

# LEGISLATIVE ASSEMBLY

Tuesday 4 September 2012

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**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 12 noon.

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

## BUSINESS OF THE HOUSE

### Notices of Motions

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

## PRIVATE MEMBERS' STATEMENTS

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### GOULBURN ELECTORATE EVENTS

**Ms PRU GOWARD** (Goulburn—Minister for Family and Community Services, and Minister for Women) [12.13 p.m.]: To coin an oft used phrase: spring has surely sprung across New South Wales. The final day of winter left with a sharp snap of icy winds and snow on the high ground. In fact, there was snow in my back garden. The days are starting to get noticeably longer, blossoms are drifting from the almond and cherry trees and the daffodils are brightening up our gardens. My electorate is noted for its four distinct seasons and spring means gardens bloom and lambs, calves and foals are evident in the paddocks. As we cast off the shackles of winter we turn our attention to one of Goulburn electorate's greatest fortes: fundraising. The window of my electorate office provides a much pored over community noticeboard. During the winter months it is a little depleted, as people prefer to stay home on the cold days and long nights; but spring tells a different tale. The district understands the importance of community.

We know our neighbours and the people down the street and we are keen to support fundraising events and to look after our own. Not only do these events raise funds for a number of interest groups, they also are wonderful for building human capital within the community. Whether it is the mums and dads at the school canteen or kids' sporting venue, or the committees formed by committed individuals organising balls and dinners, these events bring together teams of people who forge lifetime friendships in the process of supporting their community. A dinner at the Annesley ballroom in Bowral, which was held last weekend in support of the proposed Southern Highlands Botanic Garden, was one such event. My husband, David, and I were delighted to attend. The proposed garden will breathe life into a scruffy paddock on the outskirts of town bordered by the suburbs of old Bowral, Burradoo and East Bowral and will create a venue for the study, promotion and enjoyment of gardens for the local community and for visitors to our shire.

The not-for-profit voluntary association employs no staff and relies entirely on charitable donations. To this end it has established the Friends of the Southern Highlands Botanic Gardens, which now boasts around 500 members. The community enthusiasm last Saturday night was palpable. The guest speaker was David Mabberly, Executive Director of the Royal Botanic Gardens in Sydney. He gave a very interesting talk on the history of botanic gardens, telling the story of British exploration teams which always included a botanist who would collect specimens and then introduce any new species to European society. Thousands of new species were introduced to European society in that way. We only have to look at our own history and Joseph Banks's contribution to botany dating back to Cook's first voyage in order to demonstrate community interest in Australian plant life.

The Southern Highlands Botanic Garden will showcase a mix of native and exotic trees that will highlight four distinct seasons in a cold climate. To represent the natural woodland that was endemic to the area the garden will also include a shale woodland. The site will utilise a natural water course to form a chain of ponds to be known as the Ponds of Reflection. The ponds also will assist migratory birds. A particular reference will be made in the design to two women, Louisa Atkinson and Janet Cosh, who made a notable contribution to

the knowledge of local flora. Louisa Atkinson, from nearby Oldbury in Sutton Forest, collected and illustrated local flora back in the nineteenth century, the majority of which are now held by the State Library of New South Wales. Her granddaughter Janet Cosh has continued the tradition and provided the resources to establish the herbarium at the Wollongong Botanic Gardens.

With such enthusiastic support from the local community and funding grants from all levels of government, the development of the garden is racing ahead with the grand opening optimistically scheduled for December 2013—coinciding with the Bowral sesquicentenary. I acknowledge and congratulate the members of the executive committee on their commitment to the project despite numerous obstacles to its progress. Recently Charlotte Webb was awarded a Medal of the Order of Australia for service to the community, in particular, the Southern Highlands Botanic Gardens. I congratulate her on her leadership of this project.

Ms Webb put together a capable committee consisting of Ross Stone, Jacqui Page, Jan Edwards, David Cummins, Geoff McBean, David Ross and Chris Webb. The Friends of the Southern Highlands Botanic Gardens committee is ably led by Ted Duncan. It is amazing how the same names keep appearing on different committee executives, which goes to prove that if you want a job done ask a busy person. The Goulburn Wetlands Project is another ambitious landscaping project in Goulburn. As an inaugural member of Friends and Residents of Goulburn Swamplands—FROGS—I am looking forward to joining my fellow members in early October to start planting out this exciting project.

### **YOUNG LIFESAVER OF THE YEAR JEREMY KUIPER**

**Mr RYAN PARK** (Keira) [12.18 p.m.]: I talk today about a constituent in my electorate called Jeremy Kuiper. Jeremy was recently named Young Lifesaver of the Year at Surf Life Saving NSW 2012 Awards of Excellence. As those of us lucky enough to live in coastal areas understand—such as Madam Speaker and the member for Wollongong—lifesavers are important to the local community. We know firsthand that they are the first people on the scene when there is an incident or tragedy on our beautiful waterways and they are often—and should be—the last person to leave the beach on a summer evening.

Jeremy Kuiper, who at 18 years of age captains the Fairy Meadow Surf Life Saving Club, is a fantastic individual. Fairy Meadow Surf Life Saving Club is a very proud and parochial local surf life saving club in the Illawarra. Jeremy has taken on the captaincy role despite the club having many members much older than he is and despite a fear of the surf when he was young. A fear of surf is not uncommon for many young lifesavers. In their case they do not take to the surf like a fish to water; it takes time for them to get used to it. However, over time Jeremy has developed a passion for surf lifesaving and an understanding of the importance of the local surf life saving club not only to improving his skills but also to supporting the local community.

Jeremy was named Young Lifesaver of the Year at the Surf Life Saving NSW 2012 Awards of Excellence. He should be extremely proud to have received this most prestigious surf lifesaving award at 18 years of age. I am extremely proud of him. This young man has taken on a leadership role in his local community and he continues to act as a role model for young people in the region as well as volunteers generally across the Illawarra. During the last season he logged over 130 patrol hours. For those of us who know a little bit about surf lifesaving, 130 beach patrol hours is an enormous effort. It is all done voluntarily, free of charge, and it is always done in the spirit of helping others.

I am also extremely proud of the Fairy Meadow Surf Life Saving Club. The club continues to grow and attract new members—young children and women—recruits former members back to the club, and has non-active members who help out week in and week out. The club has a very proud history and it is an honour for me to represent a club that produces such fantastic talent as Jeremy Kuiper. I also am proud to be a member of the Parliamentary Friends of Surf Live Saving, which advances the cause of surf lifesaving and related issues in this place. I will continue to be a strong advocate for our local surf life saving clubs. Living within a few hundred metres of a beach I see firsthand, particularly during the summer months, the fantastic work that surf lifesavers do to keep locals and tourists safe on our beaches. I congratulate Fairy Meadow Surf Life Saving Club and Jeremy Kuiper on receiving this wonderful award.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.23 p.m.]: On behalf of the Government I join with the member for Keira in congratulating Jeremy Kuiper of Fairy Meadow Surf Life Saving Club on being awarded Young Lifesaver of the Year at the recent Surf Life Saving NSW 2012 Awards of Excellence. The electorate of Ballina, which I represent, has a very strong lifesaving culture, particularly in Byron Bay and Ballina. I was delighted to learn that many surf life saving

clubs and individuals in my electorate also were successful at those recent awards. As the member for Keira said, these volunteers, who are role models in our communities, do a fantastic job in keeping our beaches safe.

### CROSS-BORDER COMMISSIONER

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [12.24 p.m.]: As members know, I am always 100 per cent for the Tweed. Today I inform the House about an important matter in that great electorate, that is, cross-border issues. In 2000 I attended a meeting at which the member for Ballina and Minister for Local Government, who is seated at the table, pushed hard for the creation of a position of cross-border commissioner. He has never wavered from that path. Steve Toms is now our Cross-border Commissioner, and the member for Ballina, the Deputy Premier and the Department of Trade and Investment, Regional Infrastructure and Services are to be congratulated.

Steve Toms has visited my electorate numerous times and he has met with a wide range of local businesses, taxidriviers, doctors, nurses, clinicians and local police. About 3,500 small businesses operate in the Tweed electorate. Every day approximately 30 per cent of our local workforce crosses the border to work in Queensland and approximately the same number of Queenslanders come to work in the Tweed. Many of those workers are affected by cross-border issues. This matter was ignored by the previous Government for 16 years, as was evident when I asked a question of Joe Tripodi, a former Minister for Finance—

**Ms Noreen Hay:** Point of order: Private members' statements are an opportunity for a member to speak about his or her electorate, not to impugn the reputation of former members of this House.

**The SPEAKER:** The member for Tweed was referring to a question he had asked of a former member. At this stage no imputation has been made. I caution the member for Wollongong about predicting what may occur. There is no point of order.

**Mr GEOFF PROVEST:** The Tweed was neglected all that time because the Queensland Government did not get along with the New South Wales Government. Happily, things are changing. Questions have been asked in the other place about the activities of the Cross-border Commissioner. I can assure the House that Mr Toms has the full support of our local taxidriviers, bus drivers and businesses. I also can inform the House that Mr Toms has met on a number of occasions with the Queensland Department of Transport and Main Roads and Queensland Health. Indeed, later this afternoon Mr Toms will attend a briefing at Parliament House; I am looking forward to it. Chris Crawford, Chief Executive Officer, Northern New South Wales Local Health District, and Police Superintendent Stuart Wilkins also have met on a number of occasions with their counterparts across the Queensland border. Things are finally starting to happen.

During a recent parliamentary inquiry into cross-border issues and special economic zones, at which the member for Wollongong was present, the committee met with a large number of businesspeople. The people of the Tweed have been asking for help for a long time. The unemployment rate in the Tweed is always approximately 2 per cent higher than the State average. Businesses in the Tweed, which compete with businesses across the border, often refer to the issue of payroll tax. In Queensland the payroll tax is 1 per cent lower than the rate in New South Wales and the current threshold is \$1.1 million in Queensland compared to \$675,000 in New South Wales.

I note that the member for Albury is present in the Chamber. The member for Albury has been a fine advocate of cross-border relations with his counterpart in Victoria, as has been the member for Monaro in cooperation with the Australian Capital Territory and Queanbeyan. By taking a common-sense approach to cross-border issues New South Wales will be the number one State again. The Liberal-Nationals Government has taken on these hard issues; we will not run away from them. Those on this side of the House are reformists. The O'Farrell Government is making changes not for the benefit of members in this Chamber but for the benefit of everyone in New South Wales—something the former Government failed to do for the past 16 years.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.29 p.m.]: The member for Tweed not only is 100 per cent for the Tweed but also is 100 per cent involved in trying to address serious cross-border issues. It has been his agenda and that of several other members for many years but, as he stated, nothing happened in that space under the previous administration. I introduced a private member's bill to appoint a cross-border commission and commissioner but the former Labor Government voted down that bill. There are many cross-border issues involving police, transport and health and the Coalition

Government's appointment of Steve Toms is a positive move in the right direction. I agree with the member for Tweed that businesses in New South Wales are severely disadvantaged by a number of things, including the difference in payroll tax. In Queensland the threshold is much higher than it is in New South Wales and the rates there are much lower. Many issues need to be addressed but the Coalition Government is getting on with the job of addressing them.

### ALBURY COMMUNITY CABINET MEETING

**Mr GREG APLIN** (Albury) [12.30 p.m.]: We were delighted when the aircraft carrying New South Wales Premier Barry O'Farrell and 14 members of State Cabinet emerged from heavy winter fog and landed safely in Albury on 25 June 2012. In part we were appreciative that the New South Wales Cabinet had chosen to hold its meeting in Albury as that gave local businesses and the general public a rare opportunity to quiz the State's leaders in a community forum. However, we were waiting also for the announcement of funding for Albury's long overdue replacement ambulance station. The Premier, who was accompanied by the Minister for Health, Jillian Skinner, said, "I am delighted to be in Albury and delighted to bring good news." It has been a long haul since the first announcement of a new station was made in 1994 and I have been chasing it since being elected in 2003. It has been a road of deception, delay and disappointment for the people of Albury and Albury's heroic paramedics.

There is no doubt that the wind changed when this Government took office. There were many meetings, much correspondence and robust discussion in a tight budgetary climate. After many years of receiving hollow promises it is wonderful now to have all the money budgeted, acquisition of the site under negotiation and a completion date scheduled. I also inform the House that the research and planning phase has been completed. Prospective sites were identified by the end of June this year and negotiations are underway to purchase land on Wagga Road just north of Five Ways in Lavington. It is anticipated that design work will commence this month, with construction to begin before the end of the year. An amount of \$4 million has been allocated, equivalent to what would be spent on a new station in Sydney and significantly higher than what might be expected for a regional station. Completion is scheduled for mid-2014 when we will celebrate the opening of a magnificent facility.

Although one aircraft was delayed by fog and others turned back, it was fortunate indeed that three Ministers had chosen to go to Albury the previous day. I thank Minister Mike Gallacher, Minister Greg Smith and Minister Anthony Roberts for getting the forum off to a great start. Ministers kindly worked through lunch, extending the forum to 2.15 p.m. so as to minimise disappointment. Questions crossed areas as diverse as mental health, phone service, electricity prices, asylum seekers, small business, dental health, infrastructure and cross-border anomalies. A young person raised concerns about conflicts facing L-plate and P-plate licence holders as they drive across the Murray River. The question that was asked was, "Do we drive according to the posted speeds or do we drive according to our licence?" Unbelievably, there is no definitive answer.

It was a very practical session. I thank all those who attended the forum, including Albury City Council Acting General Manager Michael Keys, Corowa Mayor Fred Longmire, Greater Hume Mayor Denise Osborne, Albury Wodonga Health Chief Executive Dr Stuart Spring and Australian Industry Group Regional Manager Tim Farrah. Ripples continue to flow from this meeting in Albury, proving once again the value of a regional visit. Two issues of concern in my electorate are youth suicide and rock throwing onto the Hume Freeway. We are now in the midst of works to update screening on road and pedestrian bridges which span the Hume Freeway and, in some places, the Sydney to Melbourne rail lines.

Initially the budget allocated \$1.1 million for improved screening. However, I am pleased that on further investigation the Government increased that amount to \$2.2 million which will enable us to extend the screening to additional bridges and walkways. The thanks of the community go to the Minister for Roads, the Hon. Duncan Gay, for providing the funding and then doubling it after listening to the people of Albury. On the day I had an opportunity to speak to Cabinet about a number of issues of high interest on the border. Several Ministers expressed an interest in returning to Albury, having had a first taste, so to speak, of the city—a legacy of such a major visit.

Dr Arthur Andrews, in his book *The History of Albury 1824-1895*, makes reference to an occasion in 1862—150 years ago this year—when the citizens of Albury sent a delegation to Sydney to lay various grievances before Premier Charles Cowper. Their 1862 shopping list included seeking a member of Parliament for the town, a police headquarters, establishment of a local Supreme Court, extension of the southern railway to the Murray, erection of bridges on the Sydney and Howlong roads, transfer of moneys to the hospital fund, lands to be made available for settlement, and free distillation and sale of colonial wines.

The Premier was most obliging, giving the deputation £1,200 for the hospital, £140 for the municipality, a courthouse and lockup for Corowa, promises of modification of the pleuro regulations, the division of the south-western police district with an inspector in Albury, an increase of the jurisdiction of the District Court to £500, a grant of the market reserve and an increase of the common. Almost immediately an additional 100,000 acres were thrown open also for selection. One hundred and fifty years later, the people in Albury are still sending delegations to the Premier in Sydney. It is with gratitude today that I thank the Premier and Cabinet for making the journey the other way.

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [12.35 p.m.]: I thank the member for Albury for his kind words of welcome and thanks to Cabinet which met in Albury a few months ago. I, along with a number of other Cabinet Ministers, was on board one of those planes that was delayed by fog. We held a regional meeting with the community which included interviews. One of the great things about this Government is that it engages with communities such as Albury and Tamworth. It makes itself available through community Cabinet meetings to answer specific questions that people might have of any Minister in the hall. I recall that the member for Albury gave Cabinet a detailed and informative briefing on all the issues relevant to his electorate. Cabinet Ministers were appreciative of his briefing.

### TRIBUTE TO FRED MOORE

**Ms NOREEN HAY** (Wollongong) [12.36 p.m.]: Today I acknowledge and pay tribute to Mr Fred Moore, a local icon and legend in the Illawarra who turned 90 years of age. I congratulate Fred on reaching that significant milestone. In the early 1980s I had the pleasure of knowing Fred, along with other retired unionists such as Peggy Errey; formidable union advocates for clerical workers Irene Arrowsmith and Monica Chalmers; that great peace activist Doreen Burrow; and others. They were all in a group with Fred and did fantastic work in a voluntary capacity. Fred was a working-class activist, author and an extremely well-respected member of my local community. On Saturday 1 September 2012 I had the honour of helping to celebrate Fred's 90 auspicious years with over 300 of his closest friends at the Dapto Ribbonwood Centre in Dapto.

The guests, who represented all sections of the community, included family, politicians—both current and former—and trade unionists. I am happy to note that Barry Swan, a Miners Federation executive for many years, was also in attendance to acknowledge Fred's achievements. Wharfies and miners were also present. In attendance was a large contingent of Aboriginal community members that Fred holds so dear, many of whom call him "Uncle". It was a surprise party and Fred was very surprised. I congratulate Fred's daughter, Sue, on her outstanding organisational skills in making the day so special not just for her dad but also for all those who attended. It was quite emotional for the guests when Fred was moved to tears. Fred was born in Cobar in 1922 and became a miner at the age of 14. Fred had a long career in the industry, spanning over 50 years.

Fred has always been a champion of the worker and was heavily involved in the trade union movement and the Miners Federation. I knew Fred when the officials in the South Coast Trade Union Centre at Wollongong were Bobby Graham, John Hogan and Ted Curran. Fred Moore House has been named in his honour in recognition of his long and dedicated fight for the rights and conditions of workers. Amongst his many achievements was his role as chairman of the May Day Committee for over 20 years. Often this unpaid position was not given appropriate recognition but Fred did a marvellous job in that role. I understand that he attended his first May Day march when he was just 10 years old—in 1933. Fred has been bestowed with life-member status of the Miners Federation and the Miners' Women's Auxiliary. That is an achievement because he is the only man alive of very few to be made an honorary member. It is no small feat for a man to be accepted as a member of the Miners' Women's Auxiliary.

Fred is also extremely well known for his advocacy on Aboriginal rights. As a result, he was initiated as an Aboriginal tribal elder in the Illawarra, as well as made a blood brother to the Jerrinja people and is known to local Kooris and other activists as "Dad". I have many fond memories of Fred and they go back to years of anti-nuclear campaigns and picketing the USS *Brewton*. Not everyone would agree, but the placards said that the sailors and everybody else were welcome but the nuclear armament on the ship was not welcome. There are many examples of Fred Moore's activities but, most importantly, what he offered then and what he offers today is a friendly smile and an understanding ear. He has a wonderful family. Fred Moore is a living treasure. His passion and dedication to the causes close to his heart have made our community all the richer, and I am privileged to know this man. I wish Fred all the best and I look forward to his 100th birthday party. I congratulate his grandchildren, great-grandchildren and the rest of his family.

### TASTE ORANGE @ SYDNEY

**Mr ANDREW GEE** (Orange) [12.41 p.m.]: I draw the attention of members to the extraordinary scenes in Martin Place on 23 and 24 August this year when Taste Orange took over the Sydney central business district for Taste Orange @ Sydney. Thousands and thousands of people got a chance to taste the delights of Orange and its surrounding districts at this highly successful event. The promotion, which was launched officially on the evening of Thursday 23 August, was strongly supported by Destination NSW to the tune of \$60,000. Destination NSW contributed half the cost of this event. I pay tribute to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts who is always there for regional members when their events need support from the New South Wales Government. It was money well spent.

The event demonstrated to Sydney that Orange is a dynamic place. I pay tribute to Rhonda Seer and her hardworking team at Taste Orange, including Jane Arnott, Charlotte Gundry and Simon Rollin. I acknowledge and thank the Chair of Brand Orange, Peter Gibson, who did a wonderful job of emceeing the official opening. I must mention the Masterchef, Kate Bracks, whose cooking demonstrations were an absolute highlight of the event. I liberated some of Kate's desserts when I was at the event. I pay tribute to the many exhibitors who worked so hard to make the event such a success. Many of Orange's famous wineries were on display, including Angullong, Borrodell, Ross Hill, Cumulus, Highland Heritage Estate, Printhe, Patina, Cargo Road, Gordon Hills, Orange Mountain, Twisted River, Logan, De Salis, Cooks Lot, Philip Shaw, Belgravia, Brangayne, Faisan and Small Acres Cyder.

Also highlighted at the event was the food and produce of Orange and its surrounding districts. The caterers, Edwena Mitchell and Gina Allen, did a superb job. Other producers who participated were Gaskill Greens; Egganic for eggs; Morganic for garlic; Roberts Bakery; Hillside Orchard, which supplied apples and pears; the Jannei Goat Dairy; Mandagery Creek Venison; Racine Artisan Bread; Paling Yard Grove olive oil; Trunkery Creek Quality Products, which supplied pork; Budgi Werri Prunes; Waru Organic Produce, which supplied kale.

**Mr David Elliott:** That's everything.

**Mr ANDREW GEE:** Yes, we have everything in Orange. Not only the producers of Orange and its districts were on display; Charles Sturt University also was in attendance. Orange High School Senior Stage Band appeared and did a wonderful performance on the second day of the event. The Western New South Wales Local Health District and the Mental Health Drug and Alcohol Service also were in attendance. Accommodation was represented by those hardworking folks from Derussie Suites, who recently opened a new accommodation facility in Mudgee. They also have a famous facility in Orange. Business was represented by GWS Personnel and WHK Financial Services, shopping was represented by the Orange City Centre, and sport was represented by Golf Orange. Orange City Council and Cabonne Council wholeheartedly supported the event, and I thank them for it. Blayney and Cabonne villages were represented.

Millamolong Polo Club was in attendance representing horse-related sport. Indeed, during the two days of the event I saw Mel Ashton doing a superb job for Millamolong Polo Club. The Towac Fruit Export Cooperative was promoting Orange apples. Jayne and Peter West were both there, as was Xanthie Butcher and the other hardworking team from Orange Apples. It has been a difficult time for our orchardists recently but it was great to see them promoting their products in Sydney. As I said, Kate Bracks, the Masterchef, was there. Philip Shaw, the celebrity winemaker, was in attendance, as was Shaun Arantz, the Country Chef of the Year. All in all, I pay tribute to everyone who played a role in organising this successful event. They worked hard. The event showcased the many wonderful features and the food, produce and wine of Orange and the surrounding districts. I congratulate Rhonda Seer and her entire team on putting on such a wonderfully successful event.

### EARLY CHILDHOOD EDUCATION

**Mr RICHARD TORBAY** (Northern Tablelands) [12.46 p.m.]: Early childhood educators—that is, those who work in preschool, long day care and family day care sectors—are caught in a snare of policy versus execution. The policy to increase participation in preschool education has enormous merit. Providing working parents with good-quality long day care for their preschool children is a necessity. The snare for the policymakers is always the cost. For the early childhood educators the snare is that these changes are occurring at their expense. They are being required to upgrade their qualifications and increase their accountability but under pay and conditions that are not competitive and do not reflect these increased demands. The National Quality Framework came into force this year, requiring a university trained early childhood educator to be employed in each centre to ensure the quality of its services.

These reforms require early childhood services to spend more to cover the cost of upgrading staff qualifications. But often when the staff member completes a tertiary degree the service cannot afford to pay the advanced rate of pay. The staff member then either leaves or remains at a lower rate of pay. It is estimated that 180 people are leaving the sector each week due to poor pay and challenging conditions. Their pay does not reflect in any way the responsibilities placed on them to care for and educate young children and the documentation of each child's development which is very demanding. Most university trained early childhood teachers are also qualified to work in primary schools where they receive up to 23 per cent more in their pay packets. The State Government is responsible for preschool education. New South Wales puts less money into early childhood education than any other State in Australia, according to the Productivity Commission's "Report on Government Services", which states:

New South Wales spends an average of just \$159 per child per year compared to Victoria's \$193, South Australia's \$429, Tasmania's \$335 and the ACT's \$632.

A Certificate III qualified early childhood educator can expect to earn as little as \$17.46 per hour. Those with no formal qualifications receive an average of \$15.34 an hour and those with a diploma earn \$20.57 an hour. Compare this to the metal trades profession where a Certificate III qualified metal worker receives over \$10 more an hour and a diploma qualified metal worker receives \$16 more per hour. Between 2005 and 2010 the Federal Government increased its spending for early childhood services from \$1.8 billion to \$3.8 billion. This has improved affordability for parents by 20.5 per cent, with 85 per cent of the funding currently flowing to parent subsidies. During this period, qualified childhood educators' wages increased from just \$13.07 to \$17.46 per hour. At the same time, the minimum wage increased from \$12.30 to \$15.00. A recent Productivity Commission report states that for sufficient early childhood teachers to be attracted and retained in long day care to meet the reforms in the National Quality Standard and National Partnership Agreement, salaries will need to be competitive with those offered to primary teachers in the school sector.

Another factor affecting parents in this State is the new national regulation changes in child to adult ratios for Family Day Care services. These changes, which will commence in 2014, will restrict the number of children an educator can care for from five to four. One educator in Armidale is currently charging families \$60.00 for eight hours care, and on top of that is an administration fee of \$6.40 each day, which goes towards running the Family Day Care scheme. This educator works 9½ hours each day to meet the time demands of her client families. She estimates that what she earns after superannuation, holidays, expenses and overheads are deducted is around \$17.00 per hour—and that is caring for five children. With only four children she would be making 20 per cent per hour less than that.

It is estimated the reduction in numbers will displace 30 or more children each week in Armidale. Family Day Care educators would also have to charge parents at least \$15.00 a day more to cover their costs. If that is repeated in centres across the State, many families will suffer and the worst impact will be on lower income families. The crux of the issue is that we want greater access to early childhood education and we want it to be of higher quality, but we are not prepared to pay equitable wages to the people who deliver it. I understand this issue is of concern to many other members of Parliament and I look forward to hearing their contributions in this place.

### MULGOA ELECTORATE EVENTS

**Mrs TANYA DAVIES** (Mulgoa) [12.51 p.m.]: Today I inform the House of important events that I attended recently in my electorate—two events on Saturday 18 August 2012 and one event on 25 August 2012. I was honoured to attend and participate in an event called Spicy Penrith. The event evolved from a working party of Penrith City Council staff, whose origins include India, Nepal and Sri Lanka—Uday, Pukar and Nissanka. The aim of the event was to hold a culturally diverse event to celebrate the Indian, Sri Lankan, Nepalese and Bhutanese communities in the Penrith region through cultural performances and cuisine. It was an enjoyable event that encouraged stronger connection not only between Penrith's culturally diverse communities but also with our Australian culture. With the spectacular costumes, complex dance routines, songs, tasty food and a fashion parade the event was a joyful night rich in colour and music. I thank Maya and Sanita for their great patience as they taught me yet another Nepalese dance, which we performed together on the night and which was a great hit. I place on record my congratulations to the organisers and the performers and to Penrith City Council for its part in hosting this fantastic Spicy Penrith evening.

As members will be aware, 18 August was Vietnam Veterans Day. I was thankful to have the opportunity to attend the Vietnam Veterans Day commemoration service hosted by the Vietnam Veterans

Association of Australia, St Marys Outpost and RSL Sub-Branch. The Vietnam Veterans Association of Australia is an entirely voluntary organisation that was founded in 1979 when the medical and mental health needs of veterans first came to the fore. The mission of the Vietnam Veterans Association of Australia is the welfare of veterans and the families of veterans. It has strong representation in every State and Territory and very close ties with equivalent organisations in the United States and New Zealand.

A number of initiatives were instigated by the Vietnam Veterans Association of Australia, including the founding of the Vietnam Veterans Counselling Service, whose groundbreaking work has had a knock-on effect benefiting, for example, the victims of the Port Arthur massacre, and has developed into the Post Traumatic Stress Disorder Clinic, which has been extended to the St John of God Hospital located in the western Sydney region. Advocacy of the Vietnam Veterans Association of Australia was the key factor in the commissioning of the Vietnam Veterans Mortality Study, the Vietnam Veterans Health Study and an End of War List, which resulted in a review of honours owed but not bestowed on distinguished veterans. Vietnam veterans still bear a disproportionate burden on their health as a result of their service to this country.

The mortality study revealed that Vietnam veterans have a death rate 7 per cent higher than the general male population, with deaths from cancer 21 per cent higher, prostate cancer 53 per cent higher, lung cancer 29 per cent higher, ischaemic heart disease 10 per cent higher and suicides 21 per cent above those for the general male population. With this service and its cost in mind, I was very pleased to participate in the commemorative service at St Marys in my electorate on Vietnam Veterans Day. It is also with great pride that I wear the Vietnam veteran scarf. The scarves are made in Australia and I purchased one to support our Vietnam veterans. The commemorative service was very moving and I would like to acknowledge the Vietnam Veterans Association of Australia president in St Marys, Mr Greg Cant; the St Marys RSL Sub-Branch president, Mr Gary Fizzell; and others who participated in the service. I was especially moved by the poetry of Lachlan Irvine, a Vietnam veteran poet, which was read at the service. The poem reads:

As we take a quiet moment  
To remember those who fell  
In the Jungles and the paddies  
On the battlefields of hell  
We give thanks for the survivors  
And we raise our voice to yell  
WELCOME HOME

On 25 August I had the great privilege of attending the fifth anniversary celebration of the Philippine Language and Cultural Association of Australia [PLCAA]. The Philippine Language and Cultural Association of Australia is the Penrith community of Filipino Australians. During my time as a Penrith City councillor and now as the member for Mulgoa I have had the opportunity to attend many Philippine Language and Cultural Association of Australia events, including the Penrith Community Language School annual merit awards event called "A Rigodon Affair", which showcased the Filipino cultural heritage for young Filipino Australians, and the annual Philippine Independence Day flag-raising event. The Philippine Language and Cultural Association of Australia has proven to be a strong and active community committed to promoting awareness and appreciation of Filipino culture and heritage. I acknowledge the president, Mr Danny Rosales, and the previous president, Dr Alexis Leones, who is also the member of the Filipino Ministerial Consultative Committee, for their work in continuing to promote Filipino Australian community connections.

