

# LEGISLATIVE ASSEMBLY

Wednesday 3 August 2011

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 10.00 a.m.

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

## AUSTRALIAN JOCKEY AND SYDNEY TURF CLUBS MERGER AMENDMENT BILL 2011

**Bill introduced on motion by Mr George Souris.**

### Agreement in Principle

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [10.00 a.m.]: I move:

That this bill be now agreed to in principle.

The main purpose of the Australian Jockey and Sydney Turf Clubs Merger Amendment Bill 2011 is to replace the life tenure provisions for Randwick Racecourse trustees with fixed terms and to ensure that the management of the Crown land at Randwick is in keeping with modern practice and community expectation. The proposal arises from the identification of the arcane procedure for the appointment of the Randwick Racecourse Trust. Currently a trustee is appointed by the Governor and holds office until he or she dies, resigns, ceases to reside in the State, or becomes incapable of acting as a trustee.

This arrangement originates from the term of the original grant of the Crown land in 1863 for the principal purpose of establishing a racecourse. The then Governor appointed three trustees with the lifetime responsibility of granting a lease of the land to the Australian Jockey Club for this purpose. At that time the Australian Jockey Club was also the controlling body for thoroughbred racing in New South Wales and the grant was made in recognition of that position. The club ceased to be the controlling body in 1996 when the independent New South Wales Thoroughbred Racing Board, now known as Racing NSW, was established to assume this role.

The lifetime appointment of trustees may have been considered best practice in the 1800s; however, it is an outdated concept today. The main responsibilities of the trustees are the granting of a lease to the Australian Turf Club and, subject to that lease, to give consent to additional activities including subleases. At present there is no control in the legislation over the decision making of the trustees in relation to giving consent for additional activities. The life tenure provisions exacerbate this situation if, for example, the trustees were to make a decision to grant a sublease for a commercial purpose that would have the effect of alienating the use of significant Crown land.

The bill provides for the tenure and appointment of Randwick Racecourse trustees in accordance with modern practice, including replacing life tenure with fixed terms. It will dissolve the existing three-member trust and replace it with a new three-member honorary trust that has a chairperson and two members appointed by the Minister responsible for racing. The role of the chairperson will be to provide leadership and a principal point of contact for the Government.

I would like to take the opportunity to thank the existing trustees for their ongoing service—Mr Ken Murray, the Hon. Justice Wayne Haylen, QC, and the Hon. Paul Whelan, each of whom will be eligible for reappointment under the new arrangements. The term of office for a trustee will be for a maximum of eight years overall, with terms of up to five years for the chairperson and up to four years for a member as determined by the Minister. The trustees will be eligible for reappointment at the expiry of their term of office.

The current conditions regarding the office of the trustee will be replaced by more modern, practical conditions that apply to other Crown land reserve trusts and include matters such as bankruptcy, mental incapacitation and conviction for a criminal offence. A provision that will enable a trustee to be removed from office at the Minister's discretion has also been included. The bill includes new provisions relating to the

procedure of the trust to provide trustees with guidance in the conduct of its business. For the first time trustees will be required to disclose any direct or indirect pecuniary interests they may have in a matter to be considered by the trust.

The Crown land at Randwick Racecourse is of immense value to the people of New South Wales. The facility is an invaluable source of social and recreational activity to the public and is a significant community centre. It is of considerable benefit to the State that Randwick Racecourse continues to operate at an optimal level. This unique public asset, which is recognised as the headquarters for thoroughbred racing in this State and the home of many leading professional horse trainers, should continue to host racing and be available for major public events.

Under the proposed amendments it will be necessary for the trust to seek the Minister's approval prior to giving consent to the use of the racecourse for additional activities. The trust will also be required to withdraw its consent to any additional activity at the discretion of the Minister. In addition, the trust will be prohibited from selling, mortgaging or otherwise disposing of any of the land or buildings that form part of Randwick Racecourse without the consent of the Minister.

These provisions are in keeping with current Crown land management practices that are concerned with the care and control of Crown land for the public benefit. Without such provisions the Minister has little control over the decision making in relation to the possible commercial use of the Crown land at Randwick Racecourse. I would emphasise that the current 99-year lease of Randwick Racecourse to the Australian Turf Club for the purposes of conducting racing and associated activities is not affected by the proposed amendments to the arrangements for the trust. I commend the bill to the House.

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

### **GAMING MACHINE TAX AMENDMENT BILL 2011**

**Bill introduced on motion by Mr George Souris.**

#### **Agreement in Principle**

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [10.10 a.m.]: I move:

That this bill be now agreed to in principle.

In October last year the New South Wales Liberals and Nationals signed a memorandum of understanding with ClubsNSW. The title of that agreement was Strong Clubs Stronger Communities, which very clearly points to the future that the New South Wales Liberal-Nationals Government wants for clubs and communities across this State. The memorandum of understanding contains a range of commitments to help secure the long-term financial viability and sustainability of New South Wales clubs and allow them to strengthen their economic and social contribution to the State and the communities they service. The bill implements two important commitments relating to reduced gaming machine taxation rates and the expanded and renamed Community Development and Support Expenditure Scheme, now called ClubGRANTS.

Other commitments relate to the establishment, amalgamation and de-amalgamation of registered clubs as well as gambling policy, industry sustainability accountability provisions in the Registered Clubs Act, clubs on Crown land and workers compensation insurance. The bill provides for a reduction in gaming machine taxation rates commencing from 1 September 2011, which is the start of the 2011-12 gaming machine taxation year. The amendments to gaming machine taxation in this bill will benefit registered clubs by approximately \$300 million over a four-year period to 2015. This is made up of more than \$200 million resulting from the tax rate changes and a further \$90 million associated with the ClubGRANTS Scheme, which I will discuss shortly. This is an important contribution to the sustainability of the club industry and an expansion of club's role in the community.

The New South Wales Liberal-Nationals Government believes that clubs themselves are best placed to determine how this money, which is derived from club revenue, should be spent in local communities. This new ClubGRANTS Scheme more accurately reflects the origin of contributions made under the scheme. It will assist club members and the wider community to have a greater understanding of the origin of funds provided for

development and support purposes. The original Community Development and Support Expenditure Scheme was established in 1998. Its purpose was to encourage larger registered clubs in New South Wales with gaming machine profits over \$1 million to contribute financially or in-kind to locally based community programs and services. In return, clubs received a tax rebate of up to 1.5 per cent of their gaming machine profits over \$1 million. This is provided that an equivalent amount has been applied to approved expenditure on community development and support. Approximately one-third of all New South Wales registered clubs participate in this voluntary scheme.

Last financial year clubs allocated more than \$63 million to various community projects and services, including aged, disability, youth and volunteer emergency services. This was \$25.3 million more than eligible clubs were required to contribute, and this reflects the generosity of the club industry. The original scheme provided for two categories of expenditure as outlined in guidelines made under the Act. Category 1 expenditure relates to specific community welfare and social services community development, community health services and employment assistance activities. Category 2 expenditure relates to other community development and services.

This bill will increase the total tax rebate that may be claimed by clubs under the scheme from 1.5 per cent to 1.85 per cent of gaming machine profits over \$1 million. It is proposed that the minimum rebate for category 1 expenditure will remain at the current rate of 0.75 per cent while the maximum rebate for category 2 expenditure will be increased from 0.75 per cent to 1.1 per cent. This increase will facilitate changes to category 2 expenditure allowing clubs to claim contributions to club core activities as well as professional sport, including the National Rugby League, that are not player-related payments.

The bill provides also for a further 0.4 per cent of a club's gaming machine profits over \$1 million to be paid into a new ClubGRANTS fund. This new statewide funding pool is for large-scale projects associated with sport, health and community infrastructure. This will be known as category 3 under the scheme's guidelines. Clubs will make a minimum contribution of 0.4 per cent of their profits in excess of \$1 million to this new category. Together the effect of these amendments is that amounts equalling 2.25 per cent of registered clubs' profits over \$1 million in every tax year are available as community support expenditure through the ClubGRANTS Scheme.

These amounts will be taken from the tax that would otherwise be payable and transferred by the Government on behalf of clubs into the fund each year. This will relieve clubs of the cost of making separate funding payments. Among other things the statewide funding pool will enable communities in local government areas that have no participating ClubGRANTS clubs to benefit also from the club sector's contributions. Based on current machine profits clubs' contribution to this funding pool will amount to more than \$10 million annually. The Minister administering the Registered Clubs Act will be responsible for approving any expenditure payable from the statewide fund. The club sector will be consulted when decisions are made on individual funding applications pertaining to this fund. As is currently required under the Gaming Machines Tax Act, guidelines will be published to assist clubs in determining what constitutes the application of profits to community development and support under the ClubGRANTS Scheme.

In addition to defining the terms for category 1 and 2 projects and services the guidelines will also define the terms for the new category 3 projects and services. The guidelines as they will apply to category 3 will be settled in consultation with ClubsNSW. Those guidelines are being developed and will be tabled in the Parliament once finalised. The proposed expansion of the range of projects and services that clubs can contribute funds towards under the ClubGRANTS Scheme will ultimately have a positive flow-on effect to the club and the broader community. Some of these projects may otherwise be in need of public funding or perhaps they would not be possible without the opportunities that will be provided by the new ClubGRANTS Scheme.

The club industry in this State has a long and proud history of community support in a wide range of areas. Clubs are strong supporters of community sporting, social and charitable organisations. They make donations to assist with health and community care especially for the elderly. Clubs foster community spirit and provide vital socialising facilities often for people who have little other recreational opportunities. This is particularly important in regional and rural areas of New South Wales where access to facilities may be more limited because of distance and smaller populations. The Liberal-Nationals Government believes that making clubs stronger also strengthens the resilience and vitality of all communities. The bill will help to achieve that commendable goal. According to ClubsNSW modelling completed by KPMG, every dollar of tax relief given to clubs can create \$2 worth of benefits to New South Wales. The ClubsNSW modelling shows that tax relief will help to boost the social contribution of clubs by \$272 million and gross State product by \$261 million through to 2015, and it will help to create an extra 2,000 jobs each year.

The Liberal-Nationals Government is in no doubt about the importance of securing the future of clubs. This is especially important in regional and rural communities of New South Wales. Registered clubs are often one of the largest employers in country towns. Be it full-time, part-time, casual, apprentice or trainee positions, the wide range and significant number of employment opportunities provided by clubs is vital to the growth and prosperity of local economies. Every job saved in a registered club through the assistance provided by this bill will result in more money being spent in local businesses and more people choosing to live and raise their family in regional areas. The Liberal-Nationals Government recognises the substantial and unique economic and social contribution clubs make to the State. Not only does this bill confirm our support for the club industry; it also demonstrates that this Government believes that clubs deserve more than broken promises. They deserve real action that will deliver real and tangible benefits.

The bill will assist clubs to continue their good work in enriching the lives of members and their guests as well as helping the many thousands of people who rely on or benefit from the club industry. As I noted earlier this bill forms part of a wider package of reforms under the memorandum of understanding between the Liberal-Nationals Government and ClubsNSW. Other reforms in the memorandum of understanding that are not included in this bill are being developed so they can be introduced into the Parliament shortly. The Government looks forward to continuing its constructive relationship with the registered club industry in this State when implementing those memorandum of understanding commitments so that the industry can grow and prosper to the mutual benefit of all the people of New South Wales. I commend the bill to the House.

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

### **GRAFFITI LEGISLATION AMENDMENT BILL 2011**

#### **Agreement in Principle**

**Debate resumed from 2 August 2011.**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [10.20 a.m.]: As has been previously outlined in this House, the purpose of the Graffiti Legislation Amendment Bill 2011 is to amend the Graffiti Control Act 2008 and other legislation to give effect to the Government's election commitment to tackling graffiti in local communities. The bill has a number of components that will serve to tackle the rising incidence of graffiti, which is an ongoing issue particularly in my electorate of Port Macquarie.

The bill will require juvenile graffiti vandals to appear before the court if they commit a graffiti offence. It will give courts the power to extend the time graffiti offenders spend on learner or provisional licences; suspend a driver's licence of any class; or, as an alternative to suspension for unrestricted licence holders, impose a limit on the number of demerit points that they are able to accrue over a specified period. It will also require courts imposing community service orders on graffiti offenders to make graffiti clean-up a condition of the community service order. The bill will therefore serve to amend the Children (Community Service Orders) Act 1987, the Crime (Sentencing Procedure) Act 1999, the Graffiti Control Act 2008 and the Young Offenders Act 1997.

The New South Wales Liberal-Nationals Coalition announced prior to the 26 March election its "Graffiti Crackdown: You Spray, You Pay" policy, which recognised the real cost that graffiti imposes on our local communities and the impact it has on small businesses, which are often the ones left to clean up the mess. It is estimated that families across New South Wales are paying \$20 a year to clean up graffiti while the vandals imposing the cost are often getting away with just a warning. In 2002 the State Government reported that graffiti cost the community approximately \$100 million per year.

In my electorate the Port Macquarie-Hastings Council over the past four years has spent on average \$16,000 a year on the removal of graffiti from council buildings. This is in addition to another \$40,000 spent on repairing infrastructure resulting from vandalism. In the Manning Valley, Greater Taree City Council spends approximately \$10,000 a year on graffiti removal, and in the 2009-2010 financial year the council spent around \$170,000 on vandalism repairs. I am sure all members of this House would agree that this money could be much better spent. A 2009 report by the New South Wales Department of Justice and Attorney General found that more than 800,000 incidents of malicious damage to property are reported by police, 9 per cent of which related to graffiti.

A few weeks ago I had a visit from constituents frustrated by what seems to be the escalating incidence of crime in his local community. Unfortunately, the couple had personally felt firsthand the full impact of those

who maliciously damage the property of others. They were close to completing a new house when the builder arrived one morning at the construction site to find that every external wall, including the garage door, had been vandalised either with spray can paint or leftover paint. The cost of the damage totalled well over \$4,000 for the repainting of the walls and the removal of paint from a timber deck. In addition, the vandals also left their mark on new fencing surrounding the property and the electrical transformer for the estate.

Despite two boys admitting to the offence neither had to face any real consequences as a result of his actions. I can assure members it certainly was not those boys who cleaned off the graffiti or paid the additional costs for the builder. While there is clearly a financial cost of graffiti, there is also a social cost. When public places are vandalised with graffiti there are significant and concerning social costs including evidence of loss of services, a reduction in the quality of life and an increased fear of crime. When public buildings, fences, playgrounds and other local infrastructure are defaced with graffiti our communities do not feel, and certainly do not look, safe.

Under the current legislation, the Young Offenders Act, a juvenile graffiti offender is given a warning, a caution or counselling. Some offenders could be given many warnings before they are required to front a court. Continuing with these cosmetic solutions is not doing our community any favours and I do not believe it is doing the young offenders any favours either. We need to tackle this serious and expensive issue by sending a message to these young offenders that this is a significant matter and the community has simply had enough. If we do not make these offenders responsible for their actions with real deterrents, they will most likely move on to more serious criminal behaviour. Requiring juveniles to appear before a court for a graffiti offence is to emphasise the seriousness of the offence and that damaging or defacing property is not a trivial matter.

The bill will still allow the court to issue a caution to an offender or refer a juvenile charged with a graffiti offence to youth justice conferencing if the juvenile admits that he or she committed the offence and the court is of the opinion that a conference should be held. Retaining the power to refer a child accused of a graffiti offence to a youth justice conference reflects the view of many stakeholders and the New South Wales Law Reform Commission that conferencing is not a soft option. Conferencing requires the offender to more fully consider the consequences of his or her actions. This provision will not alter the ability of a court to sentence a repeat offender to a term of imprisonment for offences contrary to the Graffiti Control Act 2008. Nor will the proposal affect the operation of common law sentencing principles when taking into account an offender's record in determining the sentence to be passed.

The Liberals and Nationals are committed also to establishing a statewide reporting hotline, and this will encourage the formation of voluntary graffiti removal squads. The volunteers from our local communities are already doing a fantastic job of removing graffiti, and they are certainly to be commended for that. But we must go further by supporting volunteers who give their time to ensure that communities are safe and pleasant places to enjoy and in which to live. The work of such volunteer graffiti removal squads in conjunction with local councils is important because we know that if we can remove the graffiti in a short time frame, ideally within 24 hours, we will remove the motivation for offenders. Rapidly removing graffiti is one of the most effective deterrents to graffiti vandalism because it undermines one of the offenders' key motivations—fame and peer recognition.

Furthermore, making graffiti offenders work alongside volunteers to remove their tags and such from public property through the serving of community service orders will provide a further deterrent. In May this year the second Graffiti Action Day was held across Australia, demonstrating yet again that communities have had enough of this sort of crime and will work together to tackle illegal graffiti activities. This massive mobilisation across local communities demonstrates there is a real civic pride in our communities. This side of the House will take real action to crack down on graffiti offenders and re-empower local communities to tackle such local issues. This just makes common sense. I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [10.28 a.m.]: I support the Graffiti Legislation Amendment Bill 2011. The New South Wales public and specifically my community of Camden are fed up to the eyeballs with what I describe as the scourge of the earth—graffiti and the wanton vandalism it represents in our community. Graffiti is a personal affront to our society and is completely unacceptable. To wantonly vandalise public and private property with no regard to the financial cost of the clean-up to either the community or the individual or the emotional cost it can have on individual victims of this crime is nothing short of shameful, and the perpetrators of this vandalism should have the full extent of the law come crashing down on them. The cost of graffiti is not limited to just individuals and public amenities; it is also a major cost and impost on business. The cost to business of cleaning up this vandalism is extremely high.

Small businesses find making a living difficult enough without being faced with the unnecessary burden of the cost associated with cleaning up graffiti. That money could be far better used in the day-to-day running of the business rather than pouring it down the drain to achieve something that adds no value whatsoever to the business. The financial cost of these wanton acts of vandalism is reported to be well in excess of \$100 million to our wider community. My local council spends in excess of \$50,000 a year to clean up the mess that is graffiti. It must be noted that a great deal of graffiti is not reported and as a result the real financial cost to the community is far greater than is reported. From a Camden Council perspective, the money spent on the cleanup could be used much more effectively, for example, on much-needed community assets such as sporting ground amenities, children's playground equipment and other facilities that add to the social infrastructure that helps to make a community a community.

Members should be under no illusion that the softly-softly approach used by previous governments does not work and is not what the community wants or expects. I say bad luck to the many do-gooders who believe that graffiti has a place in our society, that it is a form of art and that those perpetrating these acts of vandalism are poor, misunderstood individuals. There is no place in our society for vandals and the community expects them to be dealt with much more harshly than they are. They should be held responsible for their actions and for the damage and harm they are causing. The measures contained in this bill will go a long way towards sheeting home responsibility to individuals for their actions. It requires juvenile graffiti vandals to appear before the court for an alleged graffiti offence, it gives courts the power to suspend an offender's drivers licence or to impose other tough restrictions on a drivers licence. It also includes cleaning up graffiti as a condition of any court-imposed community service order.

Under this bill courts will have the power to impose orders on young offenders found guilty of graffiti vandalism and to suspend their drivers licence. Hopefully that will emphasise the fact that defacing property is not a trivial matter and that it is not acceptable in our community. The bill also provides courts with the power to suspend a drivers licence for up to six months, to extend the period during which an offender must have an L-plate or P-plate for up to six months and to impose a limit for up to six months on the number of demerit points available to a full licence holder. A drivers licence penalty can be imposed on its own, for example, a fine or sentence of imprisonment, or in addition to any other penalty. The bill minimises the risk of secondary offending by ensuring that licence suspension is one of a number of penalty options. If an order is not made, the court will be required to give reasons for not doing so.

This legislation will strengthen the current provisions with regard to community service orders to allow for a recommendation to be made that graffiti cleanup work be a condition of such an order. It will also ensure adequate rigour in the sentencing process and assist the Government in any further tweaking that may be required to ensure that offenders clean up their graffiti. The Government's plan is designed to tackle graffiti in local communities and it offers positive incentives to break a developing juvenile habit. A scheme to ensure the prompt removal of graffiti hopefully will deter vandals, improve public safety and improve and build on community pride.

The most common form of graffiti vandalism involves aerosols or permanent markers and includes any marking of an unauthorised location. This form of vandalism usually involves tagging. Camden Council has been dealing with graffiti management in a very positive way, including removing graffiti as soon as possible to help break the offending cycle. If graffiti is not removed promptly there is an increased risk that more will appear. Removing it quickly sends a clear message to the offender that the community cares and that graffiti will not be tolerated. In addition, the more quickly it is removed the easier it is to remove. Another benefit of rapidly removing graffiti is the impact on community perception. Graffiti vandalism detracts from the visual image of an area and creates a feeling of an unsafe community.

There are many other reasons to remove and to fight graffiti vandalism, including the fact that it adds to an atmosphere of danger and lack of security, which then attracts more crime. Graffiti also devalues business and scares away customers, inhibits new residents and intimidates existing residents, discourages tourism and costs the community financially. Camden Council is committed to stopping graffiti vandalism and was this year involved in Graffiti Action Day. Graffiti Action Day 2011 encouraged crime prevention through environmental design. The day focused on supporting groups to plant appropriate vegetation to deter graffiti vandalism. The involvement of Camden Council and volunteers in the day sends a clear message that our community does not accept graffiti and wants offenders deterred. The council has adopted a graffiti action plan that outlines strategies to stem this scourge.

The Camden local government area has formulated a number of policies to fight graffiti vandalism, including the establishment of a graffiti log. This involves photographing and recording graffiti and reporting it

to the local police. High-profile and offensive graffiti on community buildings will be painted over or removed within 24 to 48 hours and the council will work with local shop owners and the police to protect public spaces and to find offenders. It will also establish safe, secure public spaces with good lighting. In February 2010, youths went on a graffiti spree in the town of Camden and as mayor at the time I advocated a tough stance in response.

I was reported in the local newspaper as saying that when people who have absolutely no regard for society get caught I hope the courts do something with them. This bill will give the courts the ability to administer the punishment that the community expects. The community wants and expects governments to get tough on this type of vandalism. As a representative of my community I am delighted to see that finally appropriate punishment will be handed out to offenders. That will send a clear message that the public has had enough. I commend this bill to the House.

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

### **FINES AMENDMENT (WORK AND DEVELOPMENT ORDERS) BILL 2011**

**Bill introduced on motion by Mr Greg Smith.**

#### **Agreement in Principle**

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [10.39 a.m.]: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the Fines Amendment (Work and Development Orders) Bill 2011. Fine debt is a significant problem for vulnerable people in our community. The Work and Development Orders program, or WDO program, helps to address this problem. It gives people who are very poor, homeless, mentally ill or intellectually disabled the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities. The scheme operates in partnership with a range of organisations and health practitioners, including Mission Australia, Youth off the Streets, and the Schizophrenia Fellowship, as well as doctors and nurses in our community. These partners support and supervise people who are carrying out work and development orders.

The Work and Development Order scheme was initially established as a two-year pilot. The evaluation of the pilot was very positive. The evaluation found that the Work and Development Order scheme helps to reduce reoffending. Over 80 per cent of people who were given a work and development order had not had another fine or penalty notice enforced against them. The evaluation also found that the scheme provides a strong incentive for fine recipients to engage in activities such as vocational courses and mental health, drug and alcohol treatment. The mental health of many Work and Development Order participants improved. Furthermore, through participating in the scheme, many participants developed new skills, and increased their employment opportunities. In response to this evaluation, the Government has made the Work and Development Order scheme permanent.

With this bill, the Government is also proposing to amend the Fines Act to implement two of the other recommendations made in the evaluation report. Firstly, the bill opens the scheme up to people who have serious addictions to drugs, alcohol or volatile substances. Secondly, the bill streamlines the Work and Development Order application process, so as to cut red tape and reduce processing times. I will first address the amendments that introduce additional eligibility criteria for the scheme. Currently, the Work and Development Order scheme is open to people who are in acute economic hardship; people who are homeless; people who have an intellectual disability or cognitive impairment; and people who have a mental illness. A person can undertake drug and alcohol treatment as part of their Work and Development Order. However, having an addiction to drugs or alcohol does not, in itself, make a person eligible for the scheme.

To implement a recommendation made in the evaluation report, the bill introduces serious addiction to drugs, alcohol or volatile substances as a new ground of eligibility for the Work and Development Order scheme. The term volatile substances is intended to refer to substances like glue, paint and aerosols. If a serious addiction to drugs, alcohol or volatile substances is a person's only ground of eligibility for the scheme—for

instance, they do not also have a mental illness—the person must undertake either drug and alcohol treatment or counselling as their Work and Development Order activity. This will ensure that the person starts to address their addiction through the Work and Development Order.

The Government believes that considerable benefits will flow from these amendments. Drug and alcohol abuse comes at a significant cost to the community, and also has a strong association with crime. During the pilot phase of the Work and Development Order scheme, over 250 fine defaulters undertook drug and alcohol treatment. By making serious drug and alcohol addiction a specific ground of eligibility, other fine defaulters with drug and alcohol issues will also be encouraged to undertake treatment. This has the potential to reduce reoffending and bring about rehabilitation at an early point of contact with the criminal justice system.

The bill also makes amendments to streamline the Work and Development Order application process. Currently, an organisation or health practitioner who is supporting a person to apply for a Work and Development Order must compile the documentation to prove their client is eligible, set out the activities that the client will undertake, and send the application in to the State Debt Recovery Office. The State Debt Recovery Office must then review all the documentation provided, and ultimately make the Work and Development Order if appropriate.

The bill changes this application process to enable approved organisations and health practitioners to determine whether or not their client is eligible for the scheme. The approved organisation or health practitioner will still have to collect documentation to prove their client's eligibility, and keep that documentation on file, but the documentation will not have to be reviewed by the State Debt Recovery Office as well. The State Debt Recovery Office can rely on the judgement of approved organisations and health practitioners. The State Debt Recovery Office will remain responsible for ensuring that the proposed Work and Development Order activities come within the scope of the scheme; verifying that the supporting organisation or health practitioner has approval to supervise those activities; and ultimately making the Work and Development Order.

This change will significantly reduce application processing times, which were a concern in the evaluation. This change also makes sense, as it leaves decisions about eligibility to those with the most expertise in this area—organisations and health practitioners who work with vulnerable people. Most approved organisations and health practitioners already have thorough intake and assessment procedures, which cover the same or very similar issues that determine eligibility for the Work and Development Order scheme. Safeguards will be put in place to ensure that this change is workable and that the Work and Development Order scheme retains its integrity. First, the Work and Development Order guidelines will set out a clear and specific list of documentation that the supporting organisation or health practitioner will have to keep on file to establish eligibility.

Secondly, there will be independent audits of approved organisations and health practitioners, to ensure that they are complying with the eligibility and record-keeping requirements of the scheme. Thirdly, the bill gives the State Debt Recovery Office the power to revoke a Work and Development Order in certain circumstances. The State Debt Recovery Office will have the power to revoke a Work and Development Order if it is of the opinion that an application for a Work and Development Order, or a report on a Work and Development Order, has contained false or misleading information.

The State Debt Recovery Office will also have the power to revoke a Work and Development Order if it is of the view that a person does not meet, or no longer meets, the eligibility criteria for the scheme. This bill makes amendments to expand and improve the Work and Development Order scheme, so as to build on its success. It has come about through cooperation between various groups, including those I have mentioned and other non-government organisations, the Department of Finance and Services and the Minister and my department. I commend the bill to the House.

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

## **GRAFFITI LEGISLATION AMENDMENT BILL 2011**

### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr RICHARD TORBAY** (Northern Tablelands) [10.48 a.m.]: I support the Graffiti Legislation Amendment Bill 2011, as a number of members have said, given the scourge of graffiti on society. Also, I think

it meets the community test. With all legislation, the first thing I do is ask what the community would generally think about this legislation. They would say we should do everything in our power to curb graffiti. Having represented local government, I know the burden on the budget of that tier of government and on the community of graffiti and the flow-on effects, not only visually but in the sense of cost to the community. That is why I am pleased to see this legislation.

The bill implements a number of commitments the Government made clear prior to the election that it would undertake. My community supported those commitments. The objects of the bill require juvenile graffiti vandals to appear before the court for a graffiti offence, and give courts the power to extend the time graffiti offenders spend on learner or provisional licences or to suspend a driver's licence of any class. I received the most feedback about that aspect from my electorate. As an alternative to suspension for unrestricted licence holders, the bill enables the court to impose a limit on the number of demerit points able to be accrued over a specified period. The bill also requires courts that impose community service orders on graffiti offenders to make cleaning up graffiti a condition of the order.

Obviously, the bill has a number of other provisions, but my community, councils and, indeed, common sense suggest that the measures within this legislation are appropriate. The practical implementation of this type of legislation needs to be monitored and reviewed after a reasonable period to determine whether the intent is being achieved appropriately. We all can tell stories about graffiti. Perhaps one of the worst examples I witnessed was within a cemetery. That graffiti was particularly offensive. Those who undertake that sort of activity need to be aware of the impact not only on the community but also on the people significantly affected.

Graffiti is a problem and I know the Attorney General supports the many organisations that do great work tackling the problem outside the rules. Those organisations undertake voluntary, community and non-government services and action days to remedy graffiti, and are successful. Recently I was elected Chair of Keep Australia Beautiful New South Wales. Its Graffiti Action Day has been an outstanding success. I commend that organisation for the work it does and also the Department of Attorney General and Justice for its support of Graffiti Action Day, its work and the outcomes it achieves. Graffiti Action Day was launched in 2010 to demonstrate the community's support for taking action on graffiti. Essentially, Graffiti Action Day was established because of growing concerns about graffiti vandalism. Originally the day aimed to unite and engage communities in combating the graffiti problem because of the significant social and financial impact on communities and councils.

Activities for Graffiti Action Day since its inception have been an overwhelming success: 40 local government areas that have reported the highest incidence of graffiti have been major contributors to and a vital part of the Keep Australia Beautiful campaign. Our organisation certainly welcomes their involvement of engaging the community and taking corrective action in respect of graffiti. I support the legislation and commend the Attorney General for introducing it, but I indicate also that the positive approach of organisations like Keep Australia Beautiful should not be overlooked. We should consider not just the punitive measures but also give credit and resources to those organisations that take a proactive approach to engage the community and apply downward pressure on graffiti and all its negative impacts on our communities. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [10.54 a.m.]: I support the Graffiti Legislation Amendment Bill 2011. The public is sick and tired of waking up to find trains, schools, fences and other buildings marred by ugly graffiti tags. Graffiti imposes a real cost on our homes and neighbourhoods, on small businesses left to clean up the mess, and it makes our streets feel less safe. Graffiti is intimidating. Graffiti decreases the value of surrounding property. Graffiti is the beginning of the development of criminal behaviour or tendencies. Graffiti is not an art, it is an eyesore. Statistics available to the Government reveal that the financial cost of graffiti on our community is in excess of \$100 million per year. However, much of the cost is not reported and is borne by private citizens to whom it is left to fix. The mayor of Blacktown recently reported after visiting Lalor Park on Graffiti Action Day on 15 May that last year his council spent \$850,000 of taxpayers' money cleaning up graffiti.

In Myall Lakes the Greater Taree City Council has spent in excess of \$100,000 in some years cleaning up graffiti while the Great Lakes Council spends less than \$10,000 per year to clean up graffiti. The reason for the difference is that the Great Lakes Council has Ted Bickford about whom my colleague the member for Port Stephens spoke yesterday. Ted Bickford, OAM, also known as the Graffiti Buster, works in the Great Lakes area cleaning up graffiti and has done a fantastic job. The reason it costs the Great Lakes Council less than

\$10,000 is that it sponsors Ted Bickford with a motor vehicle, resources and chemicals to clean up graffiti. Ted's policy is to remove graffiti within a 24-hour period and paint graffiti-prone structures where economically viable with an anti-graffiti paint.

Recently, the Forster Tuncurry Memorial Services Club was provided with a tank that it has parked for display at the front of the club. The tank has been painted with an anti-graffiti paint over the camouflage paint. If vandals strike, as happened recently, the graffiti is easily washed off. Other parts of Ted's policy include growing trees or shrubs in front of bare walls, making sure there is good lighting, painting exterior walls or structures so that graffiti is easier to remove and, most importantly, educating the young to not want to do graffiti in the first place. Ted spends a lot of time attending schools in the Great Lakes area speaking to students in each grade to explain to them that it is their community and area being wrecked by vandals.

In addition, young people often are referred to him by the court or juvenile conferencing to work with him to clean up graffiti in the local area. Many of those young people, after spending their compulsory hours with Ted, then volunteer to spend more time with him travelling around the community and the schools talking with students about their experiences or cleaning up graffiti. Our policy and this legislation contrasts the 16 years of inaction by those opposite while they were in government. During that time the menace of graffiti grew unchecked. Opposition members yesterday spoke about a holistic approach to the problem. They had 16 years to provide a holistic approach. They spoke also about resources accompanying this legislation: they had 16 years to provide those resources.

