

LEGISLATIVE ASSEMBLY

Wednesday 12 September 2012

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2012

Second Reading

Debate resumed from 5 September 2012.

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [10.03 a.m.]: Before speaking to the bill, I would like to acknowledge the presence in the gallery of students from St Edwards Primary School, Tamworth, which was my old school. It is a great school in a terrific location. I would appreciate it if students passed on my regards to their effervescent principal, Mr Gary McSweeney. I support the Prevention of Cruelty to Animals Amendment Bill 2012. Law enforcement is an important issue in today's society. Enforcing the Prevention of Cruelty to Animals Act 1979 in New South Wales is a very particular aspect of law enforcement. It is particular because, while the NSW Police Force plays an important part, much of the law enforcement under the Act is provided by two dedicated charitable organisations. The first is referred to as the Royal Society for the Prevention of Cruelty to Animals New South Wales, or what is more frequently referred to as the RSPCA; the other is the New South Wales Animal Welfare League.

Under section 34B of the Prevention of Cruelty to Animals Act 1979, both organisations are approved by the Minister for Primary Industries to enforce the provisions of the Act. The two charitable organisations have inspectorates that carry out their compliance and enforcement roles. Their inspectors come from all sorts of backgrounds. They may have been former members of the Police Force, or have worked in occupations such as defence, wildlife care, veterinary nursing, zookeeping, farming or local government. Their backgrounds are often helpful in their animal welfare compliance work. The inspectors can remove animals from owners who are neglectful of, indifferent towards, or even cruel to the animals under their care. Further, they have extensive investigative and compliance powers under the Act. In their daily work, inspectors investigate complaints about all types of animals in all kinds of situations. Investigations are conducted into pet shops, the treatment of animals in saleyards, the management of farm animals during adverse or extreme climatic conditions such as drought, and those who intentionally or unintentionally hurt animals.

Following their investigative work, inspectors, as well as police, can provide advice on the appropriate care of an animal. They can also issue official warnings and directions to address welfare concerns, or issue infringement notices if certain offences against the Act have been committed. In more serious cases, the RSPCA, the New South Wales Animal Welfare League and police have the power to prosecute owners who treat animals cruelly. It is vital that the legislation makes an inspector's job as workable as possible and that the welfare of the animal is the foremost consideration. The bill proposes an important amendment to support inspectors who are required to make decisions about the management, seizure and sale of stock animals that are not being adequately cared for. The clear intent of the bill is to minimise the need for compliance action in relation to stock welfare issues where the person in charge is willing to take action to rehabilitate those animals.

The bill will allow the Director General of the Department of Primary Industries to establish a panel of experts, to be known as the Stock Welfare Panel, who will provide advice to the director general on the situation

and a recommended course of action. The panel will investigate and assess the situation and work with the person in charge of the stock to implement remedial action under an agreed management plan wherever possible. This is an important step; it provides an intermediary mechanism to consider the situation and all the available options to ensure optimal animal welfare outcomes can be achieved when making decisions about the fate of the animal or animals. In some situations it may be determined that the stock can be rehabilitated. However, the person in charge of the stock may refuse or be unable to work with the panel to implement remedial action.

In those cases the panel may recommend to the director general that the stock be seized and sold or disposed of in another way. The proceeds of the sale, less the costs associated with the care, seizure and sale of the stock, will be paid to the owner. In those cases the person in charge could face prosecution. The bill introduces practical measures to help achieve better animal welfare outcomes for stock animals that are not receiving adequate care. The amendments will provide preventative measures to manage stock animals before the welfare of the stock deteriorates to such an extent that it is considered cruel for them to be kept alive and they have to be destroyed. Victoria also has seize-and-sell provisions in its legislation, and it is appropriate that New South Wales harmonises legislation with other jurisdictions.

One of the reasons that the Act requires amendment and clarification is demonstrated by a number of incidents that occurred in the Barwon electorate, across western New South Wales and in some areas of the North Coast. In the peak of the 2006 and 2007 drought a number of landholders were struggling to feed their cattle. Not only were they struggling, but life was being made difficult for them in circumstances where the RSPCA was used by the previous Government to engage in intimidatory compliance action. There was one very nasty incident in the Pilliga area in which a lady landholder saw 80 of her cattle shot because of the actions of the Minister at the time, Minister Macdonald. The Minister would not work with the landholder, and potentially moved to a seize-and-sell operation, largely because he did not want agencies to be holding stock and paying the feed bills.

The good work of what was then the local rural lands protection boards, the district veterinarian and some local landholders who sought to act as intermediaries was not recognised or acknowledged. Unfortunately, the RSPCA, because of the position in which it was put by the previous Government, shot some of the stock in front of the landholder, her family and a number of other local people. I was there two days later. Not all the cattle were shot. They were Friesian crosses running in the Pilliga and they were always going to look woody, as we call it. They always look thin, as dairy cattle do, because they are a bony type of beast. The outcome was considerable litigation, not only against the lady involved but also against a number of other landholders across New South Wales. It was simply unacceptable.

The reason for the amendment is not just to harmonise the process within New South Wales and across other jurisdictions, but also to bring fairness back to the situation of dealing with animals potentially at risk and working more closely with the landholders, the infrastructure and the people already working within our communities. Most of those whom it is proposed in the bill can make up the panel work within the Livestock Health and Pest Authority groups, including beef officers, district veterinarians and other experts. That will provide a far more equitable outcome and much more support for landholders. On my own behalf and that of a number of other rural constituency members, I commend the Minister for Primary Industries for introducing this amendment. I know of a number of incidents in western and south-western Sydney and in the Blue Mountains, involving people looking after older stock, including horses, which to some well-meaning bureaucrats and neighbours looked frail and thin, largely because of their age. We need to be a little more sensitive when it comes to dealing with people and how they look after stock. Any action in such circumstances should be undertaken in a fairer and more equitable manner. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [10.12 a.m.]: The Opposition does not oppose the Prevention of Cruelty to Animals Amendment Bill 2012. I do not lead for the Opposition in this debate—that will be done by the shadow spokesperson—but I do want to make a number of personal observations in relation to it. The first object of the bill is to enable the Director General of the Department of Trade and Investment, Regional Infrastructure and Services to authorise the seizure and disposal of distressed stock animals following the failure of the owner or person in charge of the animals to take notified remedial action in relation to them. That is the most important reform as far as the powers of an inspector or an officer of the RSPCA are concerned. The next object of the bill is to require the director general, in determining whether to authorise the seizure and disposal of stock animals, to consider the reports of a stock welfare panel in relation to the state and welfare of animals and the implementation of the notified remedial action. The consideration of reports of a stock welfare panel about the state and welfare of animals is most important.

The prevention of cruelty to animals is particularly important and was afforded high profile by the former Government. Indeed, legislation relating to the prevention of cruelty to animals was my responsibility when I was Minister for Agriculture in the previous Government. As Minister I made a point of designating one of my staff to look at issues concerning the prevention of cruelty to animals and relevant legislation. As a result, we rewrote large slabs of the legislation, increased penalties quite substantially and brought in a number of major reforms to the Prevention of Cruelty to Animals Act. For example, during our term in office, the legislation was amended to require that a dog being carried in the back of a utility be tethered. Prior to changes to the law introduced by Labor, young koalas could be passed around as many as 60 or 80 bus tourists for the purpose of a photo shoot. We changed that protocol to ensure that such animals were kept in a stationary position to stop them becoming distressed.

Under the previous Government, the use of steel-jaw leg traps and similar devices was brought under scrutiny, as were issues relating to animal research. I reject the implied criticism of the previous speaker suggesting neglect of such issues by the previous Government. I am personally proud of the reforms introduced by Labor relating to the prevention of cruelty to animals. The bill makes particular reference to livestock. When dealing with issues relating to the prevention of cruelty to animals we must differentiate between how people look after individual pets in a domestic situation—that is, pet dogs, cats, birds, or what have you—and the plight of farmers dealing with sometimes many hundreds or thousands of livestock, whether it is cattle, sheep or other. They are entirely different landscapes for the RSPCA to assess.

Beef is produced in a variety of intensive industries, and we are familiar with the production of pig and chicken meats. People with little experience of livestock or rural agriculture would be shocked to see how animals, even in this modern era, are summarily dispatched in those environments. But weighing our conscience on those matters, we must make some compromises in our efforts to feed an ever-growing world population, which has doubled since about 1960. The bill refers to an issue that has arisen many times in the last number of decades: how farmers can look after their livestock during times of climatic difficulties, particularly drought. I am interested to ensure that any officer of the RSPCA who attends to confiscate sheep and/or cattle affected by drought is not acting on his or her own observations alone or the sole advice of the RSPCA. The bill will ensure that a panel or committee will oversight any decision of the RSPCA to remove stock from a farming operation or to summarily destroy such stock—which is often the sad by-product of such adverse conditions such as drought or fire.

I have always been a supporter of the RSPCA, but I have sometimes been critical of overzealous RSPCA officers operating alone when dealing with a farmer who is under extreme stress to care for livestock in circumstances not well understood by people living in residential areas in electorates like mine. During times of bushfires, which destroy livestock, or drought, which can extend for years, it must be acknowledged that it is not easy for farmers to keep stock alive or nourished to the high standard we would all like to see. Such farmers will contact livestock officers in the Department of Agriculture, now the Department of Primary Industries, or officers of what used to be known as rural lands protection boards, or private veterinarians, in order to do whatever they can—their very best—to keep their stock alive. After all, at the end of the day, their stock are their assets. There is no benefit to any farmer—at least any farmer I have dealt with, without exception—to deliberately treat an animal cruelly, as some people seem to think happens during times of drought.

Water and feed consumption is reduced and, of course, stock numbers are reduced by the farmers in order to manage during drought—a situation that has long been a part of the Australian landscape. Whilst I am very supportive of increasing the powers of RSPCA officers, there must still be checks and balances put in place and caution exercised before they enter property and perhaps confiscate and destroy animals when it is suggested that a farmer is either deliberately or through ignorance not doing enough for his or her stock during an unprecedented drought, extreme flood or bushfire. There should be a requirement that the RSPCA consult other organisations—such as the Department of Primary Industries, livestock authorities and veterinarians—and consult with the farmers themselves. I welcome these provisions; they will make good law and will strengthen the powers of the RSPCA.

I think we can all feel good about giving the RSPCA more power to deal with farming operations during times of economic downturns, droughts and the like. But I again emphasise strongly the need to ensure that their powers of seizure have checks and balances. From my observation, and the Minister may wish to respond to this, the director general will be required to consider reports of a stock welfare panel before the RSPCA can use the very strong powers it will have under this legislation. In some cases I have seen RSPCA officers act too severely because they have not recognised the stress under which some farmers are forced to manage in times of drought. On some occasions farmers need a supporting hand rather than the hand of law enforcement. I commend the bill to the House.

Mr STEPHEN BROMHEAD (Myall Lakes) [10.22 a.m.]: I speak in support of the Prevention of Cruelty to Animals Amendment Bill 2012. The Prevention of Cruelty to Animals Act 1979 aims to prevent cruelty to animals and to promote the welfare of animals. It does this by requiring a person in charge of an animal to care for it appropriately. With regard to livestock, the Act provides inspectors with certain powers in relation to the care of animals that have not been provided with adequate food, drink, shelter or veterinary treatment. However, unless prosecution action has been taken, the Act does not provide powers for the sale or management of such animals. This can leave the enforcement agency with no alternative but to humanely destroy livestock.

The proposed amendments are designed to prevent situations developing where the condition of the stock deteriorates to such an extent that it is considered cruel for them to be kept alive. In doing so, the bill creates new powers for enforcement agencies to take action in cases where livestock are suffering from exposure to the elements, debility, exhaustion or significant physical injury. The object of the bill is to amend the Prevention of Cruelty to Animals Act 1979 to enable the Director General of the Department of Trade and Investment, Regional Infrastructure and Services to authorise or delegate the ability to authorise the seizure and disposal of distressed stock animals; and, in determining whether to authorise the seizure and disposal of stock animals, to consider the reports of a stock welfare panel in relation to the state and welfare of animals and the implementation of the notified remedial action. The bill also provides for the recovery of costs and expenses incurred in connection with the seizure and disposal of stock animals, the exclusion of personal liability in the exercise of the proposed functions, and other miscellaneous matters.

The legislation proposes the establishment of a panel of experts, the Stock Welfare Panel, to investigate and report on the sale of and appropriate care for the animal or animals. The director general is to issue a notice to the owner or person in charge of the livestock informing them of the intention to seize and sell the stock if actions specified in the notice to improve the welfare of the stock are not taken within a time specified in the notice. The bill proposes that the panel is to monitor compliance with the notice and provide recommendations on actions following the expiry of the notice. The proceeds of any sale are to be used to recoup the costs associated with the care and sale of the stock, with any residual funds returned to the owner.

The bill proposes an important amendment to support inspectors who are required to make decisions about the management, seizure and sale of stock animals that are not being adequately cared for. The clear intent of the bill is to minimise the need for compliance action in relation to stock welfare issues when the person in charge of the stock is willing to take action to rehabilitate those animals. The bill will allow the Director General of the Department of Primary Industries to establish the Stock Welfare Panel, which will provide advice to the director general on a situation and a recommended course of action. The panel will investigate and assess a situation and work with the person in charge of the stock to implement remedial action under an agreed management plan wherever possible.

This is an important step; it provides an intermediate mechanism to consider the situation and all the available options to ensure that optimal animal welfare outcomes can be achieved when making decisions about the fate of the animal or animals. I owned a grazing property for 20 years. In the good times it would carry 70 breeders, no trouble at all, plus their progeny and fattened steers. But in times of drought, even on the coast, conditions were devastating. At times paddocks were nothing but dirt and nothing could be done to improve them. Owners sold off their stock as their situation became worse, and even though farmers and graziers did everything they could to care for their stock, when you looked at the stock you could see their hip bones and ribs sticking out; it was obvious that they were not in good condition.

The stock owners bought feed and water and did everything they could to maintain their stock. At the same time, RSPCA inspectors, whose job it was to ensure that the stock was being humanely cared for, could—as the member for Mount Druitt said—sometimes be overzealous in their actions. This legislation puts in place a mechanism that is very important for farmers and graziers right across New South Wales. It is important also for the livestock industry and for the animals themselves. Rather than action being taken to have animals put down, management plans will be put in place and assistance provided by the Government to try to save the stock. The legislation provides a number of provisions—

Dr Geoff Lee: Tell us.

Mr Paul Lynch: That has to be a disorderly interjection.

Mr STEPHEN BROMHEAD: I know the member for Liverpool is dying to hear about some of these provisions. Schedule 1 [2] inserts into the Act part 2B, which deals with the procedure by which the director

general may deal with stock animals that the director general reasonably suspects are in distress due to specified types of neglect, and associated matters. New section 24O will limit the application of proposed part 2B to stock animals depastured on rateable land and will define and interpret certain terms and references for the purposes of the part. New section 24P enables the director general to issue an official warning by way of written notice to the owner or person in charge of a relevant stock animal that the director general intends to authorise the seizure and disposal if the remedial measures specified in the notice are not taken within the specified period.

The official warning may only be issued if the director general reasonably suspects that the animal is in distress, or is likely to become distressed, due to a lack of necessary veterinary treatment or proper and sufficient food, drink or shelter. Before issuing the official warning the director general must constitute a Stock Welfare Panel and consider its report on the state of, and appropriate care for, the animal. The panel is to monitor compliance with the official warning and on the expiry of the period specified for compliance provide a further report to the director general on the results of its monitoring and the appropriate action to be taken in relation to the animal.

New section 24Q enables the director general by written order to authorise an inspector to seize and dispose of the animal if, after considering the panel's report on compliance with an official warning, the director general is satisfied that the official warning has not been complied with and the animal remains in distress or is likely to become distressed. Compensation is not recoverable against any person in respect of the seizure and disposal of a stock animal, in accordance with the proposed section. A good aspect of the bill is that after the stock are seized and sold and the costs of that seizure and sale are taken out, any money left over goes to the stock owner.

This is well thought out and needed legislation. As the previous speaker said, on a number of occasions over decades this State has gone through severe droughts that have impacted on livestock. The bill brings in a mechanism that breaks the instant intervention of the RSPCA or other authority in the humane disposal of the cattle. It brings in remedial action and a management plan that will help to assist the farmer. Often not only the animals but also the farmers are distressed; many times the property owner is in a severe state of depression because of the situation. This proposal will allow someone to step in and help the owner to come up with a management plan and hopefully save many stock. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool) [10.31 a.m.]: I lead for the Opposition in this place on the Prevention of Cruelty to Animals Amendment Bill 2012. The shadow Minister with carriage of the matter is the Hon. Steve Whan in the other place. He will probably have more detailed comments to make when the legislation is debated in that place. I can indicate that the Opposition supports this piece of legislation. The bill makes a number of amendments to the Prevention of Cruelty to Animals Act relating mainly to the way that inspectors go about removing animals that are not being properly cared for, particularly after an owner has refused or has been unable to take action in accordance with previous directions to improve their care. Currently, it is very difficult for an RSPCA inspector to remove animals, particularly livestock, from properties. This caused problems during the last drought, with a number of cases of stock eventually being euthanased rather than removed. The object of this bill is to amend the Prevention of Cruelty to Animals Act 1979 as follows:

- (a) to enable the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services to authorise the seizure and disposal of distressed stock animals following the failure of the owner or person in charge of the animals to take notified remedial action in relation to them,
- (b) to require the Director-General, in determining whether to authorise the seizure and disposal of stock animals, to consider the reports of a Stock Welfare Panel in relation to the animals' state and welfare, and implementation of the notified remedial action,
- (c) to provide for associated matters (including the constitution and functions of Stock Welfare Panels, the recovery of costs and expenses incurred in connection with the seizure and disposal of stock animals, and the exclusion of personal liability in the exercise of proposed functions),
- (d) to enable the Director-General to delegate the Director general's powers under the Act.

As I understand it, the RSPCA supports the measures. It believes the measures will assist in overcoming practical difficulties that have been encountered in the past relating to the seizure of animals and their eventual sale. The Opposition supports the bill. As I understand it, we were supposed to be debating the Crime Commission Bill this morning but we are debating this instead because the Government cannot manage its business in the upper House and they have run out of business.

Mr KEVIN CONOLLY (Riverstone) [10.33 a.m.]: I make a short contribution to the debate on the Prevention of Cruelty to Animals Amendment Bill 2012. The bill contains sensible provisions that provide more

flexibility to the RSPCA and the department in dealing with what is a very challenging and stressful problem for stock owners in times of drought and for all of those charged with the supervision of the welfare of animals. By providing a more flexible range of responses, it is far more likely that stock can be saved from being put down due to the effects of drought. The RSPCA and the department will have the option of working with the stock owner and providing greater direction and assistance to find an alternative without the need to go to court in order to remove stock and have them sold. The Minister has put forward a sensible provision that will allow the authorities to work with the stock owner rather than have available to them only the single blunt instrument of ordering the destruction of stock once they have reached the point of no return.

It seems sensible to me that we are moving—with the support of the Opposition, I am pleased to add—to provide that extra flexibility and additional option in response to these obviously very stressful circumstances. It will allow a sensible, negotiated and discussed response to be found. I take the point made by the member for Mount Druitt that the bill also provides a check-and-balance mechanism in that this action will not be taken individually by an inspector but by a panel formed to discuss whether it is appropriate, first, to warn the stock owner that the stock may have to be removed if certain actions are not taken, then to give guidance and direction as to how those actions could and should be taken, and finally to decide whether the plan has been followed and the welfare of the stock has been protected through that warning. If not, the panel then has the ability under this legislation to order the removal and sale of stock, to take from the proceeds the costs of the process and then to reimburse the owner with the balance that remains from the sale.

This is a better option than simply giving a warning when stock owners have no means of compliance. Previous speakers have referred to situations where stock owners may try everything in their power to protect their stock but find it impossible to do so given the severity and duration of droughts we sometimes face. They come to the point where all options have been exhausted and the stock have to be destroyed in any case. If this bill protects stock from that outcome and also protects stock owners from having to face that outcome for their stock, it is an option we should support. I commend the Minister for Primary Industries for bringing the bill to the House and for proposing this common-sense step as an option for inspectors who are authorised under the Act to take such action. I welcome the support of the Opposition for the bill and I trust it will receive the support of the House. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [10.38 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012. The bill will amend the Prevention of Cruelty to Animals Act 1979. The purpose of the Act is to prevent cruelty to animals and to promote their welfare. The Act defines this by requiring the owner or the person responsible for the animal to appropriately care for that animal. As time progresses, our governments, communities and individuals are becoming more aware of their responsibilities to animals and the appropriate levels of care for animals. However, for those who refuse to be responsible pet owners the Act exists to protect their animals and to deal with those people who do not take pet ownership seriously. Offences in the Act that are considered cruel are failure to provide animals with food, drink or shelter and failure to treat animals appropriately or in a humane way. This bill will make amendments to provide preventative measures to manage livestock before the welfare of the stock deteriorates to a level at which it is considered cruel for them to not be destroyed. That the bill will enable measures to be taken before the livestock deteriorate is an important part of these amendments.

The Act currently provides for inspectors to have certain powers in relation to investigating, policing and enforcing laws in cases of animal cruelty. I thank the RSPCA and the Animal Welfare League for their ongoing dedication to being our front line in policing animal cruelty. In relation to livestock cases, the inspectors of these organisations must seek advice from the Department of Primary Industries and a Livestock Health and Pest Authority before commencing prosecution action. Currently, unless prosecution action has been taken, the Act does not provide powers for the sale or management of such animals. This often leaves the agency with no alternative but to destroy the stock, which is a sad outcome. The amendments to this bill will introduce an interim mechanism which will provide scope for livestock to be managed as required before enforcement actions are triggered.

The amendments will also provide for the establishment of a panel of experts called the Stock Welfare Panel to investigate and report on the state of and appropriate care for the animal or animals. This bill will allow the director general to issue a notice to the owner or person in charge of the livestock informing them of the intention to seize and sell the stock if actions specified in the notice to improve the welfare of the stock are not taken within the specified time. Under these amendments, the panel will monitor compliance with the notice and will provide recommendations on actions following its expiry. This bill will finally allow for the proceeds of any sale to be used to recoup the costs associated with the care and sale of the stock, and any residual funds will be returned to the owner.