### THALIDOMIDE BIRTH DEFECTS

**Mr LEE EVANS** (Heathcote) [12.56 p.m.]: In mid-October 1961, 50 years ago, in Crown Street Hospital—not very far from this place—a baby was born. Shortly after, Dr William McBride visited the elated mother and asked, "Have you noticed anything different about your son?" During the late 1950s and early 1960s pregnant women were prescribed a drug for the prevention of morning sickness. That drug was called thalidomide. In mid-1961 Dr William McBride wrote a letter to the *Lancet* medical magazine outlining his concerns because he had noted children being born with deformities and some babies being stillborn with horrific deformities. That letter started worldwide concern that these were not normal statistical events. Dr McBride then found that the reason for these deformities was the use of thalidomide. The realisation hit the medical fraternity that a prescribed drug poisoning was happening.

Thousands of children were affected by this drug worldwide, the effects ranging from minor to major limb loss and deformities. About 40 per cent of children born affected by thalidomide died before their first birthday. As a result of these horrendous events, the Australian Drug Evaluation Committee was set up in late July 1963 in Australia. The thalidomide experience had brought home to Australian health officials that



although there were benefits from the use of therapeutic compounds there were also potential risks. The early Australian Drug Evaluation Committee made a number of important decisions in relation to individual product groups—for example, oral contraceptives.

The expert advisory committee has served Australia well and continues to serve the needs of the Australian public in ensuring that medicines and other therapeutic products are of an acceptable standard before they reach the market in Australia, while at the same time facilitating early access by Australians to new and important advances in treatment. That is not the end of the story. It was found recently that the origins of thalidomide started in the Nazi death camps where doctors and pharmacists worked with Dr Josef Mengele and, after the war, those pharmacists joined the pharmaceutical company that developed thalidomide.

What has become of these thalidomide children? Many have passed away because of complications from the effects and complications of their deformities; others, not being able cope with the pain and suffering, have committed suicide; and others just struggle from day to day. It is now more than 50 years since this pharmaceutical disaster and still many victims have not received any compensation for the wrong that befell them through no fault of their parents or themselves. Those people were poisoned. Fifty years is a long time and maybe the victims will not survive long enough ever to see compensation. On Saturday 1 September 2012 the Chief Executive Officer of Grünenthal—the company responsible for the creation of thalidomide—made an apology to victims affected by thalidomide. At the unveiling of a statue in the western German city of Stolberg where thalidomide was made, he said:

In the name of Grünenthal

...

I want to take this opportunity to express our deep regret over the consequences of Contergan—

—which is thalidomide in Australia—

and our deep sympathy for the victims, their mothers and families. We also ask for forgiveness for not reaching out to you from human to human for almost 50 years.

...

We ask you to see our long speechlessness as a sign of the silent shock that your fate has caused us.

The apology is too little too late. Time is passing and time, for many victims of thalidomide poisoning, is short. As a society, we need to stand up for people who have been wronged. It is time to demand that the company responsible for the thalidomide blight on our society should pay the price for the decades of suffering caused to its victims. This man-made poison was given to mothers who were carrying a precious gift. Decisions were made by business people that sentenced thousands of children to a life of suffering and pain. Yes, I am a baby who was born in Crown Street Hospital; yes, I am a victim of thalidomide. Compared with other thalidomide victims, my life has been fortunate and I consider myself very lucky. Throughout my life I have met many people who have been affected by thalidomide. They are all great characters. Most are getting on with their lives and dealing with the cards that they have been dealt. As I said in my inaugural speech, I stand here before you, a thalidomide baby—the first elected to Parliament in the world and then elected Acting-Speaker. Fifty years on, we need to be reminded that every life is precious. As parliamentarians, we need to keep our eyes on the game and remain alert to potential dangers, whether environmental or from a new wave of drugs in our society.

### QUEANBEYAN CITY COUNCIL

**Mr JOHN BARILARO** (Monaro) [1.01 p.m.]: Local government elections are to be held this weekend. My term as a councillor is coming to an end and I want to give a special message of thanks to the people of Queanbeyan. Four years ago my community conferred on me the privilege of being elected as a Queanbeyan city councillor. It was, and remains, a real honour and one for which I will be forever indebted to my community. It is my experience as a councillor and the support I received in that position that has brought me to this House. Regional and rural councils play an important role in the democratic governance of our great country. For most people, their only contact with somebody in political office is with their local councillor. Councillors are active members of their community. They are driven to improve their community by being vocal on local issues, remaining well connected to their community and being leaders amongst their peers.

There have been many achievements during my four years as a councillor. Formerly there was infighting and a lack of leadership in the Queanbeyan City Council. It is well documented that this took a personal toll on councillors as well as on the divided community. In this term integrity was restored and good

government is alive and well. Many levels of government suffered the impact of the global financial crisis and the financial standing of Queanbeyan council was also affected. The council steered through that crisis in a responsible manner. Many of us understand that good fiscal management is crucial to addressing future needs; regardless of whether we are dealing with the family budget, business or government, we need to learn to live within our means and invest for our future.

A number of great infrastructure and other projects have come to fruition during this term of council. The Crawford Street Lifestyle precinct has been built and improvements to many sporting facilities have been made. There have been much-needed improvements to our road network. Many of these projects were funded by State and Federal governments but the council also made a contribution in cash and in kind. I have always said that council must identify projects and prioritise them in order to be ready for opportunities when funding becomes available. That was the case during the global financial crisis, and the council was shovel ready for a number of much-needed community infrastructure projects when the Federal stimulus funding became available.

Addressing local housing needs has also been a priority in this term. We have seen additional medium-density residential projects delivered, in most cases in a measured way. We have seen the Googong township come to life, with 200 blocks sold in the first stage. This project addresses the local housing shortage and assists in reversing the migration to the Australian Capital Territory. Housing affordability in the region is being addressed by the South Tralee local environmental plan. I am proud to have played a part in overcoming the many obstacles in relation to that plan. It is compliant with all local, State and Federal planning guidelines and is a project that I am sure will shortly receive State Government approval. The leadership of Queanbeyan councillors has brought about the end of a 10-year battle over this project.

I take this opportunity to thank each of my fellow councillors for the past four years I have enjoyed as their council colleague. I thank them also for the years of service that many of them have made to the community of Queanbeyan. To remain passionate and committed to the cause of local government after serving three or four terms in the face of regular criticism is an extraordinary feat. Regardless of political colour and differing views, each councillor has always acted in a professional manner and made decisions based on the facts and according to the principles they live by. That is what we should expect from our elected leaders. I have enjoyed my four years as a councillor and it is part of the reason I am pursuing this next step in my life's journey. I say to those who are retiring: enjoy the additional time with family, as they are the most important people in our lives. And I say to those who are recontesting: I look forward to working with you in the future.

I thank Mayor Tim Overall for his leadership and vision and Councillor Sue Whelan, who showed us all that it is important to put the community before politics. I thank Councillor Steve Stavreas for his personal guidance, trust and support, and councillors Peter Bray, Kerry White, Ann Rocca, Velice Trajanoski, Trudy Taylor and Tom Mavec for the honest and robust debate that has allowed us to achieve so much as a team. Finally, I would like to thank council staff members, who are sometimes criticised and pulled between the politics of elected members. They have helped me learn and understand, and are the backbone of a successful local government future. Thank you. I will miss local government dearly. I wish everyone at Queanbeyan City Council all the best in the future.

### **WINDSOR BRIDGE**

**Mr KEVIN CONOLLY** (Riverstone) [1.06 p.m.]: I want to update the House about the Windsor Bridge replacement project. I and a couple of other members have spoken about this project previously and it is important to keep the community abreast of its progress. Some members may recall that the Windsor Bridge was originally built in the 1870s and has received a number of alterations. The bridge has been raised and widened with the addition of a pedestrian path on the side and has had some other structural alterations. However, some of the structure of the bridge is more than 130 years old and in need of replacement. In 2008 the then Roads and Traffic Authority determined that it made more sense to replace the bridge than attempt to continue to maintain it, given the scale of the structural integrity issues facing it and the cost that would be involved in rehabilitation compared with replacement.

When the O'Farrell-Stoner Government came to power we expected that, as a decision had been made in 2008 and announced more than once since then, with a completion due date supposedly in 2010, work might have been underway. But when we assumed office we found that the former Government had lodged no planning application for the project. Everything that happened prior to our election in March 2010 was nothing but talk. Fortunately, the community had been part of that talk. In 2009 a consultation process was undertaken

and nine options for replacement were canvassed. Many members of the community made submissions in relation to those options. As a result of that consultation process, under this Government a preferred option was identified in August last year. Option 1 of the nine presented to the community best met the project's objectives. Those were related to cost, traffic movements, protection of heritage and facilitation of the normal daily lives of the community that depends on the bridge.

Option 1 retains the bridge close to the location it has occupied since the late 1800s. It passes through a precinct known as Thompson Square, connecting Windsor Road to the extension of the Putty Road to the north—the traditional and historic position of the bridge. The new bridge will be situated approximately 35 metres downstream from the existing structure, allowing an improved road alignment for traffic using the bridge. Some refinements have since been made to that option. The height and angle of entry to the historic Thompson Square precinct has been adjusted to a lower level than was originally proposed in order to ensure that the road is lower than the historic buildings that face the square. The sight lines of those buildings will be protected so that no impairment will be caused to the visual integrity of the square. The bridge design being considered will minimise visual impacts. It is the least bulky option that meets the engineering and flood resistance needs of the bridge and suits the site.

The proposed incrementally launched construction method will mean that most of the construction activity will take place on the western bank away from the historic town and precinct, and minimise the impact on the Thompson Square side. Those refinements and adjustments during the development of the project are very much welcome. The project will have immense benefits for the district. The current traffic congestion will be eased. The safety limitations caused by the narrowness of the bridge will be removed through the provision of safer, wider lanes for traffic. Along with the safety and traffic benefits, the new, higher bridge will provide a greater level of flood immunity. It is simply not possible for this location in Windsor to be immune from floods but a higher bridge will mean less flood affectation. The Thompson Square precinct also will be enhanced and restored to be closer to its original shape. It will become more rectangular than the odd shape that emerged in the 1930s when the square was cut diagonally across its middle. This project will provide great benefits to the district. The people cannot wait for the construction to begin.

### **BOWEL CANCER**

**Mr JOHN SIDOTI** (Drummoyne) [1.11 p.m.]: Bowel cancer is the second most deadly cancer in Australia. According to Bowel Cancer Australia, more than 14,000 people are diagnosed with the disease each year and over 4,000 will die as a result. This cancer affects men and women almost equally, yet it receives relatively little attention in the media and in society. It involves a sensitive subject matter—bottoms. While people get embarrassed and do not want to talk about it, we all have one and nearly 78 people die from bowel cancer every week. The good news is that if caught early bowel cancer is one of the most curable cancers. Around 90 per cent of cases of bowel cancer could be cured completely if diagnosed and treated in time.

I became aware of this health issue through my involvement with the Concord Repatriation General Hospital in my electorate. In January this year the Drummoyne electorate was lucky to receive significant commitment funding from the Minister for Health, and Minister for Medical Research. As part of the New South Wales Government's record investment in medical research, the Hon. Jillian Skinner announced \$10 million worth of funding to various departments within Concord hospital. The Concord hospital research institute received \$1.2 million. The new dialysis unit at Concord hospital received \$1.6 million. A program to assist people with asbestos-related illness received \$3.5 million. The AIDS Dementia Clinic at Dame Edith Walker Estate received \$3.2 million and the Concord hospital foreshore walk received \$500,000. This funding is vital for the hospital and sets the foundation for significant advancements in medical research, which, in turn, will provide improvements in patient care.

I am proud to have the Concord Repatriation General Hospital located in my electorate. I am always honoured to be involved in many of its fundraising, education and community initiatives. On Wednesday 6 June I was given the opportunity to show my support for Concord hospital when I attended its Red Aussie Apple Day function, a highlight of Bowel Cancer Awareness Week. Through this public education initiative every year Bowel Cancer Australia emphasises the positive message that through prevention and early detection bowel cancer is one of the most curable types of cancer. Red Aussie Apple Day is supported by Aussie Apples, a great Australian fruit company. The day is one of the great ways that through awareness, education, support and research, Bowel Cancer Australia works to reduce the terrible impact of bowel cancer in our society.

On Red Aussie Apple Day my job was to hand out fresh Aussie Apples to the staff and patients at Concord hospital. Apples are a nutritious source of dietary fibre and are featured as the logo of Bowel Cancer

Australia. A study published in the *European Journal of Cancer Prevention* in 2010 found that those who ate one or more apples a day nearly halved their risk of developing the disease. Each year 1,000 Australians under 50 years of age are diagnosed with cancer, so we must not downplay or ignore this deadly cancer that is affecting so many people in our communities. We need to make people aware of this issue and spread the word that an apple a day does keep the doctor away.

That is why yesterday I was again honoured to attend Concord hospital for the naming of the new Sydney survivorship centre, which is a great initiative that will form an important part of the Concord Sydney Cancer Centre precinct. It will focus on the longer-term needs of cancer survivors and how to improve quality of life after a cancer diagnosis. It has been developed on the basis of internationally recognised research by Concord oncologist Associate Professor Janette Vardy and Dr Haryana Dhillon. The Concord cancer centre is also leading the way in encouraging our skilled medical workforce to drive service delivery, which is another key focus and reform of Minister Jillian Skinner. The establishment of this centre has been led in part by the passionate and world-class clinicians and nursing staff at Concord hospital. The Concord cancer centre is well positioned not only to respond to the increased demands for cancer care but also to improve quality of life and address the longer-term needs of cancer survivors.

### **TRIBUTE TO COUNCILLOR TONY HALL**

### **TRIBUTE TO COUNCILLOR IAN CROSS**

**Mr JONATHAN O'DEA** (Davidson) [1.16 p.m.]: As we approach local government elections on 8 September, it is appropriate to recognise councillors who have served the community and decided to retire from local office, particularly those who have made long and outstanding contributions for their ratepayers. I note that they include a number of people who also serve in this place. In the Ku-ring-gai Council area, which covers much of my electorate of Davidson, two such councillors have announced that they will not recontest the local government elections. Councillor Tony Hall was first elected to Ku-ring-gai Council in 1987, 25 years ago. A representative of St Ives ward, which is within my electorate of Davidson, he is the longest-serving elected representative on Ku-ring-gai Council since its formation in 1906. He served as mayor from 1999 to 2000 and as deputy mayor on two occasions.

Councillor Hall's work saw him receive the Local Government Outstanding Service Award and Gold Medal in 2010. Never far from controversy, Councillor Hall stood staunchly for what he believed in. If he was on your side on an issue, you had a warrior who could pursue the matter with great tenacity. If he saw things differently, you could face a substantial obstacle. However, his sometimes unorthodox approach at times saw him face considerable challenges, including a number of code of conduct complaints from other councillors and staff. Faced with council taking action against him, he successfully sought the intervention of the Supreme Court on a number of occasions. In the end, Tony Hall has himself decided when to step down, having attempted to hold the council accountable to its ratepayers over his long period of extraordinary service.

Councillor Hall's correspondence file is one of the thickest in my office and reflects how this very active and hardworking councillor has been dedicated to his community. I am pleased that he is in the gallery today with his lovely wife, Lee, and son Andrew. Councillor Hall's list of civic achievements includes important roles in implementing Ku-ring-gai's first conservation heritage plan in 1988 to protect more than 800 built items from demolition and ensuring protection of the iconic St Ives Village Green, together with local historic buildings such as the original St Ives schoolhouse and headmaster's cottage and the village green community hall. He was also instrumental in protecting the rural ambiance of the St Ives Showground, in which he has taken a consistently close interest, initiating moves for the bus service from St Ives to the city, improving access to and protection of council reserves, and installing improved traffic signals at crucial St Ives intersections.

The other long-serving councillor stepping down from Ku-ring-gai Council and also in the gallery today is Ian Cross, who has represented Wahroonga ward. This area is in the Ku-ring-gai State electorate of the Premier, who is perhaps better placed to comment on certain aspects of Ian Cross's substantial contribution as a councillor. However, despite his ward being outside my electorate, I am aware of Councillor Cross's admirable service of my constituents as their mayor. He served with great dedication and a wonderfully dry sense of humour, including during a difficult period recently under the previous Labor Government.

Councillor Ian Cross was first elected in 1999 and served as mayor between 2002 and 2004 and again between 2009 and 2011. His last election as mayor followed a five-all voting tie with the current mayor, Councillor Jennifer Anderson, with the mayoralty ultimately decided by a draw from a box, with which I know

he does not agree but was the beneficiary. Councillor Cross has also served as a Ku-ring-gai Council appointee to the Joint Regional Planning Panel and is currently chair of the local Meals on Wheels organisation, which reflects his broader community involvement and activities. To both Tony Hall and Ian Cross, I say thank you for your enormous contributions to the ratepayers of the Ku-ring-gai Council area over so many years. I wish you and your families all the best as you enjoy a quieter life in what I hope is a long and happy retirement.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Premier, and Minister for Western Sydney) [1.21 p.m.]: I join the member for Davidson in paying tribute to these two retiring local councillors, both of whom serve on the council that I have had the pleasure to represent, along with the member for Davidson, for a number of years. Both have remarkably different styles. I pay tribute to Tony Hall, supported by his family, for warning time and again that if Ku-ring-gai Council did not produce a practical planning policy, government would punish it. Regrettably, our area was punished by the former Government. Ian Cross, on the other hand, has a different style, and I well remember being at North Turramurra with Andrew Refshauge, Phil Koperberg and Chris Russell when we got some relief from State environmental planning policy No. 5 because of bushfire concerns. I thank both of them. They have different styles but they are both achievers who worked hard for their communities and for that we owe them a great debt for their time on council.

### VIETNAM VETERANS AND ASSOCIATED FORCES MEMORIAL DAY

**Mrs ROZA SAGE** (Blue Mountains) [1.22 p.m.]: This year the Vietnam Veterans and Associated Forces Memorial Day was commemorated in the Blue Mountains on Sunday 18 August. This commemoration, which is celebrated every year in Springwood, is a very large event involving veterans from all over Sydney. This year marked the forty-sixth anniversary of the Battle of Long Tan, a battle that is today as highly regarded as the ill-fated Anzac campaign for acts of bravery and heroism against all odds. On a rather warm Sunday a very large crowd gathered along Springwood's main street, Macquarie Road, to watch the parade pass through the town to the Springwood War Memorial. Taking the salute this year were the honoured guests Sergeant D, the handler of Private Sarbi, explosive detection dog, and Ms Sandra Lee, journalist and author of the book *Saving Private Sarbi*.

The story of Sarbi and the work of the explosive detection dogs and their handlers is one that touches every heart. Sarbi's story is extraordinary and received big media coverage. In her role as an explosive detection dog Sarbi was sent to Oruzgan Province in Afghanistan with her handler. Sarbi went missing after a joint Australian, American and Afghan vehicle was ambushed by insurgents on 2 September 2008 during the battle of Khaz Oruzgan. Nine soldiers were wounded, including her handler. A rocket-propelled grenade had exploded close to Sarbi breaking the clip that attached her lead to her handler's body armour, and she vanished during the conflict. This was the same action in which Special Air Service Trooper Mark Donaldson earned the Victoria Cross for his acts of bravery.

Sarbi was declared missing in action and, while missing, the Special Operations Task Group made repeated attempts to locate her. Amazingly, 14 months later a United States soldier spotted her wandering with an Afghan man near an isolated patrol base in north-east Oruzgan Province. Sarbi was dognapped and restored to the Allied forces. She was flown to Tarin Kowt to be reunited with her handler, who knew instantly it was Sarbi. This had been Sarbi's second tour of duty in Afghanistan. She is now retired and resides with a loving family. Not only Sarbi, but three other dogs and their handlers from the elite explosive detection unit were present to head the parade through Springwood. As can be imagined, they were the star attractions.

For the size of Springwood we had a very large parade. The New South Wales Mounted Police Unit horses, police VIP motorcycles and the NSW Police Band were there. In fact, we had three marching bands, including the Lithgow Highland Pipe Band, which always adds colour to a parade, and the Springwood Salvation Army Band, which is a great contributor to many such events in the lower mountains area. We had many units, including those from HMAS *Sydney*, the "Skippy Squadron", a South Vietnamese veterans unit, other army units, the 336 Squadron and 323 Squadron Air Force cadets, TS *Nepean* naval cadets, the Federation Guard and some current serving personnel from RAAF Glenbrook. After the parade we all assembled at the war memorial on Macquarie Road for the service and wreath laying. Our master of ceremonies was Major (retired) Richard Adams, APM, RFD, and all were welcomed by Jack Lake, the President of the Blue Mountains Vietnam Veterans and Associated Forces Inc.

The senior chaplain from the Australian Army, Chaplain Lt Col Colin Aiken, led those gathered in prayer. We were privileged to have members of the Federation Guard comprise the catafalque party, giving that extra solemnity to the occasion. Ms Sandra Lee gave a very interesting and poignant address informing the

audience of the role that animals, and particularly man's best friend the dog, played in wars past and present. She also paid tribute to the soldiers who fought in the Battle of Long Tan, the original event honoured by Vietnam Veterans Day. After the parade and ceremony the Royal Hotel in Springwood hosted a special function while the Australian Army rock band "The Giggin' Diggers" performed in Springwood Town Square. It was a great day, with many old friends reunited. I also noted the presence of many young veterans from missions in Afghanistan, Iraq and other peacekeeping missions. It was a day that honoured all our defence force personnel past and present, but especially those who fought in and supported the Vietnam War.

### CAMPBELLTOWN THEATRE GROUP

**Mr BRYAN DOYLE** (Campbelltown) [1.27 p.m.]: It gives me great pleasure to inform the House of the wonderful work of the arts at Campbelltown, particularly the Campbelltown Theatre Group, of which I am a proud patron. I am very pleased the Attorney General is present today because I know he is a proud supporter of the arts in this State and a long-term servant of the community. On 31 August as patron of this wonderful theatre group I attended the opening night of the show *Wrong Window*. This entertaining play based on Alfred Hitchcock's films involves a New York couple, Marnie and Jeff, who enter a more complicated phase of their relationship when they think they spy their cross-yard neighbour murder his wife. After they draw their torn curtain the lady vanishes. Suspicion places murder beyond a shadow of doubt. The bumbling witnesses sneak into their neighbour's apartment, a mere 39 steps away, and the fun begins. After multiple door slammings, body snatchings and a frantic flashlight chase scene, two questions remain: Who killed Lila Larswald and, if she is not dead, who is?

The director, Jenny Smith, has been a member of the Campbelltown Theatre Group for over 30 years and when looking for a show to direct she wanted something that was a little offbeat, quirky and unpredictable. The mention of Alfred Hitchcock and side-splitting comedy in the same sentence fits that bill. If members go to see the show they should be prepared to laugh. With a no more implausible plot than any of Alfred Hitchcock's, it is a true murder mystery with several twists and turns as the clues are uncovered. Madam Acting-Speaker, throughout the play you will pick up on several references to his body of work—no pun intended—and if you are observant and a fan of the great man you may notice some items on the set that allude to his numerous films and characters.

I am very pleased that the assistant director is young Ben Denmeade. I have known Ben ever since he was born. The Denmeade and Doyle families have always been friends. Ben has been involved in the Campbelltown Theatre Group since 2006. I am very proud that he has just completed filming the upcoming Australian thriller, *Blood Hunt*, which was filmed in Tasmania. Ben is also a high school English and drama teacher. Some of the cast, who are all local residents, have accepted the chance to perform in the arts. Kirsten Burdon plays the character Marnie. Kirsten has been involved in theatre for a number of years. Mark Eaves plays her stage husband, Jeff, and this is the ninth production in which he has been involved with the Campbelltown Theatre Group. Jeff's role requires him to portray the neurotic and insecure, Jeff Elbies, who has a severe phobia relating to birds. Madam Acting-Speaker, if you see the show, you will understand why that is important.

Trevor Burdon, who is no stranger to the theatre, plays the character of Robbie. Trevor has been a performer, director, stunt-fight coordinator and choreographer in both plays and musicals since 2000. Behind the scenes Trevor is pursuing his studies in a Bachelor of Psychology course. Kate Gould plays the character of Midge. Some time ago during high school singing lessons it occurred to Kate that she could include "acting in the local theatre" as a skill for her Duke of Edinburgh Award application and that led to her involvement in theatre. Bernie Glynn plays the character of Thor. Bernie has been a member of the Campbelltown Theatre Group since the 1990s and has been active in backstage roles that include lighting and as a stage hand. He has also served on the executive.

Perhaps the most interesting character is played by Patrice Rosalie, whose part is Lila. Patrice has been performing since the age of four. She is completing a degree in primary education in the hope that she can follow in the footsteps of her teachers and inspire a love of theatre among future generations. Justin Clarke, who plays the character of the handyman, Loomis, has been studying at the National Institute of Dramatic Art [NIDA] for eight years, at Screenwise, and at the Wollongong University, of which I am an alumnus. Andrew Skvorc plays the character of Detective Doyle Thomas—after all, every good murder mystery must include a good detective. The arts are alive and well in Campbelltown, that great opal in the south-west. The show, *Wrong Window*, runs from 31 August to 15 September. It is a must-see for everyone, and I commend it to the House.

## BLACK DOG INSTITUTE

**Mr DOMINIC PERROTTET** (Castle Hill) [1.32 p.m.], by leave: Today I praise the Black Dog Institute and its commitment to education, research and clinically oriented assistance with mood disorders. The institute is attached to the Prince of Wales Hospital and is affiliated with the University of New South Wales. Its mission is to advance the understanding, diagnosis and management of mood disorders by continuously raising standards of clinical research, education and training. As a society, we often try to sweep these problems under the carpet, preferring instead to grin and bear it. We all know someone who has felt this way. It is organisations such as the Black Dog Institute that seek to raise awareness of this very real issue. It should be commended for all its work.

Throughout history epidemics such as influenza, the bubonic plague and smallpox to name just a few, have crippled our everyday lives and have had significant impacts on so many people. We seek cures and methods to stem the influence of those illnesses. The same can be said of depression. It is an epidemic of different characteristics, but it is no less crippling. When I examined the statistics relating to depression while preparing this tribute to the Black Dog Institute I was staggered: one in five people will experience depression in their lifetime, and more than 50 per cent of them will not seek treatment. This year alone one million people in Australia will experience a depressive illness. It is the third-largest health problem in Australia after heart disease and stroke. It is important to recognise that depression is an illness, not a weakness. Unfortunately, there still exists a level of stigma associated with depression, and this is where the Black Dog Institute comes in.

Last month hundreds of people gathered in Castle Hill to farewell more than 150 motorbike riders as they embarked on the 2012 Black Dog Ride—a six-day and more than 3,000-kilometre journey to Alice Springs—to raise awareness of depression. Both men and women, all mates, enjoyed the freedom of the open road, the camaraderie and the feeling of making a difference as they covered the distance to Alice Springs. I pay tribute to Mr Steve Andrews, who in 2009 took it upon himself to complete a solo motorbike trip around Australia to raise community awareness of depression. This year more than 500 riders took part in the event and more than 200 rode all the way to the Red Centre. Last year's ride took place from 21 to 27 August and raised approximately \$160,000 to assist the Black Dog Institute to roll out its community education programs across Australia. This year's fundraising so far has topped that amount: \$234,000 has been raised, which is a fantastic effort by participants in the ride.

Organiser and Hills resident, Philip Waesch, and his wife, Sue, are two of the many riders from The Hills Ulysses Club, which has riders ranging in age from 40 to 74. It is great to see such a significant involvement in the ride from people in The Hills district. Many residents from the Baulkham Hills electorate, whose member is present in the Chamber, also would have attended. The Black Dog Institute also had a major presence in the City to Surf and participants raised awareness and funds to address depression. Among the 85,000 runners who participated, 180 hit the pavement to raise funds for the institute. An amazing \$48,000 was raised, and I specially mention Kerry Priest, who managed to raise \$4,000. I should also mention that celebrity trainer Michelle Bridges was a proud ambassador for the institute on the day. I congratulate her and all the 180 runners for assisting in such a great cause. Depression can have an impact on so many lives. It is important that groups such as the Black Dog Institute get the message out there: There is help available. I encourage all members in this place to continue to raise awareness of this issue in their community. I congratulate all riders in this year's Black Dog Ride and runners in the City to Surf. The money and awareness raised will go a long way to making depression an epidemic of the past. I commend the Black Dog Institute to the House.

*[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.36 p.m. The House resumed at 2.15 p.m.]*

## DISTINGUISHED VISITORS

**The SPEAKER:** I draw the attention of members to the presence in the gallery today of parliamentary officers from the Bougainville House of Representatives and the National Parliament of the Solomon Islands. The officers are attached to the Legislative Assembly, the Legislative Council and the Department of Parliamentary Services, as part of the twinning arrangements with the New South Wales Parliament. I welcome them.

## DEATH OF AUSTRALIAN SERVICEMEN IN AFGHANISTAN

**The SPEAKER:** It is with deep regret that I speak today of the deaths of five Australian servicemen. Lance Corporal Stjepan John Milosevic, Sapper James Martin and Private Robert Poate were killed in

operations in Afghanistan on 29 August 2012. In a separate and unrelated incident Lance Corporal Mervyn McDonald and Private Nathaniel Gallagher were killed on operations in Afghanistan on 30 August 2012. Sadly, their deaths mark Australia's worst wartime loss in a 24-hour period since the Vietnam War.

Today we pay tribute to those brave soldiers, in particular our local sons Lance Corporal Stjepan Milosevic and Private Nathaniel Gallagher, who were both born in the State of New South Wales. Lance Corporal Milosevic, known as Rick to his family and Milo to his comrades, deployed to Afghanistan with the 3rd Battalion, the Royal Australian Regiment Task Force. He came from the 2nd/14th Light Horse Regiment, based in Brisbane, Queensland. Born in Penrith in 1982 he enlisted in the Army in 2008, was promoted to Lance Corporal in 2001, and became a light armoured vehicle crew commander. He was a highly qualified soldier with a strong future. Lance Corporal Milosevic is survived by his partner, Kelly, daughters, Sarah and Kath, mother, brothers and sisters.