We are talking here about legislation that also has a prevention component. People are fed up with a system that fails to effectively demonstrate to young people that actions have consequences. It is time that individuals who do the wrong thing accept responsibility for their actions. So this Government is delivering on another important election promise. This bill will address the problem of graffiti in our communities. The bill will require juvenile graffiti vandals to appear before the court for a graffiti offence. It will give the courts the power to suspend an offender's drivers licence or impose other tough restrictions on their drivers licence.

As a former police officer and as a solicitor who appears in court on a weekly basis, I know that the police and the judiciary want this legislation. It adds another string to their bow. I know, from dealing with juveniles in court and through rugby and other community activities that I am involved with, that the loss of a drivers licence will have a tremendous impact on juvenile graffiti offenders; the threat of loss of licence will be a great deterrent to juvenile graffiti offenders, particularly male juveniles. The legislation also requires the cleaning up of graffiti as a condition of any court-imposed community service order on graffiti offenders.

Requiring juveniles to appear before a court for a graffiti offence emphasises the seriousness of the offence and that damaging or defacing property is not a trivial matter. Any parent of a young adult knows that there is nothing more valuable to a young person than his or her driver's licence. That is why, as I have said, when a person is guilty of a graffiti offence it is important that the court has power to impose orders affecting the offender's drivers licence conditions. It is not compulsory that the court impose such orders, but the power resides in the court, and that threat hangs over the offender's head.

Courts will be able to suspend a drivers licence for up to six months, or extend the period that an offender is on his or her L or P licences for up to six months, or, for holders of full licences, impose a limit on the number of demerit points that they are able to accrue over a specified period, for up to six months. A drivers licence order is a penalty that can be imposed on its own, such as a fine or a sentence of imprisonment, or it can be imposed in addition to any other penalty. The bill minimises the risk of secondary offending by ensuring that licence suspension is one of a number of penalty options. Under the legislation before the House, community service orders requiring the offender to perform graffiti clean-up work will be made unless it is reasonably impracticable to do so.

If an order is not made, the court will be required to give reasons for not making an order. This will assist in ensuring that there is adequate rigour in the sentencing process and it will also help the Government to identify any further tweaking that might ensure that every offender cleans up graffiti. This legislation will strengthen the current provisions for community service orders, which currently only allow for a recommendation to be made that graffiti clean-up work be a condition of such an order. The bill will still allow the court to issue a caution to the offender, or to refer a juvenile charged with graffiti offences to conferencing. The Government's plan to tackle graffiti in local communities balances penalties for young people who do the wrong thing and offers positive incentives to break a developing juvenile habit.

As I said earlier, Ted Bickford, initiator of the Graffiti Buster initiative and recipient of the Medal of the Order of Australia for services to the community in relation to graffiti, said that graffiti is the start of criminal tendencies and behaviour, and nipping it in the bud will benefit not only the community but also the young person. The introduction of stronger penalties for offenders is not a knee-jerk reaction or the consequence of an election campaign law and order auction. This measure adds another string to the bow. It introduces penalties that magistrates can impose when dealing with juveniles. The legislation provides for stronger penalties, but it proposes a scheme to ensure that graffiti is promptly detected and removed in order to discourage vandals, improve public safety and build community pride. I commend the bill to the House.

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

### **CLEAN COAL ADMINISTRATION AMENDMENT BILL 2011**

**Bill introduced on motion by Mr Chris Hartcher.**

#### **Agreement in Principle**

**Mr CHRIS HARTCHER** (Terrigal—Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast) [11.06 a.m.]: I move:

That this bill be now agreed to in principle.

The Clean Coal Administration Amendment Bill 2011 makes a number of useful amendments to the Clean Coal Administration Act 2008. The amendments are not major, but they will ensure that the council established under the Act continues to be effective. The amendments will do this, first, by streamlining the council to make it more efficient. As well, the amendments will ensure that the language of the Act reflects current terminology on developments to reduce greenhouse gas emissions from burning coal for energy. They will also ensure that the names of the council and the fund established under the Act better reflect their innovative purpose. We might ask why New South Wales needs to have an Act, and research and development, into low emissions coal. It is because we derive 90 per cent of our electricity from coal-fired generators. These coal-fired generators currently emit 63 million tonnes of greenhouse gases annually from burning coal.

With the introduction of Federal Labor's proposed carbon tax of \$23 per tonne, New South Wales energy industries face a new annual bill of \$1,450 million. This annual bill will increase yearly as the demand for electricity grows. We all understand the benefits of renewable and alternative sources of energy in our efforts to reduce greenhouse gas emissions. New South Wales is providing energy from renewable resources, which include solar, wind, biomass, landfill gas and hydroelectricity. As well, work continues on developing energy from geothermal sources. But in 2010, solar and wind-based energy in our energy generation mix contributed just 3.8 per cent to New South Wales energy generation.

Neither wind nor solar power is a continually available source of energy, in contrast to coal, gas and hydroelectric power. Until other sources are able to provide reliable base-load energy, New South Wales will continue to rely on coal. Without coal-fired power, our State would grind to a halt. We need to work towards reducing emissions from coalmining and combustion in a way that allows us to maintain our economy and provide the means for it to grow. Innovation in this field is essential. We do not have the technology, nor can consumers absorb the massive electricity cost increases from capital investments, to make a large or immediate shift to renewable energy sources. Renewable energy work is ongoing and is well supported by the New South Wales Government—and it will continue to be well supported by the Government.

In the meantime, we have to make every effort to reduce emissions from the main energy production methods we already have. As always, our universities and research institutions are at the forefront of that research. They are working to develop new emissions capture and storage technologies as well as a range of complementary technological innovations. Support for this work needs to extend from basic research and development to the demonstration and commercialisation of new technologies. The Government is committed to supporting research and development of innovative solutions to reduce greenhouse gas emissions from burning coal for energy. We cannot underestimate this work.

The Clean Coal Administration Act established the Clean Coal Council and the Clean Coal Fund. The role of the council is to provide advice and make recommendations to the Government on the provision of

funding for research and development projects. Through its funding the New South Wales Government is supporting world-first research and development projects for lower emission technologies. As well as its funding role, the council also provides advice to government on the development and implementation of low emissions technologies. The council also promotes new technologies to other research institutions, industry and the general public. The council can support innovation efforts by directing funds for the demonstration, commercialisation and promotion of new technologies.

Further, the council plays a role in identifying opportunities for public and private sector involvement in research projects at State, national and international levels. The council is structured so that it brings together representatives from the coal industry, government and relevant disciplines such as research institutions. The Act currently provides for the council to have five members from government and five from industry. As well, the responsible Minister may appoint an unspecified number of members who have qualifications or experience relevant to the functions of the council. The chair is appointed from the membership of the council.

This bill reduces the membership of the council from the present unlimited number to a maximum of nine. This will mean a more streamlined, efficient council that is able to effectively make recommendations to government and advise on low emissions technologies. Therefore, we propose to have two members on the council from government and two from industry. Industry members will continue to be nominated by the Australian Coal Association and the New South Wales Minerals Council. We further propose that the responsible Minister may appoint up to four members with qualifications or experience relevant to the council's functions. There will also be a change in the appointment of the chair. The bill makes clear that the Minister will appoint an independent chair. The independent chair will provide for objective leadership on the council.

I turn now to the role and significance of the Clean Coal Fund. The fund supports the research and development of low emissions technologies. It can also assist with demonstrating and commercialising these technologies. Members would be aware of the enormous sums of money needed to research and develop the sorts of technologies that will lead to commercialised low emissions coal. Industry and government have clearly recognised the need for significant investment in developing these new technologies. The black coal industry has committed \$1 billion over 10 years to the development of low emissions technologies through the COAL21 Fund. Of this, \$400 million has been earmarked for projects in New South Wales. As well, the Federal Government has committed \$50 million to New South Wales through its National Low Emissions Coal Initiative.

The New South Wales Government committed \$100 million over four years to the original Clean Coal Fund for the development of low emissions technologies. In driving innovation in this sector, the O'Farrell Government is building on its firm commitment to reduce the emission of greenhouse gases in New South Wales. The projects currently funded by the council are making a significant contribution to the development of low emissions technologies nationally and internationally. In all, 11 projects are being supported, at least in part, with funds from the fund. Three of the projects have matched funding from the Commonwealth Government. As well, several projects have either matched funding or significant financial support from industry.

One example of the research being undertaken is at the University of Newcastle. At its Priority Research Centre for Energy the university is researching a new way of producing pure oxygen to use in the efficient burning of coal to generate electricity. This proposed technology promises to be a cost-effective way to mitigate the prohibitive costs associated with conventional air separation. Air separation is part of the process of oxyfiring. If the cost can be reduced significantly, it would overcome one of the biggest barriers to using oxyfiring as a carbon capture technology. Air separation also has the potential to revolutionise a wide range of industrial practices. This is just one example of the sort of cutting-edge research and development taking place right now.

The original focus of the Clean Coal Council was the research and development of technologies around what was then referred to as "clean coal" technology. But the term "clean coal" is somewhat of a misnomer. It tends to suggest that research scientists might one day find a coal that burns without emissions. The term "clean coal" did not then, and does not now, accurately reflect the aims of the council or the fund that supports it. The purpose of the council is to acknowledge the emissions from coal-fired power and then encourage and promote new and innovative technologies to reduce those emissions. It is clear that the Clean Coal Council and the Clean Coal Fund have had a critical role in enabling this groundbreaking technology to reach its full potential. But their role is focused on innovation, and so the Government seeks to amend the Act to reflect this in the names of the council and the fund.

Therefore, we propose that the name of the council be changed to Coal Innovation NSW. In keeping with this change, the fund will become the Coal Innovation NSW Fund. The previous council was very supportive of a name change away from "clean coal". If changing the name of the council and the fund help their function and purpose to be clear, it is just as important that the name of the Act reflects its purpose. The bill therefore will change the name of the Act to the Coal Innovation Administration Act. These changes to the names of the Act, the council and the fund will reflect the key function of this legislation: innovation. The changes will make very clear to all the purpose and focus of this Act. The bill proposes one further change. As mentioned, the term "clean coal" was applied to the aims of the Act when it was passed in 2008. In 2011 it is recognised that the phrase "low emissions" better describes the goal of the research being undertaken. The Act therefore will be amended to change references from "clean coal" to "low emissions coal".

Coal Innovation NSW will continue to fund cutting-edge research and development projects, which are leading to major developments in the industry. It will provide the technology that is used in the future to ensure that the emissions from coal combustion are significantly reduced. The reductions in emissions will benefit not just New South Wales and Australia. They will benefit also our international trading partners. Our trading partners may also have the opportunity to make use of these new and exciting technologies. These amendments will ensure that legislation for the funding and development of low emissions technologies remains relevant and up to date. I commend the bill to the House.

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

### **GRAFFITI LEGISLATION AMENDMENT BILL 2011**

#### **Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr JOHN BARILARO** (Monaro) [11.19 a.m.]: I speak in support of the Graffiti Legislation Amendment Bill 2011. People are fed up with a system of law and order that fails to effectively demonstrate to young people that actions have consequences. It is time that individuals who do the wrong thing accept responsibility for their actions. Graffiti imposes a real cost on our homes and neighbourhoods, it costs small businesses that are left to clean up the mess and it makes our streets feel less safe. Graffiti is a scourge on our communities. The O'Farrell-Stoner Government's commitment to support community groups in standing up to these vandals is a shot in the arm for the dedicated volunteers who help to remove graffiti, and the Government's initiative to make it simple to report graffiti will make it quicker and easier to get the mess cleaned up.

Under the current legislation a juvenile graffiti offender is often provided with a warning, a caution or counselling. Some offenders are even given multiple warnings before they are required to front up to court to address their criminal behaviour. Graffiti is often a gateway for juveniles to more serious criminal behaviours, but, in the meantime, their vandalism is having a huge impact on the community. That is why the New South Wales Liberals and The Nationals believe juvenile graffiti offenders need to be shown the seriousness of their actions from the start. Statistics available to government reveal that the financial cost to our community is in the vicinity of \$100 million.

Queanbeyan City Council in my electorate has a 24-hour turnaround in addressing graffiti. It costs our council around \$80,000 to clean it up—that is \$80,000 less to spend on footpaths and roads and on maintaining our sportsgrounds, facilities and amenities. Graffiti also spoils parts of our city—our playgrounds, our sports fields and our local parks. It leaves an impression on our kids, who wonder why other kids are vandalising the amenities of our community. At times it is embarrassing. I have sat on the sideline with my kids watching soccer and tried to explain some of the language displayed on the side of the local change room—all parents have that problem. That is why we need to address graffiti in our community.

Under the proposed legislation if someone is guilty of a graffiti offence the court will have the power to impose orders causing the conditions of an offender's drivers licence to be amended. I accept that there is no silver bullet to fix the problem of graffiti, but this legislation is a great start. The courts will be able to suspend an offender's drivers licence for up to six months or to extend the period that an offender is on their L plates or P plates for up to six months. For the holders of full licences the court will be able to impose a limit on the number of demerit points that they can accrue over a specified period for up to six months. These are ways to address the graffiti issue.

I have lived in Queanbeyan all my life and I have never seen so much graffiti in such a small demographic in such a short time. It seems that the problem has exploded in the past five years, especially in the area where I live; graffiti can be seen on fences, mailboxes, the new underpasses, skate parks, toilet blocks, footpaths and buildings. Experience in other areas has shown that this is how a bigger problem begins. As a city, if we allow an individual to think that he or she can get away with graffiti, that individual will then think that they can get away with other crimes. Everyone should take a look around at the eyesores and see how these graffiti artists—or, to call them what they are, vandals—treat personal and public property, businesses and our communities. If we do not stand up and take this problem seriously we will surely lose the fight.

The cost on business does not just involve the cost of removing the graffiti. The prevalence of graffiti gives the impression that an area is economically depressed and people may believe a property or a business owner does not care about the image that their property or business presents. Customers may believe if the property owner does not care about the outside of their property the business may not care about the quality of its product or customer service. A perception of decreased safety can make customers feel uneasy about being in an area that has graffiti all over its walls. The same perception of decreased safety affects tourism as well. Tourists usually seek areas of beauty and enjoyment and not areas where graffiti is scrawled on every available surface.

Grffiti attracts street gangs and other vandals. Whether the graffiti has been applied by gangs to communicate with their members and rivals or by vandals pursuing fame, they all frequently choose areas where graffiti remains and is visible, because the longer the graffiti stays there the longer their message is delivered. The amount of graffiti and the time it is allowed to remain directly influence the amount of additional graffiti that will appear. Graffiti also attracts crime in general. The same neglect that is perceived by customers and tourists in an area is also observed by criminals. Very few criminals pursue crime that brings them into direct confrontation with their victims or into the public eye. A neighbourhood that is covered with graffiti and trash leads a criminal to believe that people who live and work in the area do not care or have given up, and that creates a breeding ground for increased crime.

Grffiti vandalism is a longstanding problem in the community and over recent years it has been reported to be on the increase. Graffiti vandalism reports reveal that over five years there is a significant variation in the number of graffiti incidents reported by New South Wales councils, ranging from one incident to many thousands. However, the overall trend is an increase in the number of reported graffiti incidents over time. According to the New South Wales Bureau of Crime Statistics and Research, this reported increase coincides with an overall increase in the number of recorded graffiti incidents over the same period.

There are two inherent problems associated with counting the number of graffiti incidents that should be considered. The first is that recorded crime data represents only those incidents that are reported to an authority. As a result, the number of incidents reported does not reflect the actual number of events that have taken place. Therefore, it can be said that the number of incidents may be greater than has been reported. Different types of crime are reported at different rates, and graffiti vandalism is a notoriously underreported crime. The second problem is whether a reported increase in the incidence of a particular crime reflects a real increase in the incidence of crime or whether it reflects an increased rate of reporting due to increased public attention to the crime.

A survey showed that the primary concern of councils was the effect that graffiti vandalism has on the community. The survey results referred to the negative effect that graffiti vandalism has on the perceptions of crime and safety as well as the indirect costs related to the devaluing of property and the loss of business revenue in areas with high-volume graffiti vandalism. A number of graffiti vandalism policies have been developed by individual stakeholders. For councils, the most commonly used policy—used by 90 per cent of councils—was rapid removal, followed by encouraging the reporting of graffiti incidents, which was used by 70 per cent of councils, and the use of anti-graffiti paint and/or protective coatings, which was used by 67 per cent of councils and is very costly to the ratepayer. The implementation of community programs, such as murals and legal walls, was a strategy employed by more than half the councils. Just under one-third of councils surveyed used surveillance techniques.

These strategies can be effective but they need to be supported by a strategic approach from the Government. Graffiti vandalism is by its nature a faceless crime. As graffiti vandalism is typically conducted in areas that are remote or isolated from public view it means that graffiti offenders are rarely seen and, even more rarely, called to account for their behaviour. While the majority of the councils have a police referral policy in relation to identified graffiti offenders there are very few incidents when an offender is identified. Figures from

the New South Wales Bureau of Crime Statistics and Research indicate that in any given year there is an identified person of interest in around one-quarter of all graffiti incidents reported to New South Wales police. Even fewer persons of interest end up in court. It is time to act.

As is the case with graffiti incident numbers, there is a considerable variation in relation to the removal of graffiti incidents and the recording of graffiti removal costs. Fewer than three-quarters of councils reported that all identified graffiti had been removed. There was some prioritising of graffiti incident removal, with priority being given to the removal of offensive or threatening incidents, major incidents and incidents in public places. Again, graffiti removal represents a real cost to the ratepayers of any community. Our plan to tackle graffiti in local communities balances penalties for young people who do the wrong thing and positive incentives to break a developing juvenile habit. The introduction of stronger penalties for offenders and a scheme to ensure that graffiti is detected and removed promptly will discourage vandals in the future, improve public safety and build community pride. I commend the bill to the House.

**Ms SONIA HORNER** (Wallsend) [11.28 a.m.]: I will speak briefly to the Graffiti Legislation Amendment Bill 2011. What is graffiti? Graffiti is drawings, names or words written on the walls of public buildings, infrastructure and equipment such as railway rolling stock and on private property such as billboards, walls, buildings, fences et cetera. It may be obscene or political or it may not make sense at all to the casual observer. I will quote from an article in the NSW Graffiti Solutions Handbook, produced by the New South Wales Government's Graffiti Solutions Program and written in the era of the Carr Government. The handbook made some sensible suggestions about ways to tackle graffiti.

I agree with many of the sentiments expressed by previous speakers that graffiti is a serious issue in all of our communities; it is a large cost burden on our communities, particularly our local governments, and it is something that we must deal with. In considering whether graffiti is a crime, we know that all graffiti sprayed on public and private property in New South Wales, unless the property owner has given permission, is a criminal offence. Who does graffiti? The offender profile is typically juvenile, but it can be people from an older age set. Why do people get involved? Some say rebellion is a key motivation, but it might be for a variety of other reasons. Where does it occur? It can occur anywhere but there are particular places where people commit graffiti crime—and I do not call them artists. They particularly like public or prominent buildings where their graffiti can be seen, and railway rolling stock is particularly attractive.

I agree with many of the previous speakers who spoke about the importance of partnerships in working to combat graffiti. Local government, the State Rail Authority, schools, hospitals and small businesses must be involved in ways to combat this crime. But of course any laws that we implement—whether they are laws from the past or the bill that we are currently debating—must be supported by adequate funding. I will talk later about local government and those issues. We also should talk about the consequences of graffiti crime and the power of police, the importance of community involvement and business involvement, and the appropriate punishments for graffiti crime. We must never underestimate the importance of small business and its involvement in this issue.

I am an active member of the Wallsend Town Committee, which is a terrific local committee that does a lot to support small businesses in the Wallsend Main Street strip precinct. Outbreaks of graffiti—it seems to come in waves—hit small business at some cost to them and some heartache as well. Obviously it affects all of us, but it affects small business hardest because it has the least amount of money to deal with removing graffiti. It is important to highlight the importance of local government in this issue, and to ensure that it is funded adequately and notified rapidly to remove graffiti and reduce graffiti crime.

I will give members an example of a young person involved with graffiti. When my nephew was a youth he loved art, but he did not like school very much and from time to time he got himself into trouble with graffiti. His actions were quite a surprise to my family because my sister and brother-in-law are law-abiding people. My nephew was very involved in sport, but he seemed to like doing graffiti and he got himself into trouble for it. As he has grown up, his interest in graffiti has, thank heavens, been replaced with something more sensible. While he now works full time he also creates artwork that he sells. It is not my kind of artwork, but it does appeal to the younger set. As an adult he has learnt to replace his interest in graffiti with a more sensible and a more profitable endeavour.

However, his interest in graffiti created a great deal of heartache for my sister and brother-in-law: They did not really understand why their son would want to do such things, especially when he had plenty of other great opportunities, such as participating in surfing and sport. We should focus on finding out why young people

choose to become involved in graffiti, especially young people like my nephew who had all the right opportunities in his life yet chose to commit these heinous crimes. I certainly do not underestimate that it was a heinous crime; he deserved the trouble he got into. We must look at the profile of the young person who commits graffiti crime to determine how we can stop that young person from committing this kind of crime.

I know that a number of members want to speak to the legislation, so I will not speak for too long. However, one of my concerns is the way that we can tackle this crime for the future. I am not quite sure whether the removal of driver licences—whether that will mitigate the crime of graffiti—is the appropriate punishment for this particular offence. I, like my community, am certainly interested in the best ways that we can solve this crime and the best ways that we can prevent graffiti. The Liberal-Nationals Government and certainly the Opposition should look very carefully at ways to prevent graffiti and provide funding and support for local government, schools, hospitals and any other public agencies that are affected by graffiti.

**Mr MARK SPEAKMAN** (Cronulla) [11.36 a.m.]: I support the Graffiti Legislation Amendment Bill 2011, another example of the O'Farrell Government delivering on its election promises, because it adds to the armoury of strategies to combat a scourge of modern urban society. Many previous speakers have spoken at length about the cost of graffiti to the community. I will not repeat the various figures that have been given, but I note that all of the figures underestimate the true cost of graffiti vandalism because many people do not report it and there is no central record keeping of incidents. A property owner might choose not to report graffiti vandalism to the police or the local council, but instead to address the problem himself by painting over the graffiti on the front fence. Councils can provide estimates of clean-up costs, but when quantifying the cost to the community it is not common to include the financial cost of a strategy or a surveillance strategy.

Environmental and physical harms caused by graffiti vandalism must also be considered. Graffiti vandalism can involve chemicals, the removal of which can be harmful to the environment, and such harm is not currently measured. There are also social harms to be considered. You cannot quantify in dollar terms the cost to the community when elderly people feel frightened or intimidated because their suburb feels like a war zone. You cannot quantify the economic harm of a downturn in business in a shopping strip or a loss of tourism to a community as a result of graffiti. When we are debating this bill, and looking at the cost and the appropriate strategy we must bear in mind that the data we have been provided will chronically underestimate the true cost to the community. Many speakers have spoken of different strategies to combat graffiti. The member for Keira, for example, referred to the need for a holistic approach and I agree with him to that extent.

But it is important to note that various strategies are not mutually exclusive; they are complementary. We can have council strategies to combat graffiti, we can have police strategies and intelligent policing, and we can have education strategies, but they are not mutually exclusive from an effective enforcement and deterrent strategy. Education is very important in a number of ways—the member for Campbelltown referred to its importance. It is important to educate the community of the need to report graffiti crime so that the police can get to know the patterns in particular suburbs and what areas to target. It is important to educate the community that rapid removal of graffiti is essential. Graffiti is easiest to remove in the first 24 to 48 hours. Rapid removal also discourages notoriety for graffiti vandals, which is often their incentive to commit graffiti vandalism.

It is important to educate the community about the use of appropriate materials, textures and surface colour to minimise graffiti vandalism. It is also important to educate offenders, actual and potential, that this is a crime that costs the community dearly and a crime the community will not tolerate. That is why the Government has introduced this bill, which makes three principle amendments to existing legislation. It will require a court, when it makes a community service order, to impose a condition requiring the removal or obliteration of graffiti and restoration of the appearance of buildings unless that is not reasonably practicable. It also amends the Young Offenders Act to remove the power of investigating officials and specialist youth officers to deal with young offenders by way of caution instead of taking them to court.

The legislation seeks to achieve an important balance between various aspects of law enforcement. On the one hand we do not want to send young people to jail; we do not want to send them to what are commonly referred to as the universities of crime. I believe there is a community consensus that we want to keep young first offenders out of the prison system. But we want young people, both offenders and potential offenders, to understand that this is not some trivial offence. That is why a court appearance is essential. It is why the amendments to the Young Offenders Act are appropriate. It is why it is appropriate to require, where it is not impracticable to do so, the removal or obliteration of graffiti. It is also why enabling the court to make orders in relation to driver licences is so important.

A young person, particularly a male, views a driver licence as a great milestone and achievement in life and something very necessary to that person's physical mobility and involvement in society. It is a far more effective deterrent to jeopardise that licence than to impose a fine that might not be paid, and a far more civilising deterrent, if I can put it that way, than sending someone to jail. This bill will amend existing legislation to get the right balance between the competing considerations of avoiding overkill and sending people to universities of crime on the one hand and having an effective deterrent on the other hand. As I said, these measures are complementary. Many members have referred to useful council strategies to combat graffiti. However, none of that gainsays the need for a complementary enforcement strategy that expresses the community's abhorrence of this scourge of modern society while getting the right balance between overkill and effective deterrence. I commend the bill to the House.

**Ms CLOVER MOORE** (Sydney) [11.42 a.m.]: The Graffiti Legislation Amendment Bill 2011 will force all young offenders charged with a graffiti offence to appear before the courts, removing the capacity for the Director of Public Prosecutions or police to refer them to a youth justice conference or issue a warning. The bill will also require courts to include graffiti cleaning in a community service order and introduces a number of driver licence-related penalties for graffiti offences.

Graffiti is unsightly and can make a neighbourhood look neglected and feel unsafe, and councils divert large resources to graffiti clean-up. The City of Sydney inspects graffiti hot spots every 24 hours and the remainder of the local government area every five days. When graffiti is found it is removed within 24 hours. Graffiti is a serious problem; however I am concerned that forcing young graffiti offenders into the court system will not be helpful. The Director of Public Prosecutions and the police should have discretion to divert children away from the court system. Many young graffiti offenders already resent authority and often a youth justice conference is a more productive way to make a child understand the seriousness of his or her offence.

I understand from the Law Society of New South Wales that agreements reached through a youth justice conference often involve a young offender cleaning up graffiti. A wide range of minor offences such as a person having a graffiti implement in their possession will now end up in court, burdening the court system. In 2009, when carrying a spray can first became an offence for persons under 18, I raised concerns in this House that young graffiti artists could be targeted. I hope that the regime proposed under this bill will not force legitimate young artists into the court system. We should provide opportunities for young people to direct their energy into something productive such as art, music, sport and science, and this should be the focus of graffiti prevention. I do not support the bill.

**Mr JAI ROWELL** (Wollondilly) [11.44 a.m.]: Graffiti in my electorate of Wollondilly is a huge concern and I welcome the opportunity to speak to the Graffiti Legislation Amendment Bill 2011. It is important to note from the outset that graffiti is a crime and, as such, perpetrators must no longer be allowed the lenience they have been shown in the past. Like every crime, graffiti negatively impacts on our society in a number of ways. The prevalence of graffiti has both a financial and a social impact on our society and those opposite should hang their heads in shame at their inaction over the past 16 years. Residents in the electorate of Wollondilly are sick of walking down streets covered by tags and unsightly expressions of so-called art. No longer should they have to bear witness to this blight on our communities.

Statistics available on the subject shed light on the financial cost to the community as a result of graffiti and they are well into the millions of dollars. The graffiti action group Graffiti Hurts Australia has research that places the approximate value to local government alone at more than \$200 million. This is not to mention the countless man hours, hard work and dedication of individuals who volunteer to combat this unsightly form of vandalism. Furthermore, as the organisation states, graffiti can be seen as an indicator of a community's civic pride and tolerance to vandalism. In some cases its presence can trigger a decline in housing prices as well as having both direct and indirect effects on small businesses in close proximity to graffiti.

What is also troubling, however, is the perpetual financial burden of constant graffiti removal. Funding that could be set aside for other projects within a community often suffers cuts or is postponed in an effort to redirect funding. I have two councils in my electorate, Campbelltown City Council and Wollondilly Shire Council. In Campbelltown City Council, projects such as the council footpath program, an initiative that I am very proud to have supported in my capacity as a councillor, receives less comparative funding per annum than graffiti removal. This is simply due to the extensive clean-up process required on such a regular basis. In another instance, the budget for landscaping and beautification of the city is approximately half the annual budget for graffiti removal. Campbelltown City Council spends approximately half a million dollars each year to combat graffiti in our community. This is vital funding that could be spent on upgrading our roads, providing community services or investing in vital local infrastructure.

Wollondilly Shire Council also attends to graffiti regularly. The bill to council for removing tagging is significant and is funding that could be used to upgrade roads, amenities or parks in the shire. Furthermore, after 16 years of neglect by those opposite, residents are left to find alternate ways to combat this disgrace. Numerous action groups in Wollondilly are forced to clean their homes, shopfronts and property, often at great cost to themselves, due to repeat offenders. Residents such as Les Turner, a dedicated anti-graffiti campaigner, have spent countless hours removing tags and repainting property. Graffiti imposes a huge cost on not only volunteers but also local councils. Certain suburbs in my electorate are in the top 20 most affected towns according to recent figures produced by Campbelltown City Council.

I remember during the election campaign walking down certain streets with local elders to inspect recent tagging on boundary fences. The fresh spray paint was barely older than the re-coat applied by community workers only the weekend before. This recurrence of tagging can have significant effects on the social attitude of local residents, which can at times be as costly as the financial implications associated with the cleaning-up process. Graffiti in public places, on public structures and inside public amenities sends a message to the community that the services they use are no longer in control of the agencies responsible for their preservation.

This message can promote a sense of unrest and prompt a downward spiral into greater degradation, even if the perception is not in fact accurate. It is true that prevention is often better than a cure. It is my firm belief that this is the case with graffiti in our suburbs and I commend this Government for its firm stance on this matter. It is time that individuals who do the wrong thing accepted responsibility for their actions and it is time that we implemented real measures to punish and deter vandals from committing these crimes. This sentiment is not mine alone. One of the biggest issues in the recent election was the failure of the former Government to effectively deter graffiti.

I take this opportunity to thank the local media the *Campbelltown Macarthur Advertiser*, the *Macarthur Chronicle*, and district reporters Michelle Taverniti and Krista Thomas from the local radio station C91.3 FM. Together, in a united effort with local community groups and police officers, such as my good friend Detective Senior Constable Mick Kelly, we helped bring greater attention to the need for a change in the way we handle graffiti crime and graffiti crime prosecution. This sentiment was echoed as I went doorknocking when I was told time and again that tougher measures were needed to combat one of the biggest social problems in the area.

In response the Government is delivering another important election promise that will address the problem of graffiti in our communities. The bill will require juvenile graffiti vandals to appear before the court for a graffiti offence, give courts the power to suspend an offender's driver licence or impose other tough restrictions on their driver licence and require cleaning up graffiti as a condition of any court-imposed community service orders. Requiring juveniles to appear before a court for a graffiti offence emphasises the significance we place on this matter and it sends a clear message to our community that we have heard their requests loud and clear. This is a sign that we are a Government serious about tackling issues that negatively impact on our society.

This legislation will enable the courts to impose orders affecting offenders' driver licence conditions. The courts will be able to suspend a driver licence for up to six months, or extend the period that an offender is on their L plates or P plates for up to six months, or impose a limit on the number of demerit points that they are able to accrue over a specified period for up to six months for individuals on a full licence. Furthermore, community service-related orders feature in this bill, with the offender required to perform graffiti cleaning work unless it is reasonably impracticable to do so. In such a case, reasons will have to be stated as to why that cannot be done.

It is important to note that this inclusion strengthens current provisions for community service orders, whereby only a recommendation is made for graffiti clean-up, as opposed to making it a condition of such an order. The bill will go a long way to tackle graffiti in our communities and will provide a balanced approach to penalties for young people. A tougher approach is needed—this is clear by the prevalence of graffiti in our communities—and I believe that these measures will go a long way to deterring repeat offenders. I commend the bill to the House.

**Mr RICHARD AMERY** (Mount Druitt) [11.51 a.m.]: I speak to the Graffiti Legislation Amendment Bill 2011. The objects of the bill are to change various Acts of Parliament to give the courts more power to deal with the removal of graffiti. The bill includes the quaint idea of removing a person's driver licence and also strengthens other Acts relating to juvenile offenders. This bill is the latest in a long line of bills designed to

address a modern and current crimes that has emerged over the past couple of decades. Defacing walls, painting labels and putting political statements on public or private buildings and walls is not new, not even when we talk of the past couple of decades. That type of thing has been around for centuries; some have argued it has been around since the days of the Roman Empire.