These amendments are practical and will keep costs low for the agencies that would have to care for these animals or, in the worst case, destroy them. The main aim of this bill is to prevent stock from being lost in a cruel and inhumane way. This Government wants to work with farmers towards making sure that livestock welfare and the livelihoods of farmers are the first and foremost priorities. The drought that this State has suffered is fresh in our minds and the devastating cost to livestock and farmers is still felt today. The cost to farmers is not just a monetary one. No farmer wants his stock to suffer: it goes against the grain of farmers' beliefs. Drought conditions can cause that to occur through no fault of the farmers and that, sadly, puts a lot of undue stress and pressure on farming families. When introducing this bill the Minister mentioned that the outcome for farmers, livestock and surrounding communities had been kept in mind when it was drafted. We must do what we can to prevent trauma such as this from ever again being inflicted on our State. The New South Wales Farmers Association and the RSPCA support these amendments, which will marry the interests of livestock and the livestock industry.

The late Dr Elizabeth Kernohan, a predecessor of mine, is without doubt Camden's favourite daughter. In 1960 Dr Kernohan received her PhD in agricultural science from the University of Sydney. At that time it was not the norm for a female to enter that profession. Liz lectured in animal husbandry at the university farms and was appointed as a director in 1982. I mention Dr Kernohan not only because of her love for the area and her time spent at the University of Sydney farms in Cobbitty in my electorate, but also because as the former member for Camden she would have endorsed these proposals. With her love and practical understanding of the land and livestock, I am sure she would say that we are on the right track. We are doing everything possible to prevent cruelty to livestock that may occur through circumstances that are often out of a farmer's control. We are also attempting to do so sympathetically towards the families involved. I know how much Liz was loved and how much her memory is still loved by the people of Camden. I think it only fitting to mention her today.

While we are talking about preventing cruelty to animals, in October Camden Council will run its second annual Paws in the Park fun day. It will be a great day and I encourage all members to attend. The event was started by councillors Debby Dewberry and Lara Symkowiak and was the biggest inaugural day in Camden Council's history. On the day some 1,500 dogs were taken to the park by some 800 owners. The day brings the whole community together, including the RSPCA, Camden Council and mums and dads. The theme of the event is responsible pet ownership. It emphasises the importance of ensuring that animals are microchipped and desexed and all the other things that incorporate responsible pet ownership. I commend the council and councillors Dewberry and Symkowiak, who will run the event again this year. I know that it will be the same success that it was last year. The Prevention of Cruelty to Animals Amendment Bill takes a sensible approach to reducing inhumane practices and opens other avenues in the management of livestock that are affected by drought and other such events. I commend the bill to the House.

Mr ANDREW CORNWELL (Charlestown) [10.48 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012. The Prevention of Cruelty to Animals Act 1979 aims to prevent cruelty to animals and promote the welfare of animals. It does this by requiring a person in charge of an animal to care for it appropriately. In relation to livestock, the Act provides inspectors with powers in relation to the care of animals, as well as animals that have not been provided with adequate food, drink, shelter or veterinary attention. However, unless prosecution action has been taken, the Act does not provide powers for the sale or management of such animals. This can leave the enforcement agency with no alternative but to humanely destroy livestock. This bill amends the Act to provide an interim mechanism that provides scope for the animals to be managed as required before enforcement actions are triggered.

The amendments will provide for the establishment of a Stock Welfare Panel of experts to investigate and report on the sale of and appropriate care for the animal or animals. The amendment provides for the director general to issue a notice to the owner or person in charge of the livestock informing the owner of the intention to seize and sell the stock if actions specified in the notice to improve the welfare are not taken within the time specified on the notice. The amendments also provide the panel with the power to monitor compliance with the notice and provide recommendations on actions following the expiry of the notice. It also provides for the proceeds of the sale of livestock to be used to recoup costs associated with the care and sale of the stock, with any residual funds to be returned to the owner. These amendments will provide preventative measures to manage stock animals before the welfare of the stock deteriorates to such an extent that it is considered cruel for them to be kept alive and they have to be destroyed.

Drought is at the heart of this bill. I will share with the House a couple of my experiences. After graduating from university, I worked as a veterinary surgeon in Griffith in the Riverina from 1993 to 1995. During this time Griffith experienced a short, sharp drought. On one occasion I was contacted by the local

RSPCA office to accompany an officer to inspect a horse at Darlington Point. The horse was in a terrible condition and had deteriorated so much that it was suffering from other diseases. The horse had infections in the tendons above its feet to such an extent that to treat it would have been an expensive exercise and potentially prohibitive for the owner.

The situation required the RSPCA officer to enforce the provisions of the Act and insist on the euthanasia of the horse. The owner objected to this action and a heated engagement ensued between the RSPCA officer and the owner. The argument continued to the point that it could have been considered an assault. The owner was understandably upset about having his horse compulsorily euthanased; the RSPCA officer was simply doing her job. The situation could have been avoided by the amendments in this bill. The upshot of the situation was that I was in charge of putting the horse to sleep. The owner was devastated by this act. I feel that the owner was suffering a degree of depression because there was no feed for his stock as a result of the drought. He was doing all he could, but his means were limited.

This is a classic example why this amendment is necessary. If there had not been a third party present—me—that incident could have resulted in a nasty assault being committed on the RSPCA officer. This amendment removes the confrontational situation and provides help to the carer or owner of the animals to manage the process. The House must understand that many farmers suffer from depression during drought. They farm because they like their job and they like the animals. They do not want to see their animals destroyed or the condition of their animals deteriorate. It is a difficult situation for them. I have a good friend in southern New South Wales who generally is the most gregarious, outgoing person one would ever meet. However, during the last extended drought, which fortunately broke 18 months ago, for two years he was undergoing treatment for depression.

His property was not under financial strain, but his depression was caused by the simple day-to-day task of getting out of bed and looking at clear blue skies and red paddocks without a blade of grass. When word got around amongst his friends that he was suffering from a depressive illness, I rang him to ask, "How are you going, mate?" He said, "Struggling". I said, "Where are things at?" He said, "Well, we've had a hundred good years, we're due for a hundred bad ones". This conversation exemplifies the mental strain faced by primary producers. Under the old system, the type of situation that broke many of these people was being told by an inspector or a regime that they needed to put their stock to sleep without any capacity for an alternative.

Members of this House are all too familiar with the fact that suicide amongst primary producers increases during periods of drought. The capacity for a less combative relationship, as set out in this bill, is extremely important. The provision that provides for animals to be agisted elsewhere and sold gives primary producers a management tool that previously they did not have as an option. This is an extremely sensible amendment to the bill. The RSPCA understands the value of this measure and supports the amendment. The RSPCA inspectors are at the front line. They have been put in the terrible situation of having to break the hearts of primary producers and potentially worsen their mental condition by enforcing the law. Primary producers have asked for this measure for a long time because it reduces the combative relationship. The implementation of a management tool that covers these situations is an important amendment. I am glad it is supported by all members of the House because it is a sensible improvement to the legislation. I take great pleasure in commending the bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [10.56 a.m.]: I speak on the Prevention of Cruelty to Animals Amendment Bill 2012, which amends the Prevention of Cruelty to Animals Act 1979. The aim of the Act is to prevent cruelty to animals and promote the welfare of animals. It does so by requiring a person in charge of an animal to care for it appropriately. I am confident that every member of this House would support any legislative measure that ensured the humane treatment of animals. I grew up in a family that always had pets and I made sure that my children also had the opportunity to appreciate animals and have them as an integral part of their lives. All pets—dogs, cats, horses, rabbits—provide children with the opportunity to understand the needs of animals and the responsibility involved in caring for them and, importantly, the opportunity to develop a special bond with animals that they will value for a lifetime.

Both my father and grandfather were local primary producers and also the local butchers on Kangaroo Island, where I was raised. As a result, I acquired a genuine understanding of the importance of tending to livestock. Our family had a farm out of town where we stocked sheep, pigs, cattle and poultry. We always ensured the animals were in good health and provided with clean and adequate conditions. I have very fond memories of working alongside my father and grandfather looking after our wide range of stock. Unfortunately, not all stock is cared for optimally. Often that is because the farmers or primary producers are going through difficult times as a result of drought. It is often no fault of the farmers, and they will do whatever they can to make sure their livestock is kept in optimum conditions.

The aim of the Prevention to Cruelty to Animals Act is to prevent any cruelty to animals. It does so by requiring a person in charge of an animal to care for it appropriately. In relation to livestock, the Act provides inspectors with powers in relation to the care of animals whose welfare has been inadequate. Currently, unless prosecution action has been taken, the Act does not provide powers for the sale or management of such animals. This often leads to no alternative for enforcement agencies, including the RSPCA, other than to humanely destroy the livestock. It is acknowledged that this is a limitation within the Act and the amendments in this bill address these shortcomings. As highlighted by previous speakers, the bill will deliver flexibility and scope so that the destruction of livestock is the last option.

The bill will amend the Prevention to Cruelty to Animals Act to ensure, before enforcement actions are triggered, that animals are treated humanely. It is very sensible legislation that will benefit the welfare of stock animals, particularly in regional areas. The Minister for Primary Industries, the Hon. Katrina Hodgkinson, is to be commended for taking this much-needed step to amend the Act. It should be noted that the amendments relate to stock animals, which are defined in the Act as cattle, sheep, pigs, poultry, horses, goats and deer, and that the powers of the director general to authorise seizure and sale or disposal will be used only in relation to animals that are kept on land that is rateable by a Livestock Health and Pest Authority.

There are four key provisions in the legislation: the establishment of a Stock Welfare Panel, which I will provide more details on shortly; the issuance of a notice by the Director General of the Department of Trade and Investment, Regional Infrastructure and Services; the monitoring of compliance with the issued notice; and the distribution of the proceeds of any sale of stock that have been seized. The Stock Welfare Panel will consist of an inspector, at least one officer of the department with expertise in animal welfare or livestock management, at least one representative with similar experience from a Livestock Health and Pest Authority, and, additionally, any other person as the regulations may prescribe. The panel will assess and report to the director general on the state of appropriate care for an animal and any other matters concerning its welfare.

This amending bill will ensure that stock involved in welfare cases are either restored to good health or sold. It aims to prevent situations in which the condition of the stock deteriorates to such an extent that the only humane thing to do is destroy them. Based on the panel's report, if the director general issues an official warning the panel will both monitor and, on expiry of the period of compliance, assess the status of the animals and report back to the director general. An official warning is a written notice to either the owner of the animal or the person who is in charge of the animal. The written notice will indicate to the owner the director general's intention to authorise the seizure and disposal of the animal if the action outlined in the notice has not been taken within the period required by the notice. The amendments also will allow an inspector, for the purpose of the panel's assessment, to enter any land on which an animal is kept to examine the animal.

The inspector also will be able to seize and dispose of an animal in accordance with new section 24Q of the legislation. New section 24R of the legislation provides details associated with the recovery of costs of seizure and disposal of an animal or animals that have been incurred as a result of an official warning. If the affected animal or animals are sold the disposal costs will be applied, and the balance of the proceeds of the sale will be paid to the former owner. I know that the Minister is committed to ensuring the highest possible animal welfare standards in New South Wales. While a vast majority of our farmers take good care of their animals, there are exceptions and circumstances in which that is not possible. As a Government, it is our responsibility to make the legislative changes that will avoid the unnecessary destruction of animals. I note that the Minister in her second reading speech acknowledged the support of the Royal Society for the Prevention of Cruelty to Animals [RSPCA] and the NSW Farmers Association. I commend the bill to the House.

Mr TONY ISSA (Granville) [11.02 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012, which requires a person in charge of an animal to care for it appropriately. The bill addresses the sale and management of livestock that have not been provided with enough food, drink, shelter or veterinary treatment. In the past, without prosecution action, the enforcement agency sometimes would have no option but to destroy livestock humanely. The bill amends the legislation to provide ways for abused livestock to be managed before enforcement actions are undertaken. This is a preventative measure to protect livestock from reaching the stage at which it is considered to be more humane to destroy livestock than to keep them alive and for them to suffer. Recent visions from other countries showing the inhumane slaughter of Australian cattle has led to universal outrage and has been recognised as unacceptable. There was footage of cattle being abused, stabbed in the eyes, trampled and lashed several times with blunt knives. The concerns of the New South Wales community over those images were noted.

A review of the legislation has led to the introduction of this amending bill. While extensive fines of up to \$22,000 for persons and \$110,000 for corporations and jail terms of up to five years already exist in New

South Wales, the Government recognised a gap when it came to the treatment of livestock before enforcement actions. Recognising the value of animals and understanding the very basic fact that they, like human beings, have a nervous system and feel pain, the Government felt strongly that it should act to ensure that livestock are treated in a proper and humane manner. The establishment of a panel of experts, which will be known as the Stock Welfare Panel, is another measure to alert producers in primary industries that inhumane treatment of animals will not be taken lightly.

The Stock Welfare Panel will be given powers to investigate and report on the state and proper care of animals. The director general will also be able to issue a notice to the person in charge of livestock to seize and/or sell stock if conditions to improve the welfare of the stock are not taken within a specified period. Upon expiration of the period specified for compliance, the panel will provide a further report on the result of its monitoring and suggest the most appropriate action to be taken in relation to the animal. That will ensure that animals are not put down because their condition has deteriorated and at the same time gives producers an opportunity to maintain their cattle by improving their level of care. It is also an opportunity for producers to become more educated about more effective and humane ways of caring for livestock. Greater education will, in turn, lead to improved standards and prevention of cruelty.

The Stock Welfare Panel will monitor compliance with this notice. Compliance monitoring is the heartbeat of any successful measure put in place through legislation. Without it, there is room for mistreatment of stock to go undetected. Animals deserve to be treated humanely. Now that many animals are cared for by machines and there is less personal contact, the animals are regarded as resources to be harvested rather than as living creatures that are capable of being abused, both physically and mentally. It has become more acceptable to harm animals because they are less able to portray their pain or sadness. There is no justification for cruelty or abuse of defenceless animals in human care. Humanity must be shown to all creatures. That is why the director general will have the power to authorise an inspector to seize and dispose of an animal if, after considering the panel's report on compliance with the official warning, the director general is satisfied that the notice has not been complied with and that the animal remains distressed or is likely to become distressed. For the reasons I have stated, I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [11.09 a.m.]: The Prevention of Cruelty to Animals Amendment Bill 2012 aims to prevent cruelty to animals and promote the welfare of animals. It does this by requiring the person in charge of an animal to care for it appropriately. As to livestock, the Act gives inspectors certain powers in relation to the care of animals that have not been provided with adequate food, drink, shelter or veterinary treatment. The amendments in this bill provide for the establishment of a panel of experts to investigate and report on the state and appropriate care of animals across New South Wales. It is hoped that this panel, known as the Stock Welfare Panel, has a greater knowledge of the prevention of cruelty to animals than directors currently serving on the Veterinary Practitioners Board. While I am speaking to the Prevention of Cruelty to Animals Amendment Bill 2012, I will refer to the Veterinary Practice Regulation, which has placed the humane treatment of animals in jeopardy due to a recent prosecution of a veterinarian by the Veterinary Practitioners Board.

In February 2010 the Court of Appeal denied the right of a person known as Dr Polglaze, a constituent of mine, to be heard on a matter in which he was ordered to pay a penalty following his prosecution by the Veterinary Practitioners Board. The denial to be heard was based on the court's belief that the matter was trivial. It was a trivial matter, which I will outline in detail. This followed a finding by the Veterinary Practitioners Board, amended by the Administrative Decisions Tribunal and upheld by the Supreme Court, that Dr Polglaze had engaged in professional misconduct by failing to constantly upgrade his estimated costs during a euthanasia procedure on an animal he was treating. My personal opinion, and that of many veterinary practitioners I have been associated with, is that it would be negligent of any veterinary practitioner to interrupt a procedure he was undertaking when caring for an animal.

In September 2007 Dr Polglaze, in his capacity as a veterinary surgeon, was called upon to treat a very sick dog and was requested by the owners to euthanase the animal. Their usual practitioner, who was unavailable at the time, recommended to the owners that Dr Polglaze treat the animal. Following an inspection of the animal and an assessment of the medical history that was disclosed—which was not completely accurate—Dr Polglaze proceeded to euthanase the dog. However, he experienced a great deal of difficulty due to the dog having been given unauthorised medication by the owner—a narcotic that was antagonistic to the procedure being undertaken. The dog had a violent reaction to the euthanasia drugs administered by Dr Polglaze because of the other narcotic that had been administered prior to the treatment and not identified to him. This required substantial additional time and medication over and above what would normally be required to euthanase an animal. For the record, the additional time—some 40-odd minutes—and medication cost an additional \$135.

Subsequently the owners went to the Veterinary Practitioners Board with a list of complaints regarding the euthanasia procedure. The board raised the notion that clause 16 of the regulation should be interpreted in such a way that a veterinarian must give cost estimates at all times during a procedure. The precedent has now been set that, regardless of the procedures being undertaken and the services being performed, a veterinary practitioner is required to stop treatment if any perceived additional costs are incurred. That is utterly ridiculous; clause 16 of the regulation should never have been interpreted in that way. For the benefit of the *Hansard* record, I point out that clause 16 of the Veterinary Practice Regulation 2006 states:

A veterinary practitioner must, where it is practicable to do so and before providing veterinary services in relation to an animal, inform the person responsible for the care of the animal of:

- (a) the likely extent and outcome of the veterinary services, and
- (b) the estimated cost of those services.

That means when a veterinarian is called to perform a service on an animal he must provide, to the best of his ability, what he believes to be the appropriate treatment and state what the likely outcome will be and the estimated cost. However, as we all know, animals and people are all different. Would a doctor who is operating on the brain of a human being and who experiences complications during that intricate surgery halt the procedure, and place that person's life at risk, so as to phone the person's relatives to tell them that it may cost an additional \$135? That is the situation facing every practising veterinary practitioner in New South Wales, regardless of the procedure they are undertaking, because of this ludicrous precedent set by the Veterinary Practitioners Board.

Dr Geoff Lee: Shame. Good point.

Mr RAY WILLIAMS: It is a shameful point. As I said, the owners subsequently complained to the Veterinary Practitioners Board. The board raised the notion that the regulation should be interpreted in such a way that a veterinary practitioner must give estimates of costs at all times during a procedure, which is ludicrous. In this case, the proposition was that there was an opportunity to give an updated cost estimate between administering the sedative injections. Normally only one is required. This is despite the fact that Dr Polglaze had experienced extreme difficulties throughout the procedure because other drugs had been administered previously to the dog. It was also found that any part of the procedure that was not specified in the original estimate to the owners should be regarded as a separate, additional service. The absurdity of this approach is self-evident, as it entails surgeons who encounter difficulties having to stop and produce a new estimate and obtain approval before proceeding. In the meantime, the rationale is that the operation simply stops. One may ask: If approval is not forthcoming then what will happen, given the animal is beyond recovery?

Current regulations require a practitioner to give an estimate of costs prior to undertaking any procedure. However, it has never been suggested as a possible interpretation of clause 16 of the regulation that costs should be reassessed continually during a procedure if difficulties are encountered—and nor should it. Indeed, if the board had changed its interpretation of the regulation it should have notified practitioners of that change as a matter of procedural fairness prior to instituting proceedings for an alleged breach. Even more significant is the fact that the board has never promulgated its decision to practising veterinarians nor advised them of its consequences or that the decision is binding upon them, hence requiring compliance. It is also unacceptable that the board, which is supposed to be a model litigant, would raise such a ridiculous proposition in order to secure a conviction against a veterinary practitioner. I refer to the New South Wales Model Litigant Policy for Civil Litigation, which states:

- 1.2 This Policy applies to civil claims ... involving the State or its agencies including litigation before courts, tribunals, inquiries and in arbitration and other alternative dispute resolution processes.

The nature of the obligation is in paragraph 3.1, which states:

- 3.1 The obligation to act as a model litigant requires more than merely acting honestly and in accordance with the law and court rules. It also goes beyond the requirement for lawyers to act in accordance with their ethical obligations. Essentially it requires that the State and its agencies act with complete propriety, fairly and in accordance with the highest professional standards.

[*Extension of time agreed to.*]

Paragraph 3.2 states:

The obligation requires that the State and its agencies, act honestly and fairly in handling claims and litigation by:

- (f) not taking advantage of a claimant who lacks the resources to litigate a legitimate claim;

The Veterinary Practitioners Board did exactly that: It pushed Dr Polglaze until he had no further funding. The board punished him by applying a ludicrous claim 24 hours before the final Supreme Court action. This ludicrous claim requires any veterinarian in New South Wales—I repeat, any veterinarian in New South Wales—conducting any procedure on an animal to stop at any time when they are about to exceed the services prescribed. If at any point vets working on a live sedated or non-sedated animal must increase the services or drugs, they must stop what they are doing and contact the owner of the animal before continuing the procedure. That is the most absurd action ever undertaken. Because that is the Veterinary Practitioners Board's interpretation of the regulation, animal cruelty is increased—which was never meant to occur. The board should have notified practising veterinarians of its interpretation, but that was never done. I do not believe any member of this House, regardless of political persuasion, believes the regulation that passed this Parliament in 2006 was ever meant to be interpreted in that manner.

Since I raised this matter in Parliament I have been inundated with correspondence from many dozens of eminent practising veterinary professionals across New South Wales. In my 50 years experience with thoroughbred racehorses, I have had the absolute pleasure of dealing with some of the most eminent veterinary practitioners in this State. I speak of none other than Professor David Hutchins, who was responsible for setting up the Camden equine facility, which continues to operate. It was the first facility outside the University of Sydney to deal with equine procedures on behalf of the racing world. I acknowledge the presence in the Chamber of the member for Wollondilly in whose electorate that exceptional facility is located. Other highly qualified veterinarians include Trevor Robson, John Parbery, Derek Major, Ian Duckworth, Rob Watkins, Jack Francis and Arthur Sternhell. The list continues of people with whom my family and I have had the great pleasure of working during some of the most strenuous and awkward procedures on animals. They would think the process suggested by the Veterinary Practitioners Board is ludicrous.

The legislation needs to be changed now because of the misinterpretation by the Veterinary Practitioners Board and the punishment it has dealt to a good veterinarian who believes in the humane treatment of animals. When Dr Polglaze was questioned about the additional costs by the dog's owners, he waived them. He acted in good faith and euthanased the animal. This regulation is being interpreted by a group of people who I suggest are questionable. An inquiry should be conducted regarding those board members who made this decision as well as the current board members who supported the position and followed with this prosecution. The Minister needs to drag this regulation back to Parliament for amendment so that it can never be construed or perceived to be interpreted in that manner for the benefit of all veterinarians practising across New South Wales.