Private Nathaniel Gallagher was serving with the Special Operations Task Force in Afghanistan when he was tragically killed in a helicopter crash. Twenty-three-year-old Private Gallagher was born in Wee Waa, in north-west New South Wales. He joined the Army in 2007 and was posted to the 1st Battalion, the Royal Australian Regiment, 1RAR. Private Gallagher was posted to the 2nd Commando Regiment in November 2011. He was on his second tour to Afghanistan. Private Gallagher was said to have had a can-do attitude, always wanting to get the job done, taking everything in his stride. Private Gallagher is survived by his partner, Jessie, parents, Wayne and Sally, and sister, Eleanor.

I would also like to pay tribute to the tireless efforts of the 2nd Commando Regiment in Holsworthy, New South Wales. Both Private Nathaniel Gallagher and Lance Corporal Mervyn McDonald were from this unit. It is an Australian Army Special Forces unit, one of the three combat-capable units within the Australian Special Operations Command and New South Wales's only combat-ready regiment. As of 30 August 2012 the 2nd Commando Regiment has lost 10 of its soldiers, killed in action whilst deployed in Afghanistan.

I ask all members to rise as a mark of respect in memory of our soldiers.

*Members and officers of the House stood in their places as a mark of respect.*

#### COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The SPEAKER:** I report that Her Excellency the Governor has issued the following Commission:

##### GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, in the Commonwealth of Australia, hereby authorise the Honourable Shelley Elizabeth Hancock, MP, Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty or the Oath of Allegiance, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-second day of August 2012.

By Her Excellency's Command

BARRY O'FARRELL  
Premier

MARIE BASHIR  
Governor

#### COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The SPEAKER:** I report that Her Excellency the Governor has issued the following Commission:

##### GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, in the Commonwealth of Australia, hereby authorise the Honourable Thomas George, MP, Deputy-Speaker of the Legislative Assembly, in the absence of the Honourable the Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty or Oath of Allegiance, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-second day of August 2012.

By Her Excellency's Command

BARRY O'FARRELL  
Premier

MARIE BASHIR  
Governor



## COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

**The SPEAKER:** I report that Her Excellency the Governor has issued the following Commission:

### GREETING

Pursuant to the power and authority vested in me by the Constitution Act 1902, I, Professor Marie Bashir, AC, Governor of the State of New South Wales, in the Commonwealth of Australia, hereby authorise Mr Andrew Raymond Gordon Fraser, MP, Assistant-Speaker of the Legislative Assembly, in the absence of the Honourable the Speaker of the Legislative Assembly and of the Deputy-Speaker of the Legislative Assembly, as a person before whom the Pledge of Loyalty or the Oath of Allegiance, required by law to be taken by every Member of the Legislative Assembly before that Member shall be permitted to sit or vote in the Legislative Assembly, may be taken.

Given under my Hand and the Public Seal of the State, this twenty-second day of August 2012.

By Her Excellency's Command

BARRY O'FARRELL  
Premier

MARIE BASHIR  
Governor

## ELECTORAL DISTRICT OF HEFFRON

### Return of Writ: Election of Ron Hoenig

**CHAIR:** I inform the House that my writ issued on 23 July 2012, pursuant to section 70 of the parliamentary Electorates and Elections Act 1912 for the election of a member to serve in the Legislative Assembly for the electoral district of Heffron in place of Kristina Kerscher Keneally, resigned, has been returned with a certificate endorsed by the Electoral Commissioner advising of the election of Ron Hoenig to serve as member for the electoral district of Heffron.

## PLEDGE OF LOYALTY

Mr Ron Hoenig took and subscribed the pledge of loyalty and signed the roll.

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the receipt of the following message from His Excellency the Lieutenant-Governor:

T. F. BATHURST  
Lieutenant-Governor

Office of the Governor  
Sydney, 25 August 2012

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he assumed the administration of the government of the State at 1.00 p.m. on Saturday, 25 August 2012.

## ASSENT TO BILLS

**Assent to the following bills was reported:**

Graffiti Legislation Amendment Bill 2011  
Fiscal Responsibility Bill 2012  
Community Housing Providers (Adoption of National Law) Bill 2012

## REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

**Mr BARRY O'FARRELL:** I inform the House that the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast will answer questions today directed to the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, who will be absent during question time today. The Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast will answer questions today directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, who will also be absent from question time today. Also, the Minister for

Citizenship and Communities, and Minister for Aboriginal Affairs will answer questions today directed to the Minister for Sport and Recreation, who will be absent from question time also as he is on his way back from the London Paralympics.

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

#### **Government Business Notices of Motions (for Bills) given.**

*[During the giving of notices of motions]*

**The SPEAKER:** Order! It has been a very noisy start to the proceedings today. I caution all members that those who continue to interject may find themselves ejected from the Chamber. I call the member for Kiama to order.

### **QUESTION TIME**

*[Question time commenced at 2.30 p.m.]*

## **TRANSPORT INFRASTRUCTURE**

**Mr JOHN ROBERTSON:** My question is directed to the Premier. After 16 years in Government why will the Premier not tell motorists which major Sydney road projects will be started in this term of office?

**Mr BARRY O'FARRELL:** Because we went to the last election promising never again to do what those opposite did—whether that be the discredited former member for Heffron, the member for Toongabbie, the former member for Lakemba or, in particular, the former transport Minister, the member for Maroubra. From four successive Premiers we had lies after lies, after lies. The proof of that is experienced by every person who commutes in this city every day and night: the state of our roads, the state of our trains, the state of our rail system and the state of our infrastructure.

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

**Mr BARRY O'FARRELL:** Those opposite were led between 1995-2005 by a Premier who decided that Sydney was full and who, having decided Sydney was full, stopped investing in the infrastructure required to make a modern global city work. We well remember Action for Public Transport plan, which was launched with much gusto in September 1998. Was it a plan for the future? You bet it was not. It was promised in the March 1999 election campaign and that set the tone for their remaining 12 years in office: only get interested in pretending to invest in infrastructure just before an election campaign. We will not forget the effort of the member for Toongabbie and the on-again, off-again South West Rail Link. Labor having identified the north west and south west—

**Mr John Robertson:** Point of order: My point of order is under Standing Order 129, relevance. The question specifically asked which major project. At the moment the Premier is trying to rewrite history and ignoring the M7, the Eastern Distributor, the South West Rail Link—

**The SPEAKER:** Order! There is no point of order. The Premier is being relevant to the question asked.

**Mr BARRY O'FARRELL:** I think we can say that the recent Heffron by-election has, at least, had one good impact upon the Leader of the Opposition: he is showing far more energy today to the newly elected member for Heffron than he showed to the former member for Heffron. I hear the member for Kogarah interject that we should be worried, but I think she should start supporting her leader.

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

**Mr BARRY O'FARRELL:** I remember that on 26 March 2011 the people of this State delivered 20 Labor members. And when we return to this place there are still 20 Labor members.

**The SPEAKER:** Order! I call the member for Wollongong to order. Opposition members will come to order. I call the member for Kogarah to order.

**Mr BARRY O'FARRELL:** One of the reasons there were, and still are, only 20 Labor members of this place is that the electorate had had enough.

**Mr Richard Amery:** Point of order: My point of order is relevance. You have already ruled that the Premier is being relevant but under Standing Order 130 the Premier is now generally debating past infrastructure projects and he is not answering the question.

**The SPEAKER:** Order! There is no point of order. The Premier is not generally debating the matter.

**Mr BARRY O'FARRELL:** I give this advice to the member for Heffron: I would move seats because sitting in the position he now occupies he looks like Statler and Waldorf from the *Muppet Show*. I welcome the new member to the House! Because of the past inaction of the former Government we took to the election a commitment to establish independent—

**Ms Linda Burney:** Point of order: My point of order is genuine and it is under Standing Order 129. The Premier should tell the motorists of Sydney just one project that he is going to start.

**The SPEAKER:** Order! The member will resume her seat. There is no point of order. The Premier is being relevant to the question asked.

**Mr BARRY O'FARRELL:** We took a promise to the election to establish an independent body, Infrastructure NSW, and it will hand down its report next month. Contrary to the approach taken by the former Government, we will prioritise projects that are in the public's interest and the economic interest, not in the political interest.

**The SPEAKER:** Order! I will not take another question until members come to order. I do not understand the behaviour of members today. Are they showing off in front of the new member, suggesting that such behaviour is acceptable? I do not propose to issue any further warnings: members who continue to interject will be removed from the Chamber.

## TRANSPORT INFRASTRUCTURE

**Mr RAY WILLIAMS:** My question is addressed to the Premier. How is the Government delivering better transport infrastructure?

**Mr BARRY O'FARRELL:** I thank the member for Hawkesbury for his incisive question. He knows the importance of investment in infrastructure and of master planning—

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

**Mr BARRY O'FARRELL:** —not just for individuals or organisations but also for government. I am happy to talk about the importance of proper planning and, importantly, proper delivery of transport projects across New South Wales. As I said earlier, if there is one portfolio area that clearly illustrates the stark contrast between those opposite and members on this side of the House, it is that which relates to transport.

**Mr Richard Amery:** Yes, we built things.

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

**Mr BARRY O'FARRELL:** The member said, "We built things." I know the member for Mount Druitt was here when the colony was first founded but I remind him that the problem this city and this State is afflicted by is the failure of the former Government in good times, with billions of dollars of stamp duty revenue, to invest in the infrastructure we needed. I invite the member for Mount Druitt to raise that point on any street across this city. If he does, I am sure he will get agreement. Too often those opposite either planned for the next election or, in the case of the member for Toongabbie, planned on the back of an envelope before committing \$700 million of taxpayer funds to a railway in relation to which not a centimetre of track was built.

**The SPEAKER:** Order! This is not an opportunity for the member for Toongabbie to argue. I call the member for Kogarah to order for the second time.

**Mr BARRY O'FARRELL:** How many country roads would \$700 million have paid for? How many hospital upgrades—

*[Interruption]*

The former Government's approach was to waste as much money as it could in an effort, unsuccessfully, to retain the seat of Balmain. However, this Government makes no apologies for doing the hard work to ensure that we have proper planning. For the first time in more than half a century we have a transport master plan that brings together all forms of transport: public, roads, freight, and those two forms that are called active transport, which will interest the member for Sydney, cycling and walking. It will bring them together in an integrated way to cover the city and the entire State. All 10 regions across New South Wales are detailed in this plan, which is designed to provide long-term master planning so that when money becomes available it is invested wisely.

**Ms Carmel Tebbutt:** When?

**Mr BARRY O'FARRELL:** The member for Marrickville asks "When?" When I was either a school councillor or a member of a parents and citizens association the school community was always keen to be involved in master planning because when money became available it meant it was spent on the right things. Only those opposite would spend money first in deciding to expand their homes before doing a plan. What the Government is on about across all forms of transport—the rail system, the road system, cycling and light rail—is putting in place a 20-year strategy that will guide government spending in this State and hopefully guide future governments. There is a strong comparison here with the efforts of J. J. C. Bradfield. In 1915 Bradfield delivered a plan for this State that involved three things for this city—

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

**Mr BARRY O'FARRELL:** —it proposed a harbour bridge, an underground rail system and—

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

**Mr BARRY O'FARRELL:** —electrification of the suburban rail system.

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

**Mr BARRY O'FARRELL:** Did those things happen the next year? Did they happen the year after? No, they did not. Construction was started on the harbour bridge in 1923 and it was completed in 1932.

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

**Mr BARRY O'FARRELL:** The underground rail system first opened in 1926—I think it was St James and Museum stations—and it was not until 1932 that Wynyard and Town Hall stations were connected. The electrification of the suburban rail line did not get underway until 1926 and was not completed until after the Second World War—no doubt the member for Oatley will be fascinated to know that the first electrified rail line was from Sydney to Oatley. The Minister for Transport, and the Minister for Roads and Ports are invoking J. J. C. Bradfield today. The Government is undertaking transport planning for the medium to long term, not transport planning for the next election. That is what the people of this State want, that is what they voted for and that is what the Government will deliver.

#### TRANSPORT INFRASTRUCTURE INVESTMENT

**Mr MICHAEL DALEY:** I direct my question to the Premier. After 16 years in opposition and 18 months in government, why can the Premier not tell the people of New South Wales how the Government is going to pay for the M5 East duplication, the M4 East or the North West Rail shuttle service?

**Mr BARRY O'FARRELL:** Was the member for Maroubra not Minister for Finance at some stage? Was not the member for Maroubra one of those members who had his or her hand on the levers of the State's

economy at a time when, I say again, the former Government had volumes of revenue over and above what was anticipated in every budget coming into the State's coffers—at one stage almost \$1 billion in additional revenue each year? But what did those opposite do? Did they actually invest in the infrastructure needed by this city?

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

**Mr BARRY O'FARRELL:** No they did not; nor did they look beyond this city, in particular to rural and regional areas. In stark contrast, the O'Farrell Government is getting on with the job of building infrastructure across this State. Over the next four years this Government will spend \$3.3 billion on the North West Rail Link—a rail line into an area that those opposite identified as a major growth area yet refused to build.

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

**Mr BARRY O'FARRELL:** This year the Government is spending more than \$300 million on the South West Rail Link—

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

**Mr BARRY O'FARRELL:** —a project that those opposite announced and stopped, announced and stopped; a project that those opposite first said would cost \$800 million and was finally costed at \$2.1 billion. This Government is getting on with the job of delivering that project. The Minister for Transport is doing such a good job that it is six months ahead of schedule.

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

**Mr BARRY O'FARRELL:** The Government is also getting on with the job of improving roads, whether it is the Pacific Highway, the Princes Highway, the Erskine Park Link Road in western Sydney, which those opposite promised, or the long sought after improvements to Camden Valley way.

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

**Mr BARRY O'FARRELL:** The Government is getting on with spending \$13 billion per year on infrastructure services—or something like \$53 billion over the next four years in transport infrastructure and services alone. The O'Farrell Government understands that the biggest lesson to be taken from the last election is to build infrastructure, and that is precisely what we are doing in building those south-west and north-west rail links, and in building those roads in the country and city that people need. The Government is also getting on—as I said in answer to the last question—with the work that people in this State expects it to do: the hard work, the home work, the only work that will guarantee that taxpayers' funds are invested wisely into the future.

**The SPEAKER:** Order! The member for Kogarah and the member for Wollongong will come to order.

**Mr BARRY O'FARRELL:** The Government has learnt the lessons of the past 16 years. It will not waste \$500 million on a Rozelle Metro or on two-lane M5 tunnels that are clearly and utterly not up to scratch for the people of this State. The Coalition went to the election urging support for its commitment to establish Infrastructure NSW, which will deliver to us next month a 20-year State infrastructure strategy. Infrastructure NSW will also provide us with advice—

**Mr Michael Daley:** Point of order: My point of order is relevance under Standing Order No. 129. This question is not about Infrastructure NSW. The people of New South Wales want to know where the money is coming from, Barry?

**The SPEAKER:** Order! There is no point of order. The member for Maroubra will resume his seat. The member for Fairfield will come to order.

**Mr BARRY O'FARRELL:** I say again for the benefit of the House and for the benefit of those sitting in the visitors gallery—at least one of them knows this—that if those opposite had simply stuck to their budgets on the expenditure side for the 16 years they were in office we would have had \$20 billion available for

investing in infrastructure. That is the same amount that John Howard left Kevin Rudd, the same amount that Kevin Rudd used for the Building the Education Revolution and for the global financial crisis stimulus package—

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

**Mr BARRY O'FARRELL:** Imagine what we could have done with those funds. The O'Farrell Government is getting on with the job. It is the first government in 17 years to bring its expenditure budget in on budget.

**The SPEAKER:** Order! I direct the member for Kogarah and the member for Wollongong to remove themselves from the Chamber until the end of question time.

**Ms Noreen Hay:** It's still not true, Barry.

*[Pursuant to sessional order the member for Kogarah and the member for Wollongong left the Chamber at 2.45 p.m.]*

**Mr BARRY O'FARRELL:** The member for Wollongong is still smarting from St George's loss on the weekend—I sympathise with her about that. The Government is seeking to realise through a number of asset sales money that can be put into infrastructure. The Government is getting on with the job, in stark contrast to those opposite.

#### **NSW LONG TERM TRANSPORT MASTER PLAN**

**Mr TONY ISSA:** I address my question to the Minister for Transport. Will the Minister update the House on the draft NSW Long Term Transport Master Plan?

**Ms GLADYS BEREJIKLIAN:** I thank the member for Granville for his question. I know the member has a very strong interest in public transport. I am grateful for the opportunity to talk about the very important draft master plan that was released today. For the first time in our State's history we have an integrated strategy that looks at all modes of public transport including active transport and roads and freight not only in Sydney—our State's global city—but also in our regional cities and across rural and regional New South Wales. This has never been done before and it is a milestone in relation to the Government's agenda for public transport and roads in this State. Those opposite may interject and scaremonger, but we all know how abysmal their record was when they were in office. In all the time those opposite were in government they were not able to deliver any projects, they just put up plan after plan.

Today heralds a new era for the future of New South Wales. For the first time this State will have an integrated strategy when it comes to transport, roads and freight. I am pleased to inform the House that the Minister for Roads and Ports, Transport for NSW staff and I have travelled around our major cities and regional New South Wales to hear the views of people from right across this State. We started this process back in November and we launched it in February. Since then we have engaged with experts, the community and all our stakeholders to ensure that this draft strategy was put into the public domain. We also had a number of expert advisory groups engaged heavily in the process.

Today we have released the draft master plan, which contains almost 400 pages. The community still has until the end of October—almost two months—to get back to us as to what they would like included in the final form. The release of the draft master plan today is a significant step in establishing an evidence-based plan—not plans written on the back of an envelope, which is what members opposite did. We are using evidence to look at parts of our State that are growing and that have significant demands and stresses in relation to the transport and roads challenge. The draft master plan addresses all those issues on an evidence base—something that is new to members opposite; they never used that in their thinking.

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

**Ms GLADYS BEREJIKLIAN:** Finally, New South Wales is able to move on from the transport planning mess of the past and we are able to look to the future.

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

**Ms GLADYS BEREJIKLIAN:** I wanted to stay positive and talk about our plan but, given the interjection by the Leader of the Opposition, who, frankly, was one of the worst transport Ministers in the State's history—

**The SPEAKER:** Order! The Leader of the Opposition will come to order. Opposition members who continue to interject will find themselves outside the Chamber.

**Ms GLADYS BEREJIKLIAN:** Compare this plan to Labor's legacy. When I was the shadow Minister for Transport—a position I held for more than four years—I had the misfortune of reading 10 different transport plans released by Labor. Ten different transport plans, 12 different rail lines—

**The SPEAKER:** Order! The member for Cessnock will come to order. The member for Keira will come to order. Opposition members will stop arguing with the Minister.

**Ms GLADYS BEREJIKLIAN:** The pièce de résistance was the central business district Rozelle metro, which saw \$500 million go down the drain. That is the legacy of Labor's transport planning. I have 2½ years to talk about Labor's failures; I will stick to the positive today because there is so much to talk about. We are proud of what we have outlined today. To give a snapshot of what is in the detailed document, the draft plan builds on our rail future. It reaffirms our commitment to the major infrastructure projects of the north-west and south-west rail links, light rail and an integrated network where there is an important place for buses, taxis, cycling, walking and community transport—something that Labor ignored for more than 10 years.

We are also committed to completing Sydney's missing motorway links and investing heavily in our rural and regional areas. We need to accept that anything we do in our major cities has a big impact in rural and regional New South Wales. For the first time this plan talks about how we integrate those challenges. It also recognises our need for better interchanges and to deliver on major service improvements, as well as rolling stock investments. I could go on, and I am sure I will have another opportunity in the future, but today is a special day for the future of transport planning. I thank all members for their contribution. [*Time expired.*]

## ROAD TOLLS

**Mr ROBERT FUROLO:** My question is addressed to the Premier. How much extra will a motorist from Campbelltown or the Blue Mountains pay to get to work in the central business district under the Government's plan to introduce distance-based tolling?

**Mr BARRY O'FARRELL:** I have expressed my views on distance-based tolling for more than five years. That is, if we can put in place across Sydney motorways the sort of system that operates on the M7 and do it—I have argued this time and time again, as has the Deputy Premier—in a way that is cost neutral for motorists, we should be trying to do so. If people travelling from the north-west or other parts of Sydney have to pay more than one toll a day, it is absolutely frustrating. But I do not hear motorists complaining about the M7 tolling system. Let us be clear about that. The point is that we managed to deliver something that members opposite pledged to deliver but could not deliver—the M5 West widening at no additional cost to motorists travelling in from Sydney's south-west.

**The SPEAKER:** Order! The member for Lakemba will come to order. The Leader of the Opposition will come to order. The member for Canterbury will come to order.

**Mr BARRY O'FARRELL:** Let us be clear about this because it is not as if the world began on 26 March 2011. I know that the lights might have been turned back on that day, but for 16 years members opposite failed to invest in infrastructure. One of the consequences of that is that the price has gone up. I well remember that when originally announced the price of the so-called Epping to Parramatta rail line was about half the price that we ended up paying for half the line. That is the sort of economics of members opposite.

**Mr John Robertson:** You can't have it both ways.

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

**Mr Robert Furolo:** Point of order: The Premier is talking about the North West Rail Link when the question was about the additional cost.

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

**Mr Robert Furolo:** It is relevance under Standing Order 129.

**The SPEAKER:** Order! The question was about tolling and the Premier is being relevant. There is no point of order. The member for Lakemba will resume his seat. The Premier has the call.

**Mr BARRY O'FARRELL:** Double the cost for half the line because of Labor's delays. But let us think about the M5 tunnels. It is no secret that the successful tenderer of the M5 tunnels argued with the Labor Government at the time about how much cheaper it would be at the time it was being built to add an additional lane in each direction. What was the response of members opposite? Sparkles Scully was the Minister, and the response was, "To hell with that. Let's just get the project open for a media opportunity as fast as possible." Let me remind the member for Lakemba—

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

**Mr BARRY O'FARRELL:** Let me turn on a light for the Lamborghini-driving member for Lakemba. I am not into Italian cars.

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

**Mr BARRY O'FARRELL:** I barely fit in a Fiat.

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

**Mr BARRY O'FARRELL:** I will leave the crook alone. I will not acknowledge that one. The people of south-west Sydney understand economics because they have to make ends meet every night. They have to find the means to pay their electricity bills and school fees and put food on the table. They know that there is no fairy godmother, no fairy godfather—

**Mr Darren Webber:** No union credit card.

**Mr BARRY O'FARRELL:** —no union credit card and no money tree that will simply deliver that. They understand that this Government is getting on with the job of managing finances better and cutting out waste and mismanagement. The Minister for Resources and Energy is producing \$400 million out of the electricity generators to provide reductions and rebates for those receiving rebates under the electricity schemes. We are also getting on with the job of realising the value of assets such as Port Kembla, Port Botany, the desalination plant and the electricity generators so that that money can be invested in the infrastructure we need. It is time members opposite understood simple economics.

**Mr Michael Daley:** Point of order: My point of order is relevance under Standing Order 129. The question is simple: Have any costings been done—

**The SPEAKER:** Order! The member has not raised a breach of a standing order; therefore there is no point of order. The member will resume his seat. The Premier has the call.

**Mr BARRY O'FARRELL:** The people of south-west Sydney know about economics because they live with it every day. They also understand master planning, which is that one does one's homework before one makes an investment. The Minister for Transport, and the Minister for Roads and Ports have made an investment in proper master planning to guarantee that, unlike members opposite, we spend money wisely.

### INFRASTRUCTURE INVESTMENT

**Mr BRUCE NOTLEY-SMITH:** My question is addressed to the Treasurer. What are the benefits of the transaction the Government is delivering to free up funds for infrastructure?

**Mr MIKE BAIRD:** I thank the member for Coogee for his question and the incredible work that he is doing in his community. I congratulate him. It is great to have guests in the public gallery, including former Premiers, and it is great to have a new member of Parliament. When I saw the new member for Heffron my heart skipped a beat because I thought that Eric Roozendaal had come into the Chamber. There is an uncanny resemblance, so I am delighted that it is not him. I welcome the new member for Heffron.



**The SPEAKER:** Order! The Treasurer will return to the leave of the question.

**Mr MIKE BAIRD:** The member for Toongabbie said that his heart stopped. That is a better line. Today I am proud to say that it is great to be part of a reforming Government. It is great to be part of a Government that is getting on with the job of fixing the problems left behind by members opposite. Infrastructure is just one of the many problems that were left behind that we are fixing it up. In the budget the Government delivered an additional \$2 billion a year towards the infrastructure needs of this State. The community needs and deserves it, and the Government is getting on with it. The size of the infrastructure challenges for this State cannot be underestimated. They are immense challenges and much needs to be done. That is what the O'Farrell Government is doing, but it has not been made easy by what the Labor Government left behind. Those opposite know that if they were still in power the triple-A credit rating would have been lost. That is the truth of the matter.

Notwithstanding that, the Government has made the decision to maintain the triple-A credit rating and to get on with building infrastructure. The fiscal equation of those opposite is pretty simple—they want more infrastructure. Every day of the week they say they want more infrastructure. They came into this Chamber and said they wanted to keep the triple-A credit rating. They were asked, "Do you want the triple-A credit rating?" They said, "Yes, we want to keep the triple-A credit rating." But members opposite also opposed every single transaction we put forward to release the capital for infrastructure. The fiscal equation of those opposite is quite simply: Hello magic; this is pudding. The O'Farrell Government is getting on with the job. We have a detailed fiscal plan to release capital to build the infrastructure we need. The desalination plant—

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

**Mr MIKE BAIRD:** Did those opposite support the long-term lease of the desalination plant? No, they did not. What did the O'Farrell Government do? It went ahead and did it. What has that released for infrastructure? The long-term lease of the desalination plant has released \$2.3 billion for infrastructure. A transaction above asset value for the infrastructure needs of this State.

**The SPEAKER:** Order! I direct the member for Keira to remove himself from the Chamber until the conclusion of question time.

*[Pursuant to sessional order the member for Keira left the Chamber at 3.00 p.m.]*

**Mr MIKE BAIRD:** The Government got on with the electricity sale when those opposite told us—before the election—that they were not going to do it. The Labor Government then spent four years trying to do it and finally went around the Parliament with the transaction. The Auditor-General said that cost us \$2 billion; that is \$2 billion that could have gone towards infrastructure for this State.

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

**Mr MIKE BAIRD:** Those opposite are yet again opposed to that. It is clear that they do not want \$3 billion for infrastructure. The Government is looking for more opportunities. The long-term leases of Port Botany and Port Kembla are underway. I know that the member for Wollongong strongly supports the transaction and wants \$100 million for her community for infrastructure. Up to \$2.5 billion is going towards the infrastructure this State needs. I ask those opposite again: Do they want that money for infrastructure? No, they do not. Members opposite do not want the money for infrastructure but this Government will start delivering it. I am pleased to announce that the Government will look at the long-term revenue stream of the lottery sale. The Government hopes to bring that forward so that the revenue can be put into infrastructure today. That is what the O'Farrell Government is about. We hope to raise between \$750 million to \$1.5 billion. There is a stark contrast between the O'Farrell Government, with a long-term vision and funding plans in place for the infrastructure of this State, and those opposite, who have ignored the needs of this State for 16 years. Those days are over and plans are now in place to address the State's infrastructure needs.

## F6 POLLUTION

**Ms LINDA BURNEY:** My question is directed to the Premier. What assessment, if any, has the Government made of the pollution and noise impacts building the F6 Freeway will have on residents and property prices in places like Rockdale?

**Mr BARRY O'FARRELL:** Nothing could better sum up the approach of those opposite. The Government has put together a master plan that seeks to identify the long-term transport routes that this city needs—under any population mode—and those opposite pour scorn on it. At the election before last, the Labor member for Miranda made the electorate of Miranda winnable for the Liberal candidate. He campaigned in favour of the F6 and what happened? Barry Collier had a massive swing against him, enough of a swing to ensure that at the last election Graham Annesley became the member for Miranda and joined this House. The approach the Government took to building the F6—or an M9, which is also identified under the draft NSW Long Term Transport Master Plan—is that, unlike Neville Wran's approach to removing road corridors when he came to power in 1976, this Government wants to ensure that corridors are there. The master plan identifies 19 different corridors, because that is the responsible thing to do now and into the future.

When those roads are built—over whatever time frame—they will be built to meet the standards that then exist. To suggest otherwise is for the member for Canterbury to try to walk on both sides of the street. On the one hand, she argues that we need infrastructure but conveniently ignores the Labor Government's failure to deliver it and, on the other hand, she says that if it is built there may be problems. Those opposite need to grow up. People in the Sutherland shire and in the Illawarra know that improved road and rail links are required, and they want to see the Government get on with it. The transport master plan shows people in that region—and in other regions across the State—that the homework has been done, finally, and the master planning has been completed that will guarantee delivery.

### GONSKI REVIEW

**Mr JAI ROWELL:** My question is addressed to the Minister for Education. What is the Government's reaction to the Prime Minister's support for the Gonski recommendations?

**Mr ADRIAN PICCOLI:** I thank the member for a question on an important topic to every resident of New South Wales and Australia. As the Premier and I have often stated, the New South Wales Government welcomed the February release of the Gonski report and the substantial opportunity it provides to rethink our nation's commitment to schooling. For about eight months the O'Farrell Government has been working constructively with the Commonwealth Government and other education stakeholders to turn this review into an opportunity for all students. Now the Prime Minister has finally begun the conversation as to how the Commonwealth will begin to move forward on David Gonski's recommendations. New South Wales is already progressing reforms in all the areas identified in her speech yesterday as important. Through Local Schools, Local Decisions we are entrusting our schools to make decisions in the best interests of our students. Our new resource allocation model for government schools is consistent with many of David Gonski's principles.

Through our Literacy and Numeracy Action Plan, Connected Communities and our "Great Teaching, Inspired Learning" discussion paper, New South Wales is leading education reform in this country. Our resource allocation has three components: a base school component that will reflect the type of school being funded; school location and climate; and the maintenance requirements of each school. There is an equity loading for students taking into account a low socio-economic background or an Aboriginal background, English language proficiency and low level disability. The third component targets individual students and includes students who require a high or moderate level of adjustment for disability, as well as new arrivals and refugees. These principles tie in closely with the recommendations in the Gonski report.