It is only since the 1970s that it has become so noticeable that it offends most responsible people in society. As I said, it has always been around. I recall that my first sighting of the defacing of a wall was in the 1960s as I was taking a red rattler into Sydney from the Canley Vale railway station: On an overhead railway bridge in very large print were the words, "Vote Labor." Obviously that person was not a vandal but a very intelligent person sending an appropriate message to the community. I recall in my days as a young fellow in Canley Heights looking at a couple of what one might say were suggestive drawings under the Kings Park bridge on Avoca Road near Canley Heights. They were always an attraction to kids going to school. The serious point is that they were rare and did not provoke a spate of similar acts of vandalism by others in the community—certainly not of my generation.

Graffiti has moved from a sign of protest to a regular act of vandalism that has disgusted residents and ruined the appearance of shopping centres throughout the country. In addition to commercial and government businesses, private property is now more and more the victim of this sort of crime. Previous speakers have highlighted the misfortune of people living on a corner block with Colorbond fences that seem to be the target in my electorate and in many other electorates. People think it is fun to deface that personal property. Constituents have raised with me and my office the Rooty Hill shopping centre, on both sides of the railway line, as a good example in my area. Shop windows, walls, railway stations and bus stops are all targets of these irresponsible louts who do what animals would not do—that is, soil their own nests. Most of these vandals are locals and think nothing of defacing their own hometown. It is an incredible state of mind. Civic pride is as out of date to them as pounds, shillings and pence.

Shopkeepers have introduced a number of their own solutions. One of the worst of those solutions is the installation of shutters on shopfronts, which protect the shop while it is closed. However, the shutters become somewhat of a whiteboard, a target, for the tags or messages of vandals. The shopkeeper returns to the shop in the morning, pulls up the shutter and continues with his trade. However, after hours the streetscape reverts to a graffiti-ravaged fascia along the shopping centre, which is an embarrassment to local residents who use the shopping centre after hours. I took some visitors out for an evening meal in one of my local towns and I saw this line of shutters pulled down with graffiti written all over them. It is somewhat of an embarrassment that people do not take pride in their local community.

The question will always be why this problem continues to such an extent. I will disregard the silly political comments made by a number of government members that the actions of the former Labor Government are why graffiti is such a problem in the community. It would be great news to the Mayor of New York, to the Governor of California, to the Lord Mayor of London, to the President of France, or to any other political leader, that their graffiti problems seem to be caused by 16 years of neglect by a Labor Government down here in New South Wales. It is an interesting assessment of the worldwide problem of graffiti damage caused to public and private property.

The shadow Minister, the member for Liverpool, and the member for Lakemba both read out the various law changes made by the previous Government to try to address the problem—all well-intentioned, some successful, some not. I recall announcing a number of graffiti law changes with the former Premier, Kristina Keneally, who is in the Chamber, and with Nathan Rees, both of whom came to Blacktown to announce various strategies and programs to address the problem. During this so-called period of neglect more power was given to courts—which is part of this bill—spray cans were restricted, the display of spray cans in shops and in certain types of shops was restricted, and laws were introduced prohibiting the possession of spray cans.

An important change that occurred during our term of office was the recognition of graffiti as an offence in itself. It was not that many years ago that there were no statistics on graffiti. The term "graffiti" was used to describe an activity, but in police statistics or in statistics held by the Attorney General's department it was cobbled into malicious damage or malicious injury, thereby making it difficult for statisticians to identify it as a stand-alone offence. That is one of the changes that has occurred. It is nice to say it has all happened because of the previous Labor Government and the record probably shows that it did. It was important to identify graffiti itself as a crime.

At the local level, many campaigns have been mounted. I have heard on the monitor and in this Chamber many members talking about their local communities and what they are doing to try to address the

problem. In my electorate this has included, although this is not an exhaustive list, the President of the Mt Druitt Chamber of Commerce, Reg Murray, working with organisations like Probation and Parole and the Blacktown council to have a quick response to graffiti damage done to the Mt Druitt Village Shopping Centre.

Clean-ups involving the council, the Department of Housing and organisations such as Boys Town in the Bidwill area have been successful. Of course, their main strategy is to not bring anyone before a court and instead remove graffiti as quickly as possible after it has been seen on any walls and properties. Blacktown City Council often has lamented that its yearly cost of cleaning up graffiti and providing assistance to the campaigns I have just mentioned amount to something like \$800,000 a year. I am sure we all agree that that amount could be spent on more worthwhile community projects. Despite all these attempts, the problem persists. I have always considered graffiti to be one of those great unreported crimes, although that probably has improved in recent times. Some paint on a shop window is not reported. Paint on a corner fence is not reported by the residents, who grin and bear it, go out and try to paint over it or clean it up.

As I said earlier, graffiti was not even identified as a stand-alone offence a few years ago. Police take a report about graffiti, the relatively few they receive compared to the number of offences committed, and prioritise it as low when responding to a range of more serious offences, which is quite understandable. Of course, the message to a victim of this type of vandalism is to report it either to the phone reporting system or the local police station. With graffiti and any crime, if the police do not receive a report, as far as they are concerned the offence is not happening in that area. Many studies have shown that wherever possible removing the paint or damage as soon as possible is a good way of deterring future graffiti activities. Graffiti vandals like to see their artwork displayed for long periods. Quick removal has resulted in them moving on, perhaps, unfortunately, to other areas, but certainly the problem at the reported location appears solved.

Of course, when a person is detected as being responsible for graffiti, the police should make a serious issue about it. Cautions on the run sometimes tell graffiti vandals that it really is just a bit of fun or is not really a major problem. Police can make a big deal of it without perhaps charging anybody because graffiti is a big deal: it is an embarrassment to local communities and is an expensive cost for taxpayers. Issuing infringements, charging someone or putting someone in the dock before a court clearly demonstrates that the matter is serious. Other measures such as conferencing and issuing official cautions at a police station involving parents of juveniles also let offenders know that the matter is serious.

This bill is another attempt in a long line of legislation by governments of all political persuasions around the country to try to resolve a problem. Of course, the resources have to be available and the police have to enforce it. Unfortunately, graffiti is one of the low priority offences for the Police Force. Considering some of the more serious matters police deal with, one can understand that operational approach. No-one seriously believes, as our Opposition spokesperson stated, that taking a driver licence off someone will impact on the problem across the board or on some individuals. Many offenders, certainly in my electorate, do not even have a licence. A press release issued by the Minister saying licences will be removed will not be listened to by someone who is 12, 13, 14, 15 or 16 years of age. As I have stated already, that approach is simply window-dressing.

I repeat that this is another piece of legislation in the long line of legislation to try to come to grips with a problem that has baffled communities not only in Sydney and New South Wales but around Australia and the world. Most of the provisions of this bill have been implemented by previous legislation. The drivers licence provision is window-dressing to the extreme.

**Mr DOMINIC PERROTTET** (Castle Hill) [12.04 p.m.]: I support the Graffiti Legislation Amendment Bill 2011. Our community has good reason to be concerned about graffiti. A local business owner in my electorate of Castle Hill described his business being graffitied as a kick in the guts. Graffiti, particularly in public areas, can be compared to a kick in the guts to the local community. Fortunately, Castle Hill has had great success in targeting graffiti and I commend The Hills Shire Council for its vigilance in targeting graffiti, particularly prioritising removing graffiti once it is reported. Another successful initiative the council introduced was removing graffiti on private property when it faces a public place, such as a road or park. This action has had a significant impact on reducing graffiti throughout the Hills district. The 210 reported graffiti incidents in 2010-11 were down from 935 in 2009-10.

The decline in graffiti throughout the Hills shire has reduced costs to council and, obviously, ratepayers, from \$140,000 to \$60,000. However, any graffiti is too much graffiti and outside the Hills district graffiti offences have been on the rise with an 88 per cent increase in recorded incidents between 1996 and

2005. The cost of graffiti to the community extends well beyond the financial one associated with cleaning up the mess. They include decreases in customer numbers and property values, and increases in insurance premiums. The New South Wales Bureau of Crime Statistics and Research reveals that from 1996 to 2005 there was a net increase of 88 per cent in recorded graffiti incidents, peaking in 2005 with 9,094 incidents.

Statistics available to the Government demonstrate that the financial costs to our community in addressing graffiti are well in excess of \$100 million; the estimated bill for RailCorp alone is \$50 million. Graffiti also affects the aesthetic qualities of a community and the way people think about their communities. These factors cannot be underestimated; indeed, they are central to making a community liveable, which is a big part of what we are all about. In 2002 New South Wales police advised the well-researched and recognised fact that graffiti prevalence within sections of the community impacts on the feelings of safety within that community. This is why the New South Wales Liberals and The Nationals made a commitment at the last election to address the graffiti issue in our communities. This bill is a first step and an integral part of that commitment. I say part because it is the legislative part of the Government's broader plan to address the graffiti issue in our community.

The plan includes innovative ideas such as forming voluntary graffiti-removal squads and establishing a graffiti hotline. As the member for Mount Druitt said, graffiti is as old as civilisation, and so too have been the measures to control it. So-called graffiti artists may have a range of motives, but they all have three lessons to learn from the offence, which correspond to the three legislative areas in this bill. The lessons are personal responsibility, social responsibility and gravity. The personal responsibility lesson corresponds to the amendments to the Children (Community Service Orders) Act 1987 and the Crimes (Sentencing Procedure) Act 1999. The bill will strengthen the current provisions for community service orders by amending section 11 to impose a graffiti clean-up condition that provides that those responsible for a graffiti offence are made to perform community service work, which may include the removal of graffiti from buildings and other public places.

Currently, community service orders allow only for a recommendation to be made that graffiti clean-up work be a condition of a community service order. These amendments will impose clean-up conditions that may include the removal of graffiti from buildings, vehicles, vessels and places, and the restoration of the appearance of buildings, vehicles, vessels and places consequent on the removal of graffiti from them. In this way offenders gain a practical experience of the consequences of their actions, which they may not have previously considered. These amendments fulfil the Government's commitment to ensure that when a graffiti offender is sentenced to a community service order they will carry out graffiti clean-up work if reasonably practicable.

The social responsibility lesson is proposed in the amendment to the Graffiti Control Act 2008 and the relevant road transport Acts and regulations. These amendments ensure that those engaging in graffiti may have conditions placed on their driver's licence—for example, extending the licence period for learner or provisional drivers, making the holder of an unrestricted licence subject to a threshold of four demerit points for a period of up to six months or, in certain cases, suspending a licence. A licence is a privilege that a community bestows on an individual with an expectation that the individual will act with some responsibility towards the community. Individuals who act irresponsibly by engaging in graffiti should realise that in doing so they risk forfeiting some of their social privileges.

The third lesson is one of gravity. This appears in the amendment to the Young Offenders Act 1997. By this amendment, a graffiti offender is required to appear in court to answer for the offence. The court may issue a caution or refer an offender to a youth justice conference, as previously, provided that importantly he or she will have to appear in front of a court. Such a measure will impress on members of our community that graffiti acts are taken seriously by society and should be taken so by individuals as well. The three areas of legislation addressed by the bill emphasise three important points for the benefit of graffiti offenders and the community. The bill itself forms part of a plan of graffiti action promised by the New South Wales Liberals and The Nationals at the election in March this year, and is designed to enhance our communities. It merits the support of all members of this place.

**Mr GREG PIPER** (Lake Macquarie) [12.10 p.m.]: I give qualified support to the Graffiti Legislation Amendment Bill 2011. Graffiti crime has been an increasing blight on our urban environment, and we are all victims of it. Graffiti degrades our public spaces and turns them into arenas for a new version of gang warfare. Patterns have become evident in graffiti crime, showing that tagging of an area is a matter of competition for rival groups. The cost of this antisocial behaviour is borne by the whole community. Graffiti makes our public spaces less welcoming. But, more than that, it makes them threatening for many people. While it appears that

any visible surface is regarded as fair game, there seems at times to be an element of retribution against communities that have had the audacity to be vocal in their opposition to graffiti crime. It is also well documented that the challenge of being first to deface new railway carriages, for example, has led to attacks on them, even whilst still at the manufacturer's premises.

Lake Macquarie City Council—if I could refer to my other role, as the mayor of the city—spends approximately \$200,000 per annum removing graffiti from its assets. In addition, council has received a grant from the Department of Attorney General and Justice for its Graffiti Hotspot Program for 2010-11. This grant of approximately \$85,000 aims to reduce graffiti at designated hot spot locations, with appropriate Crime Prevention Through Environmental Design solutions. It targets five hot spot areas—Edgeworth, Cardiff, Warners Bay, Windale and Charlestown. I note the interests in particular of the members for Cessnock, Charlestown and Swansea in those suburbs and wish to note that many members of our community put in a great personal effort to reduce graffiti or the impacts of graffiti in those areas. A fine example of this is Mr Rob Denton, former President of the Cardiff Chamber of Commerce and now an electorate officer working for the member for Charlestown. His work in this area has been ongoing for many years.

The practical solutions sought through the Graffiti Hotspot Program involve things such as native grass planting to low fences and walls, shrub planting to high fences and walls, working with Department of Juvenile Justice to paint out graffiti and implement vegetation at identified locations, engaging businesses through the chambers to report and contribute to the associated costs of clean-up, and ongoing reporting of graffiti incidents. While graffiti is so conspicuous and objectionable, it is also obvious that graffiti of public spaces often does not occur in isolation. Damage to street furniture and other civic improvements is often associated with graffiti, and the complementary range of actions under the Crime Prevention Through Environmental Design program seeks to address this.

Whilst there are significant costs borne by councils and other public bodies, there are also many attacks on private property, with householders left to shoulder both the effort and the cost of removing or covering graffiti. I was advised this morning by my electorate office staff that signage at my office was defaced last night. Members would appreciate that this attack is right on cue for this debate. It is one more in a series of attacks on my offices that have been ongoing since 2008. A number of those attacks have included other physical damage to signs. Such attacks lead directly to the expenditure of the State's resources in reporting and repairing the damage and in improving security in an attempt to deter the offenders. In my case however the offending graffiti is quickly removed and has much less of an impact than similar attacks on private property, including that of businesses. These are people that I am much more concerned for.

The Graffiti Legislation Amendment Bill 2011 is drawing a line on this antisocial behaviour in accordance with overwhelming community expectation. I acknowledge the Government's move to address this matter in accordance with promises or commitments that it has made. However it would be naive to think that this legislation will in itself resolve the issue. A concerted effort to engage with offenders and potential offenders must be maintained. Concerns that have been raised about removing discretion from the Director of Public Prosecutions and police to deal with offenders should also not be lightly dismissed. While I support this bill, I call on the Government to closely monitor the implementation of these new laws with a view to ensuring that the intended result, along with proportionality, is indeed delivered.

**Mr ANDREW ROHAN** (Smithfield) [12.15 p.m.]: I speak in support of the Graffiti Legislation Amendment Bill 2011. I am pleased that the Government has introduced this important bill, which will fulfil a key election commitment made during the most recent State election campaign last March to target graffiti vandals. There is no doubt that graffiti is a significant and costly problem for the community. It affects families, business owners and the community at large by defacing community infrastructure including public landmarks. As the Attorney General stated in his introduction of the bill, in 2010 the Standing Committee on Public Works tabled its report titled "Graffiti and Public Infrastructure". The report indicated that 11,691 graffiti incidents were reported to police in New South Wales in 2009, at the cost of hundreds of millions of dollars to remove. The report also indicated that the graffiti cost to RailCorp alone was estimated at \$55 million a year.

During the election campaign the Government made a clear commitment that young offenders charged with graffiti offences should appear before a court. The Government wants young offenders charged with graffiti offences to realise that what may seem a trivial matter to them is a serious and costly offence. To that end, this bill will ensure that a young offender charged with a graffiti offence will not be diverted from the courts by operation of the Young Offenders Act 1987. The amendments to the Young Offenders Act by schedule 1.7 to the bill achieve the Government's objective by no longer allowing an offence under the Graffiti

Control Act to be the subject of a warning or caution. This is very important because, by requiring offenders to appear before a court for graffiti vandalism, the bill will send a strong message to young offenders that graffiti is a serious offence and offenders should expect strong penalties as a consequence.

The bill will strengthen penalties available for courts to sentence graffiti offenders by providing an increased range of sentencing options. The Government is committed to providing courts dealing with graffiti offenders with an increased range of sentencing options that can act as real deterrents. To achieve this objective, the bill creates a new penalty option in the form of driver licence orders specifically for offences of damaging or defacing property by means of a graffiti implement under section 4 and possession of a graffiti implement under section 5 of the Graffiti Control Act 2008. These new penalty options implement an election commitment that graffiti offenders should have action taken against them in respect of their driver licence for graffiti offences. Schedule 1.4 to the bill creates the new penalty of driver licence order.

This extra power given to courts will include options such as extending the time graffiti offenders spend on a learner or provisional licence, suspending a driver licence of any class for a period of up to six months from the day the order is made and in the case of unrestricted licence holders imposing a limit on the number of demerit points able to be secured over a certain period. This is an important measure because a significant number of graffiti vandals are young males. And what do young males love? They love their car. They get jobs and save up their money to buy a car or do up their car and then they drive around with music blaring to show off their car. The worst thing we can do to people who have spent all their time and energy on their car or people who are too young to drive and are looking forward to nothing else but gaining their licence is to suspend them from driving. They definitely will think twice before vandalising public or private property by spraying paint all over it.

The bill provides that a court will not be required to impose the condition if the court considers in the circumstances that it is not reasonably practicable for graffiti clean-up work to be performed. Where the court does not impose such a condition it must record its reasons for not doing so. On occasions it will not be reasonably practicable for a court to impose a condition of graffiti clean-up work. In such cases, requiring the court to provide reasons for not imposing such a condition will allow action to be taken in future to identify obstacles to imposing such conditions. These provisions build upon existing graffiti clean-up orders that can be imposed for offences under the Graffiti Control Act 2008 in order to satisfy the amount of a fine.

The bill strengthens the existing provisions in relation to not only community service orders but also community service orders imposed on young offenders. Schedule 1.1 inserts a similar provision in the Children (Community Service Orders) Act 1987. This will ensure consistent application of the proposal so that when a community service order is imposed for an offence under the Graffiti Control Act 2008, regardless of whether it is a young offender or an adult, graffiti clean-up work must be a condition of that community service order where reasonably practicable.

This bill could not have come at a better time, as reports of graffiti have increased across the State, particularly in western Sydney, which includes my electorate of Smithfield. As a councillor on Fairfield City Council I know that no organisations bear the burden of graffiti more than local councils. Within my electorate of Smithfield are four local government areas: Fairfield, Holroyd, Penrith and Blacktown. The Fairfield local government area takes up a large part of the electorate and has one of the largest youth populations in New South Wales. When this bill was introduced I spoke with my local councils and discovered that there are 16 notorious graffiti hot spots in the area, including the T-way bus station at Prairiewood, the Emerson Reserve and skate park at Wetherill Park, Wetherill Park alleyway off Price Street where private homes and fences have been continuously vandalised, Fairfield city cycleways and Cowpasture Road at Abbotsbury. I also discovered that Fairfield council spent \$400,000 on graffiti removal and prevention programs last year alone. The cost to Holroyd Council was more than \$220,000 for graffiti removal since January this year and costs are expected to continue to rise.

In 2009 Holroyd Deputy Mayor John Perry stated that the graffiti trend was increasing in Holroyd. He was correct because in the following year through to 2011 Holroyd saw a massive jump in reported graffiti incidents, especially in Greystanes. Greystanes, which forms part of my electorate, recorded the highest number of graffiti instances with 51 sites vandalised, costing the council nearly \$32,000 on clean-up work since the beginning of this year. The cost to Blacktown City Council is even higher. A staggering \$850,000 was spent to combat the graffiti problem. Penrith City Council also has identified a number of known graffiti hot spots, which include 50 reported incidents at the Erskine Park neighbourhood centre and hall and 22 reported incidents at the Erskine Business Park. Both these locations fall within my electorate.

Over the past year councils in my electorate have been closely working with local police, community groups and small business owners spearheading programs that combat graffiti. For example, Fairfield City Council is trialling a new graffiti removal service for residents. If graffiti is reported to council on private property, residents will have an option of having the graffiti removed professionally by council contractors at the rates provided to council. Currently, Fairfield City Council is obliged only to provide graffiti removal on council-owned assets. This new service will assist in reducing vandalism in my electorate at a reduced rate to affected residents.

Holroyd City Council adopted a reward scheme in 2009 that allows community members to report graffiti and offers a \$2,500 reward for information that leads to the conviction of vandals. Another great initiative of Penrith City Council is its three key graffiti strategy, which involves education, prevention and removal. Penrith council runs a graffiti education program that targets primary and secondary school students across the Penrith local government area. Blacktown City Council is trialling a similar educational program targeting schools within its community.

Graffiti is a burden on businesses, residents, government, city councils and the community in general. It is an attack on people's private property and the community's public property. It is expensive to remove, unsightly and creates a perception that the area in which it occurs is run down and unsafe. By introducing and enforcing this bill the Government will help reduce graffiti vandalism. This will enable local councils around the State and within my electorate of Smithfield to divert funds from graffiti removal to more important public works such as building new footpaths, maintaining local roads and creating more parks and recreational areas for families. This bill is another example of the New South Wales Liberal-Nationals Coalition Government delivering on an election commitment, which will benefit local residents. It has been achieved within months of coming to Government, after 16 years of incompetence and failure of the former Government. I commend the bill to the House.

**Mr JONATHAN O'DEA** (Davidson) [12.27 p.m.]: I support the Graffiti Legislation Amendment Bill 2011. The New South Wales Government is determined to ensure that those who engage in graffiti face serious consequences. That determination is reflected in this bill, which requires juveniles accused of a graffiti offence to appear before a court and requires courts imposing community service orders on graffiti offenders to make graffiti clean-up a condition of the order, where reasonably practicable. In addition, this bill gives the courts power to extend the time graffiti offenders spend on learner or provisional licences or to suspend a driver licence of any class or, as an alternative to suspension for unrestricted licence holders, to impose a limit on the number of demerit points they are able to accrue over a specified period. The reforms contained in this bill will re-empower local communities and send a strong signal that graffiti will not be tolerated.

Graffiti is a substantial problem and an all too visible blight throughout New South Wales. Indeed, a recent email from one of my constituents regarding the amount of graffiti appearing in public places started me thinking how disturbing it is that in a reasonably wealthy and affluent society such as ours, one of the most common and visible examples of destructive criminal behaviour is that of vandalism. And make no mistake, graffiti is vandalism. Whilst it is often the result of youthful impulsiveness, it is criminal behaviour nonetheless.

Graffiti is destructive because not only does it damage and destroy property but, more importantly, it damages the fabric and character of a community. It disturbs and enrages the wider community in equal measure. It is often considered a soft crime, victimless almost, but it is the taxpayers of this State who invariably underwrite the bill for the cost of this type of criminal activity. Figures from the New South Wales Bureau of Crime Statistics and Research show that from 1996 to 2005 there was a net increase of 88 per cent in recorded graffiti incidents, peaking in 2005 with 9,094 incidents. Often, though, graffiti goes unreported, particularly when it occurs on private property.

It is difficult to estimate the cost to the New South Wales taxpayer of graffiti crime, although the former Minister for Local Government estimated graffiti costs at \$100 million in 2002. Warringah Council alone spent \$260,000 employing contractors to remove graffiti from its jurisdiction in the financial year 2009-10. The private costs of graffiti are difficult to quantify. However, any calculation would have to consider not only the cost of removing graffiti but the potential loss in property value and costs to business as a result of increased insurance premiums, loss of customers and disruptions to business activity.

Practical efforts to restrict and limit the capabilities of the graffiti offender through so-called "safety by design" principles, such as graffiti-resistant surfaces in the built environment, security fences, better lighting and closed-circuit television monitoring, are expensive and are rarely included in statistics that calculate the cost to

society. Graffiti does not just come with a monetary cost; it also comes with a social cost. Whilst damage to buildings and property is aesthetically disturbing and unsightly, the real damage to communities is more subtle but no less profound. Graffiti left unchecked and unrectified contributes to a general malaise and feeling of fear and insecurity in the community. Left unrepaired, communities look neglected and run down, negatively affecting residents' lifestyles and community amenity. There is a tipping point and a real risk of residents becoming resigned and complacent after losing confidence and pride in their communities.

Graffiti can impede service delivery, undermine the aesthetic quality of our communities, reduce people's quality of life and increase people's fear of crime. In 2002 New South Wales police advised the New South Wales Parliamentary Library Research Service that "it is a well-researched and recognised fact that the prevalence of graffiti within sections of the community impacts on the feeling of safety within that community". An Australian Bureau of Statistics survey of crime and safety in April 2008, which collected information from approximately 2,600 households and 5,100 persons aged 15 years and over, found that more than one-quarter of people in New South Wales believed vandalism, graffiti and damage to property were a problem.

There is a lack of sufficient enforceable consequences in the current legislation. Amendments to the Act by the previous Parliament in 2007 were a step in the right direction but did not go far enough. Changes to the law regarding the display and sale of spray paint cans to minors were passed in an effort to reduce the availability of spray cans in the community. It appears that the legislation has proven difficult to enforce and is sporadic in its implementation and effectiveness. I note that the New South Wales Auditor-General has foreshadowed that his office may carry out a performance audit in this area.

The legislation depends very much on the community's willingness to monitor and report those people who transgress. In the past many residents have been reluctant to get involved, possibly perceiving as slim the probability of a graffiti offender being caught and sentenced appropriately. This Government realises that more needs to be done, and whilst the eradication of all graffiti is impossible it does not mean that governments should not be implementing a range of innovative policies to deter people from committing graffiti crimes. People should be encouraged to report graffiti, which will help to ensure that offenders understand the serious nature of their crimes. Indeed, no matter what legislation is introduced and no matter how proactive our police and magistrates, much of the responsibility to be vigilant and to report instances of vandalism, including graffiti, lies with local residents. Without this type of cooperation, the police and the courts admit that their task is made much more difficult.

With that in mind and in an effort to strengthen criminal sanctions on graffiti crime, this bill largely implements the New South Wales Liberals and Nationals "You Spray You Pay" policy that we took to the 26 March election. That policy promised to establish a statewide hotline and encourage the formation of voluntary graffiti removal squads, like those in the Ku-ring-gai Council area involving Rotary, which I have spoken of in this place previously. I note that the Minister for Volunteering and Citizenship has also spoken about some of these matters previously in the House. These important initiatives are not outlined in the bill as they do not require legislation.

This bill, however, does contain the key elements of our policy that will require juveniles accused of graffiti offences to appear before a court and will require courts to make graffiti clean-up a condition of the order when the courts impose community service orders on graffiti offenders. It has been found overseas that requiring convicted graffiti offenders to clean graffiti from surfaces within 24 hours of its occurrence is effective in that it directly links the offender with the consequences of the crime but, even more importantly, it denies the offender his reputation among, and kudos from, his peers.

I will now return to the particular elements of this bill. The bill amends section 11 of the Children (Community Service Orders) Act 1987 to provide that community service orders must impose a graffiti clean-up condition in relation to graffiti offences. Such conditions will also apply to orders imposed for any failure to pay a fine in relation to graffiti offences. A graffiti clean-up condition is a condition requiring the offender to perform community service work, which may include the removal of graffiti from buildings, vehicles, vessels and places, consequent on the removal of graffiti from them. If such an order is not reasonably practicable an exemption may be given. This bill also inserts similar provisions into the Crimes (Sentencing Procedure) Act 1999 for those offenders aged 18 and over.

The bill amends the Young Offenders Act 1997 to provide that warnings and cautions, or referrals to a youth justice conference by the Director of Public Prosecutions and police, will not be given in relation to a graffiti offence. The bill still allows the court to issue a caution or to refer a young offender to a youth justice conference but only after they have appeared in court and admitted the offence and the court believes a

conference should be held. The requirement that young people facing a graffiti offence be brought before a court sends a strong message that these offences are of a serious nature. It also means that people will be more likely to report graffiti offences as they know the matter will be treated seriously.

The bill also amends the Graffiti Control Act 2008 to allow a court to impose a drivers licence order, which may involve extending the period of a learner's permit or provisional licence or making the holder of an unrestricted licence subject to a threshold of four demerit points for a period of up to six months. The bill amends the Road Transport (Driver Licensing) Act 1998 and the Road Transport (Driver Licensing) Regulation 2008 to facilitate these changes. The bill implements the New South Wales Liberal-Nationals graffiti policy that we took to the election on 26 March. It sends a strong signal that those who engage in graffiti face serious consequences. It is about time that offenders cleaned up their own mess and criminal damage and not leave it to their victims or to the New South Wales taxpayer. This bill deserves the support of all members in this place.

**Mr GARRY EDWARDS** (Swansea) [12.37 p.m.]: Graffiti vandalism is a problem not only in the electorate of Swansea but in every electorate in this State, and I speak in support of the Graffiti Legislation Amendment Bill 2011. The detrimental effect that graffiti has on communities is wide reaching. Graffiti destroys the visual appeal of businesses, homes and public infrastructure and it forces local governments to allocate staff and resources to clean up the damage. Unsightly graffiti causes every resident walking on our streets to fear for his or her safety.

The Swansea electorate is heavily dependent on small business to drive the local economy forward but, unfortunately, these businesses are often a target for graffiti vandals. Business owners must then spend time cleaning up the unsightly graffiti and pay extra for insurance premiums to cover the cost of the damage incurred. Some owners are forced to clean up graffiti on a regular basis, often at great cost to productivity. Local councils must also shoulder the cost of graffiti clean-up, and that means that ratepayers, too, are unfairly disadvantaged. Lake Macquarie City Council in my electorate currently spends \$500,000 annually removing graffiti from council-owned property.

Full-time staff and subcontractors are required by Lake Macquarie City Council to remove graffiti from council property, again unfairly placing a burden on ratepayers. Wyong Shire Council currently spends approximately \$110,000 a year cleaning up graffiti in its local government area. I am told by this council that some graffiti clean-up job requests are so big that several council staff members are brought in to ensure that four-day turnarounds for such requests are achieved. I must commend Wyong council for the fantastic community initiative it currently has in place. The council sends a graffiti removal kit to ratepayers who wish to clean up graffiti. This kit contains the necessary products to ensure that graffiti can be removed in a quick and safe manner. It is encouraging to see Wyong council working with the State Government to address the issue of graffiti vandalism and keeping communities cleaner and more appealing for tourists.

It is clear that more measures need to be put in place to ensure graffiti vandals are held accountable for their actions. This Government has a strong plan to crack down on graffiti vandals and to clean up our streets. Without heavier penalties for graffiti vandalism offences, those in the community who vandalise in this way will continue to offend, at a significant cost to business, councils and residents alike. The series of innovative measures introduced in the Graffiti Legislation Amendment Bill 2011 will send a strong message that graffiti is not a trivial matter. These measures include requiring offenders to face a magistrate to explain their unacceptable behaviour and to clean up the vandalism that they have perpetrated. Under former legislation a juvenile graffiti offender would have been given a warning, a caution or referred to counselling. Very few vandals of this type are deterred by such lenient treatment.

Under this legislation the courts will be given more power to issue harsher penalties. Magistrates will be allowed to issue a restriction on the driver's licence of an offender. A driver's licence of any class can potentially be suspended for six months if a person is convicted of a graffiti vandalism offence. While taking away the independence of a young person convicted of a graffiti offence is a welcome step, I believe these measures do not go far enough. Graffiti continues to be a major issue for electorates all over the State. One of the best ways to address this problem is to demonstrate to offenders that penalties should reflect the cost of graffiti vandalism to the community. The penalties should be harsh and offenders should be named and shamed. I commend the bill to the House.

**Mr STEVE CANSDELL** (Clarence—Parliamentary Secretary) [12.45 p.m.]: I support the Graffiti Legislation Amendment Bill 2011, and I congratulate the Liberal-Nationals Government on acting so quickly to

do something about graffiti. Graffiti is a crime; it is not some form of social expression. Some people claim that it is a youthful artistic expression or an expression of social frustration, but in fact it is a crime against communities. Whether the graffiti is a swastika or a love heart, it is offensive to people in the community and it has to be removed. It has already been said that the cost of graffiti removal and infrastructure restoration is just over \$100 million. That is only the reported figure. It does not include the full cost of graffiti removal and waste that occurs when vandals mark people's properties.

As has already been said, and as has been recognised for many years, it is best to get rid of graffiti as soon as possible. If it can be removed within 24 hours that badge of honour—that brag, that sign they can tell their mates about—is also removed. If people spray graffiti one day and drive past the next day and see it is gone, their frustration will be such that they will not graffiti there again—and maybe will not even waste their time doing it somewhere else. The bill implements the Liberal-Nationals election commitment by requiring juvenile graffiti vandals to appear before a court for a graffiti offence. I emphasise again that graffiti is an offence.

The bill gives the courts the power to extend the time that graffiti offenders spend on learner or provisional licences or, in extreme measures, to suspend a driver's licence of any class. I think that will really hit young adults—especially young males—where it hurts. It is a macho thing to have a driver's licence. A young male's social life is negatively impacted if he does not have a licence and cannot borrow his father's car and drive his girl around, meet his mates and do all the other things they like to do. Taking that right away from graffiti offenders is a good punishment. Rather than just locking them up and throwing away the key—which is a no-win situation—the bill imposes a punishment that will impact and hurt the person convicted of a graffiti offence, especially serial offenders.