Dr GEOFF LEE (Parramatta) [11.23 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012 and note also the Opposition's support for it. The objects of the bill are:

- (a) to enable the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services to authorise the seizure and disposal of distressed stock animals following the failure of the owner or person in charge of the animals to take notified remedial action in relation to them,
- (b) to require the Director-General, in determining whether to authorise the seizure and disposal of stock animals, to consider the reports of a Stock Welfare Panel in relation to the animals' state and welfare, and implementation of the notified remedial action,
- (c) to provide for associated matters (including the constitution and functions of Stock Welfare Panels, the recovery of costs and expenses incurred in connection with the seizure and disposal of stock animals, and the exclusion of personal liability in the exercise of proposed functions),
- (d) to enable the Director-General to delegate the Director-General's powers under the Act.

Most farmers take good care of their livestock and are passionately committed to their vocation of raising animals humanely; they have an emotional and financial attachment to their business. Most of those farming businesses are intergenerational, with many individuals committed to farming in the most sustainable manner. This bill seeks to address the emotional, social and economic issues of primary production and its vital effect on our great local rural communities. Australia is a place of fire, floods and droughts. Indeed, as one of the driest continents in the world it often experiences extended periods of drought. This makes farming particularly tough, pushing it through the well-known boom-and-bust cycles. I am a former horticulturalist and can attest to the effect of environmental conditions on businesses. The breeding of animals is especially important as their welfare is paramount to the business; as well, there is the personal attachment in caring for them.

This bill addresses the results of deteriorated farming stock to the stage where welfare becomes an issue. Currently, if an enforcement agency under the Prevention of Cruelty to Animals Act 1979 receives a complaint regarding poor livestock welfare, it seeks advice from the Department of Primary Industries and a

Livestock Health and Pest Authority veterinarian or ranger as to the best way to manage the stock. Current provisions enable the agency to issue a notice, for example, directing owners to feed stock or to apply appropriate veterinary treatment. In most cases the person will comply with the directions, and the condition of the stock—sheep, cattle or another animal—will improve and the matter is resolved. Unfortunately, in some cases, people may be unwilling or unable to follow the directions of inspectors in their attempts to assist owners or those in charge of providing proper husbandry and the animals continue to deteriorate. This could result in a vicious cycle of animals continuing to deteriorate and the determination may be made that those animals be humanely destroyed as it would be cruel to keep them alive.

If animals are seized, an inspector may only retain possession for up to 60 days or until any legal proceedings that were commenced are finalised. This can be very expensive not only for the Government and the inspector, but also certainly for the farmer if a cattle herd or sheep flock is involved. The current Act contains no provision for the sale of seized stock without prosecution first having been taken or without involving the court. Presently the process continues in a cyclical manner. If the stock is returned to the owner or person in charge and the person continues to be recalcitrant to the point that the welfare of the animal is again compromised, the stock is seized, dies or has to be destroyed. That is a poor outcome for everyone and results in considerable stress and anxiety for those involved and the local community. The Prevention of Cruelty to Animals Amendment Bill 2012 will provide for early intervention when stock animals are suffering, distressed or are likely to become distressed as well as their management and/or sale.

The bill provides for an expert panel to be convened that will give advice to the Director General of the Department of Primary Industries as to the most appropriate way to manage the animals without having to immediately instigate a prosecution. When all else fails the bill provides for the animals to be seized and sold and the proceeds, less the costs incurred, paid to the owner, thereby providing a better outcome for animal welfare. I note the comment earlier by the member for Mount Druitt regarding the powers of the RSPCA. This bill provides checks and balances in terms of its panel of operation. I am sure all members agree that the work of the RSPCA is highly respected in the community. This bill provides for the RSPCA and other authorities to work together with the department, the local community and the owner or carer of the animals. The panel of experts will deliberate and advise and make recommendations to the director general.

The bill will provide checks and balances through its deliberations and provide essential recommendations. An individual will no longer be solely responsible for decision-making. This bill seeks to address animal welfare, which is certainly an issue. Farmers are dedicated to the care and protection of their livestock but during difficult times—drought, fire or flood—they have to buy feed or water, which quite often they cannot afford. They face a dilemma: They want to care for their animals but they are unable to afford the cost in doing so. The bill addresses decreasing the compliance cost to ensure that proper animal welfare procedures are in place. It provides a mechanism for the livestock industry to improve its management of stock.

The bill is not just about being able to destroy the animals humanely if required but also providing management plans to provide the best outcome for the livestock. Most farmers provide excellent care for and have emotional, psychological and financial attachments to their livestock. In difficult situations farmers can become depressed and distressed by the enormous pressure of managing their farms. That pressure is exacerbated by difficult weather conditions, such as a five-year drought and the need to buy feed and water. One can only imagine how difficult it would be to wake up each morning knowing you are unable to pay the bills or the mortgage, let alone care for the stock. For those reasons, I commend the Prevention of Cruelty to Animals Amendment Bill 2012 to the House.

Mr JOHN FLOWERS (Rockdale) [11.33 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012. Australia has one of the most variable rainfall climates in the world. Over the long term we have about three good years and three bad years in a 10-year period. During climatic extremes, whether it is droughts or flooding rains, those on the land feel it most. Agriculture suffers first and most severely. Drought reduces breeding stock numbers, disrupts cropping programs and erodes the capital and resource base of farming enterprises. Declining productivity affects rural New South Wales and the national economy. These fluctuations have many causes, but the strongest is the southern oscillation: its best known extreme is El Niño.

In recent years a strong El Niño resulted in a nine-year drought in New South Wales and across the eastern seaboard—it was the worst drought in more than a century. Some droughts are long-lived, some are short and intense causing significant damage, some can be localised and others can spread across different regions of New South Wales. Some regional droughts are not related to El Niño events and are therefore harder to forecast. During El Niño events large parts of eastern Australia are typically drier than normal during winter

and spring. Planning for contingency action in the case of drought is critical for farm management, including livestock welfare management. It is vital that farmers make early management decisions to ensure the welfare of their livestock in drought.

However, cases do arise where livestock owners are unable or unwilling to feed and manage their livestock adequately and livestock welfare can become an issue. The Prevention of Cruelty to Animals Amendment Bill 2012 introduces provisions that will allow earlier intervention to avoid stock animals having to be destroyed because they are in such poor condition that it is considered cruel to keep them alive. The Prevention of Cruelty to Animals Amendment Bill 2012 provides for the establishment of a panel of experts to investigate and report on the condition of livestock that have been identified as requiring care and to work with the person in charge of the livestock to return that livestock to health. The bill also provides for the issue of an official warning notice by the Director General of the Department of Primary Industries informing the stock owner, or person in charge of the stock, of the intention to seize and dispose of the livestock if specified actions to improve the welfare of the livestock are not taken within certain time frames.

The panel will monitor compliance with the notice and provide recommendations on actions following the expiry of the notice. If appropriate action is not taken the livestock can be seized and sold or otherwise disposed of. The amendments in the bill will provide preventive measures to manage stock animals before the welfare of the stock deteriorates to such an extent that it is considered cruel for them to be kept alive and they have to be destroyed. If New South Wales enters another period of long and deep drought and circumstances on a property raise welfare concerns, this bill will prove very valuable in achieving optimal animal welfare outcomes. The clear intent of the bill is to minimise the need for compliance action in relation to stock welfare issues when the person in charge is willing to take action to rehabilitate the animals. The bill will provide more options and a better outcome for livestock welfare. I commend the bill to the House.

Mr BART BASSETT (Londonderry) [11.41 a.m.]: I support the Prevention of Cruelty to Animals Amendment Bill 2012. Animal welfare is an issue important to us all. The community has high expectations that government, working with animal welfare agencies, will make sure that animals are cared for and treated humanely. We have only to remember the community's reaction to the mistreatment of cattle at a western Sydney abattoir in February of this year to know how strongly the community feels about this issue. Several Acts help to ensure that community expectations on animal welfare are met, the principal Act being the Prevention of Cruelty to Animals Act 1979.

The Prevention of Cruelty to Animals Act 1979 seeks to prevent acts of cruelty to animals by ensuring that animals are provided with proper care and humane treatment. The Act does this by regulating the treatment of all animals. This includes companion animals such as cats and dogs, farm animals, and animals used in sport, recreation, film and television. The Act deters cruelty to or the mistreatment of all animals. It does so by imposing fines and in some cases imprisonment. It also sets out offences for acts of cruelty, abandonment of an animal and unacceptable transport conditions. The Act is enforced by the NSW Police Force and organisations approved by the Minister for Primary Industries, namely, the Royal Society for the Prevention of Cruelty to Animals, known to all of us as the RSPCA, and the Animal Welfare League. Their officers are authorised to enter land, seize animals that have been mistreated and commence proceedings to prosecute offences against the Act.

Inspectors from the RSPCA and the Animal Welfare League also provide guidance and education to animal owners, attend to sick or injured animals that have been abandoned or are stray, and carry out inspections of places in which animals are kept, such as, abattoirs, animal boarding establishments, pet shops and saleyards. This problem is widespread and not isolated to rural and regional areas in New South Wales in periods of drought. As a member who represents areas on Sydney's fringe, I have a number of small acreages, agribusiness enterprises and hobby farm activities within my electorate. Over the years I have dealt with a number of complaints from constituents who had either small animal herds, such as goats, alpacas and sheep, or horses on small acreage allotments. In some instances ageing animals or animals being rehabilitated can appear to a casual observer, such as a neighbouring property owner or people driving past the paddock, to be malnourished or neglected and abused.

In most cases the appearances of older or sick animals to a casual observer, in the absence of any facts of the management of the situation, are not cases of malnourishment, neglect or abuse, and should be addressed properly through the provisions that strengthen the accountability and consultation required. It is important that we have a strong set of natural justice principles and procedural fairness built into the process that gives certainty to all stakeholders that the investigative process is comprehensive, robust and fair. I congratulate the

Minister for Primary Industries and her staff on rectifying a serious problem with the Act that has caused undue stress on many people who have been accused of animal cruelty and suffered unnecessary humiliation, shame and financial costs to defend their innocence and reputation. The legislation will also help to alleviate the suffering endured by an old or sick animal being removed from a property and travelling long distances in animal transports to other areas of Sydney, only to be diagnosed as having nothing wrong with it other than its age and then having to be returned to the owner's property. It is only after thorough investigation that it is shown that the owner was looking after the animal responsibly and with care.

Both the RSPCA and the Animal Welfare League work to prevent acts of cruelty to all animals, large and small. The RSPCA and its predecessor, the Society for the Prevention of Cruelty to Animals, have been promoting the care and protection of animals for nearly 140 years. The RSPCA operates more than 28 branches throughout New South Wales, and it is staffed by volunteers who dedicate their time to the protection and care of animals. The RSPCA also operates more than 11 shelters throughout New South Wales that provide accommodation and care to sick, injured, abandoned or unwanted animals. In 2010-11, the RSPCA cared for more than 44,000 animals that were unwanted, sick, injured or stray. This included a diverse range of animals such as dogs, goats, horses, emus and kangaroos. During that period, care was provided to more than 20,000 dogs and 20,000 cats. The RSPCA also found new homes for around 5,000 of those dogs and 4,500 of those cats.

The Animal Welfare League is another key organisation that has been looking after sick, injured or neglected animals. The Animal Welfare League has been performing this role for more than 50 years. The organisation operates two shelters and has 13 branches across New South Wales. Similar to the RSPCA, branches of the Animal Welfare League are operated solely by volunteers. In 2010-11, the Animal Welfare League received more than 2,000 reports of suspected cases of animal cruelty. During that period, 113 animals were seized or surrendered to inspectors from the Animal Welfare League. In the same period the Animal Welfare League played an important role in helping to evacuate animals during a flood emergency in northern New South Wales. This occurred in January 2011 when heavy rains caused flooding in the Moree region and the evacuation of more than 1,000 people. It was also necessary to evacuate domestic animals, and inspectors from the Animal Welfare League worked with the State Emergency Service and the Department of Primary Industries to evacuate and find temporary homes for those animals.

The RSPCA and the Animal Welfare League play an important role in protecting animals that have been abandoned or neglected. The Government recognises the valuable work of these organisations in preventing acts of cruelty and mistreatment and acknowledges the important role of the organisations and their volunteers in promoting the welfare of animals in this State. The intent of this bill is to minimise the need for compliance action in relation to stock welfare issues when the person in charge is willing to take action, or already is taking action to rehabilitate those animals. For those reasons I strongly commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [11.49 a.m.]: I speak in support of the Prevention of Cruelty to Animals Amendment Bill 2012. Agriculture plays a vital role in the New South Wales economy. Agriculture contributes around \$8.4 billion to the New South Wales economy every year. Our livestock, wool and dairy industries account for almost half of that figure. New South Wales produces high-quality meat, which we export all over the world. The combined value of our State's beef, sheep, pork and poultry industries is approximately \$2.9 billion. Our wool and dairy industries are worth \$641 million and \$522 million respectively. These are industries that we should all be proud of and we must continue to support, not only for the money that they contribute to our economy but also for the jobs and communities they create in our regional areas. There are 21,306 livestock farms in New South Wales, many of them in my electorate, as well as 1,425 dairy farms.

To ensure the continuation of the New South Wales livestock industry and the high standard of meat, dairy and wool that we produce, we need to take the welfare of our livestock seriously. Animals that are mistreated are not as productive as those that are not and they reproduce much less. In simple terms, unhealthy and unhappy animals produce poor-quality meat and dairy products. I support the important amendments to the Prevention of Cruelty to Animals Act 1979 because they will lead to better animal welfare outcomes on farms in New South Wales in circumstances in which neglect is an issue. The clear intent of the bill is to minimise the need for compliance action in relation to stock welfare issues when the person in charge is willing to take action to rehabilitate those animals. The bill proposes an important amendment to support inspectors, who are required to make decisions about the management, seizure and sale of stock animals that are not being cared for adequately. The bill will allow the Director General of the Department of Primary Industries to establish a panel of experts—to be known as the Stock Welfare Panel—which will provide advice to the director general on the situation and recommend a course of action.

The end effect of the amendments is two-fold. First, the amendments will serve as a deterrent to farmers and other animal owners. If they do not care for their animals, the animals can ultimately be seized and sold. Secondly, the amendments will protect neglected animals from being returned to neglectful owners. Too often animal welfare inspectors must stand by and watch neglected animals continue to deteriorate before they can take action. Sadly, this can often result in the animal being destroyed. The New South Wales Government has been working to protect our livestock, and, indeed, the entire agriculture industry, from a range of threats. Recently introduced changes to our biosecurity laws will go a long way towards protecting livestock from the spread of disease. These changes are just part of the Government's plan to improve biosecurity in New South Wales.

The member for Hawkesbury mentioned the Elizabeth Macarthur Agricultural Institute, which is a great facility in my electorate. The new \$57 million Centre for Biosecurity at Elizabeth Macarthur Agricultural Institute was opened on 16 July at Menangle in Sydney's south-west—in the heartland of Wollondilly. The facility will spearhead the efforts of the Department of Primary Industries to safeguard the State's \$9 billion primary industries sector from devastating pests and diseases. The new facility is crucial in maintaining the capability of the Department of Primary Industries to quickly diagnose exotic and emerging animal diseases, such as swine flu, equine influenza and Hendra virus. The New South Wales Department of Primary Industries research and diagnostic animal health laboratories and the specialist virology laboratory provide a major defence against livestock diseases.

Investigating the cause, spread and control of disease in livestock, particularly from a herd or flock perspective, are among the highest priorities. The opening of Australia's most modern laboratories at Elizabeth Macarthur Agricultural Institute dramatically increases the capacity to quickly diagnose and research exotic and emerging diseases, which will assist control and prevention. In a show of support for the role the institute plays in protecting agricultural industries and our animals, both the Premier and the Minister for Primary Industries attended the opening of the laboratories. More than 200 people turned up, 180 of them staff. It was fantastic to hear the staff tell the Premier and the Minister how they appreciated that this Government was getting on with the job and how they valued the institute. We all know the great work the institute did when New South Wales was struck by the equine influenza; many blood samples and swabs from across the State were tested there.

The Elizabeth Macarthur Agricultural Institute has stated that for the first time it is now in a position to handle an escalation of multiple outbreaks of diseases at the same time—for example, Hendra virus occurring at the same time as the avian influenza, foot and mouth disease or a plant disease such as citrus canker. Not that anyone is excited about that prospect, but it is ultimately reassuring to know that the capability and resources exist. It is due to the hard work of the Minister that we have that capability. Walking down the vast 100-metre long main corridor from the virology laboratory through the plant health precinct, once can see that if such multiple disease events occur, the bench space, the quarantining containment facilities and the necessary equipment are in place to accommodate the additional labour force that would be required.

Dr Peter Kirkland, who is the virology laboratory leader at the institute, said that current turnaround times for tests associated with significant disease outbreaks can now be maintained at much higher throughput rates and that this substantially greater capacity can also be confidently sustained with greater safety when handling high-risk diseases such as the Hendra virus. I put on record my praise and admiration for Dr Kirkland, whom I met recently. He is doing a fantastic job and is well respected in the Wollondilly community, both in his professional capacity and personally. New high-level quarantining containment facilities expand the institute's capacity to handle large-scale emergency animal disease outbreaks, with the highest level—QC2—second only to the Australian Animal Health Laboratory in Geelong. For livestock, the State Veterinary Disease Laboratory, for example, offers more than 200 routine diagnostic tests and performs more than 200,000 tests a year.

The laboratory can perform around the clock and is currently processing 100 accessions daily, with a routine turnaround of about three to five days. Those statistics are absolutely amazing. The institute's scientists have repeatedly gained worldwide recognition in the scientific community and they collaborate nationally and internationally with universities and medical and agricultural institutes. The institute's services are also linked to key research, extension and regulatory programs being conducted at other locations in the New South Wales Department of Primary Industries' statewide laboratory and field network. The Elizabeth Macarthur Agricultural Institute has world-class facilities such as the electromagnetic microscope for research and diagnosis. The New South Wales Department of Primary Industries' research and diagnostic animal health laboratories and the specialist virology laboratory provide a major defence against livestock diseases.

The institute's electron microscope unit provides a statewide service for the New South Wales Department of Primary Industries. It is available for urgent disease diagnosis in both animals and plants. This is

fantastic work being done at our local facility and I commend the investment in that facility by the O'Farrell-Stoner Government. Not only does the facility provide 180 jobs but it also protects our agriculture, our animals and our livestock. The research undertaken by the facility in preventing diseases is second to none. The New South Wales Government is also working towards reducing the number of pest animals that spread disease and cause serious injury and death to thousands of animals every year. This legislation shows that this Government is serious about the prevention of cruelty to animals and providing clear directions on actions to be taken. I know that the people in the field and the industry welcome this bill. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [11.58 a.m.]: The Greens support the Prevention of Cruelty to Animals Amendment Bill 2012. The change to the legislation is modest, but I will ask the Minister and her staff if reasonable amendments could be considered when the bill is transmitted to the upper House. First, I acknowledge and thank the Minister's staff and the staff of the Department of Primary Industries for their work in putting together the bill. They do a significant amount of work and we should acknowledge the role of those who make a significant effort to improve the situation in New South Wales, particularly the staff in our great public service. The objects of the bill are fully supported. I have done a great deal of work on animal welfare issues because, of course, animal welfare is at the heart of a humane and just society.

During my time as a councillor and mayor of Leichhardt council, I worked hard on finding ways to reduce the amount of companion animals in our shelters and pounds that had to be euthanased. I met with the Minister some time ago to talk about the issue of truth in labelling, in particular in relation to free-range eggs. The issue of how we label free-range meats and other products is also significant. The Prevention of Cruelty to Animals Amendment Bill is important and I understand that a range of groups were consulted on it. I acknowledge the work of the animal welfare organisations I have worked with, including the Humane Society International, Humane Choice, Animals Australia, Animal Liberation, the consumer group Choice with which I worked closely on the issue of free-range labelling, and the Free-range Egg and Poultry Association of Australia. I congratulate the animal welfare and consumer groups that work to fight for better protection for animals.

The object of the Prevention of Cruelty to Animals Bill is to amend the Prevention of Cruelty to Animals Act 1979 in a range of ways. I will not read out the briefing note that goes through the details of the bill, but I will take this opportunity to raise a few specific issues. The bill is primarily aimed at cases of offences for failure to provide animals with food, drink or shelter. During her second reading speech the Minister referred to drought situations as times when these provisions are needed. We understand there is a real need for this legislation, but I note that the Legislative Review Committee commented:

Although this provision provides for the denial of compensation where livestock has been unilaterally seized and disposed, the Committee notes the overarching public interest to prevent and stop animal distress. In such circumstances, the Committee does not consider this provision to trespass unduly on personal rights and liberties.

It is important to acknowledge that, because we do not want to see the trespassing on personal rights in any bill. We want to make sure that type of approach is not taken. However, it is clear that there is an overarching public interest in this matter. I also ask the Minister in her speech in reply to clarify an issue in relation to the Stock and Welfare Panel. I understand the panel will include an inspector authorised under the Act. Does that mean there will always be a representative from the RSPCA or Animal Welfare League on the Stock Welfare Panel?

Ms Katrina Hodgkinson: Yes.

Mr JAMIE PARKER: The Minister has indicated that is correct. I thank her for her response. One of the enforcement agencies for the Act, the Animal Welfare League, in the past has talked about the challenges of entering structures. Section 24P (5) (a) says that an inspector can enter any land on which the animal is kept. The issue is that the section excludes any type of dwelling. For example, there have been situations where under the current provisions inspectors are permitted to enter a property boundary but are not permitted to enter a dwelling. Obviously the definition of "dwelling" is open to interpretation. The restricted circumstances for entering a dwelling, which are appropriate, are contained in section 24E of the Prevention of Cruelty to Animals Act, which provides:

- (1) An inspector may enter land for the purpose of exercising any function under this Division.
- (2) Despite subsection (1), an inspector may exercise a power under this Division to enter a dwelling only with the consent of the occupier of the dwelling, the authority of a search warrant or if the inspector believes on reasonable grounds that:
 - (a) an animal has suffered significant physical injury, is in imminent danger of suffering significant physical injury or has a life threatening condition that requires immediate veterinary treatment, and
 - (b) it is necessary to exercise the power to prevent further physical injury or to prevent significant physical injury to the animal or to ensure that it is provided with veterinary treatment.

These restrictions are appropriate to enter a dwelling, but I ask the Minister to consider whether it would be appropriate to amend section 25P (5) (a) to read "enter any land or structure on that land where animals are kept that is not a dwelling." The entering of a dwelling is not an issue, but at the moment a structure is not able to be entered. The inspector should be able to enter a structure on the land where animals are kept that is not a dwelling. I would like the Minister to clarify that distinction if possible. Section 24T (1) (d) again refers to the panel. This panel has a regulatory function to give advice on the welfare of the livestock for the purposes of enforcement. That is a positive measure that is supported, but the provision is broad in terms of providing for the regulations to allow any person to be invited onto the panel.