However, it is disappointing that the Commonwealth has taken eight months to accept the report. We need more than a drip-feed of information. Without the detail of the model, we cannot be certain that it will be positive for all students and schools in New South Wales. However, the New South Wales Government retains an open mind. Secondly, as the Premier and I have said—as all sensible people have said—any significant increase in schools funding has to be largely funded by the Commonwealth. States have limited opportunities to find new funds when compared with the Commonwealth. This issue is too important to be used as a political football. Any changes to school funding should not be used to pit public schools against private schools. All school sectors need to be treated fairly, but schools with higher needs—Government or non-government—should always receive additional funds, regardless of their sector.

We have heard little from the Opposition about the Gonski model and the recommendations, so I am not sure where it stands. It is an opportunity to talk about the constructive relationship between the New South Wales Government and the Commonwealth Government—the Federal Labor Government. Of course, there are things we disagree with, such as the carbon tax and various other matters, but we must work with whoever is in

office in Canberra. As I said, the Premier, I as Minister for Education and the New South Wales Government have retained an open mind on what David Gonski has recommended and what the Commonwealth is proposing and we wait in anticipation for those negotiations to begin.

To reinforce that constructive relationship with the Commonwealth, I refer to an announcement that the New South Wales Government made last Wednesday about what our Government will be doing with the leftover Building the Education Revolution [BER] funds. At this stage we have \$83 million worth of Building the Education Revolution funds left over. According to the original rules of the Building the Education Revolution, those funds would have had to be spent on rainwater tanks and other minor purchases and spread very thinly across every school in New South Wales. As Minister for Education I approached the Commonwealth about getting some flexibility with respect to how those Building the Education Revolution funds can be used so that we could invest them—

**Dr Andrew McDonald:** You spent most of the last three years criticising the BER.

**Mr ADRIAN PICCOLI:** That is because you were handling it; that is why we criticised it.

**Mr Nathan Rees:** The director general was.

**Mr ADRIAN PICCOLI:** Your director general when you were in government.

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

**Mr ADRIAN PICCOLI:** We were critical of the way your Government approached it. Of course, schools welcomed new halls and libraries and classrooms.

**The SPEAKER:** Order! The member for Macquarie Fields and the member for Toongabbie will come to order and cease arguing.

**Mr ADRIAN PICCOLI:** I am not going to engage with members opposite. They had their chance and they blew it. [*Extension of time granted.*]

We went to the Commonwealth and said, "We want to spend it; we think we—State and Commonwealth—should spend it on our capital works priorities." I give great credit to Minister Shorten, the Assistant Treasurer, who was very helpful and supportive of spending this money in a different way and making sure we get the greatest value for money out of it. Indeed, the Commonwealth has been very cooperative. We were able to fund a substantial multimillion-dollar upgrade at the Hunter River Community School in the electorate of Maitland. On Wednesday I had the pleasure of the company of the member for Mulgoa at Kurrambee where we watched the opening ceremony of the Paralympics with students from that special school. It was an emotional experience. That school will not be just refurbished, it will be moved across the road and the students will get a brand new school. That is what happens when we have a constructive relationship with the Commonwealth. That is about spending money in the right place.

The member who is often referred to by locals as the member for Gunnedah showed me the front page of the *Namoi Valley Independent*—I have it as an app on my iPad—which has a picture of the member for Tamworth and one of the young students at the G. S. Kidd Memorial School. That is another special school that will be rebuilt on a greenfields site. Other schools to receive funds include Wewak Street School in Albury, Holroyd School in south-western Sydney, Anson Street School in Orange, Cromehurst School in the electorate of Davidson, Caroline Chisholm School in East Hills, Wairoa School in Vaucluse, Para Meadows School in Wollongong—unfortunately the member for Wollongong did not behave herself and could not be here to hear that—Five Islands School at Lake Macquarie and Karonga School in Epping. This is about making sure we spend taxpayers' money effectively.

## LOCAL GOVERNMENT ELECTIONS

**Ms SONIA HORNERY:** My question is to the Premier. Given an electorate staffer working for the Liberal member for Swansea has authorised Jeff McCloy's election material, can the Premier confirm that the so-called independent candidate for Newcastle is in fact a closet member of the Liberal Party?

**The SPEAKER:** Order! I am inclined to rule that question out of order. It does not comply with any of the provisions of Standing Order 128. However, the Premier may answer it if he wishes.

**Mr BARRY O'FARRELL:** I am happy to give voters across the State some advice. They should go to the New South Wales Electoral Commission website, find their local government area and click on the candidates. Candidates are required to fill out a declaration form to indicate whether they are a member of a political party. For instance, I know that in the Roseville Ward in my own council area the first-ever Labor Party member is putting up his hand as an Independent. I am sure that is happening across the State. I hope he can campaign because he is a Construction, Forestry, Mining and Energy Union [CFMEU] member and is probably outside a Grocon building trying to stop decent people from getting on with their work. The New South Wales Electoral Commission's website enables citizens who are voting on Saturday to determine whether or not those people standing for election are members of political parties. It takes about three clicks and voters can discover, as I discovered in relation to Roseville, that it is indeed true that people who are members of political parties are eligible to stand as Independents if their parties are not running endorsed candidates.

My advice to voters is the same as it is at Federal and State election campaigns: check who you are voting for before you cast your ballot. I am disturbed that there was a report on the weekend that one in four people may not vote. I think the fine for not voting in local government elections is \$55. I would happily forgo the revenue to be derived from people not voting because it is our democratic right and obligation to participate in the electoral process. Before question time today we paid homage to Australian soldiers killed overseas. A couple of times a year we make reference to those who died in the First World War and the Second World War. Amongst the freedoms they fought for was the freedom to govern ourselves and the freedom to be able to cast our vote—something that does not happen in parts of the world. Members of the public should inform themselves and should vote. In that way, whatever the result on Saturday in whatever area people cannot say they are unhappy.

### **LITTLE PENGUINS PROTECTION**

**Mr ROB STOKES:** My question is directed to the Minister for the Environment, and Minister for Heritage. How is Sydney's endangered colony of little penguins progressing?

**Ms ROBYN PARKER:** I know the passion of the member for Pittwater for this little penguin community. I also know the member for Manly is passionate about the little penguins. I spent the morning with this endangered colony of little penguins and I am spending the afternoon with another endangered colony. The little penguins colony is right on Sydney's foreshore and there are just 60 breeding pairs.

**The SPEAKER:** Order! Members will come to order. I thought members on both sides might have been interested in the answer to this question.

**Ms ROBYN PARKER:** There are 60 breeding pairs and many people are passionate about their survival. It is a big city and we have a big heart. We have seen that recently with the city's interest in whales and today we saw it in relation to the penguins. I was fortunate enough to witness our specialist National Parks and Wildlife Service team along with scientific experts give the little penguins their first all-over health check to establish how this endangered colony of little penguins is faring. The penguin chicks were checked for numbers and their length, weight and condition were measured. All of this will give us an insight into the condition of the population at an important phase of this year's breeding season. I got to hold one while it was being checked. I get the good gigs. They are micro chicks but they are larger than you expect. They are very cute and cuddly and very smelly. These young birds have a long way to travel and lots of obstacles to overcome if they are to make it to adulthood and have chicks of their own.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Members who have lost interest in the proceedings should leave the Chamber.

**Ms ROBYN PARKER:** Little penguins were once common, like members opposite, but their numbers have dwindled due to habitat loss and other threats. Today the colony at Manly is the last on the mainland and although others exist on islands off the coast we need to look after our little penguins at Manly. They come ashore to breed and raise their chicks. They nest in burrows among the rocks on the foreshore. Many locals are passionate about these penguins. They are visible from the ferry as they swim and fish in the waters of the harbour. Some have even been known to nest in people's backyards or under houses. These creatures face major threats, such as, dog and fox attacks, marine debris and boat strikes. The National Parks and Wildlife Service is vigilant in keeping dogs out of the national park.

With Manly Council's help dogs also will be kept away from the area declared as critical habitat. We rely on the community and supporters of the little penguins to take extra care with their dogs at this time of the

year. As both the member for Manly and the member for Pittwater know, the colony is special and we do not want to lose it. However, I am pleased to report that everyone is working together to protect the little penguins. The population remains stable despite it being located in the midst of one of the most famous harbours in the world. It is a credit to the wonderful National Parks and Wildlife Service staff and the many volunteers. The volunteers in Manly go out in the freezing cold to make sure that dogs are kept away from the penguins and that curious visitors look from a distance.

**Mr Nathan Rees:** Where are the shooters?

**The SPEAKER:** The member for Toongabbie will come to order.

**Ms ROBYN PARKER:** The volunteers rally around these animals to protect them and secure their future. The New South Wales Government is extremely proud to partner with Manly Council, Taronga Zoo and the local community to ensure we do everything we can to secure the survival of this precious breeding colony. Members will be interested to know that Friday 7 September 2012 is National Threatened Species Day. This day marks the death in 1936 at Hobart Zoo of the last Tasmanian tiger held in captivity. We have not yet found the member for Toongabbie's black panther. We can perhaps consider that on National Threatened Species Day. The endangered population of little penguins in Manly is one of many species currently protected under the New South Wales Threatened Species Conservation Act. There are more than 850 animal and plant species at risk of extinction. I encourage everyone to get involved in protecting our biodiversity and threatened species. I am particularly pleased to know that the little penguins at Manly are surviving so well. I urge everyone to get involved in National Threatened Species Day on 7 September 2012.

**Question time concluded at 3.21 p.m.**

## **INDEPENDENT COMMISSION AGAINST CORRUPTION**

### **Report**

**The Speaker** announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the report entitled, "Investigation into the conduct of the University of New England (UNE) procurement officer and UNE contractors", dated 12 August 2012.

**Ordered to be printed.**

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**Mr Stephen Bromhead**, as Chair, tabled the report entitled, "Legislation Review Digest No. 23/55", dated 4 September 2012, together with the minutes of the committee meeting regarding Legislation Review Digest No. 22/55, dated 4 September 2012.

**Report ordered to be printed on motion by Mr Stephen Bromhead.**

## **PETITIONS**

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

### **Public School Support**

Petition requesting the recognition of staffing and funding principles that support public school communities, received from **Mr Andrew Gee**.

### **Eastern Suburbs Bus Service 311**

Petition requesting the retention of the 311 bus service link to Central and Circular Quay and improvements to frequency and reliability, received from **Ms Clover Moore**.

**Pets on Public Transport**

Petition requesting that pets be allowed on public transport, received from **Ms Clover Moore**.

**Retail Trading Laws**

Petition requesting the retention of existing retail trading laws in their entirety, received from **Mr Andrew Gee**.

**Pig-dog Hunting Ban**

Petition requesting the ban of pig-dog hunting in New South Wales, received from **Ms Clover Moore**.

**Cooks River Sewage Flows**

Petition requesting the limitation of sewage flows into the Cooks River such that levels of E. coli and other human pathogens are reduced below safe levels for swimming and boating activities, received from **Ms Linda Burney**.

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

**Walsh Bay Precinct Public Transport**

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

**Pet Shops**

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

**Container Deposit Levy**

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

**BUSINESS OF THE HOUSE****Business Lapsed**

**The SPEAKER:** Order! I advise the House that, pursuant to Standing Order 105 (3), General Business Notices of Motions (General Notices) Nos 303, 327 and 337 either not having commenced or not having been completed have lapsed.

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****NSW Long Term Transport Master Plan**

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.26 p.m.]: My motion that I seek to be accorded priority states:

That this House commends the Government for the first genuinely integrated approach to transport planning with the release of the draft Long Term Transport Master Plan.

It gives me great pleasure to seek priority to debate this motion, given my background in planning and the importance of implementing a strategic and integrated plan for transport across the metropolitan area. I will limit my comments in relation to the metropolitan area because I can think of no greater example of where integrated transport is needed than in the north-west and western areas of Sydney. For 16 years the previous Government acknowledged one point: the need to provide residential homes for our population. It did that, drawing on the

massive amounts of stamp duty it received, particularly from growth in the north-west and south-west areas of Sydney. But it forgot to provide on behalf of hundreds of thousands of residents major road upgrades and any upgrades whatsoever to transport.

**Mr RICHARD AMERY:** Did you not see Windsor Road?

**Mr RAY WILLIAMS:** I acknowledge the interjection by the learned member for Mount Druitt. He would well remember the campaign that I orchestrated with other members of this House. The member for Londonderry and I campaigned for years to get the road upgraded to four lanes to handle the massive increase in population that the previous Government had brought about in the north-west areas.

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

**Mr RAY WILLIAMS:** The most important initiative to provide for residential growth is an integrated transport plan. That is where the previous Government let us down. It was more than happy to reap the rewards of billions of dollars of stamp duty, but it never invested one cent back into transport. The now planned and funded North West Rail Link will provide proper transport for the residents of north-west Sydney and the greater areas of western Sydney. Today I seek the support of members of this House. I am encouraged by the response from Government members: it fills my heart with joy. I am sure I will get support from Opposition members as we discuss this important draft transport master plan, which is so important for all the people of New South Wales but particularly the people of western Sydney. I ask that my motion be accorded priority.

### **NSW Long Term Transport Master Plan**

**Mr ROBERT FUROLO** (Lakemba) [3.28 p.m.]: The motion that I seek to be accorded priority states:

That this House condemns the Government for announcing a transport plan that:

- (1) provides no delivery timetable and no new money for transport or roads in New South Wales; and
- (2) will cost motorists more through distance-based tolls, higher registration fees and increased parking fees.

The House should debate my motion because the people of New South Wales will rightly feel disappointed with the effort of this Government in the release of its transport master plan. It is not as though members opposite had only 18 months to come up with a plan. They had 16 years in which to determine what they would do and when they would do it.

**The SPEAKER:** Order! The member for Monaro will come to order. Members traditionally remain silent during these debates because they are time limited.

**Mr ROBERT FUROLO:** This is not a plan, it is a pipedream. It is a 370-page wish list. It presents a few problems because it contains no details. It does not set out how much the projects will cost, when they will commence, how they will be funded, how much extra we will be required to pay to use our roads, how much extra vehicle registration will cost, or how much extra in distance-based tolling the people of western Sydney and south-western Sydney will be required to pay. What about the people of the Blue Mountains and Penrith? How much extra will they be forced to pay in distance-based tolling? How much extra will the people of Wollondilly, Campbelltown and Camden be forced to pay to use the M5 to travel to and from the city?

**The SPEAKER:** Order! There is too much audible conversation coming from Government members. Members who wish to have private conversations should do so outside the Chamber.

**Mr ROBERT FUROLO:** The plan does hint at how the Government intends to fund these projects. Access to the road network requires drivers to hold a licence and to be driving a registered vehicle, and the Government regulates licence and registration fees to provide car users with certainty. Those fees are an important revenue stream and the Government clearly intends to hit motorists by increasing them to pay for these initiatives. That will be in addition to its gouging of an extra 12.5 per cent from traffic infringement notices while at the same time reducing spending on road infrastructure by \$400 million. How can this Government have 18 months to formulate a plan for an integrated transport system but provide no details about when the projects will be commenced or completed or how they will be funded? This is a wish list, not a plan. *[Time expired.]*

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

**The House divided.**

**Ayes, 63**

Mr Anderson	Mr Fraser	Mr Provest
Mr Aplin	Mr Gee	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 Berejiklian	Mr Hazzard	Mr Smith
Mr Bromhead	Ms Hodgkinson	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Mr Humphries	Mr Stokes
Mr Conolly	Mr Issa	Mr Toole
Mr Constance	Mr Kean	Mr Torbay
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr Notley-Smith	Mr Ward
Mrs Davies	Mr O'Dea	Mr Webber
Mr Dominello	Mr Owen	Mr R. C. Williams
Mr Doyle	Mr Page	
Mr Edwards	Ms Parker	
Mr Elliott	Mr Patterson	<i>Tellers,</i>
Mr Evans	Mr Perrottet	Mr Maguire
Mr Flowers	Mr Piccoli	Mr J. D. Williams

**Noes, 22**

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

**Question resolved in the affirmative.**

**NSW LONG TERM TRANSPORT MASTER PLAN**

**Motion Accorded Priority**

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.40 p.m.]: I move:

That this House commends the Government for the first genuinely integrated approach to transport planning with the release of the draft Long Term Transport Master Plan.

This Government came to office 18 months ago with a promise to upgrade infrastructure across New South Wales, with two key priority areas of infrastructure being the North West Rail Link—for which I am very grateful—and the South West Rail Link. Those projects were necessary to pick up two of the shortfalls in transport planning and infrastructure by the previous Government. The previous Government provided for massive residential growth to support a growing population—people need to live somewhere and housing must be provided. However, together with that housing growth and the record stamp duty profits the previous Government received, transport infrastructure and road upgrades were vital.

This Government's Long Term Transport Master Plan picks up on the former Government's shortfalls and gives a commitment to public transport. This plan joins the dots between massive current and future



residential growth in the south-west and north-west of New South Wales and addresses the massive traffic gridlock that currently exists across western Sydney, particularly on Victoria Road, Parramatta Road and Epping Highway. I also refer to the massive work that is currently being undertaken on upgrades to the M2 by a private company, Transurban. I acknowledge the massive injection of funds from tolls paid by the people of north-western and western Sydney to deliver that vital piece of infrastructure. It is important for this upgrade work to be carried out because it will deliver not only a highway but the only public transport corridor for north-western Sydney.

A massive number of Hillsbus and Busways buses travel that route every day and must contend with hours of traffic gridlock. If it had not been for the initiative of those companies to provide public transport for the north-west the traffic gridlock would be twice as bad. Literally thousands of buses traverse the M2 each day carrying people from the north-west to other areas of Sydney. We are picking up the shortfall from the lack of implementation of the North West Rail Link, which was promised by the former Government as long ago as 1998. The former Government not only did not deliver the promised North West Rail Link by 2010 but also did not upgrade roads, deliver a South West Rail Link or upgrade Erskine Park Link Road. The O'Farrell Government has allocated funds to complete those priority commitments.

That is the difference between this Government, after only 18 months, and the former Government, after 16 years. The previous Government produced many glossy brochures and plans but unfortunately did not back them up with funding to ensure that the projects were even started, let alone completed. In 18 months this Government has allocated \$3.3 billion to the North West Rail Link. It has allocated hundreds of millions of dollars to the South West Rail Link in this term, and directed millions of dollars to additional road upgrades such as the Erskine Park Link Road and the M5 widening project. We have locked in those key projects with funding mechanisms to ensure they not only commence but will be completed. The draft transport master plan will join the dots to ensure that new growth areas—some proposed under the previous Government and some proposed by this Government—have adequate public transport and roads to connect them to employment zones and to massive regional centres that have been promoted across western Sydney, the north-west and the south-west. I am proud to support this great draft transport master plan on behalf of New South Wales. [*Time expired.*]

**Mr ROBERT FUROLO** (Lakemba) [3.45 p.m.]: Together with thousands of people across New South Wales who sit in traffic every morning and afternoon or on trains that seem to be going nowhere fast yet are paying more for the privilege, I was looking forward to a new transport plan that might address some of those challenges. Everybody wants a government that will address those problems because we all want to see a better transport system in New South Wales. The motion moved by the member for Hawkesbury states that this is an integrated transport plan, which is very interesting. On my reading of this plan, it is a 370-page wish list of what the Government would like to do, might do, and will think about and consider doing—and it may or may not happen. This is not an integrated plan with a budget because the funds are not in the forward estimates. There are no additional funds for any new motorways.

The M5 East has been touted by this Government as one project it will consider starting. It is identified in this plan but no funds have been allocated to it. The Government cannot fund it. The Government also claims regularly that the M4 East is a missing-link project that needs to be funded. Again, it is referred to in this plan but there are no start or finish dates and no funds have been allocated to the project. How can such projects conceivably be regarded as integrated in any way? The member for Hawkesbury referred to the North West Rail Link—which is now a shuttle service—and suggested that it is an integrated plan. But the North West Rail Link is not even integrated with the rest of the rail network. This plan cannot be considered integrated in any way.

It is arrogant for the Government to suggest that this is the first plan that has ever been devised or delivered. The Government has been in office for 18 months and because it has published a 370-page document believes it has delivered a fantastic plan. The Government should be disappointed, like the people of New South Wales, because we do not have an integrated transport plan; we have a 370-page wish list of what this Government thinks are good ideas. The projects are not funded and do not have start or completion dates. The Government has not indicated how the projects will be funded. Reading between the lines, I can find some clues as to how some projects—if they are ever started—could be funded. Page 329 of the NSW Long Term Transport Master Plan says, "We will investigate a consistent, distance-based tolling regime for the Sydney motorway network".

That tolling regime was not discussed before the last election with the people of Penrith, Blue Mountains, Campbelltown, Camden or Wollondilly. They were not asked whether they would like to pay more

to travel on a road that, in the case of the M4, they have already paid for. I am curious: When will the member for Penrith tell his community about this great idea to charge people, based on distance, for a road—the M4—that they have already paid for? I am disappointed with this plan and everything this Government has delivered in relation to roads in particular. While it has increased revenue from roads by gouging an extra 12.5 per cent in fines—with \$180 million going into the budget—at the same time it has cut funding for roads by \$400 million.

We have an extra \$180 million in fine revenue yet a reduction in the Roads budget of \$400 million. The draft plan fails to fund the promised upgrade of the Pacific Highway but does make passing reference to it. It says we could finish it but there is no time frame. There is no start date, no finishing date and no indication of how much money will be set aside for the upgrade of the Pacific Highway. At the same time, we have heard from the Minister for Roads and Ports that he intends to close motor registries and cut staff at the NSW Centre for Road Safety. If this is the Government's best attempt to address the issue of transport planning in this State then it is a failure, and the Government should hang its head in shame.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [3.50 p.m.]: As a Nationals member of the O'Farrell-Stoner Government it is with great pleasure that I join my Liberal colleague the member for Hawkesbury in commending the Government on the first genuinely integrated approach to transport planning with the release of the draft NSW Long Term Transport Master Plan. The Government should be commended for taking a long-term approach to transport planning and for the extensive consultation that was undertaken across the State in preparing this draft plan. In stark contrast, those opposite tried to sell the public recycled plans with no real consultation—usually just before an election. The O'Farrell-Stoner Government takes consultation seriously, particularly consultation with those who were forgotten by Labor—namely, regional communities. Some 14 forums were held across the State, many in regional areas including at Broken Hill, Coffs Harbour, Lismore, Wagga Wagga—I note that the member for Wagga Wagga is in the Chamber—Newcastle, Wollongong, Tamworth, Orange, Tumby Umbi and Goulburn. In fact, I am happy to give those opposite a map showing where those centres are located, because they considered them foreign entities during their 16 years in office.

Some key elements of the draft plan, following consultation with local communities, include: an additional crossing of the Clarence River at Grafton, in the electorate of the member for Clarence; the Coffs Harbour bypass, in the electorate of the member for Coffs Harbour; the Newcastle port growth plan, affecting the electorates of my good friends in the Hunter; the Bells Line of Road study, which is a pertinent issue in the electorates of the members for Bathurst and for Orange and also in my neck of the woods; and the Princes Highway upgrade at Bomaderry, in the electorate of the member for Keira—who was one of only two Labor members to make a submission to the draft plan.

**Mr Ryan Park:** I did.

**Mr TROY GRANT:** Yes, I know: I am congratulating you. You were one of only two. No-one on the frontbench made the effort. Shame on them. They are but some of the projects in the draft plan but many more were considered during the extensive consultation undertaken by the Government. In addition to the 14 regional forums, more than 1,200 submissions were received, there were 8,500 downloads of the discussion paper, some 65,000 hits on the dedicated website, and four advisory groups were established during the process, representing customers and the community, local government, industry and transport specialists. This was undertaken for the draft plan that is now in the community's domain for further feedback. The Government wants to get the future transport planning of this State right. That is in stark contrast to anything done by those opposite during their 16 years in office. The draft plan is based on the input of experts, the community and many stakeholders that those on this side of the Chamber represent and respect. The Government is to be commended for the way that it has gone about developing this plan. I offer my congratulations to the Minister for Transport and to the Hon. Duncan Gay in the other place, who is a cracking Minister for Roads and Ports.

**Mr RYAN PARK** (Keira) [3.53 p.m.]: The Minister for Transport was shadow transport Minister for four years, four months and nine days. One would have thought in that time she might have engaged in the odd bit of learning or critical thinking, such as "That is a good idea. I will take this but I do not like that." Almost 18 months into the O'Farrell Government a draft transport master plan has been produced that has no timetable and no funding plan attached to it. It gives no indication of when projects will start or finish. Today the person on the frontbench who is happiest about this draft transport plan is not the Minister for Transport but the Treasurer. The Treasurer is happy because his friends in Treasury—huge supporters of public transport they are not—have completely hoodwinked the Minister for Transport. Treasury has won the day today.

It is a sad day when lessons are not learnt. It is a sad day when governments of all persuasions do not build on the work done by previous governments. Today is one of those sad days. If the Government believes a measure of performance is poor on-time running, which is at its worst level in four years, then we should give it an "A" for this draft plan. The draft transport plan includes the North West Rail Link that experts say will be 20 minutes slower than the bus. Today is not the day one would want to be the Minister for Transport but it is the day one would want to be the Treasurer. The Treasurer has breathed a sigh of relief. He is now back where the conservatives like him to be—in control. I feel sorry for the Minister for Transport but today is a very bright day for the Treasurer. [*Time expired.*]

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [3.56 p.m.], in reply: A great trademark of the O'Farrell Government is that its Ministers get on so well. Not only is this an integrated draft transport plan but our Ministers take an integrated approach to government. Our Minister for Planning and Infrastructure proposed new residential growth, the Treasury provided funding on behalf of Infrastructure NSW and the Minister for Transport devised a plan. Today she has delivered the draft master plan, which will ensure an integrated approach to residential growth and necessary infrastructure delivery, and provide the transport and the roads to link it all together.

When we talk about major transport infrastructure we generally speak of rail and roads. But one of the greatest failings of the previous Government was its inability to implement a simple ticketing system: the Tcard. The Government announced the Tcard system in 1998 and promised to deliver it prior to the Sydney Olympic Games. A quarter of a billion dollars was spent on that project. Unfortunately, 18 months ago—11 years after the Sydney Olympic Games—the Tcard was still not delivered. Contrast that with the Opal card, which is about to be delivered—for use on the entire transport network of this State—within 18 months of this Government winning office. Those opposite could not achieve that in almost 13 years in office. Through their fiscal ineptitude those opposite managed to spend a quarter of a billion dollars yet this State did not get so much as a lousy little ticket. The only card that the Labor Party was ever interested in was a credit card—a member on the Central Coast was always waving his around.

We need a ticketing system that enables people to ride on any type of public transport in this State. That is a fundamental aspect of an integrated approach to transport and it is a fundamental aspect of this draft plan. The Government is to be commended for the amount of consultation and participation that was undertaken across New South Wales in preparing this draft plan. Even though some 2,000 submissions have already been received, the Government is gathering more submissions. The Government will continue to take on board the wishes of the community as it develops the final master plan on behalf of the people of New South Wales. [*Time expired.*]

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

**Motion agreed to.**

## **CRIMES AMENDMENT (CHEATING AT GAMBLING) BILL 2012**

### **Second Reading**

**Debate resumed from 22 August 2012.**

**Mr PAUL LYNCH** (Liverpool) [4.00 p.m.]: I lead for the Opposition in debate on the Crimes Amendment (Cheating at Gambling) Bill 2012. The Opposition does not oppose the bill.

**Mr Troy Grant:** Sit down.

**Mr PAUL LYNCH:** You can shut up. You are not in the cells in Dubbo now.

**Mr Troy Grant:** Point of order—

**Mr PAUL LYNCH:** Hang on. You interjected, Sunshine. You interject and you get a response.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Members will direct their comments through the Chair. Does the member for Dubbo wish to take a point of order?

**Mr Troy Grant:** I do. I heed your advice about interjections. However, the use of unparliamentary language by the member for Liverpool is simply unacceptable. The standards that members opposite set in this Chamber over the past few years has again been reflected by the member for Liverpool using inappropriate, offensive language, and he should be condemned for it.

**Mr PAUL LYNCH:** To the point of order: I was giving an entirely non-controversial speech indicating that we were not opposing the Government's bill when the member for Dubbo interjected and told me to sit down. That, on any view of it, must be unparliamentary. Granted that was interjection that was made at that time in that context in this debate, my response was entirely appropriate and proportionate.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind members that they should direct their comments through the Chair. The member for Liverpool has the call.

**Mr PAUL LYNCH:** As I said, the Opposition does not oppose the bill. The objects of the bill are set out as follows:

The Bill prohibits:

- (a) engaging in conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (b) facilitating conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (c) encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (d) using corrupt conduct information or inside information about an event for betting purposes.

The bill comes largely from the recommendations of the Law Reform Commission Report No. 130 entitled "Cheating at Gambling", which is dated August 2011. The starting point for the report is the size and growth of gambling markets. As the Law Reform Commission pointed out, cheating at sports betting has the potential to cause disruption to significant economic activity. In that sense, it is not just that there are notorious overseas cases or that it is a headline-grabbing event; it is the size of the economic activity in Australia that drives this legislation. In 2011 Australians were estimated to have spent \$611 million in online sports betting. The commission also clearly pointed out, especially at paragraph 1.6, that a lot more is required than the enactment of criminal offences. The commission said:

Criminal offences are necessary as a safety net to deter and to punish those who do engage in cheating at gambling in its several forms. Of equal if not more importance, in a practical sense, however, is the need for sports controlling agencies, and for gaming and betting agencies and authorities, to adopt appropriate systems, through codes of conduct, educational programs, and the like, to discourage misconduct in this area, and to provide an effective means of detecting and dealing with it.

Those issues are technically outside the leave of the bill and outside the Attorney General's portfolio. The Opposition looks forward to further action from the Government on these important issues. This is in the context of a significant number of international incidents, itemised at paragraph 1.9 of the Law Reform Commission report. The commission has also noted the National Rugby League action in conjunction with betting agencies in excluding certain forms of exotic bets and the release of the report of the Anti-corruption Working Party of the Coalition of Major Professional and Participation Sports [COMPPS].

