelligence in this bill. I know that some members view withholding information from defendants in proceedings as something out of the ordinary. I expect that some third party lobby groups will also have strong views on the topic. However, this process is not without precedent.

Similar provisions already exist in the Security Industry Act and in legislation in other States. Importantly, discretion remains with the judge as to whether such information can be classified properly as criminal intelligence and whether it should be withheld from the defendant. As such, the judge, not the police commissioner, makes this decision. This process has been upheld as constitutionally valid by the High Court. While every piece of legislation is different, I remind members of the advice of the Solicitor General outlining how these laws rest on well-established constitutional precedents. I remind this House that every member of this Government wants to seek new powers that work for police, and powers that are also balanced and fair.

Police need certainty that their operations are firmly based in law and bolstered by adequate safeguards. I remind the House of the advice of the Crown Solicitor, the role of the Attorney General, the right for defendants to appear and make submissions, the ability to seek expedited hearings in case of hardship, the reasonable exceptions for the crime of association, and the protections of criminal intelligence. We want to ensure that the police have laws that work. I note that it is the intention of the Opposition to support this bill today. I remind members of the rather reckless and silly comment of the Leader of the Opposition that he would have no trouble sticking all bikie members in a room and allowing them to shoot themselves up. What a ridiculous comment from a man who purports to be Premier material! What a ridiculous comment from the Leader of the Opposition! It shows that Opposition members have not put a great deal of thought into their policy or their response to the challenge we are facing in New South Wales because a group of people think they can ignore the law.

Mr Thomas George: It is the laziness of this Government.

Ms KRISTINA KENEALLY: The member for Lismore seems to think that the speed with which this bill was introduced excuses the Leader of the Opposition from making such a reckless and silly comment.

Before concluding I will highlight the successes that Strike Force Raptor has already had in cracking down on outlaw gangs. Strike Force Raptor has built on the success of previous police operations and brought the dedicated efforts of 125 police officers to bear on criminal gangs. Strike Force Raptor follows Operation Ranmore, which resulted in nearly 900 arrests and 2,000 charges against individual members of outlaw gangs. The Premier has also announced Reference Leeton, bringing the powers of the New South Wales Crime Commission down upon criminal gangs. In fact, 12 members of various outlaw gangs have been arrested since the shocking incident at Sydney Airport. Putting on my local member's hat, as the member who represents Sydney Airport I was shocked and sickened by what happened at that airport. Many airport employees who live in the Heffron electorate do not expect their workplace to be visited by this sort of reckless violence.

Mr Thomas George: All people have that expectation.

Ms KRISTINA KENEALLY: As the member for Lismore rightly said, all people have that expectation. That is why the Government responded swiftly with appropriate measures that will enable it to break up these criminal gangs and take this sort of decisive action. We are acting in a serious, considered and forceful way, unlike Opposition members who say that we should just throw all bikies in a room and let them shoot themselves up. That is a licence to continue this type of violence and the sort of behaviour that we saw at Sydney Airport. That sort of violence will spill out into other venues in our community—venues where workers and families have the right to expect that they can gather without this sort of violence being visited upon them. Government members have made a measured, reasonable, strong and thorough response to this type of challenge, and action has already been taken. In contrast, we have heard nothing from Opposition members other than rhetoric, and reckless and silly comments—comments such as those we heard today from the Leader of the Opposition. I support this legislation and I support the Government's actions. I commend this bill to the House.

Mr GREG SMITH (Epping) [12.36 p.m.]: On the grounds of justice and fairness I expected to have more time to examine this extraordinary piece of legislation that is based on so-called criminal intelligence and that can lead to persons ultimately being prosecuted for associating with one another. The normal rule for criminal offences is that one has to prove the case beyond reasonable doubt. Other legislation in this State deals with methods of gathering evidence by electronic surveillance, whether by listening device or by telephone interception. Whilst criminal intelligence is used chiefly to ground applications for warrants from judges in chambers for those who commit criminal acts, there is a difference. That might produce evidence of criminal activity or admissions made over the telephone, in a house, in a car, or wherever there is a listening device.

However, that evidence then has to be tested. It has to go before a court where the persons involved who are charged with some criminal offence can cross-examine and challenge the interpretation that has been put on the product. For example, criminal gangs often use codes. They might use the word "carpets", "diamonds", "eggs" or things that cover a quantity of drugs or a type of drug. Sometimes police have to lead evidence from experts who have worked undercover in a gang, from those who have rolled over and become a witness, or from police experts on the terminology used. All that can be tested.

In the brief time that I have had available to me to look at this legislation one problem I can see is that the criminal intelligence that is used to ground the declaration is not accessible to the person or organisation that is the subject of the application. Criminal intelligence could be rated as highly reliable and from an impeccable source such as an eyewitness, from a member of the community who is credible, or from sworn evidence. It could also be information from a criminal, a paid informer to the police who gives information for various reasons. It might be that he is being paid to give information, and it might be that he wants to put his opposition out of business. It could also be information from an anonymous source. It could also be totally fabricated.

In 99 per cent of cases police do the right thing, but I have seen affidavits sworn by police containing false information. In one particular case a policeman was charged with criminal offences because he had sworn an affidavit before a magistrate making false allegations about the suspect whose house he wanted to search. Nevertheless, the magistrate accepted the information and the warrant was issued. A judge sitting in his chambers has no assistance regarding the reliability of the intelligence provided. It is a serious matter that should be taken into account because of the implications of this legislation. Perhaps a much fairer scheme should test the orders or declaration being sought.

The recent High Court case has given validity to using criminal intelligence to oppose the granting of a liquor licence. Perhaps that might be the best way to proceed in that instance, but the liquor laws and the Licensing Court allow evidence to be given by both sides. Much of the evidence opposing the granting of a

liquor licence is available to the person seeking the licence. Perhaps some of the criminal intelligence is informer based and the life of that informer may be endangered with the release of important information. That is all taken into account. From my brief reading, this legislation, which I have had for only a short time, does not seem to contain the same checks and balances. The bill specifies that the person seeking the declaration does not have to be present. Under the proposed Act the Attorney General will be given notice of the application and has a right to be present at hearings, but he has no right to oppose it. Would he? The Attorney General is considered the guardian of the law, a friend of the court. Why has he been removed from the process?

One of the checks and balances in the South Australian legislation is that the Attorney General must be satisfied that proper grounds exist for making a declaration. The current application concerning the Finks bikie group has been with the Attorney General for some months. He has not yet made his decision to make the declaration; perhaps he is not satisfied that the material is strong enough. Perhaps he is not satisfied that the legislation allows him to proceed because it might be ultra vires the Constitution. We are sure that bikie groups will attack this area of the legislation. If judicial power is to be exercised, as judges have to in the Finks case, it may infringe chapter 3 of the Constitution and the principles of the Kable case.

This is rushed legislation. We have read in the newspapers that the Solicitor General has been called in to assist. No-one is perfect; mistakes can be made. One of the great things about getting the views of the community, particularly the legal community, about changing the law on such an important issue and removing the rights of citizens, is that the Law Society and the Bar Association have top lawyers who can provide learned views—that is what they do. From time to time we do not hear much from them because they are asked to respond after a bill has been introduced. This bill particularly should have been circulated and stakeholders should have been given appropriate time to consider it.

In some ways this bill is akin to the terrorist legislation, which contained problems in its application that required amendments and resulted in Federal court cases—for example, the case of Dr Haneef being released and then his bringing action for damages because of the way he was treated. The Crimes (Criminal Organisations Control) Bill 2009 is extraordinary in that it takes away citizens' powers. It needs closer scrutiny. The terrorist legislation was given close scrutiny before it was enacted. Something must be done in response to the recent crisis of lawlessness between comparatively small groups—almost a civil war. However, we do not need to rush legislation through. The Opposition and the crossbenchers should at least be given time to obtain advice—perhaps from constitutional or other experts.

Being humble servants of this Parliament and the community, my leader and I will do our best. We do not oppose the legislation because it would be inappropriate to stop some action from being taken to end this current war. This bill has missing from it the power given to the South Australian Attorney General to make the first declaration before courts can start making orders declaring and controlling people by saying they cannot mix with each other. That places a big question mark over this bill. It would be better to have someone a little removed from the legislation and the criminal investigation than just the Commissioner of Police. He is a very good man and an outstanding commissioner but, naturally, his operational police are pushing him because they want the power to lock up bikies and protect this State. Of course, that is a good thing, but sometimes the checks and balances are essential; that is why the Independent Commission Against Corruption or the Police Integrity Commission do not prosecute their own offences—they are investigators.

This bill allows the investigator to go directly to court rather than have the Attorney General carry out the checks and balances. If those who will be affected by this legislation are unable to obtain access to the material to be used against them, the bill will be back in this place to enable us to correct the errors and the flaws in it. Does the Government want to operate the law in this State in that fashion? In any event, we support it. The affidavit of the Commissioner of Police, referred to in clause 6, in supporting the declaration would constitute hearsay because somebody would have given him the information. The commissioner would not have direct knowledge of the information in the affidavit because he does not have the time to acquire such information: he is not an operational policeman. His affidavit would contain intelligence and a mixture of information from informers, surveillance and other means of evidence gathering. Such an affidavit is not as reliable as sworn evidence given in a court and tested by cross-examination. Clause 7 states that notice of application must be published in the *Government Gazette*. How many people read the *Government Gazette*? Some would say it is available to everyone, but it is not easily available to everyone. Notice must be published also in at least one newspaper circulating throughout the State.

Mr Frank Terenzini: A lot of people read the *Sydney Morning Herald*.

Mr GREG SMITH: All right, the notice of application can be published in the *Daily Telegraph* because that is what two-thirds of the people seem to read.

Mr Frank Terenzini: Well, you read it for questions.

Mr GREG SMITH: Well, you lot leak things to its writers; you have front-page stories. Members of the organisation and other persons who may be directly affected, whether adversely, by the outcome of the application are invited to make submissions to the eligible judge at a hearing. I suspect that all one could submit is, "I'm not a member of this organisation for a start." The affidavit might contain information that says, "Yes he is; he's the Sergeant at Arms of the Hell's Angels" or whatever group is being named, but he may not be a member. He may have the same name as someone else. For example, it could be Frank Terenzini—there could be 10 of them or 100; there are probably 500 Greg Smiths around. The accused will have to find out from the newspaper whether they are the subject of the declaration. Who would look at that? There might be two Frank Terenzinis, either in Hells Angels or trying to join.

Mr Frank Terenzini: There is only one Frank Terenzini.

Mr GREG SMITH: I see. The subject of the declaration is allowed to be present and make submissions at a hearing, but how can they respond if they do not have the material that has been alleged against them? That is one of the problems. I know that there are limits and that we do not want to give a person who is the subject of an application documents that might identify an informer because there is no doubt that is a contrary to the public interest. But there may be a lot of material that includes so-called criminal intelligence submitted by an opponent of the so-called gang that has been submitted for the express purpose of damaging the subject. The subject of the application may be able to identify that it is rubbish and has been fabricated, and may be able to prove that that had already been clarified because the accuser admitted in the past that he or she was lying. But the judge does not receive any contradicter to the information that is presented. This legislation is extraordinary because, in normal court proceedings, such matters could be tested.

Clause 9 states that an eligible judge may make a declaration provided that the eligible judge is satisfied that members of the organisation "associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity". Only 40 seconds remain for my examination of the bill, which has a number of bombs in it. Among the matters that an eligible judge must consider is whether a link exists between the organisation and serious criminal activity. The Opposition has not been able to test or seek advice on whether this bill is constitutionally valid. I seek an extension of time to enable me to examine this important legislation. The Opposition received the bill only during the past three-quarters of an hour. [*Extension of time agreed to.*]

Mr David Campbell: But you are supporting it.

Mr GREG SMITH: Of course the Opposition supports it. In considering whether to make a declaration, a number of matters set out in clause 9 subparagraphs (a) to (f) must be taken into account, and that clause includes a provision that the judge may take into account anything the judge considers relevant. The Attorney General may make submissions. Once the judge makes a declaration, the commissioner must publish notice of the declaration in the *Government Gazette* and in at least one newspaper circulating throughout the State. The declaration can be revoked, even though it would otherwise last forever, upon a request being made in writing by the commissioner or by an application from a member of the organisation.

Again I make the point: How can a member of an organisation have the declaration revoked without evidence contradicting what has already been put to the judge, particularly if what has been said is false, unless by some sort of process the organisation's members find out what has been said against them? I have no sympathy whatsoever for outlaw members or groups, but everyone is entitled to defend criminal charges brought against them and against findings that may be made against them. From my cursory reading of the bill, I do not think sufficient provision has been made to enable people to defend themselves.

Clause 24 provides for a right of appeal. The commissioner or the controlled member may appeal to the Court of Appeal against a decision of a court that has made a control order, but the court does not have to give reasons for its decision. Usually appeals are based on some error of law or some misuse of fact in the original judgement, but in this case there will be no original judgement. This is yet another instance of the inadequate protection in the provisions of the bill, but in this instance it relates to inadequate protection by a right of appeal. The Opposition wants to do what can lawfully be done to protect the community from gangs that are urban terrorists, which is why the Opposition will not oppose the conferring of extraordinary powers.

However, as this legislation concerns material and laws that are extraordinary, the Opposition should have had far more time to consider it. The Premier's version yesterday was that the bill would not be presented until June, but now it has appeared today. Clause 28, "Criminal Intelligence", deals with a whole lot of material that can be submitted or withdrawn. The judge may rule that the intelligence submitted is not of a sufficient standard or that there is insufficient intelligence on which to base a declaration. That would be quite embarrassing, but it happens. One of the safeguards of the legal system is that judges act independently, and that is why they are appointed.

In yesterday's *Australian* newspaper, Mark Le Grande, who is a former colleague and very eminent chaser of criminals, said that the legislation will not work and is obnoxious. He supports implementation of legislation that is equivalent to the American Racketeer Influenced and Corrupt Organizations Act—the RICO statute. That statute deals with racketeer influence and corrupt organisations, and bikie gangs would fit that definition. Mark Le Grande's reasons are largely based on civil liberties arguments, but also on the fact that we should not introduce extreme laws without testing laws that have already been implemented throughout the world and have been found to be appropriate. The America legislation has been very effective. It basically attacks the assets of criminals and people who have been declared to be involved in rackets or who are racketeers.

The American legislation provides for seizure of their assets and imposes pecuniary penalties that are three times the amount of the profit gained from racketeering. The Opposition suggests that the Government should examine similar provisions for implementation. If this bikie problem is out of hand and is not resolved by this legislation or by the extra work of the very able police task force, which was supplemented recently and is working on it, God help us. I hope it does work. However, the Government should look at other means of dealing with the problems these gangs cause, such as taking away their money. The United States legislation has been very effective against other criminals, and I suggest it will be equally effective in addressing this problem.

Mr GREG PIPER (Lake Macquarie) [12.56 p.m.]: My contribution to debate on the Crimes (Criminal Organisations Control) Bill 2009 will be brief, as opposed to the contribution made by the member for Epping, who seems to have been able to manipulate the fabric of the space-time continuum. His 20 minutes seemed like an hour to me! But it was all good stuff.

Mr Greg Smith: I will not invite you to my party.

Mr GREG PIPER: No, I will not be going to the member for Epping's party. I support the legislation, but I have reservations about it. This is a complicated social issue. The legislation is likely to be challenged, and it may have unforeseen consequences. As we know from physics, for every action, there is an equal and opposite reaction, and that is the case in everything we do in many parts of society. I am concerned about the need for this legislation, although I recognise that the escalation in gang activity has generated a need for the Government to respond. I respect that the Government is charged with the very grave responsibility of protecting our community and making people feel safe in their homes and communities. While I respect that, I am very concerned about the pace at which this legislation has been drafted and introduced, and I am also concerned about unforeseen consequences.

This is hastily prepared legislation. A number of comments made by Government members, including the Premier, suggested that the legislation was likely to be introduced at the beginning of this week, but it has been delayed owing to the need for further consultation. The appropriate course of action would have been for the Government to draw a deep breath, relax a bit, and give at least a few weeks for greater examination of the bill by the community and certainly by members of Parliament. But that has not been the case. Members are being challenged either to agree with or to vote against this legislation. I will not vote against the legislation for the reason that, if nothing else, the bill provides for a review of the legislation by the Ombudsman after a two-year period of operation. That safety net is very appropriate.

I am concerned that we need to go to this level. Every illegal activity of members of motorcycle gangs could be acted on individually if the police had the necessary resources. I note that the former police Minister is in the Chamber. I respectfully acknowledge that it is difficult to apply all the necessary resources; but something has got out of control. Something has gone off the rails that has led us to the current situation. I am concerned that outlaw groups might form a coalition. They may no longer want to war between themselves but, as a result of a concerted effort by the State against them, they may form a coalition and aggregate their resources and forces against the New South Wales Police Force. The police should not be put in that grave and dangerous situation.

For those reasons I think the bill should be considered further. As the member for Epping said, we should look at legislation that has been applied around the world and take the best components. We should also look at measures that have failed, because we do not want to introduce a measure that has failed in the past. Technology has advanced greatly. I have difficulty understanding how some of these measures will work in practice. The reality is that there are many ways that outlaw groups could get around the law. We know that criminal activities and rackets have been run from jails, let alone by people who voluntarily join outlaw motorcycle gangs. The new legislation will make it an offence for members of outlaw motorcycle gangs to talk to or consort with each other.

Generally, most people are law-abiding citizens. But I doubt whether members of outlaw motorcycle gangs will say, "That legislation is fair. We can't do that any more." The situation will be much more complicated, not only because they cannot consort with or be together physically but also because the technological age has made this difficult to control. The issue raised by the member for Epping about the ability to seize assets is extremely important. I will support the bill because I respect the Government's responsibility in the current situation. However, the legislation has been brought forward capriciously and I have concerns about unforeseen problems.

Mr PETER DEBNAM (Vaucluse) [1.02 p.m.]: I support the Crimes (Criminal Organisations Control) Bill 2009. I have one question for the Minister for Transport, and Minister for the Illawarra, who I understand will respond to this debate, rather than the Premier. Before I ask that question I simply say this to the member for Lake Macquarie: I deeply appreciate that the Government did not take a deep breath and think about the legislation for another few weeks. We have waited about six months for this bill to appear in the Parliament. So good on the Government for bringing it in! Now let us get on with it. The Minister for Planning was mischievous in her contribution to the debate. She tried to attack the Leader of the Opposition and, by implication, attack me for my words. I think she claimed I had previously said, "Just lock them up!" This is Australia; what I actually said was, "Lock the bastards up!"

The problem is the Government did not do that; that is why we have this legislation today. The Government did not give the police the resources and it did not have the political will to back them up. As for the legislation, I simply ask the Minister to answer my question. Clause 27 (6) lists prescribed activities and subclauses (a) to (m) list a range of occupations, from casinos to tow trucks, et cetera, but it does not include the public sector. I assume that is a mistake. The object of the bill is to disrupt and restrict the activities of organisations:

- (a) whose members associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity and that represent a risk to public safety and order in New South Wales.

Once that has been established through the normal process I assume the Government intends that those people will not work for the people of New South Wales as public sector employees. I assume that the bill will be amended in the upper House to include the public sector. I ask the Minister to comment on that matter in his response.

Mrs DAWN FARDELL (Dubbo) [1.04 p.m.]: I support the Crimes (Criminal Organisations Control) Bill 2009. We received a copy of the bill at 11.45 a.m. today so I have jotted down only a few notes in haste. About two years ago I remember Premier Iemma recalled Parliament urgently to address the Cronulla riots. That was a response to media reports that made it seem that the Government had to take instant action. At that time I thought the legislation contained loopholes. The new law was then tested when there was a riot on New Year's Day on the Gordon estate in Dubbo, before it was demolished. The law was challenged by a few individuals accused of causing the riot in Dubbo, which involved burning a police car and threatening the wellbeing of two police officers, one of who received damage to his eye. The challenge to the law was successful because it contained loopholes.

I am wary that criminals will hire top lawyers to represent them—they have a lot of money behind them—who will have the nous to get around the law and protect them. No doubt the individuals we are targeting behave idiotically. They need to be taken off our streets and away from the public. However, they are not idiots when it comes to working out loopholes in the law, as I said. In the past we have introduced laws for truancy, but some children are still not attending school. Foster carers have difficult children in their care, and they are now being hit with truancy fines. There will always be individuals who break the law; not everyone is a law-abiding citizen. Most citizens abide by the law, which is tremendous, but there will always be an element that does not give a damn what laws are in place.

In areas that I am aware of, the people being targeted by this legislation are managing prostitution. These people make appointments with a girl from out of town who is doing business at a local motel, and violent incidents occur. They are protecting their prostitution ring in town. We need to clean up the drug trade on the streets. Dealers use young individuals, particularly indigenous people, to sell drugs while the top bosses profit from drug users who are selling drugs to feed their habit. They are feeding on people who cannot stand up for themselves, and they use intimidation as well. People selling drugs to feed their own substance abuse are being arrested but the bigger fish are not being caught.

Earlier today the Minister for Police had a crossbench briefing with the Greens and the Independents, at which he said that in one operation about 900 people have already been charged with more than 2,000 offences. That is great news. Obviously there must be a law in place that enables that to happen. My main concern is whether we need these laws. I support the bill, but I am concerned about police and resources. On the news we see stories of motorcycle gang members travelling in large numbers up and down the highway. Other motorists dare not overtake them or hold them up. Under this bill, it will be illegal to travel in groups. But who will stop them, particularly if they are travelling between Peak Hill and West Wyalong in my electorate, where there are only two traffic police stationed at any one time? If one officer is sick there is only one patrol car. I would not expect that single-man vehicle to stop a gang of 50 people travelling down the road.

The Government said that 75 additional police would be provided to enforce this new law. That is a great idea, but how will 75 police or a larger number help those single-man police patrol vehicles in my area and the local commands, particularly when the police stations at Cowra and Forbes are not open 24 hours a day? There are all sorts of issues. At present, everything is going well: we are well resourced and well manned in terms of police numbers, and there have been no issues in my area of late. However, these gangs are known to visit rural communities. They are often in villages.

There was a case two years ago—I will not name the place because I do not want people not to attend a certain event—of gang members intimidating people. The police had to ask them not to wear their jackets and so on while they were in town. It was good that the gangs did not return last year. I am concerned about the number of police officers who are needed not only in Sydney but in rural communities to deal with gangs who flout the law. The community needs this legislation; gang members must be arrested. But where will the additional 75 specialist community police officers be found? I expect that the House will have to revisit the legislation when judgements are handed down that highlight its discrepancies. We are able to amend legislation in Parliament. I support the bill, but the police will require additional resources.

Mr PETER BESSELING (Port Macquarie) [1.10 p.m.]: I will speak briefly to the Crimes (Criminal Organisations Control) Bill 2009. The bill was introduced this morning and will be rushed through Parliament today. I note that the community wants to see government take action against criminal activity not only by motorcycle gangs but generally. However, I caution the Government against rushing legislation through the House. Members should have sufficient time to consider legislation that will impact upon their communities. The member for Epping, who is in the Chamber, spoke about justice and fairness in considering this important bill. It is important we get the legislation right the first time so that it does not have to be revisited over and over again, as various matters arise. I am a big fan of working within existing legislation. Too often, we are too quick to move towards legislating as a means of solving all community ills. I caution against rushing legislation through both Houses of Parliament.

I am also concerned about the freedom of association implications of the bill. The High Court of Australia website states that implied rights are the political and civil freedoms that necessarily underlie the actual words of the Constitution but are not themselves expressly stated directly in the Constitution. Since the 1990s, the High Court has discovered rights that are said to be implied by the very structure and textual form of the Constitution. Chief amongst these is an implied right to freedom of communication on political matters. In addition, some protections of civil liberties have resulted from the High Court's zealous attempts to safeguard the independence of, and confidence in, the Federal judiciary. With regard to New South Wales constitutional rights, a notable feature of our system of representative and responsible government is how little of the detail of that system is to be found in the Constitution and how much is left to be filled in by Parliament.

Chief Justice Gleeson in *Mulholland v Australian Electoral Commission* 2004 talked about freedom of association and whether it is implied by the Australian Constitution. In *Kruger v Commonwealth*, Justices Toohey and Gaudron each recognised an implied constitutional freedom of association. They regarded it as an essential ingredient of political communication and an aspect of freedom of political communication that is protected to the extent necessary for the maintenance of the system of government for which the Constitution

provides. Freedom of association is implied by the Constitution, and we must be careful and wary of legislating against certain freedoms of association. I note that division 3 of the bill, Consequences of making of interim control orders and control orders, states:

- (5) The following forms of associations are to be disregarded for the purposes of this section in its application to a defendant to whom an interim control order relates if the defendant proves that the association was reasonable in the circumstances:
 - (a) associations between close family members ...

I am aware of a number of groups and gangs engaged in criminal activities that have family associations. The murder at Sydney Airport involved criminal gangs and family members so that issue must be examined. I know it is difficult to legislate against but I hope criminal gangs will not exploit that loophole. I believe other measures are available. The Minister for Planning spoke about Operation Ranmore, which has involved the arrest of 903 bkie members and the laying of 2,024 charges since May 2007. It is important to note that we already have laws against people being beaten up, hit with objects and murdered in front of others. However, an incident still occurred at Sydney Airport, with security guards and police on hand. If we are to legislate against criminal gangs we need to make sure that resources are available to deal with their criminal activities.

Criminal activities are not confined to the metropolitan area. They occur also in the Port Macquarie electorate, where there are certainly some criminal motorcycle gangs. I cite a number of news items on that subject. The *Port Macquarie News* of 20 March 2009 carried a story headlined "Bandido link to assaults" when intimidation occurred in the area. On 18 May 2007 there was a story entitled "Bikie link to firebombing, but owner blames locals" about fire bombings in regional areas. Other headlines included: 11 May 2007, "Tattoo shop blaze leaves lives in ashes"; 27 August 2003, "Stolen money used to pay bikies"; 10 December 2001, "Bandido guilty of drug supply"; and 28 November 2001, "Mutilated body in plastic bags". I do not suggest for one moment that the beautiful electorate of Port Macquarie is a hub of criminal activity; I merely point out that crime is not exclusive to metropolitan areas but occurs in regional areas also. Our regions must be supported with adequate police numbers to deal with crimes as and when they occur, rather than as an afterthought. We must make sure that criminal gangs are not driven out of metropolitan areas into regional areas.