Ms Katrina Hodgkinson: By "structure" did you mean a hay shed or something like that?

Mr JAMIE PARKER: Yes, any structure, and I ask for such clarification to be included in the provision. For example, it would not be appropriate to invite stakeholders in an advocacy role onto the panel. In her second reading speech, the Minister flagged that a representative from an organisation such as the New South Wales Farmers Association could be invited onto the panel if that was the desire of the stock owner. If the panel has a regulatory and enforcement function, surely it would be better that the persons invited onto the panel are people with animal welfare expertise. That is consistent with the Minister's suggestion that the panel could include experts in animal nutrition. I hope that in her speech in reply the Minister will comment on whether section 24T (1) (d) should be amended to read "such other person or persons with expertise in animal welfare". That will ensure that any additional people brought onto the panel will have animal welfare experience. The final issue concerns section 24O (3), which provides:

For the purposes of this Part, an animal is in distress if it is suffering from exposure to the elements, debility, exhaustion or significant physical injury.

The definition in the bill appears to have been drawn from section 24H, which concerns the powers of police officers to detain a vehicle or a vessel. That section specifically applies to a situation where animals are being transported and is rather narrow for the purposes of a bill that applies to a wider range of circumstances. Obviously this bill will pass the lower House, but I again suggest that when it comes before the other place the Minister consider an amendment to insert the words "dehydration, poor body condition" before the words "or significant other injury." Such an amendment would create a broader definition and complement section 24P, which provides that the director general may issue a warning if an animal is distressed because it has not been provided with the necessary veterinary treatment or proper and sufficient food, drink or shelter.

Ms Katrina Hodgkinson: That is all part of the management plan anyway. It is already in there.

Mr JAMIE PARKER: I appreciate the Minister's engagement with this. That is great.

Ms Katrina Hodgkinson: No, I wrote it.

Mr JAMIE PARKER: I understand. That is why I am commending you. In conclusion, I suggest that section 24O (3) be amended to include dehydration and poor body condition when it comes to determining whether an animal is in distress. I also suggest that section 24P (5) (a) be amended for clarification to include that a structure on land that is not a dwelling may be entered. Finally I suggest that section 24T (1) (d) be amended by inserting the words "with expertise in animal welfare" to ensure that the panel's regulatory function is focused on animal welfare. I acknowledge the work that has gone into this bill and I thank the Minister. I will support the bill. I look forward to the Minister's comments in reply.

Ms KATRINA HODGKINSON (Burrinjuck—Minister for Primary Industries, and Minister for Small Business) [12.08 p.m.], in reply: I thank the members representing the electorates of Barwon, Mount Druitt, Myall Lakes, Macquarie Fields, Charlestown, Liverpool, Hawkesbury, Granville, Port Macquarie, Londonderry, Parramatta, Rockdale, Camden, Riverstone, Wollondilly and Balmain for their contributions to this important debate. The Prevention of Cruelty to Animals Amendment Bill 2012 amends the Prevention of Cruelty to Animals Act 1979 by introducing preventative measures to better assist both animal welfare agencies and those in charge of livestock. The purpose of the bill is to help manage the welfare of stock animals before their condition deteriorates to the point where they have to be destroyed. Its other primary intent is to minimise the risk of prosecution action being initiated when there is an opportunity to work with the farmer to restore the animal or animals to health.

There have been a number of unfortunate cases in which stock has been destroyed and the owners have been prosecuted for cruelty. Cases that spring readily to mind are those against Ruth Downey, John Hertslet and

John and Gordon McClung. This bill and its underpinning policies will provide an alternative process and a clear set of procedures that must be followed when animals have been assessed as being in distress or neglect before prosecution action is undertaken. By enacting these amendments the director general will be given the power to establish, on a case-by-case basis, a Stock Welfare Panel. This expert panel will investigate and report on the condition of livestock that has been identified as requiring care. The panel will assess and determine the condition of the stock, the feed and the pasture availability as well as the seasonal outlook for the livestock. The panel then will make recommendations to the director general on appropriate measures to manage the livestock.

The bill also will introduce new powers for the director general to issue a notice of intention to the person in charge of the livestock. The notice will inform them of the intention to authorise the seizure and sale of the animals if the measures specified in the notice and the management plan are not taken to improve the welfare of the animals. Finally, the bill will provide the director general with the power to authorise the seizure and sale, or other disposal, of livestock in situations in which the owner or person in charge of the livestock has failed to comply with the notice. I appreciate the support of Opposition members who spoke during debate on the bill and note that they do not oppose the amendments.

In relation to the point raised by the member for Mount Druitt, who sought clarification on the checks and balances to be followed before stock are seized and sold, I advise that following notification from an enforcement agency that there is a welfare issue, the Director General of the Department of Primary Industries may establish an expert panel to further assess the situation and work with the person in charge of the animal or animals to rehabilitate them. As a last resort, if the owner is unwilling or incapable of implementing those remedial measures, the panel may recommend that those animals be seized and sold. At that point, the director general may issue another notice providing the owner with further opportunity to care for the animals. If that fails, the director general will be able to authorise an enforcement agency to seize and sell those animals. The amendments will assist animal welfare agencies to achieve the best possible animal welfare outcome in difficult cases. These provisions are a significant addition to the Act and will provide stronger means to prevent cruelty to animals.

In response to the points raised by the member for Balmain, I inform him that "land" is defined to include premises or a vehicle. As I indicated earlier, the term "premises" includes a structure, such as a hay shed. The panel will include representatives from the RSPCA, a representative from the Department of Primary Industries, a representative from a Livestock Health and Pest Authority, a veterinary surgeon, and other members as deemed appropriate. For example, if a farmer is a member of the New South Wales Farmers Association and wants to include a representative from the association, a representative from the association can be a member of the panel. A panel will be able to enter structures such as hay sheds. I am very confident that the matters drawn to my attention by the member for Balmain are well and truly covered by the bill in its present form, so I do not see a need for further amendments.

This bill represents a sensible and practical way forward for people on the land. Sometimes we have particularly hard times in regional New South Wales. The severe impact of 10 years of drought on the southern tablelands and in the central west and the Western Division provides a true indication of the necessity for amending the Prevention of Cruelty to Animals Act. The sensible and practical amendments included in the legislation will go a long way towards assisting our very valuable farming population, ensuring that stock animals are treated with absolute and utmost respect and ensuring that farmers are provided with the assistance they need, particularly in trying times such as during a drought.

Farmers may think that it will rain next month or in a couple of months, but when the rain does not fall pastures do not improve and the situation can become dire very quickly. The Government is breaking with the past when the slaughter of animals was the only option. It was a terrible time for many people who were caught up in the situation. The bill provides for management plans to be implemented on properties and appropriate and sensible action to be undertaken to remediate the situation. If that is not possible, the director general will be empowered by this legislation to seize and sell the stock instead of slaughtering the animals. I very much thank members who participated in the debate for their insights and contributions to this very important amending bill. 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 Ms Katrina Hodgkinson 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.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT AMENDMENT (R 18+ COMPUTER GAMES) BILL 2012

Second Reading

Debate resumed from 5 September 2012.

Mr PAUL LYNCH (Liverpool) [12.16 p.m.]: I lead for the Opposition on the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. The Opposition does not oppose the bill. The object of the bill is to amend the primary Act, the Classification (Publications, Films and Computer Games) Enforcement Act 1995, to give effect to a national agreement about computer games. Specifically that was an agreement by all Australian jurisdictions to introduce an R 18+ classification for computer games. The decision more or less was taken at a meeting of what was then known as the Standing Committee of Attorneys-General [SCAG] in July 2011 in Adelaide. Quite famously, New South Wales abstained at the meeting because the New South Wales Attorney General had not worked out his position. In an outstanding display of disorganisation, he had not taken the matter to Cabinet or adopted any of the other courses open to him in order to tell the rest of the country what this State was doing.

Mr Kevin Humphries: Point of order: The bill is about classification, not about discussions in or out of Cabinet, which the Opposition would not be privy to. Mr Acting-Speaker, I ask you to direct the member for Liverpool to confine his remarks to the leave of the bill.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Liverpool will confine his remarks to the leave of the bill.

Mr PAUL LYNCH: Certainly, Mr Acting-Speaker. The Opposition was privy to it because it was discussed in the media and admitted by the Attorney General. Perhaps the Minister for Mental Health might learn what actually had been said.

Mr Kevin Humphries: Point of order: For the sake of students from St Edwards, I point out that the member for Liverpool is canvassing the Acting-Speaker's ruling. Mr Acting-Speaker, I ask you to direct the member to confine his remarks to the leave of the bill.

ACTING-SPEAKER (Mr Gareth Ward): Order! I ask the member for Liverpool to confine his remarks to the leave of the bill.

Mr PAUL LYNCH: My comment was well within the leave of the bill. The bill bears testament to the fact that the Government has now made up its mind, supports the proposition and has joined the rest of the country. Australia in turn now joins the United States, New Zealand, Europe and many other countries in having this classification. However, the flaw in the system is that large numbers of games, including those that have been refused classification, are still being downloaded from the web in any event. Some members have argued in support of the proposal that games that had inappropriately slipped through with a lower classification will now receive proper classification. They point to the fact that almost no games are refused classification.

Therefore, logically one must assume there is a whole range of games that probably ought to be subject to an R 18+ classification that currently are not. Having said that, this bill is probably not the vehicle for a debate on the merits or demerits of the R 18+ concept. Now that the Government finally has decided its position, that decision now rests with the Standing Committee of Attorneys-General. This bill accepts that the classification scheme is appropriate and has been agreed to and now attempts to implement it. The rules introduced for R 18+ computer games largely are consistent with the regime for R 18+ films. This bill does a number of things. It prohibits the sale or delivery of computer games that are classified R 18+ to a person who is

under 18 years of age, except by a parent or guardian. There are statutory defences relating to a minor producing documentary evidence of not being a minor, a defendant reasonably believing a minor was an adult, or a minor being employed for delivery during the course of such employment.

Parents and guardians must not permit minors to attend a demonstration in a public place of an R 18+ computer game. A person must not display publicly a computer game classified R 18+ if a minor is present. Statutory defences are provided in relation to that offence. There are prohibitions on sales or public demonstrations of R 18+ classified games. A private demonstration of R 18+ computer games is prohibited unless the person demonstrating is a parent or guardian. There are also provisions requiring the display of particular markings, as well as provisions ensuring that public libraries do not demonstrate or lend R 18+ games to minors. As the Government has finally worked out its position, the Opposition does not oppose the bill.

Mr DARREN WEBBER (Wyong) [12.20 p.m.]: I speak on the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. Before going to the detail of the bill, I will refer to recent statistics which are freely available in the October 2012 edition of *PC & Tech Authority*. The statistics support the suggestion that gaming is now mainstream and that the idea that gaming is restricted to a very small group of nerds, as we used to be called in the 1980s, is well and truly finished. The statistics reveal that 93 per cent of households in Australia and New Zealand are gaming households; the average player has been playing for 12 years; and 73 per cent of gamers are over the age of 18 years. The average gamer is 32 years old, and 47 per cent of all gamers are female. Proof of the pudding is that some of my colleagues in the Chamber today—including the member for Kiama, who is in the chair, and the member for Wollondilly—are common gamers. I also note that Mr Acting-Speaker is an Xbox man. The rivalry between Xbox and PlayStation is well known. The overview of the bill states:

The object of this Bill is to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* to give effect to a decision by all Australian jurisdictions to introduce an R 18+ classification for computer games. Procedures for the classification of computer games are set out in the relevant Commonwealth Act, which is being amended to include an R 18+ category, and procedures for the enforcement of those classifications are set out in State and Territory laws. This Bill amends the New South Wales Act as follows:

- (a) by prohibiting the sale or delivery of computer games classified R 18+ to a minor (that is, to a person who is under 18 years), except by a parent or guardian of the minor,
- (b) by prohibiting the public demonstration of computer games classified R 18+ if a minor is present during any part of the demonstration,
- (c) by prohibiting the private demonstration of computer games classified R 18+ in the presence of a minor, except by a parent or guardian of the minor,
- (d) by requiring computer games classified R 18+ to display determined markings and consumer advice, indicating the classification of the games and what that classification means,
- (e) by ensuring that public libraries, which are otherwise exempt from offences for restricted material held by them, do not demonstrate or lend computer games classified R 18+ to minors.

This legislation has been a long time coming. I applaud both sides of politics for coming together at a State and Federal level to ensure the passing of the legislation. Publications that have been calling for this legislation for decades include *PC & Tech Authority*, which I mentioned earlier; *PC Powerplay*; *APC*, formerly known as *Australian Personal Computer*; *Tech Life Australia*, formerly known as *PC User*; *Xbox 360 Magazine*; *PlayStation Magazine-Australia*; and, most recently, the *Game Informer* magazine. Likewise, retail distributors such as Electronics Boutique, commonly known as EB Games, JB Hi-Fi, and the unfortunately now demised retailer Game have been calling for this legislation. The reason is not only that the average gamer, whose age is 32—although the average age is often quoted as 34—should have the right to play games tailored for people over 18 years old but also that this legislation goes a long way towards protecting minors.

When I have frequented JB Hi-Fi at Tuggerah or Electronics Boutique at Tuggerah or Lake Haven within my electorate, I have seen firsthand children nagging their parents to buy the latest game. Clearly, the game has an MA 15+ rating, which means a child is not entitled to purchase the game unless accompanied by a parent or guardian. The child nags and the parent, particularly of a child 12 or 13 years old, thinking that a game with a MA 15+ rating is not that bad and that the child will be playing the game under parental supervision, purchases the game. Retail employees have frequently told me that this occurs. An R 18+ classification will make parents think twice. Certainly a 12- or 13-year-old gamer will not be entitled to play an 18+ rated game. The legislation also raises an issue about retail employees who are under the age of 18. That issue will need to be looked at. Obviously those minors will not be able to sell those games.

According to data from NPD Australia, the Australian games industry attracted \$1.5 billion in retail sales in 2011. That is a 12.8 per cent reduction compared with sales in 2010, down from over \$2 billion. However, these figures do not account for the growth in digital sales, particularly downloadable content add-ons for purchased games. We also are nearing the end of the current generation of console life cycles. The seventh generation which we are currently in—the Xbox 360 console and the PlayStation 3 console—is nearing retirement. The eighth generation is just around the corner and is expected to be announced in 2013, and this next generation of consoles will see a new round of games being released. It is good timing to have this legislation in place prior to the development and release of those games.

Personal computers should not be forgotten, as they constantly regenerate with new hardware and are always up to scratch with the top games of the day. Despite the current dip in sales figures, the game *Call of Duty: Modern Warfare 3* is the fastest entertainment property to hit the \$1 billion milestone globally, eclipsing the previous record set in 2009 by the film *Avatar*. That highlights the mainstream nature of gaming. While we are in a dip between console generations, it is safe to say that next year we will approach \$2 billion worth of sales in Australia. That makes up a huge part of the economy and is an indication of how many Australians play computer games. I started my gaming life on a Commodore 64 and over the years have used an Amiga 500, an Amiga CD 32 console, numerous personal computers and, of course, an Xbox 360. During this time I have experienced firsthand the change in gaming culture, which has become mainstream in recent years.

One of the most common complaints expressed in the magazines I previously referred to is from game developers whose original content is edited and is not able to be experienced by gamers. Also, games that should be classified R 18+ often slip in under the MA 15+ plus rating, which is not a good outcome for young gamers and the industry alike. In relation to computer game classifications we want equality across the board, particularly when comparing the gaming industry to films shown in cinemas, Blu-ray discs and DVDs. We have gone through several changes in computer generations, as well as changes in ratings from the old G, G 8+, M 15+ and MA 15+ to the current classifications. We have G, general classification, which contains very mild content. That is depicted as a green box with a "G" in a triangle. We have the mild content, which is classified as parental guidance recommended and is depicted in a yellow box with a "PG" in a rectangle.

We have the moderate content classification, which is recommended for mature audiences. This classification is in a blue box with an "M" in a circle. Strong content, which is not suitable for people under 15 years, has the classification symbol of a red box with "MA 15+" in white text and the word "restricted" in white text inside a black strip at the bottom. People under 15 years must be accompanied by a parent or adult guardian to purchase MA 15+ games. Currently, no R 18+ classification exists for computer games. Therefore, it is quite common for games to be imported from overseas or, in the worst-case scenario for game developers, game creators and the whole industry, pirated. Australia and New Zealand are considered to be backwaters for the gaming industry due to their heavy restrictions on purchases. [*Extension of time agreed to.*]

I am proud to be a long-time gamer and happy that the nerd stigma of the 1980s is well and truly over now that gaming is mainstream and a large part of the New South Wales and Australian economy. This bill will protect minors by isolating adult content with clear identification and ensuring that parents will not purchase R 18+ games for those under 15 years, as happens now. This bill will ensure that the original content of game creators and developers is enjoyed by gamers as it was designed to be. This bill will bring the gaming industry into line with other forms of entertainment, such as cinema, home entertainment, Blu-ray discs, DVDs and the old VHS cassettes. This bill empowers individuals with the freedom of choice, which is a pillar of Liberal-Nationals governments.

I commend the bill to the House and congratulate and thank the Attorney General on behalf of all gamers and parents of minors. This bill has been a long time coming. Gamers will rejoice when it is enforced, particularly as the next generation of consoles—the eighth generation, with the Xbox 720 and PlayStation 4—come into vogue. A whole round of new games that enter the industry will have a proper classification and we will be able to enjoy the original content as the game developers and creators intended. We will be able to protect minors from exposure to restricted content. At the end of the day, that is good governance. I commend the bill to the House.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [12.32 p.m.]: I welcome the opportunity to speak on the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. The object of the bill is to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to give effect to a decision by all Australian jurisdictions to introduce an R 18+ classification category for computer games. Currently, computer games can only be

classified G, which means the content is very mild; PG, which means the content is mild and parental guidance is needed; M, or mature, which means the content is moderate; and MA 15+, which means the content is strong and young people must be accompanied by an adult when purchasing one of these games. This bill will amend the Act to permit and regulate the sale, delivery and exhibiting of computer games that receive the R 18+ classification and to create some associated offences.

The R 18+ classification will allow computer games to be available to adults but identify them as being unsuitable for minors. A minor is a person who is under 18 years of age. The Classification Board and the Classification Review Board established under Commonwealth legislation will ascertain the appropriate classifications for computer games, as it does for films. That is why this bill is well overdue. By implementing these amendments, this Government will bring New South Wales into line with classifications for films. The bill provides not only for an R 18+ classification for computer games but also for those games to be clearly marked and for their sale or delivery to minors to be prohibited. They are very important issues. As the Attorney General pointed out in his second reading speech, the bill will allow adults also to be protected from unwitting exposure to unsolicited material that might offend them. That too is an important objective.

I refer to the operative parts of the Act. The bill amends the New South Wales Act, first, by prohibiting the sale or delivery of computer games classified as R 18+ to a minor, except by a parent or guardian of the minor; secondly, by prohibiting the public demonstration of computer games classified R 18+ when a minor is present during any part of the demonstration; thirdly, by prohibiting the private demonstration of a computer game classified R 18+ in the presence of a minor, except by a parent or guardian of the minor; fourthly, by requiring computer games classified R 18+ to display determined markings and consumer advice, indicating the classification of the games and what that classification means; and, finally, by ensuring that public libraries, which are otherwise exempt from offences for restricted material held by them, do not demonstrate or lend computer games classified R 18+ to minors.

The Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 passed Commonwealth Parliament in March and will introduce the classification from 1 January 2013. Of course, this bill will allow New South Wales to follow suit. The bill will provide for a uniform national classification system for publications, films and computer games. As a mother and a member of this House I support this process, as consistency will ensure that parents better understand the classification system and will be better informed to make decisions about the type of material their children should be exposed to. As a parent of two children, I welcome any guidance on available computer games material and the appropriate audience for that material. The provisions in this bill will protect children from being exposed to adult-only content in the outside world. I hasten to add that this does not abrogate parents from their important responsibility to ensure close monitoring of their children's use of video content in the home.

Specifically, the amendments made by schedule 1 align the new R 18+ computer game restrictions with the existing restrictions on R 18+ films. As I have stated already, this bill is a well overdue development. Australia has had a classification system for films since the 1970s but, as we know—and what this side of the House seeks to address—computer games ratings have lagged behind. It seems irrational to have a more stringent classification scheme for films than for computer games when viewing a film is a far more passive activity than interacting with a computer game. While opinions diverge on the effect on children of violent gaming material, simply bringing computer games in line with film classifications is a logical and well overdue step. As I mentioned previously, computer games classification categories cease at MA 15+.

The effect of the proposed changes is twofold. First, certain games that might otherwise fit into an R 18+ category are refused classification, meaning that adults do not have access to material to which they are entitled. Secondly, concerns have been raised that some computer game generators simply make minor tweaks to their games in order to qualify for the current MA 15+ rating. This does not serve minors, children, community friends or adults well at all. The bill reflects these concerns and also the Government's approach to reducing regulation wherever possible, and making it consistent, uniform and easy to follow. The bill exemplifies the importance of allowing adults the autonomy to read, hear and see what they want within the law, while protecting those important, vulnerable people in our community—minors, those aged under 18 years—from exposure to harmful or disturbing material.

According to the Australian Bureau of Statistics, during the school term time more than 71 per cent of children aged between five and 14 years play computer games. I know my children spend some time doing that. As parents, my husband and I try to limit that time. There are nearly 15,000 families in the Vacluse electorate and more than 15 per cent of residents are 14 years old or younger. It is imperative that these impressionable

minors, and the future of our society, are protected from games that might incite violence or even give rise to young people as a group becoming accepting of violent behaviour. On 25 May 2011 draft proposed guidelines for the classification of computer games were published on the Australian Government classification website. They were accompanied by an online survey that sought community views on the introduction of an R 18+ category for computer games and on the proposed guidelines.

The guidelines are a tool for classifying computer games and they help explain the different classification categories and the scope and limits of material suitable for each category. They are revised from time to time, with extensive community input. Some 10,334 responses were received to the survey. A significant majority, 71 per cent of respondents, supported the introduction of an R 18+ category and 63 per cent of respondents supported both the proposed R 18+ category for computer games and the draft guidelines that reflect that change. There is widespread community support for the R 18+ category and the amended Federal guidelines that are enforced at a State level.