In June 2011 Australian sports Ministers announced a national policy on match fixing in sport, and in July 2011 the Standing Committee of Attorneys-General agreed to establish a working group to develop proposals and timetables for a nationally consistent approach. The Law Reform Commission, in relation to specific legislative changes, noted widespread support from industry and agencies for the introduction of specific offences to strengthen the existing anti-cheating laws. There was also widespread support for an insider dealing offence that would be clear and easy to understand and apply. The commission pointed to these advantages in this approach:

- Remove uncertainties that currently exist in relation to prosecuting those who are involved in dishonest practices.
- Raise community awareness of boundaries between sport and event related gambling.
- The obvious deterrent effect.

The report provides draft offences to achieve this. Most but not all of these provisions are reproduced in this bill. There are some differences, but it is fair to say that this bill is based largely on the Law Reform Commission report. The major difference is probably the addition of new section 193Q (2) as an extra offence, with a maximum penalty of two years. The Law Reform Commission notes that its proposals were drafted by the Office of the Parliamentary Counsel in consultation with the Law Reform Commission. New section 193H (1) (b) is included to avoid over-criminalisation so that it does not capture legal play, tactical decisions or the type of play giving rise to penalties, none of which should be targeted by this legislation.

The sort of behaviour targeted by new section 193H includes deliberately underperforming, a failure to employ best efforts, withdrawing without proper cause, and improperly interfering with or disrupting the normal course of an event. As well, there must be an intent to obtain a financial advantage for someone or causing financial disadvantage to another person. There is an extended definition of betting in new section 193I to prevent someone avoiding prosecution by getting someone else to lay the bet. New section 193J defines "events" widely to include the wide range of events on which betting is permitted. It is also aimed to include micro events that are the subject of exotic bets or sport bets. New section 193M defines "encourage" quite broadly so as to include what might otherwise have included soliciting and other criminal behaviour. That is consistent with other reports from the Law Reform Commission and its approach to complicity generally.

New section 193N avoids defining a participant. This provision now includes those who engage in any form of proscribed conduct who is not connected with a competition team or with officiating. This might include dousing stadium lights, digging up the pitch, interfering with equipment or spiking drinks. New section 193P is broadly similar to a provision in the Law Reform Commission report. It is aimed at those who try to encourage someone who is involved in, or aware of, the existence of conduct prohibited by the Act to conceal its existence from a defined relevant authority. New section 193Q imposes sanctions on the use of corrupt conduct information for betting purposes, with a maximum penalty of 10 years, and a similar use of inside information provision, with a maximum penalty of two years.

Certainly there were offences in New South Wales before this bill that might be used to respond to cheating. There were common law offences of cheating and conspiracy to defraud and statutory offences such as sections 192E and 249B of the Crimes Act, among other things. This existing framework is complex. There is also an inconsistency in the expression of the reach of the statutes and in the applicable penalties. Some legislation refers to "fraudulent conduct", some to "dishonest conduct". As I said, there is an inconsistency. The complexity of the existing provisions imposes a degree of uncertainty on prosecutions and, for that matter, on defence. These amendments, as recommended by the Law Reform Commission, are an attempt to overcome this complexity and to make the law clearer and simpler, which seems to be of benefit to everyone involved in the field. The Opposition does not oppose the bill.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [4.09 p.m.]: I speak on the Crimes Amendment (Cheating at Gambling) Bill 2012. One of the biggest threats to the reputation of sport in our country is match fixing or corrupting the betting outcome of an event. In New South Wales, sport is central to the way we understand ourselves as a State, and indeed as a nation. Wikipedia defines sport as:

All forms of competitive physical activity which, through casual or organised participation, aim to use, maintain or improve physical ability and provide entertainment to participants.

That is a worthy objective. Many sports exist, from those requiring two participants to those in which there are many participants, competing either in teams or as individuals. We have seen some great examples of sports recently during the Olympic Games and the Paralympic Games. Sport is usually governed by a set of rules or customs that serve to ensure fair competition and enable consistent adjudication of the activity in order to identify the winner. It is because sport is usually governed by a set of rules to make sure that there is fair competition between the competitors that we have to ensure match fixing to produce an outcome does not occur. Match fixing strikes at the heart of the way sport is defined, its values, integrity and standing in our community. Cheating at any level threatens the livelihood of sporting participants. It undermines the popularity of sport and destroys public confidence in it.

Cheating can involve significant fraud, a very serious criminal activity that must be eliminated from sport as it is from other aspects of our society. Criminal offences must be available when cheating or other forms of corruption occur in sport—including the abuse of inside information. The object of the Crimes Amendment (Cheating at Gambling) Bill 2012 is to amend the Crimes Act 1900 to prohibit conduct that can corrupt the outcomes of events on which it is lawful to place bets. This important bill will ensure that everyone

in the sporting industry and in the wider community is sent a strong message about the risks and consequences of corrupt conduct associated with sport. We are the first jurisdiction in Australia to introduce tough penalties for those found guilty of the offences of match fixing or corrupting the betting outcome of an event.

I turn now to some of the provisions in the bill. Betting is defined as including both the placing and withdrawing of bets and the accepting of bets. An event is defined in the bill as an event—whether it takes place in New South Wales or elsewhere—on which it is lawful to place a bet under Australian law. Under this legislation, any person convicted of having engaged in or facilitated conduct that corrupts the outcome of an event will face a maximum penalty of 10 years in jail. That is a severe sentence that sends a strong message to the community, to participants and to observers of sport. The offence of using inside information for betting purposes carries a maximum penalty of imprisonment for two years. I reflect on the history leading to the bill. The Law Reform Commission was given a reference from the former Government to review the coverage of the criminal law in relation to cheating at gambling. The final report was released in August last year. The report recommended the introduction of new offences of corrupting betting outcomes and using inside information, which are addressed by the bill.

The report has a sampling of cases in which allegations and investigation of match fixing have arisen. They include cases in relation to a Greek football league where players, club owners and officials were arrested following the detection of irregular betting patterns in the first and second division club matches by the Union of European Football Associations. Another case cited was the South Korean Football K-League in which several players and bookmakers were charged in relation to bribes intended to influence the outcome of games. A further case occurred in Italy where, in March 2011, following an incident in November, 16 people, including some players, were arrested on suspicion of fixing matches to gain a benefit in betting. The report mentions other instances and notes that these are but a sample of the cases that have come to notice recently. Recent allegations have unfolded in relation to other sports—cricket, cycling, snooker and boxing.

In June 2011, following a meeting of Australian sports Ministers, a national policy for match fixing in sports was announced that committed all governments to address the threat of match fixing and the corruption that flows from it. A Standing Committee on Law and Justice working group was then established, which handed down its final report on the proposed legislative reform. It endorsed penalties for a set of match-fixing behaviours and recommended that these be covered by new criminal offences. This legislation will enact the offences recommended in the report of the Law Reform Commission, amended to be consistent with the behaviours laid down by the Standing Committee on Law and Justice working group. The bill reflects the results of an extensive consultation process with legal and sporting stakeholders conducted earlier this year under the auspices of this Government. More specifically, the bill prohibits engaging in conduct or facilitating conduct that:

Corrupts a betting outcome of an event with the intention of obtaining a financial advantage or causing a financial disadvantage, in connection with any betting on the event.

Encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with any betting on an event.

Using corrupt conduct information or inside information about an event for betting purposes.

Conduct corrupts a betting outcome of an event, as defined in the legislation, if that conduct affects or, if engaged in would be likely to affect, the outcome of any type of betting on an event and is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event. The "reasonable person" test has been applied to judge the standards and to judge the corrupt conduct. Betting on sport has a long history in New South Wales and elsewhere within Australia. It has become a major industry in this country and one that we support. It is for those reasons that we must recognise the importance of transparency and accountability to maintain the integrity of sports and event betting.

These reforms are essential to protect the safe, transparent and legitimate market activity in sports and race betting. This Government is committed to protecting the reputation of sport for this State, our community, the participants and all the stakeholders in an industry that has grown to vast proportions and that supports the New South Wales economy. This Government is setting the benchmarks. We are addressing this matter first amongst other jurisdictions by legislating to do that which has been proposed for some time across the States and Territories and internationally. I commend the Crimes Amendment (Cheating at Gambling) Bill 2012 to the House.

**Mr ANDREW CORNWELL** (Charlestown) [4.16 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012. A consultation paper was released in March 2011 on this subject and a final report was

released in August 2011. A number of high-profile incidents of match fixing have occurred in Australia and overseas in recent years across sports from cricket and rugby league to racing and football. With the growing online sports betting market and following those high-profile gambling incidents, the Law Reform Commission concluded that it is important that a safe and lawful market for sports betting be preserved. This market should be transparent and supervised by regulatory authorities that work closely with sports controlling bodies and betting agencies. To provide a safety net for such a regulatory approach, the Law Reform Commission considered it appropriate that specific criminal offences be available to prosecute those who seek to fix a betting outcome, to profit from such a fix or to use inside information.

In its consultation paper the Law Reform Commission outlined the reasons why existing common law and statutory offences that may apply in the circumstances of match fixing were inadequate to cover the range of match-fixing behaviours. Reasons included that the offences did not use consistent terminology—some focusing on fraud or dishonesty and others on acting corruptly—or they required the person charged to have obtained a benefit or to be engaged directly in gambling. As such the Law Reform Commission recommended the introduction of broadly framed criminal offences to cover conduct that corrupts betting outcomes, ideally to be implemented by States and Territories as uniform offences, which is national reform. The Law Reform Commission noted that whilst there is already close supervisory control of the racing industry and betting in that market, such controls are not in place for the growing area of betting on other sports and events.

Sports Ministers prepared a national policy on match fixing in sport, which was approved on 10 June 2011. The policy commits governments to address the threat of match fixing and corruptions that flow from it. On 30 September Australian sports Ministers released an operational model outlining the proposed interaction between sporting organisations, betting agencies and relevant State and Territory regulators in relation to integrity agreements and baseline parameters for betting on events. Work on implementing this model in New South Wales is underway, led by NSW Sport and Recreation in consultation with the Office of Liquor, Gaming and Racing. This is a very complex area and as such it is important we have specific legislation that addresses it.

I refer to some high-profile examples worldwide that demonstrate this complexity. An example from the early 1990s was the case of Bruce Grobbelaar, a goalkeeper for Liverpool Football Club in the United Kingdom. He was accused of being involved in fixing a match effectively by letting in a goal. This matter went to court twice. The jury was never able to find Bruce Grobbelaar guilty. The matter had been exposed by the *Sun* newspaper and Bruce Grobbelaar then sued the *Sun* and in 1995-96 was awarded some £85,000 compensation. The *Sun* then appealed this decision and on appeal the damages were lowered to £1 because the court found that whilst allegations of match fixing could not be proved there was sufficient evidence that impropriety had taken place and therefore minimal damages should be awarded. This demonstrates the difficulty in getting convictions, albeit in another jurisdiction, and some of the problems that can arise.

Another issue with sport now is betting on sports that are not traditionally sports on which wagering has taken place. Cricket is a recent example. People now no longer bet just on the outcome of a match. They will bet on the top scorer, the first person out and the number of no balls. It reached the point where people were betting on whether a particular ball would be a no ball. A couple of years ago in the United Kingdom this led to the high-profile case involving Mohammad Asif and Mohammad Amir from Pakistan. Mohammad Asif had taken money to bowl a no ball on a particular ball of the over. He aroused suspicion because when he bowled the ball he overstepped the line by about a metre, which is a very difficult thing to do for a bowler because the natural instinct is to get close to the line. He aroused suspicion because it looked obvious he was attempting to bowl a no ball.

The now-defunct newspaper *News of the World* had in fact been conducting an undercover investigation of the incident and recorded a United Kingdom businessman—the agent Mazhar Majeed—boasting to the journalist Mazher Mahmood that he had made a fortune out of sports betting on some of these events. Asif and Amir had deliberately bowled three no balls at pre-arranged points during the Lord's test for £150,000. That example gives members some idea of the amount of money that can be won or lost on some of these exotic bets. The doyen of cricket umpires, Harold "Dickie" Bird, has described sports betting as a cancer at the heart of cricket. As someone who shares Harold "Dickie" Bird's passion for cricket I believe it is something that needs to be stamped out. These laws we are enacting in New South Wales will assist not only in creating a major disincentive but also in catching and prosecuting people who are doing the wrong thing.

Another case that is quite relevant is the recent case involving the Canterbury Bulldogs forwards, Ryan Tandy. The matter has been well publicised and I do not seek to embarrass the player, although lesser sums were

involved than were involved in the United Kingdom. People had influenced him by saying they could provide him with a certain number of dollars for doing something he should be able to get away with. However, it was quite obvious on the betting markets; it showed up. A successful prosecution was effected. Another case that was particularly unfortunate was the Hansie Cronje episode from 2000. It is very sad for sports lovers when one looks back at some of the games in those days. A pall is cast over some of the results. One looks back at famous games, particularly those between Australia and South Africa, and matches that turned at pivotal moments in the game. It always leaves a bad taste in the mouth and one wonders whether some of those games were tainted.

I do not want to point to particular matches, but as a cricket lover and as a sports lover I certainly look at these games and events that occurred in them and wonder whether the matches were fair dinkum. There are victims everywhere as a result of match fixing. It affects the players. Some of them are good people who made bad decisions; some of them are simply crooks. Regardless of that, it affects them. It also affects their teammates. It is a blight on those sports and it robs people who are betting legitimately on the sports. I support the bill. It is a strong piece of legislation that will go a long way towards assisting in stamping out this insidious practice. It is a practice that needed specific legislation to address it because it is complex, as other members have said. I take great pleasure in commending the bill to the House.

**Dr GEOFF LEE** (Parramatta) [4.26 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012. The object of the bill is to amend the Crimes Act 1900 to prohibit certain conduct that can corrupt the betting outcomes of events on which it is lawful to place bets. The bill prohibits:

- (a) engaging in conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (b) facilitating conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (c) encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
- (d) using corrupt conduct information or inside information about an event for betting purposes.

This is an important piece of legislation. There has been a strong call from the community and within the professional sporting and gambling industries for this legislation to be introduced. The Law Reform Commission called for feedback about cheating at gambling, and its statistics for gambling turnover in 2007-08 in New South Wales show the magnitude of the industry. The turnover in 2007-08 from gaming and gambling was about \$62 billion. It is important not only for the industry but also for the New South Wales Government because this State's revenue from all gambling in 2007-08 was \$1.55 billion. It is quite a significant source of revenue for the New South Wales Government.

Gambling is a quintessentially Australian activity. We talk about the first Australians arriving in this country and their innate ability to gamble on which of two flies crawling up a wall will fly off first. We also know that the diggers invented two-up during the First World War and started the traditional practice that continues to this day on Anzac Day. It reminds me of the recent comments by Nathan Hindmarsh upon his retirement and his work in the wider community that he now understands why people buy Lotto tickets every week. I wish him all the best in working at Parramatta Leagues Club for the Eels.

The Melbourne Cup is the day that stops just about all of Australia. Wagering on that race is part of the celebration of the Melbourne Cup. I certainly support an individual's right to choose to gamble with his or her own money, as long as it does not lead to problem gambling. We must acknowledge that problem gambling affects some people in the community, as well as their families and friends. That is always a difficult situation. In government we must always be mindful to provide every possible support mechanism to ensure that people do not become problem gamblers. It is a difficult problem for the individual, their families and the community. The answer is not to stop people gambling: The answer is to allow people to make a choice, to manage the situation, and to help and support those people with gambling problems to overcome their addiction issues.

For many people in the Australian community, betting on the Melbourne Cup, playing Lotto or playing two-up is a leisure activity that does not affect their lives. Previous speakers have mentioned gambling associated with many different industries, such as horseracing, harness racing, the dogs, or sports betting generally. The previous speaker referred to the advent of microbetting. People are now able to bet on small events within sporting games or people can participate in card games, poker games or games of chance in



casinos. They are all important. Parramatta, which is the capital of western Sydney, has the most outstanding sports venues. Parramatta Stadium is home to the mighty Eels, although they are probably not so mighty this year.

**Mr Paul Lynch:** That is an interesting description.

**Dr GEOFF LEE:** Someone has to hold up the competition and someone has to come last. Unfortunately it was our year, but we look forward to a better year next year. The great news is that the Western Sydney Wanderers, an A-class football team, have chosen Parramatta Stadium as their home ground for the next five years. For the benefit of the member for Myall Lakes, that is the round ball game. It is disappointing that other members, such as the member for Dubbo, are expecting the Wanderers to come last. The member for Dubbo should withdraw that claim. Parramatta certainly has more than the home stadium of the mighty Eels and the Western Sydney Wanderers. We also have Rosehill Gardens, which is a premier racing venue. Western Sydney also has the Parramatta Leagues Club, many hotels and different clubs. This legislation is especially important for my electorate. Gaming and wagering are not just leisure industries; they are also an important source of taxation. As I said, in the 2007-08 period, \$48 billion was turned over in the gaming industry in Australia with taxation revenue of \$1.55 billion coming to the State.

This legislation is important for three reasons: the sustainability of the industry, the development of an appropriate law-abiding culture and the development of a transparent process to ensure that organised crime cannot establish itself in the industry and that individuals who seek to manipulate and corrupt the system are identified. It is a legitimate industry and its integrity must be maintained at the highest levels. The legislation is important for a second group of people, the sportspeople involved in the industry, whether it is racing or other sporting groups. I note that the racing industry across Australia employs 50,000. Finally, the legislation is also important for the punters, the average people who want to pursue gambling as a leisure activity. We certainly do not want to undermine their perception of their ability to have a fair and equitable bet and an even chance at winning money.

Gambling is a legitimate industry in which people should have confidence. Gambling revenue contributes to the overall revenue of the State Government, and more revenue means more front-line services, more infrastructure, better medical facilities and better education. We must eliminate corruption in sports betting and other forms of gambling, thus ensuring that organised crime and individual sporadic crime do not play a part in sports betting or gambling in general. Punters deserve a fair and equitable return, and I am not the only one to make that comment. The legislation has attracted a lot of media attention. I note that the Chief Minister of the Australian Capital Territory congratulated this Government on introducing this legislation to ensure a corruption-free racing industry. The Australian Football League [AFL] is also supportive of the legislation. I commend the Minister for bringing this important legislation to the House and I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.35 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012. I commend the Attorney General for bringing the legislation before the House. Cheating at gambling and cheating at sports attacks the fabric of Australian society and the community. Sport is a large part of what being Australian means. It is a part of our culture, particularly in New South Wales. To cheat at sport and to rig sport is nothing more than corrupt criminal behaviour. The people who get involved are criminals. This legislation is important to safeguard the iconic Australian sporting heroes whom we have put on pedestals. Sport is a part of us. This legislation goes towards protecting and ensuring the future of sport in this country. The object of the bill is to amend the Crimes Act 1900 to prohibit certain conduct that can corrupt the betting outcomes of events on which it is lawful to place bets. It prohibits a number of things:

- (a) engaging in conduct that corrupts a betting outcome of an event with the intention of gaining a financial disadvantage, or causing a financial disadvantage, in connection with betting on the event, and
  - (b) facilitating conduct that corrupts a betting outcome of an event with the intention of gaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
  - (c) encouraging another person to conceal conduct, or an agreement about conduct, that corrupts betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage in connection with betting on the event, and
  - (d) using corrupt conduct information or inside information about an event for betting purposes.
3. Conduct corrupts a betting outcome of an event if the conduct:
- (a) affects or, if engaged in, would be likely to affect the outcome of any type of betting on the event, and
  - (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.

4. The accused must engage in the conduct, or facilitate the conduct, knowing or being reckless as to whether the conduct corrupts a betting outcome of the event.
5. The Bill also makes a related amendment to the Criminal Procedural Act 1986.

This bill is a response to heightened public awareness of cheating in gambling following several high-profile incidents of match fixing. The Labor Government requested the Law Reform Commission to review legislation dealing with cheating in gambling and in March 2011 the commission released a consultation paper entitled "Cheating at Gambling", which identified the inadequacy of the existing crimes legislation. The previous speaker referred to cheating by high-profile sportsmen such as Hansie Cronje, who was banned from playing cricket for many years. The Pakistani cricket team has been the subject of many suspicions and convictions as a result of its members betting on games. Rugby league player Ryan Tandy was convicted because of his involvement in betting and a number of soccer players have been embroiled in betting scandals.

The wonderful sport of tennis also has had to deal with cheating and betting. We all know of the cheating pall that hangs over the Tour de France and Lance Armstrong has recently been stripped of his medals. A number of high-profile horse trainers, jockeys and others involved in the horseracing industry in Victoria are the subject of an investigation. If the industry in Victoria is experiencing these problems they are also being experienced in the rest of Australia. Participants in the industry in New South Wales are very concerned about this issue. The Fine Cotton affair is evidence of corruption in horseracing and allegations have been made about greyhound racing and trotting. Issues have also been raised about the Australian Football League [AFL] in Victoria. Cheating affects all sports. The Law Reform Commission handed down its final report in August 2011 entitled "Cheating at gambling", which states:

... in light of such incidents and the growth of the online sports gambling market the Commission concluded that it is imperative that a safe and lawful market for sports betting be preserved. In order to achieve this, the Commission considered it appropriate that specific criminal offences be available to prosecute those who seek to fix a betting outcome, to profit from such a fix or to use inside information.

In June 2011, a national policy on match fixing in sport was announced following a meeting of Australian sports Ministers that commits governments to addressing the threat of match fixing and the corruption that flows from it. In July 2011 the Standing Council on Law and Justice agreed to establish a working group to develop a proposal for pursuing a nationally consistent approach to criminal offences involving match fixing. The working group's final report on proposed legislative reform identified a set of match-fixing behaviours and recommended that they be covered by new criminal offences. At its meeting in November 2011, the council endorsed the introduction of new offences covering match-fixing behaviours subject to the approval of State and Territory cabinets. It was agreed that the introduction of such offences could occur in a majority of States and Territories by the end of 2012. I am pleased that New South Wales is the first State to introduce the proposed legislation.

Targeted consultation on the draft offences proposed by the Law Reform Commission was undertaken with legal and sporting stakeholders in early 2012. Stakeholders were generally supportive of the introduction of the draft offences with some recommending minor amendments. The bill will enact the offences recommended by the commission, amended to be consistent with the behaviours identified by the Standing Council on Law and Justice and reflected in the comments of stakeholders. The bill defines betting as the placing and withdrawing of bets and accepting bets. An event is any event, whether or not taking place in this State, on which it is lawful to place bets under Australian law. Betting on an event includes any betting on any contingencies connected with an event. The bill also defines what is meant by obtaining a financial advantage or causing a financial disadvantage in a manner similar to existing fraud offences.

It also provides that to prove an intention to obtain a financial advantage or to cause a financial disadvantage it is necessary to prove that the accused meant to obtain a financial advantage or to cause a financial disadvantage in connection with betting on an event, or was aware that another person meant to obtain a financial advantage or to cause a financial disadvantage in connection with betting on an event as a result of the conduct the subject of the charge. Provisions of the bill also broadly define what is meant by encouraging another person to do something. The offence relating to engaging in conduct that corrupts a betting outcome of an event carries a maximum penalty of imprisonment for 10 years. That penalty is a clear demonstration of how seriously this Government regards cheating in betting. The offence relating to facilitating conduct that corrupts a betting outcome of an event also carries a maximum penalty of imprisonment for 10 years.

Facilitating conduct that corrupts a betting outcome of an event means offering to engage in or encouraging another person to engage in or entering into an agreement about conduct that corrupts a betting outcome of an event. The offence related to concealing conduct that corrupts a betting outcome of an event also

carries a maximum penalty of imprisonment for 10 years. The fact that a number of offences attract such a long period of imprisonment again demonstrates this Government's commitment to stop corruption in sports betting in this State. As I said, sport is an integral part of our life, our society and our culture and we must stamp out corruption and cheating. This activity has not emerged only in the past 18 months, it has been going on for years and the Labor Government did nothing about it during its 16 years in office. The Coalition Government has been in office for only 18 months and it has introduced this legislation. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [4.45 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012. In recent years we have seen high-profile incidents of match fixing occurring in Australia and overseas in sports such as cricket, rugby league, racing and soccer. Following concerns about incidents of this kind, in January 2011 the New South Wales Law Reform Commission received a reference to review the coverage of the criminal law in relation to cheating at gambling. The commission released a consultation paper in March 2011 and released its final report in August 2011. It concluded that a safe and lawful market for sports betting must be preserved—a market transparent and supervised by regulatory authorities that work closely with sports controlling bodies and betting agencies.

The Law Reform Commission considered that specific criminal offences should be available to prosecute those who seek to fix a betting outcome, to profit from such a fix or to use inside information. The commission gave reasons in its consultation paper that existing common law and statutory offences that might apply in circumstances of match fixing were inadequate to cover the range of match-fixing behaviours. These reasons included that the offences did not use consistent terminology—some focusing on fraud or dishonesty and others on acting corruptly—or that they required the person charged to have obtained a benefit or be directly engaged in gambling. Therefore, the commission recommended the introduction of broadly framed criminal offences to cover conduct that corrupts betting outcomes. While there is already close supervisory control of the racing industry and betting in that market, those controls have not been in place for betting on other sports and events. The proposed draft offences are broad enough to cover betting on racing.

Separate from the work undertaken by the Law Reform Commission, sports Ministers prepared a national policy on match fixing in sport, which was approved on 10 June 2011. On 30 September Australian sports Ministers released an operational model outlining the proposed interaction between sporting organisations, betting agencies and relevant State and Territory regulators in relation to integrity agreements and baseline parameters for betting on events. Work on implementing this model in New South Wales is underway. Following the agreement on the national policy, in July 2011 the Standing Council on Law and Justice established a working group to develop a proposal for a nationally consistent approach to criminal offences in relation to match fixing.

The working group agreed on a list of match-fixing behaviours to be covered by State and Territory statutory offences. At the Standing Council on Law and Justice meeting in November 2011 the Ministers endorsed the list of match-fixing behaviours. Earlier this year the Government consulted stakeholders on the offences proposed by the Law Reform Commission. The amendments in the Crimes Amendment (Cheating at Gambling) Bill 2012 are based upon the recommendations of the Law Reform Commission to ensure consistency with the nationally endorsed match-fixing behaviours and to reflect comments made during the consultation. I now turn to the substantive provisions of the bill. Schedule 1 [1] inserts a new part into the Crimes Act 1900 that provides for new offences.

Division 1 of new part 4ACA defines the expressions used in the proposed part, including what it means to corrupt a betting outcome of an event. "Betting" is defined to include both the placing and withdrawing of bets and accepting bets. The term "event" is defined. The division also defines what is meant by obtaining a financial advantage or causing a financial disadvantage in a manner similar to existing fraud offences. Division 2 of proposed new part 4ACA sets out the new offences as follows. Section 193N creates the offence of engaging in conduct that corrupts a betting outcome of an event, which will carry a maximum penalty of imprisonment for 10 years. Section 193O creates an offence relating to facilitating conduct that corrupts a betting outcome of an event, which also will carry a maximum penalty of imprisonment for 10 years. Facilitating conduct that corrupts a betting outcome of an event means: offering to engage in, encouraging another person to engage in, or entering into an agreement about conduct that corrupts a betting outcome of an event.

Section 193P creates an offence relating to concealing conduct that corrupts a betting outcome of an event and also carries a maximum penalty of imprisonment for 10 years. Section 193Q (1) creates an offence of using corrupt conduct information about an event for betting purposes, which also carries a maximum penalty of

imprisonment for 10 years. Subsection (2) creates an offence of using inside information for betting purposes and will carry a maximum penalty of imprisonment for two years. Under subsection (3) "corrupt conduct information" is any information about conduct or proposed conduct that corrupts a betting outcome of the relevant event. Under subsection (4) "inside information" is any information that is not generally available and which, if it were generally available, would or would be likely to influence persons who commonly bet on the event to decide whether or not to bet on the event or to make any other betting decision. Item [2] of schedule 1 to the bill provides for a review of the operation of the new part after three years.

Schedule 2 to the bill proposes amendments to the Criminal Procedure Act 1986 and requires that the new offences be dealt with summarily unless the prosecutor or a person charged elects to have the offence dealt with on indictment. This bill sends a clear message that criminal behaviour in relation to betting on sport will not be tolerated. This Government is enhancing standards of honesty and integrity in government through reforms such as banning success fees for lobbyists, restricting political donations to individuals, as well as reforms to the Independent Commission Against Corruption and whistleblower laws, and now we are enhancing standards of honesty and integrity in sport. I commend the bill to the House.

**Mr JONATHAN O'DEA** (Davidson) [4.54 p.m.]: I speak on the Crimes Amendment (Cheating at Gambling) Bill 2012. In 2010, H2 Gambling Capital estimated that the total amount of sporting bets placed over the internet worldwide was close to 16.4 billion euros in 2004, 32.6 billion euros in 2008 and a projected 50.7 billion euros in 2012. We do not know the exact figure today, but sports betting is a market of dizzying dimensions. It is most appropriate that in our jurisdiction the Crimes Amendment (Cheating at Gambling) Bill 2012 will amend the Crimes Act to prohibit certain conduct that can corrupt the betting outcomes of events on which it is lawful to place bets.

I will refer to the range of new offences that will be introduced by this bill and the range of ways that sports betting can be corrupted. I am pleased that in addition to New South Wales a number of other jurisdictions are introducing similar legislation as part of a nationally consistent approach. In the past a range of people were susceptible to being involved in sports corruption and cheating at gambling in a number of sports that were and will continue to be potentially affected. An international report disclosed a number of ways in the past in which people have cheated by gambling. This bill introduces a range of offences. The bill prohibits:

- (a) engaging in conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
  - (b) facilitating conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
  - (c) encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event, and
  - (d) using corrupt conduct information or inside information about an event for betting purposes.
3. Conduct corrupts a betting outcome of an event if the conduct:
- (a) affects or, if engaged in, would be likely to affect the outcome of any type of betting on the event, and
  - (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.

On 1 March 2011 in an introduction to a study entitled "Sports betting and corruption: How to preserve the integrity of sport", quite aptly Jacques Rogge, President of the International Olympic Committee, said:

If in future the concept of a champion as a model of excellence becomes tarnished by the manipulation of matches or the corruption of players, then the entire credibility of sport will vanish.