Mr Tim Atherton, who was the Western Australian assistant police commissioner from 1998 to 2005, was heavily involved in drafting the Western Australian legislation that criminalised certain activities of motorcycle gangs in that State. He now lives in the Port Macquarie area and was a valuable resource to me in considering this legislation. In 2001, when Tim was the Western Australian assistant police commissioner, he was interviewed for an article in the *Sydney Morning Herald*, and said:

... there is solid evidence of the bikers linking with long-established and well-known organised crime identities.

Have we underestimated the bikers? Absolutely," he said in an interview with the Herald. "We can't ignore them as just a ragged bunch of part-time criminals." "One of the concerns I have is that we are seeing a loose alignment between some of the outlaw motorcycle gang groups in Western Australia and some of the more established organised crime groups. It would appear they are using the bikers as enforcers and their dirty-work boys."

The article continued:

Mr Atherton said he would not say that the clubs were now the number one threat, but he added that on a recent visit to Canada authorities there had warned him to be vigilant. (In the past five years in the provinces of Quebec and Ontario there have been more than 180 biker-related murders as the Hells Angels and other clubs fight for territory and drug markets.)

"The very clear message given to me by the head of their OMCG task force was, 'don't make the same mistake Canada made ... we ignored them for too long'."

I have issues with the way that this legislation is being rammed through the House. I would like more time to consider it and more opportunities to examine it within my local community and more broadly. However, I note the need to act. Therefore, I will not oppose this legislation.

Ms CLOVER MOORE (Sydney) [1.20 p.m.]: I acknowledge that the Premier and the Government, and indeed the Opposition and some Independent members, have very serious concerns about violence and criminal activity associated with motorcycle gangs. I share that concern, particularly as much of the gang action involves illegal drug activity in Kings Cross and on Oxford Street in my electorate. I acknowledge also that the community is very concerned about this issue and that effective action has been called for. However, I am most

concerned about the process we are witnessing today. This is an incredibly important issue yet the Crimes (Criminal Organisations Control) Bill 2009 was introduced this morning and we are told that it is going to pass through all stages today.

I point out, particularly to the people in the public gallery, that under the Westminster system the legislative process is significant. Parliament creates the laws that people have to uphold and live by. The British Parliament often takes 18 months to get legislation right. Members of the British Parliament do not often have to race back to Parliament to enact amending legislation because they rushed through the original bill and got it wrong. During a more thoughtful period in this Parliament, in the 1990s when both the Government and the Opposition signed a charter of reform, it was agreed that all legislation would lie on the table for at least five days. It was further agreed that landmark legislation that was of significance to the community would lie on the table for 28 days to enable members to discuss the issues with their communities—the people they have been elected to represent in this place—and to allow time for public debate.

The Crimes (Criminal Organisations Control) Bill 2009 is incredibly important legislation. The bill will allow a judge to make a declaration in relation to an organisation and make it an offence for declared members of that organisation to associate with each other. They will face serious consequences if they do so. This bill is about taking action against criminal and violent people, but it is also about establishing whether people are criminals and are associated with criminal activity. I oppose the process that we are witnessing today, and therefore I oppose the bill. The bill should lie on the table for 28 days, over the impending recess, to enable us to consult with our communities and to allow proper public debate to occur.

We are dealing with serious community concerns. Legal experts have questioned the need for these laws—and that issue should be part of the public debate we need to have. I note that the president of the Law Society of New South Wales has asked: Where is the defect in the current laws that means criminals cannot be dealt with? That is a question we should be asking in this place as we are creating new laws relating to criminal activity. We do not have an answer to that question. We have not had public discussion about the issue and Parliament has not debated it adequately because the legislation was introduced only this morning. I am not properly across the legislation; there has not been time for me—or for any member—to do that. I am very disappointed that the Government is rushing this legislation. It is landmark legislation and it should lie on the table for 28 days. I oppose the bill's passage through the House today.

Mr PETER DRAPER (Tamworth) [1.24 p.m.]: I offer my qualified support for the Crimes (Criminal Organisations Control) Bill 2009. Like the member for Sydney, I am very disappointed at the haste with which this legislation is being pushed through Parliament. I am not sure whether the legislation will meet its objectives in the long term. It could exacerbate the problem by forcing illegal activities further underground, which may make it more difficult for police to gain intelligence and to deal successfully with the problems facing us. In the *Daily Telegraph* Naomi Toy wrote:

As this war escalated, the politicians and police hierarchy have run with the line that this will not be tolerated - and then continued to do just that. But Sunday's events changed that. Suddenly an extra 75 police were found to crack down on these criminals and NSW Premier Nathan Rees was pledging to introduce legislation by the end of June that would mean certain motorcycle gangs would be "proscribed" - as occurs with terrorist organizations - with bikies liable to jail terms for their memberships.

Mr Rees said that the bashing death was "a new low in the activities of these criminal gangs." "Once, they kept these things between themselves. This has now overlapped into the public domain. That's why we're taking it so seriously; that's why we've moved very swiftly today."

In other words, as long as they kept the killings, the beatings, the drug dealing, the standovers in-house then politicians were happy to let things go. Is that the way we deal with crime in this state? Out of sight out of mind.

I believe many people in the community will view this legislation very much in that light and will consider that the Government and the Opposition are again bidding against each other to see who comes out of it appearing the toughest. Perhaps the more cynical among us will consider that Alex Mitchell hit it on the head when he wrote an article for *www.crikey.com.au* entitled "NSW police don't have the ticker to tackle bikies". In part, he wrote:

It's all very well introducing the toughest laws in the Commonwealth to combat bikie gang criminality, but who is going to enforce them?

NSW Premier Nathan Rees and Queensland Premier Anna Bligh are lock-stepped in declaring zero tolerance of bikie gangs and proposing laws to make them banned organizations. The problem is that the New South Wales and Queensland coppers are in no position to conduct "war" on bikies or any other form of organized crime.

Both forces have been shredded of experienced officers with the dedication and courage to meet the bikies head-on. Old-style coppering has not been in vogue for the past 10 years and the hard men and women have been shuffled off into early retirement.

While I find Mr Mitchell's criticism of current police officers well and truly exaggerated, there are questions in the wider community as to whether this move is merely for show and whether it can deliver results. While these are comments by journalists who may or may not have personal axes to grind, a substantial number of academics believe the legislation is flawed and that it may raise more issues than it resolves. Civil libertarians, including the New South Wales Council of Civil Liberties and the Law Society of New South Wales, fear the legislation could give police and politicians the power to curtail the activities of protest groups. The President of the Law Society of New South Wales, Joe Catanzariti, has said that the proposed laws could end up targeting sporting, ethnic and religious groups. He said:

No one applauds what has been happening but this is unusual hysteria - an over-reaction.

On ABC radio Dr Michael Kennedy, a senior lecturer at the School of Social Sciences at the University of Western Sydney, said:

When you're dealing with some tough people such as organised crime identities, or bikies that have already done substantial jail time, this sort of rhetoric just doesn't make any difference at all.

He believes the current gang problems have more to do with politics than policing. He states:

The problem with modern policing is everything has to be measured and if you start an operation, say a long-term operation on a bikie group, I have got no doubt that someone from the Premier's office or the Commissioner's office, or more importantly the Police Minister's office, within six months will be jumping up and down wanting to know, have you got any runs on the board? Have you made any arrests? And then police have to stop what they're doing, run out, make a few trivial arrests, just to keep some bureaucrat happy.

He went on to say:

Long term investigations usually take two or three years. That's how long it took when I was in the organised crime area to do substantial investigations so that you could get good evidence together, that could drive a wedge into some of these groups and so that their activities were slowed down or better managed.

I think he put his finger on the pulse when he said:

You've got to stop making this like a Billy Graham crusade, where you're trying to convert all of the bikies to become normal members of society. These arguments are strictly economic. If you make it clear to them, if they don't stop this, that they're going to have their assets, they're going to have their bikes seized, they're going to have their colours seized, you strip them of their identity and they don't exist. And they understand the politics of that.

In the *Australian* a criminal law expert, Andreas Schloenhardt, an associate professor of law at the University of Queensland, was reported as saying that the Government was fooling itself if it believed the new laws would bring an end to bikie violence in New South Wales. He pointed out:

These groups will relocate across the border to another State, they will shave off their beards and put their Harley Davidsons away for a while.

He really starts to get to the root of the problem when he says:

This won't stop what is most important to these people, the money they make by buying drugs and selling them.

Phillip Adams reported on ABC Radio National's Late Night Live that last month the *Wall Street Journal* ran a story where three former presidents of Brazil, Columbia and Mexico wrote that the war on drugs is a failure. Prohibitionist policies based on eradication, interdiction and criminalisation simply have not worked and the alarming power of the drug cartels is leading to a criminalisation of politics and a politicisation of crime. We must take steps to prevent this from happening in New South Wales. If we are serious about eroding the power of bikie gangs we should be removing the source of much of their wealth and industry: the drugs trade.

The greatest difficulty we face is prosecuting the key directors and leaders of these gangs, the people that do not actually carry out the dirty work, that oversee many of the operations, that are involved in the planning, but who remain largely immune to prosecution. Will these laws get to these people? What we really need to do is use legislation already in place to target their finances, rather than simply outlawing all gangs and having the problem go further underground, making it harder for police to deal with. Paul Wilson from Bond

University believes that police should take full advantage of the powers they already have before anyone thinks about new legislation. He believes that the police, particularly the intelligence agencies, have been caught napping and that there has not been particularly good coordination between the forces. He stated:

You don't throw more legislation at a problem just because you've been unsuccessful in the past at dealing with the problem. It may well be you've been unsuccessful because you haven't had a commitment on the part of law enforcement agencies.

Criminologist Professor Mark Findlay from Sydney University sounded a note of caution, saying:

What we tend to see amongst State legislatures is snatching up an idea from one jurisdiction and trying to prove that we're tougher than the next.

He said that police powers in New South Wales have massively increased in the last decade or so and one could argue that there is more than enough opportunity for police to intervene if they need to, while at the same time we do not find the police screaming out for additional powers. He continued that what the police quite realistically appreciate is the need for much better intelligence. The professor pointed out that the approach of banning bkie gangs outright has already failed in Canada. He pointed out that in some situations they have attempted to drive both the legitimate and illegitimate groups like this underground, which can generate a serious problem for the police when they are trying to maintain useful intelligence.

Jim McGinty, a former Labor Western Australian Attorney General, was the architect of Western Australia's anti-bkie laws. He has warned other States that they could be on the wrong path with the laws they have proposed to stop gang violence after Western Australia introduced a range of anti-bkie laws in response to an outbreak of bkie violence earlier this decade. He says the only way to punish outlaw motorcycle gangs is to go after their money. He said:

Firstly, [we must] provide police with the power to remove the fortification around bkie headquarters, secondly, give to our corruption commission the power to pull in people associated with organised crime—we're thinking here particularly of bkie gangs—to require them to testify, to tell what had happened under pain of imprisonment.

He is sceptical about how effective the laws are, saying:

The message from the Western Australian experience is that toughening the law is fine at a political, rhetorical level when you're doing it. It is a question then of whether the laws will be used, and whether they will be effective. Our experience in Western Australia has shown that they haven't been used and therefore have not been effective.

Jim McGinty goes on to say:

To ban people from committing crimes is fine. To ban them from being part of an organised crime outfit is what the public would expect politicians to do. To go down the path, as was done in the Cold War to ban the Communist Party, to now ban outlaw motorcycle gangs; I doubt whether it's the right thing to do and I doubt whether it will be effective.

Across the board, academics, civil libertarians, politicians, journalists, police and former police are warning that we should be wary of knee-jerk reactions that may cause greater problems than we currently face. These are issues that need to be dealt with, but I question whether this rushed response is the answer. Certainly the problem is much bigger than a group of bikies having a brawl at Sydney airport. Some have suggested that the knee-jerk reaction is more a response to protecting Sydney's image than tackling the much bigger question of organised crime. In 2006 new laws enabled the prosecution of anyone who was part of a criminal gang. But of the 164 people charged, only 23 have been members of outlaw motorcycle gangs and only half of them have been convicted. Perhaps the answer, rather than introducing these laws that may in future impact on civil liberties in an unintended manner, is better investment in police resources that allows them to use the laws already in place to deal with these issues. As I said, I do not oppose this legislation, but wonder whether it provides the solutions the community is looking for.

Mr DAVID CAMPBELL (Keira—Minister for Transport, and Minister for the Illawarra) [1.35 p.m.], in reply: I thank all members who have contributed to this debate. An important part of the process of legislation is to ensure that as many people as possible in this place, as time permits, have the opportunity to contribute. I note the Opposition's intention to support the Crimes (Criminal Organisations Control) Bill, but I cannot help but point out the conflict between the shadow Attorney General and the Leader of the Opposition—again a demonstration of conflict on the other side. The shadow Attorney General has spent a lot of time whining, whining and complaining that he did not have enough time to look at this and it was all a rush. I will quote some of what his leader has been saying. On 29 March the Leader of the Opposition said on 2UE radio:

It's important that it quickly equip police with the powers needed to not just lock up the bkie gang members, but to smash these criminal bkie gangs once and for all.

That is what the Leader of the Opposition said while the Attorney General was whinging, whining and complaining that there was not enough time. As late as this morning on the Hadley program on 2GB the Leader of the Opposition said, "It can only be today ... we are happy to support it." Again the conflict, dissent and disagreement on that side of the House is very much evident in the debate we have heard today. The New South Wales Opposition is the biggest critic of the New South Wales Police Force. Once again, we saw a slur against the police officers of New South Wales by the shadow Attorney General. That was one part of his contribution.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the member for Epping to order.

Mr DAVID CAMPBELL: What we have also seen from the Opposition is public calls for the South Australian model to be lifted and put into New South Wales. What the Government has done through a collegiate approach is ensure that we have a stronger bill in New South Wales than that in South Australia. It is stronger and more resistant to challenge than what the Opposition has been publicly calling for. I think it is important to point out that the shadow Attorney General wants a member of Parliament to make the declaration of which gang—

Mr Greg Smith: The Attorney General.

Mr DAVID CAMPBELL: The Attorney General was a member of Parliament the last time I checked. The Opposition would have a member of Parliament make that declaration. What the Government wants, and what the Opposition subsequently will support, is that a Supreme Court judge will make that declaration and also make the orders. As a former police Minister, I want to highlight the success that Strike Force Raptor has already had in cracking down on outlaw gangs. Strike Force Raptor has built on the success of previous police operations and brought the dedicated efforts of 125 police officers to bear on criminal gangs. Raptor follows on from Operation Ranmore, which resulted in nearly 900 arrests and 2,000 charges against individual members of outlaw gangs.

The Premier has also announced Reference Leeton, bringing the powers of the New South Wales Crime Commission upon criminal gangs. Just yesterday police conducted a raid on a Rockdale unit, where they arrested a member of the Rebels outlaw gang and seized a pistol, shortened pump-action shotgun, a rifle scope, large quantities of ammunition, a pistol holder and steroids. A 36-year-old man has been charged with firearm offences, including possessing an unauthorised firearm, possession of a shortened firearm, possess ammunition, not keep safe a prohibited firearm, not keep safe a pistol, possess prescribed restricted substance as well as three counts of possessing a steroidal agent, and carrying a cutting weapon. He is just one member who has been arrested so far. In fact, 12 members of various outlaw gangs have been arrested since that shocking incident at Sydney airport.

The Leader of the Opposition said a range of things in his contribution. I actually agree with something he said: that this is not just something that happens in the centre of Sydney. These gangs operate around the city and in the suburbs. We heard from the member for Port Macquarie that, notwithstanding what a great place it is, his electorate is experiencing bikie gang activity. As a resident and representative of the Illawarra, I am aware of the involvement of outlaw motorcycle gangs in illegal activities in that region and the effort the police have made that has resulted in some arrests. I am confident that other members of this place from the Illawarra would have joined me if they had had the opportunity in saying that this legislation provides a balance and sets an agenda that police can pursue to get on with the job across New South Wales, and certainly in the Illawarra.

This bill not only strikes the right balance but also gives the police the powers they need to break up outlaw motorcycle gangs. It will enable authorities to have gangs declared criminal organisations following an application to an eligible judge of the Supreme Court. It will also allow the Supreme Court to issue control orders in respect of gang members. Much has been said in this debate about the existing laws. I have pointed out how Operation Raptor and Operation Ranmore officers have been using those laws against individuals. However, as every member who has contributed to this debate knows, because of intimidation by the gangs no-one will give evidence notwithstanding that the police have made an arrest or have a view as to who may have committed a crime.

I see the member for Epping nodding and I am sure he agrees with me. He probably would have achieved better outcomes in a previous life if some people had given evidence. That goes to the heart of what this bill is about—disrupting gang activity. Existing legislation can continue to be applied to individuals; this is about disrupting gang activity and striking at the heart of the intimidation that binds these people together. That is why I strongly support it. This bill will make it an offence for gang members to associate together with up to

two years jail for the first offence and five years for every subsequent offence. These laws will be the toughest in the country and provide no second chance for members caught associating with each other. The bill will help police officers to take criminals off the street and the offence will have no presumption in favour of bail.

The bill will ensure that declared gang members cannot be licensed to work in a range of high-risk industries. This brings me to the contribution made by the member for Vaucluse. The member referred to clause 27 (6). I know he did not misinterpret it, because I have more confidence in him than that. However, he did misrepresent the intent of the subclause. It deals with those industries in which people need a specific licence; for example, the tow truck industry or the security industry. Paragraph (m) deals with other activities to be prescribed by regulation. I am sure the member was not misinterpreting it, but he was misrepresenting it for his own political ends.

Mr Peter Debnam: Point of order: I would like to clarify whether the Minister is saying that the Government will actually do it?

ASSISTANT-SPEAKER (Mr Grant McBride): Order! That is not a point of order.

Mr DAVID CAMPBELL: Members should make no mistake: This Government will not let outlaw bikies peddle their intimidation and thuggery in industries that are vulnerable to outlaw infiltration. The police know that gangs can use the tow truck and motor repair industries to assist in car rebirthing and the second-hand goods industry to move stolen property. Gang members will also be sent a message that crime does not pay because the law has been strengthened to seize their assets. The Government will also expand the grounds in the criminal asset recovery laws to allow action to be taken to seize the assets of those who participate in a criminal group regardless of whether it has been declared a criminal organisation by the court. Discussions will also be occurring with the Commonwealth about enabling greater use of telecommunications intercepts.

I remind members that these laws have safeguards. Supreme Court judges will make key decisions, the Attorney General will need to be notified of applications by the police commissioner, individuals will have a right of appearance where practical and appropriate, and allowance can be made in control orders if the member can show good reasons for association, including relationships between close family members. The bill is also subject to an Ombudsman's review in two years. These laws are the toughest in the country and there will be no second chances. They will give the police the power to ensure that crime does not pay. They also strike the right balance because no-one wants police work undermined by legislation being attacked in the courts. That is why the Government sought the advice of the Solicitor General earlier this week. Agencies were working on these laws prior to the incident at Sydney airport. This bill will give the police the powers they need to take the fight to outlaw motorcycle gangs. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

Division called for and Standing Order 181 applied.

Noes, 1

Ms Moore

Question declared 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.

[The Speaker left the chair at 1.50 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: On behalf of the House I welcome the Hon. Tanya Chan, who is a member of the Legislative Council in Hong Kong. She is visiting the Parliament today as part of the Federal Government's Special Visits Program. I also acknowledge the presence of Mr Brendan O'Reilly, the Director General of the Department of Ageing, Disability and Home Care, who I understand is retiring. I welcome him and congratulate him on his contribution.

OFFICE OF THE INSPECTOR OF THE POLICE INTEGRITY COMMISSION

Report

The Speaker tabled, pursuant to section 103 of the Police Integrity Commission Act 1996, the special report of the Inspector of the Police Integrity Commission dealing with certain matters affecting the Police Integrity Commission, dated April 2009

Ordered to be printed.

QUESTION TIME

OMBUDSMAN'S REPORT ON THE ROADS AND TRAFFIC AUTHORITY

Mr BARRY O'FARRELL: My question is directed to the Minister for Roads. When did the Minister first become aware of the Ombudsman's serious concerns about the matters contained in his report about the Roads and Traffic Authority and freedom of information? What action did the Minister take at that time?

Mr MICHAEL DALEY: The question asks the actual date on which I received communications from the Ombudsman in respect of his draft report. I will get some advice on exactly what date that was.

JOBS SUMMIT

Mr GEOFF CORRIGAN: My question is to the Premier. What is the Government's response to the Jobs Summit?

Mr NATHAN REES: I thank the member for his question and for his interest in this serious matter. Jurisdictions across Australia are facing a difficult set of economic circumstances and it is clear that New South Wales is not immune to the global downturn. Unfortunately, it is likely that times will become more difficult before they get better. Unemployment is on the rise and governments everywhere are responding with urgency. Rapid actions by Government can make a difference and the Prime Minister's \$42 billion stimulus package, the package the Opposition opposed, is testament to this. The Prime Minister's incentive package comes on top of our \$56 billion infrastructure program in New South Wales, sustaining 150,000 jobs each year for the next four years. In responding to the global financial crisis the Government needs to act swiftly and decisively. We need to work in partnership with the private sector as well. That is why we held the Jobs Summit in late February.

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

Mr NATHAN REES: There I gave the commitment to work in partnership with industry and the community. Over a very productive two days the Jobs Summit brought together more than 300 business and community leaders—unions, employer groups, apprentices, employee groups, welfare agencies and environmental groups. All up, more than 300 ideas and recommendations were put forward for consideration by government. I am pleased to report that the Government is already acting on some of those recommendations and others are under consideration as part of our budget process.

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

Mr NATHAN REES: Today those who attended the summit joined me to deliver the first phase of the Government's response.

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

Mr NATHAN REES: The Government is committed to direct ongoing engagement with industry, and that starts with the experts. Today I announced the appointment of a panel of industry advisers that will include Steve Harker, Chief Executive Officer of Morgan Stanley; David Gonski, Chancellor of the University of New South Wales; Mr Roger Corbett, former Chief Executive Officer of Woolworth's and Director of the Reserve Bank of Australia; and Tony Shepherd, Chairman of Transfield Service. I left out Max the Axe, who is responsible for the loss of 24,000 jobs in one year. These advisers will provide Cabinet and me with ongoing independent advice on the implementation of the Government's response to the Jobs Summit and the progress on issues to be managed by the already established "go to" team, and will identify and resolve blockages in the assessment and approval of projects that provide significant new employment opportunities. At the meeting today, Mr Gonski had this to say about these teams:

The team you put together for the "go to" is a very high powered one.

Congratulations to you and your ministers for having the guts to do this.

Summit participants told us that industry is looking for the New South Wales Government to be active and visible in attracting large projects to the State. Today I announced that the New South Wales Government would establish a \$70 million major investment attraction scheme to attract large projects that would not otherwise come to New South Wales; an incentive fund for projects looking for a base; and provide financial assistance packages with a total value of at least \$2 million per project, including payroll tax relief, for a period of three to five years. Local businesses also need support so that they can remain competitive in the global market. We will not turn our backs on our trade partners. Today the Government committed an additional \$2.5 million to the Industry Capability Network—an Australia-wide and New Zealand-wide network that assists businesses to maximise the opportunities that arise from purchasing locally. The Government, along with the Regional Development Australia boards, will use the Industry Capability Network as a key tool to help business in our regions.

As I mentioned earlier, we understand the importance of supporting jobs in regional areas, which is why we will be holding a series of regional jobs summits drawing advice directly from local experts. The first of these summits will be held in the Illawarra on 16 April. Rapid regional response teams have also been established to provide backup for regional and rural areas. These teams will focus on the needs of employees, communities and suppliers impacted by a major company closure in a regional location. Recently we had some success with the sale of Drivetrain Systems International—the Albury-based firm that was closing down—to Geely. As a result of the intervention of this Government, that firm has now been saved. Geely, an overseas purchaser, bought that firm and saved of the order of 130 jobs as a direct result of the intervention of Minister Macdonald and this Government. The Government is also committed to the creation of a new employment zone in western Sydney, details of which will be announced next month, and to the creation of a rapid rezoning process for strategic centres—

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

Mr NATHAN REES: It is called part-time work, you wizard!

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

Mr NATHAN REES: The Government is committed to the creation of a rapid rezoning process for strategic centres to further streamline the planning process.

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

Mr NATHAN REES: Significant reforms to the planning system are now underway. At the same time, we are fast-tracking significant projects, with 85 per cent of major project approvals to be finalised within three months, 95 per cent to be finalised within five months, and no project assessment to exceed eight months. To attract international investment it is critical that we boost confidence in our State to promote Sydney and the State internationally. The Government will actively and proudly promote this State at home and abroad. Overseas engagement will be strengthened, with four international offices opening in Shanghai, Guangzhou, Abu Dhabi and Mumbai by the middle of this year. These offices will be charged with promoting the State as a

destination for investment, trade, tourism, education and events, and as a source of world-class products and services. Business and industry leaders have supported the Government's response. This morning Ken Morrison, the New South Wales Executive Director of the Property Council, had this to say—

[Interruption]

Ken and this Government have had a number of disagreements, but he is backing the Government on this issue. He said:

Congratulations on a lot of measures here I think its really very solid progress—particularly on the planning front.

Again, Roger Corbett and this Government have had a number of disagreements on different things, but we have had the courage to appoint him as one of the independent overseers of our progress. This is what he said:

You've very responded positively to the business community. I think in all fairness you've thrown the ball clearly back to business and said we're prepared to make this state the "can do" state.

This is just the beginning—the first phase in our response to the Jobs Summit as we continue to invest in a better future for New South Wales.

OMBUDSMAN'S REPORT ON THE ROADS AND TRAFFIC AUTHORITY

Mr BARRY O'FARRELL: My question is directed to the Premier. Given the Premier's promise to end the days of the secret State and to be honest, transparent and accountable, why will the Premier not release the Ombudsman's report into the handling of freedom of information requests by the Roads and Traffic Authority and the former Minister for Roads?