When enacted, the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012 will bring New South Wales legislation into line with that of the Commonwealth and all other States and Territories. It is a welcome development. There is community concern about the effect on minors of video game content that condones violence, sexual violence and drug use. The bill will provide a rating system for computer games that is clear, comprehensible and consistent with the rating system for films. In doing so it will ensure that young people aged less than 18 years are protected from harmful material while allowing adults access to the material they want to view. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [12.41 p.m.]: I speak in debate on the Classification (Publication, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. As a society it is important that we look after and protect our young children and minimise their exposure to inappropriate content before they come of age. Far from over-legislating and acting as the proverbial Big Brother, it is important that parents, grandparents and carers are given appropriate support when it comes to the entertainment that is available to their children. These days children are technically savvy. Times have changed from when I and most of my colleagues were growing up. These days, in addition to books, sports and television, most children play video games either on computers, Nintendo Wii, Sony PlayStation or Xbox—and most children have one of each as they are indulged by parents and grandparents.

While these machines and their matching technology may be far different from what people of my generation are used to, as parliamentarians we have a responsibility to ensure that the children of our community are exposed only to age-appropriate content. This bill amends the Classification (Publications, Films and Computer Games) Enforcement Act 1995 by: prohibiting the sale and delivery of computer games classified R 18+ to a minor except by a parent or guardian; prohibiting the public demonstration of computer games classified R 18+ if a minor is present; prohibiting the private demonstration of computer games classified R 18+ if a minor is present except by a parent or guardian; requiring computer games classified R 18+ to display particular markings and devices; and ensuring that public libraries do not demonstrate or lend computer games classified R 18+ to minors.

In 2005 the world saw the video game *Grand Theft Auto: San Andreas* banned after it was found to contain inappropriate content. The mini-game within the game, known as *Hot Coffee*, was found to be accessible on computer versions and video game consoles with the right hacking tools—and these days many young people have the ability and the technology to access that game. Many other games around the world have been banned due to graphic depictions of violence and gore or sexual references. While video games are entertaining for children and the younger generation, they can contain inappropriate content. Video games should be in the same boat as movies and television shows and classified according to appropriateness for age. Excessive violence, nudity, sex-related themes and drug use are often the reasons that movies and television shows obtain a rating of MA or R.

Video games often have storylines that require appropriate filtering so that children are not exposed to inappropriate material at too young an age. This bill proposes to do that by various means. The bill will require computer games classified R 18+ to display particular markings and devices similar to the markings that accompany movies that are classified 18+ and compact discs that have the sticker "Parental Advisory Recommended". The bill also ensures that public libraries do not demonstrate or lend computer games classified R 18+ to minors. It is a no-brainer. Public libraries are centres of education, a place for books and learning. Games that contain themes inappropriate for children should not be available at our public libraries to people under 18 years of age. As a grandparent, I think it is a responsible approach and as a member of this Chamber I believe the proposed legislation is appropriate.

Mr John Sidoti: Grandfather?

Mr NICK LALICH: I was married at a very young age. The bill also prohibits the public demonstration of games classified R 18+ if a minor is present. The proposed legislation is logical. There is no reason that content deemed inappropriate for young people in private should be accessible to them in public. The bill refers to video games shops and department stores where there are consoles set up to market and promote various games. I am a grandfather of three and all my grandchildren, male and female, are avid video game players. I would be mortified to find that the games they are playing contain content that my family deemed inappropriate. Legislation may seem like a heavy-handed approach but the first priority of Parliament must be to protect our children's innocence. The Opposition does not oppose this bill.

Mr JOHN SIDOTI (Drummoyne) [12.46 p.m.]: The Classification (Publication, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012 introduces an R 18+ rating for computer games, allowing adult gamers to access computer games that have been specifically designed for an adult audience, and helping to prevent such games from being played by children. The bill will ensure that games currently rated MA 15+ will be more appropriately rated R 18+, as they often are in other countries. Computer game content should be regulated in a manner similar to other media content. It is a common misconception that most gamers are children and teenagers. I found out while researching the bill that in 2009 the average age of Australian computer gamers was 30 years of age, up from 24 years of age in 2005 and 28 years of age in 2007. The average age is set to rise again as more and more people play games on electronic devices, whether in the home, while visiting friends and family, or while travelling to and from work. In this context, the National Classification Scheme has an important role to play.

The scheme ensures that people are aware of the type of content in the computer games that they are playing. Parents or guardians will know that a film or computer game rated G is okay for young children and when the bill is enacted they will similarly know that a film or computer game rated R 18+ is not considered suitable for children. Australia is lagging behind the rest of the developed world by not rating and allowing adult-only computer games. These games are available in all European Union countries, the United States, Canada, Japan, New Zealand and South Korea. At the moment any games that are not considered suitable for children or adolescents are refused classification in Australia. In early 2010 there was national consultation and 98 per cent of those who made written submissions—more than 58,000 individuals and organisations—supported the move to introduce an R 18+ rating. In November 2010 a telephone poll of more than 2,000 Australians found that 80 per cent of respondents supported the new rating.

Games classified R 18+ will be clearly marked, as are films, alerting everyone to the type of content likely to be in the games. There will be restrictions on the sale and delivery of R 18+ games to children. This will help parents protect their children from inappropriate content and protect adults from being exposed to unsolicited material that they might find offensive. There has been a longstanding debate about whether there should be an R 18+ rating for computer games. Some oppose it on the basis that children will be better able to access them. Others support it on the basis that adults should be able to play computer games that are made for them. Both arguments have some merit and hold some weight; and both are recognised in the National Classification Code, which sets out the principles that the Classification Board must give effect to in making classification decisions.

Those principles are that adults should be able to read, hear and see what they want; minors should be protected from material likely to harm or disturb them; everyone should be protected from exposure to unsolicited material that they find offensive; and, of course, the need to take account of community concerns about depictions that condone or incite violence, particularly sexual violence, and the portrayal of persons in a demeaning manner. The bill and the classification guidelines agreed to by all jurisdictions ensure that these principles remain at the forefront of the classification regime. Accordingly, the National Classification Scheme will continue to play an important role in helping adults—whether or not with children—to determine whether particular computer games are suitable for them, or for their own or other people's children.

The R 18+ classification makes it absolutely clear that some games are not for children. It emphasises that parents need to be aware of the types of games that are already available and being played by children around Australia, and that parents and other adults need to take responsibility when it comes to ensuring that children have access only to content that is suitable for them. This bill is most appropriate. As a father of three children, I realise there is a duty that comes with being a parent. I think the bill is a step in the right direction. It places some onus on parents, and I totally agree with that. I commend the bill to the House, and I hope all other members will do likewise.

Mr CHRIS PATTERSON (Camden) [12.52 p.m.]: I support the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. Currently there is no classification for computer games equivalent to the R 18+ rating for films, allowing them to be available under the law to adults. The highest classification available for computer games is MA 15+. Currently any game that is considered to have content that exceeds MA 15+ guidelines is refused classification. The Classification Board and the Classification Review Board, which decide appropriate classifications for films and computer games and are established under Commonwealth legislation, enforce procedures as set out in State and Territory laws. This bill amends the current New South Wales legislation, the Classification (Publications, Films and Computer Games) Enforcement Act 1995. The bill allows the introduction and enforcement in New South Wales, from 1 January 2013, of Commonwealth legislation created with great public consultation and agreed to by all Australian jurisdictions.

The R 18+ rating brings into line Australia's classification regime with international standards making Australian classification more consistent. The bill will put to rest concerns that some distributors, in order to avoid a game that is suitable for adults being refused classification, were editing games to receive the MA 15+ classification. This bill will now ensure that these particular games are appropriately classified as R 18+ and made available only to adults. A key principle of the National Classification Scheme is to allow adults to read, hear and see what they choose. Our communities respect and understand this and want to provide the best protection we can to our minors. I stress that the bill is about providing the best, and strictest, protections we possibly can for those under the age of 18 years. Support for the R 18+ classification to be available to computer games has been huge. Feedback from written submissions shows that this move is overwhelmingly supported by our communities.

Violence in computer games and their classification are concerns that have been raised with me in my capacity not only as the member for Camden but also as a parent. The main concern constant in all my conversations on this topic is that the violence or ways in which people are portrayed in these games condones these acts in everyday life. This is such a concern for young people as they have not had the life experience, maturity or peer guidance that an adult has. As adults, we can process confronting material and know what offends us; and this classification will help adults to make an informed choice about the material to which they choose to expose themselves. We all know the saying: If so-and-so put his hand in a fire, would you? We have all heard it as kids and teens; that is because we were very vulnerable to being influenced by outside events, people and material that we may have access to. We have to protect our children physically but we also have to protect their minds. This bill will assist parents who have ultimate responsibility for doing so.

We do not want our children, our young adults, to be subjected to material that they are just not equipped to process or that will harm or disturb them. I reiterate that it is our responsibility to do all we possibly can to ensure that that does not occur. This bill will permit and regulate the sale, delivery and exhibition of computer games with the new R 18+ classification and create offences for those that do not follow the regulations. It will mirror the existing provisions that currently govern the sale and exhibition of R 18+ films. Computer games with the R 18+ classification will be required to be clearly marked, and their public demonstration will be prohibited where minors are present, and private demonstrations are being prohibited where a minor is present unless there is a parent or guardian present. Under amended guidelines to the Classification Board's decision-making process, detailed guidance has been provided in relation to sexual violence and illicit drug use. The content is allowed to include material with high impact, which includes violence, provided it is not frequently gratuitous, exploitative or offensive to a reasonable adult.

I support the fact that material containing actual sexual violence, implied sexual violence that is visually depicted, interactive, not justified by content or is related to incentives or rewards, explicit depictions of actual or simulated sexual activity or illicit drug use will not be permitted in R 18+ classified computer games and will still be refused classification. I make the point that material of the type I have just mentioned should be banned, and will continue to be banned under this classification. Consensual sexually explicit material permitted to be classified as X 18+ will be refused classification in computer games also. This bill is welcomed by our communities as an update in classifying computer game material. It will help a lot of families, schools and neighbourhoods to protect children and young adults from material that can have a negative effect on them. I commend the bill to the House.

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

[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.01 p.m. The House resumed at 2.15 p.m.]

COMMUNITY RECOGNITION NOTICES

The SPEAKER: I advise members that from this week community recognition notices will appear in a separate section of the *Business Paper* as a distinct number series. The community recognition notices will be published in full in the *Business Paper* on the Wednesday and Thursday of the week they are considered in the House, and published in *Hansard*.

MINISTRY

Mr BARRY O'FARRELL: I inform the House that today Her Excellency the Governor appointed the Hon. Michael Bruce Baird, MP, as Minister for Industrial Relations. The Minister retains his existing ministerial commission and will be known as Treasurer, and Minister for Industrial Relations.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I advise members that the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, will answer questions directed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts.

DISTINGUISHED VISITOR

The SPEAKER: I welcome to the Chamber Mr Max Willis, a former President of the Legislative Council.

QUESTION TIME

[Question time commenced at 2.22 p.m.]

EDUCATION FUNDING

Mr JOHN ROBERTSON: My question is directed to the Minister for Education. Why is the Minister cutting \$1.7 billion in education funding at the same time that his Government is spending \$230 million on consultants?

Mr ADRIAN PICCOLI: Is there a suggestion that the previous Government did not spend any money on consultants or that the Government only started to use consultants in March last year? Is the premise of the question that the former Labor Government did not use consultants? Of course governments use consultants. As part of the efficiencies across every department we have minimised the number of consultants that are used. It is plainly ridiculous to suggest that an organisation that spends more than \$50 billion of the State budget each year should not rely on the expertise of some consultants. When in Opposition we always said that the former Labor Government spent too much on consultants. I assure the House that every line item across every agency has been looked at as we try to fill Labor's black hole and the other \$5 billion black hole given to us by the Commonwealth thanks to drops in GST revenue. How can I answer the question more clearly than that?

Mr Nathan Rees: Point of order: My point of order is under Standing Order 74, which provides that offensive and disorderly words and quarrels are not permitted. Standing Order 74 (2) provides that the Speaker may intervene to prevent a quarrel between members.

The SPEAKER: Is the member for Toongabbie suggesting that I should sit him down?

Mr Nathan Rees: The Minister has continued to use this term. I seek leave either to table or to provide for the Minister's edification the Parliamentary Budget Office report on this matter, which says—

The SPEAKER: Order! There is no point of order.

Mr Nathan Rees: This report is to the point of order.

The SPEAKER: The member should articulate his point of order.

Mr Nathan Rees: The report says, "Most of the claims made in the relevant media release"—

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

Mr Nathan Rees: The point of order is under Standing Order 74 (2), which provides that the Speaker may intervene to prevent a quarrel. If the member is going to continue to use misleading language, then it is incumbent upon him to understand that it will precipitate a quarrel.

The SPEAKER: Order! There is no point of order.

Mr Nathan Rees: This says, "Most of the claims made in the relevant media release are unsupported by evidence." That is the reality.

The SPEAKER: Order! The member for Toongabbie will resume his seat. Quite often the implication of questions that are asked is that a quarrel will—and again quite often does—ensue. That is the nature of question time. I intervene when it is appropriate, but it is not appropriate at this stage. There is no point of order. The Minister has the call.

Mr ADRIAN PICCOLI: When we get a point of order such as that, the obvious question that arises is: How did the member for Toongabbie last as Premier for as long as he did?

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

Mr ADRIAN PICCOLI: As I said, of course the Government uses consultants—it is a \$50 billion organisation. I understand that the budget of the Department of Education in New South Wales is bigger than that of the Government of South Australia. Government is a big and complex organisation. We used consultants as we developed our resource allocation model to better and more fairly distribute almost \$10 billion worth of funding to public schools. I am not an accountant or an expert in finance, and of course in that regard I seek the advice of people who are experts. It is ridiculous for members opposite to suggest that they did not do so when in office.

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question was simple: Why is the Minister cutting \$1.7 billion from the education budget?

The SPEAKER: Order! The Minister is being relevant to the question asked.

Mr ADRIAN PICCOLI: Will the Leader of the Opposition give me an extension of time, given the many interruptions from members opposite to my answer? I am more than happy to expand on my answer but I will need more than the 40 seconds that remain to me to do so. If members opposite intend to ask me another question, I will give them the opportunity. The member for Toongabbie spent two minutes taking a ridiculous point of order. As I was yesterday, I am more than happy to stand up and be transparent about what the Government is doing. Yesterday we laid it all on the table. We have made tough decisions and we have been transparent and up-front about it. We also provided the job numbers. We have provided far more transparency than anyone ever got out of the previous Government.

FISCAL POLICY

Mr MATT KEAN: My question is addressed to the Premier. Why is it important for the Government to live within its means?

Mr BARRY O'FARRELL: I thank the member for Hornsby for his question and for providing me with the opportunity to explain to the House why responsible governments are not afraid to take tough decisions. The simple and easy option is to do what Labor governments do: spend, spend, spend, regardless of their income.

The SPEAKER: Order! The member for Wollongong will come to order. I call the member for Canterbury to order.

Mr BARRY O'FARRELL: Spending irrespective of revenue may be easy, but it is the gutless option.

The SPEAKER: Order! The member for Mount Druitt will come to order.

Mr BARRY O'FARRELL: I am sure a wise old man or woman once said that a financial crisis delayed is a financial crisis worsened—or, for the benefit of some of the primary school students in the gallery, never put off until tomorrow what you can do today. My Government rejects and will not adopt Labor's reckless, irresponsible and head-in-the-sand position when it comes to managing the State's finances. School students who are present in the gallery might be interested to know that my Government in its last budget was the first government in 17 years to simply spend what it said it would spend. Because of Labor's reckless approach to budgeting, the previous Labor Government spent \$20 billion over and above the amount of anticipated revenue, but not on roads, schools or hospitals. Basically Labor spent that money across its union mates in the public sector. Each day, every person in New South Wales has to make choices and decisions about how his or her money is spent. Responsible people do not go to town on the credit card day in and day out because they know that that simply cannot be sustained.

Dr Andrew McDonald: What about the triple-A credit ratings?

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

Mr BARRY O'FARRELL: I appreciate the interjection from the member for Macquarie Fields about credit ratings because I want to highlight that if we are not prepared to live within our means or take the tough decisions to ensure we spend only what we have, what happens? It is what happened to the South Australian Government overnight: its credit rating was downgraded. What is the import of a credit rating being downgraded? It is exactly the same as when interest on a credit card increases: we pay more in interest. That is money that could be better spent on education, schools, hospitals, nurses, police or other services.

The SPEAKER: Order! The Leader of the Opposition will come to order. I call the member for Wollongong to order.

Mr BARRY O'FARRELL: Why was the South Australian Government's credit rating downgraded? As Moody's stated, in part it was because of "the lack of political will to implement necessary budgetary redress measures". As Standard and Poor's agency stated, "revenues have deteriorated"—I am sure the Treasurer sympathises with that—"with savings measures insufficient to offset lower revenue." In other words, the South Australian Government is spending more than its revenue. Does that not ring a bell here? This State's revenues have decreased by approximately \$2.5 billion not just because of the financial mess the previous Labor Government left us in but because the Federal Government advised earlier this year that New South Wales will receive \$5 billion less than expected in GST revenue. So South Australia is about to pay for Labor's irresponsible management by paying higher interest on funds that otherwise should have been applied to providing direct services.

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

Mr BARRY O'FARRELL: Queensland also suffered and had to be rescued from an irresponsible former Labor Government. Queensland suffered the same fate in 2009 as South Australia suffered overnight.

Mr Michael Daley: Point of order: The Premier ignores 12 out of 16 surplus budgets.

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

Mr Michael Daley: Those surplus budgets include a \$1.3 billion surplus that Labor left to his Government.

The SPEAKER: Order! There is no point of order. The member for Maroubra will resume his seat. I place the member for Maroubra on two calls to order.

Mr BARRY O'FARRELL: I can tell the House what I do not ignore. I do not ignore the member for Marrickville pretending in this Chamber that she is concerned about schools when she is concerned only about the Teachers Federation. I do not forget or ignore what percentage of the State budget was spent on education when she was the Minister for Education and Training.

Mr Mike Baird: Who knows?

Mr BARRY O'FARRELL: She certainly does not know. It was 21.4 per cent. [*Extension of time granted.*]

In Labor's last year in government and the member for Marrickville's last year as the Minister, 21.4 per cent of the State budget was spent on education. Last year, the percentage was 22 per cent and this year it is 22.4 per cent. Members of the Opposition should not lecture us about education spending.

Ms Anna Watson: Point of order: I know the Premier does not want to hear this.

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

Ms Anna Watson: My point of order is that when we lost government—

The SPEAKER: Order! Which standing order has been breached?

Ms Anna Watson: In 2011 the member for Marrickville was not the Minister for Education and Training. What the Premier has said is not true. He is a disgrace.

The SPEAKER: Order! I place the member for Shellharbour on two calls to order. When members take a point of order they should at least refer to the standing order they believe has been breached. If there is a similar occurrence, the member concerned will be placed on three calls to order and will be removed from the Chamber.

Mr BARRY O'FARRELL: After that interruption I am even closer to the member for Wollongong than I was previously. The only time Opposition members get excited is when they are exposed for representing union bosses, not the people of this State. The only time Opposition members get excited is when they are exposed for not doing what families and businesses across this State have to do—spend only the money they have. A government can spend only the revenue it has received. If it spends more than that, even bigger problems will be created. As kids in classes today and in future classes would know, and as the Queensland Government has confirmed, when a government spends too much, even tougher decisions and deeper cuts have to be made. This Government will continue to manage the State's finances responsibly and continue to take the tough but necessary decisions to bring the State's finances back into order. If we do not do so in the face of international and national economic circumstances, we will limit the future opportunities, particularly job opportunities, of people across this State.

EDUCATION FUNDING

Ms CARMEL TEBBUTT: My question is directed to the Minister for Education. Will he guarantee that the Best Start program, which provides literacy and numeracy assessments for kindergarten students, will not be cut under his \$1.7 billion cuts to education?

Mr ADRIAN PICCOLI: To the best of my knowledge, the answer is no.

The SPEAKER: Order! The member for Marrickville has asked the question; she should listen to the answer.

Mr ADRIAN PICCOLI: Let me provide the House with some additional information about why we have had to take the measures we have taken, and indeed about some of the measures we have been stuck with taking. I make it clear that 400 administrative positions in schools was part of yesterday's announcement.

Mr Barry O'Farrell: Wasn't that previously agreed?

Mr ADRIAN PICCOLI: It is the agreement by the previous Government that essentially we are stuck with.

Ms Carmel Tebbutt: Point of order: My point of order relates to Standing Order 129, relevance.

The SPEAKER: Order! If Government members do not come to order, I will call them to order.

Ms Carmel Tebbutt: The question was very specifically about the Best Start program. The Minister has announced the cuts. He at least should have the decency to explain to the House what will be cut.

The SPEAKER: Order! The Minister is being generally relevant. There is no point of order.

Mr ADRIAN PICCOLI: I answered the question by saying that to the best of my knowledge the answer is no, it will not be cut. I am providing context to explain why we have had to make the decisions we have made. For the benefit of members, I will put the measures announced yesterday into perspective. In October 2010 the previous Government approved a settlement with the Public Service Association to fund salary increases above 2.5 per cent for school administrative and support staff working in State school offices and TAFE institutes. The cost of the increase of 2.5 per cent was estimated to be approximately \$125 million over the three-year life of that agreement. So the previous Government did a deal with the unions to pay above 2.5 per cent. The department and the Public Service Association agreed that future savings would be used to assist in funding salary increases above 2.5 per cent during the staffing period, which would lead to an increase of approximately 4 per cent per annum. The previous Government made an award agreement with the Public Service Association to increase salaries above 2.5 per cent.

Ms Carmel Tebbutt: So it is our fault now, is it? You have been in government for more than a year.

Mr ADRIAN PICCOLI: The previous Government's policy was exactly the same policy as the policy of the current Government: the previous Government needed to find efficiency savings. I inform the House where the previous Government found those efficiencies. The savings figure of \$21 million is equivalent to 400 full-time equivalent school administrative officer positions.

Mr John Robertson: Point of order: My point of order is relevance under Standing Order 129. This is not about what happened previously. This is about \$1.7 billion that the Minister has cut—

The SPEAKER: Order! The Leader of the Opposition will resume his seat. The Minister is being relevant and has answered the question. The Minister has the call.

Mr ADRIAN PICCOLI: What we are saying is that if the Leader of the Opposition wants to reinstate those 400 positions that he agreed to cut, he has to reduce salaries for Public Service Association members.