Previous speakers have referred to some infamous examples of corruption in sport and gambling. I will cite some examples from that study, but before I do so I point out that when people are involved in cheating at gambling it is often the result of threats, for example, blackmail or physical violence, or inducements, typically financial inducements. The broad categories of the ways for someone to become involved in such unlawful activity are sometimes described as a "knife to the throat" or "banknotes before the eyes". That terminology is used in the study. Those involved in these types of activities may be athletes, sports managers, administrators, stadium technicians, referees and coaches across a wide range of sports. Those sports might include rugby league, basketball, football, Australian Football, cycling, tennis, snooker, cricket, football or soccer and dog and horse racing.

Let me take a few examples, some of which are a little usual. Typically the athlete is the first cog in the wheel of corruption. An athlete's action or, potentially, inaction often will result in the course of an event being altered over and above what merit might suggest. Recent history and admitted cases of match fixing show that those who are involved in the game may be at the centre of corruption. However, others, including those in sports management, might do things such as drugging players to weaken them. It is also known that stadium technicians have extinguished lights in a stadium in order to freeze the scores and win on the betting market. The most common form of corruption is seen in soccer or football when a number of players come onto the field with the deliberate aim of conceding goals.

The corruption of a goalkeeper and at least one central defender might be sufficient to ensure a defeat. Members will recall the occasion when it was said a goalkeeper became involved in such activity and ultimately paid with his life because the Mafia were not too happy. Corrupting officials is not the most reliable way to rig a match, but sometimes referees play an important role. We have seen many examples, particularly in the football arena, where referees have been found guilty of inappropriate behaviour. For example, members will recall the referee who awarded two penalties for imaginary offences in a game—one penalty after eight minutes of extra time and the other not long after—where there was a particularly heavy flow of bets recorded in favour of that outcome.

In tennis a player needs only to hit a few balls out, serve a little softer or not run down balls in order to affect the result of a match. In sports that involve only a relatively small number of players or only one player, there is a strong susceptibility to corruption or cheating at gaming. Another sport of similar ilk is snooker. In 2010, quadruple world snooker champion John Higgins was the victim of a bogus match-fixing proposal where journalists passed themselves off as members of a Mafia organisation and managed to obtain his agreement to take part in a corrupt operation. It was a sting. We have seen that type of sting in cricket—for example, the sad affair of Hansie Cronje and members of the Pakistani national cricket team who were found guilty of rigging different phases of a match. [*Extension of time agreed to.*]

Corruption at a grassroots level is a significant risk and it is most unfortunate if players are corrupted. We also have to be wary of corruption at a sports administration level, whether club or federation, and of referees and technicians. Corruption can occur across a range of potential stakeholders in a range of sports and in a range of ways. I could continue to give a number of other examples but I will leave my comments there. The Government considers that cheating at gambling should be addressed in the interests of sport, integrity and the broader community. I welcome the support of the Opposition for this bill, which I commend to the House.

**Mr CHRIS PATTERSON** (Camden) [5.04 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012. Australians love their sport. We love training for it and playing it, whether it is a competitive or friendly game. We love watching it and we love a punt on it. Historically one of Australia's favourite past times is being involved in a sporting activity or being a spectator of competitive sport, amateur sport or local sport. A highlight is to watch our kids participate in sport. I proudly inform the House that today all three of my school-aged children—Amelia, who is 11, and my twins, Tom and Sophie—represented Macarthur Anglican School at the New Anglican Schools Sports Association [NASSA] competition, which was held at the western suburbs athletics stadium at Campbelltown. I did not have a bet on any of their results, which was not a bad thing because they pulled up a bit short. But I am a very proud father of their wonderful achievements in representing their school at this level.

In Australia we have access to so many sports at so many levels. We also have the freedom to choose to be involved and that freedom extends to gambling on sports. We are given the opportunity from a young age to become involved in school sport and/or be a part of a local sporting club or sporting community. Australia is indeed the lucky country. We have access to local sports fields, netball courts, cricket pitches, walking tracks, skate parks, bicycle tracks and local pools. In Camden we have the Bicentennial Equestrian Park, which is without doubt one of this country's premier equestrian facilities. We are lucky enough to live in a country committed to offering these facilities.

Our communities offer many opportunities for our budding athletes to pursue their sporting aspirations at any level and in this country the sky is the limit to what we can achieve in sport. For example, Australian Paralympians are competing in the London 2012 Paralympic Games as we speak. They are an inspiration to us all and they have made us proud. When I last checked we were fourth on the medal count. Last night, with my four children, I watched Kurt Fearnley win the silver medal in the 5,000 metre wheelchair event, only to be piped by the home favourite, an Englishman, on the final lap. That was an inspirational effort by a very proud Australian who has achieved some remarkable things in his lifetime, including crawling the 96 kilometres of the Kokoda Trail.

Last Sunday morning Australians woke to one of the greatest feats in boxing history by an Australian. Danny Geale unified the world middleweight title by adding the World Boxing Association [WBA] super middleweight title belt to his International Boxing Federation [IBF] middleweight belt, which he won in 2011. Danny fought that fight in Germany but he is one of my constituents. He trains at the Grange Old School Boxing academy at Smeaton Grange. Danny is not only a champion sports person but also a humble man who works with schoolchildren daily. He is a role model for all in our community. Danny is also renowned as a committed family man to his partner, Sheena, and children, Bailey, Ariyelle and Lilyanna.

I am pleased that the Attorney General has introduced this legislation. As consumers with internet capabilities, smartphones, our expectation for instant access to cyberspace and our tech-savvy knowledge in general, we know that many industries need to change to keep up. It has become evident that this is the case for the gambling industry to keep it a safe and lawful market that is transparent and fair to consumers and to those in the industry.

The Law Reform Commission found the need for regulatory authorities to work closely with sports controlling bodies and betting agencies. The Law Reform Commission also went so far as to make recommendations for the long-term consolidation of regulatory functions for gambling and liquor licensing into a single authority after noting that these issues fell outside the terms of reference for the sport. I believe the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts is looking at the issues raised. In the consultation paper by the Law Reform Commission reasons for the current common law and statutory offences that could possibly apply in circumstances of match fixing were highlighted as possibly inadequate to cover a range of match-fixing behaviours.

Inconsistent terminology and the lack of controls in place to supervise non-racing betting on sports were used as examples of the possible inadequacy in the current laws. The Law Reform Commission recommended the introduction of broadly framed criminal offences to cover conduct that corrupts betting outcomes and that they should be implemented across the States and Territories as uniform offences. These proposed offences are broad enough that they will cover inappropriate conduct with respect to gambling on racing. The sports Ministers separately prepared a national policy on match fixing in sport, and it was approved on 10 June 2011. The sports Ministers also released an operational model in relation to integrity agreements and baseline parameters for betting. Work on implementing this model in New South Wales is currently underway.

Coming out of this agreement also has been the establishment by the Standing Council on Law and Justice of a working group to develop a nationally consistent approach to criminal offences in relation to match fixing. In late 2011, at a standing council meeting, the Ministers agreed to seek approval from the Cabinets to which they belong on a list of match-fixing behaviours for the introduction of specific match-fixing offences. This Government then undertook targeted consultations with many stakeholders regarding these offences. It is pleasing that the majority of those who provided feedback throughout the consultations supported the introduction of the draft offences and minor amendments were able to be made based on the Law Reform Commission's recommendations.

A lot of groundwork has gone into this bill. I acknowledge that the former Government referred concerns arising from match fixing in Australia and overseas to the New South Wales Law Reform Commission and requested a review by the commission of the coverage of criminal law when it came to cheating and gambling. This bill comes after a lot of contributions from many. I agree with the Government that the amendments will ensure consistency with the nationally endorsed match-fixing behaviours and reflect comments provided throughout the consultation process. This bill will define "corrupting a betting outcome of an event" and will insert offences of corrupting a betting outcome of an event, concealing such conduct and using corrupt or inside information for betting purposes.

The offences will extend to any event on which it is legal to bet. The maximum penalty is 10 years except for the offence of using inside information, which will carry a maximum of two years imprisonment. The Crimes Amendment (Cheating at Gambling) Bill 2012 is relevant and necessary. The member for Davidson said that billions and billions of dollars is spent on gambling and the industry has a huge turnover. We need—excuse the pun—a level playing field. Anyone who places a bet, which is an Australian tradition, needs to do so in the knowledge that there are laws in place to ensure that those who do the wrong thing will get what is coming to them. [*Time expired.*]

**Ms TANIA MIHAILUK** (Bankstown) [5.14 p.m.]: I, too, address the Crimes Amendment (Cheating at Gambling) Bill 2012. I note at the outset that the New South Wales Opposition will not oppose the legislation.

Reports of match fixing and other related corrupt behaviour have unfortunately cast a dark shadow and are a poor reflection on our otherwise upstanding sporting tradition. Winnings from such behaviour at the very least disadvantage honest participants and, at worst, can be used to finance further criminal enterprises. Gambling is a pastime undertaken by many from different backgrounds throughout Australia. It is important that the industry is not tainted by a few bad elements. As such, governments throughout Australia have a responsibility to take action to prevent match fixing and other cheating at gambling.

This legislation arises from a review undertaken by the former Labor Government. Unlike most Ministers, I note that the Attorney General acknowledged the former Government's role in the process, and I pay tribute to him for doing so. Ministers who know that their legislation was built on the work done by their Labor predecessors often do not acknowledge the contribution of the former Government. This bill is also a result of a national agreement to criminalise match-fixing behaviours. Existing laws in New South Wales focus on prosecuting persons who obtain a benefit or directly engage in gambling. Instead, this legislation focuses on criminalising the conduct that corrupts betting outcomes.

As previous speakers said, in 2011 the New South Wales Law Reform Commission issued a consultation paper followed by a report regarding match fixing and the need for legal reform. Both were entitled "Cheating at Gambling" and were published in March and August respectively. The commission recommended creating specific criminal offences to prosecute those who fix a betting outcome or income, profit from such a fix or use inside information. I note that while the bill was reviewed in this week's Legislation Review Digest, the committee made no comment on its content. However, as always, the digest provides substantial background on this legislation and all other bills considered by the committee, and is always well worth a look.

The bill amends the Crimes Act 1900 and the Criminal Procedure Act 1986. I will briefly outline some of the significant features of the legislation. The following constitute amendments to the Crimes Act 1900. Schedule 1 [1], lines 25 to 30, defines the term "bet" to include placing, accepting or withdrawing a bet or causing a bet to be placed, accepted or withdrawn. This is an important feature of this legislation that acknowledges that an individual does not have to profit from a particular event to have engaged in corrupt behaviour by partaking in that event. For example, an individual who places inflated bets on an event to encourage interest before withdrawing those bets could be covered as having partaken in corrupt behaviour under the legislation. Alternatively, any individual who provides illicit information to another person that causes them to withdraw from a race could also be considered corrupt behaviour.

Similarly, new section 193K specifies that causing another person financial disadvantage can also be construed as corrupt behaviour. An example of this behaviour might be an individual providing fraudulent information that causes another person to have a loss that could be considered corrupt behaviour. In order to safeguard this provision, new section 193L requires, "a person (the accused) to intend to obtain a financial advantage, or to cause a financial disadvantage". That means that the action has to be deliberate and intentional in order to be corrupt. The maximum penalty provided for offences under this legislation is 10 years imprisonment.

This penalty stemmed from a Law Reform Commission recommendation. I ask that the Attorney General outline whether this penalty might be amended in instances where larger sums would be involved. For example, a tougher penalty might be considered where an individual causes financial loss to others exceeding a certain amount. The legislation also inserts a provision to require a review to be undertaken after three years from the commencement of the changes, with the report tabled 12 months later. The Crimes Amendment (Cheating at Gambling) Bill 2012 also makes a consequential amendment to the Criminal Procedure Act 1986. The effect of this amendment is to insert a new offence in the list of indictable offences, that being cheating at gambling. I commend the bill to the House.

**Mr STUART AYRES** (Penrith) [5.21 p.m.]: In speaking to the Crimes Amendment (Cheating at Gambling) Bill 2012, it is important to recognise the importance of sport and the racing industry to this State. The racing industry has been a major driver of wagering and gambling in New South Wales. When New South Wales was an infant colony, down the road at Hyde Park the first horserace was instituted by Governor Macquarie. That great Australian term "barracking" derives from the people who would sit on the wall at Hyde Park Barracks, cheering the horses home. In the early days of this country I suspect that people were conducting some sort of wagering or gambling, thus establishing a culture that sees Australians celebrate racing events such as the Melbourne Cup more assiduously than we celebrate some of our national days. People have come to our shores from around the world to participate in sport. Sport brings us together as a nation.

It is fundamental that, whether it is a race at the local racing club or a sports event on television, an Australian Football League game, a rugby league game, soccer or netball, we ensure that participation in sport is done with integrity and that the result is determined by what takes place on the field, not by a shoddy backroom deal and illegal betting. This bill represents the continuation of work begun under the previous Government after the identification of corrupt activity and match fixing that led to the Law Reform Commission producing a report. In 2011 a national policy on match fixing in sport was announced by the Australian sports Ministers. A working group was set up that delivered a final report proposing legislative reform that endorsed a set of match-fixing behaviours. The Government is now at the point of ensuring that we have an appropriate penalty for people who indulge in corrupt behaviour leading to match fixing or altering the outcome of a sporting event or race.

Integrity in the racing industry is important to New South Wales. The industry contributes more than a billion dollars annually to our State's economy and generates over \$160 million in tax revenue. It employs more than 50,000 people. There are 137 race clubs across the State and over 750 race meetings take place in New South Wales each year. The industry and the people employed within it rely on the fundamental premise that the racing industry has integrity and that no-one is corrupting the outcome of races. It is important to this State that what takes place on the field or on the racecourse is what determines the result. The recent decision of the High Court as to racing revenue indicates the importance of the sustainability of this industry to our State. Online wagering has proliferated. Each night on television we are encouraged to log on to the computer and have a bet on a sporting activity.

One only has to go to the website of an online bookmaker to see the sporting options that are available for people to bet on. Whether there is too much advertising of betting is a discussion for another day; however, the fact that it is always there when we are watching sport these days leads us to ask: If we are wagering heavily on sport, what negative influences might there be? Are people participating in corrupt activity that might be determining the outcome of the sporting event we are watching? We have heard from other speakers about spot betting—for example, the Indian cricketers who identified various balls in an over or moments in a game where they were able to participate in the corrupt activity of spot betting in order to obtain illegal financial gain. More recently, we have seen on our own shores the potential to alter the result of a rugby league match. I do not think any person who understands the importance of sport and the contribution that racing makes to this State and to this country wants to see gambling and wagering determine the outcome of a game.

The penalties set out in this amending legislation ensure that people know that there is a significant deterrent against cheating. There is a \$10,000 fine and the threat of imprisonment if one is found to be involved in this scurrilous, corrupt and disgusting activity that goes against the Australian sporting culture. It is good to see the Government leading the way. I encourage governments in other States and Territories to follow the lead of New South Wales in order to ensure that their sporting activities and racing industries are underpinned by integrity. Let us stamp out the opportunity for people to participate in corrupt activity that can determine the outcome of a game. Racing stewards and the administrators of major sporting codes that are now reliant on revenue from wagering and gambling must ensure that they keep a close watch on what is happening in their areas of responsibility. This legislation is an appropriate deterrent against people who decide they will follow the path of illegal activity.

I restate the importance of looking after our sporting bodies. Racing turnover in Australia was more than \$20 billion last year and sports betting turnover has grown to over \$3 billion. It is necessary to ensure that the environment in which sporting bodies operate allows the \$20 punter who is having a bet on a race on a Saturday or having a head-to-head bet on a rugby league game to do so in the knowledge that it is a fair bet on a fair game. They should be able to cheer their team home and perhaps put a couple of dollars in their pocket at the same time. The Crimes Amendment (Cheating at Gambling) Bill 2012 is not about protecting wagering but about protecting the outcome of sporting and racing events. This is good legislation. It is sound in its principles and has been developed with the encouragement of Attorneys General in other States. I commend it to the House as a step in the right direction.

Sport and the racing industry in which so many people participate generate significant funds for sporting activities. They employ people and through the GST and other tax revenue help to pay for our roads, hospitals and police. They are supported by the strength of their integrity. The results on the field must be determined by the people who participate, not by any corrupt activity that is happening out of sight. The people of this State should be free to cheer home their team or their horse without the shadow of corruption. I commend the Crimes Amendment (Cheating at Gambling) Bill 2012 to the House.



**Mr JOHN FLOWERS** (Rockdale) [5.30 p.m.]: I make a brief contribution to the Crimes Amendment (Cheating at Gambling) Bill 2012. I am pleased to speak to yet another piece of legislation brought to this place by the Attorney General. What a great job he is doing. Once again, we see legislation before us that will make a difference for the better in New South Wales. The purpose of the Crimes Amendment (Cheating at Gambling) Bill 2012 is to amend the Crimes Act 1900 to insert new offences to prohibit cheating at gambling. This Government is serious about cracking down on incidents of match fixing that lead to sporting events being ruined for the financial benefit of a select few. This Government will not stand idly by and allow this corrupt conduct to flourish in New South Wales.

I also acknowledge the role the former Government played when in January 2011 it made a reference to the New South Wales Law Reform Commission in relation to cheating at gambling. The final report, which was released in August 2011, recommended introducing new offences of corrupting betting outcomes and using inside information. Further, this Government has consulted widely with sporting and legal stakeholders on the proposed offences put forward by the Law Reform Commission. The respondents largely supported the introduction of the draft offences.

The bill prohibits engaging in conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event; facilitating conduct that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event; encouraging another person to conceal conduct, or an agreement about conduct, that corrupts a betting outcome of an event with the intention of obtaining a financial advantage, or causing a financial disadvantage, in connection with betting on the event; and using corrupt conduct information or inside information about an event for betting purposes. Definitions of "obtaining financial advantage" and "causing financial disadvantage" are covered in new sections 193K and 193L. New section 193H defines corrupting the betting outcome of an event. Conduct corrupts a betting outcome of an event if the conduct:

- (a) affects or, if engaged in, would be likely to affect the outcome of any type of betting on the event, and
- (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event.

New section 193I defines betting. To "bet" includes the following:

- (a) place, accept or withdraw a bet,
- (b) causes a bet to be placed, accepted or withdrawn.

Exotic bets are covered under this offence with reference to betting on any event contingency. A maximum penalty of 10 years imprisonment has been set under new section 193N for those who engage in conduct that corrupts betting outcomes of an event. The offence of using inside information carries a maximum of two years imprisonment. Ten years is not a short time to spend in prison and this will send a strong message that this kind of behaviour will not be tolerated. The Minister will review the operation of part 4ACA after three years to determine whether the policy objectives remain valid. Within 12 months from the end of the review a report on the outcome of the review will be tabled in Parliament. I join other members in this place in supporting this piece of legislation, which will stamp out corruption in sport. I commend the bill to the House.

**Mr ANDREW ROHAN** (Smithfield) [5.36 p.m.]: I support the Crimes Amendment (Cheating at Gambling) Bill 2012 and congratulate the Attorney General on introducing it in this House. In organised sports match fixing occurs if a match is played to a predetermined result, thus violating the rules and the spirit of the game and often the law. Match fixing has been around for a long time across the world and across most sports. Another form of match fixing involves fixing events within a match that can be gambled upon, although it may not affect the final result of the game. Scandal after scandal has brought many sports into disrepute, such as horseracing, cricket in India and England, football—the world game—in Italy and the rest of Europe, American football, baseball, basketball in the United States, and even in the Olympics cheating has been detected.

Match fixing may involve gamblers, players, jockeys, team officials and referees. They can sometimes be exposed and that leads to prosecution by law or by their sporting leagues, but many get away with it. Often we witness games being deliberately lost or teams not scoring as much as they could in an attempt to obtain a perceived future handicap advantage. In other instances substitution of players by the coach may be designed to deliberately lose the game by leaving their key players sitting on the bench, often using fake injury claims as an excuse. The bill is a much-needed reform delivered by the O'Farrell Government. The amendments will provide

a more effective means of catching and dealing with fraudulent and corrupt behaviour by focusing on financial gain rather than relying on inadequate and outdated definitions of behaviour. Those who may not yet realise the potential dangers to our sporting industry posed by this problem need only look to some recent examples in sports such as our homegrown game of rugby league. Regrettably, it does not take a large number of people to bring a particular sport into disrepute.

I ask members: What message does this send to parents about the suitability of the sport in question when their kids come home one day wishing to become involved in that sport? In addition to and also related to this issue is the biggest issue of all: the elephant in the room, the grave potential of financial damage to any sport as a result of patrons, sponsors and other financial supporters losing confidence in that sport due to betting scandals. Furthermore, it begs the question of what level of confidence this type of behaviour engenders amongst the punters. If the punters at large were to develop a sentiment that there are those "in the know" with connections who benefit from those connections, and there are those outside the loop with the scales tipped against them, what would be the long-term future of betting in any sport that was allowed to develop such a culture?

The New South Wales Government is committed to implementing measures designed to stop fraudulent and corrupt behaviour in all forms of gambling. That clear message must be sent to the entire betting industry across all sectors, and I believe this legislation does that. The amendments embodied in this bill are the result of the former Labor Government's response in 2010 to a Law Reform Commission report into a betting scandal that involved a rugby league player who played in a match between Canterbury and North Queensland. The player acted corruptly on behalf of a syndicate to gain profits fraudulently. In June 2010 a national policy on match fixing was endorsed by Australian sports Ministers, which included their commitment to address and tackle the threat of match fixing and the corruption that flows from it. In July 2011, the Standing Council on Law and Justice established a working group to develop proposals to introduce new criminal offences in relation to match fixing. In its final report, the working group endorsed and recommended the new criminal offences.

At the November 2011 meeting of the Standing Council on Law and Justice the Attorneys-General endorsed the development of national match-fixing offences. A consultation period of the draft offences with relevant legal and interested sporting stakeholders followed in early 2012. The stakeholders were generally supportive, thus endorsing the new offences with minor amendments. This bill seeks to strengthen legislation relating to gambling by expanding provisions to cover gambling in fields far beyond the traditional area of racing which has, for a long time, been regulated adequately. These alternative forms of gambling, both old and new, have grown significantly over the past decade and have required strong and robust laws. This legislation provides New South Wales law enforcement authorities and other government agencies that interact with this industry with relevant, effective and up-to-date tools to deal with wrongful behaviour in the betting industry.

This legislation provides for penalties of up to 10 years imprisonment for those engaged in corrupting the betting outcome of an event and for a penalty of up to two years for those involved in using inside information to obtain a financial gain. The penalties contained in this bill constitute an appropriate punishment for anyone engaged in this form of wrongful behaviour. Another very positive and much-welcomed aspect of this bill is that it also covers a New South Wales resident who places a bet on an event in another State or Territory. This bill recognises that betting does and will occur across State borders. Those who do wrong cannot hide behind our State borders. This landmark legislation is the result of a broad-ranging consultation process involving a wide range of groups stretching from the Law Reform Commission to, importantly, the NSW Sports Federation, which represents sport, and extends to the NSW Office of Liquor, Gaming and Racing, the Law Society, the NSW Police Force and numerous other stakeholders.

Through this important consultation process, the bill has been refined and improved markedly. I thank all the participants for their input into the consultation process, which is critical to shaping the best possible legislation to deal effectively with corruption and betting on the outcome of an event, as well as to deal with those who use inside information to obtain financial gain. The Minister for Sport and Recreation said, "There is no bigger threat to the integrity of sport than match fixing...", and New South Wales will be the first State in Australia to introduce tough new penalties. Minister Annesley also said:

Sport is big business these days and it would be naive of any government to think sport is immune to corrupt conduct.

The Minister for Hospitality and Racing said the reforms were necessary if punters were to have any confidence in the sports and racing betting market. Minister Souris also said:

The New South Wales Government and the racing industry are absolutely committed to making certain the reputation of sport and racing in this State remains intact.

Together with a nationally consistent approach, this bill will provide a more effective deterrent for those considering or engaging in inappropriate behaviour in betting across the multitude of different fields and forms of betting available in Australia. It is my sincere hope that the other States and Territories throughout this fair land adopt this consistent approach to this ever-growing industry. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [5.45 p.m.] in reply: I thank the member for Liverpool, the member for Vacluse, the member for Charleston, the member for Parramatta, the member for Myall Lakes, the member for Cronulla, the member for Davidson, the member for Camden, the member for Bankstown, the member for Penrith, the member for Rockdale and the member for Smithfield for their contributions to this debate. As we have seen in recent weeks, the attention of Australia was well and truly focused on the Olympic Games and our participation. Now it is the Paralympics. Sport is an extremely important part of Australian culture. Our sporting heroes are icons. Sir Donald Bradman was a legend at cricket, but we have had others: Richie Benaud, Dave Walters, the Chappell brothers, Dennis Lillee, Jeff Thomson, Mark Taylor, the Waugh brothers, Shane Warne—"Warnie"—Glenn McGrath, Ricky Ponting, Michael Clarke and others.

**Mr Paul Lynch:** You can't leave out Bill O'Reilly.

**Mr GREG SMITH:** And of course, Bill O'Reilly, a man who suffered for his faith. He was one of the great spin bowlers of Australia and the world. In rugby league, which is the iconic game in this State in the wintertime our sporting heroes include: Clive Churchill, Reg Gasnier, Johnny Raper, Ronnie Coote, Blakeley, Benji Marshall, Johnathan Thurston and Billy Slater. There are many of them. These are the people that children and adults alike admire and look up to. Whenever any suspicion is raised about the fairness of a game or a contest that they are involved in, people get concerned. Crowds fall away and sponsors pull their support. Members will remember the Fine Cotton racing scandal and the damage that did to racing. Lengthy disciplinary proceedings led to a number of people being disgraced. These scandals are rightfully presented in the media and rightly raise great concern for the Australian community. We need a safe, lawful and transparent market for sports betting. Our sport has to be clean. New South Wales is taking the lead in sending a clear message that cheating at gambling will not be tolerated. This bill will help to ensure a safe, transparent and lawful sports betting market. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Greg Smith agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

## **SUCCESSION AMENDMENT (INTERNATIONAL WILLS) BILL 2012**

### **Second Reading**

**Debate resumed from 15 August 2012.**

**Mr PAUL LYNCH** (Liverpool) [5.50 p.m.]: I lead for the Opposition on the Succession Amendment (International Wills) Bill 2012. The Opposition does not oppose this bill. The object of the bill is to amend the Succession Act 2006. The amendment will incorporate into New South Wales law the uniform law contained in the International Institute for the Unification of Private Law Convention Providing a Uniform Law on the Form of an International Will 1973. This law provides for what is known as an international will. This is an additional form of a valid will that is already provided for in legislation. This legislation means that an international will made in accordance with the requirements of the uniform law will be recognised as valid by a court in Australia or in other countries that are party to the convention. This is the case regardless of where the will was made,

where the assets disposed of by the will are located, or where the person making the will—the testator—lives. It also relieves the court of any need to determine whether the laws of a foreign country have been complied with in the execution of a will. It will make it easier to prove the formal validity of wills.

This legislation is the result of the inevitably but understandably lengthy process of the then Standing Committee of Attorneys-General, now known as the Standing Council on Law and Justice, which started in 2010. The bill is based on model provisions prepared by the Australasian Parliamentary Counsel's Committee. The process that reaches its fruition in this bill commenced under a State Labor Attorney General and the Opposition continues to support it, which is not surprising. The bill inserts a new part 2.4A into the principal Act, the Succession Act 2006. It also inserts schedule 2, which provides for the form of an international will as set out in the annex to the Convention Providing a Uniform Law on the Form of an International Will 1973. The obvious advantage is that it will be easier for a testator to make a will overseas and to be more certain that it will be treated as valid by Australian courts. Another way of saying that is that it will increase certainty for testators. It will also make the process in Australian courts simpler, easier and speedier, which has broader advantages for our legal system generally.

These types of problems are hardly new, although historically the common law had several restrictions. That brings to mind cases such as *New York Breweries Company Ltd v The Attorney-General* [1879] AC62, which I read about many years ago. A large proportion of the population of this country was not born here and many people have close connections in other countries, which means that from time to time they have assets in other jurisdictions. This bill will deal with every such complex situation, but will involve only those jurisdictions that have adhered to the convention. It is nonetheless a useful and sensible step. Of course, there are other provisions relating to foreign wills in the principal Act; this is not the first time legislatures have addressed these issues. These amendments will not commence operation until the convention comes into force in this country. The convention also has a provision stipulating that it will enter into force six months after it is acceded to by Australia. The Opposition does not oppose the bill.

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [5.53 p.m.]: I support the Succession Amendment (International Wills) Bill 2012. It has been 16 years since I first became involved in this issue, so this is a landmark debate in my career. This bill amends the Succession Act 2006 to adopt into New South Wales law the uniform law contained in the Convention Providing a Uniform Law on the Form of an International Will 1973. The uniform law provides for an additional form of will known as an "international will". As the member for Liverpool said, this is a common-sense measure. Australia has come a long way since 1973 and many people from overseas who have come here to live have made their will in another country and therefore are unaware of the impact that the law may have on them.

In July 2010, the then Standing Committee of Attorneys-General agreed that all Australian States and Territories would incorporate the convention's uniform law into their local legislation to allow Australia to accede formally to the convention. The bill is based on a model bill prepared by the Australasian Parliamentary Counsel's Committee. To date, Victoria and the Australian Capital Territory have enacted legislation based on the model bill, while Western Australia and Tasmania have introduced legislation into their parliaments. The convention will come into force six months after Australia accedes to it. The New South Wales amendments will not commence until the convention comes into force in Australia. The bill recognises the capacity of an authorised person in another country that is a party to the convention to act in relation to the international will in that country.

The bill also provides that the existing provisions in the Succession Act 2006 that deal with witnesses to wills, such as who can or cannot act as witnesses to a will, apply to witnesses to international wills. It also provides that existing provisions in the Succession Act 2006 that relate to foreign wills do not limit the operation of the proposed provisions relating to international wills. For example, a will that is made outside of Australia but not in the form of an international will will continue to be dealt with under those provisions. The bill also inserts part 2.4A into the Succession Act 2006 to give effect to the convention and defines words and expressions. I applaud the Department of Attorney General and Justice and the Attorney General's fine staff for their efforts in making life better for the people of New South Wales. We are fortunate to have a multicultural society in this State; many of our immigrants make great contributions to our society. Once again, this is a common-sense approach and I am 100 per cent behind it. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [5.57 p.m.]: I support the Succession Amendment (International Wills) Bill 2012. This bill is important because estate planning is vital to all families. Many people obtain professional advice when preparing their will to ensure that their estate is properly handled.