As an alternative to suspension for unrestricted licence holders, this bill will impose a limit on the number of demerit points that graffiti offenders are able to accrue over a specific period. This bill will require courts imposing community service orders on graffiti offenders to make graffiti clean-up a condition of the orders. That is a requisite provision; you get the kid out there to clean up the mess he made. I should not call them "kids" because many graffiti offenders are young men. It seems to be the done thing to see how many buildings and fences and how much other public property you can deface. It is some sort of badge of honour. It is unfortunate that some youths do not respect other people's property.

The bill also retains the power to refer a child who commits a graffiti offence to youth justice conferencing, which reflects the views of many stakeholders and the New South Wales Law Reform Commission. Conferencing is not a soft option; it requires offenders to consider more fully the consequences of their actions. As a result of youth conferencing offenders do go and clean up their graffiti. I believe we need to strengthen youth conferencing requirements even further. If a youth is pulled up for trashing someone's garbage bin or letterbox or smashing the window of a shop or some other commercial premises, the conferencing should involve the requirement to show some sort of regret for their actions. Some measure of retribution should be exacted by making offenders clean up the area and complete some sort of service order to assist the victims of their crime.

The Government is committed to expanding the sentencing options for courts when dealing with graffiti offenders. For that reason the Government, through this bill, has created a new penalty of a driver's licence order available for offences of damaging property by means of a graffiti implement and possession of a graffiti implement under section 4 and section 5 of the Graffiti Control Act 2008 respectively. Limiting the application of this penalty to offences under sections 4 and 5 of the Graffiti Control Act 2008 will enforce the primacy of these offences as the appropriate charge for graffiti offences. It avoids the potential evidential problems of establishing a graffiti offence under the broader property damage offences in the Crimes Act before the additional graffiti penalties become available.

The driver's licence order will operate by extending the period that an offender is subject to either a learner or provisional licence, if they currently hold such a licence, for up to six months; suspending a driver's licence of any class for up to six months; or, as an alternative to suspension for unrestricted licence holders, imposing a limit on the number of demerit points that they are able to accrue over a specific period for up to six months. A driver's licence order, including a graffiti licence order, is a penalty that can be imposed on its own—such as a fine or sentence of imprisonment—or it can be imposed in addition to any other penalty. The bill minimises the risk of secondary offending by ensuring that licence suspension is one of a number of penalty options.

The bill will amend the Children (Community Service Orders) Act 1987 and the Crime (Sentencing Procedures) Act 1999 to require community service orders imposed for offences under the Graffiti Control Act 2008 to contain a condition requiring the offender to perform graffiti clean-up work. Such a condition is not required if it is not reasonably practicable for such work to be performed, but the court must give reasons if this is the case. For example, if the offender is swinging from the top of a viaduct and spraying graffiti there they are putting themselves at risk. It would be quite negligent of us to force the young person to go up there to clean away their handiwork.

This amendment will strengthen the current provisions for community service orders. Currently they only allow a recommendation to be made that graffiti clean-up work be a condition of such an order. These amendments fulfil the Government's commitment to ensure that when a graffiti offender is sentenced to a community service order they will carry out graffiti clean-up work if it is reasonably practicable. Amending both pieces of legislation will create a uniform approach to children and to adults. A court is required to give reasons if it does not impose a graffiti clean-up condition in order to ensure that those reasons are identified and measures are taken to rectify any problems.

I think graffiti is a problem that runs deep. As we know, this sort of behaviour is often just the end result of bad parenting and dysfunctional families. As I said earlier, the quicker graffiti is cleaned up the less encouragement it will provide to youths to graffiti again. We need to come down hard on anyone who creates graffiti or does damage to property and the community. A police officer who first came to Yamba about 10 years ago told me he drove into town and saw people riding pushbikes but not wearing helmets. He said to me that that was virtually the first sign of anarchy. There was ignorance of the law. He said, "You need to ensure they wear helmets and that there is no graffiti on the streets. If you do that, when you drive into a town or walk around the streets you will feel safe and you will feel there is law and order and respect." I commend the bill to the House.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [12.51 p.m.]: I support the Graffiti Legislation Amendment Bill 2011 and look forward to the passage of this legislation through both Houses. Graffiti continues to be a major issue and annoyance for residents of New South Wales, costing all of us in excess of \$100 million a year to clean up. Finally a constructive approach to deal with this plague of vandalism in our streets is being proposed. Graffiti tagging is everywhere. We have become accustomed and desensitised to its presence on our streets, on local businesses, public transport, schools, fences, and just about anywhere spray paint can be applied.

In fact, graffiti is so pervasive in many areas that we expect to see it every day. This is entirely unsatisfactory. In 2005 Randwick City Council undertook an audit, which found 4,000 square metres of graffiti in the Randwick local government area. In response, a comprehensive graffiti management policy was adopted with a view to the quick and effective removal of graffiti, and incorporating local businesses in the fight. A quote from the council's 2006 graffiti policy emphasises the effects that graffiti has had in my electorate:

Residents are often legitimately angry when vandals deface their homes, public places and open space. Unightly graffiti adds to an atmosphere of neglect and urban decay and distorts perceptions about the actual levels of crime and safety.

Randwick City Council introduced graffiti buster trucks, which clean up graffiti on public infrastructure each morning in high-visibility areas. Later in the day they move to other areas of the city and commence cleaning up graffiti reported on private property with the consent of the owner and at no cost to them. The graffiti buster teams aim to have offensive graffiti removed within two hours of its being reported. It is a great service and the streets look so much better for it, but it comes at a huge cost. This financial year Randwick City Council will spend an estimated \$600,000 on this activity. If this legislation can reduce the frequency of graffiti in the Randwick local government area by just 25 per cent it will free up \$150,000 to spend on roads, footpaths and playgrounds. That is a lot of dollars in any local government budget.

Keep Australia Beautiful NSW facilitates Graffiti Action Day every year, as has been mentioned. This year's event, held on 15 May, was a great success and I note that many of my colleagues in this Chamber were involved in the activities on the day. Across 36 local government areas and 95 sites, 57 groups comprising 815 volunteers cleaned 4,315 square metres of graffiti and painted over 6,187 square metres of graffiti. But this is dealing with the consequences, not the cause. Those who believe these amendments are heavy handed should look at the many other countries that have taken a much harsher approach to dealing with this problem. Some Scandinavian authorities have a zero tolerance approach to graffiti in their cities, and sentences of up to two years in jail for offences can be imposed.

For example, in the United Kingdom in 2008 the ringleader of a graffiti gang was charged with conspiracy to commit criminal damage for a string of offences recorded by police over a three-month period. The gang was described as engaging in "a wholesale self-indulgent campaign to damage property on an industrial scale", and it was noted that millions of dollars of damage had been caused during the gang's two-year campaign. The ringleader of the gang was sentenced to two years jail and seven other members of the gang were sentenced to periods of up to 18 months jail for the same offence. In New York City, people under 21 have been banned from possessing spray paint, large broad-tip markers or any other tools of the graffiti trade. It is an extreme measure, but when considered alongside the \$15 billion annual cost of graffiti removal across the United States many in the United States believe this policy has merit.

The New South Wales Government is taking graffiti seriously. We are making sure that young vandals are made aware of the impact of their actions on their communities. We are sending a clear message to young offenders. We are ensuring they realise that graffiti vandalism is not a trivial matter. We are ensuring they realise that what they do has an impact on other people, and we are ensuring they realise that the community finds this behaviour abhorrent. The bill offers alternative punishments that can improve the effectiveness of our justice system. A slap on the wrist in the form of a fine for a graffiti offender is pointless. It is not going to teach them a lesson and it is not going to change their behaviour. By requiring that a court-imposed community service order include time spent removing graffiti, we are giving these young people—they mostly are young people—firsthand experience in cleaning up their handiwork by giving them a brush, a bucket of water and chemicals to spend time in the sun scrubbing bricks.

Giving courts the power to extend the time that graffiti offenders spend on a provisional driver's licence, suspend a driving licence, and limit or reduce the number of demerit points an offender can accrue will make them think about their past actions and think twice about reoffending in the future. Holding a driver's licence is a ticket to freedom for a young person. For many, it is their first opportunity to exercise independence and responsibility. Restricting this freedom if they choose to flout the law by vandalising private and public property is, I believe, an appropriate punishment. Throwing more money at local councils to remain on the treadmill of cleaning up graffiti, as has been suggested, simply gives in to the offenders and surrenders our streets to vandals.

Governments worldwide are clamping down on graffiti vandalism, and the New South Wales Government is serious about tackling this problem. By requiring graffiti offenders to front a court of law, restricting their driving privileges and ensuring they are forced to clean up graffiti as part of community service orders, we are ensuring that young vandals become accountable and learn from their actions. This amendment is not a silver bullet; it will not completely remove graffiti from our streets. But it is an important addition to a wide range of initiatives that are needed to eradicate this scourge. Penalties for vandalism need to hit home for young offenders. These new penalties will hit home. Locking up young offenders is not the answer—it teaches them nothing. Conversely, a slap on the wrist will not work either. I believe this bill strikes a much-needed balance and I am confident it will have a positive impact on our local communities. I am very proud to support the bill and I congratulate the Hon. Greg Smith, the Attorney General, on his efforts in bringing this bill before the House.

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

*[The Acting-Speaker (Mr Lee Evans) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.]*

#### **DISTINGUISHED VISITORS**

**The SPEAKER:** I welcome to the Speakers Gallery Florence Naesol, Deputy Clerk, and Lisi Vave, Human Resources Manager, of the National Parliament of the Solomon Islands. They are here on attachment as part of the Twinning Program between the New South Wales Parliament and the National Parliament of the Solomon Islands. I extend a very warm welcome to you both.

#### **DEPARTMENT OF PARLIAMENTARY SERVICES EXECUTIVE MANAGER APPOINTMENT**

**The SPEAKER:** I inform the House that consequent upon recruitment action Mr Robert Stefanic was appointed as Executive Manager, Department of Parliamentary Services, from 11 July 2011.

### MEMBERS MICROPHONES

**The SPEAKER:** I advise members that the backbench microphones are currently inoperable—that is why I am smiling. I ask members to take that into account when asking questions during question time.

### COUNCIL ROOM RESTORATION

**The SPEAKER:** A number of members have been asking me about the restoration of the Council Room, the Premier in particular. In that regard I advise that over the winter break a team of specialist heritage architects began the task of restoring what we know as the Legislative Assembly Library or Members Room, which is off the Chamber to my left. It was the former Assistant Surgeon's Room in the Rum Hospital and then, after 1829, the Legislative Council Room—the first meeting place of the Parliament. With the construction of this Chamber in 1843 the Council Room has been variously used as a committee room, a library, a reading room and also an office for members. Up until 2009 the room was also used as a security screening room, before the installation of the guardhouse on Macquarie Street.

The restoration is well underway and all the plaster board from the 1980s has been removed, and this has led to some important discoveries. It appears that the original window joinery facing east is still intact, including the original 12 pane sashes, reveal shutters and lower panelling. It is extraordinarily well preserved and dates back to about 1811. Sections of painted imitation oak have also been uncovered, dating from 1829, when the room was first converted for parliamentary use. These are extremely exciting discoveries, and it is with great pleasure that I advise members of the restoration of historical aspects of the building, preserving in perpetuity for the people of New South Wales this important piece of political and cultural history. Upon completion the room will again be available for the use of members, and consideration is being given to its use during non-sitting periods for educational purposes. The heritage architects will be preparing a more detailed report on their findings, and that will be forthcoming shortly.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 2 August 2011

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the government of the State at 7.00 p.m. on 2 August 2011.

### QUESTION TIME

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*[Question time commenced at 2.22. p.m.]*

### NATIONAL HEALTH REFORM AGREEMENT

**Mr JOHN ROBERTSON:** My question is directed to the Premier. Will the Premier commit to take on Tony Abbott if Tony Abbott follows through on the threat made by his deputy yesterday to try to block the national health deal?

**Mr BARRY O'FARRELL:** I made clear yesterday this Government's support for the National Health Reform Agreement, an agreement that is all the better because of our efforts since the March election to get the best possible outcome for the people of New South Wales. I simply say again that if we had signed up to the deal that those opposite had sought to shoehorn us into before the election campaign, we would be billions of dollars worse off than we are presently. The first fact is that the national health agreement—

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

**Mr BARRY O'FARRELL:** That is interesting. I am pleased with the interjection from the Leader of the Opposition, which was about the respective positions of State and Federal parliamentary leaders. I will not talk about the carbon tax because that is too easy. However, I will refer to another tax—the poker machine tax—

and whether precommitment is to be mandatory or voluntary. I am interested in the meeting that the Leader of the Opposition had with his caucus this week when he tried to argue Julia Gillard's point that the State Labor Party should support compulsory precommitment. He was rolled.

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

**Mr BARRY O'FARRELL:** People very close to him have been crowing about that across this city and State ever since because they know that that would devastate and destroy the club movement in New South Wales. Importantly, they know that whether we are talking about an addiction to alcohol, food, gambling or something else, without an individual, personal and responsible commitment there is no silver bullet solution.

**Mr John Robertson:** Where is your commitment to take on Tony Abbott?

**Mr BARRY O'FARRELL:** Our commitment remains clear.

**Mr John Robertson:** Where is it?

**Mr BARRY O'FARRELL:** We are committed to voluntary precommitment. We are committed to the National Healthcare Agreement, which we have signed.

**Dr Andrew McDonald:** The question—

**The SPEAKER:** Order! Does the member wish to speak to a point of order?

**Dr Andrew McDonald:** Yes.

**The SPEAKER:** Then I suggest he seek the call, rather than proceed to speak on the assumption that I will give him the call to allow him to do so.

**Dr Andrew McDonald:** Point of order: My point of order relates to Standing Order 129. The question was about health and Tony Abbott and nothing about the matter the Premier is going on with.

**The SPEAKER:** Order! The question posed a hypothetical: It asked the Premier what he would do if something were to happen, and as such it could have been ruled out of order. I suggest that the member be more careful when taking a point of order. The Premier has the call.

**Mr BARRY O'FARRELL:** My friend the member for Macquarie Fields normally has better timing. At the time I was actually talking about the National Healthcare Agreement.

**Dr Andrew McDonald:** Precommitment.

**Mr BARRY O'FARRELL:** I had actually moved on to the National Healthcare Agreement. If the member had stopped yelling and paid attention, he would have realised that. For the benefit of my friends from the year 11 class at Airs High School who are in the gallery today, I make this point: The Government supports the National Healthcare Agreement and will sign that agreement on 19 August at the Council of Australian Governments meeting. The agreement delivers an additional \$3 billion to New South Wales that will provide benefits immediately. We will not have to wait for eight years as proposed by those opposite. When it comes to Federal governance issues and who is in office, I am happy to leave it to the Australian public at the election. Whilst I might want an Abbott Government, and whilst everybody knows how I will vote, I know also that Commonwealth-State agreements survive different governments.

### GEORGE STREET ENTERTAINMENT PRECINCT

**Mr BRYAN DOYLE:** My question is directed to the Premier. What action is the Government taking to reduce violent and antisocial behaviour on George Street in the city?

**Mr BARRY O'FARRELL:** I thank the member for Campbelltown for his question. In the presence of the year 11 students from Airs High School, which is in the electorate of Campbelltown, who are here for a business mentoring program, I acknowledge the honourable member's win at the recent election and his previous service to the State as a police officer. I acknowledge that, like me, the member wants to ensure that

children of the age of those in the gallery—and of the age of my child as well—can come to the George Street entertainment precinct to see a movie, or to eat at McDonalds or some other fast-food restaurant, safely and without fear. George Street, as the Lord Mayor would say, is one of the great precincts of this city.

We do not have many boulevards, but George Street is the closest we have to one and it should be one of the great entertainment and tourism precincts of our city. Whether we talk of Chinatown at its southern end, the entertainment district from Park Street to Goulburn Street, or the historic Rocks area at its northern end, the George Street entertainment precinct should be a prime attraction for all Sydney residents—from the south-west, the east and other parts of the city—and for interstate and overseas tourists. It should be an attraction at any time of the day or night. No-one should feel intimidated or concerned as they walk along George Street. Concerns have been expressed that parts of George Street have been taken over by people who are engaged in antisocial behaviour, particularly on Friday and Saturday nights.

Regrettably, the problem too often relates to young people drinking excessively, then becoming noisy, insulting and intimidating to others who are simply trying to have a nice night out on the town, going to see a movie, having a meal, or going dancing or clubbing—all those things that the member for Ryde knows more about than I do. That is why I asked the Commissioner of Police to look at running a special patrol to target the George Street strip during June and July. That patrol had one aim: to return the street to the people of this State. The result of the trial shows that the George Street patrol was more than justified. Since it began, there has been a 12 per cent drop in the number of robbery and assault offences in and around the George Street precinct, 21 people have been arrested, and a further 111 were directed to move on.

There has been a big increase in body searches, move-ons and drug detection as part of that trial. Those results were achieved over just two blocks of George Street, running between Park Street and Goulburn Street. I am pleased that it has now been decided by the Commissioner of Police that the George Street patrol will not only be retained but will also be extended all the way down to The Rocks. The patrols will not happen every weekend, because the police do not want to tip off the louts about when and where the patrols will be conducted. But they will be regular enough to ensure that hooligans, young or old, realise that if they want to cause trouble, if they want to intimidate people, there is a better than even chance that they will be caught, prosecuted and fined.

People deserve to be able to walk Sydney's main street at night and feel safe. The Government has already given police additional move-on powers in relation to individuals who are engaging in antisocial behaviour. Under those opposite, there had to be three people creating a disturbance for those powers to be used. Under our laws, one person creating a disturbance, one person who has gone out on a Friday or Saturday night, drunk themselves stupid and is out there ruining it for others can be told by police to move on. We all know that 99.9 per cent of us, when directed by police to do something, will do it. This law gives police additional powers and additional opportunities to deal with the 0.1 per cent who will not do what police direct. Those laws are already helping police to defuse potentially difficult situations.

We are also introducing a three strikes policy to ensure that licensed venues that tolerate drunkenness, violence and other problems on their premises face real and serious sanctions. In other words, we are returning the streets to the people of Sydney. We are not going to allow George Street or any other streets in our city to become no-go zones. We want to encourage people to go out and have a good time. We want to encourage more tourists to come to this city, because that creates economic opportunities, it creates jobs for people of all ages, it creates economic activity, and it drives the revenue that that economic activity provides. I am delighted that the package we put in place is starting to have an impact. I am delighted that police are making use of those powers. I am delighted that police are using innovative ways to tackle these issues, and they have my continuing and full support.

### **ROYAL NORTH SHORE HOSPITAL PATIENT TREATMENT**

**Ms LINDA BURNEY:** My question without notice is directed to the Minister for Health. Will the Minister apologise to Mr Christopher Hull for saying, "I'm sorry he isn't in a room with chandeliers and glorious views", after he was forced to use a cowbell to raise the attention of nurses because he was sleeping in a storage room?

**Mrs JILLIAN SKINNER:** Here we go again, exaggerating, telling half-truths. A storage room? How interesting.

**The SPEAKER:** Order! An Opposition member asked the question, and Opposition members should listen to the answer.

**Mrs JILLIAN SKINNER:** It was a treatment room when the member's party was in government, but it is a storage room now that they are in opposition. It is a cowbell now they are in opposition; it was a bell or a ringer when they were in government. Come now! The member for Canterbury cannot have it both ways. The reality is that she was a member of a government that ran down the hospital system and closed hospital beds at the worst time, when there was something like a 4,000 beds shortage in New South Wales.

[*Interruption*]

Yes, it was a shame. The member for Canterbury says, "Shame", and we say it was an absolute shame. At one time there were 4,000 fewer beds. With the change of government the situation has been clawed back somewhat. But there were still more than 1,000 beds closed when Labor was in office.

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

**Mrs JILLIAN SKINNER:** The impact of that is that patients cannot be provided with treatment.

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

**Mrs JILLIAN SKINNER:** They cannot be found beds in wards. I should acknowledge that this is Education Week. I welcome everyone in the public gallery and all who have a particular interest in Education Week, particularly the Minister for Education.

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

**Mrs JILLIAN SKINNER:** I am trying to educate Opposition members about what they said when they were in government. The reality is that they closed hospital beds, and that means that patients cannot always be found a bed. Let me tell the House some particulars about this patient.

**The SPEAKER:** Order! Members on both sides of the Chamber will to come to order. I remind members that interjections are disorderly at all times. An Opposition member has asked the question, and members should listen to the reply in silence.

**Mrs JILLIAN SKINNER:** Let me come to this particular patient. The reality is that the patient had had an injury some time previously, had gone back into hospital and was actually waiting for a rehabilitation bed. The reality is that he was put in a 4-bed ward but he did not like the 4-bed ward because a man in it was snoring. He asked to be moved to a single-bed ward, and was told that there were none available but that there was a treatment room. He chose to go into the treatment room. He then demanded a television. There was not a television in the treatment room. He was provided with a portable television. He still was not happy with that.

When the first single-bed ward became available, he was moved into it. Eventually, he was found a rehabilitation bed in another facility. That is the truth about this patient. It was his choice to go into the treatment room. He was very happy with it. When he could not get an installed television, he was not happy with the portable television that he was given. He was then offered another bed. So the reality is that this man wanted what was not available, because when Labor was in government it closed down a whole lot of hospital beds, and that meant that there were simply not enough to go round. That is why we have so many—

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

**Mrs JILLIAN SKINNER:** The Opposition seems to be seeking a lot more information, so let us examine how many people are actually waiting for elective treatment in our hospitals. The reality is that there are up to 30,000 more than that lot opposite admitted to when they were in government.

**Dr Andrew McDonald:** Why don't you publish the figures?

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

**Mrs JILLIAN SKINNER:** We are publishing the figures; they are published through the Bureau of Health Information.

**Dr Andrew McDonald:** They are not on the site.

**Mrs JILLIAN SKINNER:** They will be.

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

**Mrs JILLIAN SKINNER:** It is fascinating that the member for Macquarie Fields is raising this issue because he is a doctor. His colleagues will be telling him that there was a clause in the figures—

**Ms Linda Burney:** Point of order: My point is taken under Standing Order 129. The Minister has told us how ungrateful this patient is. Is the Minister going to apologise to him?

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

**Mrs JILLIAN SKINNER:** Certainly not. I believe the Opposition should be apologising for the 16 years of total mess it made of the health system. The Opposition should apologise to all those patients who are not included on waiting lists, and they should apologise for the beds that they closed and for the fraudulent count of beds. Watch this space for information about the disaster that they created in managing the health system.

### GILLIAN SNEDDON SUPREME COURT DECISION

**Mr GARRY EDWARDS:** My question is addressed to the Premier. What action will the Government take in relation to the Supreme Court ruling today affecting whistleblower Gillian Sneddon?

**Mr BARRY O'FARRELL:** I thank the member for Swansea for his question. As I have said previously, the Milton Orkopoulos affair, which involved a former member and Minister of this place, is one of the sorriest sagas this State has ever witnessed. A brave woman sought to do the right thing by reporting the illegal activities of her former boss and she has paid an absolutely heavy price. I will not go into the details of the case involving the former Labor Minister Milton Orkopoulos again. Suffice it to say that Gillian Sneddon did what we would expect of any upstanding and decent member of the community—that is, when an issue of gross illegality was brought to her attention, she sought to blow the whistle.

Gillian Sneddon blew the whistle on most shameful behaviour, and she should be hailed as a hero. Instead, she has been intimidated, bullied and disowned by her very own side, the Labor Party, for which she worked for so very long. My Government will do all it can to prevent a repeat of this shameful case. That is why we have introduced legislation to give whistleblowers more protection. Today I am pleased to confirm that the New South Wales Government will help Gillian Sneddon cover her legal liability to the State. Members may be aware that today the Supreme Court found that Gillian Sneddon should pay the State's costs in a case in which she was involved. I do not see why she should have to suffer any more financial hardship for acting in a decent and courageous way.

For the benefit of students in the public gallery, to whom we say to always do what is right, Gillian Sneddon worked for this place on behalf of a Labor member for many years. She saw gross illegality, which I will not detail in front of the students, and she reported it. When her employer became aware that she had reported it, she was locked out of her office. She was without a job and income, and her reputation was smeared; since then she has had less than a perfect life. Her life was shattered in one instant. When she was offered a choice of doing right or wrong, she chose the right path and she was disowned, bullied and harassed by those opposite.

Gillian Sneddon did not commit a crime or do anything wrong. She should not be punished financially. I have directed my department, the Department of Premier and Cabinet, to write to Gillian Sneddon's solicitors inviting her to apply for an ex gratia payment in relation to today's cost order against her. If she makes such a request I will ensure that Ms Sneddon's liability to pay the State's costs will be met by the Government on an ex gratia basis. Ms Sneddon did not deserve the treatment she received from Labor. She should not be penalised for doing the right thing and reporting a crime to the police. Our decision today is the least we can do for a brave and decent woman.

### OUT-OF-HOME CARE

**Mrs BARBARA PERRY:** My question is directed to the Minister for Family and Community Services. How was the Minister for Tourism, Major Events, Hospitality and Racing able to secure a

\$300 million tax break for poker machine operators at the same time that the Minister for Family and Community Services failed to secure funding to implement her promise to transfer children in foster care to the non-government sector?

**Ms PRU GOWARD:** The time line and the progress of the transfer of out-of-home care to the non-government sector proceeds unimpeded. The New South Wales Liberal-Nationals Government recognises the substantial and unique economic and social contribution that registered clubs make to this State, not only to sport but also to community organisations. It was the former Government's unfair tax regime that put support for those clubs at risk. The Liberal-Nationals Government recognised this unfair tax on clubs. We must also recognise that the social enjoyment—

**Ms Linda Burney:** She wants your job, Barry.

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

**Ms PRU GOWARD:** We also need to recognise that the social enjoyment—

**Mrs Barbara Perry:** Barry, you didn't back this woman.

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

**Mr John Robertson:** You made sure that she didn't get the money.

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

**Mr John Robertson:** You don't want to—

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

**Ms PRU GOWARD:** I reiterate the Premier's comment: I expect an apology on 7 September. In no way is the transfer of out-of-home care to the non-government sector being impeded. We have already formed a working group and the work of that group is proceeding effectively and in partnership, unlike what occurred under the former Government. There was a huge falling out between the non-government sector and the then Government because the one recommendation that Justice Wood made that it could not accept was the transfer of out-of-home care. When we took over we found that absolutely nothing had been done. All we found was an atmosphere of hatred between the government and non-government sector. We are committed to changing. We are taking a partnership approach. The importance of transferring out-of-home care to the non-government sector has been well recognised by both sides of the House. We are deeply committed to the transfer and it is proceeding afoot.

#### **NORTH WEST RAIL LINK**

**Mr DAVID ELLIOTT:** My question is addressed to the Minister for Transport. What has been the reaction from the community and business to the Government's progress on fast tracking the North West Rail Link?

**Ms GLADYS BEREJIKLIAN:** I thank the member for Baulkham Hills for his question and his advocacy on this important project. The North West Rail Link, together with the South West Rail Link, will deliver the public transport options that western Sydney has been waiting for after 16 years of Labor neglect. Last week the Premier and I attended the Hills Centre at Castle Hill to address an industry briefing on the North West Rail Link. I am pleased to advise that interest from the private sector in being involved in this project is very high. A total of 374 industry representatives registered to learn more about how they can help the New South Wales Government deliver this vital piece of transport infrastructure. Those registrations represented national and international companies, including world leaders in their respective fields.

The breadth and depth of companies that are interested in becoming involved is huge. They include firms specialising in construction, major projects, engineering, urban design, finance, real estate and rail infrastructure. They were all represented last week as the New South Wales Government reconfirmed its commitment to fast track the North West Rail Link. This project is not only good for the north-west but it is also

good for Sydney as a whole. It is good for families, it is good for businesses, and it is good for local communities and councils. Indeed, local councils have come on board and have encouraged their local members from all sides of politics to welcome this massive investment in public transport. I am pleased to advise the House that on 27 May 2011 the Hills shire mayor, Mike Thomas, told the *Daily Telegraph*:

After so many years of inaction and broken promises I am pleasantly surprised at how quickly the O'Farrell Government is pushing forward with the North West Rail Link.

Even the Federal member for Greenway is on board, telling the *Rouse Hill Times* on 12 April 2011:

I want the rail link built, no ifs, no buts. The people of NSW voted for it three weeks ago and they would all agree that building the northwest rail link should be above politics.

**Mr Andrew Fraser:** Who said that?

**Ms GLADYS BEREJIKLIAN:** The Federal member for Greenway said it. It gets better. The Leader of the Opposition's local mayor, Blacktown City Council mayor Alan Pendleton, said in a press release issued on 15 April 2011:

I am pleased Premier O'Farrell has set up a project team to oversee—

Blacktown mayor Alan Pendleton said:

I am pleased Premier O'Farrell has set up a project team to oversee the construction of the link and facilitate open discussion with stakeholders such as Council so that we can continue to push for the best for the future growing population of North West Sydney.

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

**Ms GLADYS BEREJIKLIAN:** Even closer to home for the Leader of the Opposition, his own campaign director, Stephen Bali, a Labor Blacktown councillor and union organiser, was one of the councillors who unanimously endorsed the following motion at Blacktown City Council on 20 July 2011:

1. Council affirm its support for the priority construction of the North West Rail Link, which will be of significant benefit to both existing and future residents of Blacktown City and in particular the new suburbs of the North West Growth Centre.
2. Council write to relevant Federal and State members requesting their support for a commitment for joint funding for the North West Rail Link from both the State and Federal Governments.

Everyone in the north-west and Blacktown is lining up to praise and endorse the North West Rail Link. The Leader of the Opposition's local mayor wants the North West Rail Link. The Leader of the Opposition's local council wants the North West Rail Link. Even his local campaign manager wants the North West Rail Link. Everyone wants the North West Rail Link, except the member for Blacktown. He is missing in action on the North West Rail Link. But he was not missing last year when in his own Infrastructure Australia submission he labelled the North West Rail Link as "ready to proceed". Then he dumped it again. That is the record of those opposite: announce then dump.

In his inaugural speech in this place the Leader of the Opposition thanked nearly all the councillors and members who supported the North West Rail Link. We want them to support us in getting funding for the North West Rail Link and the Leader of the Opposition should encourage that support. Since the opening of the North West Rail Link Community Information Centre more than 700 people from the community have gone into the centre to ask about the link. We have the community on board, we have councils on board, we have experts on board and we have business on board. The only person not on board is the Leader of the Opposition. The Leader of the Opposition should get on the train because the train is leaving the station for the North West Rail Link.

### EMERGENCY DEPARTMENT WAITING TIMES

**Dr ANDREW McDONALD:** I welcome students from Airs High School. My question is directed to the Minister for Health. In light of recent revelations that the emergencywait.com.au website was giving out inaccurate data on emergency room waiting times, what steps has the Minister taken to ensure that patients' lives are not put at risk by the fundamental flaws in the system?

**Mrs JILLIAN SKINNER:** It is just a coincidence that I have the emergencywait.com.au website open on my iPad. This question is a dorothy dixer; the wrong side asked it. At the moment Bankstown Hospital has seven people sitting in the waiting room, Liverpool Hospital has nine people in the waiting room—

**The SPEAKER:** Order! The member for Macquarie Fields will listen to the answer in silence.

**Mrs JILLIAN SKINNER:** Canterbury Hospital has six people in the waiting room and Auburn Hospital has one. I could talk about the 58 hospitals that are on the emergencywait.com.au website. The website has been very well received by the patients who have accessed it since it came online at the beginning of this financial year. The website honours a commitment that we made in opposition. We are delivering on our election promises.

**The SPEAKER:** Order! There is too much audible conversation coming from the Government benches. The Minister will be heard in silence.

**Mrs JILLIAN SKINNER:** The member for Canterbury asked me previously when we would deliver on our election promise to offer public hospital emergency department real-time information and I said that it would be at the beginning of the financial year. We have delivered on time, and the information on the website is absolutely accurate—I can vouch for it 100 per cent. Has the member for Canterbury looked at it? I will read from the website. It shows the number of patients currently waiting, as assessed by a triage nurse. The triage nurse assesses patients who turn up in the emergency department waiting for treatment. The patients are taken off this list when they start their treatment and an entry is made by another clinician—either a nurse or a doctor—who has started the treatment. These are the actual numbers of patients currently waiting in emergency departments for treatment.

**The SPEAKER:** Order! I call the member for Macquarie Fields to order. Opposition members will listen to the Minister in silence.