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

Mr ADRIAN PICCOLI: His Government and the union agreed to sacrifice 400 positions in order to fund a salary increase. If the Leader of the Opposition wants us to reinstate the 400 positions—

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

Mr ADRIAN PICCOLI: He is saying he wants Public Services Association members to take a 1.5 per cent pay cut. If he wants to put that in writing—I am not sure I would agree with it—I would be more than happy—

Dr Andrew McDonald: Point of order: I refer to Standing Order 129. I do not think the Minister even knows what Best Start is. He is now four minutes into answering the question and I have not heard the words Best Start. I ask that you bring him back to the leave of the question.

The SPEAKER: Order! The member for Macquarie Fields will resume his seat. Taking a point of order is not an opportunity to quote relevance and then argue with the Minister. There is no point of order. The Minister has the call.

Mr ADRIAN PICCOLI: I inform members that when anybody comes to their office or speaks to them about those 400 administrative positions, they should refer them to the Leader of the Opposition. He did a deal with the union and they sacrificed 400 members for salary increases. That might be fine and the union might agree with that. The Public Service Association condemned the Government yesterday. It condemned its own decision. I am happy to provide all the correspondence, and I will to all members, in which the union agreed to the deal offered by the former Labor Government. They are more than welcome to hand that to Public Service Association members when they come and see them.

Mr Andrew Fraser: Point of order: My point of order is under Standing Order 131 (4). It is obvious today that even though Opposition members are asking questions they are intent on not listening to the answers. Standing Order 131 (4) gives you the opportunity to pause the clock when inane points of order are taken by Opposition members.

The SPEAKER: Order! I am aware of my rights and responsibilities under the standing orders. I thank the member for Coffs Harbour for his advice.

Mr Michael Daley: Point of order: I appreciate the fact that you have refused the kind invitation of the member for Coffs Harbour to exercise your discretion—

The SPEAKER: I did not refuse to exercise my discretion under the standing orders; I merely thanked the member for Coffs Harbour for his advice.

Mr Michael Daley: You might decide to exercise your discretion only when a Minister is actually trying to answer a question and we are trying to interrupt him. In the history of this Government that has not yet happened.

The SPEAKER: Order! I thank all members for their advice this afternoon.

PUBLIC SECTOR REFORM

Mr CHRIS SPENCE: My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the Government addressing the challenge of ensuring the State's public sector delivers what taxpayers expect?

Mr MIKE BAIRD: I thank the member for his question, for his work on the Central Coast and for his interest in ensuring the public sector delivers for the people of New South Wales. There needs to be restraint and belt-tightening across the economy, and the public sector has to be part of that. This is a substantial belt-tightening in the public sector. Those words are not my words. The question is: Who would those words be from? They are from the greatest Treasurer in this land, Wayne Swan. He said there needs to be belt-tightening. Few would argue that the structure of the public sector in New South Wales is right, but can it be made more efficient?

Many would not argue that it is delivering the customer service that taxpayers expect and few would argue there is no waste and mismanagement in the public sector that cannot be reined in. We need to take action to do that. In the last year of the former Labor Government the number of public sector employees grew by more than 7,000. We conducted a number of reports into that growth. Kerry Schott's commission of audit report found waste and inefficiency in the back office. She said there was, "a significant bulge at the middle management level". The member for Maroubra had 10 years as a Minister. Imagine what he would have found. She also found there was duplication across the public sector:

Each entity has had its own corporate, IT, finance and payroll systems. As a result there are multiple corporate systems in the cluster which prevent it from operating in an effective and integrated way.

She recommended urgent reform of the public sector. We are unashamedly doing that. We are reducing head offices across the public sector to make them as lean and efficient as the public would expect. We have done that in our Networks business. We have reduced three head offices to one. Why? Because it takes costs out of the business and by taking costs out of the business it takes costs out of electricity bills. We have done that in Health. We have a smaller head office in Health so we can start to move towards the front-line in Health and deliver more clinical services. We have done that in Transport. We have a smaller head office in Transport so we can focus on customer service, which is what the community would expect. We made those changes in Education that the Minister has announced, smaller head offices, so we can deliver more teachers and more front-line services for education.

In our first budget we announced more than 5,000 voluntary redundancies over four years as we started to take these actions. We are on track to meet that target. More than 2,000 voluntary redundancies have been achieved to date. Why is it important that we make the public sector lean? We are looking at head offices so we can continue to boost the front-line. We need to continue to do that. In the past year alone we have delivered across the State, across every community, more than 507 new teachers. That is what has come in the past 12 months. We put 1,457 new nurses into hospitals and emergency departments across the State to improve health services. As the economy improves and revenue increases, it provides the capacity to put even more into the front-line. That is what the O'Farrell Government is about. We are happy to have lean head offices and have a flowing front-line—more services on the ground.

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

Mr MIKE BAIRD: It is not easy. I hear those opposite complaining. That is because their fiscal strategy is a pipedream. They want to have a policeman on every corner, a hospital on one corner and a police station on the other corner. But they have provided not one policy as to how they would fund the gap left by the \$2.5 billion less that this State has to operate with. The O'Farrell Government is doing what it is doing because we need to ensure we make the difficult decisions today to look after the long-term future of the State. While those opposite run populist campaigns, the O'Farrell Government is determined to do the right thing: to live within our means so that we can look after front-line services and the long-term interests of the people of the State.

APPRENTICESHIP COMPLETION RATES

Mr JOHN ROBERTSON: My question is directed to the Minister for Education. The Minister said last year that apprenticeship completion rates should be a national priority. In light of this, will the Minister guarantee that completion rates will not fall under his unprecedented cuts to TAFE and the joint group training scheme?

Mr ADRIAN PICCOLI: Completion rates for apprenticeships and traineeships, any kinds of courses at universities, are subject to various influences. They are very low, and I have said that publicly. Why are we making the changes we are making? I thought I made it reasonably clear. Training is essential to the future of the State. Education is a hot topic today, for good reason. I have just been advised it is also a hot topic in the upper House, as it should be. But I am a bit concerned to hear of an interjection in the other Chamber from the Hon. Greg Donnelly, who said, "Why don't you make it \$2 billion?" There is a suggestion. We do not often get suggestions from the other side, but I flatly reject that \$2 billion figure. It is tough enough to do \$1.7 billion. We are not doing \$2 billion.

Ms Carmel Tebbutt: Point of order: My point of order is relevance under Standing Order 129. The Minister is so desperate now that he is talking about matters that happened in the other place rather than answering the question.

The SPEAKER: Order! The Minister is being relevant to the question asked.

Ms Carmel Tebbutt: Clearly he does not know anything about completion rates or group training. I am glad that he has received a note. Now he might be able to answer the question.

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

Mr ADRIAN PICCOLI: Nobody likes to make the decisions we have made. As I said, every line item across the \$13 billion in Education has been considered. My understanding is that this program gives \$150 to about 4,000 commencing apprentices out of about 160,000 apprentices across New South Wales. Of course every impact matters, but let us put it in some kind of perspective: \$150 for about 4,000 commencing apprentices every year out of about 160,000 apprentices across New South Wales. That money goes to some group training organisations to help them do their valuable work in supporting apprentices. As I said, every line item of the New South Wales budget has had to be looked at to find the savings, including consultancies. Members will be very interested to know the figures for consultancies. In 2010, in the last year those opposite were in government—

Mr John Robertson: Point of order: I know they are all excited on that side, but if the Minister was too slow to give the answer to the question asked earlier, he does not get to do it in answering this question. My point of order is relevance under Standing Order 129. The Minister is now seeking to answer a question that was asked four questions earlier.

The SPEAKER: Order! I understand the point of order and perhaps it has some credence. However, I do not believe the Minister has breached a standing order.

Mr ADRIAN PICCOLI: I apologise for not knowing every figure in a \$13 billion government agency. I admire the Leader of the Opposition for a number of things, but leadership is not one of them. Nor do I admire him in his role as Leader of the Opposition for the past 18 months or in his role as a Minister. Maybe I should refresh my views about—

Ms Linda Burney: Point of order: My point of order is relevance under Standing Order 129. The question asked was about apprentice completion rates and whether the Minister could guarantee they would not come down under the budget.

The SPEAKER: Order! I uphold the point of order. The Minister will return to the leave of the question.

Mr ADRIAN PICCOLI: It cannot be guaranteed because of numerous factors and economic considerations. How many examples have we seen, particularly through regional New South Wales, of people doing apprenticeships who have been offered a job paying substantially more money? Halfway through their apprenticeship they leave and get a job that pays \$100,000 in areas where mining is booming. It is ridiculous to suggest that I am going to guarantee that completion rates will always go up when so many factors affect the 160,000 apprentices across New South Wales.

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

Mr ADRIAN PICCOLI: I am sure members will be interested to hear the supplementary answer I give at the end of question time.

RIGHT TO SILENCE LAWS

Mr ANDREW ROHAN: My question is addressed to the Attorney General, and Minister for Justice. What is the latest information on the Government's proposed reforms to the right to silence in New South Wales?

Mr GREG SMITH: I thank the member for Smithfield for his question and for his keen interest in this important issue. Last month the Government announced its common-sense reforms to the right of silence in New South Wales. These reforms will allow juries, magistrates and judges in judge-alone trials to draw an adverse inference against an accused who refuses to respond to questions put by investigating police, but who later produces evidence at trial in a bid to be found not guilty. This evidence must be evidence that the accused could reasonably have been expected to mention in the circumstances existing at the time. Under current law, juries are explicitly instructed by trial judges not to draw an adverse inference from such behaviour. However, the criminal justice system needs to be monitored constantly and corrected to ensure the balance between the rights of the accused and the rights of victims, and of keeping communities safe from crime. I am sure every member of this House wants that, but sometimes I wonder about those on the other side.

The SPEAKER: Order! Opposition members will cease baiting the Attorney General. This is a fairly serious subject.

Mr GREG SMITH: The exposure bill to be released today will mean that silence comes with consequences and can no longer be used as a shield by criminals. The exposure bill contains the following safeguards. First, the section does not apply to an accused who is under 18 years of age or who is suffering from a cognitive impairment at the time of questioning. Secondly, a person cannot be convicted solely on the basis of an adverse inference arising from his or her silence. Thirdly, no inference can be drawn at trial for an accused's failure to mention facts if the accused was not given the opportunity to consult a legal adviser before being questioned.

Dr Andrew McDonald: On-call solicitors, yes!

The SPEAKER: Order! I place the member for Macquarie Fields on three calls to order.

Mr GREG SMITH: I note that the Government will trial a telephone advice line by lawyers to provide advice about the caution to suspects held for questioning by police.

Dr Andrew McDonald: A phone advice line?

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

[Pursuant to sessional order the member for Macquarie Fields left the Chamber at 2.57 p.m.]

Mr GREG SMITH: I think last time I answered a question, two members were removed from the Chamber. As a final safeguard, the amendments will be subject to statutory review after five years. As of now,

any accused person will be given the following caution prior to any police questioning, and I am sure those opposite have heard this before, "You are not obliged to say or do anything unless you wish to do so, but whatever you do say may be used in evidence. Do you understand that?" Under the proposed reforms, if the police reasonably suspect the person of having committed a serious indictable offence and later want to rely on an adverse inference, they must give the following supplementary caution.

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

Mr GREG SMITH: The following caution must be given, "You are not obliged to say or do anything unless you wish to do so—

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

Mr GREG SMITH: —but it may harm your defence if you do not mention when questioned something you later rely on in court. Anything you do say or do may be given in evidence. Do you understand?" If an accused person remains silent, he or she can, of course, explain his or her silence to the judge or jury, who are best placed to consider the credibility of the behaviour. The exposure draft will be available today on the websites of the Department of Attorney General and Justice, the New South Wales Government and the Office of the New South Wales Parliamentary Counsel. Submissions on the exposure bill can be made to my department. Details will be on the website. Submissions will be accepted until 28 September 2012—so you better get in quick. [*Extension of time granted.*]

The Government will consider the submissions before introducing the final bill. I encourage all interested parties to make a submission regarding these important reforms. The bill deserves support from all members of Parliament. The Government is trying to catch serious criminals, the ones who hide behind a veil of silence, who threaten witnesses—

Mr Paul Lynch: Do you support it?

The SPEAKER: Order! I caution the Attorney General not to respond to interjections.

Mr GREG SMITH: This amendment has my wholehearted support and has done for many years. It has the support of prosecutors and police and for once I would like to hear the Opposition express its support for the police.

EDUCATION FUNDING

Ms CARMEL TEBBUTT: My question is directed to the Minister for Education. Will the Minister inform the House whether special needs programs and support for children with disabilities and learning difficulties will be quarantined from the Government's \$1.7 billion cut to education?

Mr ADRIAN PICCOLI: Madam Speaker, as I said yesterday—

The SPEAKER: Order! An Opposition member asked the question; surely Opposition members would like to hear the answer.

Mr ADRIAN PICCOLI: Yesterday I outlined the measures that this Government will undertake to make the savings it is required to make as a Government. I commented earlier that 400 administrative positions earmarked by the former Labor Government, which this Government has had to deliver on, and 600 jobs in the State bureaucracy will be impacted. That is the announcement. Teachers, teachers aides, and teachers who support students with special needs will not be impacted. That is the decision. The announcements made yesterday do not affect any teachers or staff in schools.

Mr John Robertson: Point of order: I cannot hear the Minister. Opposition members are sitting here quietly, but I cannot hear what the Minister was saying in answer to the question.

The SPEAKER: Order! The point of order is noted. I ask the Minister to speak into the microphone and for members to come to order.

Mr ADRIAN PICCOLI: I was attempting to address the vast majority of members who happen to sit on this side of the Chamber. The Government announced the measures yesterday. The Government now has to take action on the 400 administrative jobs that the Opposition earmarked. Consultation is about to begin concerning the 600 head office positions. Teachers, teachers aides or students receiving assistance in school will not be affected. That is how one gets to \$1.7 billion. The Government could have made one announcement today, another announcement next week and another the week after, but it is doing what the former Labor Government refused to do and that is to be transparent and fair about how it is implementing this process.

Yesterday the Government focused on full-time equivalent positions. It will look at all the other measures—including travel and consultancies—within the Department of Education and Communities that account for the budget. The Government is doing as many things as it can to reach \$1.7 billion. I advise members that I spoke to Minister Garrett today. Yesterday Minister Garrett issued a media release and asked for a meeting. I had a telephone meeting with him because both State and Federal parliaments are in session. I said to the Minister that a large part of why the Government has had to cut the Education budget is due to the \$5 billion reduction in revenue from the goods and services tax from the Commonwealth. I said to Minister Garrett, my Federal ministerial counterpart, that the New South Wales Government would appreciate it if he would speak to the Federal Treasurer, Wayne Swan, about measures they could enact to plug the \$5 billion hole left by a reduction in the goods and services tax revenue.

If the Commonwealth were able to do that this Government would love to reconsider some of the measures it has announced. When the State receives \$5 billion less from the Commonwealth it has to take measures to fill the revenue hole—unless the Commonwealth can fill the hole. It is a bit rich for the Commonwealth to criticise State Government measures when the State is receiving \$5 billion less in revenue from the Federal Government. The ball is now in Mr Garrett's and Mr Swan's court. The reduction in goods and services tax revenue is not all to blame—a lot of the blame can be apportioned to those opposite. If the Federal Government is prepared to talk to the Treasurer, I am sure the Treasurer would be all ears about changing some of the measures announced by the Government. I wait to hear the outcome of the meeting between Minister Garrett and Minister Swan.

ELECTRICITY PRICES

Mr ANDREW GEE: My question is addressed to the Minister for Resources and Energy. Will the Minister inform the House what the Government is doing to help put downward pressure on power prices?

Mr CHRIS HARTCHER: I thank the member for Orange for his question. I ask for a minor indulgence: How great was last Saturday. The Liberal flag now flies over Liverpool town hall. The Kremlin has fallen.

Mr John Robertson: Point of order: I know you are an insightful Speaker and I am sure you know that my point of order is going to be relevance under Standing Order 129. The Minister is far from answering the question. I know the Minister is struggling because he is not doing much about it, but I ask you to draw the Minister back to the leave of the question.

The SPEAKER: Order! I am sure The Minister will answer the question if he is given the opportunity.

Mr CHRIS HARTCHER: The Leader of the Opposition manned a polling booth last Saturday and the swing against the Labor Party in that electorate was 13 per cent.

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

Mr CHRIS HARTCHER: Thank you for your indulgence, Madam Speaker. We are all aware of the price rises in New South Wales, we are aware of the battle that everyone has each quarter to pay their electricity bill—a legacy left from 16 years of Labor mismanagement. This Government is doing something about it. Members and the public are aware of the measures the Government has taken. It has merged the networks, introduced the family energy rebate and the low income rebate, and it is working at every single level to help the battlers in society. It is also working on the small things that are not as significant but are symbolically important. The largesse that certain executives were giving to themselves at Ausgrid has now been addressed.

The Ausgrid box at the Olympic stadium will be converted to a box for the battlers in New South Wales. The Government will make sure that the benefits do not go to the well-heeled, the people the Labor Party looked after, or the union executives or management, but to the people who really count—the people who have to pay the bills.

The Hon. Charlie Lynn, a member in other place, has agreed to chair the recipients for the box at the approaching grand final. That will save \$160,000 a year, which is not of itself a significant amount but significant for the symbolism it provides to the people of this State. The Government is not after largesse but is focused on forcing down electricity costs. The Government has brought to an end the \$450,000 annual sponsorship for Taronga Zoo and the \$435,000 annual sponsorship for the Sydney Symphony Orchestra. In my electorate it is not renewing the \$350,000 annual sponsorship of the Central Coast Mariners and it is not renewing the \$158,000 annual sponsorship of the Sydney Theatre Company. The Government will continue to sponsor the Hunter Westpac Rescue Helicopter Service, the Sydney Burns Foundation, the Rural Fire Service and branches of Surf Lifesaving New South Wales. This Government is determined to do what the previous Government never agreed to do, or did not want to do: look after the battler.

The SPEAKER: Order! There is too much interjection from Opposition members. I warn the member for Maroubra not to continue with his disruptive behaviour.

Mr CHRIS HARTCHER: They interject, but last Saturday where did the battler vote go? Where did the battlers put their votes last Saturday? In Liverpool, so ill-represented by the member in this Chamber, the Labor vote fell, and it fell magnificently. In every council across the State—

Mr Ryan Park: Point of order: My point of order is relevance, under Standing Order 129. I also seek clarification. A couple of weeks ago the member for Vacluse said battlers do not exist anymore. My point of order is relevance because the Minister is talking about something that a member of the Government said—

The SPEAKER: Order! Taking a point of order is not an opportunity to debate or argue. There is no point of order. The Minister has the call.

Mr CHRIS HARTCHER: I will go through some of the major changes. [*Extension of time granted.*]

In network changes, there will be \$400 million in savings. There will be \$560 million budgeted savings in capital expenditure. We have halved the travel bill of Essential Energy, which was \$15 million in the last financial year. We will cut the overtime bill, now at \$172 million, to \$50 million over the next two years. New enterprise agreements are being negotiated to keep labour cost increases to inflation or below. And, to help the battlers—so ill-represented by the member for Keira—we have introduced the Low Income Household Rebate, which is \$215 from 1 July, for 700,000 families, and the Family Energy Rebate, which is \$75 from 1 July and increasing to \$150 by 2014, helping 540,000 families. We are saving hundreds of millions of dollars of battlers' money; and we are putting that back into their electricity bills. The proof of the pudding is always in the eating; and last Saturday everybody supped at the eating of the great pudding. No matter what Opposition members say now, they all felt the blow last Saturday night as the votes came in, council after council. The Labor Party reaped the harvest of its sowing, not just on 26 March 2011 but also on 8 September 2012.

DUBBO SCHOOL OF DISTANCE EDUCATION

Mr RICHARD TORBAY: My question is directed to the Minister for Education. Will the Minister guarantee support and resources from the Dubbo School of Distance Education for years 11 and 12 at the remote and isolated Ashford, Bundarra, Emmaville and Bingara central schools?

Mr ADRIAN PICCOLI: In 2003 Ashford, Bundarra and Emmaville central schools introduced access to years 11 and 12 Higher School Certificate classes for students. The program became known as the ABE program and was taught and delivered from the Dubbo School of Distance Education under the supervision of staff from each school. In 2005 the Department of Education and Communities, New England Region, conducted a review of the program and several recommendations were made. The recommendations included that the schools move to introduce increased local delivery of Higher School Certificate courses and that the schools work together on shared local delivery.

In 2011 School Staffing Services prepared a briefing in relation to the way the ABE schools were counting students on each school's individual staffing entitlement report. This briefing outlined a two-year

transition for the schools to commence complying with departmental policy in the staffing of schools. In March this year the Relieving School Education Director met with all principals from the ABE schools highlighting the issues surrounding the counting of students. In 2013 the schools can make application for students to access a range of courses from the Dubbo School of Distance Education. No resources from the Dubbo School of Distance Education have been affected. The schools are able to continue accessing the services of the Dubbo School of Distance Education.

The schools have been asked to accurately reflect the pattern of study for each student as part of the requirements for all New South Wales public schools. This means that Higher School Certificate courses taught and delivered by staff members at Ashford, Bundarra and Emmaville central schools and the Higher School Certificate courses delivered by either TAFE or another school, such as the Dubbo School of Distance Education, need to be accurately reflected on the school staffing entitlement return. Students cannot be counted twice. The Department of Education and Communities will continue to support all public schools across New South Wales where students need to access distance education programs. Given today's question, I will arrange a meeting with the department about this matter, and I look forward to advising the local member as to its outcome. I appreciate the question from a fellow country member of Parliament.

COASTAL MANAGEMENT

Mr DARREN WEBBER: I address a question to the Minister for the Environment, and Minister for Heritage. What is the Government doing to help communities vulnerable to coastal erosion?

Ms ROBYN PARKER: I thank the member for Wyong for his question. I know this is a huge issue for his electorate, as it is for many electorates up and down the coast, including the two electorates represented by Opposition members. At least two former Labor environment Ministers told me that the issues of coastal erosion and sea level rise are too hard to solve. But this Government is making great strides. We are working with a ministerial task force and have senior officers working together, as well as an expert panel. We now have the first part of the changes I announced yesterday and legislation coming to Parliament this afternoon.