One of the issues, among many, that this legislation addresses is the cross-jurisdictional problems that arise more frequently these days because we are so mobile. Not only do we move from State to State but we also move from country to country. This legislation is the result of the Convention Providing a Uniform Law on the Form of an International Will signed in Washington DC in 1973. The convention aims to eliminate the problems that arise when wills are made in different jurisdictions. It provides for an additional form of will—an international will—which, if it complies with the uniform law, is valid in all States that are party to the convention.

The primary objective of the convention is to eliminate problems that arise when cross-border issues affect a will; for example, where a will deals with assets located overseas or where the will-maker's country of residence is different from the country in which the will is executed. The uniform law does not affect issues such as capacity or construction, which will continue to be determined and prescribed by State law. In July 2010, the then Standing Committee of Attorneys-General decided that all Australian States and Territories would adopt the uniform law, thus acceding Australia to the convention. The object of the bill is to amend the Succession Act 2006 to adopt into New South Wales law the uniform law contained in the Convention Providing a Uniform Law on the Form of an International Will 1973.

The uniform law provides for an additional form of will, known as an international will. An international will made in accordance with the requirements of the uniform law may be recognised as a valid will by a court in Australia or another country that is a party to the convention, irrespective of where the will was made, the location of assets or where the testator lives, and without the court having to examine the laws of foreign countries to determine whether the will has been properly executed. The bill is based on model provisions and gives effect to a decision by the Standing Committee of Attorneys-General that each State and Territory would implement legislation in order to enable Australia to accede to the Convention. Section 50B in item [2] of schedule 1 to the bill provides that the annex to the convention which contains the uniform law has the force of law in New South Wales. This gives effect to Article 2 of the convention.

Item [3] of schedule 2 to the bill sets out the annex in full. The uniform law contains the formal requirements for an international will to be properly executed. If a will, purporting to be an international will, does not comply with those formal requirements it may still be valid as a will in New South Wales. Section 50C in item [2] of schedule 1 to the bill provides that Australian legal practitioners and public notaries are authorised to act in connection with international wills. Under the uniform law an authorised person is required to sign a certificate that is attached to an international will confirming that the formalities necessary for an international will have been complied with. The proposed provisions also recognise the capacity of an authorised person in another country that is a party to the convention to act in relation to an international will in that country. The proposed section gives effect to Articles 2 and 3 of the convention.

Section 50D in item [2] of schedule 1 to the bill provides that the existing provisions in the principal Act that deal with witnesses to wills, such as who can or cannot act as a witness to a will, apply to witnesses to international wills. This provision gives effect to Article 5 of the convention. Section 50E in item [2] of schedule 1 to the bill confirms that the general provisions of the principal Act, such as those dealing with revocation or the reconstruction of the terms of a will that apply to wills also apply to international wills. Item [1] of schedule 1 to the bill provides that existing provisions in the principal Act that relate to foreign wills do not limit the operation of proposed provisions relating to international wills. A will made outside Australia, which is not in the form of an international will, will continue to be dealt with under those existing provisions. This bill is long overdue. We live in a global society. We live in the Commonwealth of Australia, which is made up of a number of States. It is archaic to have separate laws and different ways of interpreting wills in each jurisdiction. I commend the bill to the House.

**Mr CHRIS PATTERSON** (Camden) [6.03 p.m.]: I support the Succession Amendment (International Wills) Bill 2012. Establishing the validity of a will can become very complicated when a will contains assets in another jurisdiction or if the will has been executed in another jurisdiction and relates to assets within New South Wales. Currently complications in such circumstances may arise when an application for probate is made in New South Wales and the court has to determine which country's laws should apply to that will for its validity. This bill will amend the Succession Act 2006 to allow New South Wales to adopt the uniform law contained in the Convention providing a Uniform Law on the Form of an International Will 1973, which will allow for an "international will" as an additional kind of will. The convention was prepared by the International Institute for the Unification of Private Law and was adopted by a number of countries in October 1973 in Washington DC with the Government of the United States of America becoming the depository and the convention taking effect on 9 February 1978.

My wife was born in 1973—what a wonderful year it was. She has provided me with many, many years of happiness. The bill provides a uniform set of requirements for an international will that are recognised as valid wills in the courts of countries that are a part of the convention. I clarify that this bill will not replace the current form of wills but will provide an option where they may be applicable in international circumstances. It was agreed in 2010 by the then Standing Committee of Attorneys-General that they would take action and implement legislation in their State or Territory to enable Australia to accede to the convention. As a result of this, a model bill was prepared by the Australasian Parliamentary Counsel's Committee and this has formed the basis of this bill. In order to enable member States to adopt the convention, the text of the uniform law must be reproduced.

Schedule 1 to the bill will reproduce that uniform law used by the convention. Section 50C in item [2] of schedule 1 to the bill will ensure that people who are authorised to act in connection with an international will, connect a certificate to the will to show that they have performed the proper formalities. It is important that people who are authorised to act in connection with international wills are legal practitioners and public notaries who have an understanding of local laws and those of the convention's uniform laws. The uniform law also recognises the capacity of an authorised person in another country that is a party to the convention to act in relation to an international will in that country, provides that the existing provisions in the Succession Act 2006 relate to witnesses to wills and who does and who does not qualify to witness a will, and applies to witnesses to international wills.

This bill confirms that the general provisions in the Succession Act 2006 relating to revocation and construction of the terms of a will, will also apply to international wills. This bill will also provide that the existing provisions in the Succession Act 2006 relating to foreign wills will not limit the operation of the provisions relating to international wills. This is a sensible bill that will make things more straightforward and streamlined for testators of wills and the New South Wales Supreme Court. I acknowledge that Victoria and the Australian Capital Territory have already enacted this legislation, and that Western Australia and Tasmania have introduced legislation to their parliaments. The introduction of this bill will bring us one step closer to Australia becoming part of the convention.

However, this legislation will not come into force until the convention is in force in Australia. Indeed, it is expected that the convention will come into force six months after Australia accedes to it. This is a simplified way of proving the formal validity of wills that comply with the requirements of the convention. The Government is willing to contribute to making things simpler for its citizens and to helping Australia become part of a convention that will possibly simplify things for citizens from other countries. A lot of work has gone into the Succession Amendment (International Wills) Bill 2012, which clearly is a necessary evil that the Government needed to introduce. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [6.10 p.m.]: I support the Succession Amendment (International Wills) Bill 2012. The Convention providing a Uniform Law on the Form of an International Will 1973 was prepared by the International Institute for the Unification of Private Law [UNIDROIT] and came into force in February 1978. The convention is currently in force in a number of countries, including Italy, France, Belgium, Portugal, Slovenia and Bosnia and in numerous provinces in Canada. The convention provides a uniform set of requirements for a will—known as an international will—that will be recognised as a valid form of will by courts within those countries that have adopted the uniform law.

Currently, proving the formal validity of a will can become complex where a will contains foreign elements, such as, where a will deals with assets in another jurisdiction or where it has been executed in another jurisdiction that deals with property situated in New South Wales. For example, if a will is made in another country and then an application for probate is made in New South Wales, the New South Wales court will have to consider the proper law to apply to determine its formal validity. That may involve determining matters such as where the will was executed or the residence, domicile or nationality of the testator, and the requirements of the law in force in that place. This process will be simplified in the case of an international will. An international will that complies with the uniform law will be recognised as a valid form of will by courts within those countries that have adopted the uniform law regardless of where the will was made, the location of the assets or the testator's residence, domicile or nationality.

In July 2010 the Standing Committee of Attorneys-General agreed to take action to implement legislation in each State and Territory to allow Australia to accede to the convention. The Parliamentary Counsel's Committee then prepared a model bill, which is the basis of this bill. Schedule 1 to the bill contains proposed amendments to the Succession Act 2006. Schedule 1 [2] inserts part 2.4A into the Succession Act to

give effect to the convention. Section 50A defines words and expressions used in the proposed part. Section 50B provides that the annex to the convention, which contains the uniform law, has the force of law in New South Wales. Schedule 1 [3] sets out the annex in full.

Section 50C provides that Australian legal practitioners and public notaries are authorised to act in connection with international wills. Under the uniform law, an authorised person is required to sign a certificate that is attached to an international will confirming that the formalities necessary for an international will have been complied with. The proposed provision also recognises the capacity of an authorised person in another country that is party to the convention to act in relation to an international will in that country. The proposed section gives effect to articles II and III of the convention. Section 50D provides that the existing provisions in the Succession Act that deal with witnesses to wills, such as who can or cannot act as a witness to a will, will apply to witnesses to international wills. This will give effect to article V of the convention.

Section 50E confirms that the general provisions of the Succession Act that apply to wills—for example those that deal with revocation or construction of the terms of a will—also apply to international wills. As I have said, schedule 1 [3] contains the uniform law as it appears in the convention. Article 1 provides that a will shall be valid with respect to form irrespective of matters such as where it is made or the location of assets. The key requirement is that the will must be made in the form of an international will, complying with articles 2 to 5 of the uniform law. The uniform law also makes clear that a will that does not satisfy the formal requirements of an international will may still be valid as another form of will. The intention is to provide for an additional form of will rather than substituting for the form of a will already available under the Succession Act.

Articles 2 to 5 of the uniform law contain the requirements for a will to be valid as an international will. These include requirements that there be only one testator; that the will be made in writing; that the testator declare in the presence of two witnesses and an authorised person that the document is his or her will and that he or she knows its contents; that the testator sign the will or acknowledge a previous signature in the presence of the witnesses and authorised person unless he or she is unable to sign; and that the witnesses and authorised person attest the will by signing it in the testator's presence. Articles 6 to 15 of the uniform law contain further matters of form and other matters. These articles cover matters such as the position of signatures and the date of the will and where it should be noted. They also deal with the role of the authorised person and performance status of the certificate that they provide.

The convention provides that it will enter into force six months after Australia accedes to it. The New South Wales amendments to the Succession Act will not commence operation until the convention comes into force in Australia. Once the uniform law is in operation in each Australian jurisdiction there will be a consistent approach to recognising the formal validity of international wills across Australia. This is a step forward in an increasingly globalised world where people living in New South Wales have assets overseas and where there is a foreign element to wills to make sure there is formal validity of wills. It is a good step towards uniformity and recognising our place in a global society. I commend the bill to the House.

**Mrs ROZA SAGE** (Blue Mountains) [6.16 p.m.]: I make a brief contribution to the Succession Amendment (International Wills) Bill 2012. The bill aims to introduce an additional form of will in New South Wales known as an international will. It reflects the Government's commitment to implementing the convention of the International Institute for the Unification of Private Law [UNIDROIT]. In 2010 the then Standing Committee of Attorneys-General agreed that all Australian States and Territories would adopt the convention's uniform law. When the uniform law is adopted into the State's legislation Australia will formally accede to the convention.

In my time I have seen death bring out the worst in many, if not most, families. Wills, probate and distribution have irrevocably fractured many families and, sadly, this has happened to people who have been very close to me. Years are spent in bitter disputes by money-hungry relatives, not to mention the mountains of legal costs that chew through the money left by the deceased. In this regard I am talking about wills made in Australia; I cannot begin to imagine what these fights would be like with an overseas component thrown into the mix. These are the sorts of events that television series are made about. The introduction of international wills as an addition will give greater legal certainty to testators. Currently much complexity surrounds wills with foreign components, whether the will was made overseas for an estate in New South Wales or whether the will was made in New South Wales but comprises property in another jurisdiction.

Decisions need to be made through the New South Wales courts as to which country's laws should apply. It also may require the determination of where the will was executed and the residence and nationality of

the testator. An international will that follows the requirements of the uniform law will be recognised as a valid will by the countries that have adopted the uniform law. This will simplify the process and give greater surety. The wills will be recognised regardless of where the will was made, where the estate is located or the testator's residence, domicile or nationality. For the convention to be effectively adopted into law, the text of the law must be uniform. The use of international wills will be optional and does not replace existing forms of will in New South Wales. The bill is based on the model bill prepared by the Parliamentary Counsel's Committee, thus preserving uniformity between States.

The bill proposes that part 2.4A be inserted into the Succession Act 2006 to give effect to the convention. It provides that the annex to the convention, which contains the uniform law, is enforceable in New South Wales. The uniform law contains the formal requirements for an international will to be properly executed. Some of the requirements for the validity of the will include that there is only one testator, that the will is made in writing, that the will be witnessed and signed in the presence of two witnesses and an authorised person, that these persons attest the will by signing it in the presence of the testator, and that the testator knows that it is his will and knows the contents of the will. In simple terms the testator, being of sound mind and consenting to the will and its contents, signs the will in front of persons who witness and sign in front of the testator.

The bill sets out that the authorised persons are Australian legal practitioners and public notaries authorised to act in connection with international wills. It also recognises the reciprocal rights of the capacity of an authorised person in another country that is also party to the convention to act in relation to an international will in that country. The detail of the bill defines words and expressions used in the proposed part. It also makes provision for the existing Succession Act 2006 to allow the successful operation of international wills. This means that a foreign will made overseas and not in the form of the international will can be dealt with as has been the previous practice.

Importantly, it confirms that the general provisions of the Succession Act 2006 that apply to a will also apply to international wills. In short, the bill will simplify the process of an international will and provide greater legal certainty for testators. As has been said previously, in this day and age, especially in multicultural Australia, and multicultural Sydney in particular, the bill offers a common sense means for people who want to ensure that they make provision for their friends and relatives in the way they want if they have property overseas or part of their estate is overseas. I commend the Attorney General for making this sensible bill come to fruition, and I commend the bill to the House.

**Mr JOHN FLOWERS** (Rockdale) [6.23 p.m.]: I make a contribution in support of the Succession Amendment (International Wills) Bill 2012. The passage of this bill will deliver greater legal certainty for testators of a will. The bill proposes to amend the Succession Act 2006 to adopt into New South Wales law the uniform law contained in the Convention providing a Uniform Law on the Form of an International Will 1973, which was signed in Washington DC in October 1973. The uniform law provides for an additional form of will known as an international will. This bill joins Acts that have passed through this place which allow a seamless transition across jurisdictions into national laws. Under the Succession Amendment (International Wills) Bill 2012, international wills that comply with the requirements of the uniform law will be recognised as a valid form of will by the courts within those countries that have adopted the uniform law.

As the Attorney General said, the convention is in force in other countries such as Belgium, Canada, France and Italy, to name a few. In July 2010 the Standing Committee of Attorneys-General agreed that the Australian States and Territories would adopt the convention's uniform law into their local legislation to allow Australia to formally accede to the convention. Six months following Australia's acceding to it, it will become law. Upon the uniform law being operational in each of Australia's jurisdictions, there will be a consistent approach across the country. The insertion of part 2.4A, International Wills, creates an additional form of will. Existing forms of wills are not replaced; international wills are optional.

Part 2.4A sets out definitions, applications of the convention, persons authorised to act in connection with international wills, witnesses to international wills and the application of the Act to international wills. An international will means a will made in accordance with the requirements of the annex to the convention as set out in schedule 2. Schedule 2, Annex to Convention providing a Uniform Law on the Form of an International Will 1973, contains the requirements for a will to be a valid international will and further matters of form and other matters. I will touch on proposed section 50C, which deals with persons authorised to act in connection with international wills. Australian legal practitioners and a public notary of any Australian jurisdiction are authorised to act in connection with international wills. As stated in the uniform law, Article 9:

... the authorized person shall attach to the will a certificate in the form prescribed in Article 10 establishing that the form prescribed in Article 10 establishing that the obligations of this law have been complied with.



This is important because this certificate is conclusive, in the absence of any evidence to the contrary, of the formal validity of the instrument as an international will. Proposed section 50D, Witnesses to international wills, states that the requirements for acting as a witness to an international will are governed by the laws of the New South Wales jurisdiction. Proposed section 50E, Application of Act to international wills, provides that the provisions of the Succession Act 2006 to wills will extend to international wills.

The Succession Amendment (International Wills) Bill 2012 will deliver greater legal certainty for testators of a will and will ensure a more streamlined and efficient system across not just State borders but also international borders. Almost half of the people who call Rockdale home were born overseas, with one in three residents having at least one parent born overseas. Consequently, with many Rockdale residents having relatives living overseas, I can foresee that the implementation of this bill into law will greatly benefit many of my local constituents who will use international wills. For this reason, and for the thousands of residents across New South Wales and Australia that it will benefit, I am most pleased to support this bill. I commend the Succession Amendment (International Wills) Bill 2012 to the House.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [6.31 p.m.]: I am pleased to speak on the Succession Amendment (International Wills) Bill 2012, which amends the Succession Act 2006 to adopt into New South Wales law the uniform law contained in the Convention providing a Uniform Law on the Form of an International Will 1973. The uniform law is important because it provides for an additional form of will, called an international will. This is a pleasing and practical development because if this bill is passed such an international will would be recognised as a valid will by a court in Australia or another country that is a party to the convention, irrespective of a number of issues that are usually impediments to the contestability of a will—for example, where the will was made, where the assets are located or where the testator lives. With international wills the court will not have to examine the laws of foreign countries in order to determine whether the will has been properly executed.

As the member for Rockdale stated was the case in his electorate, according to the last census more than 15 per cent of my constituents in the Vaucluse electorate were born overseas. This legislation is a welcome development that will assist in the easy, smooth testation of wills, which can be a trying and difficult experience when families are making decisions and wanting certainty at a time of great personal and family trauma. I welcome the bill as having a practical impact for the voters in my electorate. I also note that this bill creates an additional form of will and does not exclude the existing form of will in New South Wales. It is optional and based on good principles that the Liberals and The Nationals adhere to: choice, certainty and transparency and allowing people to get on with their lives without being bothered unduly by laws and red tape. The convention being adopted is in force in a number of countries and it is fitting that New South Wales, as a progressive and developed economy, also adopts its provisions.

Proving the formal validity of a will can be complex and traumatic at the best of times. It is something that is done in difficult circumstances. Those circumstances can be exacerbated where there are elements of international law that might impede the easy reading, administration and execution of a will. It is done at a time where loved ones—or sometimes people that we may not be close to—die and decisions need to be made quickly in difficult personal circumstances. It becomes a more difficult process where the will in question deals with assets somewhere else in the world or where a will has been executed somewhere else but deals with property in New South Wales.

There are many other examples of the complexities that can arise but the advantage of an international will as proposed is that, if it complies with the uniform law, it will be recognised as a valid form of will by courts in those countries that have adopted the uniform law, regardless of where the will was made, the location of the assets or the testator's residence, domicile or nationality. The Succession Amendment (International Wills) Bill 2012 gives effect to a decision by the Standing Committees of Attorneys-General [SCAG] that the uniform law would be implemented by each State and Territory.

**Mr Greg Smith:** It has changed.

**Ms GABRIELLE UPTON:** It has, as I was reminded this morning. It is now called—

**Mr Greg Smith:** The Standing Committee on Law and Justice.

**Ms GABRIELLE UPTON:** And the acronym?

**Mr Greg Smith:** SCLJ.

**Ms GABRIELLE UPTON:** It was a consensus decision of the Standing Committee of Attorneys-General that legislation would be implemented in order to enable the States and Territories of Australia to adopt the convention. It is gratifying that New South Wales is the first State to step up on this count. We like to be the leading State on legislation that makes good sense. The convention requires that in order for member States to adopt the convention into law, the text of the uniform law must be reproduced. Schedule 1 to the bill reproduces verbatim the uniform law contained in the convention. Under the convention, an authorised person is a person who can act in relation to an international will. The bill designates Australian legal practitioners and public notaries as authorised persons. Such persons are required to attach to a will a certificate to the effect that the proper formalities have been performed. The certificate, in the absence of contrary evidence, is conclusive of the formal validity of the instrument as an international will.

I will touch on a couple of the provisions in the bill. Proposed section 50D provides that the requirements for acting as a witness to an international will are governed by the law of New South Wales. Proposed section 50E provides that the Succession Act 2006 that applies to wills extends to international wills. Item [3] of schedule 1 contains the uniform law as it appears in the Convention providing a Uniform Law on the Form of an International Will. Article 1 of schedule 1 provides that a will shall be valid with regard to form, irrespective of matters such as where it is made or the location of assets included in the provisions of the will. The key requirement is that the will must be made in the form of an international will, so there must be an intention on the part of a testator to create an international will and it must comply with articles 2 to 5 of the uniform law. The uniform law also makes clear that a will that does not satisfy the formal requirements of an international will may still be valid as another form of will. It may not be an international will but it will be a will that may have had the veracity to stand up, however not in an international sense in the way that this bill provides.

Articles 2 to 5 of the uniform law contain the requirements for a will to be a valid international will. These include requirements that there be only one testator, that the will be made in writing, that the testator declare in the presence of two witnesses and an authorised person—I touched on who they could be—that the document is his or her will and that he or she knows its contents, that the testator sign the will or acknowledge a previous signature in the presence of the witnesses and authorised person unless he or she is unable to sign, and that the witnesses and authorised person attest the will by signing it in the testator's presence. None of those provisions is unusual. They conform to standard procedure when legal documents are attested to and should not create additional burden for the people of New South Wales, or the people of Australia when the other States access the benefits of the international law.

The convention provides that it will enter into force six months after Australia—across its States and Territories—adopts it. The New South Wales amendments will not commence operation until the convention comes into force in Australia. New South Wales is the lead State but the provisions will not be available until our colleagues step up to the plate. Once the uniform law is in operation in each Australian jurisdiction there will be a consistent approach to recognising the formal validity of international wills across Australia. This is an important step to be taken in Australia, as one of the Western democracies that have taken this approach to observe the rule of law. This is a matter to be commended. I am happy to lend my support to it. It reflects this Government's commitment to simplifying the process of proving the formal validity of wills that comply with the requirements as set out in the convention and now in the bill. I commend the Succession Amendment (International Wills) Bill 2012 to the House.

**Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [6.39 p.m.]: I make a short contribution to debate on the Succession Amendment (International Wills) Bill 2012. I compliment not only our Attorney General but all Attorneys General across Australia for introducing this legislation. As members may realise, well over 50 different nationalities reside in the Coffs Harbour electorate. Currently, we have a lot of refugees and new immigrants to the country. We also have a very large Indian Sikh population in Coffs Harbour. As many members would be aware, arranged marriages take place quite often and families have property not only in Coffs Harbour or on the North Coast but also in India. In the past issues have sometimes arisen when someone has died and left properties in both countries. There has been a problem as to where the will is located and whether property in both countries is noted in the will. It becomes a real issue for families and causes bad blood among relatives. One often finds that because of the legalities of the matter, the legal fees that arise if and when the will is settled are huge.

These days the world is a very small place. At one stage we had two children living overseas, one in England and one in France. We now have a daughter at home with a partner who is French. She is returning to France later this year. Populations are very mobile and people are living in the world, not necessarily in this

country. They may have assets in one country or another. Having a will that is acceptable by way of an international convention is a step in the right direction. I feel sure that in years to come more and more people will move from country to country on a regular basis and spend time in different countries. One can see that if anything untoward happens, contested wills will be a problem especially if the will is not recognised from one country to another. Just today—not that I think the issue would arise in these circumstances—we acknowledged the deaths of five Australian servicemen in Afghanistan.

We have troops around the world, some of them working on a fairly permanent basis with other governments and peacekeeping forces. There can be an issue if there is family and property in more than one country. I hope this legislation will be adopted across Australia and in other countries around the world. It is a huge step in the right direction. I congratulate the Attorney General and the Standing Committee of Attorneys-General, or the Standing Council on Law and Justice as it is now known, on bringing some commonsense to an issue that is basic to all human beings. We have recognised the obvious problems and I hope they will now be resolved. I commend the bill to the House.

**Mr GREG SMITH** (Epping—Attorney General, and Minister for Justice) [6.43 p.m.], in reply: I thank members representing the electorates of Liverpool, Tweed, Myall Lakes, Camden, Cronulla, Blue Mountains, Rockdale, Vacluse and Coffs Harbour for their contributions to this debate. I think just about everything that can be said about the Succession Amendment (International Wills) Bill 2012 has been said by those speakers. The bill amends the Succession Act 2006 to provide for an additional form of will, known as an international will. The bill adopts into New South Wales law the uniform law contained in the Convention providing a Uniform Law on the Form of an International Will 1973. The bill reflects this Government's commitment to assisting members of the community who may wish to make use of international wills and to simplifying the process of proving the formal validity of such wills. I commend the bill to the House.

**Question—That this bill be now read a second time—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Greg Smith agreed to:**

That this bill be now read a third time.

**Bill read a third time and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2012-13**

**Debate resumed from 23 August 2012.**

**Mr JOHN FLOWERS** (Rockdale) [6.45 p.m.]: I am pleased to contribute to the debate on the Budget Estimates and Related Papers 2012-13. It is a budget that delivers what the State needs and a budget that delivers for Rockdale. The 2012-13 budget invests \$18.3 billion in health, \$13.8 billion in education, and \$13.2 billion in transport. The 2012-13 budget delivers more nurses, more teachers, and more police. In fact, there are now more police on the streets than at any other time in New South Wales history. The police Minister is serious about ensuring community safety and police numbers are now at record strength, with 16,016 police officers available to serve the people of New South Wales. This is a budget that builds on the results delivered in the first year of this Government.

Locally, the budget invests in the St George region and builds for Rockdale's future. There is \$13 million for St George Hospital's emergency department upgrade, which has an estimated total cost of \$35.5 million. This is a significant boost to our local area. St George Hospital currently sees approximately 63,000 patients each year. Rockdale residents frequently tell me how pleased they are to see improvements to their local hospital. Recently I toured the hospital with Premier Barry O'Farrell and my colleague the member

for Oatley. The staff at St George Hospital do an incredible job. There are approximately 49 additional nurses for the South Eastern Sydney Local Health District in this budget and an additional \$560,000 for Calvary Health Care, which is located in the Rockdale electorate.

There are also upgrades to Rockdale and Arncliffe stations as part of the State's \$148 million Transport Access Program. Recently I visited the construction work at the bus interchange at Rockdale station. This is something that Rockdale commuters have wanted done, and we are proud to be getting on with the job. On this side of the Chamber we are listening and we are delivering. Upgrades are soon to commence at Arncliffe station. These include installing clear and direct signage; provision of signage to formalise the kiss-and-ride facility on Burrow Street; providing a new bus shelter for the NightRide bus stop on the Princes Highway; improving lighting for customer safety and comfort at the bus stops and taxi zones; and improving pedestrian access and lighting at the long-stay commuter car park located on the eastern side of Arncliffe railway station. This is great news for local transport customers who catch a train, bus or taxi. This Government is making travel easier and safer for Rockdale commuters.

This is a budget that delivers for our schools. As the local member of Parliament and as a former high school teacher for over 20 years, I am a strong advocate for improving our local schools and know just how important improved facilities are to students, teachers and entire school communities. This year James Cook Boys Technology High School will receive structural and fabric upgrades to the technology applied studies [TAS] area, and upgrades to the school hall, internally and externally, each up to the value of \$500,000. In the 2012-13 budget provision is made specifically in relation to James Cook Boys Technology High School. Block J is scheduled for a maintenance upgrade of the hall, which includes remedial works to address termite infestation and associated damage, necessary structural repairs, ceiling lining replacement, replacement of existing lighting to lux levels suitable for higher school certificate examinations, reinstatement of multipurpose court markings, and painting external louvres throughout with internal and external paint.

Block G upgrades include: maintenance upgrades of the technology applied studies area, including remedial works to address termite infestation and associated damage; necessary structural repairs such as ceiling lining replacement, replacing roof cladding to two pitched roofs with lightweight steel Colorbond, upgrading box gutters and associated flat roofs with lightweight steel Colorbond roofing, including external eaves; and internal and external painting. These upgrades to the school hall and technology applied studies area will greatly improve the learning facilities at James Cook Boys High School. In 2012-13 the New South Wales Government is spending \$447 million on capital works funding for schools and \$85 million on capital works funding for TAFE. This capital funding is in addition to the record State spending of \$318 million on school maintenance. This Government is committed to delivering for local schools in our communities and I will continue to work closely with Rockdale's schools in the years ahead.

The 2012-13 budget has delivered for the Arncliffe community. Significantly, this Government committed to provide \$5 million in funding for a pedestrian tunnel on Wollongong Road. This will improve safety for the students who attend Al Zahra College, those who worship at the mosque and the thousands of local residents who live in the surrounding streets. I am pleased to have secured an initial \$1 million in funding in this year's budget and an additional \$4 million in 2013-14 for continued works. On 21 June the *St George and Sutherland Shire Leader* contained an article entitled, "Tunnel Relief for Students". While the Leader of the Opposition was too busy playing politics on the issue, this Government listened to the community and delivered on the funding. We recognise that this is an important safety issue for the residents of Arncliffe and Wollie Creek, and I was more than happy to be a strong and vocal advocate for my community.

The provision of funding for this project in this year's budget is indicative of what is happening in electorates across the State, building on the results delivered in the first year of this Government. The 2012-13 budget delivers a 17 per cent increase in infrastructure spending over the next four years compared with the past four. This is a budget that builds a brighter economic future through responsible spending to deliver more housing and more infrastructure, the Building the State package, and \$757 million on the North West Rail Link and South West Rail Link, which is something those opposite talked about but failed to deliver—as was so often the case. This is a budget that builds—building sustainable finances, building infrastructure and building houses. Despite the collapse in GST revenue of \$5.2 billion and despite years and years of unsustainable spending by those opposite, the 2012-13 budget is restoring fiscal responsibility in New South Wales.

As families across the Rockdale electorate are tightening their belts, so too is the State of New South Wales. The Treasurer has us living within our means. This is the fiscal responsibility that New South Wales lacked while those opposite occupied the Treasury bench. Those opposite would not be able to deliver the

Building the State package, which will see an investment of half a billion dollars to accelerate the delivery of up to 76,000 more properties. The Housing Acceleration Fund will boost housing supply with a \$481 million investment in infrastructure. The Local Infrastructure Renewal Scheme will see an additional \$30 million in interest concessions. The Urban Activation Precincts program includes \$50 million in incentives for local councils to build essential infrastructure.