Mr NATHAN REES: I am advised that the Ombudsman's report will be tabled this afternoon in the other place. I can advise that in line with the Ombudsman's recommendations, the Roads and Traffic Authority provided the report to the Commissioner of the Independent Commission Against Corruption. I can also advise that we welcome the Ombudsman's recent report on the Freedom of Information Act. I have said that Act needs overhauling and we have considered the Ombudsman's proposal for a new Act. As I have said on many occasions, it is the Government's intention to completely overhaul the Freedom of Information Act, which is more than 20 years old and does not reflect the electronic age.

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

Mr NATHAN REES: The Ombudsman's report provides a road map for fundamental reform of freedom of information in this State. It is currently under active consideration by my Government.

GREEN JOBS

Mr PAUL PEARCE: My question is addressed to the Minister for the Environment. What action will the Government take to invest in green skills for the future?

Ms CARMEL TEBBUTT: I thank the member for Coogee for his question and his interest in this matter. These are difficult times. We are facing tough economic circumstances. The global financial crisis is reaching into our economy, other State economies and, of course, economies across the world. The Government understands that if we are going to best protect our community through these difficult times, it is going to require hard work, partnerships, as the Premier already has outlined, and a willingness to embrace innovation. The two-day Jobs Summit was an opportunity for the Government to hear firsthand from businesses, community groups, environment groups and academia about the challenges posed by the economic downturn and ways to address those challenges.

It was a positive two days with much optimism and goodwill. The Government has responded to the Jobs Summit. Again, that response has been well received. The House is aware that the second day of the Jobs Summit focused on opportunities in green jobs. Even in these tough economic times we know there will be growth in what are often called green jobs. Whether it is the implementation of the Carbon Pollution Reduction Scheme, the Mandatory Renewable Energy Target, dealing with our waste more effectively, or the desire of businesses and the community to embrace energy efficiency, employment opportunities are available as we

address these serious environmental issues. The Government is determined to make sure that we are best placed to take advantage of these opportunities and the associated investment and make sure they result in jobs for the community.

We are committed to working with business and the community to protect and boost jobs in New South Wales. The Government is establishing a Green Skills Taskforce to make sure that sustainable jobs stay at the forefront of government business over the long term. The taskforce includes representatives from government, business, training agencies, unions, environmental advocates, academics and young people. It will drive the implementation of the measures that were announced as part of the Green Jobs Summit, and provide further advice on how we can increase the demand for jobs and green skills. We are also committing \$5 million for green skills business incentives to encourage small to medium businesses to take up skills training and encourage training providers to promote their training opportunities with incentives for managers, supervisors, occupational health and safety personnel, and environmental officers. These people will be at the forefront in the change to address sustainability within their businesses. We want to support these people to embrace sustainability.

These two initiatives are part of a much broader suite of measures the Government is committed to delivering to support jobs in this State. We will fast-track renewable energy development through the establishment of renewable energy precincts for wind power. We also will look at opportunities for solar thermal precincts over the coming months. Solar thermal power is not as cost competitive; it is more expensive than other renewable energy technologies, such as wind and bioenergy, but we know that it has the potential to be a major supplier of baseload electricity for New South Wales in the future. The cost of solar thermal power will come down. We are committed to looking at how we can facilitate the future development of this new technology in New South Wales. We will look at extending the precinct approach. We are also providing direct support to research and development sites for solar thermal power.

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

Ms CARMEL TEBBUTT: The member for Burrinjuck is looking most concerned. She has raised issues about fast-tracking renewable energy development. We would like the Opposition to get on board, embrace and welcome our opportunities.

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

Ms CARMEL TEBBUTT: Renewable energy will be one of the fastest-growing sectors for investment into the future. We do not necessarily have the same advantages as other States with our natural attributes regarding wind energy, but we have to make sure that we can get as much of that investment as possible by streamlining the planning processes and by working with communities. No-one is suggesting that we would not work with communities; jobs are available in this process for regional New South Wales. I am surprised that the member for Burrinjuck does not make that acknowledgement. The Government is committed to fast-tracking renewable energy development; it is one of the best ways we can support jobs in this growing sector. However, it means also a boost to our efforts to transition to a lower carbon economy. Both of these factors are more important than ever as we face the twin threats of the global financial crisis and climate change.

Apart from more jobs being available in the renewable energy sector, the greening of more traditional industries will play an important role in our fight against climate change. Climate change and its impact will hit every economic sector: buildings and construction, transport, agriculture, manufacturing, services and tourism. Innovation and new technology will help us cope and adapt with the changes in the vast numbers of jobs in these industries. A recent report by the Australian Conservation Foundation in the Dusseldorp Skills Forum found that jobs in sectors that generate a lot of greenhouse pollution—like transport, construction, agriculture, manufacturing and mining—are forecast to grow strongly in the next decade. However, we know that we will need to equip the workers in these industries with new and more sustainable skills. That is why the Government has committed the \$20 million Energy Efficiency Skills Program to give a real boost to our training efforts in New South Wales.

We recognise that we have to provide those training opportunities for key workers—electricians, plumbers, building managers, engineers and architects—so that they can improve their design skills and other skills in sustainability. The skills program will provide funding for trainers such as TAFE teachers to gain knowledge to meet these skill requirements. Australia, and the rest of the world, is already undergoing a fundamental shift to a lower carbon economy. We need to make sure that we are at the forefront of that shift,

rather than being left behind. We need to make sure also that we are best positioned to gain and grab any jobs available as part of that transformation. New South Wales is committed to doing that. With the right training and the development of a framework within which green jobs can flourish, we can move to a more sustainable economy while ensuring that we remain productive and prosperous.

OMBUDSMAN'S REPORT ON THE ROADS AND TRAFFIC AUTHORITY

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that two weeks ago Sydney Ferries boss Geoff Smith was stood down while he was the subject of an Independent Commission Against Corruption inquiry, why will the Premier not apply the same standard and stand down Treasurer Eric Roozendaal and Metro chief Les Wielinga while the Independent Commission Against Corruption investigates the Ombudsman's Roads and Traffic Authority report?

The SPEAKER: Order! Members will cease interjecting.

Mr NATHAN REES: I can advise the House that there were no findings concerning the Treasurer. Further, I am advised that Mr Wielinga's appointment to Metro was in accordance with public sector guidelines. On the information available to me, the matter of Sydney Ferries concerned an allegation of personal gain and fraud. I am advised that this is not relevant here.

JOB CREATION AND RED TAPE REDUCTION

Mr ALLAN SHEARAN: My question is directed to the Minister for Regulatory Reform. What action will the Government take to cut red tape to encourage job creation?

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

Mr JOSEPH TRIPODI: This morning, together with the Premier and other Cabinet Ministers, I attended the Premier's announcement of the Government's response to the Job Summit. The Job Summit was a smart way of getting New South Wales's key players in the same room so that we could identify top priorities and work closely with business to achieve them. I must say that the Government's response has been very well received by the business people in the room and by the community generally. One of the issues identified by the Job Summit participants was the perennial issue of red tape. This can be a difficult area for governments to address because red tape occurs for different reasons in different places. Indeed, red tape covers a lot of different kinds of costs to business and the community.

The SPEAKER: Order! There is too much audible conversation in the Chamber. I remind the member for Terrigal that he is on the three calls to order.

Mr JOSEPH TRIPODI: Red tape may include delays, bottlenecks, time costs, administration costs, competition restrictions, compliance costs, fees and charges. Those factors all add up to deadweight costs to business, and also they can represent a cost to the economy through creating inefficiencies or even, in the worst cases, by sending businesses elsewhere. The Rees Government is dedicated—and the response to the Job Summit proves this—to getting the foundations right to enable business to flourish in this State. That means the maintenance of a best practice regulatory environment with a minimum of red tape.

This morning the Premier announced a team of go-to people within government who will work as problem solvers and cut through unnecessary delays of projects. My task, as the Minister for Regulatory Reform, is to effect systematic changes across government to address the sources of delays and unnecessary costs involved. The Government is in the best position to tackle red tape.

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

Ms Gladys Berejiklian: Why have you taken 14 years to do it?

Mr JOSEPH TRIPODI: I will get to the Opposition's policy, it is a very comprehensive policy—it's four dot points—on red tape.

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

Mr JOSEPH TRIPODI: The Opposition has produced a whole four dot points of policy on the issue of red tape! The New South Wales Government is the only government in the country that has a Minister dedicated to regulatory reform.

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

Mr JOSEPH TRIPODI: The New South Wales Better Regulation Office is dedicated to the task of reducing regulatory burden and educating the workforce on how to do things better. We have made great progress in red tape reduction over the past few years. In the 18 months to July this year, more than 100 red tape cuts were made across the New South Wales Government. The top 10 of these alone are worth more than \$840 million to the New South Wales economy over the next five years, with benefits including reduced compliance costs to business, increases in investment, and freeing up staff time.

As the Minister for Regulatory Reform I am pleased to be in the position to take up the challenge set by business at the Job Summit to continue driving red tape reduction, particularly by encouraging cultural change throughout the public sector. Today the Government commits to reducing the regulatory burden by \$500 million by June 2011. It is an ambitious target and we know we need to have all agencies across government on board to achieve that goal. That is why, commencing this year, New South Wales agency chief executive officers [CEOs] will have red tape reduction built in as a condition of their performance contracts. That will make it clearer than ever before that cutting red tape is core business for the Government.

Agency chief executives will have to report to the Better Regulation Office twice a year and outline the red tape cuts they have made in the previous six months as well as the reforms they intend to implement in the following six months. Our progress in achieving the \$500 million target will be reported publicly on the Better Regulation Office [BRO] website, thereby keeping the process accountable. As always, the Government is eager to hear from business and the community about opportunities to remove red tape and how to make life easier for them.

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

Mr JOSEPH TRIPODI: To improve the Government's engagement with business and other stakeholders, the Better Regulation Office will circulate quarterly newsletters detailing the latest news and highlighting opportunities for business and the community to have their say on legislation reviews and other regulation issues. These new initiatives build on the good work that the Government already has achieved through the hard work of the Better Regulation Office. Last year the office completed its first target of red tape review resulting in major red tape cuts to the regulation of shop trading hours which are expected to deliver benefits to retailers in the order of \$2.1 million a year and administrative savings to government of approximately \$30,000 a year.

The results of two additional Better Regulation Office reviews will soon be announced. One examines the need to continue licensing 11 occupations in New South Wales when New South Wales is the only State, or one of two States, which requires licensing. The aim is to remove unnecessary costs for business and remove barriers for tradespeople so that labour and skills can move freely across State borders. We will soon announce reforms arising from the joint Better Regulation Office and Department of Water and Energy review of the New South Wales plumbing and drainage regulation. These reforms will improve consistency and certainty and will reduce unnecessary cost to business, for consumers and for the Government.

The Government's Job Summit response this morning highlighted procurement and planning as two significant areas where red tape reforms will have major benefits to the New South Wales economy. These will surely go some way to achieving our goal of cutting red tape worth \$500 million by June 2011. But the red tape agenda is broader. I know that we will soon see more reforms across many areas of government, including those that benefit diverse groups of business, as we move towards achieving this ambitious target and build on best practice when it comes to regulatory reform. Of course the Opposition has been very silent on the issue of red tape reform and has had almost nothing to say on the topic, apart from the single document it published last year.

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

Mr JOSEPH TRIPODI: We remember the document, "Planning for Prosperity". That very same document details the fiscal policy of Michael Baird—a policy that would bankrupt the State and cause New South Wales to lose its triple-A rating in a snap of the fingers. It is a very comprehensive document!

The SPEAKER: Order! Members will cease interjecting.

Mr JOSEPH TRIPODI: The document was published six months ago. I am pleased to report to the House that the Opposition's public consultation process concluded just two days ago. The document was produced after six months of public consultation, and of course that was necessary because the Opposition's policy consists of a whole four dot points! The Opposition proposes a full half-page of reform to reduce red tape! This innovative, new, energetic and ground-breaking policy consists of ideas that no-one has ever thought of before:

developing firm red tape targets, creating strong incentives for the public sector to achieve them and performance monitoring.

That is dot point number one—how innovative! The policy continues:

developing an annual report on red tape that independently measures and reports on the regulatory burden imposed upon business in New South Wales—

that was copied straight from the Labor Government. The next dot point is a big area of red tape reform, and of course no-one has thought of this before, and there has been no action taken on this idea—

reforming the planning and approvals process—

that is a very comprehensive point. It is one-quarter of the Opposition's policy on red tape reform. The final point is:

eliminating the duplication between Commonwealth and State jurisdictions.

Of course, that has nothing to do with the Council of Australian Governments [COAG] agenda! That would not be the biggest part of the red tape agenda that is happening in this country! The Opposition came up with that idea! The Opposition's ideas on regulatory reform, after six months of consultation, consist of four dot points. All submissions came in only two days ago, and Max the Axe has been swamped with paper. The public of New South Wales has swamped the Opposition with ideas being offered to the Opposition in the hope that the Opposition may listen.

GREATER WESTERN AREA HEALTH SERVICE

Mr ANDREW STONER: My question is directed to the Premier. What measures in his response to the Jobs Summit will protect the 47 front-line Greater Western Area Health Service health workers, including psychologists, physiotherapist, radiographers, pharmacy assistants, social workers and speech pathologists, who are losing their jobs?

Mr NATHAN REES: On most occasions when the Leader of The Nationals has raised similar claims, they have simply been wrong.

Mr Andrew Stoner: This is right.

Mr NATHAN REES: So the others were wrong, but this one is right?

The SPEAKER: Order! The House will come to order. I call the Leader of The Nationals to order for the second time.

Mr NATHAN REES: I will seek a report from the relevant Minister.

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

Mr NATHAN REES: I am advised that there are no plans to sack any allied health workers in the Greater Western Area Health Service. Approximately 400 allied health staff are employed across the area.

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order. I call the member for Bathurst to order. Members will cease interjecting.

Mr NATHAN REES: I am further advised that if any front-line staff recently were offered voluntary redundancy, that was done in error.

Mr Barry O'Farrell: Ah!

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

Mr NATHAN REES: No-one sensibly claims perfection. This was an error. If front-line staff were offered voluntary redundancies it was in error. The Minister for Health has directed the Department of Health to immediately review the process. If there is any further information that the Opposition wants to furnish to us so that we can act on it, we will act, rather than making a cheap political point.

Mr Andrew Stoner: Here's some further information—400 jobs on the North Coast.

The SPEAKER: Order! I call the Leader of The Nationals to order for the third time.

Mr NATHAN REES: So the Leader of The Nationals says. While members opposite are carping about what appears to be an administrative error, this is a file—

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

Mr NATHAN REES: —of which there are many, that contains letters of testimony from patients—

Mr Adrian Piccoli: A list of all your donors.

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

Mr NATHAN REES: They are letters of testimony from patients who received excellent service in our health system. Let me read a couple of them.

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

Mr NATHAN REES: Sonya writes: "I just wanted to write and thank the two lovely paramedics who took me to RPA on Wednesday morning from Darling Harbour. I don't think paramedics get the recognition and thanks they deserve and I just wanted to say thanks."

Mrs Jillian Skinner: Point of order: My point of order relates to Standing Order 129. The question was about sacking these people, not thanking them for the wonderful job they do.

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

Mr NATHAN REES: The substance of the question has clearly been answered. If voluntary redundancies were offered it was in error, and the Minister has asked the department to review that immediately. In the same week as the Government has allocated nearly \$500 million to the most fundamental reforms of the health system in living memory, members opposite are carping on about what appears to be an administrative error. That is nearly \$14 billion in recurrent funds for the best-funded health system in Australia—110,000 workers day in, day out delivering—

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

Mr NATHAN REES: —more than 700 surgical procedures each day, seeing more than two million people in our emergency departments each year and delivering nearly 200 babies without incident every day. And members opposite want to carp on about what appears an administrative error. The Opposition ignores and repeatedly refuses to support the front-line staff who are the backbone of our health system. The backbone of our health system is treated like a slipped disc by members opposite.

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

Mr NATHAN REES: In another letter, Matt writes: "I would like to thank you both for your sincere and professional manner in which you took care of me after my bicycle accident with a taxi last Friday. It was a very enjoyable ride to the RPA indeed. As we suspected, my heel is broken. Keep up the good work and those great smiles." The next letter states: "I wish to express my deepest thanks to the staff and doctors of Griffith Base Hospital. Their care and dedication during my stay there are much appreciated." A letter to the *Goulburn*

Post states: "Instead of bad news, I would like to tell of a recent event where people showed kindness to a stranger. This person is my 80-year-old friend ... He phoned the ambulance which came very promptly, and two cheerful and kind ambulance men put her on a stretcher and took her to hospital. All through her ordeal she was treated with the utmost kindness and is now home recuperating with the help of neighbours and friends."

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

Mr NATHAN REES: Another letter states: "On Saturday the 20th of December I was admitted to Dubbo hospital. I cannot speak more highly of the care I was given on this day. Every person I had contact with on this day treated me with kindness and compassion. I felt that my health and wellbeing was their top priority and appreciated the care extended to me, both physically and personally, on this day."

There are no plans to sack any allied health workers in the Greater Western Area Health Service. There are 400 allied health staff across that area. Early next week the Greater Western Area Health Service will be holding discussions with the Health Services Union to listen to concerns its members may have about recruitment of allied health staff in the area. The Greater Western Area Health Service is committed to the recommendations in the Garling review into health, which specified that funded allied health positions must be filled, and filled promptly. I have a full volume of testimonials to our health system, to the men and women who form its backbone and who deliver excellent patient care day in and day out. They should be backed, not bagged.

INFRASTRUCTURE PROJECTS AND JOBS

Mr GERARD MARTIN: My question is addressed to the Minister for Planning, and Minister for Redfern Waterloo. What is the latest information on the Government's efforts to create jobs through the planning system?

Ms KRISTINA KENEALLY: Today we had the report back on the Jobs Summit. The industry is committed to working with Government on our goal of delivering Australia's best planning system. Since September 2008 the Government has approved 242 major projects. That is creating 17,314 construction jobs, 32,559 operational jobs and more than \$12 billion worth of investment in New South Wales. That is more than 49,000 jobs for New South Wales families, or about 240 jobs per day, every day, over the past seven months. In the past month alone the Government has approved 50 major projects, creating a total of 2,292 construction jobs and 317 operational jobs. Some of these projects have been thanks to part 3A. I am happy to provide the House with the latest figures on part 3A approvals. In the past seven months the Government has approved 74 part 3A projects. Those part 3A projects alone have created more than 34,000 jobs for New South Wales families.

As I said, at the Jobs Summit we made a commitment to Australia's best planning system. Participants told the Government that they want a planning system with fast decision-making. We want to ensure that projects get off the ground quickly. It is not about shortcuts in the planning system; it is about doing things effectively, efficiently and providing up-front decisions where we can. Our significant reforms to the planning system are underway to achieve this. The Rees Government is using the planning system and part 3A to create and facilitate private sector investment and employment in New South Wales.

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

Ms KRISTINA KENEALLY: I take the opportunity to point out that the Government wants to keep this legislation and the Opposition wants to get rid of it. However, it does not seem that all members opposite want to get rid of it. One of the part 3A approvals last month was the Wellington gas-fired peaking power station. That helped secure for the Central West more than 300 construction jobs, 10 operational jobs and \$700 million worth of investment. This project received an extremely warm welcome in the *Wellington Times* on 23 March by the local member, who is a great local member. He said:

I welcome the announcement that the State's planning Minister has approved the \$700 million ERM gas-fired power station at Wellington.

This station will provide a much-needed boost to the State's power generators, which will struggle to cope with increasing energy demand in years to come ...

The project is a huge economic boost to Wellington and the state of NSW.

It seems that someone forgot to tell the member for Orange that if the Leader of the Opposition, Max the Axe and their band of merry friends had their way the Wellington community in the Central West would have been robbed of this huge economic boost and this much-needed project.

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

Ms KRISTINA KENEALLY: The Opposition is struggling to find a unified approach to planning policy. For example, the Government has introduced new planning legislation to fast-track the Rudd Government's stimulus package in New South Wales. Indeed, I understand that New South Wales was the first State in Australia to do so. The shadow Minister for Planning criticised this special legislation. He is excited because I am talking about him.

The SPEAKER: Order! The Minister will not encourage the member for Wakehurst.

Ms KRISTINA KENEALLY: The shadow Minister said that our stimulus legislation is "effectively a super-size part 3A whose purpose is to throw out normal community input to planning outcomes, proper environmental considerations and all other normal planning processes". However, the shadow Treasurer contradicted him when he said that our stimulus legislation does not go far enough. He asked:

... why the New South Wales State Government has not applied a State building and stimulus approach to all existing capital works and infrastructure programs for which the State Government has responsibility.

One side throws out all the normal things and the other side—

The SPEAKER: Order! Members will cease interjecting.

[Interruption.]

The SPEAKER: Order! Members will remain silent.

Ms KRISTINA KENEALLY: I am not surprised that the Opposition is not clear about their planning policy. The Opposition has not come to a clear landing on who the shadow planning Minister actually is. We on this side might think that the member for Wakehurst does that job. However, it seems the shadow planning Minister has a shadow of his own, the member for Pittwater.

The SPEAKER: Order! The House will come to order. The Minister has the call.

Ms KRISTINA KENEALLY: Since September, the member for Wakehurst and the member for Pittwater, who is, of course, a good friend of the member for Manly, have been consumed in a neck and neck race as to who is actually doing the job of shadow planning Minister. It seems the shadow shadow, the member for Pittwater, is ahead by a hair. Do not just take my word for it, look at the facts. Since September last year the shadow's shadow, the member for Pittwater, has written twice as many letters to my office requesting information for action in relation to planning matters. He has asked 37 questions on notice on planning issues, as opposed to the 35 asked by the member for Wakehurst. Unlike the member for Wakehurst, the member for Pittwater has requested a meeting with me on planning matters, but then again it stands to reason why the member for Pittwater takes such an active interest in planning, given that it is his area of expertise.

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

Ms KRISTINA KENEALLY: The member for Murrumbidgee should not help the member for Pittwater.

The SPEAKER: Order! I remind members that five members are on three calls to order.

Ms KRISTINA KENEALLY: Ahead by a hair, the shadowboxing on that side of the House continues, the fight for relevance continues. Meanwhile on this side of the House we get on with the job of delivering jobs for the people of New South Wales. We get on with the job of delivering our goals: Australia's

best planning system, robust and transparent, protecting our environment, planning for the future and, most importantly, creating jobs and investment in New South Wales. The Opposition should join us, or at least join together, and support a planning system that supports jobs and economic investment in our State.

SOCIAL HOUSING STIMULUS PACKAGE

Mr GREG PIPER: My question is addressed to the Minister for Housing. Will the Minister guarantee that the haste with which tenders are being called for proposals under the New South Wales and Commonwealth Social Housing Stimulus Package will not lead to significant inefficiency and poor housing outcomes? Will the Minister extend the period for submissions by four weeks?

Mr DAVID BORGER: I thank the member for his question and interest in this once in a lifetime opportunity to secure jobs and investment for people in New South Wales and provide essential new housing. During the next three years, the Commonwealth and New South Wales governments will invest a little more than \$3 billion to generate 9,000 units of social housing in New South Wales which will deliver up to 37,000 jobs and apprenticeships for people in New South Wales. This plan will allow 17,000 people who are currently in very difficult circumstances to get a safe and secure roof over their heads. This investment will trigger a wave of social housing construction not seen in New South Wales since the mid 1980s and is sorely needed after the former Howard Government ripped more than \$1 billion worth of funding from social housing just in New South Wales when it was in government. I assure the member that the New South Wales Government is committed to using the additional funds to better integrate and salt-and-pepper social housing throughout neighbourhoods and get that housing as close as it can to shops, jobs and opportunities.

The Government will not buy or build social housing in large numbers unless they are specialised units for seniors. The Government knows that healthy communities need a good mix of residents, and while it wants to increase the amount of affordable housing in New South Wales it is also determined to encourage better, stronger functioning neighbourhoods and communities. Because the rationale behind the stimulus package is to limit the effects of the world economic downturn on the Australian economy, 75 per cent of the federally funded homes will have to be built by December 2010. If we delay tenders, then the Government will not meet those deadlines. The Government has hit the ground running because it knows it has to move quickly to take advantage of this unprecedented opportunity. This Government has pulled out all stops to meet the Prime Minister's deadline—it is fast-tracking approvals and finding new and creative ways of partnering with the private sector to meet its goals.

The Government knows that to achieve these numbers in that time frame it needs to marshal the resources of the private sector too. In early March the Government called for a request for proposals from the construction industry. The Government wants to add at least 3,000 new homes for social housing by buying private land with potential small-scale developments. Since that time more than 900 companies have downloaded the proposal documents from the website and the Government has received numerous submissions. Tenders will close on 9 April. The Government has also been quick to organise a series of briefings for local building, construction and property industries in key towns and cities across New South Wales with hundreds of interested people in attendance. The sessions outlined the timeframes that the Government is working towards to allow time for the industry to plan ahead.

Because of the large scale of this project—9,000 new homes in three years—a small army of builders, architects, carpenters, brickies, plumbers, surveyors, engineers and landscapers will be needed to help build the homes. The Government will soon open a list to allow new companies to help deliver that housing. This will give the construction industry new added opportunities for work during the next few years and provide security for jobs in this tough global economic climate. Protecting jobs is the number one priority for the Commonwealth and New South Wales governments. I understand the concern of the member for Lake Macquarie to ensure decent quality affordable housing in his electorate, and the Government will do whatever it can to ensure that all electorates with high and moderate demand receive the housing they need. This is the best opportunity the Government has had to rebuild the social housing sector since Ben Chifley signed the Commonwealth State Housing Agreement in 1945.

JOBS IN RURAL AND REGIONAL COMMUNITIES

Mr FRANK TERENCE: My question is addressed to the Minister for Water, and Minister for Regional Development. What is the latest information on the Government's commitment to support business investment and jobs growth in regional New South Wales?