While coastal erosion is threatening at least 200 homes in New South Wales, red tape restrictions have prevented landowners from taking immediate action to protect their property. Local councils have also been under severe financial and regulatory constraints to help their ratepayers with this issue, and they have been desperately seeking help from the New South Wales Government. It is clear that the previous Government's 2010 coastal erosion restrictions created uncertainty and red tape, hampered coastal planning and prevented landowners from protecting their property. We have been talking with communities and councils to get an understanding of the barriers and possible solutions. We have taken a whole-of-government approach and sought the advice of the New South Wales Chief Scientist.

I am pleased to inform the House of the first stage of these reforms, which will make it easier for coastal landholders, public and private, to install temporary works to reduce the impacts of erosion on their properties, so long as those works do not impact on neighbouring properties. We will remove the compulsory application of sea level rise benchmarks based on the understanding that sea level rise exists but that it varies up and down the coast. There is certainly scientific evidence that supports that, and more scientific evidence is becoming available. We will deliver clarity to councils on the preparation of section 149 notices by focusing on current known hazards, and we will support local councils by providing information and expert advice on sea level rise relevant to their local area. Underpinning this is the Coastal Protection Amendment Bill 2012.

As I have said, we have spoken with the Chief Scientist, Professor Mary O'Kane, to review the adequacy of the science behind the previous Government's sea level rise planning benchmarks. Professor O'Kane's report, which is available on the website, pointed out the uncertainty in the projected rate of future sea level rise and that the scientific knowledge in this field is continually improving. In light of this, the New South Wales Government considers it is not appropriate to recommend that statewide sea level rise projections or benchmarks be used by councils. This will give councils the flexibility to adopt sea level rise projections to suit their local circumstances. However, we will assist councils by providing information on projections for future sea level rise for their consideration when developing their local projections.

Coastal councils and communities have been concerned about the heavy-handed application of the previous Government's sea level rise planning benchmarks. I know those on the Central Coast and others up and

down the coast have been concerned about that application. Landowners have written to me constantly and expressed concerns about what that meant for them, their insurance costs and the future sale and value of their properties. We recognise that councils are working hard to grapple with these issues. We are going to give them the resources and support they need. We will be giving them an extra 12 months to integrate their coastal zone management plans with these new reforms. This is about our coastline and our beaches. This is the first part of this reformist Government's change to coastal management. Former Labor Ministers advised that this was too hard. We are not listening to them; we are getting on with the job. I know that members who represent electorates up and down the coast will support these changes. They have been calling for them for a long time and we are delivering.

EDUCATION FUNDING

Mr ADRIAN PICCOLI: I give a much-anticipated supplementary answer. Earlier in question time I was asked a question about whether the New South Wales Department of Education had considered consultancy as part of its savings measures. The answer I gave to that question was yes, but I will provide the House with the numbers. In 2010, in the last year of the previous Government, the consultancy value was \$3,012,000. In 2011, in the first calendar year of the New South Wales Government, the consultancy value was \$1,100,000.

Question time concluded at 3.20 p.m.

BUSINESS OF THE HOUSE

Inaugural Speeches

Motion by Mr Brad Hazzard agreed to:

That the business before the House be interrupted at 7.30 p.m. to permit the presentation of an inaugural speech by the member for Heffron.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.21 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) consideration of the first General Business Notice of Motion (General Notice) listed on the *Business Paper* and ready to proceed on Wednesday 19 September 2012 during government business.
- (2) at 10.30 a.m. on Thursday 20 September 2012 consideration of a motion conveying the apologies of the House for the practice of forced adoption with the following speaking time limits:
 - (a) the Premier—seven minutes;
 - (b) the Leader of the Opposition—seven minutes;
 - (c) two other speakers—five minutes each.

As already notified to members, it is the Government's intention next Thursday 20 September 2012 to convey an apology to women who were involved in the practice of forced adoption. As indicated last week, the consideration of that apology will occur on Thursday morning at a time when the House usually deals with private members' notices of motions. So that members will not lose the opportunity to debate motions that would otherwise be dealt with at that time, the first General Business notice of motion that would otherwise be dealt with on the Thursday morning will be dealt with on the morning of Wednesday 19 September.

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

Motion agreed to.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Discussion on Petition Signed by 10,000 or More Persons**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.24 p.m.]: I move:

That standing and sessional orders be suspended to permit:

- (1) on Thursday 13 September 2012 at 4.15 p.m. or at the conclusion of government business, the consideration of the petition on the container deposit levy presented by the member for Murray-Darling followed by the petition on AustRoad standards presented by the member for Oxley; and
- (2) on Thursday 20 September 2012 at 4.15 p.m. or at the conclusion of government business, the consideration of the petition on retail trading laws presented by the member for Blacktown followed by the petition on Unanderra railway station presented by the member for Wollongong.

It has been pointed out that petitions are banking up on the list. Currently, seven petitions are listed for discussion, although I understand a few more are about to be listed on the *Business Paper*. In order to ensure that the community's voice is heard, in accordance with the undertakings given by the Premier and the Coalition following the last election, we intend to increase the number of petitions that will be heard in the normal course. Members will be aware that in the normal course on a Thursday afternoon one petition is debated. We intend to double that number for the next couple of weeks. One of the next petitions to be debated is a petition submitted by the member for Wollongong relating to issues concerning Unanderra railway station. At the member's request, debate on that motion will be deferred to next week to facilitate her bringing guests to the Parliament.

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

Motion agreed to.

PETITIONS

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

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**.

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**.

Pets on Public Transport

Petition requesting that pets be allowed on public transport, 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**.

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:

Hastings Public School

Petition calling for the immediate restoration of current funding for students with learning and behavioural disabilities and a guarantee that student class sizes not be increased, received from **Mrs Leslie Williams**.

Port Macquarie Liquor Licence

Petition objecting to the granting of a new packaged liquor licence for a proposed Liquorland store in Emerald Downs shopping complex, Port Macquarie, received from **Mrs Leslie Williams**.

Pet Shops

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mr RYAN PARK (Keira) [3.27 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 2336 have precedence on Thursday 13 September 2012.

This motion relates to funding for a quality education system in this State. If we asked any community member in any electorate what was the most valuable role played by governments we would get two answers: a quality health system and a quality education system. Yesterday in this place we saw the return of something that I never thought we would see again. The funding cuts introduced by Terry Metherell nearly two decades ago came back into this Chamber to be thrown on the community of New South Wales. To borrow a quotation from the Government's mate in Canberra, we thought that Terry Metherell's reforms were dead, buried and cremated. Yesterday the Minister for Education resuscitated those reforms. In one of the worst announcements that I have ever heard, we learn that public education, independent education and TAFE colleges have been cut to the bone.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.30 p.m.]: The member for Keira is making such an excellent argument as to why this matter should be given priority that the Government will accede to his request. The priority of the matter can be debated tomorrow.

The SPEAKER: Order! The member for Keira still has one minute remaining to speak to his motion.

Mr RYAN PARK (Keira) [3.30 p.m.], in reply: Members on this side of the House know why we are different to members opposite.

The SPEAKER: Order! The member will be heard in silence. I call the member for Monaro to order.

Mr RYAN PARK: Yesterday every parent, teacher and community member learned why Opposition members are different to Government members. Opposition members value quality education and we do not think it should be subject to these cuts by Treasury. We on this side of the House believe that all students have the right to a quality education regardless of the school that they attend. That is why we are different, as the community of New South Wales saw yesterday.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Business Lapsed

The SPEAKER: Order! I advise the House that, pursuant to Standing Order 105 (3), General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 390, 391, 400, 401 and 417 either not having commenced or not having been completed will lapse tomorrow.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Coastal Management

Mr STEPHEN BROMHEAD (Myall Lakes) [3.31 p.m.]: My motion to be accorded priority is that this House supports the New South Wales Government's coastal management changes which will strike the right balance between protecting properties and managing the State's vast coastline. The motion should be accorded priority because it affects the entire New South Wales coastline and potentially millions of people. I implore members to back this motion and I call on the Opposition to support it because nothing could be more important. Coastal protection is of the highest priority. The Government is giving power back to home owners and councils. This is a great day for coastal communities.

The SPEAKER: Order! Members should refrain from interjecting while the member is seeking priority for his motion.

Mr STEPHEN BROMHEAD: Many people living in coastal communities are under threat and unable to do anything about it. Many people in coastal communities are living in limbo because of the former Labor Government's laws relating to coastal protection. The Government is introducing reforms to address those inadequacies and the problems left behind by the previous Government. We are giving councils the flexibility to consider coastal hazards in the context of their local circumstances. The State Government will no longer recommend statewide sea level rise benchmarks for council. The bill that we will introduce this afternoon will allow landowners to more readily place large sandbags as temporary coastal protection works. For example, the works will be able to be placed at any time and landowners will no longer need to wait until erosion is occurring or is imminent.

The current restrictions that limit landowners placing these works on their land only once and only for 12 months will be lifted. Landowners also will no longer need a certificate from council or the Office of Environment and Heritage before placing works on their land. The amendments will double the time landowners can place works on public land to up to two years. A man's home is his castle and there is an old saying that not even the king or the king's men can enter the property. We are giving landowners back the right to protect their property. It might be a bit much for members on the other side to understand, but a man's home is his castle. I wish they would just get the vibe, join with me and give this motion priority.

Education Funding

Ms CARMEL TEBBUTT (Marrickville) [3.34 p.m.]: My motion to be accorded priority is that this House calls on the O'Farrell Government to reverse its unprecedented \$1.7 billion in funding cuts to New South Wales public, Catholic and independent schools and TAFE colleges. This matter should be accorded priority because there is nothing more important to parents than this motion relating to education and calling for a reversal of these cuts. I know that members across the Chamber have been inundated with calls from parents, principals and teachers asking for these cuts to be reversed. There is alarm and anxiety in the community. As has been said earlier in the House today, these are the biggest cuts proposed to education since the days of Terry Metherell. They are generating uncertainty in government and non-government schools.

This is a matter of priority. I know that the members representing the electorates of Baulkham Hills, Smithfield, Castle Hill, Cronulla and Port Macquarie are getting the same calls about these cuts to education funding as members on this side of the House. Parents, teachers and students are horrified. I call upon Government members to support this motion. The Government cannot cut \$1.7 billion out of the education budget, slash 1,800 staff, freeze funding for non-government schools and increase TAFE fees and not expect a reaction in the community. The reaction is coming. It is coming today, it will come tomorrow, it will come next week and it will continue to come until the Government backs down on these cuts. That is why this matter should be debated today. This is a matter of priority because as we speak governments across Australia are working out how to implement the Gonski review.

Mr Daryl Maguire: Point of order: The Government has already agreed to debate this issue tomorrow in a motion that was moved earlier today.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Ms CARMEL TEBBUTT: The Gonski review showed very clearly that our education performance is slipping and that governments need to invest more in education. At precisely the same time that governments are working out how to do it, this Government is cutting funding to education and training in New South Wales. That is a disgrace. That is why this House should debate this motion today.

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

The House divided.

Ayes, 61

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

Noes, 24

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

Question resolved in the affirmative.

COASTAL MANAGEMENT

Motion Accorded Priority

Mr STEPHEN BROMHEAD (Myall Lakes) [3.48 p.m.]: I move:

That this House supports the Government's coastal management changes, which will strike the right balance between protecting properties and managing the State's vast coastline.

The first stage of the New South Wales Government's comprehensive coastal reforms will be introduced in the House this afternoon. Those reforms will make it easier for coastal landholders to install temporary works to reduce the impact of erosion on their properties. It allows for removal of the compulsory application of sea level rise benchmarks. It will deliver clarity to councils in preparing notices pursuant to section 149 of the Environmental Planning and Assessment Act 1979 by focusing on current known hazards. It will support local councils by providing information and expert advice on sea level rise that is relevant to their local area. The bill will allow landholders to more readily place large sandbags as temporary coastal protection. For example, the works will be able to be placed at any time. Landholders no longer will need to wait until erosion is occurring or imminent.

Old Bar in my electorate, one of the hotspots of New South Wales, is in that exact position. Houses are in imminent danger. These are not people who built on coastal sand dunes; these people built their houses decades ago, 40 and 50 metres away from the sand dunes. In 10 years that land and those sand dunes have been reduced almost to nothing. During that time they were not allowed to do anything about it; they were not allowed to protect their homes. This legislation will allow them to do that, without having to lodge development applications and without having to deal with red tape. They can protect their homes temporarily and then, to achieve long-term results, they can submit their development applications. Predicted sea level rise will impact on hundreds of homes. For example, in Old Bar 360 homes are affected by that prediction, as are houses in Harrington. At Lake Cathie in the electorate of Port Macquarie houses are in imminent danger from erosion and from projected sea level rise.

This Government will strike the right balance between protecting property and managing the State's vast coastline. The New South Wales Government has listened to the concerns of communities and councils about previous coastal erosion reforms and the uncertainties they caused for landholders. People in homes affected by sea level rise predictions are in limbo. They cannot sell their houses. If they buy land and want to build a house on it they have to get a consultant in to say that their house that is two metres above the water will not be flooded in the next 100 years. This involves unbelievable extra costs and development delays in those areas. Harrington Waters is a wonderful estate—a great place to live and to holiday. It is affected by those predictions.

The New South Wales Government will remove the need for councils to use statewide sea level rise projections. We will assist councils by providing information on future sea level rise that is relevant to their local areas and by giving councils access to expert advice. The NSW Chief Scientist and Engineer has identified uncertainty in the projected rate of future sea level rise, given that scientific knowledge in the field is continually evolving. It is critical that information contained in section 149 certificates and the underlying mapping is clear and accurate. The New South Wales Government will issue advice to all councils to guide the preparation and use of section 149 certificates. This will provide much-needed certainty for local communities about how these certificates will refer to future coastal erosion hazards. This will give councils more certainty as the Government continues its reform of coastal management in New South Wales.

Further action under stage one of the reforms will include updating the code of practice on the Coastal Protection Act, further relaxing requirements for temporary coastal protection works and ensuring consistency with the bill as well as updating the related guide for landowners to explain clearly all the requirements, developing a standardised methodology for coastal erosion hazard mapping by councils, and releasing the Chief Scientist and Engineer's report that looked into the adequacy of the science behind the 2010 statewide sea level rise planning benchmarks. Some of those benchmarks were based on adding three reports together. This motion should be supported by the House. [*Time expired.*]

Ms LINDA BURNEY (Canterbury) [3.53 p.m.]: What a year it has been for the environment in New South Wales under the O'Farrell-Stoner Government. First, we have this policy—and I will talk specifically about it in a moment. In the same week the new Strategic Regional Land Use Policy was announced, which removes protection for any bit of land in New South Wales in relation to coal seam gas mining—

Mr Stephen Bromhead: Point of order: My point of order is relevance. We are debating coastal protection, not the Strategic Regional Land Use Policy.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. I ask the member for Canterbury to return to the leave of the motion that has been accorded priority.

Ms LINDA BURNEY: My simple point is that this coastal management plan is a disaster for the environment, as is the Strategic Regional Land Use Policy. The policy gives property owners along the coast the capacity to do whatever they want supposedly to protect their properties. I have visited Byron Bay and seen the effects of this practice. Owners will cause more damage on either side of their properties in the rush to protect their homes. This will lead to enormous disputes between long-time neighbours and within neighbourhoods. The policy supposedly restricts protection to sandbagging but we know that tyres, logs, bricks and a whole lot of other things that affect the sand dunes will be used on those properties. The policy also denies the issue of climate change and makes irrelevant predictions about sea level rise. Let us call this what it is: a political fix for the Minister for Resources and Energy who has a problem with a few wealthy landowners in Gosford. That is what this is about.

Mr Darren Webber: Say that to their face.

Ms LINDA BURNEY: I will say that if members want me to. The removal of section 149 certificates, which inform landowners what zone they are in, whether they are on a floodplain and what sort of coastal protection area they are in, is an irresponsible move by this Government. Under this regime councils will have to finalise their reforms in this area; the idea of supporting local councils by providing expert advice on sea level rise that is relevant to their local area makes a mockery of what the Government is seeking to be achieved. This is not a set of coastal protection reforms; it is a fix for the Minister—so let us call it that. It also denies climate change and what is happening along our coastline.

The idea that there is no need for a statewide regime of coastal protection is ignoring the issues along our coast. The Opposition does not accept the Government's notion of halving penalties for particular companies. Those penalties need to be strong. They need to send a clear message that damaging the coastline is not acceptable. But the most worrying thing about this legislation is that it is short-sighted. Coastal protection has to be viewed in the long term—in the context of what may happen in the next 10, 20 or even 100 years, not the next four or five years. This policy ignores that. It ignores climate change and it ignores what is occurring along the coast. It will cause enormous rifts between neighbourhoods and is irresponsible, to say the least.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.58 p.m.]: According to standing and sessional orders debate on this motion should be interrupted at 4 o'clock for Government business. However, I believe members on both sides of the House would like to continue the debate to its conclusion. Therefore, with the leave of the House debate on the motion accorded priority will be concluded prior to the commencement of Government business.

Mr DARREN WEBBER (Wyang) [3.59 p.m.]: The contribution of the member for Canterbury was interesting; I am pretty sure there is zero coastline in the Canterbury electorate. The member for Canterbury, who had a stint as Labor representative for the Central Coast—that conga line of Labor misrepresentation of the area—engaged in class warfare. She claims that this policy is just for a couple of wealthy citizens in the Terrigal electorate. Tell that to the citizens in Cabbage Tree Bay in the Wyong electorate, in North Entrance in The Entrance electorate or in Wamberal in the Terrigal electorate. Her contribution was class warfare at its worst and comes from a representative of the party that claims to represent working families. Such families simply want to protect their property from storms but the Labor Party would rather see their homes fall into the ocean. The contribution of the member for Canterbury was unbelievable. She never ceases to amaze me, with her class warfare and her misrepresentation of the Central Coast.

In stark contrast to the drivel we just heard, the Minister for the Environment, and Minister for Heritage, who is in the Chamber, is releasing good policy. The hardworking Minister understands that working families must be able to protect their homes and that we need a statewide policy. North Entrance in the Wyong shire is an example of the worst-case scenario. Wyong Shire Council when controlled by Labor Party councillors issued a restriction that houses had to be 1.2 metres above the ground. The problem was that the height restriction on a particular development meant that the ceiling height was 900 millimetres. One had to be a midget to live in the house. This restriction was accompanied by a policy requiring the house to be demolished within 40 years to comply with new legislation—absolute stupidity from the Labor Party. After representations from the member for The Entrance, the council conceded and the development proceeded.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Canterbury has had an opportunity to contribute to this debate.

Mr DARREN WEBBER: Despite the efforts of Labor's little darling on the Central Coast, the member for Canterbury, and her Labor colleagues who are no longer on the council after last Saturday's election—the sole candidate for The Greens on Wyong Shire Council was booted off as were the Labor representatives—the Central Coast has no State representation from the Labor Party. They have all been booted out. But they do not learn. The member for Canterbury comes into this Chamber spruiking class warfare and running smear and scare campaigns in stark contrast to members on this side of politics, who look after working families and make sure they can protect their homes from storm events. I invite the member for Canterbury to come to Cabbage Tree Bay in the Wyong electorate and see what the coastline looks like because she does not have it in her electorate. Then she will see what needs to be done to protect homes situated on the eroding coastline.

Ms ANNA WATSON (Shellharbour) [4.02 p.m.]: I cannot believe what I just witnessed: The member for Wyong doing his big song and dance and flapping his wings around. What a show. I give him 10 points; he would take the Olympic gold medal for absolute stupidity.

Mr Darren Webber: Point of order: I ask the member to withdraw those comments. I find them offensive.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member has asked for the comments to be withdrawn.

Ms ANNA WATSON: I contribute to the motion accorded priority moved by the member for Myall Lakes. This motion is a little like *Groundhog Day*. We have heard all the planning promises. It is the same thing over and over again; we have heard all this before. How can the people of New South Wales—teachers, nurses, pensioners, firefighters, police and other workers across the State—be expected to believe a Government that in the past 18 months has misled them? The Minister for the Environment, and Minister for Heritage has the hide to claim that she has listened to the concerns of communities and councils about coastal erosion. I doubt it because that lot opposite does not know the meaning of consultation. Government members do not know what consultation is or how to do it; they have never engaged in consultation. Allowing landowners to place sandbags on their properties is just a short-term fix that the Government will regret.

Councils will be unable to address the inappropriate actions of people with vastly different views as to what is deemed excessive in protecting their homes. The Minister said the Government will assist councils by providing information on future sea level rise relevant to their local area and by allowing access to expert advice. Do local communities not have a right to be involved in those consultations? Is it not local residents that hold those values close to their heart? Does the local community not have local knowledge about what is relevant to its area? I am the member for Shellharbour and I know that people in my electorate are very concerned about coastal erosion. The electorate has committees to discuss the issue and move forward with solutions. The proposed legislation is a very ill thought-out plan and holds no weight. Landowners will be dumping sandbags on our beaches and calling it so-called temporary coastal protection works. They will also be able to place sandbags on public or private land at any time. [*Time expired.*]

Mr STEPHEN BROMHEAD (Myall Lakes) [4.05 p.m.], in reply: I thank the member for Canterbury, the member for Wyong and the member for Shellharbour for their contributions to the debate. This motion does not deny the future rise in sea level. The information is from the Chief Scientist of New South Wales, not from government agencies or Government members. The Chief Scientist says that there are contradictions regarding potential inundation along the coastline and that information about their local areas will be provided to councils. Of course, the member for Canterbury would not know anything about the coastline; she does not represent those who live along it. I will certainly send a copy of her speech and that of the member for Shellharbour to the thousands of people affected by this problem. I am sure that the constituents of the member for Shellharbour will be pleased to know that she is standing up for them.

Reference was made to consultation being undertaken on this issue. If the member for Shellharbour had bothered to listen and understand what we said, she would know that the ministerial coastal task force travelled up and down the coast, meeting with community members and councils and listening to what they had to say. From their input and that of the Chief Scientist we came up with this policy, which will be introduced by the capable Minister for the Environment, and Minister for Heritage, who is in the Chamber. The member for Shellharbour referred to the rise in sea level, but I point out that the Chief Scientist has done so as well. We will be able to help her council; unfortunately, nobody can help her. She is so stupid she cannot understand these things.

Ms Anna Watson: Point of order: I ask that the member for Myall Lakes show more manners and withdraw that statement.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is not a point of order.

Mr STEPHEN BROMHEAD: I take that on board: I apologise to all the stupid people in New South Wales for mentioning the member for Shellharbour in the same sentence. Finally, I point out that the member for Shellharbour totally opposes the proposed legislation. She has said she will vote against it. She does not care about her constituents. The Greens member of the Legislative Council, Dr John Kaye, yesterday repeated the claim that the Government was pandering to wealthy coastal landowners. He said, "They don't want to have to face the risk that their land could be inundated by the time they sell it." Tell that to my constituents in Old Bar who live in fibro cottages on streets that are about to be inundated, tell it to the people of Harrington or to the people of Lake Cathie who live in fibro cottages. [*Time expired.*]

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

Motion agreed to.