**Mrs JILLIAN SKINNER:** It is a shame; the Opposition asks a question but does not want to listen to the answer. I have visited 18 hospitals since I have been the Minister for Health. Since this website has been operating every time I go into an emergency department I ask whoever is sitting there, "Are you a patient? Are you a friend? Are you a family member? Has treatment started?" One cannot walk into an emergency department, count the number of people and say that is the number of people waiting for treatment. The member for Macquarie Fields knows that—he is a doctor. He is being duplicitous if he suggests otherwise.

**Dr Andrew McDonald:** What about the waiting times?

**Mrs JILLIAN SKINNER:** It says on the website, "The usual waiting time for less urgent patients over the next two hours". That is an estimate based on the number of patients seen in the emergency department at exactly this time last year when the Opposition was in government. It is a totally accurate figure. The data is absolutely accurate. I will refer to some of the comments we have received since the website has been operating. This is a work in progress so we have been asking for feedback and we will add more information.

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

**Mrs JILLIAN SKINNER:** I also point out that the website has been very successful in providing after-hours general practitioner advice, either through an advice line or a through by providing information about where to find local general practitioners. It is an example of our Government's commitment to providing open, honest and transparent information to the public. In the past week alone more than 2,000 people used the website, and we are using the information they are providing to develop the next stage of the website. As time goes by I hope the website will include information about people's local pharmacists and which ones are open, et cetera. When I was at Sutherland Hospital the doctors said they were going to put up information about the website in their waiting room because they thought it was excellent.

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

**Mrs JILLIAN SKINNER:** All of the hospitals in south-eastern Sydney say the same thing. Ms Allison Griffiths of St Helens Park provided feedback saying:

I just wanted to say that this website is a fantastic idea for parents. I have a young family and over winter the kids generally get sick, at times I've ended up at the hospital ... I love the idea and already have saved it in my favourites.

Other patients made the same sorts of comments. It is a great initiative and I am very pleased we have delivered it.

### SMALL BUSINESS ASSISTANCE

**Mr CHRIS PATTERSON:** My question is directed to the Minister for Small Business. What action is being taken to assist small businesses and to restore their confidence in Government?

**Ms KATRINA HODGKINSON:** I thank the member for Camden for his timely question and I commend him for his ongoing interest in small business matters. He worked in his own family business, the Merino Tavern, for around 20 years, so he understands the pressures small businesses are facing. Running a small business can certainly be a tough job at the very best of times. I know that from my own experience as a small business operator, as do many people on this side of the House who have a lot of experience in the small business area. With 650,000 small businesses in New South Wales it is appalling that members opposite have never taken any interest in small business. In fact, can members guess how many small business-related questions that lot opposite have asked? It is absolutely none.

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

**Ms KATRINA HODGKINSON:** The reality is that those 1.8 million people employed in the small business sector in New South Wales are doing it tough. Today the National Australia Bank released its SME survey revealing that the business confidence of small and medium enterprises [SMEs] is weak. The high Australian dollar, concerns about the global outlook and super-tight family budgets are all factors in that result and, not surprisingly, small and medium business confidence deteriorated sharply after the Commonwealth's carbon tax announcement—something the Opposition supports. It is unbelievable. The nervousness in small and medium enterprises is very obvious.

In the dying days—and what a slow and miserable experience that was—of the last Labor Government what did the quarterly census business index reveal about the support of the policies of the former Labor Government? Did it reveal that Labor's policies and red tape were encouraging for small business? Did it reveal that small business in New South Wales wanted to see a continuation of Labor and its policies? No, it did not. The survey revealed that support for Labor's policies was the lowest in the nation. Regulation and regulatory efficiency are critical priorities for small businesses. But under Labor so many new Acts and so many new regulations were brought in that it took on a life of its own. The fact that hardworking small business owners were not getting support from the former Labor Government is one of the reasons why it lost the election. Labor never learns.

In contrast, within our first 100 days I am delighted to say that the New South Wales Government implemented several terrific new small business policies. The O'Farrell-Stoner Government is absolutely determined to restore the State's small business sector to the nation's premiership position. We are committed to supporting small business growth and we will ensure that that happens in the first and most equitable business environment. Last month I was very proud to fulfil one of our election commitments, which was to appoint a new Small Business Commissioner for New South Wales.

The Commissioner's name is Yasmin King and I am very impressed with her. She will serve as an independent advocate for the State's 650,000 small businesses. She will be busy. She will stand up for the rights of small businesses while reporting directly to me on the impact of unfair market practices and government regulations on small business. Her office will provide a simple, low-cost dispute resolution system that will cut through the red tape that small business has been tangled in for far too long. Madam Speaker, I note the former Premier is making a few comments over there.

**The SPEAKER:** Order! Yes, he is making far too many comments.

**Ms KATRINA HODGKINSON:** But it is thanks to the former Premier that small business has been suffering so much. Last month, together with the Premier, I also announced that after 16 years of increasing Labor Government tardiness, government agencies would have to pay their bills to small business within 30 days. Agencies that do not pay small businesses within that time frame will be hit with an automatic interest penalty, which is currently around 13 per cent. That policy will start early next year. It applies to all goods and services supplied by small business with an annual turnover of \$2 million or less, which goes even further than our election commitment, which was to invoices valued at \$1 million or less.

This finally brings New South Wales into line with both Victoria and the Commonwealth after almost two decades of financial limbo under Labor. Labor had double standards: one generous payment policy for itself

and another for small business. We also introduced a one-for-two policy. For every new regulation adopted, two regulations have to be dropped. Hopefully that will result in a 20 per cent reduction over the term of the Government.

### SWANSEA CHANNEL DREDGE

**Mr GREG PIPER:** My question is directed to the Minister for Primary Industries. With the Government apparently having abandoned the previous Labor commitment to enter into a contract for the supply of a dredge for Swansea Channel, what arrangements will the Minister make to ensure timely actions for maintaining safe navigation in and out of Lake Macquarie?

**Ms KATRINA HODGKINSON:** I thank the member for Lake Macquarie for his question and also for his interest in this matter. I have met with the member on a couple of occasions, together with the member for Port Stephens, the member for Myall Lakes and the member for Swansea. I am very impressed with him and his lobbying on behalf of his community in relation to dredging at Lake Macquarie. One of the very interesting things about inheriting a portfolio from the former Minister for Lands, the Hon. Tony Kelly, MLC, is that every day there is another little surprise in the bag. When I was informed—

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

**Ms KATRINA HODGKINSON:** I was informed by the members I have just mentioned that the former Minister for Lands, the now infamous Tony Kelly, gave the people of Lake Macquarie the false impression that the purchase of a dredge for the area was a done deal, when in fact it was just another one of Labor's phony announcements in a desperate attempt to hold on to the seat of Swansea. In the final couple of weeks before the election he told the community that he would provide \$2 million for a new dredge. But was the money budgeted for? No, it was not. There was no money. The local community was under the impression that it would get a new dredge should a Labor Government be re-elected. But this was just another lie from a desperate Government in the lead-up to its disastrous election loss. It is thanks to those sorts of lies that people eventually saw through the former Government and, thankfully, chose to elect wonderful people such as the new Liberal member for Swansea.

Dredging is far too important an issue to be doing dodgy deals. The former New South Wales Labor Government perfected the art of making promises that it had no intention whatsoever of delivering on. This is just another example of Labor's broken promises. My department in the New South Wales Government has looked at all of the options available. But—unlike Labor—we are not going to make false promises or commitments without first obtaining the funding. The New South Wales Liberal-Nationals Government has carefully reviewed the process and it has decided that the purchase of a dredge does not represent good public value. Accordingly, dredging services will continue to be delivered through the private sector.

**Mr Chris Hartcher:** Sensible.

**Ms KATRINA HODGKINSON:** I thank the member for Terrigal for his comment. However, the Government understands that dredging is a very important issue for communities right along the New South Wales coast. As part of the Government's election commitment it did commit to an additional \$1.5 million in funding for dredging. The Government is currently in the process of developing a dredging strategy for New South Wales. There are many dredging issues up and down the coast. I notice—I was going to call him the Prancing Fairy, but I should not—the new member for the upper House who was an advisor to the former Government has been making radical and alarming statements within the community along the north coast. I reassure all members for whom dredging is an issue that the New South Wales Government is determined to get a good strategy underway, but it will not make false promises and it will not make commitments that it cannot keep. The Government will continue to engage the private sector for important dredging operations.

### RETIREMENT VILLAGE CONTRACTS

**Mr GREG APLIN:** My question is directed to the Minister for Fair Trading. What action is the Government taking to help seniors who are considering living in a retirement village?

**Mr ANTHONY ROBERTS:** That is a very good question. I thank the member for Albury for his question and his interest in this matter. Certainly the development that he was able to achieve in moving policy forward while in Opposition is something that we are now seeing a great deal of benefit from. We are all aware

of the need to better plan for the aging population, and I am pleased to inform the House that the Liberal-Nationals Government is committed to reforming the retirement village sector for the benefit of future retirees in New South Wales. The Government, as part of its election commitments, has committed to developing simplified standard contracts for retirement villages to ensure that seniors considering retirement village life can easily understand and compare contracts. Currently retirement village contracts leave many residents confused about the differences in costs, conditions and the processes for the sale or transfer of a unit when a resident leaves.

Residents are unable to understand the differences in costs and conditions between villages, which adds unnecessary complexity for operators. The development of standardised contracts for the retirement village industry will provide residents with greater clarity and will deliver greater confidence in the industry. I have appointed an expert committee to help develop a set of standard terms to be used in all retirement village contracts in New South Wales, thereby fulfilling the first part of our election commitment. The expert committee members represent a broad cross-section of retirement village experience from residents, industry workers and the legal profession. The committee's first meeting took place on 21 July and work is already underway to deliver on this important election commitment to standardise contracts. Deciding where to live is an important step for older people and can be a daunting process.

People have many reasons for moving into a retirement village, including difficulty maintaining their present home, safety and security concerns, or a preference for the company of people of a similar age. But whatever the reason, residents and operators need contracts that clearly set out their rights and responsibilities in an easily understood, plain English format. New South Wales has approximately 900 retirement villages accommodating more than 40,000 residents. With an increasing aging population, the demand for retirement accommodation will only grow. Simplified contracts will help consumers to make better choices, and encourage further innovation and growth in this vital sector. Standard terms will be consistent with current requirements of the Retirement Villages Act 1999 and the Retirement Villages Regulation 2009. The Liberal-Nationals Government is committed to reforming the retirement sector in New South Wales and I look forward to working with the expert committee in the coming months.

### **NATURAL DISASTER RELIEF**

**Mr ANDREW STONER:** I wish to give a supplementary answer to a question asked yesterday by the member for Canterbury. The member's question was about delays to additional flood assistance measures for flood-affected farmers on the Mid North Coast. I can advise the House that the delay in providing this assistance lies with the Federal Government. The Premier wrote early last week to the Prime Minister recommending additional flood recovery support, however I am advised that the Federal Attorney General has written back to New South Wales seeking additional detailed information. This flies in the face of statements made by the Federal Labor Independent Robert Oakeshott in a press release dated 28 June claiming that the Federal Labor Government stood ready to provide the assistance, in a disgraceful attempt to politicise this natural disaster, as did the member for Canterbury yesterday. The facts of the matter are that the New South Wales Liberal-Nationals Government has committed to provide category C assistance to Mid North Coast farmers. The delay is with the Federal Government. It is an own goal by Mr Oakeshott and an own goal by the member for Canterbury.

**Question time concluded at 3.09 p.m.**

### **EDMUND CAPON, AM, OBE, RETIREMENT**

#### **Ministerial Statement**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [3.10 p.m.]: It would be remiss of me if today I did not reflect on the decision of the Director of the Art Gallery of New South Wales, Edmund Capon, AM, OBE, to relinquish that position after 31 years in the job. In November 1978 Mr Capon was appointed to that role by the former Premier Neville Wran. Mr Capon has served under nine Premiers and too many opposition leaders to consider, and has done so well on behalf of the State. Just think about 1978; it is a long time ago whichever way you measure it. Sir Charles Court and Joh Bjelke-Petersen were still Premiers of their States and it was the year in which Robert Menzies and Johnny O'Keefe died. It was the year in which the Sex Pistols disbanded for the first time, and I remember that well because it was the year in which The Knack was formed, and I never want to hear *My Sharona* again.

It was in those times that a young assistant from the Victoria and Albert Museum in London was recruited to come to New South Wales to be the director of the Art Gallery of this State. Over the following 33 years Edmund Capon has shown himself to be a superb leader of one of the finest cultural institutions in this nation. Under his leadership he has made it one of the finest cultural institutions in the world. As I described earlier today, it has gone through a process of the Enlightenment in the Renaissance where ideas and the excellence that we celebrate across the Art Gallery of New South Wales were shown to have a wide audience in this city, this State and across the nation, and that an exhibition that was world class would attract people from all over.

Edmund Capon was and is, of course, a specialist in Asian art, and he predated the debate we had in the 1990s as to whether this nation was part of Asia or was still tied to the old world. The fact is that that was a nonsense debate in the 1990s and Edmund Capon knew that when he came here as an art specialist in the Asian field in 1978. He has demonstrated through those magnificent acquisitions by the Art Gallery of New South Wales that that is exactly where we should plant ourselves. Edmund Capon is as iconic as the building in which the Art Gallery is located. He is as humorously irreverent and politically incorrect as some of those artists he has championed, in particular his friend Margaret Olley, to whom he made reference again today.

I want to say on behalf of the people of New South Wales and on behalf of this Government that we thank Edmund Capon for his service. We thank his wife, Joanna, who besides supporting him has her own involvement in the arts across New South Wales, for her support over three and a bit decades. Edmund Capon does not finish for five months and I am sure he will be sent off in the best tradition. However, it is important that we say thank you to those public servants who have put in exemplary service. By any measure, 33 years is a long time at the head of an organisation that has remained as vibrant and as cutting edge and forward looking as the Art Gallery of New South Wales. It is something we should applaud and I applaud Edmund Capon.

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.13 p.m.]: I join with the Premier in praising the Director of the Art Gallery of New South Wales, Edmund Capon. As the Premier said, we received the news today that he would retire after 31 years service. He has transformed the Art Gallery of New South Wales. I heard someone this morning describe the Art Gallery of New South Wales when Edmund Capon came to Australia as being more of a regional gallery. Now, as the Premier has rightly said, we have an iconic place that people go to visit. Anyone who has been there to view the Archibald Prize will have seen the streams of people who go there not simply to see the Archibald but to take in an institution that provides so much value and culture to the city, and which is part of what makes this city the great city it is.

It is a credit to Edmund Capon that he has been able to make our Art Gallery a place to which people will travel not only from throughout New South Wales but across Australia and the world to see some of the art that is on show. The Premier rightly points out that Mr Capon was and is a man with a focus on Asian art. He has expanded the Asian art collections of the Art Gallery of New South Wales. The opening of an Asian art wing by Mr Capon is a testament to his achievement in broadening the works and horizons of the Art Gallery of New South Wales. He has been acknowledged many times over for his work: he is a Member of the Order of Australia and was awarded the Centenary Medal.

Mr Capon has also been a long-time supporter of Sculpture by the Sea, something I am sure the member for Coogee also supports. It is well known to members of this place and has become something of a cultural and iconic feature of the calendar of events in Sydney. Mr Capon chooses the winner each year and the Art Gallery provides the prize money for the winner of the Sculpture by the Sea competition. It is a very impressive exhibition and it draws an entirely different group of people towards art and engages them in the artistic process. Again, it is a credit to Mr Capon. His irrepressible personality and visual leadership have without doubt changed the cultural landscape of Sydney. As the Premier has said, he is an institution as iconic as the place of which he has been director. On behalf of the Opposition I wish him and his family all the best in his future endeavours.

## PETITIONS

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

### **Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

### **Pet Shops**

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

### **Community Housing Mental Health Services**

Petition requesting increased mental health support for people with mental illness who are tenants of Housing NSW and community housing, received from **Ms Clover Moore**.

**The Deputy Clerk announced that the following petition signed by more than 500 persons was lodged for presentation:**

### **Regents Park Rezoning**

Petition opposing Auburn City Council's proposed rezoning of Regents Park from R2 Low Density Residential Housing to R4 High Density Residential Housing, received from **Mrs Barbara Perry**.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Precedence of Business**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.17 p.m.]: I move:

That standing and sessional orders be suspended to permit general business to take precedence of the Address-in-Reply for the remainder of the spring sittings.

I indicate to members that they can still be involved in the debate on the Address-in-Reply to the Governor's Speech. I anticipate we will seek to conclude the Address-in-Reply debate in the middle of September and that members will then be invited to deliver the Address-in-Reply to the Governor, probably just before the three-week break in September-October. The formality is that the Address-in-Reply debate would normally take precedence over Government business, which is obviously not practical because we need to address each of the legislative requirements in the Government's program. In the same way that in the first session of this Parliament I moved to suspend standing orders to allow Government business and general business to proceed. I indicate again that that is probably only until the middle of September. If members want to speak on the Address-in-Reply they should make arrangements with their respective Whips to ensure they have that opportunity.

**Motion agreed to.**

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **Government Performance**

**Mr MARK COURE** (Oatley) [3.20 p.m.]: This House should note the Government's rapid progress in delivering on its election commitments. My motion deserves priority because it outlines the positive and practical steps the Government has taken to deliver on its election commitments and to make New South Wales number one again. The motion deserves priority because it demonstrates that the O'Farrell-Stoner Government is getting on with the job of delivering on its election commitments based on our Five Point Action Plan: One, to rebuild the economy; two, return quality services; three, renovate infrastructure; four, restore accountability; and, five, protect our local environment and communities.

My motion deserves priority because it highlights the desperate need to improve services after 16 years of neglect and mismanagement by those opposite—at least what is left of them anyway—all talk and no action; all spin and no substance. The motion deserves priority because the poor track record of those opposite needs to be exposed, especially those who sat around the Cabinet table. I wonder what they talked about around that Cabinet table apart from plotting who was going to be the next Premier. They certainly did not do any good for the State. For announcing and re-announcing and axing rail lines, implementing policies such as the Rozelle metro, which has been nothing short of a debacle, and imposing a financial burden on each and every family in

this State, those opposite should be ashamed. Those opposite have left the State with a \$5.2 billion deficit, a legacy of terrible waste and mismanagement, a shameful legacy that this Government will have to deal with to restore the credibility and prosperity of our State.

Clearly, bad habits have rubbed off on the Leader of the Opposition, who declared he was going to be the most energetic Opposition leader this State has ever seen. However, no-one in my electorate and no-one in the State has seen him recently. We have achieved a lot in the 100-odd days since coming to government. This motion deserves priority so those achievements can be highlighted. They are achievements across a range of policy areas including transport, community safety, health, infrastructure, planning, tourism, economic development, job creation and restoring faith in government.

The Government received the overwhelming support of the people of New South Wales to turn the State around and offer sensible, practical policies to improve services and the quality of life. The O'Farrell-Stoner Government is the busiest, most energetic Government in Australia, delivering on dozens of commitments and initiatives to improve the lives of the people of New South Wales. The motion deserves priority because it outlines the commitment of the O'Farrell-Stoner Government to make New South Wales number one again.

### Minister for Health

**Ms LINDA BURNEY** (Canterbury) [3.23 p.m.]: This matter should be given priority because the people of New South Wales deserve a world-class hospital system. They are also entitled to a Minister who will respond with sensitivity, decency and integrity when things go wrong. Two recent horror incidents prove that the new Minister for Health is not up to it. One would think after spending a quarter of her life as the shadow health Minister—

**The SPEAKER:** Order! Members wishing to conduct private conversations should do so outside the Chamber.

**Ms LINDA BURNEY:** —she would have her lines straight. I will repeat that. One would think after spending a quarter of her life as the shadow health Minister she would have her lines straight. No, with this Minister it has been 16 years of sniping followed by five months of outrageous dissembling. She may well be this Government's weakest link. From what I hear, a number of Government members also agree with that. Incident number one involves Christopher Hull, a patient at Royal North Shore Hospital. To his understandable shock, Mr Hull was not kept in a hospital ward—he was shoved in a store room and forced to ring a cowbell to attract nurses' attention. As he told Channel 9:

It's appalling, it's disgusting ... as far as hygiene levels go, have a look around, it's a pigsty.

What was the response of the Minister for Health—a sincere expression of empathy, a promise to do better? No, this Minister decided it would be a better idea to accuse the patient of being ungrateful. We saw that on show in spades during question time. She sniffed to Channel 9 news:

I'm sorry that he isn't in a room with chandeliers and glorious views.

What sort of statement is that from the health Minister about a man who was seeking assistance in hospital?

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

**Ms LINDA BURNEY:** What was her view as a shadow Minister when the hospital faced similar circumstance in 2007? It was completely different. No death stare or snide talk about chandeliers. In 2007 she said—

**Mr Gareth Ward:** Point of order: We should be establishing priority. All we have heard is just whingeing and whining from the member for Canterbury. She is debating the substance of the motion she wishes to be accorded priority.

**The SPEAKER:** Order! The member may refer to her motion in the course of establishing why it should be accorded priority.

**Ms LINDA BURNEY:** This matter deserves priority because we have a Minister who does not care. It was a completely different response when she was shadow Minister. Then she said:

No family member would expect their loved one to be treated in a room where medical supplies and other equipment are stored.

This matter deserves priority because this Minister has displayed double standards and hypocrisy. There was a time when this Minister used to attack the Government but now that she is in government she attacks the patients. This matter also deserves priority because of the heartbreaking case of Sheryl Kahi, a young woman in premature labour with twins. Ms Kahi was transported in an ambulance for three hours from her home in Campbelltown to Newcastle because no neonatal intensive care beds were available.

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

**Ms LINDA BURNEY:** This Minister once said it is distressing to have a pregnant mother transferred, except this time she said it is a wonderful network of neonatal intensive care beds across the State. This matter deserves priority because doctors and nurses in this State do an amazing job but not this Minister. She does not care. She has different standards in government from the standards she had in opposition. This Minister should be known as Jillian Spinner. We on this side of the House are waiting for the Minister to strike again. As the past few weeks have demonstrated, she does not care about patients; she attacks them. She puts her foot in it every time she opens her mouth. She is the Government's weakest link and I know it is as embarrassed as she should be.

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

**The House divided.**

**Ayes, 65**

Mr Anderson	Mr Evans	Mr Piccoli
Mr Annesley	Mr Flowers	Mr Provest
Mr Aplin	Mr Fraser	Mr Roberts
Mr Ayres	Mr George	Mr Rohan
Mr Baird	Ms Gibbons	Mr Rowell
Mr Barilaro	Ms Goward	Mrs Sage
Mr Bassett	Mr Grant	Mr Sidoti
Mr Baumann	Mr Hartcher	Mrs Skinner
Ms Berejikian	Mr Hazzard	Mr Souris
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Cansdell	Mr Humphries	Mr Stokes
Mr Casuscelli	Mr Issa	Mr Stoner
Mr Conolly	Mr Kean	Mr Toole
Mr Constance	Dr Lee	Mr Torbay
Mr Cornwell	Mr Notley-Smith	Mr Ward
Mr Coure	Mr O'Dea	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	<i>Tellers,</i>
Mr Edwards	Mr Patterson	Mr Maguire
Mr Elliott	Mr Perrottet	Mr J. D. Williams

**Noes, 20**

Ms Burney	Mr Lynch	Mr Rees
Mr Daley	Dr McDonald	Mr Robertson
Mr Furolo	Ms Mihailuk	Ms Tebbutt
Ms Hay	Ms Moore	Ms Watson
Ms Hornery	Mr Parker	<i>Tellers,</i>
Ms Keneally	Mrs Perry	Mr Amery
Mr Lalich	Mr Piper	Mr Park

**Pair**

Mr Gee

Ms Burton

**Question resolved in the affirmative.**

## GOVERNMENT PERFORMANCE

### Motion Accorded Priority

**Mr MARK COURE** (Oatley) [3.41 p.m.]: I move:

That this House notes the Government's rapid progress on delivering on its election commitments.

It is my great pleasure to speak on this important motion, to inform the House of the Government's progress in delivering on its election commitments. Upon the swearing in of the Cabinet on Sunday 3 April 2011, the Premier announced the 100 Day Action Plan. The period ended on 12 July 2011. In those 100 days the Government has delivered on many of its election commitments and started the change to make New South Wales number one again. The O'Farrell-Stoner Government is the busiest government in Australia, delivering on dozens of election commitments and initiatives to improve the lives of the people of New South Wales.

This Government has been left an enormous task: to turn around this State after the damage done by Labor's 16 years of waste, mismanagement and neglect, treating New South Wales with contempt, dishing out ministries as if there was no tomorrow, knifing Premiers at leisure and fighting over the spoils of government. There has been no more telling example of this neglect than in infrastructure, something that the people of my community, in the State seat of Oatley, know all too well and are reminded of every day as they sit in their cars on the M5 trying to get to and from work. It is important to highlight some of those failings to provide the background to the need for change in this State. Labor had 16 years in which it promised and then axed 12 rail lines.

We all remember the South West Rail Link. Labor first promised the South West Rail Link in December 2004. The project was to cost \$688 million, and was supposed to be completed by 2012. Of course, that proposal was dumped. The North West Rail Link was first promised in 1998, to be fully delivered by 2010. It was delayed in 2005, to be completed by 2017. It was axed in February 2008. The West Metro, the Chatswood to Parramatta rail link, the Penrith Fast Rail, the North West Metro, the Hurstville to Strathfield rail link, the Bondi Beach rail link, the high-speed rail link—the list goes on and on. Indeed, for the benefit of those opposite, their own State election campaign review states in relation to infrastructure failures:

... the failure to complete or even commit to viable transport plans ... clearly had an impact on the electoral result ... more critical was the 'stop-start' nature of the Government's rail plans from 2005-2010, during which time at least four different rail plans were confidently revealed to the public before being shelved or sidelined.

Let me remind the House about Labor's failures in health. Waiting lists increased from 44,707 in March 1995 to a near record 68,638 in March 2011. Because of that Labor Government, New South Wales has 1,500 fewer hospital beds. Labor said there were more than 22,000 beds, but it was only when we came to government that we discovered there were only 11,800 beds available for emergency department admissions. It also cut 340 nurse positions from western Sydney and nearly 100 nursing positions from the Central Coast. Labor promised, but failed to deliver, hospital redevelopments at Tamworth, Wagga Wagga, Bega, Dubbo, Parkes, Forbes, Port Macquarie and the northern beaches.

Something I quite enjoyed this morning was looking through the New South Wales Labor website while I had my breakfast. Lo and behold, there is a page headed "Reasons to Join". These were the reasons given to join the Labor Party. No. 1 was: Be part of a Labor team. I cannot remember in their last term any team effort by those opposite. No. 2 was: Help shape our nation. What, with policies like the Rozelle Metro and the carbon tax? Can we believe that would help shape the nation? No. 3 was: Get involved. No. 4 was: Engage online. No. 5 was: Connect with Labor MPs at training days and special events. That must be a rare commodity in New South Wales—probably as rare as hen's teeth. The O'Farrell-Stoner Government made a series of commitments based on our Five Point Action Plan: one, rebuild the economy; two, return quality services; three, renovate infrastructure; four, restore accountability; and, five, protect our local environment and communities. I am pleased to inform members that those key performance indicators, that framework for delivering sound and sensible government, has been met.

The Government has made significant progress in delivering on its election commitments. They include passing legislation to repeal the homebuyers tax; instructing Landcom to target the release of 10,000 housing blocks within four years; amending health legislation to enable the establishment of local district health boards; establishing a Mental Health Task Force; reducing monthly, quarterly and annual train fares for regular commuters; incorporated existing light rail services from Central to Lilyfield into the MyZone ticketing system;

introducing legislation to toughen laws relating to graffiti vandals; introducing legislation for our three-strikes approach to problem licensed venues; introducing legislation for the creation of Infrastructure NSW; starting work on planning and budgeting for the North West Rail Link; undertaking an audit of all speed cameras, which has resulted in 38 being ripped out; appointing a chair and beginning to set up the Public Sector Commission; passing legislation to regulate lobbyists and ban success fees; scrapping part 3A of the Environmental Planning and Assessment Act to empower local communities and councils to have a say on future planning regarding their local areas; empowering the Police Force through new move-on powers and the introduction of mandatory life sentences for those convicted of murdering police officers; and establishing Destination NSW, to reinvigorate the tourism industry and promote Sydney and regional New South Wales as a global tourism and events destination. [*Time expired.*]

**Mr MICHAEL DALEY** (Maroubra) [3.48 p.m.]: What an intriguing contribution from the member for Oatley. I expected to commence my contribution by saying what a lot of self-congratulatory, back-slapping drivel the member's speech was. But what we heard from the member was symptomatic of a Government that still thinks and acts like it is in opposition. The member had seven minutes to speak, but for six minutes he did not tell us about the vision and achievements of his Government. Instead, he spent six minutes attacking the Opposition. That is the Government's modus operandi. It is a very strange and intriguing position to adopt. Though Government members enjoy a large majority in this place, they spend most of their speaking time attacking the Opposition. The other intriguing aspect of the contribution by the member for Oatley was continuation of the lie upon which the Government's financial and economic efforts and its upcoming budget are now built: the lie of the budget black hole—the \$5.2 billion lie. The \$5.2 billion worth of untruths come from the mouths, one after another, of Government members.

**Mr Tim Owen:** It comes from Treasury.

**Mr MICHAEL DALEY:** The member for Newcastle interjects that it comes from the mouth of Treasury. In the Lambert report—the Government's own acting secretary's report—we see that the \$5.2 billion black hole lie is comprehensively debunked. In the report of the Parliamentary Budget Office we see that the \$5.2 billion lie of the black hole is comprehensively debunked. When we look at the contributions of economically respected media commentators across the length and breadth of not only this State but this nation we see the \$5.2 billion lie of the budget black hole comprehensively debunked. That renders mute any further contribution the member may make. The motion states that this House notes the rapid progress of the Government in delivering on its election promises. What about the rapid progress of the Government in delivering on its non-election promises?

Where in the Coalition's contract with New South Wales did the Premier promise to gut the Industrial Relations Commission? Where did Barry O'Farrell and the Hon. Greg Pearce promise to show disrespect to Justice Boland, a chief judge with the stature of a Supreme Court judge? Where did they promise to gut the chief judge's jurisdiction on occupational health and safety matters? Where did they promise to bind the Industrial Relations Commission, a court with equivalent Supreme Court status, on matters relating to the wages and conditions of workers? Nowhere. They moved with incredible speed to deliver on the gutting of that jurisdiction. Where did the Premier promise to gut the wages and conditions of more than 300,000 public servants? Nowhere. That stands as a stain of shame on the Government. One of the first things it did in this place was to go after its own workers.

During debate on the industrial relations legislation we heard that if the O'Farrell laws had been introduced 10 years ago nurses would have been more than \$12,000 a year worse off. Where will they be in a few years' time after a term, or possibly two terms, of this Government? They will be worse off. There is a worldwide shortage of nurses. For over a decade the former Labor Government tracked down nurses across the globe, paid them the best wages of any nurses in Australia and brought them to serve in the hospitals of New South Wales. What reward do they get from Barry O'Farrell? They get a slap in the face.

Where did the Government promise to let down consumers in New South Wales? In fact, that is contrary to the Coalition's promise. On 6 May 2011 Mike Baird, the now Treasurer, said that the O'Farrell Government would reduce the cost of living. With incredible rapidity, those opposite passed on an 18 per cent increase in electricity prices to households. Before the election they said they were going to take the Independent Pricing and Regulatory Tribunal by the scruff of the neck, shake it and show it who is boss. Now, like a halfback passing the ball, they have passed on an 18 per cent increase, without any comment from the Premier or the Treasurer.

The Premier, in his contract with New South Wales, announced that his Government would be honest and accountable. The first thing he did was to can the Parliamentary Budget Office. The Federal Leader of the Opposition, Tony Abbott, is calling for a Federal parliamentary budget office. The former State Labor Government established one. That Parliamentary Budget Office has now been gutted and neutered. It does not exist. That is how the Premier has delivered on his promise to improve transparency and accountability in Parliament. Those opposite moved to gag debate on the public sector wages bill. That was honest and accountable, indeed. Today, as we speak, they are moving to introduce time limits on debates in the Legislative Council, in contravention of more than 100 years of tradition.

The Government, in its contract with New South Wales, said it would ensure better value for taxpayers. Here are examples of better value for taxpayers: a \$7,000 regional relocation grant to families who move a few metres down the road, costing the State \$280 million, and \$400 million to cut payroll tax for businesses that hire new employees. That totals \$680 million. The Government spent more than \$50,000 changing the name of the Department of Justice and Attorney General to the Department of Attorney General and Justice. It introduced the empty-nesters legislation and today announced a \$300,000 poker machine tax relief package. That is \$1 billion that this Government has given away over the forward estimates in only three months in power. If nothing else debunks the budget black hole myth, giving away more than \$1 billion over the four years of the forward estimates certainly does.