Mr PHILLIP COSTA: I thank the member for Maitland for his question and his ongoing interest in supporting investment and creating new jobs in regional New South Wales. We are facing difficult times on the economic front that are likely to get worse before they get better. New South Wales is not immune to the global financial crisis and growth has slowed, but there are a number of key things the Rees Government is doing to ease the pain on families. First, the Government is investing in the New South Wales economy through massive infrastructure spending—\$56.9 billion over the next four years, the largest spend by any State in Australia, an average of \$150,000 each hour, or \$1.6 million every day.

Secondly, we are working closely with the Federal Government to deliver the national stimulus package, creating jobs through construction at every school across New South Wales. Thirdly, in every pocket of the State, we are supporting businesses that want to grow and will create new job opportunities in their local community. I will gladly update the House at any time on the progress of the many businesses this Government has assisted to invest in New South Wales, such as Allied Mills.

Earlier this week I had the pleasure of officially opening Allied Mills' new \$97 million processing plant in Picton, a \$97 million investment in south-west Sydney, in my own backyard of Wollondilly. I might add that that created up to 150 jobs during construction and now a further 30 full-time positions supporting the operation of the mill. That is 180 jobs in south-west Sydney, 180 workers earning a livelihood, easing the pressure on 180 families—good for the south-west, and especially Picton. This is just the beginning. This is an anchor client that will attract other businesses. We supported this business through the Department of Regional Development in its early stages. The managing director of Allied Mills, Joe Di Leo, who was at the opening, described the investment by saying:

The opening of the Picton mill marks the first time in 50 years that a Greenfield flourmill has been constructed and commissioned in New South Wales. The official opening of the mill is the culmination of five years of planning and construction, and the investment of \$97 million in regional New South Wales. The location of the milling complex on the south-western fringe of Sydney allows us to take advantage of major road transport links to our customers.

And he also mentioned that some were within an hour of the plant. During a tour of the mill I was informed that it houses the best milling technology of anywhere in the southern hemisphere, capable of processing over 200,000 tonnes of raw product each year.

Mr Adrian Piccoli: What did you do?

Mr PHILLIP COSTA: I did quite a lot.

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

Mr PHILLIP COSTA: I would be more than pleased to share what I did. It is a processing mill that will produce flour, grain and bran-based products for household names such as Sara Lee, Kellogg's, Arnott's and Woolworths, a number of whose representatives were at the opening. The new plant will also export up to \$20 million worth of product overseas. The New South Wales Government, through my Department of State and Regional Development, worked closely with Allied Mills to make sure that this investment and these jobs came to New South Wales. The results of this work are very good: up to 150 jobs during construction; 30 ongoing operational jobs; hundreds more supported through distribution and delivery of raw materials and final product; and \$20 million worth of exports.

Mr Adrian Piccoli: Did you give them money?

Mr PHILLIP COSTA: Of course. Members on the other side of this place do not want to hear about the Government supporting businesses, particularly the type that I have just mentioned—creating jobs—because they are far too busy trying to explain their new fiscal policy, so neatly phrased by the shadow Treasurer. I will quote the member for Manly for the benefit of those who may have forgotten—

Mr Adrian Piccoli: Point of order—

Mr Joseph Tripodi: We know you don't like it mate.

The SPEAKER: Order! I call the Minister for Finance to order.

Mr Adrian Piccoli: I refer to Standing Order 129. He does not even believe the rubbish that he is reading. It has nothing to do with the question. My point of order is under Standing Order 129, relevance. The question was about regional development. The Minister is now talking about Opposition policies. He is reading out rubbish that has been written for him.

The SPEAKER: Order! I have heard enough on the point of order. The member for Murrumbidgee will resume his seat. I will listen further to the Minister.

Mr PHILLIP COSTA: I quote:

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

The Coalition would never support people such as Allied Mills. As a primary school principal for many years, I offer the following advice to the Leader of the Opposition: Keep your eyes on the rambunctious youngsters, Barry—watch them. Just when the Leader of the Opposition has his back turned writing his manifesto on the Liberal blackboard, the young bloke from Manly—a very nice chap, but he's still a young bloke from Manly—makes a mess. There are crayons on the floor; there is glue all over the wall; there is Lego all over the floor!

Mr Brad Hazzard: Point of order—

The SPEAKER: Order! I ask the Minister to cease enjoying himself.

Mr Brad Hazzard: He is the only one enjoying himself. I refer to Standing Order 59. He is tedious and repetitious. Could you ask him to come back to the leave of the question?

The SPEAKER: Order! I will draw the Minister's attention to the question before the House.

Mr PHILLIP COSTA: I am afraid that the Leader of the Opposition has been forced to play kindergarten cop and sort the mess out.

Mr John Williams: Turn over to the next page.

Mr PHILLIP COSTA: I will turn over. You have been saved once again. While the Premier of New South Wales was reporting back to the community on the new initiatives that the Government is implementing to protect jobs, the Opposition is backing their fiscal position that will tear basic services out of regional New South Wales. We have been out there assisting regional communities—Drivetrain Systems International in Albury, the abattoirs in Tamworth, innovative industries in Wagga Wagga, IT industries in Auburn. We are out there delivering. The Rees Government will never turn its back on our communities in regional New South Wales.

OMBUDSMAN'S REPORT ON THE ROADS AND TRAFFIC AUTHORITY

Mr MICHAEL DALEY: I now have the information in respect of an earlier question asked of me by the Leader of the Opposition. I can advise the House that the Ombudsman provided me with a copy of his draft report on 20 January 2009. I can further advise the House that I met with the Ombudsman to discuss his draft report on 12 February 2009. My office received the Ombudsman's final report on this matter on 24 February 2009. The following day I met with the Acting Chief Executive of the Roads and Traffic Authority, Mr Michael Bushby, at which time I told him that I expected him to consider and to implement the recommendations of the Ombudsman.

Question time concluded.

RETIREMENT OF BRENDAN O'REILLY

Ministerial Statement

Mr PAUL LYNCH (Liverpool—Minister for Ageing, Minister for Disability Services, and Minister for Aboriginal Affairs) [3.17 p.m.]: Members are well aware of just how critical our public sector workers are in delivering essential services to people throughout the State. This week the New South Wales Government farewells Brendan O'Reilly. Brendan is one of the State's most experienced and professional public servants. He

departs after 37 years service. I am delighted to say that he is in the gallery today. Most recently, for the past five years, Brendan has served as Director General of the Department of Ageing, Disability and Home Care. During that time he has presided over one of the most significant developments in the delivery of disability services in the history of this State.

Members would be well aware of the Stronger Together package, a landmark long-term commitment to people with a disability, backed by extra funding of \$1.3 billion in the first five years. Many members would also remember Brendan as Director General of the Department of Sport and Recreation. Of course, in a 37-year career there are many highlights and I do not have time to catalogue them all today.

Mr Barry O'Farrell: Go on!

Mr PAUL LYNCH: I do not have time to do so, despite the encouragement of the Leader of the Opposition! Here are a few of them though: Brendan was the first TAFE administrator to be awarded a citation from TAFE for outstanding service; the first person without a full-time teaching background to be appointed a TAFE Institute Director; Deputy Director General of the Department of Community Services; and Deputy Director General of Premier's Department. Under Brendan's leadership, the Department of Ageing, Disability and Home Care has secured significant long-term funding to drive lasting change for people with a disability in New South Wales and for our older citizens. The department is respected throughout the sector and has the full confidence and support of the Government and of central agencies. I have known Brendan for a relatively short time. Some would say that someone called Lynch was bound to have a director general called O'Reilly at some stage. It probably also helped that he was a son-in-law of Saint Patrick.

Mr Brad Hazzard: Is that why he is resigning?

Mr PAUL LYNCH: Could I make the point that this is meant to have a particular tone to it and interjections from the member for Wakehurst don't help, and perhaps say more about him than they do about this Chamber.

The SPEAKER: Order! The member for Wakehurst will cease interjecting. The Opposition will have an opportunity to reply to the ministerial statement.

Mr PAUL LYNCH: I think I can say that the most significant part of—

The SPEAKER: Order! The member for Wakehurst is on his final warning.

Mr PAUL LYNCH: As I was saying, Mr Speaker, it is in the work of the delivery of disability services that Brendan has had the most telling impact on people's lives. I understand that on the day he announced his retirement he received something like 400 emails expressing thanks for his work. His experience and leadership will be missed by many people, from the highest level of government through to the vast non-government sector, the thousands of agency staff and the people who depend on the services delivered by the department Brendan can be proud to leave the public sector at a time when funding for disability services is at a record high, making up for the less than satisfactory way governments of all persuasions historically have treated the most vulnerable in our society. Today the people of New South Wales and I, through the Parliament acknowledge the skills, dedication and service of Brendan O'Reilly.

The SPEAKER: Order! The member for Upper Hunter will learn to whisper. I call the member for Upper Hunter to order for the second time.

Mr ANDREW CONSTANCE (Bega) [3.19 p.m.]: On behalf of the Liberals and Nationals I too want to wish Brendan O'Reilly all the best in his retirement. We on this side of the House are particularly and acutely aware of the enormously valuable role that public servants play in the delivery of government in New South Wales. It is leaders such as Brendan O'Reilly who bring forward not only the delivery of plans and the necessary budgets associated with them but also the necessary thought leadership. Over recent weeks I have noticed Brendan O'Reilly make some very important and pertinent comments on behalf of the disability sector beyond Government. I particularly reference his statements in relation to a national disability insurance or entitlements scheme.

Brendan throughout his time as director general had responsibility for implementing the Stronger Together plan, which we on this side certainly endorsed and support. It is a plan that has given some hope to the

sector across the board in terms of starting to address unmet need throughout our community. It is because of Brendan that that plan has been put together in the way it has. It is not just a five-year plan, it is a 10-year plan, so Brendan will leave a legacy that both sides of the House will be able to acknowledge and respect. Brendan has also gained enormous respect and support from the sector beyond the Department of Ageing, Disability and Home Care. I know that National Disability Services certainly has enormous respect for the work Brendan has done as director general. To that end I know he will be sorely missed, not only by the department and by politicians but also by the sector as a whole. I wish Brendan well in retirement. It has obviously been a busy five years, given that he almost had a Minister a year. Our side of the House wishes him well for the future.

RULES FOR QUESTIONS AND ANSWERS

The SPEAKER: Order! Following yesterday's proceedings, I wish to make a ruling in relation to the form and content of questions seeking information during question time. There are a number of Speakers' rulings that state that the only valid purposes of a question are to seek factual information or press for action. Standing Order 128 explicitly states that questions should not contain argument, inference, imputation, epithets, ironical expressions, expressions of opinion or hypothetical matter. I remind all members that Standing Order 128 also states that questions cannot be debated and, therefore, should not be framed so as to provoke debate, which happens, for example, when an opinion or a provocative statement is offered up in the text of a question.

Whilst I have always extended a degree of latitude during question time, I will strictly enforce this standing order and only allow questions that seek factual information or press for action. I also draw to members' attention that questions, while containing some introductory remarks, should be brief and only contain words sufficient to make the question intelligible. Questions may be asked in parts, but they must be only one question. I intend to enforce the standing orders and previous rulings in this regard.

REGISTER OF DISCLOSURES BY MEMBERS

The Speaker tabled the Register of Disclosures by Members of the Legislative Assembly, Supplementary Ordinary Returns, as at 31 December 2008.

Ordered to be printed.

PETITIONS

Ballina Hospital Rehabilitation Unit

Petition requesting the installation of a hydrotherapy pool at the Rehabilitation Unit at Ballina Hospital, received from **Mr Donald Page**.

Deniliquin Renal Dialysis Centre

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

TAB Operations on Good Friday

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

Hornsby Electorate Homeless

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

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos. 1 to 6 will lapse tomorrow pursuant to Standing Order 105 (3).

GREEN JOBS

Personal Explanation

Ms KATRINA HODGKINSON, by leave: I wish to make a personal explanation. The Deputy Premier sought to impugn my reputation today. I have always been a strong supporter of solar energy and research and development in the renewable energy sector, with a particular emphasis on solar energy.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Ports Growth Plan

Ms NOREEN HAY (Wollongong) [3.26 p.m.]: My motion should be accorded priority because it is imperative that the community remains confident in the good work of the Government in respect of the delivery of the Ports Growth Plan. Loss of confidence in the community can be brought about by comments and suggestions like those the Coalition has made about where the future of ports may lie if it should ever achieve government.

Ombudsman's Report on the Roads and Traffic Authority

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.27 p.m.]: My motion is urgent because it goes to the heart of honesty of Government in New South Wales. We have a report from the Ombudsman that not only makes claims about the way in which the Roads and Traffic Authority [RTA] under the direction of the former Minister for Roads has rorted freedom of information [FOI] requests but also makes allegations about the way in which the RTA has contrived to set up legal devices to deny the Ombudsman a capacity to investigate FOI. The Ombudsman concludes that this is a practice that is happening across the public sector.

In question time today I asked the Minister for Roads when was the first time he learned about the serious concerns from the Ombudsman and what he did. His answer, provided at the end of question time, was that that was on 20 January. He then waited three weeks, until 11 February, to sit down with the Ombudsman to discuss his concerns. That was three weeks after he got a report that showed, firstly, that the department he inherited from the former Minister had rorted the State's Freedom of Information Act to protect the former Minister and to deny the public of New South Wales information as simple as the travel times on the seven major routes across Sydney. How long does it take to get from, for instance, Sydney to Liverpool?

Secondly, \$600,000 of taxpayers' money was spent in employing a chief counsel. There were no selection criteria and no documentation and no indication of how the appointment was made, and \$150,000 was spent to set up a legal device called legal privilege to try to ensure the Ombudsman did not get the information. What the Minister for Roads did not say and conveniently left out of his statement to this House, which worries me about his honesty because to this point I have been more concerned about the former Minister for Roads, the now Treasurer, is that the provisional statement about this matter was provided to the RTA on 26 November 2008. This bloke was the Minister from 8 September. Two months later an explosive report arrived in the department saying that the former Minister's staff had so corrupted the department that no FOI went out without the approval of the Minister.

The Minister for Roads expects us to believe that the first time those serious concerns were brought to his attention was on 20 January. It does not stack up. However, something else does stack up. On 20 January Mr Les Wielinga was appointed to the new Sydney Metro Authority. I ask members to take note of the date, 20 January, when the draft report was provided formally to the Roads and Traffic Authority and to the Minister. On that same day Mr Wielinga was appointed to the Sydney Metro Authority. In relation to the Sydney Metro Authority appointment, no indication was given of whether there was documentation and no indication was given of whether it was done on the basis of merit. However, it has all the hallmarks of shuffling a public servant in the centre of the storm off to a quieter job.

I support the public service. Too many public servants have been punished for the misdeeds of their political masters—and this appointment again smacks of that. Why did the Roads and Traffic Authority rort the freedom of information process? What interest does the Roads and Traffic Authority have in rorting freedom of information processes other than to keep its Minister happy? This report makes it clear that Roads and Traffic Authority freedom of information processes have been thwarted, and in relation to the Minister's office the

Roads and Traffic Authority has been put upon for at least eight years. Eight years ago the Minister responsible for the Roads and Traffic Authority was that genius Carl Scully, and he was followed by Michael Costa, Joe Tripodi and Eric Roozendaal.

The member for Maroubra is now the Minister for Roads. This report indicates that all those former Ministers rorted freedom of information in the Roads and Traffic Authority in a way that worked against the public interest. The member for Maroubra should come into this Chamber and explain when he first heard about those preliminary statements. My question did not specify in what form he heard those statements; rather my question simply asked him when he was first made aware of serious concerns. It is unbelievable that a report that was given to the department and to the Premier on 26 November detailing fraud—in my view—within the Roads and Traffic Authority and detailing the misuse of public funds to try to prevent the public and the Ombudsman from getting to the bottom of the deceit pursued by a Labor Government was not brought to the attention of the Minister on 20 January. We know that the Minister is fresh, but he is not that fresh. We need some answers. This matter should be debated. Until it is there is no confidence across the public sector that the public is being told the truth.

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

The House divided.

Ayes, 49

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

Noes, 39

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

Pair

Ms Burton

Mr Fraser

Question resolved in the affirmative.

PORTS GROWTH PLAN**Motion Accorded Priority**

Ms NOREEN HAY (Wollongong) [3.39 p.m.]: I move:

That this House:

- (1) congratulates the Government on its delivery of the Ports Growth Plan;
- (2) notes the Government is supporting over \$3 billion in new port infrastructure, including over \$1.5 billion of government investment supporting over 13,000 jobs; and
- (3) condemns the Opposition for its complete lack of understanding of ports policy and for its ill-conceived plans to privatise New South Wales ports.

The Rees Government is committed to delivering infrastructure, economic activity and jobs to the people of New South Wales. I congratulate it on its continual delivery of the Ports Growth Plan since 2003. I have a particular interest in this motion because my electorate of Wollongong obviously is the location for the fantastic port at Port Kembla. In fact, Port Kembla was voted the 2008 Port of Year and my electorate is very proud of this achievement.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! Members who wish to leave the Chamber will do so quickly and quietly.

Ms NOREEN HAY: But this motion is not just about the Illawarra. New South Wales ports handle \$60 billion worth of trade each year. The Ports Growth Plan was announced in October 2003 and provides strategic direction to industry and the community regarding the Government's plans to ensure New South Wales continues to grow with strong future trade levels and expanding port capacity to meet demand. The realisation and progress in implementing the various elements of the Ports Growth Plan has been tremendous for the ports and trade in New South Wales. The Ports Growth Plan supports over \$3 billion in new infrastructure, including more than \$1.5 billion of government investment, and more than 13,000 jobs. In Sydney the Port Botany expansion is delivering 63 hectares of port land, including a new container terminal, 1,850 metres of new quay line and five new shipping berths. The expansion project will deliver 9,000 new jobs to New South Wales and boost the State's economy by \$16 billion over the next 20 years—that is an average of \$800 million per annum.

In September 2007 the Government approved plans for the \$150 million Enfield Intermodal Logistics Centre, which, when completed, will reduce growth in truck movements by 300 per day in suburbs around Port Botany. It will help also to achieve the Government's target of increasing cargo transported by rail to 40 per cent. Port Kembla has undergone a \$170 million expansion to accommodate the car trade, which has been relocated from Sydney's Glebe Island, creating more than 1,000 direct and indirect jobs, and contributing more than \$345 million to the Illawarra's economy. The relocation of the car trade to Port Kembla would not have happened under the Coalition, based on its statements prior to the last election. The master plan for the outer harbour announced by this Government in May 2008 provides for up to seven additional berths to be constructed at Port Kembla and about 52 hectares of land to be reclaimed, which will allow Port Kembla to accommodate future growth.

This mass of activities at Port Kembla will soon be staged from the purpose-built Maritime Centre. When it is completed later this year the new state-of-the-art Maritime Centre will bring together for the first time key maritime agencies, including the Port Kembla Port Corporation, New South Wales Maritime, Australian Quarantine and the Water Police. The building will have an environmental rating of 4.5 stars and will have facilities for the community. This is another step in the commitment towards improved customer service for the people of the Illawarra as well as being the focal point for service to all stakeholders in this important trading port. The Government's focus is not just on the Illawarra; we understand how critical the Hunter is to our State's economic lifeblood.

The Government has granted approvals for a massive expansion of capacity in the Hunter Valley coal chain with a major expansion of the existing Kooragang Island terminal to provide a total capacity for Port Waratah Coal Services of 145 million tonnes and a new \$922 million coal terminal with capacity of 66 million tonnes to be constructed on Kooragang Island by Newcastle Coal Infrastructure Group. The Government is working with the industry on the fourth coal export terminal. With all of these projects and future development, the security of our port infrastructure is paramount. The Government has implemented a \$23.4 million plan to protect New South Wales ports against the threat of terrorism through comprehensive port security upgrades.

The Coalition, having announced that it will privatise ports, shows how it fails to appreciate the important public policy role of our port corporations. Of the five statutory objectives for New South Wales port corporations, four are directly related to public policy to promote and facilitate trade to carry out safety functions properly, to promote a competitive commercial environment and to improve port and supply chain productivity and efficiency. How would a private port operator deliver these critical functions? In the past few weeks we saw one of these roles during the oil spill in Queensland with New South Wales well placed to lead and assist authorities in this event as well as any possible pollution incidents from ships along our coast. The spill in Queensland of nearly 250 tonnes of oil demonstrated the importance of having in place appropriate arrangements to respond to shipping incidents to manage the potential environmental consequences. New South Wales was asked to provide assistance to the Queensland clean-up under National Plan arrangements and provide a number of trained officers at the height of the operation to assist.

Officers undertook roles ranging from shoreline team leaders responsible for supervising teams deployed to clean up sections of the shore, as well as providing an on-water response capacity and waste management planning capacity, to operations officers responsible for supervising the clean-up of the shore on Moreton Island. New South Wales ports and New South Wales Maritime also provided personnel for operational, planning and management roles. How does the Opposition think privatised ports would deliver these vital support roles? How would they protect our magnificent marine environment from potential pollution caused by ships? It is clear that the Opposition just does not get it when it comes to the vital role of port public policy. We have only to look at how Sydney Airport is run to see that profit would be put ahead of public policy. New South Wales is part of a national strategy for dealing with pollution from ships so that we can respond promptly and efficiently to marine pollution incidents.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.46 p.m.]: Ostensibly this motion is about the Government's Ports Growth Plan. If such a document exists, it is extremely hard to find. All the Opposition or the media have been able to find is a media release. In fact, the only Ports Growth Plan this State seems to have is something based on selling off Sydney Harbour land to developer mates of the Labor Party. But let us look at what is happening in our ports in this State. The importation of vehicles and other machinery has been moved to Port Kembla. Of that freight, 80 per cent is destined for the Sydney metropolitan area. Therefore, a vast number of trucks bring that freight, which originally landed in Sydney Harbour, up Mount Ousley and then along the F6, contributing to Sydney's traffic congestion and its worsening air quality. This move also added an average \$700 to the cost of a car for the people of New South Wales. If that is coherent ports policy, I will be a monkey's uncle.

[Interruption]

The member has to convince me that it is coherent ports policy: she has to be kidding. Every other day the M5 has a massive traffic jam resulting, again, in awful air quality problems, most of which, as admitted by a former roads Minister, are related to trucks bringing container freight into Port Botany. What has languished in this State is a plan to build intermodal hubs in south-western and western Sydney to bring most of that container freight into Botany by rail. The Government has sat on those plans for more than a decade. It still is not happening and again we have no coherent transport, including a ports policy, in this State. On any given day at Port Waratah ships will be queued outside Newcastle Port because the infrastructure simply is not coping due to contractual issues about the delivery of coal onto ships.

Mr Thomas George: What is the member for Newcastle doing?

Mr ANDREW STONER: She has done very little because the problem remains. We have problems with infrastructure, such as the coal-loading facilities that are simply not putting through sufficient quantities of coal to meet demand and a rail line that is not up to the task. The Government has done nothing about that, despite the fact that it is a huge cost to the economy. Large passenger liners have had to unload passengers and tie up to a buoy in the middle of Sydney Harbour because the Government has not planned for sufficient passenger terminals to cope with demand. Shiploads of cars have to be taken from Port Kembla to Mount White pending distribution to retailers. Passengers have to disembark in a virtual wasteland while officers of the Department of Immigration and Citizenship process their visas in a demountable building. International travellers take with them a dreadful impression of Sydney as a destination, and they spread the word, "Don't take a cruise to Sydney", which results in enormous cost to our economy. If that is an example of the Government's coherent ports plan, the Government has to be kidding.

The regional port of Yamba exports goods to Norfolk Island and Lord Howe Island, and has sought approval for the construction of a large shed to prevent goods from getting wet—and it has been pretty wet up there this week. Approval was granted in June last year, and people were told that the shed would be operational before the end of that year. Guess what? The shed still has not been built. Freight is getting wet. Nobody knows where the contract and the paperwork on the shed are at this point. That is an illustration of the Government's record on ports. The Minister for Ports and Waterways introduced draconian legislation to enable him to meddle in commercial operations of ports stakeholders, and they do not like one little bit a Minister sticking his bib into the business of shipping companies, stevedoring companies and transport companies in commercial freight operations.

A task force has been established at Port Botany to deal with the vehicle booking system as well as the storage of empty containers, but the Minister has frozen out the shipping industry from representation, thereby ensuring no commitment across industry to whatever the solutions may be. Three times this week the member for Wollongong has tried to get a rise out of a Spruce Goose, but it will not fly. She has suggested that the Opposition has plans to privatise ports. The weekend papers carried speculation to that effect, but there was no direct quotation. The Opposition has no such plan.

Ms Noreen Hay: Point of order: Earlier the Speaker directed how members of the House should be addressed and stated that personal attacks ought not be made in the Chamber during debate. I suggest that the member confine his remarks to the motion and leave out personal attacks.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The Leader of The Nationals will confine his remarks to the leave of the motion.

Mr ANDREW STONER: Part of the motion refers to ill-conceived Opposition plans to privatise ports. There are no such plans. The claims arose from speculation that appeared in newspapers on the weekend. The member for Wollongong ought to cease peddling untruths. I move the following amendment:

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

(3) congratulates the Opposition on developing an integrated transport policy, including roads, rail and ports.

For proof of the Government's record on ports, one need look no further than the ceremony to mark the twentieth anniversary of the Mediterranean Shipping Company, which is one of the biggest players associated with ports in the State. The Minister for Ports and Waterways was expected to attend, but he did not bother.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [3.53 p.m.]: Five months after the opening of Port Kembla the Opposition is still carping that it is not one of the best things that could happen in the Illawarra. During the election campaign Debnam said that the project should not go ahead, that it would not result in job creation in the Illawarra and that instead jobs in the Illawarra would be lost. What he said was all about preventing job security and prosperity in the Illawarra.

Mr Andrew Stoner: Point of order: Standing orders require that members refer to other members by their correct title. The member referred to "Debnam", not the member for Vacluse.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. The member for Shellharbour will refer to members by their correct titles.