The Building the State package also delivered the most generous first home buyer scheme in Australia for new properties. As of 1 October this year, the First Home Owner Grant will more than double to \$15,000 for people buying new properties up to \$650,000 in value. In a similar manner, all non-first home buyers buying new properties valued at up to \$650,000 will be eligible for the New Home Grant. This package will make a real difference to the lives of thousands of young families across the State. I would also like to touch on how this budget assists with increases in the cost of living. This Government knows that increases in electricity are never welcome and that the carbon tax forced on us by an out-of-touch Federal minority Labor Government will make things worse. The Family Energy Rebate and the Low Income Household Rebate will assist families with the cost of electricity, which rose dramatically on 1 July 2012. I know that many families in Rockdale have been helped by these grants.

Additionally, \$400 million in savings has come about through the integration of electricity distribution networks, resulting in greater efficiencies. This Government will continue to be fiscally responsible, taking the tough but necessary decisions. A budget deficit of \$824 million is expected in 2012-13 in the context of a renewed global economic slowdown, weaker consumer and business confidence, and a significant structural deterioration in GST revenue. A return to significant operating surpluses over coming years is forecast on the basis of a strengthening economy and even greater discipline in expense management. This will enable a continued emphasis on rebuilding infrastructure without unsustainable debt growth. The budget contains measures designed to restore economic growth by stimulating the housing construction sector and boosting State-funded infrastructure in the general government and public transport sectors. Unemployment in New South Wales is currently at 5.2 per cent.

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

## **CHILD PROTECTION**

### **Matter of Public Importance**

**Mr ANDREW CORNWELL** (Charlestown) [7.01 p.m.]: Child protection is everyone's business. The O'Farrell Government is working to improve the lives of, and services provided to, vulnerable children and young people who are exposed to or at risk of abuse and neglect. Child Protection Week is a good time to reflect on why only real reform can improve the lives of our most vulnerable children and families. In March 2011 there were 17,900 children and young people in out-of-home care. That is 11 in every 1,000, or more than one in 100 young people in care. The transfer of out-of-home care to the non-government sector as recommended by Justice Wood is underway. In fact, tomorrow morning Minister Goward will celebrate the accreditation of one of New South Wales' new out-of-home care providers, the Salvation Army. This highly respected non-government organisation has joined up to be involved in long-sought, groundbreaking reform to transfer out-of-home care and thereby to free up Community Services caseworkers to focus on their core business—the provision of statutory child protection services.

Parents are responsible for their children and their choices, and supportive parents making good choices for their family is the best defence against child abuse and neglect. We will work better and smarter by streamlining processes to enable caseworkers to get back to the job they are trained to do—that is, working with families that need them rather than being bogged down by administration. Better work practices—including focused, stronger practice skills—will mean that caseworkers will spend more time with children and families. Yes, that does mean working to do better for kids rather than for union bosses. Unfortunately, recently union bosses have been more interested in stirring up trouble to win ballots than working better and smarter for vulnerable kids.

When restoration is not an option, permanent alternative care arrangements should be considered as early as possible to prevent children drifting through the out-of-home care system. I will share with the House an experience I had with a child in care. Like many members, I ran a Christmas card competition in my electorate last year and my office received hundreds of fantastic works of art from children. The winning card

had a remarkable picture of stars. It was clever and artistic, and it was from a child who has severe disabilities. I had great pleasure in presenting her with a pencil set, which hopefully will provide her with many years of pleasure. On Christmas Eve I received a distressing phone call from parents who wanted access to their four children who were with four sets of foster parents. The parents had experienced difficulties, including addictions.

In a cruel twist of fate, they were the parents of the child who won the Christmas card competition. This child is one of the most beautiful nine-year-olds one could ever meet. She has an intellectual disability, but it does not detract from her personality—that wondrous part of our humanity. She is an absolute delight. What happened to that family on Christmas Eve was heartbreaking. As a member of Parliament, as a member of our community and as a parent, it focused my attention on how precious it is to care for my children. It also focused my attention on always being mindful of other children in the community. On that night my attention was particularly focused on child protection. Child Protection Week should draw the attention of not only members of Parliament but everyone in New South Wales to the plight faced by some of the most vulnerable in our society.

**Mrs BARBARA PERRY** (Auburn) [7.06 p.m.]: We are in the middle of Child Protection Week 2012, which is an important initiative of the National Association for the Prevention of Child Abuse and Neglect [NAPCAN]. This year's theme is "Play Your Part". Our children are our nation's most important asset and our future. The childhood experienced by our children has a direct impact on our nation's future. What children need and what they deserve is a childhood during which they are nurtured, loved and protected. They need the gift of a simple life, strong attachment to their primary caregiver, the attention of stable and engaged adults, a childhood free from fear—fear or anxiety about things over which they have very little or no control—and a lack of self-consciousness. That is what they need for their brains to develop, to obtain emotional balance and to build the resilience they must have to take their place in the world and to contribute to society. These seem like very simple things, but increasingly they are beyond what many of our children experience.

The Australian Institute of Family Studies found that last year more than 30,000 children were abused or neglected. Many of them spend their childhood in a heightened state of anxiety and when they should be playing they are trying to parent their parents and to protect their siblings. Parental responsibility is vital, but many parents are unable to parent effectively. Not only do their children miss out on a childhood, but most of them also miss out on a meaningful adulthood. As we know, our experiences in childhood mark our lives—we repeat what we see. Tragically, many children become stuck in a cycle of disadvantage and history repeats itself. As a former solicitor working in the child protection area, I have seen the cycle of abuse and neglect that tragically comes to characterise some families and sections of our community. As the National Association for the Prevention of Child Abuse and Neglect points out, child protection is everyone's business. We must all play a part in the protection of children, and that starts in our own families and workplaces. However, the community expects government to step in when children are not safe. As Barack Obama famously said:

If the people cannot trust their Government to do the job for which it exists—to protect them and to promote their common welfare—all else is lost.

The challenge to government is to focus not only on the pointy end, but also to be smart about how it tries to prevent cycles of disadvantage from becoming entrenched. This of course is an issue facing all governments both here and around the world. I want to make this clear, because the Minister of Family and Community Services in this State would have us believe otherwise. The increased numbers of children in out-of-home care is an issue that all jurisdictions are grappling with, not just this State, and it is not just a problem that occurred during the past 16 years. A perusal of the latest report by the Australian Institute of Health and Welfare on child protection is all that is needed to put that myth to rest.

As Clare Tilbury from Griffith University points out, what we are seeing in New South Wales is that while the numbers of children entering care has continued to decline slightly since 2008-09 numbers are high as children are staying in care for longer. The emphasis on achieving placement stability and on permanency planning has resulted in an increasing trend over the past five years around Australia for children to enter care at an earlier age and to remain in care for longer. For governments to be effective at child protection they need to do two things. They need to effectively follow up reports of children at risk of significant harm, and make sure that we have caseworkers to do that work.

We need to make sure that caseworkers are in our neediest areas, in high-needs communities. That may not be efficient, and it is not always going to be so easy on the bottom line, but if governments are going to protect and promote common welfare, this is fundamental. Government's also do what they can to stop the cycle

of disadvantage. This will take a holistic approach across portfolios to really be effective in intervening early so that children who are at risk of missing out on a childhood and becoming stuck in a rut of disadvantage are given the chance for a different future. Domestic violence, substance abuse and mental health issues are not fixed overnight. Families dealing with these issues, or a mix of them, require not just intensive intervention but also long-term support.

The former Government's program Brighter Futures, continued by this Government, is a great example of a program that sought to focus on prevention rather than rescue. If this Government is going to lower the number of children in out-of-home care in a safe and responsible way then much more prevention, early intervention and therapeutic support programs are needed. These are expensive programs, but in the long term they are cost effective, especially given that we spend more than \$2.5 billion nationally on child protection and out-of-home care. Communities are a strong bulwark against the destruction of childhood, and government can do much to foster community. In Child Protection Week it is incumbent upon us that we make sure we do all we can to protect our children.

**Mrs TANYA DAVIES** (Mulgoa) [7.11 p.m.]: I am pleased to speak on Child Protection Week. Child protection is everyone's business. From toddlers to tweekies, to teenagers, every child is vulnerable, innocent and must be protected from abuse and neglect. As the member for Charlestown stated, parents are responsible for their children, and supportive parents making good choices for their families is the best defence against child abuse and neglect. When parents fail in their responsibility, for whatever reason, the community and government must step in urgently to protect vulnerable children. Only real reform can improve child protection services and outcomes in New South Wales. They include improved casework practice; working in partnership with families and all other stakeholders to improve outcomes for children; and permanency, that is, the restoration and, when appropriate, open adoption. As my colleague, the member for Charlestown so eloquently stated, the O'Farrell Government is working to improve lives and services for vulnerable children and young people who are exposed to or at risk of abuse and neglect.

The community does understand that only real reform can improve the lives of our most vulnerable children, young people and families. In the area of out-of-home care, a critical part of any child protection system, Labor bequeathed New South Wales widely different, unfair and unsustainable prices paid to non-government organisations for the same service. For example, the annual cost of general foster care payment under Labor ranged from just over \$35,000 to more than \$130,000 per year for the same service. The Liberal-Nationals Government is delivering on its election commitment, such as improving services and lives for the transfer of out-of-home care to the non-government sector as recommended by Justice James Wood in 2008. The Minister for Family and Community Services recently announced \$123 million over four years for 38 providers under new improved arrangements, including 18 new providers providing care to 6,800 children. The O'Farrell Government is keenly focused on fresh and innovative ways to improve work practices and unleash the full potential of Community Services caseworkers and staff to work with the children and families that need them.

The Government is working to transform Family and Community Services, harnessing the whole community's resources and skills, including our valued non-government partners. To improve child protection we need to help parents to be responsible for reducing risks to their children by working closely with families to help them through challenging times, such as through effective parenting education and skills development programs. In Child Protection Week our State can be proud of the work that caseworkers do and be assured that the Liberal-Nationals Government is working hard on reform. I have met some of the workers from the Department of Family and Community Services and I know of their commitment to serve our children. I know it has been said that childhood experience often delivers the same adult experience, that is, those who have been abused often become an abuser. I know from family and friends that some people have actually broken that generational curse and have created a new generational shift through hard work and education and by making different choices. I thank those families and friends of mine for the change that they have taken on in their life to make a new start for their families as they bring forward their children. I commend this matter to the House.

**Mr ANDREW CORNWELL** (Charlestown) [7.14 p.m.], in reply: I thank the shadow Minister and the member for Auburn, and my colleague the member for Mulgoa for their contributions to this matter of public importance. The member for Auburn said that children need to grow up free of fear. She said that some parents are unable to parent and therefore their children miss out on a meaningful childhood, which leads to a cycle of disadvantage. I am sure all members of this House agree with her. The member for Mulgoa said that parents are responsible for their families and referred to the transfer of out-of-home care taking place as per the recommendations of Justice Wood. She said that would unleash the full potential of our caseworkers to help

parents. At the heart of this is that every day caseworkers face parents who may love their children but who lack the competence to parent their children or who may be indifferent to their children. How do caseworkers weigh up the counterbalance of conflict between families that want to do the right thing but cannot and families that are either inept or indifferent? How do you manage those cases? When do you remove the children? It is an incredibly difficult job.

I believe all members of this House would congratulate and thank all caseworkers within the department who do such an important and difficult job. I also acknowledge the fabulous work of the Commission for Children and Young People in advocating for young people whether they be in a position of disadvantage or are growing up in a normal household. It is incumbent upon us as a society to make sure that we do everything we can to ensure that all children have the opportunity to grow up in a loving and caring household and one that is also secure and safe. I note the presence in the Chamber of my colleague the member for Dubbo who, as a police officer, was no doubt confronted on a daily basis with the incredibly difficult pressure of seeing parents who sometimes through their own fault and sometimes through no fault of their own are unable to properly parent their children. Child Protection Week is incredibly important. I thank the indulgence of the Chamber for allowing us to discuss this important matter of public importance, which I commend to the House.

**Discussion concluded.**

## **PRIVATE MEMBERS' STATEMENTS**

### **HUNTER HOUSING**

**Ms SONIA HORNER** (Wallsend) [7.18 p.m.]: It is worrying that funding to build new public housing has dropped by 53 per cent in the past 15 years. Why is it that dozens of public housing properties in Wallsend and the Hunter are being left empty while more than 4,400 families languish on waiting list for years? State Government figures show that it takes more than a month to move desperate tenants into Housing NSW homes. In housing stress, there are 12,000 low-income earning Novocastrians paying more than 30 per cent of their income on housing costs. The major challenges confronting the Hunter homebuyers or renters are affordability and availability. When housing costs too much people are forced into homelessness. The 2006 census revealed that the population of the Hunter region at that time was 589,239 persons. It also counted 1,981 persons as homeless in the Hunter, including 192 Indigenous people. In 2006 the Hunter region accounted for 7 per cent of the New South Wales homeless population—the rate of homelessness in the Hunter was 34 per 10,000 persons compared with 42 per 10,000 persons for New South Wales as a whole. Samaritans Chief Executive Officer Cec Shevels said:

Samaritans see approximately 250 families every week in the Hunter region who are in some kind of financial crisis. Electricity prices and housing costs are the key issues for us in this region. What we find with the high cost of rents is there is competition when a suitable vacancy occurs and the people who miss out tend to be parents with small children, young people, people with disabilities, unemployed people and people who don't have stable rent history. These are the people who turn to the Samaritans.

For housing to become affordable we must produce more homes to meet demand. The lack of local affordable housing has led to extremely low rental vacancy rates and additional pressure being placed on public and social housing providers. It is imperative that we not only plan for population growth in the region but also that we deliver affordable housing. Indeed that was the point of the Lower Hunter Regional Strategy introduced in 2006. That strategy aimed to ensure that over a 25-year time frame the lower Hunter would deliver 115,000 new homes for an extra 160,000 residents, which would mean that 4,600 new homes would need to be supplied in the lower Hunter every year—60 per cent in new release areas and the remainder in existing urban areas. On 29 May Sarah Toohey, campaign manager for Australians Affordable Housing, said in the *Newcastle Herald*:

Our main concern now is that not only is the supply stretched, but we are also in a situation where the Hunter housing crisis may worsen considerably in years to come if a new pipeline is not fostered. This means removing barriers such as lengthy complicated and risky approval processes for developments; a lack of co-ordination between Government referral agencies; lack of infrastructure co-ordination; and onerous State and local levies for lead-in infrastructures such as water, sewerage and drainage.

I could not agree more. There is no quick fix for our housing problems. We need to tackle tax and planning, and rent assistance and funding, and we need governments to work together to do it. The Hunter is working hard to tackle the housing crisis problem; however, it is the State Government's responsibility to solve this ever-increasing problem. The only solution is for governments to budget for more housing accommodation stock in the Hunter. It might take a while but if we do not make governments take this problem seriously in the very near future our Hunter housing crisis will skyrocket.



### **BALLINA ELECTORATE SURF LIFE SAVING CLUBS**

**Mr DONALD PAGE** (Ballina—Minister for Local Government, and Minister for the North Coast) [7.23 p.m.]: Tonight I proudly inform the House about the outstanding success of surf life saving clubs in my electorate at the Surf Life Saving NSW's 2012 Awards of Excellence. The awards recognise achievements and contributions in surf lifesaving and the Ballina, Byron Bay and Lennox Head clubs did exceptionally well—in fact, they scooped the pool. Young Harrison Murphy from the Lennox Head-Alstonville Surf Life Saving Club, who is in year 8 at Xavier Catholic College at Lennox Head, was named the New South Wales Junior Surf Lifesaver of the Year. Harrison is an outstanding role model for young nippers, and he is well respected in his club and across the region generally.

The Byron Bay Surf Life Saving Club, one of the oldest in Australia, had a great season in 2011-12. It has some extremely committed and talented members. This was evidenced by the success of the club in taking out three of the major awards. I congratulate local surf club legend Glen Lawrence who won the Coach of Year award. Glen has been with the Byron Bay Surf Life Saving Club for 25 years, and has been head coach for 20 years. He has a passion for surf lifesaving. He has mentored hundreds of adults and children. He has encouraged and nurtured them and inspired them to strive for success. Glen is also a well-known local businessman and has always been generous in the time he gives to surf lifesaving. He is a very humble man and he was surprised to win that award.

Byron Bay Surf Life Saving Club is one of the most competitive clubs at the New South Wales country, State and national titles—and given it is in a regional area that is saying something. Glen Lawrence is very deserving of the Coach of the Year award and I am sure members of the surf lifesaving fraternity on the far North Coast agree. Glen is a fierce competitor and an excellent swimmer. I am told he trains as hard if not harder than many of the people he coaches. Glen coached the Byron Bay under-15 team, which won the Team of the Year award, as well as Josh Brown, who won Country Athlete of the Year. Glen's achievements are a credit to him and the Byron Bay club. I pay tribute to the Byron Bay under-15 team and to Josh Brown on their achievements. I also pay tribute to the many parents who support their children in this sport, none more so than Josh's parents Darren and Kathy.

I am sure the members of the Ballina Lighthouse and Lismore Surf Life Saving Club are still celebrating after winning the title of New South Wales Club of the Year, and what a great achievement considering the other big New South Wales surf clubs such as those at Coogee or Bondi. To say that members of that club have struggled in recent years is an understatement. In 2005 the original surf club building was demolished. Since then volunteers have been operating out of shipping containers waiting for a new clubhouse to be built. Club President Kris Beavis credits the Club of the Year award to the commitment of all members—from the 80-year-olds to the six-year-olds. Despite the disruption and inconvenience of not having a clubhouse, the volunteer members of the Ballina Lighthouse and Lismore Surf Life Saving Club have never wavered in their commitment to the community. Last summer its 130 members undertook more than 4,300 hours of patrol and performed 94 rescues. This surf club operates on a stretch of beach near the Ballina Bar where conditions are often dangerous, particularly for those beachgoers not experienced in swimming in the ocean—we are continuing to see more of them.

I applaud the members of the Ballina Lighthouse and Lismore Surf Life Saving Club for their commitment to the Ballina community and to training young lifesavers. This season we should see more than 200 nippers wearing the Ballina colours. Not only is that important for teaching surf skills to youngsters but it also impresses on children the importance of giving something back to the community—namely, the spirit of volunteerism. Earlier this year Ballina Shire Council approved a development application for the new clubhouse and the tender for construction has been awarded. This coming season will see the Ballina Surf Life Saving Club operating from nearby Shelley Beach while the new clubhouse is built. The club has been nominated for the Australian Club of the Year award and I wish it well at the national level. Finally, I offer my congratulations to Ruben Roxburgh who was named New South Wales Lifeguard of the Year. Last season Ruben was a professional lifeguard in the Ballina and Richmond Valley shires. He has a long history of achievements in the surf, including many years on the Australian Professional Long Board Circuit.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [7.28 p.m.]: On behalf of the Government I thank the member for Ballina, and Minister for Local Government, and Minister for the North Coast for bringing to the attention of the House the outstanding contributions made by one of this country's most valued volunteer organisations: surf lifesavers. The situations in which life savers perform their community service are often dangerous. Indeed, they really are angels on the shoulders of those who enter the at times treacherous surf

conditions along our coastline. It is wonderful to see that the excellence achieved by these smaller regional communities at Lennox Head, Bryon Bay and Ballina has been recognised in these awards. I offer my congratulations to all who received awards.

### **PAUL BOURKE FUNDRAISING RUN**

**Ms MELANIE GIBBONS** (Menai) [7.29 p.m.]: Today I share my experience last Friday morning at Chipping Norton Public School. I was invited to attend a special event at the school after learning about a local father, Paul Bourke, who had organised to run from Federation Square in Melbourne all the way back to his children and the other students at Chipping Norton Public School. It was pointed out during the speeches that Paul decided this, even though he was well aware that quite cheap fares are available to fly that distance. Paul ran the Melbourne marathon last year so he is no stranger to long-distance running. But there is a cause very close to his heart that spurs him on, which is organ and tissue donation. In 2010 Paul's wife, Suzette, suffered a sudden brain aneurysm while she was at Little Athletics. As Paul knew her wishes and as she was a registered organ donor, she was able to save six lives, thanks to the commitment to give the greatest gift.

Paul, who is now a single father to three lovely children, who were cheering the loudest as their father jogged into the school grounds, has dedicated his time and energy to raising awareness of organ donation. The relay run was made up of a team of runners and support crew, all strangers up until a few months ago. The team set to work training and on Monday 27 August began the lengthy journey along the Hume Highway back home. Each day updates were posted online and Paul's children relayed their dad's progress to the classrooms. The whole school was following it. There were some tough times, including a bout of sickness that slowed him down, but it did not defeat him. The principal of Chipping Norton Public School, Davina Lewis, got the whole school involved in the event and each class learned about what organ donation means and how it can help people.

When I arrived at the school the entrance was lined with all the students ready to wave their streamers in the air and cheer on the team. Clearly excited to get cheering, the students started clapping, waving and screaming at me as I made my way into the grounds. I have never had such a welcome walking into anywhere. It was an amazing rehearsal for them. Paul's children—Josh, who is 10 years old, and Kai, who is 8 years old—were charged with holding the finishing line rope so I took my position with them and with his daughter, Maddison, who is 6 years old, and waited for Paul and the team to run in. When the team rounded the corner and entered the playground the cheers were loud and enthusiastic. After almost a week away from home, Paul and his children were reunited and got a chance to have some much-needed cuddles after their time apart. Maddison also had the chance to show dad the spot where she had lost a tooth, which I think was important for her to do.

Paul said the actual physical challenge of the run came second to his desire to promote an important cause—obviously the greatest gift, a gift of life-saving organ or tissue donation. This week the Minister for Health is promoting the Organ Donation Register, and is hosting a special event to encourage everyone to put their name down as a donor. I will be joining my fellow parliamentarians and signing the roll, encouraging my friends and family to talk about organ and tissue donation and ensuring that their wishes are known. Last week the Government released "Increasing Organ Donation in NSW: Government Plan 2012", which is aimed at doubling the State's organ donation rates, which are currently the lowest in the country. New South Wales is currently the only State in Australia with a stand-alone system for registration of consent to organ donation. This happens via the NSW Roads and Maritime Service—the old Roads and Traffic Authority—with the drivers licence application process. Residents in all other States access the Australian Organ Donor Register to register their consent to, or refusal of, organ donation after death.

Last year New South Wales hospitals identified 215 potential organ donors who were medically suitable to donate. Of those, only 77 actually donated an organ—a rate of just 36 per cent. The Government is committed to seeing this rate increased to meet the national target of 70 per cent. When one organ donor can help save as many as 10 people, and many more are assisted when tissue is donated, the title of the greatest gift is self-evident. Unfortunately, one in six people who could have been saved by an organ donation dies while waiting for a suitable donor to become available. That is why raising awareness of this cause is so important. I am sure members are aware that at the end of this month Newcastle will host the Australian Transplant Games, which are held every two years. It promises to be an inspiring celebration of successful transplantations, and I hope it will encourage Australian families to discuss organ and tissue donation. I mention Mark Lees, a former colleague of mine. I used to work with him at what is now called TAD Disability Services. Mark donated a kidney to his wife, and I know the life that has given her. I encourage people to talk about organ and tissue donation.

**Mr TROY GRANT** (Dubbo—Parliamentary Secretary) [7.34 p.m.]: I put on record the Government's appreciation to the member for Menai for bringing this wonderful effort to the attention of members. I recognise the shadow Minister for Health in the Chamber. As parliamentarians we are often made aware of outstanding contributions by people in our communities to worthy causes. Paul Bourke, his children and his support team have been duly recognised by their local member, who has shown terrific support for them in the important cause that is organ and tissue donation. No doubt organ donation is the greatest gift, and we should be having that conversation with our families to ensure that there are plenty of organs on offer for those most in need. I congratulate the member for Menai, and I join her in encouraging everyone to have that conversation. I look forward to the health Minister's function this week to celebrate and promote the cause. I congratulate Paul Bourke and his team on their outstanding endurance effort.

### COPTIC COMMUNITY

**Mr MARK COURE** (Oatley) [7.35 p.m.]: The St George region is a testament to the diversity and tolerance of Australian multiculturalism. Identifying with a variety of cultures and belief, the region has historically been a place where individuals and families of different backgrounds have come together. The atmosphere of mutual respect and understanding that is a hallmark of my local area only continues to develop. The Coptic community has been a significant contributor to creating and strengthening that understanding. The Coptic presence not only in the St George region but also in New South Wales, Australia and beyond is characterised by the values of this New South Wales Government—a focus on the power of the individual, enterprise and family values. My grandparents were born in Egypt, so I appreciate and understand how the Copts have shaped and enriched our community. They are an essential part of providing a focus on the importance of education, the reward of a hard day's pay for a hard day's work, acceptance and the value of volunteering and community work. As a result, the Coptic community has made an invaluable contribution to securing the future of an increasingly diverse Australia, and growing passionate and aware young minds.

Over the past 18 months I have worked closely with Coptic leaders to deliver on these outcomes and values for our community. Recently I attended St Mark's Church for the fourth time, with the Hon. Tony Abbott, leader of the Federal Opposition, the member for Cronulla and the member for Rockdale. Previously I have attended St Mark's Church with the member for Menai. This visit highlighted the importance of strengthening our ties with the Coptic community and creating awareness for the struggles that Coptic Christians in Egypt are currently experiencing. Presently, the Coptic presence in Egypt comprises around 10 per cent of its population. Historically, religiously fuelled sectarian violence has threatened the wellbeing of the Coptic community and undermined social progress in Egypt. The Government has made progress, and has made a pledge to ensure that citizens are treated equally and the promised election of a new Coptic pope in the coming months. The Coptic community is concerned that the longstanding conflict between the Muslim and Christian Coptic populations in Egypt may not yet be at a close.

The Liberal Party has spoken openly of its deep support for the Coptic community, with prominent party members, including the Hon. Scott Morrison, addressing the sensitivity of the issue. As a Liberal I am committed to ensuring that we maintain that support in a difficult period of transition and uncertainty. While developments appear to be heading in a positive direction, far more progress must occur. As a State and a nation committed to providing care for those in need, we must ensure that our commitment to the Coptic community continues to grow. Whether it is advocacy to the United Nations for its needs, increased humanitarian support during a time of difficulty or encouraging the values of tolerance and acceptance, we must continue delivering on our interest in supporting the Coptic community here and overseas.

It is a privilege of our public service to continue developing the bonds of diversity and unity that make our State a leader in Australia. The open support that this Government has expressed for the Christian Coptics here and overseas is a testament to the value we place on hope and opportunity. In strengthening our focus on reward and initiative we should continue to promote progress. I look forward to continuing my work with the leaders of the Coptic church to allow the great contributions of Coptic Christians to our diverse State to continue. I am confident that with the commitment of the New South Wales Government to furthering peace and acceptance beyond State borders we can work together to create a safe and sustainable future for the Coptic community in the St George region and overseas.

### MATER DEI SCHOOL

**Dr ANDREW McDONALD** (Macquarie Fields) [7.40 p.m.]: On 29 August 2012 I was present at the liturgy of blessing and the opening of the new buildings at Mater Dei school at Camden. It was one of the

greatest privileges I have experienced since my election to Parliament. It was an inspiring day. Mater Dei is an amazing school that caters for 140 school-aged children with special needs and 60 preschool children. The Building the Education Revolution program, which included about \$3 million from the Australian Government, has provided a multipurpose hall and a new 2,400 square metre three-storey classroom and administration wing with 14 classrooms over two levels. This extraordinary achievement was celebrated on the day of blessing. Bishop Peter Ingham gave the introduction and talked about the celebration of life.

The service brought to my attention that one can neglect the important things in the crush of life and the importance to the community to celebrate days like this. Mater Dei is based on universal respect and concern for the common good; betterment for all, not just the few; and the need for every student to experience a full and active life and to reach his or her potential. Education is an entitlement of citizenship and as a society we must give priority to those who are most in need. At this time of the Gonski reforms, we should remember that education should be needs based rather than funds based. At Mater Dei good things happen every day and the school challenges our beliefs.

Sister Clare Condon gave a wonderful speech about the importance of the children at Mater Dei. Perhaps the greatest political speech I have ever heard was delivered by the principal, Tony Fitzgerald. He talked about the legal issues involved in this difficult project. The debt on the hall could never be repaid by Mater Dei because it has no capacity to service such a loan. The school obtains \$4.5 million in grants but its outgoings amount to \$5.2 million. There is no capacity for the school community to raise the shortfall. That is why the support of the community is so vital. We gain much more as a community from Mater Dei than it gains from any fundraising we do for the school. The Mater Dei ball will be held this Saturday night. It will be a great night for everyone in the Macarthur region; in Macarthur we look after our own. I would like to share some words spoken by the principal, Tony Fitzgerald:

The children here, by the way they deal with the struggle of their disability, the way they accept, unconditionally, the ability and disability of their friends, the way in which they engage with staff and staff with them and the way they turn up every day with an enduring smile and a relentless optimism for life challenges that part in each of us that begs the question: What is really important in my life and what do I value?

...

They have an extraordinary capacity to love, to laugh, to endure, to see the positive, to forgive and to learn.

Tony Fitzgerald went on to say that the students return much more to the community because they bring together teachers, parents, politicians, business men and women and members of the community. He said:

They make us feel better about ourselves because ... we may do something small to help them along their way.

At Mater Dei, you learn very quickly that you are rich when your child wakes up each day ... comes to the kitchen, tells you about the dream they had overnight ... when they spend their day in a community without prejudice or discrimination ... when they come home with the merit certificate of the day, and talk to you over dinner ... That is rich.

As Tony Fitzgerald said, being poor is simply not knowing when you are rich. Schools like Mater Dei teach us all how rich we are as a community and what is important about life. Schools like Mater Dei are vital because parents know exactly why they want their children to attend and the benefits their children will derive. Federal and State politicians across the political divide at all levels of government recognise the great job performed by Mater Dei. I commend Mater Dei to the House. I congratulate the school community on their wonderful achievements and wish them the best for the future.

**Private members' statements concluded.**

**The House adjourned, pursuant to standing and sessional orders, at 7.45 p.m. until  
Wednesday 5 September 2012 at 10.00 a.m.**

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