**Mr ANDREW ROHAN** (Smithfield) [3.55 p.m.]: I acknowledge the contribution of the member for Oatley and echo his sentiments. Before I begin speaking on the details of the motion, I want to make sure that Opposition members understand one thing. I want them to understand that the member for Oatley and I, the member for Smithfield, are Coalition Government members. That is because just a few short months ago—in fact, just over 100 days ago—an election was held and at that election the sitting Labor members were defeated, and defeated convincingly. They were defeated because the then Labor Government was not listening to the people, and they are not listening now. They are too busy setting up dirt units, which do nothing to improve the lives of the people of this State and are simply about playing the man and not the ball. They lost the election because they were too focused on themselves, and they are still focused on themselves. If they are ever to have any hope of being a good alternative government they need to be focused on the people.

In stark contrast, this Government is focused on what matters to the people of this State. This Government is focused on rebuilding the New South Wales economy, returning quality services, renovating infrastructure, restoring accountability and protecting our local environment and communities. In just 100 days this Government has achieved more than the previous Government achieved in 16 long years. Members opposite should hang their heads in shame. While in government they delivered roads that were obsolete before they were even opened. They delivered trains that would not fit on the tracks. They delivered longer waiting lists at hospitals. They delivered new school classrooms without air-conditioning. They spent \$500 million building a road before a sod of soil was ever turned and then the plans were scrapped. That is \$500 million down the sink hole.

The people of New South Wales suffered because of their incompetence and those who were able left this great State. New South Wales used to be the premier State. But after 16 years of Labor we languished at the bottom, longing for the days when we were at the top. The people of my electorate of Smithfield suffered during 16 years of Labor. They spent more time sitting in traffic, more time waiting at hospitals, and more time on trains and less time with their families. I am pleased to say those days are over. The people of Smithfield embraced the change that started at the last election and in the first 100 days following the election they have benefited from this Government's achievements. They have benefited from achievements that will help rebuild our economy by establishing a sound financial base, such as appointing a Commission of Audit into the State's finances and establishing a special commission of inquiry into the former Government's electricity sell-off. They have benefited from achievements that will create more jobs, such as passing legislation to create 100,000 new jobs through our Jobs Action Plan and making home ownership a reality by releasing 10,000 housing blocks within four years and repealing the homebuyers tax.

Through achievements that will upgrade our State's major infrastructure with the creation of Infrastructure NSW or Restart NSW, the Government's own infrastructure fund, the people of my electorate have benefited. And they will continue to benefit because this Government takes infrastructure creation seriously, it takes the economy seriously and it takes the people of this State seriously. Unfortunately, we have had so many achievements I do not have time now to go through each of them individually. But if member's opposite are interested in reading about our achievements—and I put it to them that they should start becoming

more interested—I suggest they get a copy of our "First 100 Days Report Card" and study it. I am happy to table this report card because I want to help members opposite. I want them to have easy access to this document. I know they probably will not be able to find it without some help. I commend the motion to the House.

**Mr RYAN PARK** (Keira) [4.00 p.m.]: That is a hard act to follow. Before the election Liberal members were out in the streets, out in the communities, promising the world—promising everything. But for the people of the Illawarra it has been an extremely disappointing start by this new Government. Let us look at industrial relations. Some 20,000 employees are reliant on public service wages in the Wollongong local government area—that is 20,000 pay cheques. In its first 100 days the Government has put a halt to any real wage increases and slashed workers' conditions. Just this week I attended a meeting with a group of local Roads and Traffic Authority workers at 7.00 a.m. at their local works depot. It was astonishing to hear a number of workers say to me, "We voted for this lot and this is what we got in the first 100 days".

That is the thanks those workers got for putting their trust in the Liberal Party at the ballot box. There are 20,000 workers in the Wollongong area whose wages and conditions—things they fought hard for—are now at risk, and many of them voted for the Liberal Party. In this day and age when a government looks at creating economic activity in an area such as the Illawarra that has its fair share of challenges in relation to economic indicators one would think it would not give people \$7,000 to move from one side of a bridge to another. Locally, we call it the Windang bridge policy because people can get \$7,000 for driving 200 metres to 250 metres across the bridge.

If the Government thinks that is smart economics someone on the other side of the House needs to look at a new textbook because it is an example of government waste. It shows a lack of understanding of the Illawarra and a complete lack of understanding of the economic challenges facing our local community. Then we find that the Illawarra is grouped in the same category as the Sydney central business district when it comes to payroll tax rebates and targets. It is pretty easy for a Minister or a Premier to stand up and say, "We have met our targets. We have created X number of jobs" when it is in an economy the size of the Sydney central business district and the broader Sydney region. It is a little more difficult in relation to the Illawarra.

Just last week the member for Wollongong and I discovered that the Illawarra Advantage Fund—the fund established by the Labor Government to attract investment to the region, to bring in economic activity and to attract new business—is up for grabs in the upcoming election; it is on the chopping block. The member for Shellharbour is in the Chamber. Businesses in her electorate have benefited from the Illawarra Advantage Fund but it is up for grabs at the same time as the Government is paying \$7,000 for people to move 250 metres across a bridge. It is absurd. The Government thinks it has made a lot of progress in its first 100 days but down in the Illawarra they think otherwise.

**Mr MARK COURE** (Oatley) [4.05 p.m.], in reply: I thank the member for Smithfield for his contribution. The O'Farrell-Stoner Government has made a series of commitments based on our Five Point Action Plan: to rebuild the economy, to return quality services, to renovate infrastructure, to restore accountability, and to protect our local environment and community. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

I am pleased to inform members on both sides of the House that those key performance indicators—a framework for delivering sound and sensible governance—have been met. We have also passed legislation to create 100,000 new jobs through the Jobs Action Plan, particularly through the tax rebate of \$4,000 per full-time employee for the first 100,000 new payroll tax paying jobs created. We have appointed a Small Business Commissioner to advocate for small businesses, and have made it a requirement that the Government will pay its bills within 30 days. These are all practical, positive policies to start to turn the State around. These are policies that focus on the things that matter to families struggling with the rising costs of groceries, electricity and rent. That is aside from the burden that families will face from a carbon tax and an attack on clubs by Federal Labor, which those opposite do nothing to condemn.

Our policies make it easier to leave the car at home and catch a train. We know that commuters should be the focus, not the media spin cycle of announcing and then axing rail projects. Our policies are based on improving quality of life and providing quality services—the core business of government—and not with an eye to the next election, which was the motivation of those opposite. This Government will continue to work with the people of New South Wales to ensure that New South Wales is number one again. That is why I am pleased to move this motion today, and I commend it to the House.

**Motion agreed to.**

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The motion accorded priority having concluded, the House will proceed with Government Business.

**SUMMARY OFFENCES AMENDMENT (INTOXICATED AND DISORDERLY CONDUCT)  
BILL 2011**

**Agreement in Principle**

**Debate resumed from 22 June 2011.**

**Mr PAUL LYNCH** (Liverpool) [4.10 p.m.]: I lead for the Opposition on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. The Opposition opposes this bill, which represents the abject failure of the Government to deliver on its election promise. The Government promised to reintroduce the offence of being drunk and disorderly. This bill does not do that. This bill continues the current Government's tradition of promising one thing and delivering another. It dresses up its announcements in grandiose and overblown rhetoric, but the legislative results are often meagre.

The Government promised to change the law to make mandatory life imprisonment the penalty for murdering police. It introduced a bill that did not do that; the bill applied the mandatory sentence to only one group of police murderers and in effect codified the existing law. It promised great things on anti-corruption laws, but introduced only minor, albeit worthy, amendments affecting the Independent Commission Against Corruption and public disclosures, many of which resulted from the unanimous recommendation of a cross-party committee. It said it would get tough on public drunkenness. It moved amendments to section 198 of the Law Enforcement (Powers and Responsibilities) Act—move-on powers—that, in substance, replicated existing provisions in section 197. This triumph of spin over substance continues in this curious bill before the House.

The Government promised to reintroduce the offence of drunk and disorderly. This bill does not do that. This bill merely tinkers around the edges of the move-on powers that already exist under the Law Enforcement (Powers and Responsibilities) Act. The Government's position in opposition before the election was unequivocal. It was grandly proclaimed under a policy document entitled "Making Our Streets Safe Again". On the first page of that document in bold type is the commitment to:

Introduce the new offence of 'drunk and disorderly' under the Summary Offences Act.

The Coalition stated further in that election document:

In Government, the NSW Liberals and Nationals will bring back the offence of 'drunk and disorderly'—under the Summary Offences Act 1988. While there are existing offences for offensive behaviour, there is currently no provision for an offence of drunk and disorderly behaviour under New South Wales laws. The meaning of 'drunk and disorderly' is pretty clear. You're drunk; your behaviour is offensive, threatening or just plain obnoxious. The New South Wales Liberals and Nationals will introduce a new category of offence called 'drunk and disorderly' with a maximum penalty of 6 penalty units or a new on-the-spot fine of \$200.

That is not what this bill does. This bill clearly does not introduce a new category of offence called drunk and disorderly. What it does do is fiddle with the existing move-on powers under section 198 of the Law Enforcement (Powers and Responsibilities) Act, by increasing the fine and tweaking the nature of the behaviour that can provoke the issue of a move-on direction. I am not unhappy that the Government has not introduced the offence of being drunk and disorderly. It was a stupid and bad policy, flying in the face of recommendations of the Royal Commission into Aboriginal Deaths in Custody—although it is certainly a broken election promise.

**Mr Greg Smith:** What are you complaining about?

**Mr PAUL LYNCH:** What I am complaining about—in response to the Attorney General's interjection—is the dishonesty of his party in saying one thing before the election and doing something very different after the election. The promise was made not just in the Opposition's election policy; it also featured in the Governor's Speech. In April this year in his clean-up Kings Cross media stunt the Minister for Police said his first measures currently before Cabinet included "bringing back the old offence of drunk and disorderly." If he in fact brought it before the Cabinet then his submission clearly did not get up. Perhaps the Attorney General has his tail up slightly because he beat the Minister for Police in the Cabinet discussion. In June this year when introducing the three strikes legislation the Minister for Hospitality and Racing in this place was proclaiming—quite incorrectly—that the Government was introducing a new intoxicated and disorderly offence.

Criminal provisions dealing with public drunkenness have a long history in this State. Academic Chris Cunneen points out that historically, arrests for public drunkenness have formed a large proportion of arrests

made by police in this State. As he says, for many years they were a fundamental part of police practices. He produces evidence that shows that of all the arrests in New South Wales other than for traffic offences, 31.9 per cent were for drunkenness in 1943, 47.7 per cent in 1947, 54.4 per cent in 1951, 39.1 per cent in 1960, 32.4 per cent in 1965 and 31.6 per cent in 1970. If the Government were reintroducing a drunk and disorderly offence, as it promised, that may have a significant impact on a dramatically broader section of our community than is currently the case, and it would do a great deal more than simply stop someone spoiling someone else's good night out.

In 1979 legislation was introduced in this State to remove the offence of drunk and disorderly. This stemmed from research carried out in 1973 by the New South Wales Bureau of Crime Statistics and Research, which pointed out the very high recidivist rates of those arrested, suggesting the futility of using a penal approach to deter alcoholics from drinking. Since then, other legislation has been introduced such as alcohol-free provisions for local councils and the already existing move-on powers. Decriminalisation of the offence of drunk and disorderly has occurred in other States and Territories with the exception of Queensland and Victoria. It was decriminalised in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory in the 1970s and 1980s and in Tasmania in 2000. In Queensland in 2005 legislation allowed police to release someone arrested for public drunkenness to a place of safety. There has been a blizzard of reports in Victoria recommending decriminalisation; two committee reports, an Ombudsman's report and a Law Reform Commission report.

One of the central developments in this policy area occurred with the recommendations of the Royal Commission into Aboriginal Deaths in Custody, which was established in October 1987 by agreement between the Commonwealth, States and Territories. The royal commission inquired into the deaths in custody of 99 Aboriginal and Torres Strait Islander people Australia-wide. In April 1991 the royal commission completed its final report. On 9 May 1991 the Commonwealth Minister for Aboriginal Affairs tabled in Federal Parliament the final report comprising 11 volumes, with 5,000 pages and 339 recommendations. It was welcomed and overwhelmingly accepted in this State by the then State Government. I notice in particular speeches by Ministers Griffiths and Collins in this House in 1992.

The report followed decades of Aboriginal deaths in custody. Some of those deaths were notorious—John Pat in Western Australia and the appalling case in 1981 of the death of Eddie Murray in Wee Waa, a young Aboriginal man who died in suspicious circumstances in a police cell in this State. Both of those names figure in contemporary debates. Not that long ago a new book about Eddie Murray's death entitled *Eddie's Country* was published. Archie Roach's latest DVD features a song about John Pat. There were of course many other deaths. But these issues are still profoundly contemporary as seen by events in Palm Island involving the death of an Aboriginal man in police detention after an arrest for alleged public drunkenness. Volume 3 of the report dealt with public drunkenness. Recommendation 79 was that the offence of public drunkenness should be abolished.

The report highlighted the discriminatory operation of the laws relating to public drunkenness for Aboriginal people. Some 35 per cent of the cases for which data was available included Aboriginal people being in jail just for public drunkenness. The report referred to the crucial importance that detention for public drunkenness occupies in Aboriginal custodial overrepresentation and it also referred to the heavy involvement of public drunkenness as a reason for police custody. In this context I have to say it is no surprise that the Government has broken its election promise. The promise was frankly ridiculous and would have reduced to an absolute mockery the Attorney General's rhetoric about reducing Aboriginal incarceration rates.

The bill inserts a new section 9 into the Summary Offences Act. The bill makes it an offence for a person who is given a move-on direction under the Law Enforcement (Powers and Responsibilities) Act for being intoxicated and disorderly to be found intoxicated and disorderly within that or another public place within six hours of that direction. A statutory defence is established if a person can satisfy the court that he or she had a reasonable excuse for the behaviour. The maximum penalty for an offence under the new section 9 is six penalty units—or, in current terms, \$660. The bill amends the criminal procedure regulation, which means that an on-the-spot fine of \$200 can be issued.

The bill also makes changes to section 198 of the Law Enforcement (Powers and Responsibilities) Act. That section of course was recently amended by legislation that made no substantial difference to the law. The allegedly substantive aspect in this bill is to add the word "disorderly" to the phrase "is likely to cause injury to any other person or persons, damage to property or otherwise give rise to behaviour that will allow a risk to public safety." These phrases describe the basis for issuing the move-on direction. This is in addition to section 197 that already allows move-on directions to be given in relation to behaviour that obstructs people or traffic, involves harassment or intimidation, or causes fear or is likely to cause fear in another person.

It is theoretically possible to imagine behaviour that is disorderly that is not already caught by the existing terms of section 197 and 198. In practical terms, I am sceptical that it will make any difference. Indeed more than 10 years ago an Ombudsman's report referred to police using the then existing section 197 powers to give move-on directions to people affected by alcohol. The bill also allows people to be detained for the purposes of being taken to a safe house under section 206 of the Law Enforcement (Powers and Responsibilities) Act, even if an offence under section 9 of the Summary Offences Act has occurred. The bill also provides for the preparation of a report by the Ombudsman 12 months after the commencement of section 9.

In a sense, the most revealing part of this bill is new subsection 4 of section 9, which provides that a person cannot be proceeded against or convicted of an offence under both section 9 of the Summary Offences Act and section 199 of the Law Enforcement (Powers and Responsibilities) Act. That is an entirely appropriate provision granted that the offences are largely identical. Indeed, that subsection stands as a condemnation of this entire bill. In legal drafting it is preposterous to have almost identical provisions in separate pieces of legislation.

Having this offence in the Summary Offences Act rather than the Liquor Act gives it no more legislative power. Having both offences on the statute book at the same time is frankly silly. It is one of the dumbest pieces of drafting I have seen in my time in this House. It certainly will not be the fault of the Parliamentary Counsel. It stems from the stupid stunt by this Government in bringing in an unnecessary bill to create an offence that largely replicates one that already exists. That in turn stems from the Government's failure to honour its election pledge, which clearly would have involved a new criminal offence.

However, having decided not to implement its election promise, the Government did not have a new offence to introduce. It had to introduce this nonsense, which clutters up the statute book with unnecessary legislation. It is like nineteenth century drafting. While I am discussing arrant stupidity, I note that both the Minister for Police and the Deputy Premier have been declaiming in the media that this bill is intended for use only in entertainment precincts. That is of course unmitigated drivel. There is no such provision in this legislation. Ministers in this Government should read their bills and stop misleading the people of this State. That of course is a very real issue. An Ombudsman's report on work by academics such as Tamara Walsh, to which I have referred in previous debates, has highlighted historically the disproportionate use of powers such as these against Aboriginal people and other marginalised groups.

Another curious aspect of this legislation is that the only prescribed penalty for the offence is a fine, and an on-the-spot fine mechanism is introduced. Indeed, the Government has been trumpeting that as a very effective deterrent, except of course that is the very opposite of what the Attorney General and the Minister for Police said in October 2007 when the previous Government introduced on-the-spot fines for various offences. They said then that on-the-spot fines would simply decriminalise offences and let perpetrators off the hook. They have clearly been on the road to Damascus and changed their views. I have also had the benefit of advice from the Law Society of New South Wales. Its Criminal Law Committee and its Juvenile Justice Committee have considered this legislation. The Law Society's committees are strongly opposed to the bill. The Law Society points out the existing offence provisions that make this bill unnecessary, and states:

The *Law Enforcement (Powers and Responsibilities) Act 2002* already contains an offence provision which is more than adequate to deal with people who do not obey move on directions; this also covers people who return to a public place after having been directed to leave and not return for a certain period of time (sections 198 and 199). Part 16 of the *Law Enforcement (Powers and Responsibilities) Act 2002* also contains adequate powers for police to remove and detain intoxicated persons without the need to criminalise them.

That point has also been made to me by Mr Moore, Chief Executive Officer of the Aboriginal Legal Service. The Law Society's concerns extend beyond this. Its letter argues:

Proposed section 9 (1) (b) of the *Summary Offences Act 1988* provides that the offence is committed if 'at any time within six hours after the move on direction is given', the person is intoxicated and disorderly. That construction has the consequence that the person literally commits the offence *immediately* upon being given the move on direction and *continuing* to be drunk and disorderly, even if they are actually complying with the move on direction.

The society points out that because of the way in which the section is drafted when someone complies with a direction, and despite the fact that someone who is given a direction complies with it, he or she may still be technically guilty of an offence. That cannot be the intention of the legislation, and I invite the Attorney General's comments on that aspect of the society's views. The society also makes another comment on the bill. It states:

The last words of the proposed section 9 (1) (b) provide that further behaviour can happen in "the same or another public place." The committees queried where a homeless, intoxicated, mentally ill person could conceivably go that would enable them to avoid committing this offence. The consequence of this drafting is that a homeless person moves from one place to another and still commits the offence, although they are substantively complying with the direction.

Because of the current drafting of this legislation some categories of people will be unfairly targeted by the legislation, even if they are intending to comply with it. Homeless people, by definition, do not have a home to go to and live in public spaces. This legislation will impact upon them, not because police are being unfair but because, by definition, homeless people live in public spaces. The Law Society also refers to recommendations 79, 80, 81 and 85 of the Royal Commission into Aboriginal Deaths in Custody. It points out that Aboriginal people represent just over 1 per cent of the New South Wales population yet account for 23 per cent of the New South Wales adult population in custody. The Law Society points to two major problems with the legislation:

... the likelihood of increasing tension between particular police and the community leading to an increase in other offences such as offensive language, resist arrest and assault police—

which I think is popularly known as "the trifecta"—

...[and] longer term consequences of potential over policing of the Aboriginal community.

The Law Society president's letter concludes by stating:

The offence of drunk and disorderly was removed from the statute book many years ago and should not be reintroduced.

This bill should be opposed. It breaks a clear and obvious election promise, and it replicates an offence that already exists. It is a triumph of spin over substance.

**Mrs TANYA DAVIES** (Mulgoa) [4.24 p.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. The objectives of the bill are threefold. First, it amends the Summary Offences Act 1988 to make it an offence for a person who has been given a move-on direction by a police officer for being intoxicated and disorderly in a public place to be intoxicated and disorderly in that or another public place at any time within six hours after the direction is given, and requires the Ombudsman to prepare a report on the operation and the issue of any penalty notices in connection with the offence after the offence has been in operation for 12 months. Secondly, it amends the Law Enforcement (Powers and Responsibilities) Act 2002 to allow police to issue move-on directions for disorderly behaviour and to detain an intoxicated person otherwise than for the purpose of taking proceedings for an offence.

Thirdly, it amends the Criminal Procedure Regulation 2010 to provide for the issuing of penalty notices in connection with the offence. I am certain that, like me, most members of the House have been alarmed at the rise in weekly intoxication-fuelled violence, assaults and malicious damage that has been occurring in our communities throughout New South Wales—which seems to have escalated in recent years. We have an enormous problem in our community that is spurred on by the excessive consumption of alcohol and other drugs. We must act now to turn the tide. When I speak to my community in the Mulgoa electorate, many people raise concerns and frustrations about the cost to their community of intoxicated and unruly behaviour. The social, human, health and economic costs of intoxication-fuelled behaviours are urgent and immediate issues.

There are several places in the electorate of Mulgoa that are vibrant community, sporting and shopping districts by day but become infested by serial antisocial and intoxicated offenders at night. People in my community are angry and frustrated by the insufficient powers and tools available to our brilliant Police Force to ensure the safety of people enjoying public places or recreation, entertainment and sport. Specifically, families who built homes in St Clair over 30 years ago enjoyed an open green space within walking distance of their homes. Some properties were built on the edge of this green space. A few years later this area was redeveloped to accommodate a hotel-motel for the community.

Unfortunately, the interference of intoxicated persons has led to many families being inconvenienced by disorderly behaviour, at times malicious damage to vehicles, letterboxes and gardens and, on occasions, even being threatened and assaulted. In Glenmore Park the major sporting field, Ched Towns Reserve, serves three large sporting clubs including the Glenmore Park football, rugby league and cricket clubs. The Ched Towns Reserve serves well over 2,000 children, families, grandparents and sporting volunteers on a weekly basis. Therefore, it is unfortunate and sad that a location dedicated to serving the needs of our young children is regularly under attack by antisocial persons who use this space for drinking, taking drugs, smashing bottles and even lighting fires.

During the election campaign I invited the then shadow Minister for Police, the Hon. Mike Gallacher, to meet with the football and rugby league club presidents to discuss this ongoing and expensive damage to the fields and amenities. We were shown the fire damage that occurred on at least three occasions. We also tiptoed around an abundance of smashed beer glasses and even found a homemade bong. It is alarming that an area set aside for promoting healthy, active young people is used for such destructive and damaging actions not only against infrastructure but also against the intoxicated person's own health and wellbeing.

It is clear that the people of New South Wales have had enough of alcohol-fuelled, drug-fuelled violent behaviour in their communities. The Coalition took to the election a policy promising the right enforcement tools for police to make our streets safe again. Labor failed our police, Labor failed our communities, our families and our friends who want to enjoy places of entertainment, but the Liberals and The Nationals are determined to redress that. Labor's solutions have not worked. I refer to the comment of the member for Liverpool when he said that we are behaving in a dishonest manner. I find it extraordinary that a Labor member chooses to lecture us on dishonesty. I call on the Labor Party, which I now refer to as the all-time loser party, the remaining remnants of the Labor Party, to tell me whether it has any credentials—

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Mulgoa will be heard in silence.

**Mrs TANYA DAVIES:** I find it incredulous that members of the Labor Party think they have any credentials to lecture us on dishonesty. They should look at their own record. The Liberals and The Nationals are implementing legislation that the community expects its Police Force to have available to it. That is why I am proud to support this bill, which is the second stage of implementing the Government's commitment to give police the tools they need to deal with intoxicated and disorderly behaviour.

The first stage of implementing this commitment was the introduction of the Law Enforcement (Powers and Responsibilities) Amendment (Move On Directions) Bill 2011. This bill now provides police with more powers to move on an intoxicated individual. Those opposite had a bill that gave police the powers to move on a minimum of three people. The current bill goes further by introducing the new offence of intoxicated and disorderly conduct and provides police with the power to deal with those intoxicated individuals who engage in disorderly conduct after being directed to move on.

The offence provision applies to disorderly conduct in any public place within six hours of the direction being given, not just the area in which the intoxicated person was given the direction to move on; nor is it limited to the duration of the direction, which can be less than six hours. Upon encountering an intoxicated person acting in a disorderly manner police will have the power to move on the person or group on the basis that they are intoxicated and disorderly. When issuing a move-on direction police will be required to give the person or group a warning that if they do not comply with the direction or are found within the six hours to be engaging in the same behaviour, they will be committing an offence. If the person stops the antisocial behaviour and moves on, the police will have no further involvement. If a person fails to comply, police will have power to proceed against that person with a criminal infringement notice or a court attendance notice.

This bill is a reflection of what our community wants the police powers to be. Our community expects to be able to socialise, to be able to enjoy the recreational facilities within our great State free from harassment, intimidation or assault. The Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 will make it tough on those individuals who, being irresponsibly intoxicated have no concern for themselves or others, can be removed from a public place to ensure the safety and protection of other members of the community, to ensure the safety and protection of our police officers as well as the intoxicated persons themselves. I commend the bill to the House.

**Ms ANNA WATSON (Shellharbour) [4.33 p.m.]:** I oppose the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. This is classic O'Farrell Government policy making—talk tough in opposition, but work weak in government. The Coalition said it would "bring back the offence of drunk and disorderly" in its Making Our Streets Safe Again policy before the March election. But the O'Farrell Government's new law will apply only to people given a move-on direction by a police officer. The new bill does not reintroduce the offence of drunk and disorderly; it merely tinkers with the move-on powers. The only offence in this bill is failing to obey a move-on direction—an offence that already exists. This is a clear breach of another election promise. As recently as 9 May this year, the Premier told Parliament:

We intend to put meaning back into the Summary Offences Act ... A new offence of drunk and disorderly will include drunk under the influence of alcohol or intoxicated under the influence of drugs.

However, the intoxicated and disorderly conduct bill only allows police to issue fines of \$200 to people found to be drunk and disorderly in a public place six hours after they have been given a move-on direction. This bill simply fiddles with existing move-on powers by increasing the fine and tweaking the nature of the behaviour that can provoke the issue of a move-on direction. Either the Government has softened these laws because it made a mistake, or it never intended to introduce them in the first place and just wanted to sound tough on

drunks. The Premier talked a big game on law and order prior to the last election and has failed at the first hurdle. A policy Barry O'Farrell was roaring about in March has turned into a squeak just a few months later. Now that he is in government, he has had to do a backflip and break yet another election promise. It is obvious that once he made it to government, some brighter minds who are not interested in scoring cheap political headlines persuaded the Government to see sense.

Apart from the absurdity of making public intoxication a criminal offence, it should be remembered that in 1991 the Royal Commission into Aboriginal Deaths in Custody recommended that public intoxication be decriminalised because of the huge impact it had on the detention of Aboriginal people and consequent deaths in custody. Since this time, governments across Australia have taken a better approach by giving police powers to either move on drunk and disorderly persons, or release them into the care of organisations such as St Vincent de Paul.

New South Wales already has laws that give police broad powers to detain people who are intoxicated and who behave in a disorderly manner or who are likely to cause injury to themselves or to others, or to damage property. They can be detained in a police station or a declared juvenile detention centre. Intoxicated people can then be released into the care of organisations like St Vincent de Paul after being picked up by police. These laws provide that such people are to be released once they sober up or until they are released into the care of a responsible person. The new bill does not reintroduce the offence of drunk and disorderly. Instead of wasting the Parliament's time by amending the Summary Offences Act with powers that already exist, the Government should withdraw this bill and admit that it got it wrong.

**Mr CHRIS PATTERSON** (Camden) [4.37 p.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. In the lead-up to the 2011 New South Wales election, the Coalition made three commitments regarding antisocial behaviour at entertainment hubs and surrounding areas: first, to strengthen existing move-on powers to apply to individuals rather than merely groups of three or more; second, to reintroduce the offence of drunk and disorderly conduct; and, third, to pilot three sobering-up centres across New South Wales.

Under the current law move-on powers relate only to groups of three or more; police needed the move-on powers to be strengthened to enable them to do the job the community expects them to do. Too many times we have seen the devastating results of a single drunk who chooses to pick on someone and cause, at times, lifetime injuries, or worse, death, just because he or she chooses to do so. The public has had enough of drunks destructing their social nights, or shouting or swearing under their windows when walking home in the middle of the night. These people pose a risk to themselves or others when they stumble into traffic or onto railway stations without any thought of the consequences. Police are sick of being punching bags on Friday and Saturday nights in major entertainment areas. Emergency departments deal with the other end of the violence caused by drunken behaviour. They are left to pick up the pieces of the injuries intoxicated persons cause to themselves and to others.

Sadly, police also must face the families who invariably are called to the hospital to deal with the news that injuries their loved ones have inflicted on themselves or others have long-term consequences. Those who choose to drink themselves silly never seem to think that their behaviour causes nothing but complete disruption and distress to those around them. Few people believe that they need to take an argument beyond words and start a physical fight without any thought of the consequences. A single punch to the head can become a serious brain injury from victims falling to the ground and hitting their heads. Long-term effects can be devastating, such as permanent brain injury, paraplegia and quadriplegia, and impose a lifetime of grief for the victims and their families. This bill will have served its purpose if it manages to save just one life or it causes intoxicated persons to stop, to take toll of their condition and to go home to sleep it off. However, this bill will do more than save just one life; it will save many.

No-one wants our young men and women destroying their lives through one stupid mistake. Those community members who believe a night out involves antisocial behaviour must understand that what they consider to be normal behaviour certainly is not considered normal, nor is it acceptable by the wider community. Groups of young men and women must understand that drinking binges and getting drunk is not cool and that harming themselves or others clearly is not acceptable behaviour. Previous legislation enabled police to move on groups of three or more people and the previous Government insisted that it worked. The member for Mulgoa clearly highlighted the Opposition's hypocrisy about this bill and its commitment to dealing with antisocial behaviour that was so acceptable under the former Government. The community has said that this behaviour is not acceptable and it is not acceptable under this Government.

How many more lives have to be shattered before taking seriously the advice of front-line police and giving them more power? Not only was the previous legislation not working; the previous Government clearly did not understand the sentiment of the wider community on alcohol-related antisocial behaviour. Camden Council expanded its alcohol-free zone to give police more power to move on offenders. Community concerns were raised constantly with council regarding people walking home from a hotel or continuing their drinking in local sporting grounds or parks. Consultation with local police assisted the council to identify more surrounding areas that needed to be zoned alcohol free, and provided police with extra power in the local government area to move on those who choose to disrupt the community. This bill will extend their power further.

Many of my constituents moved from the city to our beautiful rural area for a better lifestyle for their families. They certainly do not want to be confronted with the sort of behaviour they left behind. Camden has the unique quality of closeness to the city with a rural aspect; this is why we are the fastest growing area in New South Wales. People see the opportunity for their children to have the best of both worlds and as their local representative I will continue to work to maintain their choice for a semi-rural lifestyle. As the local representative and as a councillor, I listened to the concerns of my constituency, as did the O'Farrell Government by introducing this legislation.

Our police do not like dealing with intoxicated people, but giving them a little more power to be able to separate the troublemakers can only make their job a little easier. No-one is saying we cannot go out and have fun, but those who choose to have a negative impact on our community need to understand that they now will have to abide by the directions of our law enforcement officers and move on and go home. If they choose to disobey a police direction, the full force of the law will be thrust upon them. Offenders also need to understand that causing disruption to others is not the only reason the move-on order can be given. An intoxicated person who is just being a nuisance by yelling loudly and causing annoyance to others also can be asked to move on.

Offenders also need to understand that if they are given the order to move on and they choose to go to another area within six hours and continue to disrupt people, they will be liable for prosecution. Unfortunately, some people may need this deterrent. This bill has been introduced so that everyone can have a good night out and feel safe. We do not want a continuance of behaviour in the city entertainment areas that sometimes ends in hospital emergency departments. Keeping the streets of New South Wales safe is a major priority of our Police Force and can be achieved by strengthening their powers to enable them to better deal with intoxicated persons and disorderly behaviour. Offenders will be given clear warning to change their behaviour or face serious consequences.

Through this bill we are saying that enough is enough and we are making individuals responsible for their actions. Families will be able to go out at night knowing that their children will not have to witness behaviour from unruly drunks as police will be able to move them on to allow others to enjoy their evenings. The public has become tired of unacceptable behaviour and this bill gives a clear signal to the people of New South Wales that this Government is committed to ensuring that disorderly behaviour will not be tolerated on our streets.

We have listened to community concerns and acted. Opposition members who said the bill has been watered down or weakened are hypocritical; the bill has strengthened police powers to control behaviour that has occurred over the past 16 years. Clearly, anything that strengthens control over past unacceptable behaviour as this legislation will do is a positive result. Only today during lunch I was talking about the bill with two young people, Adam Zarth and John McCormack. As young people affected by this legislation, they reiterated that once this bill is passed they would feel secure and more comfortable going to the entertainment districts. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.48 p.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011. I commend the extremely hardworking Attorney General, who introduced this legislation. Over time he will be remembered as one of the greatest Attorney Generals; and certainly the best Attorney General in the past 16 years. The Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill amends the Summary Offences Act 1988 and other legislation with respect to intoxicated and disorderly conduct. This legislation goes hand in hand with other Liberal-Nationals Government initiatives on law and order. The bill is part of the package to again make our streets safer.