Ms LYLEA McMAHON: As I was saying, the member for Vacluse trotted down to the Illawarra in his speedos with no policy, no jobs, and no investment for the Illawarra whereas the New South Wales Government has delivered for the Illawarra the Port Kembla complex, which represents the Government's continuing support for vital expansion of the port. The expansion will support more than 1,000 jobs over the next four years for the region—jobs that the Opposition would have forgone and would not have supported. The Illawarra will benefit from more than \$170 million directly invested in new port infrastructure with more than \$140 million per annum added to the region's economy. That is investment that the Opposition would not have supported. Following the official opening of the facilities in November last year, Port Kembla now has three dedicated berths totalling 800 metres in length that can accommodate up to three car-carrying vessels simultaneously. The port is now capable of receiving 400 ships carrying more than 323,000 vehicles and 10,000 containers.

The Government is serious about supporting port infrastructure in the Illawarra—unlike the Opposition's triple-C economic policy of cutting investment, cutting jobs and cutting services. It is all cut, cut,

cut with the support of Max the Axe, in contrast to the New South Wales Government's policy of investing in the Illawarra. In addition to developments and massive investment in Port Kembla's inner harbour, a master plan for the development of the outer harbour was announced in May 2008. The master plan provides for up to seven additional berths to be constructed at Port Kembla and approximately 52 hectares of land to be reclaimed. As recently as last week, the Government approved the purchase of one million tonnes of blast furnace slag that will be used for the reclamation of 8 to 10 hectares of the outer harbour. These works will create 15 new jobs, with close to 50 new jobs for the whole of stage one for the people of the Illawarra. This is yet another example of the New South Wales Government investing in the Illawarra region.

Mrs SHELLEY HANCOCK (South Coast) [3.56 p.m.]: I continually find objectionable that Government members falsely state the Opposition's position on an issue. This afternoon the member for Shellharbour and the member for Wollongong stated that the Opposition opposes the development of Port Kembla, but that is just a lie. It is as simple as that. The Opposition has never opposed that redevelopment but rather has always supported it. If members opposite will be quiet enough to allow me to speak, as I was quiet for them, I will clarify that what members of the Opposition have said—and what was said a moment ago by the Leader of The Nationals—is the most pertinent point, and that is that if Port Kembla is going to be redeveloped, it is also necessary to redevelop the Princes Highway and Mount Ousley to relieve traffic congestion along that route. That is what the Opposition stated at the time the redevelopment was announced, and somewhere along the line that has been interpreted as the Opposition opposing the project. That is not the case.

Ms Noreen Hay: That is not what you said.

Mrs SHELLEY HANCOCK: The member for Wollongong knows that, despite attempting to interject. What has been stated is just lies. Paragraph three of the motion states "condemns the Opposition for their complete lack of understanding of ports policy", which is ridiculous, "and for the ill-conceived plans to privatise the New South Wales ports." At no time this week or last week has our leader said that we intend to privatise New South Wales ports. He said that at the time of the next election, if the Coalition is elected to government, we will examine all options but we will apply a public interest test to those types of issues. What I find absolutely hypocritical is the member for Wollongong and the member for Shellharbour suggesting that the Opposition opposes privatisation. What have they had to say about privatisation of the electricity industry? The member for Wollongong and the member for Shellharbour supported privatisation of the electricity industry.

Ms Noreen Hay: Point of order: I ask you to direct the member for South Coast to return to the leave of the motion. We are not discussing privatisation of the electricity industry or anything else. The main point of the motion is the suggestion that the Opposition, if it won government—

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I have heard enough on the point of order. I direct the member for South Coast to confine her remarks to the leave of the motion. However, members are entitled to make passing references.

Mrs SHELLEY HANCOCK: In the context of the motion before the House, which relates to statements on privatisation allegedly made by the Opposition, it is highly relevant to refer to the position adopted by Government members on privatisation. Were Government members outside Parliament House and supporting the Public Service Association and protesters who were fighting for their jobs? No, they were not. They were not out in front of Parliament House with the member for Blacktown and the member for Cessnock supporting their constituents. They were not there because they love privatisation. That is what they want. What are they looking after? They are looking after their jobs, their seats. The member for Shellharbour knows she is in trouble in Shellharbour. The member for Wollongong knows that she is in deep trouble in Wollongong: she will be voted out in 2011 because she supports privatisation at every angle.

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)) [3.59 p.m.]: I recognise the Port of Newcastle as an economic powerhouse, supporting the Hunter economy and the State economy. It is important that the House knows that last year Newcastle port set new trade records. Shipped through the port were more than 93 million tonnes of cargo worth \$10.3 billion. It is important that the House also knows that the Rees Government is investing \$56.9 billion in infrastructure over the next four years. That is the biggest infrastructure investment of any State Government in Australia. That is sustaining about 150,000 jobs each year. The New South Wales Government has been investing in port facilities in Newcastle, and they speak for themselves. We have granted approvals for projects to expand the coal export capacity, worth more than \$1 billion.

Mr Andrew Stoner: That's private sector investment, not the Government.

Ms JODI MCKAY: As I said, we have granted approvals for projects. Since 2000 we have invested about \$300 million in the Hunter Valley rail upgrade. I keep being interrupted by the Leader of The Nationals who, in the past week, has indicated support for privatising the New South Wales ports. As the Minister for Ports outlined during the week, our ports are natural monopolies. If the ports were to be privatised, I can imagine the destruction that would occur at the Port of Newcastle, which is in my electorate. I could not stand by and watch that happen. The Government has also commenced construction on a new \$25 million wharf facility at the former BHP site, which will be completed later this year. This site alone has great potential in terms of attracting additional investment into New South Wales.

The site, once occupied by BHP, is undergoing a massive refurbishment and, indeed, remediation. I am pleased that the successful tenderer for the project has been announced, and I look forward to seeing what that redevelopment will look like. It is important that the House knows that we lodged plans for a multimillion dollar redevelopment of the Newcastle pilots station—such a critical aspect of the operation of the Port of Newcastle—and we have completed a \$2.8 million extension of berth space at Newcastle to support growth in trade. These projects underpin jobs and the continued growth of the Port of Newcastle and, indeed, the Hunter region.

Ms NOREEN HAY (Wollongong) [4.02 p.m.], in reply: I acknowledge the contributions of the member for Shellharbour and the Minister for Tourism. The contributions of the member for South Coast and the Leader of The Nationals warrant further discussion. The member for South Coast said that the Coalition is anti-privatisation. However, the Leader of The Nationals said that a Coalition government would consider selling off the ports and privatising electricity. So I would not hang my hat on anything the member for South Coast said. The contribution of the Leader of The Nationals showed that, as always, he remains confused. Judging by his comments, he still opposes car imports going through Port Kembla.

For the member for South Coast to say that members opposite never said that they would not have car imports at Port Kembla is a lie. The matter was publicly debated; indeed, I debated it on local radio. Members opposite said that no car imports would go through Port Kembla. The member for South Coast continues to mislead the people of the Illawarra, who are wise to members opposite. The people of the Illawarra now see why the Opposition has Max the Axe standing ready to assist in unloading the ports. I remind members that prior to the last election members opposite announced that a Coalition government would sack 20,000 front-line staff. They asked us why we were not outside supporting the Public Service Association today, but they intended to sack 20,000 front-line staff.

Mrs Shelley Hancock: Where were you today?

Ms NOREEN HAY: We are not hypocrites. Members opposite would sack the lot of them. A Coalition government would sell off the ports and privatise everything, which would put all investment and the State's triple-A credit rating at risk. And it would do that for political opportunism, which is right up their street. Let us look at what their mate Max the Axe has done in the past and what they propose he will do should members opposite ever sit on the Treasury benches. I know that the people of New South Wales are far too wise to ever place their trust in members opposite. People need only look at their hypocrisy and the statements they make before and after elections. They should be ashamed of themselves.

Question—That the words stand—put.

The House divided.

Ayes, 47

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

Noes, 36

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejikian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Ms Goward
Mrs Hancock

Mr Hartcher
Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Ms Moore
Mr O'Dea
Mr Page
Mr Piccoli
Mr Piper
Mr Provost
Mr Roberts

Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Pair

Ms Burton

Mr J. D. Williams

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 48

Mr Amery
Ms Andrews
Mr Aquilina
Ms Beamer
Mr Borger
Mr Brown
Ms Burney
Mr Campbell
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Ms Firth
Mr Furolo
Ms Gadiel
Mr Gibson

Mr Greene
Mr Harris
Ms Hay
Mr Hickey
Ms Hornery
Ms Judge
Ms Keneally
Mr Khoshaba
Mr Koperberg
Mr Lalich
Mr Lynch
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahon
Ms Megarrity

Mr Morris
Mrs Paluzzano
Mr Pearce
Mrs Perry
Mr Sartor
Mr Shearan
Mr Stewart
Ms Tebbutt
Mr Terenzini
Mr Tripodi
Mr West
Mr Whan

Tellers,
Mr Ashton
Mr Martin

Noes, 36

Mr Aplin
Mr Baird
Mr Baumann
Ms Berejikian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Ms Goward
Mrs Hancock

Mr Hartcher
Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Ms Moore
Mr O'Dea
Mr Page
Mr Piccoli
Mr Piper
Mr Provost
Mr Roberts

Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Pair

Ms Burton

Mr J. D. Williams

Question resolved in the affirmative.**Motion agreed to.**

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

EDUCATION AMENDMENT BILL 2009**Agreement in Principle****Debate resumed from an earlier hour.**

Mr THOMAS GEORGE (Lismore) [4.20 p.m.]: The overview of the Education Amendment Bill 2009 states:

The object of this Bill is to change the current school leaving age of 15 years by requiring children:

- (a) to complete Year 10 of secondary education (unless they have reached the age of 17 years), and
- (b) if they have completed Year 10 but have not reached the age of 17 years:
 - (i) to continue with their school education, or
 - (ii) to participate on a full-time basis in approved education or training or, if they have reached the age of 15 years, in paid work.

Participation in approved education or training includes an apprenticeship, a TAFE or other vocational course or a university course.

The hypocrisy of this Government! Here it is, encouraging students to stay at school or go to TAFE until they are 17 years of age. For some years I have been complaining about the number of TAFE courses that have been taken away from young people in the Northern Rivers area. And as for the cost—user pays! How do young people survive in country and regional New South Wales? Yesterday we heard the member for East Hills comment about dead-end jobs. I am the product of a dead-end job. I left school in year 10, and I was quite proud of it at the time. I am certainly not proud of it now. In saying that, I was one of the guinea pigs. I was one of the first in the Wyndham scheme that went to year 10, and that class continued on to year 12. However, I was able to convince my parents that I had enough ability to leave school at that age. My parents accepted that. I wish now, when I look back with the benefit of hindsight, that I did not leave school at that age.

As the member for Pittwater said yesterday, this Government is sending out the wrong message. I remind members what the Government has done with Seaforth TAFE. It is encouraging students to stay at school, yet it is taking away what is needed to provide opportunities to young people. Marjorie Goward is the principal of Murwillumbah TAFE and Len Parkes runs the certificate III automotive technology—light and heavy vehicles—course. They do a tremendous job in the Northern Rivers area. However, people in my electorate who need to get to a TAFE course have to have a motor vehicle—there is no public transport to convey them from areas within the Lismore electorate to Murwillumbah to attend a TAFE course. Len Parkes has done a mighty job with his students. The course is recognised within both the light and heavy vehicle industries. The college at Murwillumbah needs extra space and it needs a new building, but what is the Government doing about improving facilities to encourage young people? Nothing.

That is why I referred to the hypocrisy of the Government. It is encouraging people to stay at school, but it is not providing facilities for those 15-year-old, 16-year-old and 17-year-old students who need workplace-based training and access to TAFE. Those facilities are not available. Another issue has come to my attention. Both last year and this year a memorandum was sent to principals of the Department of Education and Training regarding responsible service of alcohol courses being provided to school students. The memorandum stated that it appeared that some private registered training organisations are currently offering training in

responsible service of alcohol to minors. As a result, some career advisers in schools may encourage school students under the age of 18 years to enrol in responsible service of alcohol courses delivered by private registered training organisations. The memorandum states:

The encouraging of minors to undertake training in responsible service of alcohol constitutes a potential breach of legislated requirements and potential issues in relation to duty of care.

The memorandum quotes different parts of the Act, and concludes by saying:

Minors are unlikely to have the life experience and related skills to be able to implement strategies that meet harm minimisation legislation and the objectives arising from the New South Wales Summit on Alcohol Abuse 2003. Inappropriate actions by students in regard to access to alcohol may attract negative attention to the individual school or the Department of Education and Training.

I strongly encourage all schools to desist from encouraging minors to undertake training in the responsible service of alcohol.

The document is signed by the Regional Director of the North Coast. In the real world, the young people who are going to leave school at 17 or after year 12 when they are nearly 18 want a job. Where are most of the jobs in country and regional areas? If work is available, if there is casual work, it is in the hospitality industry. In this place we have made alcohol available at restaurants, hotels and bottle shops. If one wants a job in those places one has to do this course. Here we have the Department of Education and Training saying not to encourage students to do these courses because they do not have the real life experience, but they are not doing the course to learn to drink. I hope that by doing the course these people will get employment and learn some responsibility in relation to alcohol. I was approached by one of the private registered training organisations referred to, and I will read part of its letter. First, it draws attention to the fact that an almost identical memorandum to the one sent this year was sent last year. The letter states:

In the case of the most recent memorandum we would again like an opportunity to respond to what we believe is a misinformed directive to Principals over the issue of training minors in Responsible Service of Alcohol. Our response is outlined as follows:

1. Memo states: "The encouraging of minors to undertake training in responsible service of alcohol constitutes a potential breach of legislated requirements and potential issues in relation to duty of care".

Response: Our organisation is a local North Coast Registered Training Organisation who has been delivering RSA & RCG Training to many North Coast Schools for a number of years and we can very confidently confirm that we have made no breach in legislated requirements. As noted in our previous response, training undertaken for schools by our organisation is conducted away from licensed premises with the majority of courses being conducted at the relevant schools with resources provided and/or approved by the NSW Office of Liquor Gaming & Racing Authority ... The use of role play (as recommended in the training package), case studies and DVD are used in the training process and to be very clear, we make every effort to ensure the vast majority of courses delivered to school students are not conducted on licensed premises and in no way are minors exposed to or provided access to alcohol of any kind.

We further reiterate that we take great care to promote responsible service of alcohol practices. All our RSA trainers have been approved by CLGCA to deliver the course and all are experienced industry professionals who are well aware of the liquor laws and who are committed to the principles which underpin Responsible Service of Alcohol. Contrary to Mr Haigh's assertion that "encouraging minors to undertake training in responsible service of alcohol constitutes potential ... issues in relation to duty of care" we believe we have a duty of care to ensure young people have adequate and accurate information concerning alcohol related issues so that they make informed choices and we believe that providing RSA courses to school students—who are likely to be consuming alcohol already, (albeit illegally and this we do not condone) or who will seek employment in the hospitality industry where they will be exposed to alcohol—is one strategy which contributes to young people making more informed and responsible choices.

We have received extensive positive feedback from students, school teachers and parents about our RSA courses in schools...

The letter goes on to answer all the accusations or concerns outlined in the letter from Peter Haigh. This organisation has been continually providing suitable training for school students as well as training backpackers and other young people through the Northern Rivers area. It has been doing it successfully. Again we have one department saying to young people that they need to do these courses in order to work in certain industries. On the other hand the Department of Education and Training is advising principals and schoolteachers not to take part because there may be a lack of duty of care to their students that are taking the courses.

I call on the Government to get itself organised. All departments should be sending out one message. If the Government wants children to stay at school it should provide them with the facilities and the options to do courses while they are still attending school so that when they turn 17 or leave in year 10 they can go out in the real world and probably secure employment. Under the current regime we are expecting young people to do these courses but in country and regional areas we are not providing as many opportunities at TAFE as was previously the case. Work-based training has been a success and many young people have stayed at school

because they have the opportunity to go to a workplace one day a week. It has also retained their interest in school. I encourage the continuation of that. Finally, in country and regional areas and coastal areas there is the opportunity for young people to pick up supplementary work in restaurants, hotels or the tourism industry. I encourage the withdrawal of this advice to the schools and urge Government departments to work together to provide young people with opportunities.

Mr PHIL KOPERBERG (Blue Mountains—Parliamentary Secretary) [4.33 p.m.]: I will make a brief contribution to the Education Amendment Bill 2009. Everyone in our community wants the best for our young people. Parents, teachers, business and the wider community all want our young people to be able to build fulfilling, rewarding lives. Everyone has a clear interest in seeing that our young people have the education that will give them the broadest range of opportunities as they move into adulthood. We need to be sure that all young people have the opportunity to obtain the skills, knowledge and confidence to enjoy a rewarding future and to participate fully in society.

In New South Wales we can be rightly proud of the education system we have built. The results of national and international tests demonstrate that our students are doing well. Most of our young people are able to take full advantage of their primary and secondary education and make very successful transitions to work, further study, training or higher education. But, importantly, there are some young people who end their education too early each year—too early both for their own interests and those of the wider community—and who do not find their way into stable work, training or higher education. This situation cannot be allowed to continue. All our young people matter. Every single one deserves our interest, commitment and support.

The purpose of this bill is to raise the school leaving age to require that all New South Wales students complete year 10 and then continue to engage with school education, vocational training, an apprenticeship or work until they reach the age of 17. The Government realises that success in today's world depends on the achievement of a minimum standard of education. Young people who leave school before completing year 10 are particularly at risk of being left behind at a time when more and more jobs require a higher level of skills and further qualifications. For example, we know that students who do not successfully complete their schooling are three times more likely to be unemployed, and will receive lower wages when they do have a job. Leaving school early has also been shown to lead to poor completion rates in later attempts to gain vocational education and training qualifications.

The School Certificate completed at the end of year 10 is the absolute minimum qualification that almost all employers now demand. As the Member for Maitland noted, even to obtain an apprenticeship in a traditional trade most employers now require an applicant to have the year 10 certificate. It is appropriate that this be the minimum requirement by law. But this legislation goes further than that. It asks young people who have finished year 10 to choose an option that will help prepare them for their future careers. Those who stay longer in education receive higher wages, have less unemployment throughout their lives and are more likely to go on to further study. As well as personal benefits, increasing student retention brings many benefits to society and the economy. These include improvements to overall wellbeing such as improved health, reduced crime and lower dependency on social services. That is why we have set ourselves a target to lift the number of young people successfully completing year 12 or an equivalent level of education or training to 90 per cent by 2016. This bill is an important part of our strategy towards achieving this target.

The Government has gone to great lengths to engage the wider community on this initiative. I note that the member for South Coast in her remarks claimed this bill had been rushed together quickly with little planning. Nothing could be further from the truth. During 2008 the Government organised a comprehensive process of community consultation on the proposals. A consultation paper was released in February 2008. A major ministerial summit was held in March that year. From April to August, regional consultation forums were organised by local members of Parliament right across New South Wales. The consultation showed very strong support for implementing changes that would lead to higher levels of education and training for our young people. It also showed strong support for further engagement by students after the completion of the compulsory period of schooling.

This bill is backed by a comprehensive resourcing package. The Premier spoke of a commitment in the order of \$98 million per year for additional staff—both teachers and counsellors—and new facilities. The bill also comes on top of a large range of initiatives this Government has introduced to better engage our students. Other members have spoken of initiatives like expanded vocational subject options in schools and partnerships between schools and TAFE institutes.

I will speak briefly about the Trade Training Centre Program. New South Wales is not alone in understanding the importance of trade training for its young people. Last month the Deputy Prime Minister and the Premier together announced that schools in New South Wales would receive \$93.9 million to build or refurbish trade or vocational education and training facilities in 86 schools. This is part of the Rudd Government's Trades Training Centres in Schools Program, which will provide \$2.5 billion over 10 years to address shortages in traditional trades and emerging industries. Trades training centres will ensure that students have access to industry-standard high-quality training while completing their year 12 studies. This program complements the New South Wales trade schools program.

Other speakers have mentioned the significant investments that we have made in our trade schools—investing in training and job opportunities for our young people. The Federal Government's program means that we can provide even more skills-based apprentices and trainees, who can work, train and complete their Higher School Certificate in schools in New South Wales. Like our trades schools, these trades training centres will equip our students with the trade skills that are needed to grow our skills base. In this way we will help to make schools relevant for more young people as well as helping them to secure future employment in a highly competitive workforce. This bill was developed in consultation with the community and is backed by a significant program of reforms to make it work. I commend the bill to the House.

Mr MIKE BAIRD (Manly) [4.41 p.m.]: I speak to the Education Amendment Bill 2009 and commend the Government for doing everything possible to give kids a chance. Kids are given the best chance in life if they are provided with an education—the key to opening up opportunities that they might be able to pursue. Education is the way in which the youth of our State can achieve their full potential. This morning, when I attended a school assembly at Seaforth Public School and I looked into the faces of the audience, I saw a young generation of future leaders or future contributors to the New South Wales way of life. Education shapes and forms every student in this State.

I commend the teachers and school communities for spending many hours to give our kids an opportunity in life. The purpose of this bill, which is commendable, is to keep kids in education—to give them every chance in life to progress. Education sits parallel with the other side of the equation, that is, the culture of this Government. This legislation will result in increased costs but it is clear that those costs have not been articulated. This Government has allocated a token amount of about \$100 million but if kids are to remain longer in schools there will be an added requirement for teachers, schools and TAFE institutions. How will this proposal be funded and how will it play out? This Government needs to develop a culture of accountability.

Lots of cheap points have been made about economic management. However, if this Government wants to manage this State responsibly it should cost any proposals before they are announced. Its proposals should be costed and understood and it should ensure that it delivers on its promises, which it has not done in the past. I refer to the ironic situation in my electorate. This bill will ensure that kids remain longer in schools, but this Government is attempting to close or sell off TAFE institutions in order to prop up the State budget. I ask the Minister to take heed of the motion that I have on the notice paper that refers to the Government selling off public education land to the tune of \$240 million to prop up the State budget.

This bill is about protecting the future of our kids. However, if we are to educate our kids we need the facilities to do it. Seaforth TAFE has a role to play in public education and it should remain open to educate our kids. It is bad policy for any government to sell public education land to balance its budget. The Government should reconsider policies that will impact on future generations. I call on the Government to debate my motion. I call on the Government to include Seaforth TAFE as part of its strategy and to provide additional teachers and facilities. I commend the intent of the bill but I believe this Government has a lot more work to do.

Mr GREG PIPER (Lake Macquarie) [4.45 p.m.]: I speak in debate on the Education Amendment Bill 2009 and congratulate the Government on what is an important piece of legislation. In the purest sense this bill will assist in the building of this nation. This bill will build individuals, families and communities and it is important to continue to do that. I support this extremely important measure, which will require all children to complete year 10 and then continue with their schooling or engage in full-time paid work, or a combination of those things, until they reach the age of 17. At this critical time many of our students, for whatever reason, have chosen to drop out or not to participate in any gainful activity in their communities. It is a dangerous period in their psychological, emotional, intellectual and educative development. This bill seeks to address those issues.

Regardless of peer group, familial, or community pressures, our youth will be given the best opportunity to receive an education that will benefit them and the community in the future. Young people who

have been subjected to a lot of peer group pressure and family problems have a poor attitude to developing their education base. This legislation will take poor decision making away from families and individuals. There are a large number of schools in the Lake Macquarie electorate and a mix of social opportunities for students from low socioeconomic areas, middle-income groups and wealthier areas. This bill will assist in balancing the opportunities available to them all. I commend the Government for introducing this bill, which I fully support.

Mr STEVE CANSDELL (Clarence) [4.48 p.m.] I support the Education Amendment Bill 2009. We must ensure that our children achieve a minimal educational standard. Studies show that children who remain longer at school have less chance of falling foul of the law and ending up in jail in later life. The bill sounds good in principle but I have some concerns about it. It is one thing to force children to stay at school but it is another thing to encourage them and make them want to stay at school. We already have a major problem in country New South Wales where the overwhelming majority of youth in our indigenous communities do not attend school. Often that is because the parents have never had an education and they do not give it much weight. If the Government intends to force these kids to stay at school and to penalise their parents if they do not attend school, more truancy officers will have to be employed and they will need to be given law enforcement powers if they are to be effective.

It will take a huge social effort to try to make a dysfunctional family get their children to school. In the Murray-Darling region and many other areas, especially those with large indigenous populations, there are major problems in getting kids to school. These kids end up in trouble because they are not at school. When they do go to school they are behind in their education, so they rebel and play up to get suspended or expelled; or they just do not bother going back. Perhaps the education system should be changed to cater for those kids who do not want to be at school. Their attention span is short and subjects like English, history and science do not appeal to them. Perhaps special trades classes could be established for them. Much more funding would be needed for external TAFE courses as well as for educators to cater for the extra 10,000 to 20,000 kids who will stay at school when the provisions of this bill come into effect.

There is no easy or cheap fix to make kids stay at school when they do not want to be there; there must be incentives to keep them there. Children aged 14, 15 or 16 who do not want to go to school will not stay just by being told, "You've got to stay at school until you do your School Certificate or until you're 17." Perhaps we need to work in conjunction with the Federal Government to provide more trades apprenticeships, which are lacking in country towns. When I was younger, every tradesperson employed an apprentice. Today very few small trades businesses have apprentices because they cannot afford them. They cannot afford the WorkCover requirements, the insurance or the rates of pay—not that apprentices are overpaid; the competition is so tough. The average tradesman now is aged in his early fifties, so in a few years we will be running short of tradesmen.

The State Government has the opportunity to work with the Federal Government to provide extra apprenticeships and ensure that trades courses and school subjects are appropriate to keep the attention of these kids. A couple of years ago a trial was conducted at Grafton; it was a last chance school for many kids with major behavioural problems aged between 13 and 15 years. I was asked to muck around with the kids and do a bit of boxing with them. The teacher said these kids studied maths, English and basic history courses, but in between had activities to amuse them, keep them interested and active. I took a friend with me who was a tai chi instructor. On the first day I made the mistake of doing a bit of boxing, mucking around with self-defence and then getting them to do some tai chi. As I said earlier, these kids have a very short attention span and tai chi was a little bit too much. On the next occasion they were told that they could not do the boxing if they did not do tai chi first. That is how you have to work with these kids because one size does not fit all.

Many families want their children to at least obtain their School Certificate or ensure that when they get their School Certificate they enter a trades course or obtain an apprenticeship—those kids are not a problem. We are talking about the many children who just do not bother going to school and their parents do not care. The number of these kids will increase by around 10,000 under the provisions of this bill. I do not know how we will force parents to get their kids to school. New section 23 (e) provides a defence to prosecution for parents who fail to send to school a child of compulsory school age. This section will be an out for nearly every child. As much as the wording of the bill sounds good and its intent is honourable, much more will be achieved if it can be implemented. However, I repeat, to get these kids to go to school and remain there will require keeping their interest to avoid them going through court action with their parents.

Ms VERITY FIRTH (Balmain—Minister for Education and Training, and Minister for Women) [4.55 p.m.], in reply: I thank the many Government members who spoke in this debate for their contributions. I thank also the Opposition members, who supported this important legislation and particularly those who spoke

in the debate, for their contributions. It was wonderful that the member for Lake Macquarie spoke in the debate. It is great to have this bipartisan support. I particularly mention my Parliamentary Secretary, the member for Penrith, and also the member for Riverstone, who has a long history of involvement in and contributions to education policy in New South Wales; he gave an absolutely erudite speech about the history of education.

As the House is aware, this legislation aims to ensure New South Wales students maintain a competitive advantage in today's economy. As has already been outlined, the current school-leaving age of 15 years was set in 1943, when only a small number of young people stayed at school beyond the equivalent of year 10. Now, the situation is reversed—only a minority do not stay on to complete year 12. Few employment or tertiary entry-level positions do not require a Higher School Certificate or its equivalent. Successfully completing year 12 or its equivalent should no longer be optional. There are two clear reasons for this and this legislation is of vital importance for those purposes. Firstly, continued education is very much in the interests of young people and, second, it is of great benefit to the New South Wales and Australian economies.

The evidence is stark and uncompromising regarding young individuals: Australian Bureau of Statistics research shows that year 12 leavers who go on to further study have an unemployment rate of only 2.7 per cent, whilst year 10 or below leavers have an unemployment rate of 7.8 per cent. An early school leaver has more than double the risk of unemployment. Just as relevant is research regarding income levels. A 2005 study estimated that each year of education increases an individual's income by 10 per cent. In relation to the economy the evidence is just as clear-cut: higher educational attainment leads to a higher domestic product. Applied Economics has estimated that if the numbers of early school leavers are halved by 2050, the result will be a \$1.5-1.7 billion gain to the New South Wales State economy. The OECD has said that an additional year's education would raise the level of productivity by between 3 per cent and 6 per cent.

In preparing for these changes the Government has consulted with parents, young people, those who work with and promote the interests of young people, and with industry. The community expressed clear and virtually unanimous support for these changes. I will quickly reiterate what the bill will do. From 2010 each student in New South Wales will complete year 10 as a minimum and continue to be engaged in some form of education, training or employment until they are 17 years old. This legislation has been designed specifically to give young people maximum flexibility in how they stay engaged in education for longer. The Act defines the minimum school-leaving age as the age at which a student completes year 10 of secondary education or the age of 17 years, whichever occurs first. The system will have the flexibility to allow for special circumstances affecting particular students; the Minister of the day will have the power to approve the completion of education in these circumstances.

The legislation also introduces a participation requirement so that every young person must participate in some form of education or training, or be in employment from the time they complete year 10 until they reach 17 years of age. For the majority of students, this will simply mean that they will stay at school. For others, the participation phase may include a vocational course or an apprenticeship or traineeship. The Government acknowledges that for some young people this will require us to work with them to develop solutions that best meet their specific needs, and we will back this up with support and resources to make sure every young person makes the right choices.

The Premier already has spoken of a commitment in the order of \$98 million per year to ensure we can build the additional facilities and employ the additional staff—both teachers and counsellors—to make this change possible. But this bill also comes at a time when the Government has introduced a wide range of initiatives to engage our senior students. Vocational options within schools for senior school students have been expanded. Last year, more than 20,000 year 12 students—one-third of the total cohort—studied one or more vocational education and training courses for their High School Certificate. New South Wales students are enrolled in more than 54,000 vocational education and training courses in schools.

We have introduced school-based apprenticeships and traineeships, and opened 13 trade schools, with another 12 to open within this term of government, including one at Kingscliff. We also have announced 6,000 new government apprenticeships and cadetships over the next four years. This Government's Learn or Earn package provides any person up to the age of 18 with a guaranteed place at TAFE New South Wales. Despite Opposition claims, New South Wales has a right to be extremely proud of its TAFE system. TAFE New South Wales is the largest and best provider of vocational education and training in Australia. In the 2008-09 financial year, TAFE New South Wales has been provided with a record budget of more than \$1.73 billion. This is an increase to the TAFE budget of \$529 million since 1996-97.

Funding for TAFE New South Wales supports enrolments in more than 1,200 qualifications offered at more than 130 TAFE campuses across the State. People know that TAFE New South Wales qualifications increase their employability, wages and chances of promotion. The last decade has seen a big expansion in TAFE, with enrolments increasing by more than 73,000 since 1997. A number of members opposite raised the issue of TAFE fees. TAFE New South Wales, like other TAFEs and training organisations around Australia, charges fees, but these are lower than the fees of many other public and private training providers. TAFE New South Wales has a generous system of concessions and exemptions. All Aboriginal and Torres Strait Islander students are exempt from paying the TAFE fee. All students enrolled in the 32 special access courses in reading, writing and employment readiness are exempt from paying the TAFE fee. Approximately 17 per cent of TAFE New South Wales enrolments are in these courses.

Students in receipt of many Commonwealth Government benefits pay only a concession fee of \$50. Students with a disability are exempt from paying fees for one course each year and pay the \$50 concession fee only if they enrol in a second course in the same year. Students who successfully complete the Higher School Certificate, or its equivalent, the Tertiary Preparation Certificate, have their fees fully refunded. In cases of severe financial hardship, TAFE Institute directors are able to waive the fee. This means that approximately one-third of all TAFE New South Wales students—or 183,000 students—pay \$50 or less each year for their TAFE study.

I will respond quickly to a number of specific questions or issues raised by members. In relation to the issue raised by the member for Pittwater, I point out that the ministerial discretion referred to in sections 5 (c) and 6 (d) of the Act allows for individuals in specific circumstances to write to the Minister seeking approval to enrol in other education or training not otherwise referred to specifically in sections 5 or 6. The Minister in these circumstances would seek advice on the relevant education or training program and determine whether it met the intent of the Act. Approval would then be at the Minister's discretion. This provides the relevant flexibility to cater for individual circumstances.

In response to the question raised by the member for Orange, I point out that the three months mentioned in the bill is intended to cover situations in which a student finds employment, but then their employment ceases. The bill requires that in these circumstances the young person must return to education, training or other work. Three months is a reasonable safety net that takes account of the specific changes in the work patterns of young people. It gives them the opportunity to find a new workplace if, for some reason, their employment ceases. Every student in every public school has access to the school counselling service. There are more than 1,000 support staff and more than 790 counsellors. Every public school has a welfare committee. Last month an additional 25 home school liaison officers were announced by the New South Wales Government as part of its response to the recent Wood inquiry.

The New South Wales Government also has provided more than \$1.4 billion this financial year to support the learning of students in targeted equity groups, including low socioeconomic status communities in western and south-western Sydney, and in rural and remote New South Wales. While low socioeconomic status and isolation remain hurdles for an individual's educational success, no Government has done more to address them than has this Government over the last decade. This legislation will assist in the process. No-one can force young people to get the best out of their schooling, but governments have an obligation to make sure that opportunities exist for all. Education and training always will be the smartest investment any individual can make in themselves and their future. This legislation is a significant addition to both the future of individual young people in New South Wales and to the State's prosperity. 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.

TRANSPORT ADMINISTRATION AMENDMENT (COUNTRYLINK PENSIONER BOOKING FEE ABOLITION) BILL 2009**Agreement in Principle****Debate resumed from 13 March 2009.**

Mrs SHELLEY HANCOCK (South Coast) [5.06 p.m.]: It is with pleasure that I participate in debate on the Transport Administration Amendment (CountryLink Pensioner Booking Fee Abolition) Bill 2009. I pay tribute to the shadow Minister for Transport and member for Willoughby for her commitment and determination in ensuring that debate on this legislation, having previously been gagged three times by the Government, resumed today. The bill represents an appropriate response from the Government to efforts made by the member on behalf of thousands of pensioners throughout the State who are being taxed for a booking service, which is unfair. The booking tax is targeting people in our community who can least afford to be treated in such a manner—our pensioners.

The object of the bill is to abolish the pensioner booking fee introduced in March 2006 by the New South Wales Labor Government. That insidious and miserable booking fee of \$10, or 15 per cent of the full adult fare for an equivalent journey, is a tax by any other name, so we should call it that—a tax. It is symbolic of a government that on the one hand promises free travel vouchers for pensioners who use CountryLink services and on the other hand taxes pensioners for simply making a booking for that service, supposedly—according to the former Minister for Transport, John Watkins—to cover administrative costs. That money was coming straight out of the pockets of pensioners.

The shadow Minister for Transport knows firsthand the anger and dismay expressed by pensioners in my electorate who regard this tax as unfair, to say the least, and a total disincentive to use the service at all. Constituents who attended a local forum on transport in my electorate repeatedly raised this issue, among other issues, relating to rail travel—and the South Coast rail line in particular—as one of the great concerns throughout the South Coast electorate. According to documents provided under the Freedom of Information Act, 235,512 pensioner travel vouchers were issued up to March 2005, which was before the booking tax was introduced, compared with 182,397 vouchers used in March to October 2006, which was after the booking tax was introduced. This equates to a decrease of 53,000 vouchers, or a 22.6 per cent reduction over a comparable period.

The booking fee was a disincentive that militated against people using CountryLink services, and instead of encouraging people to use a reasonably priced form of transport it created the reverse effect throughout the State. What was the reason for the decline in CountryLink patronage? The Opposition would say it was due to the booking tax, but what does the Independent Transport Safety and Reliability Regulator's transport reliability report 2006-07 state? It states that the pensioner booking tax was responsible for the decline in patronage. The report stated:

Various explanations could be offered for declines in particular years. For example in 2006-07 the impact of the increase in travel costs faced by pensioners using CountryLink services ...

This is a New South Wales Government agency saying that the decline in patronage is due to the booking tax. Therefore, the reasons for this are clear: pensioners are angry about the booking tax and are not so inclined to take advantage of the free travel vouchers. According to many of my constituents, they simply cannot afford the booking tax, which is sad. The free travel vouchers for CountryLink services had been used widely by my constituents for family functions such as weddings, Christmas celebrations, birthdays and reunions, as well as visiting friends. Now their opportunity to travel on those rare occasions has been thwarted by this one miserable tax imposed by the New South Wales Labor Government. I am surprised that Government members are lined up to support this pensioner booking fee. We will wait and see.

Not only have older citizens been denied the right to travel throughout the State but regional tourism also will be affected—that is an important point to consider—as few pensioners will use their vouchers to visit the various towns and villages throughout this beautiful State. Hundreds of South Coast residents have signed petitions opposing the pensioner booking fee, and I have been presenting those petitions in the House over the past two or three years. In response to those petitions, I have received correspondence from the Parliamentary Secretary for Transport, representing the Minister for Transport—he could not send his own correspondence to me.

The Parliamentary Secretary indicated that the justification for the booking fee is to ensure the long-term sustainability of CountryLink services, and cites that the Queensland Government has also imposed such a fee. If there is a decline in patronage I fail to see how the Government is ensuring the long-term sustainability of CountryLink services. The Parliamentary Secretary cited the imposition of such a fee by the Queensland Government as justification for imposing a fee in New South Wales. Apparently New South Wales must do everything that Queensland does. Supposedly that is the justification. However, if we turn again to the 22.6 per cent reduction in the use of travel vouchers after the booking fee was introduced, we can see that in fact it is having the reverse effect and will prove detrimental to the long-term sustainability of CountryLink services. I dare say it is already having a detrimental effect.

In addition, does New South Wales have to follow the example in Queensland and impose this fee? It is a tax. Because Queensland imposed the tax, does New South Wales also have to impose the tax? Do the actions of the Queensland Government make it right or fair to impose the same tax in New South Wales? No, it does not make it right. Members opposite are calling it a booking fee. That is a euphemism for a tax. It is a tax by any other name, and they should know that. However, they will say that it is a booking fee to cover administrative costs, as the previous Minister for Transport said. Regional rail services in my electorate have long been of concern to the residents in the South Coast area and also from Kiama and further to the south, beginning with cuts to the services following the March 2003 election.

I continue also to present petitions opposing any further cuts to the South Coast rail system because such cuts have had a detrimental effect on rail services in this State. Following those cuts, concerns have been conveyed to me regarding all sorts of issues with the South Coast rail service, and I will put them on the record today. The first issue is the lack of toilet facilities. I have raised this issue via motions in the House, in correspondence and in the media. Sometimes people travelling by train from Sydney to the South Coast for three hours, 3½ hours or maybe longer do so with no toilet facilities whatsoever. That is unacceptable when the majority of people travelling on those trains are elderly. It is unacceptable that people who have been visiting relatives and friends in Wollongong or Sydney, or attending concerts do not have the opportunity to use toilet facilities—a problem that still exists.

Another issue raised with me is the unacceptable state of cleanliness of the carriages. They are constantly dirty, full of graffiti and simply not maintained to the standard we expect in this day and age. Only a couple of weeks ago I raised in this House security on the South Coast rail line following the unfortunate sexual assault of a woman last year. I will continue to raise this issue until the Government decides that it will resolve it by providing security on South Coast rail services in the form of either transit officers or police officers. I acknowledge the efforts of transit officers and the police officers in the Vision 3 and Vision 4 task forces, but they are spasmodic and officers tend to be deployed back to Sydney when there is a major event. That means we then have no-one in the carriages to supervise when shocking behaviour occurs.

Often constituents using rail services must change trains five or six times between Sydney and Bomaderry due to rail maintenance or whatever else is happening. That happens regularly. Again, it is totally unacceptable for elderly people; it is difficult for them to get on and off trains with luggage. The trip to Sydney from Nowra took one constituent 7½ hours when it should have taken no more than three hours. In fact, a flight from Sydney to Shanghai would have been 15 minutes quicker than the short trip from Bomaderry to Sydney. Despite what members opposite will say, the New South Wales transport system is in total disarray and commuters are being forced back onto the roads, leading to congestion on the roads and increased danger to motorists. Members opposite would know nothing about the South Coast or the Princes Highway, but that is happening.

This is especially true for those who are forced to travel along the Princes Highway, which is still renowned for a number of dangerous curves and sections, steep drop-offs and, sadly, many, many fatalities. The Government must provide a safe, reliable public transport system for the people of New South Wales. The system has been downgraded over the past 11½ years. I call on the Government to abolish the pensioner booking fee in support of pensioners in my electorate and throughout the State who are being unfairly charged for this service. I support the pensioners in this State who deserve their free rail travel vouchers. There are only two free return vouchers, which is not a lot. Pensioners should get these free travel vouchers without the imposition of a tax, which they can ill afford at this stage.

Mr NICK LALICH (Cabramatta) [5.16 p.m.]: The Government opposes this amendment to the Act. The New South Wales Government is committed to retaining current CountryLink rail and coach services and ensuring the long-term sustainability of CountryLink services. As members may be aware, CountryLink has

come under considerable pressure from a number of areas, particularly the recent success of the low airfare market. Despite that pressure, the Government has rejected suggestions that many regional train services be replaced by coach travel. Instead, the Government has assured the long-term sustainability of CountryLink by making minimal changes to the opening hours of regional booking offices and introducing booking services to increase convenience for passengers.

As part of the CountryLink reform package introduced in 2005 to improve sustainability, a booking fee was introduced for free travel vouchers. The introduction of the fee followed the Ministerial Inquiry into Sustainable Public Transport conducted by Dr Tom Parry in late 2003. The inquiry found that CountryLink was losing approximately \$150 million per year. The Parry inquiry recommended the replacement of many CountryLink train services with coaches. The Government rejected this in favour of measures to reduce losses. The CountryLink Community Solutions Team, created by the former Minister for Transport in response to the Parry inquiry into the sustainability of public transport, toured regional New South Wales in the second half of 2003. I understand that an extensive number of organisations were consulted and included communities most affected by potential changes proposed to CountryLink by the Parry inquiry.

I further understand that the prevailing view of these groups was that they were not prepared to lose their rail services and were prepared to accept a modest co-payment if that meant they could retain their rail services. The decision to charge a booking fee for pensioner travel vouchers was a difficult one to make but was made with a view to retaining CountryLink services into the future. This fee is set at a minimum of \$10 or 15 per cent of the full adult fare, and recognises the same process used by travel providers like Virgin Blue, Jetstar and Greyhound. Each of these providers also charges a similar booking fee. The booking fee on a pensioner voucher trip from Orange to Sydney is \$10 compared with an airfare of between \$264 and \$332. So it is cheap. It is worth noting that the Queensland Government also charges a booking fee on its four free pensioner travel vouchers.

CountryLink remains the most affordable way for pensioners to travel. They can also take advantage of the \$2.50 CountryLink Pensioner Excursion Ticket, which allows them one-way travel on any CountryLink service within New South Wales outside the Sydney metropolitan area. The travel must be taken outside the CityRail network and can be booked up to seven days in advance. Holders of a pensioner concession card or war widows card who reside in New South Wales are entitled to four pensioner travel vouchers each year. These entitle the user to four free journeys a year. The Government is also committed to providing ease of booking services for passengers. While booking arrangements have changed, there are actually more places to book and pay than was previously the case.

CountryLink customers can now book at CityRail offices outside peak periods, at more than 350 booking and licensed travel agents throughout New South Wales, on the Internet or at rural and regional CountryLink booking offices. CountryLink passengers can also book their tickets over the phone. If they have a credit card, they can pay immediately. If not, customers can pay at any post office throughout New South Wales. Tickets will then be posted to passengers who choose to use this service. The Government is undertaking a multi-million dollar refurbishment of CountryLink's carriages, including sleeper, luggage and buffet cars. The refurbished XPT cars are already in service. The refurbishment of the Xplorer cars is currently underway.

CountryLink's XPT and Xplorer trains and coaches carry more than a million passengers each year through a range of destinations in New South Wales, the Australian Capital Territory, Victoria and Queensland. To arrest the decline in passenger numbers and revenue, CountryLink initiated a number of business improvement strategies in the years 2004 to 2006. These included the CountryLink reforms as recommended by the Parry report—refurbishment of trains, e-ticketing and pricing differentiation. These strategies together with marketing initiatives have had positive results. For the 2006-07 and 2007-08 years RailCorp spent \$97.7 million on maintenance for its CountryLink XPT and Xplorer fleet. Please be assured that the Government remains committed to the long-term retention of CountryLink services in rural and regional New South Wales.

Mrs JUDY HOPWOOD (Hornsby) [5.22 p.m.]: I give 110 per cent support to the Transport Administration Amendment (CountryLink Pensioner Booking Fare Abolition) Bill 2009 introduced by the member for Willoughby. It is disgraceful not only that it has taken the member for Willoughby and the Coalition three attempts to debate this legislation but also that debate was gagged. The Transport Administration Amendment (CountryLink Pensioner Booking Fee Abolition) Bill 2009 is a bill for an Act to amend the Transport Administration Act 1988 to abolish booking fees on pensioner travel vouchers and passes on

CountryLink rail services. This significant and important amendment is being put forward following the request of many pensioners who want to access CountryLink travel but who cannot afford the booking fee. In 2007 in her second reading speech the member for Willoughby said:

I hasten to add that this bill should not have been necessary, but the mean-spirited and arrogant approach of the State Labor Government and the Minister for Transport has necessitated it.

That sums it up completely. Members of the Opposition are right behind the member for Willoughby with this bill and call on the Government to lose its mean-spirited attitude and support this important bill. It is unlikely the Government will support it. It is a real shame that the member for Willoughby will not be third time lucky. Hornsby is a major embarkation and disembarkation station for CountryLink travel. I have travelled north on CountryLink from Hornsby station to where my father lived in Wollongbar. I have also travelled south on CountryLink. Train travel is a wonderful mode of transport, but my experience of CountryLink is that trains have arrived late and that carriages have been below standard, which is also something that my constituents have told me.

Hornsby station is the subject of a clearways project that appears to be almost at completion stage. An extra platform was built to accommodate freight trains and inter-urban trains. The project was supposed to finish two years ago, but has had a massive budget blow-out. The building work on platform 4 has inconvenienced people, particularly those who use CountryLink services, which is also totally unacceptable. Many CountryLink passengers use the toilets on platform 4, but the toilet for females has been closed in deference to a toilet for the regional manager, which is only opened when he is on the platform. Why has it taken so long to complete that project? Many constituents have expressed concerns about the inconvenience this work has caused them. Not only do CountryLink trains arrive late but also they are dirty.

The CountryLink pensioner booking tax was instituted in March 2006 when passengers were forced to pay \$10 or 50 per cent of the adult fare, whichever is the higher, when using free travel vouchers to book a CountryLink service. The Minister for Transport at the time justified the introduction of the booking fee by saying that it would cover administrative costs, something that has backfired because of a significant decline in CountryLink patronage. In 2005-06 CountryLink enjoyed 1.7 million passenger journeys, in 2006-07 it had 1.6 million passenger journeys and in 2007-08 it had 1.55 million passenger journeys, which demonstrates a massive decline in its patronage. The report of the Independent Transport Safety and Reliability Regulator for 2006-07 stated that the pensioner booking tax was responsible for a decline in patronage. The member for South Coast impressed on the Government the importance of this legislation. The Opposition supports pensioners, particularly in these times of economic downturn. This Government should be ashamed of not supporting this very important legislation.

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

PRIVATE MEMBERS' STATEMENTS

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

MAITLAND GAOL

Mr FRANK TERENCEZINI (Maitland) [5.30 p.m.]: On 19 March 2009 I had the pleasure of visiting the old Maitland Gaol at East Maitland to announce a grant of \$70,000 from the State Heritage Fund to assist Maitland Gaol in proceeding with renovations and refurbishments for potential tourism. Maitland Gaol's foundation stone was laid in 1844, with the official opening and reception of the first prisoners occurring on 31 December 1848. Built of sandstone from Morpeth and Farley, near Maitland, it is considered to be the most intact country jail in New South Wales. It is the longest continuously operating correctional institution in Australia—that is, 150 years of continuous service as a jail.

Given that the jail had for so long loomed large in the history of the region, Maitland City Council lobbied for, and was successful in obtaining, a licence from the State Government in 2000 to develop the jail as a key cultural and heritage tourism operation. The jail closed on 30 January 1998 after 150 years as a continuous jail. Development of the jail as an attraction has been implemented carefully to ensure its match with consumer desires. In order to effectively present and develop the Maitland Gaol site as a high-profile cultural tourism destination, the following vision has been developed within the interpretation plan recently prepared for the site by Tropman and Tropman Architects. The vision for the jail is:

That the gaol's fabric relating to design, social, urban, industrial, confrontational and brutal quality is retained in every detail as a background to allow the Hunter community and beyond to visit, respect and appreciate how this gaol affected and impacted on all people associated with its function of imprisonment.

Some of the great activities in the jail are guided tours, and there are overnight packages, themed sleepovers, and group packages as well. During the period of development since 2000 a significant amount of infrastructure improvement and heritage repair and restoration has been undertaken through internal and heritage grant funding. Of the many improvements and infrastructure spending that have occurred at the jail, some of the more notable ones are: the establishment of a dedicated visitor reception area and front office, a waiting room and mini interpretation space within the governor's residence; and the development of a museum and exhibition space for the Australian Museum of Clothing and Textiles, which is a commercial tenant of the jail.

Other improvements and infrastructure spending include: the establishment of a relationship with the Maitland Youth Development Unit for the provision of a site for undertaking work-related activities and associated counselling for at-risk youth; the adaptive re-use and redevelopment of the 1970s auditorium to reinstate its original purpose and provide an education, interpretation and resource centre together with a permanent museum space—a major project due for opening in May 2009; the conservation and restoration of a ground floor room of the governor's residence for use as a reading room for historical research into the jail, its people and culture; and the initiation of a program of development of an historical collection to aid this research and a volunteer program to manage and undertake the research work, which is also a major project due to open in May 2009.

Some of the grants given to Maitland Gaol via the Maitland City Council are a State heritage grant of \$20,000 for the establishment of a reading room and research centre, about which I spoke earlier; a State heritage grant of \$50,000 to restore the auditorium as an education and interpretation space; a further \$50,000 to conserve the front entry of the jail, including the governor's residence and work on the reinstatement of the gardens; \$20,000 to implement the interpretation strategy and development of an audio tour; a further \$233,310 to undertake the stonemasonry, carpentry, painting and murals restoration; and ongoing receipt of Work for the Dole project funding to undertake the conservation and restoration works. Maitland Gaol is an iconic location in the Hunter and the Maitland City Council is doing an excellent job in creating one of our greatest tourism icons with its great history and heritage. It is a very old building and I have no doubt that it will go from strength to strength in the future in providing increased tourism for the electorate of Maitland.

NORTH MANLY QUARRY SITE SALE

Mr MIKE BAIRD (Manly) [5.35 p.m.]: I have had to change my private member's statement in the past couple of hours as common sense has prevailed and the Minister for Lands has withdrawn from sale Crown land adjacent to Quarry Reserve in North Manly. I thank the Minister for this significant first step. The next step will be for the Government to hand management of the land—and, I believe, its ownership—to Warringah Council. The key is retention of this important community reserve. There has been a strong community campaign against the sale of this land. I congratulate the Government and the community on its energy and constructive campaign, but there is still a way to go. Why was the land put up for sale in the first place? I strongly believe that this was a grab for cash. The proposed sale of land at 13A Amourin Street, North Manly, is another example of the Government's attempt to sell whatever it can to fund its budget. We have seen this in our local community with the battle to save the Seaforth TAFE, which is a number in the sale of \$240 million of public education land.