I heard Opposition members say that this bill only tweaks certain provision in the Act. Coming from the Opposition that has to be one of the most hypocritical statements I have ever heard. Under Labor we had 16 years of incompetence, mismanagement, scandals, waste and neglect. On 26 March 2011 the people of this

great State spoke and said they had had enough of what Labor did in its 16 years. The greatest landslide in the history of elections was visited on Labor. Opposition members have absolutely no credibility when it comes to law and order. Remember, the Summary Offences Act was repealed by Labor when Frank Walker was Attorney General. That was the start of the decline of law and order in New South Wales. Today, we are still suffering from that action. The O'Farrell-Stoner Government will fix things that Labor could not do in its 16 years.

This bill is not a tweaking of the Act; it is a major change. The difference is that instead of three people having to act in a drunk and disorderly manner before a move-on order can be given, police will be able to give this order where only one person is drunk and disorderly. We know that it only needs one person to cause a fight, it only needs one person to cause mayhem. That is a major change to the law. Opposition members may laugh but they know they only talked about law and order, and that this Government is acting to restore law and order. They had 16 years of talking about what they were going to do, 16 years of making laws, doing backflips and repealing them. They delivered not a thing in their 16 years. Members opposite are upset because in 100 days this Government has delivered more than they delivered in 16 years.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Myall Lakes is doing well on his own, without any help from his side.

**Mr Richard Amery:** He should do; it is the same speech he has been making for 100 days.

**Mr STEPHEN BROMHEAD:** This is the first time I have spoken on the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill. The bill makes it an offence for a person who has been given a move-on direction to be intoxicated and disorderly in the same or another public place within six hours after the direction is given. A person is intoxicated if the person's speech, balance, coordination or behaviour is noticeably affected, and it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of alcohol or any drug. One could say that when they were putting that definition together they could have been looking at those on the benches on the other side of the Chamber.

However, "disorderly" is not defined in the bill. Disorderly behaviour can vary according to time, place and the context in which it is conducted. That is because behaviour that may not disturb or annoy others in one instance could amount to a criminal offence in another. Police will need to determine whether the behaviour of the intoxicated person is sufficiently serious to warrant the intervention of the criminal justice system. Police have for a hundred years been making that distinction. Police are trained, and they know when to step in if a person is intoxicated and acting disorderly.

In proceedings for this offence, the prosecution must prove that a move-on direction was given within six hours before the person was found to be intoxicated and disorderly. The bill also provides that if a police officer gives a move-on direction to a person on the grounds that the person is intoxicated and disorderly in a public place, the police officer must give the person a warning that it is an offence to continue to be intoxicated and disorderly in a public place within six hours after the direction is given. Proceedings cannot be brought against a person for an offence against this section and an offence against section 199 of the Law Enforcement (Powers and Responsibilities) Act 2002—that is, failure to comply with a direction—in relation to the same conduct, and it is a defence if a person can satisfy a court that there was a reasonable excuse for the alleged intoxicating and disorderly behaviour.

The bill makes the offence a penalty notice offence under the Criminal Procedure Act 1986 and the Criminal Procedure Regulation 2010, thereby giving police a choice in responding to any offending behaviour. Police may issue either a criminal infringement notice—that is, an on-the-spot fine—or a court attendance notice. The bill also amends section 198 of the Law Enforcement (Powers and Responsibilities) Act 2002 to provide that "disorderly" is a ground on which a police officer may make a move-on direction, that is, the intoxicated person's behaviour is disorderly.

A move-on direction under section 198 of the Law Enforcement (Powers and Responsibilities) Act 2002 is a direction given by a police officer to an intoxicated person in a public place to leave the place and not return for a specified period of time. The police officer must believe on reasonable grounds that the intoxicated person's behaviour is likely to cause injury to any other person or persons or damage to property, or otherwise give rise to a risk to public safety. As stated in the agreement in principle speech, the bill's intention is to address

alcohol-related violence and antisocial behaviour by extending police move-on powers to intoxicated individuals as a low-cost and effective enforcement tool, in order to manage the excessive intoxicated behaviour seen in entertainment districts on weekends. The Attorney General specifically stated it is not the bill's intention to target the homeless, mentally ill, Aboriginal or disadvantaged, but rather excessive intoxicated behaviour. In addition, the bill requires the New South Wales Ombudsman to prepare a report on the operation of the new provisions after 12 months.

I set out the process to be followed. Upon encountering an intoxicated person acting in a disorderly manner, police will ask the person to move on, on the basis that they are intoxicated and disorderly. At the time of issuing the move-on direction, police will give the person or persons a warning that failing to comply with the direction may be an offence, and that to be intoxicated and disorderly in this or any other public place in the next six hours is also an offence. If the person quiets down, obeys the direction and moves on, that should be the end of the matter. That is the outcome we are all hoping for. That is what police, the courts and the community want.

If the person continues to act in a disorderly manner, police will have the option of proceeding against that person via a criminal infringement notice or a court attendance notice, depending on the seriousness of the conduct. Standard operating procedures and common sense will determine how long police give the person to comply with the move-on direction. If the person initially ceases their disorderly conduct but is later found to be intoxicated and disorderly in that or any other public place, they may be given a criminal infringement notice or a court attendance notice.

Police will develop standard operating procedures to guide them in the appropriate use of the move-on directions and offence. It will be clear that the offence is directed at antisocial behaviour at night-times in entertainment hubs. Of course, if intoxicated and disorderly behaviour that is sufficiently serious to warrant intervention by the police occurs at other times and places, police will still be able to use the powers if appropriate, but they are intended to be used in the circumstances outlined during the election campaign. The standard operating procedures will also give guidance as to the types of circumstances in which it would be appropriate to issue an on-the-spot criminal infringement notice, or issue a notice requiring the person to attend court to face a charge.

These operating instructions and guidelines issued by the police are instructions and guidelines that police have used for a hundred years. Back in my day, when dinosaurs were still roaming, they were contained in what was called the police rules and instruction book. Every month, we would be given new pages to insert in the loose-leaf book. An hour later, the sergeant would go round to check that constables had done the insertions. If they had not, they were in trouble. These days we are more modern and civilised, but police still have rules, instructions and guidelines to follow. These measures and the oversight by the Ombudsman will help to ensure that these enforcement powers are used properly and appropriately by police.

Police have been doing this sort of work for decades, so it is not expected they will encounter anything out of the ordinary. They use arrest powers and other powers all the time and have to make decisions on the spot about these matters. This legislation is another example of the O'Farrell and Stoner Government delivering on its promises. Once again, another box ticked. We ticked another box this morning and we will tick more. Tick, tick, tick. We are delivering, whereas those opposite did not deliver for 16 years. We are delivering on our promises to New South Wales. I commend the bill to the House.

**Mr DAVID ELLIOTT** (Baulkham Hills) [4.59 p.m.]: I support the Summary Offences Amendment (Intoxicated and Disorderly Conduct) Bill 2011 because it is good law. By way of background, I have had experience in the hospitality and liquor industry having served as the deputy chief executive officer of the Australian Hotels Association and as club director of two major clubs in metropolitan Sydney. I also have worked on the other side having served for four years as the operations manager of St John Ambulance, an important institution in New South Wales. St John Ambulance officers are often called to attend public events and activities to clean up the results of alcohol-related violence. I will be brief because the House has other business to deal with.

This legislation addresses alcohol-related violence which has reached a level that is unprecedented in New South Wales and around the nation. Australia is renowned for its high level of consumption of alcohol. In my view, if this legislation is not passed the level of violence will increase. We have to address antisocial behaviour and alcohol-related violence in New South Wales. Without this legislation the level of alcohol-fuelled violence and antisocial behaviour will continue. We need to put a peg in the ground. This legislation does that. It

addresses the promises that were made by those opposite during their 16 years of administration but never delivered on. This legislation will give police on the beat—whether working nine to five on weekdays or on Friday and Saturday nights when entertainment precincts are at their busiest—the authority that they have been crying out for to ensure that those who do not know how to have a good time without overindulging are kept within the boundaries of a polite society.

This legislation contains preventative measures and nothing more. Despite the scandalous comments from the other side, who suggest that this legislation will turn New South Wales into a police State, this is preventative medicine. This legislation introduces preventative measures to stop people creating problems that may escalate. When police do not have these powers the ambulance service has to clean up the results. From my experience, the ambulance service has had a gutful of cleaning up the problems that respective governments have not addressed. It cannot be a bad law that gives police officers, who have been trained to use their commonsense, the authority to stop antisocial behaviour. I commend the bill to the House.

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

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Government Business having concluded, the House will now proceed with General Business Notices of Motions (General Notices).

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

## **LOCAL GOVERNMENT WEEK**

### **Matter of Public Importance**

**Mr NICK LALICH** (Cabramatta) [5.13 p.m.]: The matter of public importance I speak on this evening is Local Government Week. Coordinated by the Local Government and Shires Associations, Local Government Week extends from 1 August to 7 August. Local Government Week provides a platform for councils to promote the importance of local government to the communities they represent. Local government is of paramount importance; as is often said, it is the level of government that is closest to the community. It is therefore fitting that this year's Local Government Week theme is "Empowering Communities", which aims to celebrate the positive services that councils provide that empower their communities.

Councils deliver a huge range of essential services, most visibly, but not limited to, weekly rubbish collection and picking up materials for recycling. Councils also organise clean-up days to enable residents to get rid of some of their larger household items that are no longer needed. These are essential services but, as I will explain later, they are just a few of a wide range of services that local councils provide. I have had the privilege of being involved in local government in my local community since 1987, when I was first elected as alderman. I had my first stint as mayor in 1993-94 and have been honoured to serve the people of Fairfield as mayor since 2002. I am honoured to be the first popularly elected mayor of Fairfield City. I feel immensely privileged to have been associated with a council that represents such a diverse community—a true melting pot of cultures.

Our council provides state-of-the-art facilities for the local Fairfield community, ranging from the Cabramatta and Fairfield community centres that serve as hubs of activity for cultural groups, our five libraries—the main one being the Gough Whitlam Library in Cabramatta—to numerous sporting facilities. Fairfield council operates three leisure centres: Fairfield, Prairiewood and the \$13.5 million Cabravale Leisure Centre that I opened in 2008 with the Rt Hon. Gough Whitlam. As can be seen, Fairfield council does a lot more than pick up the local garbage and fix local roads. Every year we organise the Bring It On Festival, which allows the talents of our local youth to be celebrated and showcased to the wider community. We hold numerous important cultural festivals such as the Moon Festival at Cabramatta in September, which is sponsored by many local businesses as well as Channel 9; Australia Day celebrations; the Gift of Time celebration, which recognises our local volunteers; events and concerts for seniors; and celebrations for National Aborigines and Islanders Day Observance Committee Week.

Councils across New South Wales will host a range of great events and activities during Local Government Week to showcase their day-to-day activities to the community. Examples of these events include family fun days, multicultural fairs, photographic competitions, mock council meetings for local students, heritage walks, bushcare days and bus tours of council facilities such as art galleries and recreation centres. The Local Government and Shires Associations are also hosting an awards evening that recognises the good work of councils in improving services in their local communities.

This year's awards evening, which will be held tonight, is a celebration of the great entries from councils across the State for the following awards: the RH Dougherty Awards, awarded by the Local Government and Shires Associations to recognise leading practice in communications management; the Alive and Well Partnership Awards, awarded by the Cancer Council of New South Wales to recognise particular councils for their efforts in fostering healthy local living and reducing the impact of cancer in their communities; the Healthy Community Awards, awarded by the Heart Foundation to recognise councils for their contributions to improving heart health and to encourage their ongoing commitment to creating healthy communities; and the Robert Wilson, OAM, Award, awarded by Local Government Procurement and the Local Government and Shires Associations to an individual councillor or council staff member for their efforts in the Regional Cooperation Initiative.

Labor has always valued the importance of local government as the level of government closest to the people. We recognise the importance of local service provision to all members of local communities, from the young who are cared for in our childcare centres to our treasured senior citizens. That is why, as part of Labor's Back to Basics tour, the shadow Minister for Local Government, the Hon. Sophie Cotsis, has been meeting with councillors and council staff across New South Wales. Leading up to Local Government Week, Ms Cotsis met last week with mayors and general managers of a number of councils, including Maitland City Council, Greater Taree City Council, Kempsey Shire Council, Coffs Harbour City Council and Clarence Valley Shire Council.

Just this morning Ms Cotsis and the member for Lakemba, Rob Furolo, visited Canterbury City Council's main depot and met with garbage collectors, parks and gardens staff, street sweepers, rangers, painters, plumbers, engineers and vehicle mechanics. They then visited the Lakemba Child Care Centre. The visit highlighted a number of issues, including the important role that councils play in skilling the workforce through the training of apprentices, promoting water conservation through the building of rainwater tanks for local facilities, removing graffiti—I note that the Graffiti Legislation Amendment Bill 2011 is currently being debated in the House—and providing childcare services and family day care.

It is also important that during Local Government Week we recognise the contributions that the more than 50,000 men and women who work for local councils make to the community. These workers are essential to providing local services and facilities that communities rely upon, including road maintenance, rubbish collection, libraries, leisure centres, sporting fields, youth and aged services, and child care. It is also fitting that we recognise the good work of the United Services Union in representing the interests of those more than 50,000 men and women. In light of the Government's recent public sector industrial relations changes—which will cut the real wages of public sector employees and wind back their workplace conditions—I call on the Government to give a guarantee that these changes will not lower standards, and therefore also drag down the wages and conditions, of local government workers.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [5.20 p.m.]: Local government is a key player in our democracy and it is at the local government level that the community is most closely connected to the decision-making process. Madam Temporary Speaker knows this, as do I, having served on council for a number of years. So it is important to note the role of local government, and it is important that it is recognised and celebrated during Local Government Week. This pride in local community is why the Liberal-Nationals Government has given local government issues a well-deserved focus during our first few months of running this State.

In recognition of just how much we value local government, the Minister for Local Government, the Hon. Don Page—always a tireless worker—has been out and about today and during this week promoting local government. Yesterday morning I joined him at Waverley Public School, where he presented a book on local government to the school's prefects. This morning he visited Warringah Council to meet with councillors and staff. He also watched local children from the Alexander Primary School at Duffys Forest conduct a mock council meeting. The member for Davidson, Jonathan O'Dea, Warringah Mayor Michael Regan and the Minister encouraged the children's interest in the democratic process and the particular services and functions of local government. The Minister presented the children with a book about local government for their library.

Last week the Minister visited Alstonville Public School in his electorate of Ballina as a precursor to both Local Government Week and Education Week, which also occurs this week. Minister Page listened to a student debate, spoke about local government matters with pupils, discussed the school's inclusion of government and democracy in its curriculum, and met teachers and community members. Working away tirelessly, at lunchtime today the Minister marked Local Government Week 2011 with a visit to Parramatta city's mini festival celebrations for Local Government Week at the town hall. He was joined by the member for Parramatta, Geoff Lee, the member for Granville, Tony Issa, Parramatta Lord Mayor John Chedid, and council representatives.

As members can see from these brief examples of the time and effort that our Minister and local members put in to supporting and celebrating Local Government Week, local government is an issue that this side of the House takes very seriously. On this side of the House we believe in accountability and transparency. We do not treat the community members as mugs. We believe local people are best placed to solve local problems, and we will build on the strengths of local government and support them as we move towards a positive future for democracy at all levels of government in New South Wales. The importance of local decision-making cannot be overstated.

This Government has handed decision-making back to the community. Part 3A of the Environmental Planning and Assessment Act has been repealed and replaced with an alternative system that will return planning powers over local developments to our local communities and their elected representatives. We will tip the balance back towards local government—where it belongs. I point out that the first piece of legislation enacted by our new Government was a bill to give democracy back to the people of Wollongong and Shellharbour, whose councils are currently under administration. The local people in the Illawarra will be going to the polls to vote for new councillors and new councils on 3 September, which is just a few weeks from now.

The Government is also fulfilling its commitment to return autonomy to local councils by giving councils back the powers they enjoyed in the past to conduct their own elections should they choose to exercise that option. The Local Government Amendment (Elections) Act 2011 also ensures that councils in certain circumstances do not need to fill casual vacancies by way of by-elections, resulting in significant savings on the cost of holding those by-elections—not to mention saving residents the annoyance of having to go to the polls early. So if a mayor or councillor recently elected to State Parliament, for example, chose to resign from council any time between the next State election and the next local government election in September 2012, it would not force a by-election.

The Act also provides a window of opportunity for those councils that wish to do so to reduce councillor numbers and abolish wards without the need to hold a constitutional referendum. Councils can take advantage of these changes to save money and address other concerns raised by the community, councils and the Local Government and Shires Associations. When I reflect on issues such as this and the steps that this Government has already taken, a few things stand out. At the forefront of our minds when we look to the future is a strong and sustainable local government sector. This cannot be achieved without a strong working relationship and a willingness to work together.

During our first term the Liberal-Nationals Government is focused on building good working relationships between government agencies and local councils, between individual local councils and between local councils and their communities. The 2036 forum coming up in Dubbo on 17 and 18 August is an initiative of which this Government is justifiably proud. This forum is an opportunity for all parties relevant to local government in New South Wales to talk together about the future and plan for the kinds of councils that our communities deserve. This is the first time that this sort of strategic, creative, participatory approach has been applied to the many issues that face local government as we move further into the twenty-first century.

A broad range of interested parties, including the Minister for Local Government, the Hon. Don Page, will work together to set the direction for the next 25 years. The 2036 forum is a fantastic opportunity for all parties to embrace, and it will indeed deliver great outcomes for this great State. We are rebuilding New South Wales by unlocking \$1 billion in borrowings in the form of a local government infrastructure renewal scheme. This will provide interest rate subsidies to local councils to assist them with the cost of debt. The Minister for Local Government will be asking the New South Wales Grants Commission to engage with the Federal Government where appropriate to ensure that the best interests of New South Wales are advanced.

**Mr ROBERT FUROLO** (Lakemba) [5.27 p.m.]: I am pleased to join members in discussing this matter of public importance, Local Government Week 2011. It is no surprise that many members of Parliament

have served their time in local government, representing their communities and learning the issues and interests of local residents. They now represent those communities in this place as well. I am very proud of the role of local government in New South Wales. I think councils do tremendous work, for which they are often not fully recognised. It is one of the reasons that I am very pleased to celebrate Local Government Week. It is a chance for all councils and the State Government to reflect upon and to recognise the achievements of councils across New South Wales. Some 50,000 staff work in 152 councils around New South Wales providing an incredible range of services. Local Government Week is the chance for us to salute them and to show them that we appreciate what they do.

Councils provide services from the cradle to the grave that their communities depend on and need. They provide children's services, programs for young people, school safety programs, family day care, long day care, occasional care, school holiday and vacation programs, community harmony programs, libraries, aquatic centres, parks and playgrounds, and of course maintain roads, footpaths and town centres, collect rubbish and materials for recycling, enter into strategic planning for residential, commercial and industrial uses, and support cultural and arts programs, and seniors programs. A number of councils also manage cemeteries. Like many members in this place, I am proud to have been elected to local government.

I have served on the City of Canterbury council since 1999 as a councillor and since 2004 as mayor. It has helped me gain a terrific understanding of the issues of importance to people in my community. I know that many members of Parliament have also benefitted from their time spent in local government. In fact, today I welcomed the shadow Minister for Local Government, the Hon. Sophie Cotsis, to the City of Canterbury and gave her a tour of the council's depot. We had a chance to meet some of the staff who do the great work that we are celebrating today as part of Local Government Week. We also visited one of our long day care centres, spoke with staff and engaged with the very happy young children there.

I am also proud of the role of local government in New South Wales, and specifically of the work that the City of Canterbury does. Many members can reflect with pride on the work of their councils, and I take this opportunity to reflect on some of the great work of the City of Canterbury. We have a highly regarded children's service offering long day care, occasional care and family and vacation care. Canterbury council is regarded as having one of the best places to send children because of the quality of the care provided. Staff in our long day care centres say they looked forward to working at Canterbury because of its great reputation.

We have a great range of parks and playgrounds. If members have not seen them I encourage them to come along and bring their bikes to the Cooks River Cycleway, one of the best cycleways in Sydney. It is highly regarded by many people, both recreational and professional cyclists, who enjoy riding along the foreshore of the Cooks River. We have four fantastic libraries in the City of Canterbury, at Earlwood, Campsie, Lakemba and Riverwood. They run a range of great programs, including one called Celebrating Cultures. This is an award-winning program in which members of various community groups have the opportunity to use the library to showcase the culture and history of their community's background. It is a chance to break down misunderstanding and promote tolerance and respect for the various cultures in the City of Canterbury. There are other community harmony projects such as the Haldon Street Festival, where we welcome 25,000 people from across Sydney to celebrate our rich culture and the values of respect, peace and unity.

The Campsie Food Festival is another of our great festivals. Of course there are other programs that council is involved in, such as the new \$9 million Morris Iemma Indoor Sports Centre, which I had the pleasure of opening in March. It is a fantastic indoor sports centre that is already serving more than 1,500 people a week. There are seven senior citizens centres that provide a range of programs for the elderly in our community and we have just celebrated the opening of the \$2.1 million Punchbowl Community Centre in the City of Canterbury. I am very proud of the work that Canterbury council does, and Local Government Week is a great chance for us all to reflect on the great work councils do. On behalf of the people of Canterbury and all people in New South Wales, I would like to acknowledge the work of the management, staff and councillors across the State during Local Government Week celebrations.

**Mr NICK LALICH** (Cabramatta) [5.32 p.m.], in reply: I thank the member for Coogee and the member for Lakemba for their input into this discussion on Local Government Week. I agree that over the years local government Ministers of all political persuasions did the best they could to support local government. I know that local governments operate under considerable strain due to the rate capping that is imposed upon them and they must cut their cloth to match the money they receive. Those funds are cut almost every year, which makes it harder for councils to operate. I hope this Government will look at rate capping and come to a more amicable agreement regarding the way funds are allocated to local government. The member for Coogee

indicated that part 3A of the Planning Act has been removed and much more power has been given back to local government on planning matters, but I reiterate that it has been replaced by parts 4 and 5, which give the Minister nearly the same powers as did part 3A.

**Mr Paul Toole:** Who wrote this speech? Come on.

**Mr NICK LALICH:** I am ad libbing. The member for Lakemba, Robert Furolo, is also the Mayor of Canterbury. He has served for many years. He has given great service to City of Canterbury council, and I thank him for that. I thank members who have spoken tonight. I know members will join me in thanking all mayors, managers and staff of councils throughout New South Wales for the great work they do for our local communities.

**Discussion concluded.**

## PRIVATE MEMBERS' STATEMENTS

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### JOHN HUNTER HOSPITAL PAEDIATRIC SERVICES

**Ms SONIA HORNERY** (Wallsend) [5.34 p.m.]: Who would have imagined 20 years ago when John Hunter Hospital opened that it would expand to become the operation that it is today? It is the largest hospital in the Hunter New England Local Health Network and its impact on the region has been immense. It is the main teaching hospital of the University of Newcastle and contains the only trauma centre in New South Wales outside the Sydney metropolitan area. It was the busiest emergency department in the State in 2009-10, when 20,000 children and adolescents passed through its doors. But what the John Hunter Hospital does not have and without doubt needs is a specialist intensive care unit for children.

We know that children have different needs from adults and that staff training and understanding are different. There are behaviours that take place in an adult environment that children should not be exposed to. An excellent example of the dire need for an intensive care unit for children is the experience of the Hunter Valley's Harvey family. Their son Ethan, aged nine, sustained serious injuries in a car accident and spent seven weeks in John Hunter Hospital intensive care unit before being transferred to John Hunter Children's Hospital, where he spent more than 300 days. Speaking about Ethan's experiences, Mrs Harvey said:

Ethan was in the ICU at John Hunter Hospital for seven weeks following a car accident. In that time I witnessed the work of some incredibly dedicated staff. The staff worked extremely hard on Ethan, and I praise them for their efforts, however the environment was not comforting for children and parents.

At times we were worried about Ethan's safety, as adult patients would wake up and become distressed. Ethan, only eight years old, unable to move because of his injuries, just had to lay there and watch. You could see the fear in his eyes as it unfolded.

You notice the difference straight away when you move from an adult facility to a children's facility. When Ethan moved to John Hunter Children's Hospital we felt more comfortable in our surroundings and that Ethan's treatment was heading in the right direction.

This is what I believe it would be like if the Children's Hospital in Newcastle had a Paediatric Intensive Care Unit. The staff would specialise in treating children, the surroundings would reflect a paediatric setting and as a parent you would feel comfortable in the environment.

Kids do better with other kids around them. I've seen the improvement Ethan has made since moving to the Children's Hospital and being surrounded by other children in similar situations.

It benefits the parents as well: you form bonds with parents going through a similar situation. In ICU you see elderly people all around you nearing the end of their lives. When it's a child their lives are just beginning, you want them to fight, to survive, and you want people around you in a similar situation who understand what you're going through.

This need was well understood by the previous Government. We made a very important election promise of \$10.3 million to fund the expansion of paediatric services at John Hunter Hospital to treat 500 children per year. A new intensive care unit would provide medical, surgical, major trauma and neonatal services for critically ill children from the Hunter New England region and northern New South Wales. Six paediatric beds, additional high-dependency beds and state-of-the-art equipment such as monitors and ventilators would be in a purpose-built building located next to the existing adult intensive care unit.

The new unit was going to be designed with families in mind, with a dedicated space for parents and siblings of the young patient. This can still be done; all it takes is a commitment from the new Government. I know that my colleagues in the Hunter support this initiative as much as I do. I ask them to lobby the Treasurer, as I will, to allocate the \$10.3 million for this important project in the next budget. I say to the Treasurer that if he honours the commitment that was made to the people of the area in relation to this issue I can guarantee that not only will the people of the Wallsend electorate thank him, but all his colleagues and their constituents in the Hunter New England health area will thank him.

### **DRIVE TO SURVIVE PROGRAM**

**Mr ANDREW ROHAN** (Smithfield) [5.39 p.m.]: I thank the House for the opportunity to put on record my support for a very important program that is run by a very special individual. I speak of course about the Drive to Survive program, which is run by Ian Luff from the Sydney Dragway, located at beautiful Eastern Creek in my electorate of Smithfield.

In 2010 the Drive to Survive student driver education program was implemented as a result of young inexperienced drivers being overrepresented in serious motor vehicle accidents in Sydney's western region. It was in that context that Liverpool Catholic Club President, Mr Tony Atkins, and the then board of directors approached prominent motoring expert and post-licence driver education pioneer Ian Luff to implement a life-saving strategy. It was agreed that a positive course of action was needed to pre-program new drivers before or during their learning process—expanding on what they learn additional to the normal licence material taught by their parents.

Ian Luff and his team initiated the Drive to Survive student driver education program that offers a highly interactive experience for the young attendees, based on making smart choices in life and on our roads—life-saving choices in fact. Year 11 students from seven local high schools participated in the program with 1,000 kids attending in 2010 and another 1,200 attending in 2011. Sessions are two hours each with two of the sessions being conducted daily. For each session school students are transported to the venue by school bus and are accompanied by a teacher. The program exposes novice drivers to the outcomes of high-risk behaviour. Interactive roll play using non-mechanised buggies and vision-impairing eyewear are used to highlight the effects of drugs and alcohol on drivers' ability, demonstrating the consequences of not making smart choices on our roads.

The core purpose of the program is changing students' attitude towards driving and encouraging better behaviour when driving on New South Wales roads. This program has been fully funded by the Liverpool Catholic Club and managed and facilitated by Ian Luff Motivation Australia. All 108 sessions are being conducted at the Sydney Dragway, which is located within my electorate of Smithfield. The Sydney Dragway is owned by the New South Wales Government and administered by the Western Sydney Parklands Trust. This program highlights the versatility of the venue and its importance to my community and, more generally, to all of western Sydney.

Illegal street racing on Sydney's roads is a common problem among young drivers. The program also highlights what happens when the police catch drivers who have been racing illegally on public roads. Students are then shown the legal playground for speed—the Sydney Dragway—that is supportive of the Taking Speed Off the Roads safety campaign introduced by Ian Luff. Each Wednesday the Sydney Dragway conducts Race 4 Real off-street drag racing events. This encourages young people to drag race legally in a safe and structured environment, not on our public roads.

The Drive to Survive student driver education program involves the community, and its messages filter back to the parents and other members of the student's family. These many messages are about reducing tragedy and reducing the road carnage in western Sydney. At the end of the program, the Liverpool Catholic Club hosts a gala night, which enables the participating high school students who have completed the program to present on stage what they have learned about road safety and about Drive to Survive. The Premier, Barry O'Farrell, is attending this year's event on Monday 29 August, along with patron Alan Jones from Macquarie radio, Wendy Machin, NRMA motoring services president, and a number of other members of Parliament and the media.

As the member for Smithfield I will also attend this function. I fully support the Drive to Survive initiative. Ian Luff, the Liverpool Catholic Club and Sydney Dragway should be congratulated on what is a very important local initiative. Taking road safety in my community to the next level, I will organise a road safety forum to be hosted by Ian Luff, and invite constituents to this free-of-charge event to learn about road safety from one of Australia's leading experts. Our focus is to increase awareness, provide people with life-saving information while uniting the public and help to save our most precious resource—human life.

## ON TRACK COMMUNITY PROGRAMS

**Mr GEOFF PROVEST** (Tweed) [5.44 p.m.]: Once again I am 100 per cent for my electorate of the Tweed. I advise the House of a very important event that took place on Monday 1 August. I was representing the Minister for Family and Community Services, the Hon. Pru Goward, at the opening of a tremendous organisation called On Track. On Track has developed community programs to be the leading provider of community-based mental health, disability and community support services for the North Coast region of New South Wales. On Track's catchment area extends from the border at Tweed Heads to Port Macquarie. It currently employs about 160 staff in four main program streams. On Track is a professional, progressive, entrepreneurial organisation with well-developed organisational systems and capacity.

I had the pleasure of working with On Track even before I got into politics. It has been in the Tweed since 1992 and provides tremendous support to people with disabilities and mental illnesses. I pay tribute to its chairman, a local solicitor, Ken Lees. When he and others on the board first started they had a turnover well under \$1 million. Now they have a turnover of well over \$13 million. It is a credit to them. Its general manager, Leone Crayden, has assisted me on many different projects. Often we see constituents who are facing hardship, and it is to these not-for-profit organisations that we often refer these people.

The purpose of Monday's opening was to launch some projects. In the 2006 census the North Coast accounted for 11 per cent of the State's homeless, and the North Coast Homelessness Action Plan was developed to address this issue. The New South Wales Government has had a strong commitment to tackling homelessness and is supporting a range of targeted initiatives that address specific local homelessness issues. On Monday we launched two Department of Family and Community Services projects that are the result of the North Coast Homelessness Action Plan. The first was the North Coast Accommodation Project, led by Housing NSW, and the second was the Tenancy Support Program led by community services.

In the short time these programs have been operating they have demonstrated that they complement each other to achieve better outcomes for people who are homeless or who are at risk of homelessness. I understand that in the first four weeks of operation in June, Tweed North Coast Accommodation Project workers were able to assist eight people into long-term housing, with more than 100 adults and children across the region being provided with initial housing support through the Tenancy Support Program. The third reason we were on site was to officially open the On Track Community Housing Service office on Minjungbal Drive in Tweed Heads South.

In addition to the new housing and homelessness services, On Track currently manages 138 new one- and two-bedroom units across the Northern Rivers from Casino to Tweed Heads, and I understand that more than 40 per cent of these properties will be let out to homeless people. I have been working with the local community over the past two years to provide more homeless services within the Tweed. We do not have emergency accommodation facilities in the Tweed. At the last census 178 people were living on the streets of Tweed Heads. I have heard some horrific stories. Recently we had a number of suicides by young mums who had been forced out of their homes and were living on the street. Many of these young mums and families lived in cars and slept under bridges. It is something we must address; more must be done.

I am pleased to say I have arranged extra meetings with the Minister in that regard and we have received support from the great Twin Towns Services Club, which has provided some money. We have engaged consultants to develop a business plan. Hopefully, with the upcoming budget in September we will see some funds flowing to address this serious problem within the Tweed. I am pleased that the response from the Minister has been extremely positive. I had this plan two years ago. I presented it to a number of Labor housing Ministers, but needless to say I never received a positive response. I am hopeful, as always, that people less fortunate than us will receive our support, particularly in the Tweed. Once again, I am 100 per cent for the Tweed.