The sale of the land next to Quarry Reserve came as an enormous surprise to the local community. There was no consultation or pre-warning that the land would be put on the market. For years the land was considered part of the natural environment and part of Quarry Reserve. Local families use it as a place to walk and play. They were alerted to the sale only when the "For Sale" sign went up and ads were placed in the newspaper. The community moved into action by getting a group of people together—the Friends of the Quarry. As part of their campaign I received an email from five-year-old Emily Morgan, who said, "Dear Mr Baird, please stop the sale now! Children need open space to run around and play." Emily Morgan, congratulations on your efforts. You are so right. There is so little open space around that we cannot afford to lose what we have, and your efforts have made a contribution today.

The Government should not be able to sell off community land when it needs to fill a hole in its budget, a hole largely caused by what I would call waste and mismanagement, of which we have seen details this week with the Appropriation (Budget Variations) Bill 2009. We should be thinking about the future for our children, who need to have space to run and play. My office has received numerous emails and phone calls from families and local residents about this issue. On their behalf we have conveyed their concerns, asked questions, issued notices of motions and written to the Minister for Lands to request a halt to the sale. The announcement today

by the Minister that the sale is being withdrawn is greatly appreciated. It is a rare sign from this Government that on occasion it will listen to the community. But the greatest credit must go to those who have spearheaded this campaign—and they are numerous. My hat goes off to them for their efforts.

Having brought a halt to the sale, in relation to which expressions of interest were to close on 6 April, the Government must now follow through and not sell the land. Warringah Council has offered to maintain the reserve at no cost to the State Government, and I believe that Warringah Council is doing a good job. Certainly on this issue the support of councillors and staff, and the mayor, was appreciated. Handing the land to the council is an ideal solution. It would be designated as a reserve and the advantage for the State Government is that the council will cover the management costs of the land. I encourage the community to continue its campaign to ensure this outcome is achieved. It is important that the area is preserved and not handed across for development.

The community has also identified a nationally endangered plant on the site called the Sunshine Wattle, which I think shows that this is a reserve, not a piece of real estate that should be sold off at any price. It is part of the community. There is also significant wildlife in the area, including bandicoots, bluetongue lizards, possums and a large number of native birds. It is important that their natural environment is protected. It was very pleasing to have to rewrite this private member's statement today with some positive news and a win for local residents. It is also a win for common sense, because not only have we seen the community's concerns listened to but we have also preserved the environment. We will wait for the Minister to take the next step, but I thank him for his change of heart on the issue. It is a shame that the community had to go through this process. The feedback I have received from the community this afternoon is one of exhilaration that the reserve may well be retained.

Today I pay tribute to the community and to the Minister for at least taking this first important step. It certainly would have been preferable if there had been consultation to start with before this was sprung on the community. However, there is now an opportunity to call on the Minister to protect this land adjacent to Quarry Reserve in North Manly by working with Warringah Council and the community to find the best solution and certainly to keep it in public hands and protect the environment for future generations.

ASBESTOS DISEASES RESEARCH INSTITUTE BERNIE BANTON CENTRE

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [5.40 p.m.]: Today I acknowledge the opening of the Bernie Banton Centre at Concord Hospital on 21 January 2009. In November 2007 the State Government launched construction of the new \$12 million Asbestos Diseases Research Institute and announced the facility would be named in honour of veteran campaigner Bernie Banton. The Bernie Banton Centre is a major boost to research on the Concord Hospital campus through the addition of the Asbestos Diseases Research Institute and the expansion of the successful ANZAC Research Institute. The national facility represents the first standalone asbestos diseases research centre in the world.

In 2002 the Asbestos Diseases Research Institute was inaugurated with start-up funds of \$2.5 million comprising donations from the New South Wales Workers Compensation Dust Diseases Board, James Hardie Industries and the State Government. In 2006 the Dust Diseases Board contributed a \$6.9 million capital grant to construct laboratory facilities for the Asbestos Diseases Research Institute. This co-development of the Asbestos Diseases Research Institute and the ANZAC Research Institute provides an invaluable opportunity to facilitate cooperation by providing access to shared equipment, scientific services and expertise in the adjacent building while adding to the critical mass of medical research scientists on the Concord Hospital campus.

The Bernie Banton Centre is a major advancement in the battle to alleviate suffering and discover solutions for victims of asbestos-related disease. With 350 people diagnosed in New South Wales each year, there are thousands of others who do not yet know that asbestos-related disease will claim their lives. The state-of-the-art research institute represents a very important step forward for everyone committed to eliminating the scourge of asbestos-related disease. Hundreds of thousands of Australians have unknowingly been exposed to asbestos products in their home and work because they did not know of the dangers that confronted them. There is a high risk of asbestos exposure in our communities given the number of home renovators that are working on old Federation and Californian bungalow homes. By 2020 it is estimated that Australia will have 13,000 cases of mesothelioma and a further 40,000 cases of asbestos-related cancer.

I acknowledge the commitment of the Asbestos Disease Research Foundation's chairman, former Premier Bob Carr, who initiated the Jackson inquiry into James Hardie's company restructure and its obligations

to victims, which ultimately resulted in a new compensation fund. I also welcome the internationally renowned asbestos diseases researcher, Professor Nico van Zandwijk, who was recruited from the Netherlands as the Asbestos Diseases Research Institute's director. We are indeed fortunate to have recruited such a distinguished person. This centre is a tribute to the courageous asbestos campaigner Bernie Banton, whom I had the pleasure of meeting personally. On 26 November 2007 he lost his battle with cancer and mesothelioma. Bernie Banton was truly a great Australian. He was a man who simply would not take no for an answer, and rightly so; he was a symbol of all those who have fought for a fair go.

The Bernie Banton Centre commemorates the struggle for help for victims of asbestos diseases and is recognition of the efforts of the late Bernie Banton, AM. The centre is the realisation of a vision and the only physical monument as a token of national gratitude for Bernie's personal sacrifice and contributions. In November 2006 there was a final agreement to secure compensation for Hardie victims. This agreement was worth \$1.5 billion over the next 40 years for those who suffered and continue to suffer this dreadful disease. This outcome would not have been achieved without Bernie Banton. Bernie Banton, who was robbed of his health, fought for the dignity, security and financial peace of mind of those who could not fight. He presented a petition containing the signatures of 17,000 people supporting the listing of the mesothelioma drug Alimta on the pharmaceutical benefits scheme. Again he won that battle for others when the Federal Government finally listed the drug.

The launch was marked by the unveiling of a plaque by the Prime Minister, Kevin Rudd, Her Excellency Professor Marie Bashir, Karen Banton, Premier Nathan Rees and the Hon. Bob Carr. The event was also marked by Karen Banton, wife of the late Bernie Banton, and their son presenting Professor van Zandwijk with the sod turning silver spade as a symbolic gesture of getting on with the research work of the institute. A formal request was made to the Prime Minister by the Hon. Bob Carr asking that the Prime Minister consider a Commonwealth contribution to the project to be used to develop an adjacent research facility necessary for effectively delivering the research agendas for the Asbestos Diseases Research Institute and the ANZAC Research Institute. We all welcomed on that day the Rudd Government's announcement of a \$5 million grant for the Bernie Banton Centre, the world's first asbestos research institute. Well done, Bernie Banton, you achieved this outcome for our communities.

WEST KEMPSEY SCHOOL BUS TRANSPORT

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.45 p.m.]: I bring to the attention of the Minister for Transport and the Minister for Education and Training an issue involving families and school children in Kempsey, specifically at the West Kempsey Public School. This is a longstanding issue relating to the pick-up of students from West Kempsey Public School, particularly those who travel to areas such as Euroka, Dondingalong, South Kempsey and Burnt Bridge. Traditionally they have been picked up by the local bus company, Cavanagh's, at the front of the school on Elbow Street, while students travelling to other parts of Kempsey and surrounds are picked up to the north of the school on Marsh Street.

This has not been a huge problem in the past but due to the construction of a new police station complex at Kempsey the students no longer have access to Elbow Street. As a result the bus company has been picking up the students travelling to South Kempsey, Euroka and elsewhere from Marsh Street and dropping them on Elbow Street, where the students have to wait up to 30 minutes for the bus taking them home to arrive. That is an issue because there is minimal shelter in the area and there have been hailstorms. Fifty students have to shelter from rain and hail. It is also in an area where there are several hotels and at times some antisocial behaviour occurs. It is not the best solution for the children to have to wait for up to half an hour and for a valuable member of the teaching staff to have to wait with them until their bus eventually picks them up.

The local school community wants the students to be picked up at Marsh Street along with all the other students. The local bus company has said that is a problem because it affects other schools on the bus run. Having to detour those buses to come up Marsh Street rather than Elbow Street takes only a few minutes. The school has sought to resolve this with the bus company. Cavanagh's is a very good bus company but its contract with the Government is to deliver students on time so of course they are concerned about their timetable and any changes to the route that may involve two or three minutes difference. The school has been unsuccessful to date in convincing Cavanagh's that students should not have to travel from Marsh Street to Elbow Street and wait for half an hour for their bus home.

They have taken up a petition, which of course many of the parents at West Kempsey Public School have signed. They have written to the Minister for Transport, as I have. However, there is an impasse on this

issue. The school community rightly is asking why students who live in the South Kempsey-Euroka-Dondingalong area are being treated differently from other students. Some of these students have special needs and it is obviously not desirable for them to have to wait 30 minutes with a lack of shelter and in sometimes less than desirable surroundings, given some of the behaviour of patrons of the nearby hotels. I implore the Minister for Transport and the Minister for Education and Training to intervene in this matter. If it is a question of renegotiating contracts with Cavanagh's or making a small change to its funding to facilitate the required timetable change, that intervention should occur. To date the Government has stood by and not intervened in relation to this matter to arrive at a solution that is acceptable to all.

TRIBUTE TO ROLAND EDGAR SMALLACOMBE

Mr MICHAEL DALEY (Maroubra—Minister for Roads) [5.50 p.m.]: This evening it is with great sadness that I report to the House the death of Roland Smallacombe who, until mid-September last year, was a worker in my electorate office at Maroubra. Rolly died on 22 March this year, only one month short of his sixty-fourth birthday. Roland Edgar Smallacombe was born in Adelaide on 24 April 1945. Throughout his life he worked principally in the area of radio and other communications, for seismic exploration companies all over Asia and Australia, for mining companies, for the Civil Aviation Authority, and of late as senior communications officer for the Rural Fire Service.

Rolly's old boss, Mr Phil Koperberg, is the current member for Blue Mountains. That member speaks about Rolly with enormous fondness and admiration, and I can inform him that the feeling was mutual. Knowing that Phil Koperberg held Rolly in high esteem meant a lot to him. In the 2005 Maroubra by-election Rolly volunteered to help with my campaign and he never really left us. He became a loyal trooper and was a loyal and faithful friend. Then, as always, he was a tireless worker committed to the Australian Labor Party and to me. He became a good part of our team—a part of our little Maroubra family. In 2007 he came to work in my electorate office.

Rolly was a political animal: politics drove him and fascinated him. He loved the Australian Labor Party. Amongst other things he was secretary of the Pymont-Ultimo branch. Last Wednesday many of his mates from the branch and the party were at St James Church in Glebe to see him off. He had his political heroes, principally Paul Keating, who was the king. He hated the Liberals with a passion and anybody else who opposed the Australian Labor Party. He was a great Labor man. Working at the electorate office gave him a chance to live the politics and to fulfil a mission in which he really excelled himself—that is, helping people; people he knew or those that the Australian Labor Party was formed to represent.

Many of the people that Rolly helped were down-and-out public housing tenants. Maroubra electorate is affluent in some areas but people might be surprised to know that it has the third-highest Department of Housing population in the State. Rolly helped many of those people. The more troubled and down and out they were, the harder Rolly tried for them. Many of those people attended his funeral last week. Even after he departed my office in September last year, people stopped me in the street and said that Rolly had really helped them. Last September he officially left our office. He was diagnosed with kidney trouble and for the past few months he was on dialysis. However, he never really left and he never really will. He changed our office forever and he left us with a mission to live up to.

I say to Rolly: Your friends at team Maroubra, Karen Brown, Kaila Murnane, Lisa Williams, Catherine Wade, Ken Murray, Christina Daley, little Olivia Daley, Kev MacDonald and Tony DeLuca, and Peter Garrett's staff with whom you worked closely, Sandi Chick, Kate Pasterfield and Helen Robertson, all say, "Thanks, mate." Rolly was a passionate man and passionate people usually have several passions. He loved his work, his politics, his party and his friends. However, when we sat down for a quiet chat and, more often than not, a beer or a chardonnay on a Friday afternoon after a hard week—and he did work hard—the conversation would always turn to family, to his wife, Josephine, his Irish lass, and his daughter, Fionnuala, and their future.

Right up until the end Rolly was very positive. He never stopped talking about Fionnuala. She does not need me to tell her that she was, and always will be, the apple of his eye. The Rolly Smallacombe that I will remember was the person who went to the Glasshouse hotel with me for a beer the night before the 2007 Federal election. Rolly, with his Kevin 07 T-shirt on, stood up on a bar table, raised his arms to Kevin and ignored the hissing and tormenting comments that came from certain people. The next day he went out and worked all day and saw Kevin in. Mission accomplished, Rolly Smallacombe!

ALBURY ELECTORATE STATE-OWNED NURSING HOMES

Mr GREG APLIN (Albury) [5.55 p.m.]: Hidden away in the mini-budget of November 2008 was a little provision under the heading "Mini-budget Measures by Portfolio", which reads as follows:

Transfer remaining State-owned nursing homes to non-government sector, while maintaining continuity of care for residents.
Sale of surplus land.

Over the next three years the projected proceeds to Government total \$22 million. Concerns about the proposal surfaced in mid February when I visited Corowa. Clinicians, nursing staff and community members were vaguely aware of a government plan to sell off aged-care beds in the local hospital, and they were fearful for the welfare of residents and for the future availability of beds in the town. There was talk of a tender, seeking expressions of interest from non-government organisations to acquire the State-owned and State-run residential aged-care places. It appeared that 31 beds in the Norm Carroll wing at Corowa District Hospital and 16 beds in the Harry Jarvis wing at Holbrook Health Service would be affected.

The Government's plans sparked community concern followed by outrage. Initially, little was known but investigations revealed that 11 nursing homes were involved, mainly in country areas. I undertook to seek more information from the Minister for Health, particularly in relation to the effect that such a move would have on residents, what guarantees would be given that the beds would remain in Corowa and Holbrook, and what impact any such move would have on the staff levels and classifications of the hospitals. As I noted at the time, the lack of information had left hospital management, nursing staff, patients, relatives and the community bewildered and angry.

When Parliament resumed in early March I asked the Minister several questions. I asked whether the Minister would guarantee to the communities of Corowa and Holbrook that the aged-care places would not be removed from the towns and would remain at their current levels. I sought information on the effect that this potential sale would have on the Holbrook health service and the Corowa District Hospital's classification that determined staffing numbers and management structures. I asked what effect the proposed sale of the aged-care beds would have on staff numbers. Some days later Ms Heather Gray, Chief Executive of the Greater Southern Area Health Service, wrote to me to advise me of the process and to make some assurances. She explained that expressions of interest would soon be called to explore service models that might see the transfer of 11 New South Wales government-owned nursing homes to the non-government sector. She noted:

The proposed models will offer new opportunities to provide better care for residents and may include the redevelopment of some facilities, providing better quality aged care homes.

Ms Gray stated that the Minister for Health had indicated that if the proposal did not deliver better models of care and accommodation, transfer would not proceed. The Government gave assurances that if those transfers took place key priorities would include ensuring that the services would be maintained within their current communities and that existing levels of care for all residents would be continued. It was also stated that entitlements of staff transferring from the non-government or private sector would be protected under the State Government Nursing Home Framework Agreement. I was advised that the area health service would undertake information sessions to assist nursing home residents, their families, the staff and local communities to understand the process. The Corowa and Holbrook communities are understandably concerned and have made their fears public.

Councillor Heather Wilton and other members of the Holbrook health service advisory committee, together with the Greater Hume Shire Council, said that the overwhelming desire was to keep the aged-care beds in Holbrook. In Corowa the sentiment is the same, with Corowa Shire Council, the Corowa shire and Rutherglen district health, social and community support committee and the local health advisory committee all seeking a guarantee that the aged-care beds would remain in Corowa and, further, that they remain under the management of the Corowa hospital. Keith Barber, Chairman of the Health Advisory Committee, is seeking support from general practitioners in opposing the transfer to the private sector. Doctor Sean Geary from the Corowa Medical Centre expressed concern that the loss of 31 beds from the hospital could result in a domino effect, making emergency no longer viable and leading to the eventual closure of the hospital.

He pointed to reports of a new nursing home development in Albury requiring 31 beds and found the coincidence quite remarkable. Councillor Gail Law, a former chairwoman of the Corowa hospital board, said that the 54-bed hospital could ill afford to lose 31 beds in the Carroll wing. She noted that the hospital already was short of funds and as a result the building was not properly maintained. Funding is at the core of this issue.

The Government plan was included in the November mini-budget as a cost-saving measure and it is well documented that the health system faces a funding crisis. No wonder the people of Corowa and Holbrook seek guarantees from the Government on the retention of these beds to enable their older citizens to remain in the communities where they have spent their lives. As former Holbrook hospital board member Meryl Allworth noted, the Harry Jarvis Wing was established with substantial donations from the local community. The justified expectation is that the nursing home will be maintained in the town.

ENERGY-EFFICIENT STREET LIGHTING

Ms CLOVER MOORE (Sydney) [6.00 p.m.]: Street lighting is a vital community service that impacts on safety and security, use of public space, greenhouse gas emissions, and council rates. Unfortunately much of EnergyAustralia-owned street lighting in the inner city and in New South Wales functions poorly and uses out-of-date technology that contributes unnecessarily to greenhouse gas emissions, despite increased network charges to councils of 40 per cent over the past four years. Late last year EnergyAustralia proposed to increase network charges by another 78 per cent over the next 5 years. While the Australian Energy Regulator's draft decision on New South Wales public lighting released in March rejected much of this pricing proposal, EnergyAustralia has the right to challenge this draft determination and is yet to respond.

Global warming is the biggest challenge we face and we must urgently transfer to a low carbon economy. EnergyAustralia's proposed pricing for energy-efficient street lighting is substantially higher than that recently approved in Victoria. It is so high that it could make energy-efficient lighting financially unviable, undermining many councils' commitments to reduce greenhouse gas emissions. Furthermore, EnergyAustralia has not listed emerging energy-efficient lighting types like metal halide, Cosmopolis, off-peak dimming and light-emitting diodes [LEDs] on its Standard Luminaires lists, essentially banning them from use on the public lighting network. EnergyAustralia's failure to provide modern, energy-efficient lighting has led the City of Sydney to directly install and maintain around 6,500 lights—40 per cent of public domain lights—in the local Government area.

The city recently sought expressions of interest for a trial of new light-emitting diode street lighting technologies, which can reduce energy use by 50 per cent, significantly cut maintenance costs and improve lighting conditions. The trial will involve a range of lighting situations, including city parks, local streets, central business district streets and Martin Place. This will provide effective solutions that can be expanded across Sydney in cooperation with other councils. Unfortunately, the few councils that can manage their own lighting are hit with high exit charges from EnergyAustralia-owned public lighting assets based on a written-up value of the assets rather than the actual depreciated cost of installation. I hope that the Australian Energy Regulator overturns this approach. EnergyAustralia charges councils for council-owned lighting at a much higher tariff—equivalent to peak hour rates—than for the exact same technology and consumption for lighting that it owns.

The Victorian Government has conducted a joint investigation into new energy-efficient road lighting technologies with the two major New South Wales-based manufacturers. It has developed an appropriate pricing model and is considering a mass deployment program to replace aging inefficient lighting. The New South Wales Government needs to take a similarly active role as part of a long-term plan to reduce street lighting related greenhouse gas emissions. Councils are in an untenable position of having responsibility for the safety, security, energy, greenhouse gas emissions and costs of lighting, but have no meaningful control over the service provided.

With more than \$80 million a year transferred between councils and utilities without contracts or binding service regulations, and with major reporting requirement gaps and ineffective regulatory oversight of pricing, the Government needs to urgently review street lighting governance in New South Wales. The current voluntary Public Lighting Code should be mandatory, as it is in Victoria. It is unacceptable that EnergyAustralia will not comply with key sections of the code by 2014, as revealed in its June 2008 submission to the Australian Energy Regulator. Despite 60 submissions and widespread concern about compliance and gaps in the current code, the 2007 Department of Water and Energy review, which could have addressed important deficiencies in the code, has not progressed.

The New South Wales pricing regulatory regime must be revised like the Victorian model, where the Independent Pricing and Regulatory Tribunal equivalent body established a pricing approach with full transparency that the Australian Energy Regulator adopted for its recent Victorian pricing decision. Pricing should be fair, reasonable and consistent with an efficient provision of service. Pricing reviews should be conducted with clear, open, and benchmarked cost analyses. In contrast, EnergyAustralia has refused to provide

councils with a pricing model or any detailed information about the basis of proposed increases. EnergyAustralia price increases at three to four times the consumer price index as borne by councils in recent years are unsustainable year after year.

The Roads and Traffic Authority's Traffic Route Lighting Subsidy Scheme, which is meant to compensate councils for costs of enhanced lighting on State and regional roads, has not kept up with rapidly rising charges. Roads And Traffic Authority payments should increase proportionately with street lighting cost increases, as is clearly codified in Victoria. Council rate capping should be adjusted to assist councils in meeting the additional cost of street lighting that are not covered by the Traffic Route Lighting Subsidy Scheme. I call on the Government to regulate street lighting to ensure a clean, efficient and reliable street lighting service in New South Wales.

NORTH COAST AREA HEALTH SERVICE WAREHOUSING

Mr THOMAS GEORGE (Lismore) [6.05 p.m.]: I express my disappointment in the decision taken by the North Coast Area Health Service to implement a new plan for the consolidation of its warehousing facility. This follows the indication by the area health service and headlines in the *Tweed Daily News* that 400 jobs are to be cut from the service. While the Government advocates providing more jobs, the North Coast Area Health Service under stress is cutting 400 jobs across its region, especially in the Lismore electorate. The service's warehouse is based in Lismore. The proposal is that Goonellabah, Port Macquarie and Tamworth will be consolidated to Cardiff in the second part of this year. Sutherland warehouse will service the South Coast and Greater Southern Area Health Service in late 2009, and other areas in the west and southern part of the State will be consolidated by mid-2010.

Concerns have been expressed to me by those involved not only with the warehouse but also with the North Coast Area Health Service. How can bureaucrats provide reports that recommend consolidating these warehouses. I am pleased to see in the Chamber the Parliamentary Secretary, a person for whom I do not mind admitting my great admiration, Dr Andrew McDonald. He will appreciate my comments. Many costly products are stored at the warehouses rather than at each hospital, and are dispersed urgently as needed by the hospitals. The warehouse carries something like 1,200 lines. A hospital may not need each line every day; staff tell me that many hospitals do not have the storage space for those 1,200 product lines.

I do not care how good the system is, urgent products will not be transported from Cardiff to each hospital overnight. What would have happened for such a request during the floods of the past few days? How could the products have been transported from Cardiff to the North Coast? Bureaucrats have provided advice to the area health service and the Department of Health that these warehouses can be consolidated in one area. Hospitals have limited storage space. What will happen when a hospital has an urgent need for products? What will happen if there is a flood and the Pacific Highway is cut, preventing transportation of those products? Many hospitals get urgent resources delivered daily. Hospitals ring up every afternoon to order supplies that they will need the next morning, or they ring up at the close of the surgery and for supplies they need for surgery the next day.

I do not know where the Government is getting its advice from, but if it keeps destroying local systems and increasing the service areas in the end it will cost lives. Practitioners will not be able to access products when they need them for patients who are desperately ill or in need of treatment. The idea of making Cardiff the dispatch centre for the whole North Coast and as far north as Tweed Heads is beyond belief. The Government is taking away jobs from local areas. The Government claims it has been supporting employment in this State by the creation of 154,000 jobs, but I assure the Government that the North Coast Area Health Service and people who live in the Lismore electorate are absolutely disgusted about the warehousing consolidation that is taking place. I place on the record also our disgust at the loss of 400 jobs from the North Coast Area Health Service.

LOWER PROSPECT CANAL RESERVE

Mr NINOS KHOSHABA (Smithfield) [6.10 p.m.]: It is with pleasure that I inform the House of the hard work of the Canal Reserve Action Group and its contributions to enhancing the Lower Prospect Canal Reserve. The Lower Prospect Canal Reserve is a unique parcel of bushland that snakes through a densely populated area of western Sydney. The corridor stretches for approximately 7.7 kilometres from Prospect Reservoir to the Sydney water pipe head at Albert Street. The reserve varies in width from 40 metres to 100 metres and covers an area of approximately 54.6 hectares. The canal reserve is one of the last remaining

remnants of the natural Cumberland Plain woodland in the Sydney Basin. Owing to the canal's use for more than 100 years as part of Sydney's water supply system, the reserve has survived the intense urban development that surrounds it.

In 1995 that use came to an end, enabling the community to gain a spectacular parcel of land for recreational purposes. In August 2003 the Lower Prospect Canal Reserve cycleway was opened to the public and has proven to be highly popular. Furthermore, the cycleway retains a historic link to the Prospect Reservoir, which has existed since the canal was constructed in the 1880s. The development of the Lower Prospect Canal Reserve was spearheaded by the Canal Reserve Action Group, which is also known as CRAG. The organisation was formed in 1994 and has been active ever since. What makes this organisation special is that it is run by members of the local community who volunteer much of their time and money to ensure that the community is able to retain this beautiful asset. The Canal Reserve Action Group can be summed up by its charter, which was developed in 2008 and includes:

To act as a guardian for the Lower Prospect Canal Reserve.

To protect and preserve the integrity, fabric and amenity of the reserve, in its entirety, as a safe passive recreation area and nature reserve.

To lobby all authorities or other stakeholders to achieve these aims, and to ensure vigilance to prevent development of proposals, or actions which may damage the reserve environment or the amenity it affords, both now and in the future.

To put aside individual personal gain or interests and to protect the canal area for ALL.