## PENRITH MEN'S SHED

**Mr STUART AYRES** (Penrith) [5.49 p.m.]: I draw the attention of the House to the efforts of a cross-section of my local community in pursuit of Penrith's first Men's Shed. All too often decision makers and community leaders consider that men's issues, men's health and social support networks such as Men's Sheds are somewhat peripheral to the real issues affecting local communities. However, men's health is a real issue and is at the forefront of the Penrith community. This is an opportune time to recognise what is so special about a men's shed. The Australian Men's Sheds Association website has the following information:

So what is so special about this new type of Men's Shed? Most men have learned from our culture that they don't talk about feelings and emotions. There has been little encouragement for men to take an interest in their own health and well-being. Unlike

women, most men are reluctant to talk about their emotions and that means that they usually don't ask for help. Probably because of this many men are less healthy than women, they drink more, take more risks and they suffer more from isolation, loneliness and depression. Relationship breakdown, retrenchment or early retirement ... loss of children following divorce, physical or mental illness are just some of the problems that men find it hard to deal with ...

Often men's sheds provide an opportunity for men to meet and discuss some of the issues that are critically important to them. The sheds provide a sense of community and often a real spirit of mateship exists. The sheds also bring together a set of skills, trades, tools and experience. Volunteers across the community can provide regular assistance and help other community groups to their great benefit. On the weekend I attended the launch of a Community Building Partnerships Program grant for the local Brothers Rugby League Club. Many of the people involved were local blokes who worked hard to get new awnings, shed facilities for the ground, a lawnmower, pads and all the things that enable a club to operate.

I draw to the attention of the House the great work of the inaugural committee of this new group led by Jeff Lawson, who is an indefatigable member of the Penrith community, along with the strong-willed Kevin Finlayson, Simon Simtow and Trevor Basford. The committee is working in conjunction with the teaching staff at Kingswood High School to host the men's shed on site and find appropriate synergies between the school's facilities and value-adding that the men's shed can bring to the school community. I am also impressed by the private sector contributions from Penrith's businesses towards this endeavour. Members who served in the previous Parliament would be aware of the significant contribution our local business community makes to the Penrith region.

It would come as no surprise once again to recognise the Penrith Good Guys as a contributor to the project, joined by Bunning's at north Penrith and Fender Industrial, which has offered to make in-kind donations towards supplies needed to run a men's shed. In addition, Mr Jack Compton, a resident of Emu Plains, has made available to the men's shed a wide range of tools to start its activities program. I am filled with anticipation that the Rotary Club of Penrith and neighbouring sheds at Warradale and the lower Blue Mountains are also interested in providing support. The Penrith Men's Shed is hosting an information session and barbeque this Saturday at 10.00 a.m. Members of this House who are interested in men's sheds for their electorates are more than welcome to come along and see how the Penrith model is working and take on board the ideas raised for the benefit of their communities.

It is a good opportunity also to remind members that men's health and mental health issues are critically important to their electorates. The Men's Shed Association has a fantastic website and I encourage members to check it out. Resources are available to community groups that want to establish a men's shed. The website also provides outlines on the legal ramifications involved with establishing a men's shed and things that need to be done. At the end of the day the establishment of a men's shed in Penrith will go a long way to providing a location where men can meet in the spirit of mateship to combat some issues around men's health and mental health in the region.

#### **NORTH BONDI SURF LIFE SAVING CLUB**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [5.54 p.m.]: Last Sunday afternoon as the member for Vaucluse I attended the North Bondi Surf Life Saving Club's 104th annual general meeting, which was held in my electorate. The club is an institution in the Vaucluse electorate: it is one of the largest surf clubs in Australia and it is set above the iconic Bondi Beach, which is a world-class tourist destination. I am proud to be the member in whose electorate that icon nestles. New figures from Tourism New South Wales reveal that Bondi is Sydney's most recognised area amongst potential visitors to the State. Bondi ranked equal first with Parramatta, about which we are not jealous, for unprompted awareness at 29 per cent, but that figure soon jumped to 90 per cent awareness once tourist awareness was prompted.

Those recognition findings were part of a comprehensive study into visitors' perceptions of 32 Sydney tourism precincts conducted by Tourism New South Wales in the key markets of Melbourne, Queensland, the Australian Capital Territory and regional New South Wales. The top recognition spot attracted quite a bit of competition. The mission statement of North Bondi Surf Life Saving Club is to ensure a safe beach and aquatic environment at North Bondi for the local community and visitors. The club does that with distinction with more than 500 volunteers. This year surf rescues are down and serious cases of first aid have been handled professionally. Last year 53 children lost at the beach were reunited with their grateful parents. Often these actions go unseen, which is a measure of the success of the club's work at the beach.

However, the North Bondi Surf Life Saving Club does much more than that. It organises many large professional community events, including the Cold Power North Bondi Classis Ocean Swim in February—truly

a cold part of the year to undertake that event—and the Bondi Barefoot Soft Sand Run in May. The club also hosts the Wheelie Warriors Day with disabled children at the beach, surf skills training for more than 100 Rose Bay Secondary College students, and the World Youth Education Trust event, which enabled children from Tanzania to experience lifesaving on Bondi Beach. All this is accomplished with a team of dedicated volunteers led by President Grant McMah and his strong executive. Particularly gratifying is that the club engages all parts of our community, which often can challenge community organisations. Along with those who received 75-year service awards, which I helped to present on Sunday, were toddlers whose parents are committed club participants all in their noisiest glory at the annual general meeting last Sunday.

The club has an ambitious plan to knock down and rebuild its surf club. Its amenity and aesthetics really are not befitting such a club or its location. The surf club looks like an old Pizza Hut building—I know the club would not mind me describing it in that fashion. The building project is a daunting task: it is four years in the making and funds are scarce, with council and private benefactors showing the way. The benefits of the project not only will provide the most advanced lifesaving facility in Australia catering for current and future needs, but also an iconic building on one of the world's most iconic beaches. Surely that is a fitting credential. It is my desire to see Bondi, Bondi Beach and the club thrive to continue its important community service at North Bondi. I look forward to working with the community on the future plans, including the important project to rebuild a new iconic surf life saving club.

### **SEAFORTH TAFE SITE FUTURE USE**

#### **TRIBUTES TO JOHN BEGG AND ZOE THOMAS**

**Mr MIKE BAIRD** (Manly—Treasurer) [5.59 p.m.]: I will speak about a couple of important issues. The first is the Seaforth TAFE site. This has long been a symbol of frustration for the people of Seaforth and the broader community of Manly. This asset has not been used since 1999. It is an education institution that was shut down without good reason. It has lain idle for many years, received the attention of vandals and been an eyesore to the whole community. I am delighted to agree with the previous Government's decision that the site be sold to Manly Council, at a reduced rate of about \$4.5 million. The sale is subject to the proviso that the site be restored and used as a community facility. Rarely have I seen such a difficult issue turned into a win-win for all parties. I congratulate Manly mayor Jean Hay on her leadership on this issue and the entire council for being so constructive and having the vision to take advantage of this opportunity for the betterment of the Seaforth community.

The council will engage with the community over the next period to work out how to use that community space. It is considering occasional childcare and adult education uses. My vision remains that education play a key role on that site. There will be discussions with the department on whether there is capacity now, or in the longer term, for flexibility to allow community use. The beauty about long-term flexibility and community use is that the site may be an additional facility and campus for TAFE as well as providing offices for not-for-profit organisations across the community. I support everything that Manly Council has done in regard to this matter. I commend the previous Government for its actions, and I am delighted to be part of a new Government that executes a win-win deal.

I note that the Teachers Federation still has a ban in place on the site. I ask, in the interests of the broader community, education community groups and the council, that the federation take a sensible position and remove the ban to enable the deal to be finalised, because this proposal will breathe life back into the Seaforth town centre and the Manly community. I am excited to be part of the proposal and to join Manly Council and the mayor in its delivery.

I note in this private member's statement that Manly has lost two of its members in the past few days. John Begg, who died on the weekend aged 87, was a highly respected member of the Manly community. The support he gave me in my time in this place was very much appreciated. I am aware that he is incredibly loved by his son, David, and his daughter-in-law, Nat, and their entire family. Everyone who knew him just adored him. Some came into contact with him in the course of his dental practice. I was told a story about John, who retired many years ago, visiting his dentistry. A person came into the premises in excruciating pain. Rather than say that the dentistry was shut and that he no longer worked there, he opened up the premises and helped this lady. She has told that story across the community.

That is but one example of the work that he did not only in the local community but with the Indigenous people on Bathurst Island, the Royal Far West, Lions, Manly rugby club and St Andrews

Presbyterian Church. He also served his country in the Royal Australian Air Force. He was a true gentleman. The Manly community is terribly saddened by his loss. I pay tribute to John Begg and his service to the community and the many organisations with which he was associated. To Eileen, David, Beggy and Nat, our thoughts are with you. We offer you our condolences. It was an incredible life that John Begg lived, and we celebrate his life this Friday.

I also note that Bear Cottage has so many special families that have become part of our extended community. Bear Cottage serves the whole State, but anyone who comes to Bear Cottage is regarded by Manly people as part of our community as well. Zoe Thomas died recently. I spoke about Zoe Thomas in a debate regarding stem cells that took place in this House many years ago. The parents of Zoe, Marty and Helen, decided to proceed with the pregnancy when the medical advice was that they should not proceed. The reason for that medical advice was that it was thought Zoe would die within hours of birth.

Recently, the Thomas family celebrated four years of Zoe's life. I pay tribute to the miracle that Zoe was. For her parents, it has been a very difficult time, but the four years with Zoe have been wonderful and joyful. I pay tribute to Zoe's parents. Our thoughts are with you because in losing Zoe we know you lost a daughter you loved dearly. At the same time, we recognise the joy and miracle that she was. On the passing of John and Zoe, we extend our best wishes to the families and the thoughts of the members of this Parliament.

### **RYDE ELECTORATE ROTARY CLUBS**

**Mr VICTOR DOMINELLO** (Ryde—Minister for Citizenship and Communities, and Minister for Aboriginal Affairs) [6.04 p.m.]: Volunteers are the drumming heart of the Ryde community. Whether it is direct assistance or care, activities for kids and their families or just checking to see if someone is all right, volunteers are the cog in the wheel of community engagement. Today I acknowledge the great work that the Rotary clubs in the electorate of Ryde perform. As Minister for Citizenship and Communities, I am lucky enough to witness the power of volunteers across this great State in making our communities a great place to live, and sometimes even drive change abroad. The Rotary clubs in my electorate are no different and embody the Rotary motto of "service above self". Ryde has four Rotary clubs: Eastwood, Macquarie Park, North Ryde and Ryde, all living up to this motto.

The volunteers of these clubs are guided by the four-way test. One, is it the truth? Two, is it fair? Three, will it build goodwill and better friendships? Four, will it be beneficial to all concerned? The Rotary Club of Macquarie Park's new President, Deidre Anderson, was handed the reins from Ross Rocca. Her executive in the club for the coming year will be Topher Holand, Michael O'Brien, Mihai Costache, Ross Rocca, Roseanne Gallo, Vic Tagg, Leo Dreisson, Trina Mosley, Sandra Rogers, Margaret Lee, Greg Jenkins and Paul Williamson. This year Macquarie Park awarded the Paul Harris Fellow Award to local Roseanna Gallo. The Rotary Club of North Ryde received Pamela Bennet as the new President, and she will be aided by Victoria Crawford, Rob Wilkinson, David Martin, Brian Powell, Phil Isaacs, Pat Perrin, Liane Corbett and Shankar Sankaran. Outgoing President Liane Corbett was awarded a Paul Harris Fellow by the club.

It is worth mentioning that Macquarie Park and North Ryde clubs join together each year to coordinate Carols on the Common, which attracts up to 20,000 people and raises funds for Rotary Oceania Medical Aid for Children. Carols on the Common is a much-loved community event and the funds raised provide medical treatment for children from developing countries in the form of life-saving and dignity-restoring surgery that they otherwise would not receive in their home country.

The Rotary Club of Eastwood's President for 2011, Tony Tang, will be aided by Patricia Keith, Robert Dive, Ralph Buchanan, Hari Rana, Jan Watson, Sophie Xiao, Sharon Dux, Brian Mitchell, Ed Garvin and Safar Sarmed. Eastwood Rotary is regularly involved in the local cultural festivals in addition to their community fundraising, which this year included having members Dr John Berne and his wife, Noelene, holding a flood relief fundraiser for more than 160 guests.

At its recent changeover night the Rotary club of Ryde presented Ken Allen as their new President. Former President Allen Horrell had the honour of presenting the Paul Harris Fellow to John Booth, Steve Thorp, Charles Kilby and Nora Etmekdjian. President Ken Allen will be assisted by Burkhart Foertsch, Robert Kaye-Smith, Michael Nelson, John Mazlin, Allen Hallett, Rob Mitchell, Nora Etmekdjian, Siddarth Maheswari, Terry Kerim and Charles Kilby for the 2011 year. Included among many other achievements for Ryde Rotary was the building of a school in Afghanistan, sponsoring a teacher and a student at the school of St Jude, Tanzania and fundraising for flood relief and the eradication of polio. Furthermore the Ryde club ran a wide

range of projects in our local community: Four Trees of Joy, the Red Shield Appeal, Circus Quirkus, Meals on Wheels, Bowel Scan, the Graffiti Removal Team, Apprentice of the Year, Pride of Workmanship, a Vocational Visit, and the Four Way Test Speech Competition.

Rotary clubs are filled with phenomenal community leaders doing great things for our local community, but abroad the achievements are just as laudable. I commend all Rotarians and the friends that assist and support them in my electorate and across the State for their great work and I wish them every success in their endeavours under their new presidents and executives.

### **WORLD RALLY CHAMPIONSHIP**

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [6.09 p.m.]: Tonight I express my support for Australia's World Rally Championship in Coffs Harbour between 8 and 11 September as well as raise a number of issues that are related to the world rally and its staging in Coffs Harbour. In 2009, as you know, Mr Acting-Speaker (Mr Geoff Provest), I stayed at your premises and went to the World Rally championship in the Tweed. That was a phenomenal event. It attracted some 20,000 intrastate, interstate and international visitors and poured some \$16.9 million into the economy of the Tweed and Northern Rivers.

As Mr Acting-Speaker knows, I was up early in the morning and went to bed reasonably earlier. I always had breakfast at Murwillumbah, which is not in the electorate of Tweed but gave me the opportunity to speak to small business owners in the area. I usually had lunch at Kyogle where again I spoke to small business owners, who sang the praises of the World Rally Championship and its benefits to the local economy. The local people loved hosting the event in their area. It provided an opportunity for 53 million viewers from more than 150 countries across the world to see what the Tweed has to offer. In 2011 Coffs Harbour will have the same opportunity.

As part of hosting the event in Coffs Harbour, a number of restaurateurs and hotel owners have applied for variations to their licences over the three days of the championship. The Liquor Accord in Coffs Harbour, which comprises a fantastic group of publicans, pub personnel and police, fully supports extensions to licence hours. The local council also supports it. I spoke to the mayor and the council's general manager, Steve McGrath, today about this issue. The local restaurants who have applied for extended trading hours have been told they need to obtain a reference from the World Rally Championship body. A letter from the Office of Liquor, Gaming and Racing states:

The office is aware of a proposed application to be made for a limited licence—special event for the same event that would presumably cover the same main attractions of the rally that could include presentations, dinners etc.

To be able to consider your application that Authority would need to be satisfied that the occasion fits the definition provided above.

The definition provided refers to an event of local, State or national significance. The World Rally Championship, which is watched by 53 million viewers in 150 countries, is not only of local, State or national significance but of world significance. As I have said previously in the House, I have been an official of the Confederation of Australian Motor Sport for over 30 years. I have attended international and State rallies and acted as a control official at events. I ask the Minister for Tourism, Major Events, Hospitality and Racing to accede to the request of the restaurants and hotels to vary their licences for the three days of the World Rally Championship so that Coffs Harbour will be able to provide hospitality to the local, interstate and international people who attend the event. The event attracted 20,000 visitors to the Tweed and Coffs Harbour is looking forward to hosting this event.

The World Rally Championship has the full support of the business community, the council and all other bodies. The service clubs also will be involved. This event will put Coffs Harbour on the world stage. I ask the Minister to discuss this matter with the Office of Liquor, Gaming and Racing so that the restaurants and hotels are granted the extended trading hours they have requested. Inspector Mark Houlahan, local area commander, fully supports it. I received a text from him at five past five this afternoon saying that the Liquor Accord fully supports it. Extra police will be in town during the event. Coffs Harbour is looking forward to this great event, which will be televised worldwide.

**Mr GEORGE SOURIS** (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [6.13 p.m.]: I take the opportunity to respond to the member for Coffs Harbour in the House and address the concerns he has raised in relation to the World Rally Championship to be held in his

electorate. I am pleased that the member for Coffs Harbour has raised this matter and is supporting this important major event, which will provide a significant economic contribution to the region and the State. I also am pleased to inform the House that I am advised that the event is the subject of an application to be submitted for a limited liquor licence for a special event.

The applicable licence category is an "on premises" licence. The application will seek extended hours of operation during the event. The application will be determined by the Casino, Liquor and Gaming Control Authority, which is an independent arm of government. As the relevant Minister I acknowledge the independent decision-making role of the authority and at the same time support the application for such special event status, as the World Rally Championship clearly will provide significant community, economic and social enjoyment benefits. I support the member for Coffs Harbour and I am confident that the outcome will be favourable.

### BEACON PROGRAM

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [6.14 p.m.]: Today I speak about an important contract about to be signed in my electorate by teenagers at Irrawang High School in Raymond Terrace. There is something in the air in Port Stephens empowering our students. It is powerful and contagious. It is not Facebook or Twitter or the latest hilarious YouTube sensation. It is the enthusiasm for a project that is inspiring and motivating students to stay in school, obtain a job or choose a positive pathway that enables successful transition to employment or further education and training.

I refer to the Beacon Program, which many in this House may be familiar with, as the non-profit organisation is now in 118 secondary schools in Australia. The Beacon Program belief is that every young Australian can develop an independent will to achieve personal success and success for their community. I was fortunate to be a guest at a recent business breakfast at Irrawang High School in Raymond Terrace to launch the Beacon Program at the school. The high school already places considerable emphasis on securing positive pathways to employment for its students. A key strategy it employs is to harness the wisdom, experience and generosity of employers and other community members who are willing to give their time and knowledge. And given they have.

Lue Fagan, the school's new Community Engagement Officer, is charged with the role of improving the school's profile and image in the local community. Some members may remember Lue as the electorate officer of my predecessor and good mate, John Bartlett. Lue has told me the school community is buzzing with excitement about the contract, which 180 year 10 students will sign this month. It is the first contract that most of them will ever sign—the next, no doubt, will be a phone contract—and perhaps the most important. At the breakfast I was more than impressed by the year 10 Beacon ambassadors for the school: Jyana Catic, Tim Higginbottom, Marc Hodgson and Jelesa Whitchurch.

These fine young people, who have been mentored by Ms Adele Robinson, will keep the rest of their year 10 peers up to date with the program. I also want to mention the year 11 hospitality students who planned, prepared, cooked and served the breakfast under the guidance of Mrs Jenny Sellers. The enthusiasm of the students and their teachers for this program is palpable. That partly could be because the school's principal, Col Elliott, an effervescent educator who is always looking for ways to improve the lives of his students, is so enthusiastic. The motto of Irrawang High School is "Integrity" and its slogan "Achievement through learning and participation". The school is living up to this creed every day and we wish them well for the future of this program.

The Beacon Foundation philosophy is that while government can provide stimuli to youth unemployment, the corporate world can play an important role in providing a bright future for the next generation of Australians through partnering schools. Beacon is not new to Port Stephens. Other high schools in my electorate involved in Beacon in 2011 are St Philips Christian College with 44 students, Tomaree High School with 223 students and Hunter River High School at Raymond Terrace with 120 students. When a signing has taken place the huge signed boards are proudly hung in the school's assembly hall so that future students can see the importance placed on the charter signing. The sign reads:

I willingly commit to achieving personal success through the Beacon Program.

I will pursue a positive pathway in further education, training or employment.

John Bartlett, my predecessor, was instrumental in introducing Beacon to Tomaree High School. He saw the name of the program evolve from Beacon to No Dole to Real Futures. John chaired the committee and attempted to pass it on to me when he retired from this place. I say attempted because John's passion for Real

Futures, our Sister Cities committee and the RAAF Citizen of the Year Committee was such that I asked John to continue his roles, and he did so until his untimely death. The work done by the Committee of Tomaree Real Futures is of incalculable value to the young beneficiaries of the program.

Time does not allow me to mention all the committee members by name. However, I should recognise Port Stephens mayor and Real Futures deputy-chair Bob Westbury, who was recruited by John before he was elected to Port Stephens Council, as well as a recent benefactor and now treasurer, Jeff D'Albora. Most boaties in this place would know of Jeff D'Albora. I encourage all members to investigate, encourage and facilitate a Beacon Program in their electorate and join me in asking the Minister for Education for modest funding to be applied to each school committee. I guarantee the returns will far outweigh the costs. Beacon is purely about the future of our children and we should all support this successful and innovative program.

### **PAINT PENRITH REaD**

**Mrs TANYA DAVIES** (Mulgoa) [6.19 p.m.]: I am proud to inform the House today of an early literacy program called Paint Penrith REaD which has commenced in the Penrith local government area in conjunction with Penrith City Council's Children's Services and Mission Australia. As a current Penrith City councillor and director on the Children's Services Cooperative board I have been a strong advocate and active supporter of this initiative since the innovative concept was first shared with me last year.

Paint Penrith REaD is based on Paint the Town Read—a whole community initiative successfully developed in Parkes, New South Wales, more than 14 years ago which is now rolling out across New South Wales and Queensland. The initiative aims to reduce the number of children commencing school who do not have the necessary foundational early literacy skills critical for school success. Rhonda Brain is a retired school principal from Parkes, New South Wales, who was inspired to find a creative way to redress the poor literacy skills of some school starters when she was teaching 14 years ago.

Research clearly shows the positive outcomes for children being read to and how this sets them up for good literacy outcomes later in life. This issue is critical as the research demonstrates that children with literacy problems entering school do not generally catch up—indeed, the gap widens as they progress through school. The research demonstrates that low levels of literacy are associated with unemployment, delinquency, incarceration and suicide. Paint Penrith REaD aims to encourage all levels of the community to support the development of children's early literacy skills from birth so they will be ready for reading and writing at school. Literacy skills are developed through talking, singing and reading to and with children from birth.

Locally, the Paint Penrith REaD initiative has certainly come alive in recent months and many organisations, in partnership with the leading organisations of Penrith City Council and Mission Australia, have become involved. These organisations include the Penrith Valley Chamber of Commerce, Penrith Panthers, the Rotary Club of the Lower Blue Mountains, Connect Penrith Community Hub, Nepean Community and Neighbourhood Services and local shopping centres including the Lennox Centre and Centro Nepean. In my active and strong support of Paint Penrith REaD I met with the chief executive officer of Penrith Panthers, Mr Ric Simpson, to request his consideration that the Penrith Panthers football team become involved in the initiative.

It was to my utmost excitement that on Saturday 16 July 2011 at Penrith Panthers' home game against Parramatta the Penrith Panthers wore red socks in support of the initiative. Staff volunteers from Mission Australia and Penrith City Council's Children's Services, and me, were involved in distributing information on Paint Penrith REaD and early literacy at the four entry and exit gates of the stadium. Our Paint Penrith REaD mascot, Rooby the reading kangaroo, was a big hit with the children. The combination of the striking red socks against the predominantly black uniform of the Penrith Panthers and a large kangaroo surrounded by people in white overalls with red paint marks certainly focused many people's attention on our message. This is an example of how our beloved Panthers are further contributing to the community and how rugby league can have a positive impact on our children.

I predicted to a volunteer at the start of the Panthers game against Parramatta that the red socks would bring the Panthers home that night, and they did. A Luke Walsh field goal in golden point extra time sealed a stunning come-from-behind victory for the Penrith Panthers. May I be so bold as to propose that the New South Wales rugby league administration considers issuing red socks to the New South Wales Blues team for next year's State of Origin series? Perhaps the magic of the red socks for the Penrith Panthers might flow to the New South Wales Blues side.

Other initiatives by the local community to support early literacy include Penrith City Council temporarily renaming Ransley Street in Penrith to REaDING Street as part of the campaign. Penrith City Council will also host the Annual REaDING Day on 2 September as well as the Nationwide (Reading) Bugs Convention on 3 September. A number of people should be congratulated for championing the Paint Penrith REaD initiative within our region: Barbie Bates, who brought the passion for the initiative to western Sydney; Julie Jasprizza-Laus and Robynne Harrison from Mission Australia; and Geoff Vallance from the Rotary Club of the Lower Blue Mountains.

I also congratulate Janet Keegan, director of Penrith City Council's Children's Services; Karen Van Woudenberg, who has been involved in the planning of the Convention and Reading Day; and the board of the Penrith City Children's Services Cooperative, which has endorsed and supported the initiative from day one. Mission Australia should be congratulated. It is the lead non-government agency and it is locally working in partnership with Penrith City Council and the board. I congratulate all individuals, organisations and schools who are involved in promoting and supporting literacy skills in the young members of our community.

### UKRAINIAN ORPHANAGES

**Mr STEVE CANSELL** (Clarence—Parliamentary Secretary) [6.24 p.m.]: Tonight I inform the House of a trip I just had to the Ukraine and the reasons why I went there. It may bring hope to people to know that there are good people in the world working hard for children who are in dire straits. After attending a fundraiser last year for an orphanage in the Ukraine I contacted the man who runs the orphanage, Andrew Ford—a former Grafton resident who lived in the Ukraine for 11 years. He married a Ukrainian woman, Oksana, and they were working with a mission called Youth With A Mission, going out to orphanages and teaching the kids there life skills and preparing them for life when they left the orphanage. The hundreds of orphanages in the Ukraine are all State-run, and foster care like we have in Australia does not exist there. After year 9 the children are kicked out of the orphanage.

The statistics are pretty alarming. After kids leave the orphanages 73 per cent are never employed, 70 per cent of the males become involved in crime, 60 per cent of the females become involved in prostitution and 10 per cent of the kids commit suicide before the age of 18. When I was in the Ukraine I chatted to Andrew about his mission. With the support of the Government and the orphanage directors they go into the orphanages and work with the children. Even though it is a Christian-based organisation they are not there to push Christianity down the kids' throats; they are there to teach them better life skills and to prepare them for life after the orphanages. We went to a summer camp near a little place called Perichen in Western Ukraine, near the Hungarian border and up in the hills.

There were two orphanages in the area: one was a gypsy orphanage in Uzhgorod and the other one was in Perichen and was a more traditional Ukrainian orphanage. The summer camp was held in a former Soviet sanatorium, which is like holiday accommodation. The Soviets left more than 30 years ago and nothing has been done there ever since. There was no running hot water and the conditions were pretty sparse. But it was extremely humbling. When you go there you feel almost a bitter-sweet feeling: You feel that it is a compassionate place and that everything is really good but you know that when you leave those kids will go back to the orphanages and there is virtually little hope for them. We were at the summer camp for 12 days and there were programs every day for the kids.

You could see that the kids have no love in their lives. All they want to do is hold hands, which you would not get away with in Australia, and the kids want to jump up and cuddle you—these are kids up to 15 years of age. They are so devoid of love in their lives. I got pretty close to one of the kids, Jura. He was the spitting image of my grandson. He is 13 and my grandson is 14. He is a confident kid but not cocky, and he is a little bit introverted in that he would hang back a bit. However, when he wanted to play the other kids loved him. I chatted to Jura through an interpreter. He has got as much potential as any kid in Australia but no opportunities. When I left I had a knot in my stomach and I almost felt like crying because all I could think was, "It was nice to meet you, mate. See you later. Get on with your life and I will get on with mine."

Andrew and Oksana adopted a Ukrainian boy, Vova, when he was about 17, and he is now 21. They have given him the opportunities that those other kids do not get. Vova is a young man with so much potential and he will fulfil that potential with the support he gets. Andrew has got a block of land and is raising funds to build a house basically for the kids who get thrown out of the orphanage after year 9 so that he can get them through education, get them some trade skills and get them jobs. Andrew and Oksana are starting to organise foster care for some of these kids when they leave the orphanages.

While I was there I painted a mural on a wall with some chalk and charcoal that we found. That mural will wash off in a couple of Ukrainian thunderstorms but the indelible memories of my time over there and these kids will last forever. Everyone should think about how good we have got it in Australia, and if members get a chance to support any initiatives to help people overseas they should think about it and put their hands in their pockets.

### BATEAU BAY AND THE ENTRANCE MEN'S SHEDS

**Mr CHRIS SPENCE** (The Entrance) [6.29 p.m.]: I begin with an excerpt from BBC Radio Scotland of January 2011:

Australian men are typically defined as confident and unassailable characters, but this stereotype is outdated, and has made it difficult for today's generation to open up when times are tough. Of Australia's 2,000 annual suicides, 80% are male, and the population most at risk is isolated older men. This is where the Shed comes in.

Certain groups exist across Australia that are determined to help to reduce this shocking statistic within our male population. Some of these groups have come together to form a cluster of community Men's Sheds. Among the growing number of these Men's Sheds around New South Wales and Australia, the Central Coast proudly and successfully operates eight Men's Sheds. Of these, two are located within my electorate—one at The Entrance and the other at Bateau Bay. The Entrance Men's Shed is an exciting and relatively new facility for our community. Located at The Entrance Community Centre, the workshop facilitates a welcoming environment for local men to get together, share skills and stories, foster friendships and work collaboratively on projects that not only benefit the community but themselves as well.

Since its establishment about three years ago, The Entrance Shed has produced a thriving and inspirational group of members that has grown to over 60 men—of which more than a quarter turn up every week. This charitable group of members is led by a loyal and hardworking committee. The executive body of this committee consists of four men: President Ian Warburton, Vice President Robin Eschbank, Treasurer Peter Whitehead and Secretary Terry Anderson. Ian's own experience encapsulates what the Shed means, not only to him personally, but to the general experience felt by the community at large. Ian reached his retirement and, looking for a new interest, he found a list of Men's Sheds on the Central Coast. He said:

The Entrance was the first one I came across and decided to check it out, and I'm still here ... I've always been interested in wood but I had no experience at all. I've improved from zero to 100%. We make things for schools and community groups ... It's casual. We have a ball.

Once a fortnight, Ian and Terry closely involve themselves with the Samaritans by helping a group of intellectually and physically disabled people who visit the Shed. They assist the group with tasks such as hammering and painting of wood-crafted projects like bird cages, feeders and nesting boxes. The group also will make or repair items for private individuals; they just ask for a donation. I do not need to point out that the assistance of the men at the Shed reaches far beyond the physical. The Men's Sheds bring hope in many ways, and The Entrance is no exception. In an article from the *Express Advocate*, Terry Anderson expresses his feelings of accomplishment and contribution towards the community. He said:

They get a lot out of it and so do we. There's a lot of satisfaction in helping people not as able as yourself ... People just come whenever they feel like it, sometimes people just like coming in for a cuppa and a chat.

Recently the Wyong Shire Council, led by Peter Whitehead, approved a development application for the addition of a training room for members of The Entrance Shed. I am sure that all members of the Men's Shed are looking forward to the challenge of building this new addition and the benefits it will bring. I understand that work is already underway, with the concrete slab having been laid recently. The community Men's Shed at Bateau Bay is similarly an excellent environment for men to get together and share their time with the community. Recently I had the good fortune of sharing morning tea at the Bateau Bay Shed with President John Sharples and Vice President-Secretary Kevin Armstrong. I found my visit to be an immensely satisfying experience.

I was moved to see firsthand the remarkable generosity and compassion evident in each member as they worked on all sorts of projects for the community. During my time there we shared morning tea and one of the guys read out a couple of pages of his own private collection of jokes that he has collected over the years. It was great to see the camaraderie evident amongst those present. I was shown their work areas and some of the projects that they were working on including plans, at the time, to build an outdoor garden area so that those less

inclined to work with wood, computers or metal work could also have some involvement at the Shed. The Shed is exceptionally proud of its latest community involvement project. A blog on their website on 20 June 2011, states:

Each year the CC Community Chest organises a Billy Cart Derby Day on the waterfront at Gosford and this year Bateau Bay Shed accepted the invitation to build a cart. The cart will carry the Logo of the Shed and will be driven by someone who would have loved to enter but wasn't able to build their own machine. Who knows it may even get to run in a couple of events before going into the 'Cart Hall of Fame'.

As I said before, Men's Sheds bring hope in many ways. Better yet, they give men in our community somewhere to go and relax in an environment that creates friendships, skills education and the sense of belonging. I am incredibly proud to have The Entrance and Bateau Bay Men's Sheds within my electorate, and can only hope that the inspirational work that occurs within those workshops continues for many years. I look forward to visiting them again.

**Private members' statements noted.**

**The House adjourned, pursuant to standing and sessional orders, at 6.34 p.m.  
until Thursday, 4 August 2011 at 10.00 a.m.**

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