These aims and objectives will be pursued in a friendly, legal, [and] business-like ... by all members involved, whatever problems or differences occur.

Apart from looking after the Reserve, the Canal Reserve Action Group has contributed to the local community in other ways. The Canal Reserve Action Group got behind Cleanup Australia Day with the canal reserve being regarded by many as the most successful clean-up sites in the Holroyd city area. The Canal Reserve Action Group has two representatives on the Boral Community Advisory Group and also is a member of Landcare Australia. A number of the Canal Reserve Action Group members have participated in bush regeneration training. The Canal Reserve Action Group has been a contributor to Holroyd City Council's "State of the Environment Report" on numerous occasions, and the Canal Reserve Action Group was chosen as the joint winner in 2003 of the New South Wales Keep Australia Beautiful campaign's Metro Pride Overall Award for its efforts in saving the Lower Prospect Canal Reserve.

As members will realise from such achievements, the Canal Reserve Action Group definitely has contributed to the community for the better. Having said that, I am pleased to acknowledge that some of its members are present today in the Chamber—the President of the Canal Reserve Action Group, Mr Steve Norton, and Mr Brett Meade, Mr Fred Crowe, Ms Lesley Neuhaus, Mr Greg Prince, Mrs Margaret Weaver and former Holroyd City Councillor for a total of 21 years, Mr Ken Morrissey, who also has been deputy mayor of the council on two occasions. I thank the members of the Canal Reserve Action Group for making time available to visit Parliament today, and most of all I thank them for the contributions they and their organisation have made to the canal reserve and to the State electorate of Smithfield.

The Canal Reserve Action Group members are attending Parliament today to voice their concerns for a safe cycleway, given the current construction of the Greystanes Estate Southern Employment Lands. I wish them all the best in their endeavours and place on the record my support for their achievement of that goal. With groups such as the Canal Reserve Action Group in my electorate, I am sure that the canal reserve and other important sites will be preserved for future generations. I again thank the members of the Canal Reserve Action Group for their attendance at Parliament House today. Some of them have been here since question time. I have a very good working relationship with the group and the group does a great deal for my electorate, particularly in protecting the environment. I wish the Canal Reserve Action Group every success for the future.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.15 p.m.]: I congratulate the member for Smithfield on his speech and also acknowledge members of the Canal Reserve Action Group who are present in the public gallery. Their persistence over the years has ensured that the reserve has been retained for the enjoyment of everyone in the community. This is a gift from the Canal Reserve Action Group that will keep on giving not only in the future but also for the benefit of our future, our children. As a keen cyclist, I also applaud the group's advocacy for the cycleway, which is an excellent addition to the health and wellbeing of the residents of south-west Sydney. On behalf of the Government, I thank the Canal Reserve Action Group for all they have done, for all that they will do, and for their attendance in the House tonight.

The DEPUTY-SPEAKER: I also take this opportunity to welcome members of the Canal Reserve Action Group to the New South Wales Parliament and thank them for their very hard work. I thought I recognised Ken Morrissey in the public gallery. Mr Morrissey has been very active in the Holroyd community and is someone I have the pleasure of knowing personally. I thank the member for Smithfield for drawing this important issue to the attention of Parliament. I hope that members of the Canal Reserve Action Group enjoy their visit to the Parliament.

DRIVER TRAINING REQUIREMENTS

Mr ROB STOKES (Pittwater) [6.16 p.m.]: On behalf of the New South Wales Opposition, I also extend congratulations and thanks to the members of the Canal Reserve Action Group for the great work they are doing in looking after our shared environment. Tonight I wish to discuss the requirements placed on learner drivers who wish to obtain a driver's licence in New South Wales. As we all know, obtaining a driver's licence is a milestone in a young person's life, an opportunity for independence and freedom, and also demonstrates a sense of responsibility. A driver's licence is a goal that many young people are eager to achieve at the earliest opportunity.

However, as we all know, that eagerness itself can be very dangerous. Often forgotten by young people are the harrowing and worrying statistics of road-related fatalities involving younger drivers. Those statistics should serve as a very stern warning to young drivers, their parents and everyone else. The statistics show that a 17-year-old driver with a provisional driver's licence is four times more likely to be involved in a fatal crash than is a driver who is over the age of 26 years, and that young drivers represent approximately 36 per cent of annual road fatalities, but make up only 15 per cent of the total number of drivers. The Government has responded to that by taking measures to ensure that had young drivers are more experienced before gaining their provisional driver's licence. The latest manifestation of that was when supervised driving requirements were increased from 50 hours to 120 hours.

I want to draw attention to the elephant in the room relating to this issue, which is the unspoken reality of the requirement for 120 hours of supervised driving simply not being met. Parents in my electorate tell me that the requirement is so over the top and difficult to achieve that many working families are finding it impossible to find the time to provide 120 hours of supervised driving. Not for one moment do I suggest that the experience gained is not a really important requirement for young drivers to fulfil; but as legislators we have a responsibility to ensure that laws can be adhered to. NRMA research in July 2007 showed that 84 per cent of respondents believe that the introduction of increased hours of supervised driving will make it more likely for learner drivers to overstate in the logbook the hours that actually were completed. When people falsify records it shows that the law is failing to achieve its objective, and that undermines a very creditable system—one that deserves to be endorsed. But there is a continuation of the original problem, namely, if people are not completing 120 hours we have drivers on the road who do not have the necessary skills.

I shall give a couple of examples from my electorate of Pittwater. A number of local families have told me that they know of people who simply falsify records: they do 70 or 80 hours and simply make up the rest. In no way do I condone this, and it is something of concern. Nevertheless, we must recognise that it is happening, and something needs to be done about it. Two local people, Judy and Geoff Butcher of Newport, have two teenage sons who recently went through the driver's licence progress. They had 50 hours to do, but Geoff and Judy, who are both busy people, had to find 100 hours between them. Today, that would be 240 hours for their two teenage sons, which would be difficult to achieve. We need to look at creative solutions to this problem. We need to have a system based on quality, not quantity. We need a system that ensures that young drivers learn the necessary skills of driving. We need a system that incorporates programs to ensure that skills are learnt, instead of simply hoping that learners pick up skills in 120 hours of driving.

For example, four hours of an advanced driving course, with expert tuition and putting students in emergency situations where they learn the proper handling and limitations of their vehicles, could provide 10 times the value of driving with a big brother in a local car park. Yet under the existing system there is no recognition of the vastly different value of each driving experience and no incentive to get expert tuition. Perhaps if the system put a higher value on expert tuition we would encourage more younger drivers to take up expert defensive driver training and get safer drivers, as well as creating regulations that are more realistic, more achievable, less onerous on families and, importantly, more likely to be obeyed. [*Time expired.*]

NEW SOUTH WALES INDO-CHINA CHINESE ASSOCIATION

Mr NICK LALICH (Cabramatta) [6.21 p.m.]: I acknowledge the members of the Canal Reserve Action Group who are present in the gallery this evening. In particular, I mention Mr Ken Morrissey, who is a

former councillor and former deputy mayor of Holroyd council. I thank him for the great work he did for his city during his 20 odd years as a councillor and an alderman. Two weeks ago I attended the New South Wales Indo-China Chinese Association [ICCA] Red Cross Victorian Bushfire Appeal cheque handing-over ceremony. The terrible loss of 210 lives was devastating to see on the news. As the death toll continued to rise a sense of loss was felt across the nation. But during these sad times there are shining apparitions that allow us to see that humanity always pulls together when times are tough. The ICCA has been one such organisation that has contributed generously to help its fellow man during tough times.

Throughout the years the ICCA has given significant contributions when this country or other parts of the world have been hit by disaster. Its generosity extended from the 2004 tsunami aid appeal to countless New South Wales bushfire appeals and more community-centric appeals to help the most needy in our community. Returning to the Black Saturday Victorian bushfires where the loss was so great, it was no surprise to see that this association has again given so generously. The members of the executive committee gave \$28,250 to the Red Cross for the Victorian Bushfire Appeal. The ICCA was established in 1979. Its primary objective was to help assist incoming migrants from Indo-China when they reached Sydney. This was done in a number of different ways, from finding homes for the new residents to assisting in social welfare and education.

At the beginning the ICCA established its office at Haymarket in Sydney's central business district. In its first year of operation a decision was made to move to the western suburbs of Sydney, where it was felt the need was the greatest. Canley Vale was the agreed destination, and the ICCA has stayed in that suburb ever since. Since moving to Western Sydney the organisation has moved forward in leaps and bounds. It now has three social workers who contribute around the clock to help put new Australians on the right track. With an ever-increasing pace and with zealous helpers, the ICCA has broadened its base of operations. The Sun Yet Sen weekend Chinese school, which is as old as the organisation itself, has flowered, with financial assistance from the ICCA. It now has more than 650 students and employs some 60 teachers.

With the ever-increasing number of immigrants there was an ever-increasing demand for their own place of worship. The ICCA was instrumental in constructing a temple at its premises at Canley Vale and established the deity Tien-Hau, which was officially opened by the then Deputy Prime Minister, Mr Kim Beazley, in 1995. This association is a great example for other community groups. Former presidents such as Mr Henry Tang, Mr Boon and Mr Ken Tea, as well as the current President Mr To Ha Huynh, have lead the ICCA and made this association what it is today. This organisation has brought with it a holistic approach that has generated social inclusion, awareness and respect of other cultures for the last 30 years. I commend the ICCA for the \$28,250 it raised for the tragic fires that happened in Victoria. I acknowledge that the ICCA is truly a caring and beneficial part of the Cabramatta community.

LAKE MACQUARIE POLICING

Mr GREG PIPER (Lake Macquarie) [6.26 p.m.]: Providing facilities for the Lake Macquarie Local Area Command is an important task for the Government, and I am pleased that this year's budget included initial funding towards establishing a new headquarters at Glendale. I am confident that this is the correct location to deal with the logistical problems of servicing the 92 communities spread around Australia's largest coastal lake. It will enable optimum deployment of resources throughout the city of Lake Macquarie, and I am confident that the member for Cessnock, the member for Wallsend, the member for Charlestown and the member for Swansea will support the benefits that this project will bring to their electorates. Relocating the command from its current base at Boolaroo will be a loss to the electorate of Lake Macquarie, but in the interest of improving service I strongly support the move.

It is a good first step towards solving the command's accommodation problems, but it falls far short of the whole solution. It also draws attention to the downsides of the project, such as the possible closure of existing facilities. It was disappointing to read in *Herald* that the Government may be considering selling Morisset Police Station. The Local Area Commander, Craig Rae, is relatively new to the job and has a big responsibility in making the tough decisions on how best to deploy his workforce in a challenging geographical area. I believe that he is right to identify a broad range of options and to consider those that may lead to the best result. While I support this approach, I do not accept that such tough decisions should be made while there are unreasonable and inequitable constraints on resources.

Problems at other police stations such as Toronto and Morisset will not disappear with a new building at Glendale, and these strategic locations will become more important in meeting the needs of the growing population in Lake Macquarie. Only a few weeks ago this House debated my motion on upgrading Toronto

Police Station and planning a new headquarters. During that debate I described the woeful facilities at Toronto Police Station, which is a congested clutter of outdated and inadequate buildings. Despite this, it is ideally located near a courthouse and there is room for expansion. I am confident that this is a desirable location for police operations in western Lake Macquarie and it is reasonable to expect that it will be upgraded.

The major concern at Morisset is the level of staffing now and into the future. The 2006 census showed a population of 23,038 in the five postcode areas surrounding Morisset. Growth in line with the Lower Hunter Regional Strategy will bring this figure to 42,000—an increase of more than 80 per cent. This expansion has already begun and will accelerate greatly over the next few years. This is vital data that cannot be overlooked when planning policing for this area. Plans for regional growth should bring corresponding upgrades of police services and other infrastructure. Last May I spoke in this House about short staffing in the Lake Macquarie command, with police stretched to breaking point. There has been a small increase in numbers since then, but Lake Macquarie is still drastically short on police when compared with other communities. We have approximately one officer per 1,000 residents, while the New South Wales average is approximately two officers for the same number of people.

This key fact should answer all questions about retaining or closing police stations. Commander Rae has the unenviable task of deciding how best to deploy officers to meet existing demands. The concern is the number of officers he is working with and this is what really needs to be resolved. With enough staff, the commander would not have to consider closures. I do not want to see Morisset Police Station closed and I am strongly opposed to selling the site. If either of those things happens it will be because Lake Macquarie still does not have enough police.

The Government has at its disposal the information showing this police station will be needed into the future, so there is no reason to take a retrograde step now. Even if Morisset cannot be fully utilised in the short term, disposal of the site would be a very poor outcome and inconsistent with long-term planning to service our population's needs. I seek a commitment from the Minister for Police on two matters. Firstly, that police premises at Morisset will be retained to meet the demands of population growth that is already underway and, second, that staffing levels in the Lake Macquarie Local Area Command will be increased to levels comparable to the rest of New South Wales.

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

Private members' statements noted.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Friday Sitting

Motion by the Mr John Aquilina agreed to:

That Standing Orders 98 and 187 be suspended and that the chair be vacated until the ringing of one long bell at 10.00 a.m. on Friday 3 April 2009.

[The Deputy-Speaker left the chair, pursuant to resolution, at 6.31 p.m. on Thursday 2 April 2009. The House resumed at 10.00 a.m. on Friday 3 April 2009.]

Friday 3 April 2009

[Continuation of sitting of Thursday 2 April 2009.]

[The House resumed at 10.00 a.m. with the Assistant-Speaker (Ms Alison Megarrity) in the Chair.]

CRIMES (CRIMINAL ORGANISATIONS CONTROL) BILL 2009

HAWKESBURY-NEPEAN RIVER BILL 2009

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

CHILDREN LEGISLATION AMENDMENT (WOOD INQUIRY RECOMMENDATIONS) BILL 2009

Message received from the Legislative Council returning the bill with amendments.

Consideration in Detail

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 2 April 2009

No. 1 Page 10, schedule 1.2. Insert after line 36:

[13] Section 65A

Insert after section 65:

65A Referral of matters before the Court to ADR

- (1) The Children's Court may make an order that the parties to a care application attend an alternative dispute resolution service in relation to the proceedings before the Court or any aspect of those proceedings.
- (2) The Children's Court may make an order under this section:
 - (a) on its own initiative, or
 - (b) on the application of a party to the proceedings.

No. 2 Page 11, schedule 1.2. Insert after line 3:

[14] Section 71 (1A)

Insert after section 71 (1):

- (1A) If the Children's Court makes a care order in relation to a reason not listed in subsection (1), the Court may only do so if the Director-General pleads the reason in the care application.

No. 3 Page 12, schedule 1.2 [21], lines 30 to 36. Omit all words on those lines. Insert instead:

- (7A) For the purposes of subsection (7) (a), the permanency plan need not provide details as to the exact placement in the long term of the child or young person to whom the plan relates but must provide the further and better particulars which are sufficiently identified and addressed so the Court, prior to final orders being made, can have a reasonably clear plan as to the child's or young person's needs and how those needs are going to be met.

No. 4 Page 13, schedule 1.2. Insert after line 21:

[25] Section 90 (2A) (f):

Insert at the end of section 90 (2A) (e):

, and

- (f) matters concerning the care and protection of the child or young person that are identified in:
 - (i) a report under section 82, or
 - (ii) a report that has been prepared in relation to a review directed by the Children's Guardian under section 85A or in accordance with section 150.

No. 5 Page 19, schedule 1.3 [8], lines 18–22. Omit all words on those lines. Insert instead:

- (4) A temporary care arrangement cannot be:
 - (a) made or renewed in respect of a child or young person if the child or young person has, during the previous 12 months, been the subject of a temporary care arrangement for a period, or for periods in the aggregate, exceeding 6 months, or
 - (b) renewed in respect of a child or young person if the temporary care arrangement was made in the circumstances described in section 151 (3) (b).

No. 6 Page 39, schedule 3.1. Insert after line 7:

[2] **Section 11 (k)**

Omit the paragraph.

[3] **Sections 15 (1) and 15A (1)**

Omit "(other than its functions under section 11 (k))" wherever occurring.

No. 7 Page 42, schedule 3.1. Insert after line 40:

[8] **Section 45B**

Omit the section. Insert instead:

45B Establishment of the Team

The Child Death Review Team is established by this Act.

[9] **Section 45C Composition of the Team**

Omit section 45C (1). Insert instead:

(1) The Team is to consist of the following members:

- (a) the Ombudsman, who is to be the Convenor of the Team,
- (b) the Commissioner,
- (c) such other persons as may be appointed by the Minister.

(1A) The Team is to be supported and assisted in the exercise of its functions by members of staff of the Ombudsman's Office.

[10] **Sections 45C (6)**

Insert "and the Commissioner" after "the Convenor" wherever occurring.

[11] **Sections 45E, 45G and 45H**

Insert "or the Commissioner" after "the Convenor" wherever occurring.

[12] **Section 45F Remuneration**

Insert ", the Commissioner" after "the Convenor".

[13] **Section 45N Functions of the Team**

Omit section 45N (3).

[14] **Section 45S Preparation and presentation of reports**

Omit "or as part of a report of the Commission under Part 5" from section 45S (3).

[15] **Section 45U Confidentiality of information**

Omit section 45U (1) (c) (iv).

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.03 a.m.], on behalf of Ms Linda Burney: I move:

That the House agree to the Legislative Council amendments

Ms PRU GOWARD (Goulburn) [10.03 a.m.]: The Children Legislation Amendment (Wood Inquiry Recommendations) Bill 2009, which has now been amended in the Legislative Council, is a very welcome example of the importance this Parliament places on children, the protection of children, the rights of children and, in particular, of getting it right. The amendments passed last night in the Legislative Council resulted from intense negotiations with crossbench members. I compliment the Greens, who successfully moved some of their amendments, and also express my thanks to the Greens and other crossbench parties for supporting Opposition amendments. The amendments result also from intense community interest. The Opposition received much constructive lobbying from the Bar Association and the Law Society of New South Wales, who held grave concerns about the bill, some of which are now reflected in the final outcome.

Of course, also on our part was considerable concern about the importance of independent oversight, particularly the role of the New South Wales Ombudsman. The Opposition was very much of the view that the Ombudsman should, as Justice Wood recommended, have the authority as convenor of the Child Death Review Team. We believe this will enable the Ombudsman to continue to provide the independent oversight, which was, and has proved to be, so important in providing additional protections and measures to safeguard children in New South Wales, particularly addressing instances of neglect and abuse. This process was strongly opposed by the Government. To this day it is a mystery that the Government should oppose the continuing involvement of an office with such a demonstrably powerful track record of recommendations that have improved the child protection system. I should like to read from a letter from the New South Wales Ombudsman, Mr Bruce Barbour, in response to my letter inviting him to address crossbench members about the importance of convening the New South Wales Child Death Review Team and the recommendations the Opposition believed would result if the Ombudsman were the convenor.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! There is too much audible conversation in the Chamber. The member for Goulburn will be heard in silence.

Ms PRU GOWARD: Mr Barbour made a number of points about the recommendations of Justice Wood. He said:

It has been my consistent view that Mr Wood's recommendations should be considered as a reform package to be implemented in conjunction with one another. The important links between the three proposals provide for balanced improvement to oversight of child protection services through the avenue of reviewing child deaths. The result of not implementing the proposals as a package will, in my view, result in oversight that is less efficient and less effective.

I believe the final sentence is the one that so galvanised support for the Ombudsman's amendments in the Legislative Council. Mr Barbour continued:

In the first instance, there will be greater duplication between the CDRT—
the Child Death Review Team—

and my office. The scope of the CDRT's work is linked to the scope of my work, in that under the legislation, the Team may not review a reviewable death.

He went on to say:

In regard to questions about whether my office could support the CDRT's broader role in researching child deaths, my office has a significant research capacity.

That is an important point to note because it means that now that the Child Death Review Team is to be based in the Ombudsman's office, the other wonderful work the Child Death Review Team has undertaken, such as swimming pool deaths and deaths of children in cars, will continue under the Ombudsman. We welcome the Legislative Council's acceptance of these amendments. The team will consist of the Ombudsman, who is to be convenor, the Commissioner for Children and Young People, and such other persons as may be appointed by the Minister. The team will be supported and assisted in the exercise of its functions by members of staff of the Ombudsman's office. Other amendments to the bill relate to the work now of the Child Death Review Team under the Ombudsman.

The child welfare community will broadly accept these amendments. The Opposition received great support from the Association for Child Welfare Agencies [ACWA], which was concerned that not enabling the Ombudsman to carry out this role in line with Justice Wood's recommendations would constitute a severe diminution of the capacity of independent oversight, particularly oversight that would result in improvements to our protection of children in New South Wales.

It is important to note in the amendments accepted by the Legislative Council that we now have an extension of the alternative dispute resolution beyond that envisaged in the original bill. Alternative dispute resolution will now apply at a number of earlier stages in the development of care orders. This reflects the sentiment of the community, which understands that developing care orders with respect to children is extremely complicated and subtle. It understands that there must be support for all parties involved or we will end up with angry and torn children and parents who never forgive and forget. I am always told by welfare agencies that when those children turn 18 they always seek to meet up with their parents in some form, and when they do, there are scars and resentments because the parents feel that they have not been given a hearing.

The extension of alternative dispute resolution to earlier stages in the development of protection arrangements to children is not just about giving the court and court processes the necessary flexibility to reflect changes in the children's circumstances; it is also about ensuring that all parties concerned with the care and upbringing of the children have some input. It is about ensuring they are alert to the implications of the care orders and are part of developing them. In the end if they do not agree the court has a decisive role. Given their deep love for their parents, even if unsupported by the evidence and despite what has happened to them, these children will end up seeking out their parents. Therefore, it is a sensible measure that we are now able to engage with foster parents, community organisations and the natural parents in attempting to develop an alternative agreed way of caring for children.

I note that we have not agreed on the alternative dispute resolution mechanism. It might be some sort of tribunal or an arbitration arrangement, but we are now on the way to developing a system in New South Wales that provides all those who love children with the flexibility to develop arrangements that suit children, free of the sometimes overwhelming, legalistic and rigid processes of the court. The Opposition welcomes the work of the Legislative Council last night. I can see from *Hansard* that all parties took the matter seriously. All parties spoke with insight and compassion. As a consequence, we have a much better bill and regime for the love, care and protection of children in New South Wales.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.13 a.m.]: I place my personal opposition to this amendment on the *Hansard* but I understand that the Government has agreed to the amendments. I speak as the only former member of the Child Death Review Team in this place. This amendment is a mistake. There is no groundswell of opinion from my profession for this move. The move of the Child Death Review Team from the Commission for Children and Young People to the Ombudsman will reduce the ability of the Commission for Children and Young People to do its job as the Child Death Review Team is central to the ability of the Commission for Children and Young People to advocate for child health in New South Wales. The Child Death Review Team was doing an excellent job where it was. There was no need to change.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.14 a.m.], in reply: I echo the sentiments of the member for Macquarie Fields, who, as he has indicated, is the only member of this Parliament who has been a former member of the Child Death Review Team. My involvement with the Child Death Review Team was upon the presentation of various reports when I was the Speaker. I can assure the House that the Commissioner for Children and Young People and the whole team took their responsibilities very seriously. The Government does not oppose the amendments but with regard to the amendments affecting the administration of the Child Death Review Team, it is done with a great deal of reluctance for a number of reasons.

These amendments transfer the Child Death Review Team from the Commission for Children and Young People to the Ombudsman's Office, appointing the Ombudsman as the convenor of the team and the Commissioner for Children and Young People as a member of that team rather than its convenor. That gives the Ombudsman powers that were never envisaged. The proposed amendment implements recommendation 23.1 of the special commission of inquiry. The Government carefully reviewed this recommendation and concluded that the broad research functions of the Child Death Review Team should remain with the Commission for Children and Young People rather than being transferred to the Ombudsman.

The purpose of the Child Death Review Team is to provide information about child deaths and to prevent or reduce the number of child deaths in New South Wales. Its research functions include maintaining a register of child deaths, classifying deaths according to cause, demographic criteria and other relevant functions. The Child Death Review Team has a broad role, which is not focused specifically on abuse or neglect or the performance of public sector agencies. The Government values the Ombudsman's research and recommendations on the child protection system and the work that his office does to identify matters that, if addressed, may prevent future child deaths.

However, it is not the task of the Ombudsman to undertake the work, which, in the past, has been successfully undertaken by the Child Death Review Team. We do not want this amendment to be seen as casting an aspersion on the past work of the Child Death Review Team or on the work that has been carried out by the Commission for Children and Young People. The fact that these powers have now been taken away from the Commission for Children and Young People and given to the Ombudsman may well be interpreted as a criticism of the work the commission has undertaken in the past. It is important to place on the record and acknowledge the fact that that is not the case.

As I stated earlier, the Government carefully reviewed Justice Wood's recommendations and concluded that the broad research functions of the Child Death Review Team should remain with the Commission for Children and Young People rather than be transferred to the Ombudsman. The Government's view is that the Ombudsman's role should continue to focus on the oversight of the child protection system and reviewable deaths. That is what the Ombudsman does—focuses on oversights, on things that have gone wrong and ways to do things better. This overview should include the review of deaths of children that are or may be caused by abuse or neglect or are in suspicious circumstances rather than taking on the broader research functions of the Child Death Review Team.

Having placed those matters on the record in this House, the Government reluctantly accepts the amendments of the upper House because it is appreciated that that is the wish of the Parliament as a whole in relation to the matters. I felt it important to place those reservations on the record today and perhaps those matters could be worked through by continued cooperation between the Commission for Children and Young People and the Ombudsman in the future.

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

Motion agreed to.

Legislative Council amendments agreed to.

Message sent to the Legislative Council advising it of the resolution.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Friday Sitting

Motion by Mr John Aquilina agreed to:

That:

- (1) standing and sessional orders be suspended to provide that upon a motion being agreed to for the adjournment of the House, the bells shall then be rung and the Speaker shall take the Chair; and
- (2) a separate Friday sitting program shall then apply, provided that General Business Notices of Motions (for Bills) be considered for a period of up to 30 minutes.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

**The House adjourned, pursuant to resolution, on Friday 3 April 2009 at 10.20 a.m. until
10.22 a.m. on the same day**