COASTAL PROTECTION AMENDMENT BILL 2012**Bill introduced on motion by Ms Robyn Parker, read a first time and printed.****Second Reading**

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage)
[4.09 p.m.]: I move:

That this bill be now read a second time.

Coastal erosion is threatening at least 200 homes in New South Wales. It is estimated that there are at least 15 hotspots up and down the coast. A hotspot is defined as more than five affected properties or a public road. Red tape restrictions have prevented landowners from taking immediate action to protect their properties. Local councils have been under severe financial and regulatory constraints with ratepayers on this issue. Local councils have been desperately seeking help from the New South Wales Government. This Government is committed to giving these local communities certainty when it comes to managing coastal hazards. The vast New South Wales coastline stretches 2,137 kilometres.

The coastline, including its low-lying estuaries, needs to be sheltered from extreme weather events and landowners need to be able to protect their properties in the face of those events. The three main objects of this bill are: to seek to amend the Coastal Protection Act 1979 to ensure that landowners can more easily place sandbags to reduce the impact of coastal erosion, to remove the requirement for councils to include coastal hazard risk category information from coastal zone management plans on section 149 certificates and to reduce excessive penalties for offences relating to works protecting property. This bill is a key component of the Government's stage one coastal erosion reforms. This is a broad issue.

The Government is working long and hard on this issue to achieve solutions. As I commented earlier, more than two former Labor environment Ministers have warned me that this issue is too hard to deal with or to solve. This Government does not accept that. This Government has worked very hard. I heard the member for Shellharbour say there had not been consultation—that is incorrect. The Government has consulted with communities up and down the coast—whether the member for Shellharbour bothered to turn up I do not know. The member's speech has certainly been mentioned in Shellharbour.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Shellharbour that she is on two calls to order. If she continues to interject she will be on three calls to order. Members will have an opportunity to make a contribution to the debate. I would like to hear what the Minister has to say, and I am sure members would like to hear what the Minister has to say.

Ms ROBYN PARKER: Community consultation occurred up and down the coast before the process of a ministerial task force was embarked upon. The process involved having the Deputy Premier, and Minister for Regional Infrastructure and Services, the Minister for Local Government, and Minister for the North Coast, the Minister for Police and Emergency Services, the Minister for the Central Coast and I working together around a table to get some solutions. The members of the Liberal-Nationals who represent electorates up and down the coast understand how important the issue is. Each and every one of the Ministers around the table worked hard and is continuing to work hard to attain solutions.

The task force has been supported by senior officers from each department who have been energised by the opportunity to work together to support their Ministers because these are planning issues as much as they involve the environment. They are issues that relate to local government and emergency services and impact on each of those portfolios. I will have something more to say about the impact on planning and infrastructure later. The key role of the task force has been to examine the 2010 amendments enacted by the former Labor Government. They have been a cause of ongoing concern up and down the coastline. Part of the process, apart from having the task force of Ministers and staff, has been the establishment of an expert panel consisting of planners, engineers, financial experts and local government experts that test every step of the work being undertaken.

The first stage of reform is proof that this Government, unlike its predecessor, has heard and responded to the needs of local coastal communities. The reforms announced by the Government include amendments to the Coastal Protection Act 1979 to clarify what information councils should put on section 149 certificates

relating to coastal hazard categories. New guidelines will be prepared for councils by the Department of Planning and Infrastructure. That means that the Government will be resourcing councils in this process. The reforms will clarify the use of sea level rise benchmarks by councils. Following a report by the Chief Scientist and Engineer Professor Mary O'Kane, which identified the evolving nature of the science in this area, the Government will no longer recommend statewide sea level rise projections for councils to use.

It is not a denial that sea level rise exists. It does exist and has existed for thousands of years—sea levels have changed and continue to change. It is a fact that the science and its impact in different areas is being debated, as are the issues and impact of settlement, mine subsidence and other issues. The Government will support local councils with information and expert advice on projections for future sea level rise relevant to local areas. The former Labor Government issued sea level rise projections that went up and down the coast and ignored local influences. This Government will make sure local councils have the correct information and will be developing a statewide hazard mapping methodology for councils to use for consistent coastal hazard mapping. These are stage one reforms. They are part of a larger two-stage process.

As transition occurs into further reforms it will be essential that clear and practical advice is given to councils. The task force will continue to meet and to talk to councils and local communities—even in Shellharbour—to ensure it is best placed to deal with coastal risks. It is important that the task force proposals are carefully developed in a way that is integrated within other government reviews. That is why this is part one. The process needs to integrate with changes to the planning system and the review of the Local Government Act. The Government will announce further reforms and will continue to consult with the community and councils. The task force has had expert scientific and technical input and will continue to receive advice from the expert coastal panel.

That panel gives advice on coastal engineering, coastal planning, strategic planning, local government issues and landholder issues. The Chief Scientist and Engineer Professor Mary O'Kane provided a report and it is available on the chief scientist's website. I encourage members to read it. As highlighted by the *Australian* newspaper today there is a need to continue to examine the science behind projected future sea level rise. Australian National University Professor Kurt Lambeck has received the prestigious Balzan Prize for his work on climate change. His findings echo those of the New South Wales chief scientist. Professor Lambeck talks about the uncertainty surrounding the science of sea level rise and the need for further study in this area. These findings are supported by the work of two of Australia's leading researchers in the field, Dr John Church, from the CSIRO, and Josh Willis in their paper "Regional Sea-Level Projection" published in the journal *Science*.

Willis and Church argue that more accurate projections of regional sea levels are needed to inform adaptation and mitigation planning; and, notably, that efforts to compare different modelling approaches could result in more reliable scenarios being developed to project rising seas. The bill is a sensible start to this process; so the Opposition ought to support it. Some of the 11 environment Ministers in the former Labor Government did not try to grapple with the issues, while others at least had a go at trying to get answers although they ended up making things worse. I will now provide details of the bill to the House. An important aspect of the bill will be to cut red tape associated with temporary coastal protection works. Some members opposite misunderstand what that really means. The former Labor Government's 2010 amendments to the Coastal Protection Act 1979 allowing landowners to place emergency coastal protection works were too restrictive on where and when those works could be placed, tying up landowners in unnecessary red tape.

This bill takes a common-sense approach; it expands the opportunities for private landowners to place these works, particularly on their land. The bill continues the arrangements whereby a private landowner does not require regulatory approval under the Coastal Protection Act or any other law for temporary coastal protection works that comply with the requirements under this Act. This means that landowners will continue to not require development consent under the Environmental Planning and Assessment Act 1979 for those temporary works. In the past, a landowner could take action only when coastal erosion was imminent or occurring. Not only was that too late, it was clearly dangerous to adopt such a restrictive approach. This bill strikes a more reasonable balance between empowering landowners and ensuring that appropriate checks and balances are in place, and that the safety of landowners is not put at risk.

The bill replaces the term "emergency coastal protection works" with the new term "temporary coastal protection works", to emphasise that these works should no longer be placed in an emergency, when erosion is occurring on a beach and the impacts of waves mean that can be hazardous to anyone working on a beach. The bill will allow landowners to place the works at any time on public or private land; as I have said, landowners

will no longer need to wait until erosion is occurring or is imminent. The current restrictions that limit private landowners placing these works on their land only once, and only for 12 months, will be lifted to give landowners the opportunity to reinstate works if needed.

At the moment landowners could place those works, but then have their hands tied behind their backs and feel quite powerless because they could not make changes. They could place those works for only 12 months. These changes represent a practical removal of barriers that have impeded the use of these existing provisions. The bill makes it clear that temporary protection works on private land are no longer required to be authorised by a pre-existing certificate issued by an emergency works authorised officer from council or the Office of Environment and Heritage. Landowners will still need to obtain a certificate for works to be placed on public land; so they cannot just roll up and undertake these works without any supervision of what they are doing. This is to ensure appropriate use of public land for these purposes.

The bill makes a number of amendments relating to the use and occupation of public land for placing temporary coastal protection works. Landowners will continue to not require a lease, licence, permit, or an easement or right-of-way when placing these works on public land, provided they meet all the requirements under the Act. That will ensure that landowners will continue to avoid the need to obtain permission under public land management legislation, including the Crown Lands Act, continuing the Government's commitment to minimising red tape. However, we recognise the importance of public land to the community. Therefore, the bill continues the current requirement that a certificate allowing the works to be placed on public land cannot be issued unless the issuing authority is satisfied that all reasonable measures have been taken and will be taken to avoid using the public land and to ensure reasonable public access to the beach is maintained.

In addition, it will be a condition of such a certificate that the holder of the certificate must take all reasonable measures, first, to avoid damage to assets and vegetation on the public land; second, to minimise risks to the public on the public land; and, third, to minimise disruption of the public use of the beach concerned. These reasonable requirements—we all want to share our beaches—are currently in the Act but in a different form. They clearly demonstrate the Government's commitment to both supporting landowners and looking after the interests of the community. The amendments will double the time landowners can place works on public land to two years—because the current 12-month limit is too restrictive. These are expensive operations; and having to go back to them after 12 months is simply ridiculous. Landowners will have two years to put these temporary works in place. At least this will give landowners peace of mind for that longer period.

The two-year period can be extended if a development application under the Environmental Planning and Assessment Act 1979 for consent to construct coastal protection works on the same land is pending. This ensures that landowners are not unfairly disadvantaged while their development application is being assessed. In other words, landowners will not have to remove works while their development application is being assessed. The current Act limits the ability to place works to reduce the impact or likely impact of erosion on a building being lawfully used for residential, commercial or community purposes. This is unnecessarily restrictive; and so the bill allows landowners to place the works to reduce erosion impacts on any private land, even if the land is vacant. I have seen parts of the coastline where this is necessary; and property further back from the coastline could be impacted if that action is not taken.

New section 55VB in schedule 1 [20] to the bill continues the operation of section 55Z (3) to provide that a public authority must not unreasonably refuse a person access to the public authority's public land to enable the person to lawfully place temporary coastal protection works. This is an important provision that ensures that landowners who act in a reasonable and responsible way have the right to use public land to place these temporary works. The current arrangements where a certificate obtained by a landowner to place temporary works can be transferred to a subsequent landowner has been retained and updated to reflect that these certificates will now only be required for works on public land.

Section 55Z (2) of the Act, which relates to the use and occupation of adjacent private land for the placing or maintaining of temporary works, is retained in a slightly modified form as new section 55Z in schedule 1 [26] to the bill. This ensures that a landowner can continue to make arrangements to place temporary works on a neighbour's land with the neighbour's agreement. If a landowner who is undertaking work on his or her property comes to an arrangement with the neighbour that is beneficial to both of them those works can take place. These measures are an important step forward. However, it is important to recognise—and important for those opposite to listen to what is being said about this—that temporary coastal protection works involving sandbags will, by their nature, only provide protection from erosion during minor storm events. We are not under any illusion that this is a measure to deal with major storm events. It is certainly a temporary protection measure.

Another issue—one that I think some do not understand—is that the bill does not affect the current rights of landowners to seek planning approval for larger or permanent works. These measures relate to temporary protection; larger or more permanent works can be applied for. The bill also retains the current powers in the Act for the Office of Environment and Heritage and councils to order the removal of temporary protection works that are causing erosion to neighbouring land or presenting a public safety risk. That is an important safeguard. We do not want someone building temporary protection works on their property and then finding that those works are having adverse impacts on neighbouring properties or properties further away. There must be a mechanism to ensure that that does not occur.

Some of the technical requirements for these temporary works are specified not only in the bill but also in a statutory code of practice under the Coastal Protection Act 1979, which was gazetted under the Coastal Protection Regulation 2011. The important role of the code is to identify locations where temporary coastal protection work can be installed. I heard a wild claim that this will happen ad hoc up and down the coastline. That is not the case. The code identifies 14 authorised locations where these works can be placed. The Government considers that this is overly restrictive and that work should be allowed across erosion-prone areas. For example, there are places where erosion has a huge impact and yet those places would not be identified traditionally under the hotspots definition.

We will update the code after the bill has been passed to further relax the requirements for private landowners for temporary coastal protection works, but it will be done in a considered way. The update will be within the bounds of the code and it will ensure that there is no impact on other locations and other properties. As part of the update we will ask the University of New South Wales Water Research Laboratory to provide advice on whether the allowable height of these temporary works can be increased above the current limit of 1.5 metres without increasing the risk of these works causing erosion of adjoining land. Part of our discussions has been that we need to have these temporary protection works in place but we need to be sure that they will be safe and we need to ensure that landowners put in place something that does not have an unintended consequence.

Once the bill is passed and the code updated we will also update a guide for landowners so that they can easily understand all of the requirements. As I have mentioned, but it is worth reiterating, these amendments will make it easier for landowners to undertake temporary works. Landowners will also be able to continue lodging development applications for larger and more permanent works. Other aspects of the bill relate to what the previous Government applied. The previous Government increased maximum penalties under the Act to a level that was excessive for offences related to the inappropriate use of sandbags on beaches. In particular, these penalties were for offences relating to placing sandbags without appropriate approvals, section 55K; failing to comply with an order to remove works that are causing erosion or that present a public safety risk, section 55ZC; and failing to remove the works at the end of their allowable time, section 55Y—that offence now applies only to works placed on public lands.

The bill will halve the penalties for these offences—in this place we do not often hear about penalties being halved instead of increased. The maximum penalties will be reduced from \$495,000 for a corporation and \$247,500 for an individual to \$247,500 for a corporation and \$123,750 for individuals. The current penalties will remain for offences such as the unlawful dumping of rocks or construction debris on beaches or the failure to comply with an order to remove those materials, which can cause erosion and risk public safety. Another aspect of the bill that has had a huge impact on the Central Coast—and I know that our Central Coast members have struggled with this as well as councils up and down the coastline—is the section 149 certificates.

The Coastal task force has heard loud and clear that the way some councils have conveyed information about future coastal hazards has been very unclear. Therefore, a number of steps need to be taken to address that problem. The Department of Planning and Infrastructure will issue updated guidance to councils. We will not leave councils without advice or support; we will give them advice about notations on their section 149 planning certificates relating to coastal hazards. That is one of the benefits of working this out with a ministerial task force: we had the Department of Planning and Infrastructure in the room with the Office of Environment and Heritage and we were able to sort out these solutions, many of which were planning solutions.

In conjunction with this updated guidance, the bill will roll back another of the Labor Government's inappropriate amendments to the Coastal Protection Act 1979, which required councils to include information about coastal hazard categories on section 149 certificates once they had completed their coastal zone management plans. We have seen the distress that poorly worded section 149 certificates can cause to local

communities, particularly on the Central Coast. Central Coast members know about ridiculous restrictions. Councils have been obliged to make these notations because they have been concerned about their position. We will ensure that councils are supported.

The bill also repeals the corresponding provisions in part 4 of the Coastal Protection Regulation 2011. These provisions have never been used and are ill-conceived. Rather than stigmatising land with a hazard category label, a more sensible approach is to support councils so that they can provide clear, factual information about current and future coastal hazards. It is important to emphasise that the current requirements relating to notations on section 149 certificates under the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation will continue to apply. The bill also makes consequential amendments to the Coastal Protection Regulation 2011. Those amendments relate primarily to changing references to emergency coastal protection works to the new term of "temporary coastal protection works". The bill also makes minor consequential amendments to other legislation, including the Local Government Act. Those amendments also focus on updating the terminology to "temporary coastal protection works".

There has been and there will continue to be ongoing consultation on these issues. I know that the communities up and down the coast that have been dealing with the issues will be pleased to see that this is part one of a sensible reform, which rolls back a number of issues created by past governments. I will also give those coastal communities an undertaking that our job is not finished; we intend moving forward with this and we intend ensuring that our coastline and those who live along our coastline are protected. We will ensure that those who live along our coastline are able to live sensibly and that councils have the right sort of scientific support and advice about planning. We will certainly ensure that when there are emergencies people can take precautions and can respond. This legislation will work very well with other areas such as planning and emergency measures.

This bill removes the former Labor Government's unreasonable requirements and its heavy-handed approach. I noted earlier that it had been claimed that we were taking away a number of protections. That is not the case. We have given councils an extra 12 months to come up with their coastal plans. This has been such a difficult issue for councils that they have sought extensions of time from me since I have been Minister, as well as from previous Ministers. We provide funding and support for estuary management and coastal planning, and we will continue to do that, but no coastal plans have been submitted to me since I became the Minister.

Giving councils an extension of time will help them deal with these issues, and understand the ongoing nature of consultation and this Government's reform agenda in order to get it right in relation to coastal erosion and sea level issues. This is a reformist Government. It is certainly the case that we cannot prevent coastal erosion, but it is certainly the case that we need to give landowners, whether public or private, an opportunity to protect their property and plan appropriately for the future. We have to ensure that their councils are well supported and have the right evidence to understand what might happen, what the projections might be, so that they can plan accordingly with their community at heart.

As Australians we love our coastline. We want to make sure that our beaches are there for the future and that people up and down the coast are able to have a reasonable life. This bill rebalances the interests of vulnerable landowners and beach users. It will give councils an opportunity to take action rather than throw their hands up and say it is all too hard, as some of them did in the past. They came up with the policy of planned retreat and nothing else. The measure of planned retreat received a great deal of criticism. The Government will ensure that this issue is not too hard for councils and we will be there to assist vulnerable landowners.

I refuse to accept the wild claims made by Opposition members that this bill is all about wealthy people living on the coast. That is far from the truth. In fact, if not protected, many coastal properties will impact on properties further inland. A number of properties are owned by people who have lived in them for many years and in many cases they have lived humbly. They need to be able to protect their property and maintain the value of their property. They understand that this Government has listened to their concerns and is prepared to take action. I know that the members who represent the electorates of Port Macquarie and Myall Lakes and other electorates along the coast have been grappling with these issues. I am sure the Assistant-Speaker has been grappling with this issue in parts of his electorate of Coffs Harbour. The community will be pleased to know that this bill is part one and the Government will continue to work on this issue. I commend the bill to the House.

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

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Reordering of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [4.52 p.m.]: I move:

That on Thursday 13 September 2012 standing and sessional orders be suspended to postpone consideration of General Business Notice of Motion (General Notice) No. 2336 until 12.00 p.m., or if there is business before the House at 12.00 p.m. at the conclusion of that item of business.

This afternoon the priority debate on a motion listed in the *Business Paper* as General Notice No. 2336, relating to school funding, was reordered by a motion of the member for Keira. The Government consented to the reordering, which means that in the normal course of business it would be debated tomorrow at approximately 10.30 a.m. The Minister for Education should be present during that debate but he is committed to visiting a school at 10.30 a.m. tomorrow. I have discussed the matter with the Opposition and indicated that it would be more appropriate, sensible and reasonable to defer the debate until approximately 12.00 noon, or at least until the conclusion of business being dealt with at 12.00 noon. In other words, debate on motion No. 2336 relating to school funding will take place at 12.00 noon or shortly thereafter at the conclusion of the matter before the House.

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

Motion agreed to.

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT
AMENDMENT (R 18+ COMPUTER GAMES) BILL 2012**

Second Reading

Debate resumed from an earlier hour.

Mr STEPHEN BROMHEAD (Myall Lakes) [4.42 p.m.]: I support the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. In Australia the National Classification Scheme, which provides uniform national classification of publications, films and computer games, is a cooperative national scheme that operates with the support of all Australian jurisdictions. Classification procedures, the Classification Board and the Review Board are established under Commonwealth legislation. Enforcement procedures are set out in State and Territory laws. National agreement has been reached on guidelines for the R 18+ classification of computer games which incorporate amendments sought by New South Wales to address concerns about content, particularly sexual violence and illicit drug use. Explicit sexual content, such as that allowed in films classified X 18+, will not be permitted, nor will actual sexual violence, implied sexual violence that is visually depicted or interactive and not justified by the context of the game, or interactive illicit drug use.

All such content will continue to be refused classification. After extensive public consultation in 2011 all Australian jurisdictions agreed to introduce an R 18+ classification for computer games. Commonwealth legislation will introduce the classification on 1 January 2013. This bill will enable it to be enforced in New South Wales. The R 18+ rating will bring the classification of computer games into line with films and will make the Australian regime more consistent with international standards. R 18+ will identify a game as unsuitable for minors while allowing it to be available to adults. Currently the highest classification available for computer games is MA 15+. Any game with content that is determined to exceed the MA 15+ guidelines is refused classification. Concerns exist that to avoid a game that is designed for adults from being refused classification some distributors perform minor edits to allow it to be classified MA 15+. It is expected that some of these games will now be able to be more appropriately reclassified as R 18+.

Community support for an R 18+ classification for computer games is widespread. In 2010, 98 per cent of written submissions supported the measure, as did 80 per cent of telephone respondents, including 76 per cent of adults from households with children. Today in this House the member for Wyong—a great local member and local champion—outed himself as a gamer. The member for Wyong has been a gamer for 17 years. I thought it was courageous of him to admit that. The new R 18+ classification reflects the principles that underpin the National Classification Scheme, allowing adults to read, hear and see what they want while

protecting minors from material likely to harm or disturb them and taking into account community concerns about content that condones or incites violence, particularly sexual violence, or portrays people in a demeaning manner. As I said, in Australia computer games are classified under the National Classification Scheme. The Classification Board and the Review Board decide the appropriate classification of games and other such material.

In New South Wales the procedures for the enforcement of classifications are set out in the Classification (Publications, Films and Computer Games) Enforcement Act 1995. Until now there has been no classification for computer games equivalent to the R 18+ classification given to films that are identified as containing content that is unsuitable for minors. The object of the bill is to amend the Classification (Publications, Films and Computer Games) Enforcement Act 1995 to give effect to a decision by all Australian jurisdictions to introduce an R 18+ classification for computer games. Procedures for the classification of computer games are set out in the relevant Commonwealth Act, which is being amended to include an R 18+ category, and procedures for the enforcement of those classifications are set out in State and Territory laws. This bill amends the New South Wales Act as follows:

- (a) by prohibiting the sale or delivery of computer games classified R 18+ to a minor (that is, to a person who is under 18 years), except by a parent or guardian of the minor,
- (b) by prohibiting the public demonstration of computer games classified R 18+ if a minor is present during any part of the demonstration,
- (c) by prohibiting the private demonstration of computer games classified R 18+ in the presence of a minor, except by a parent or guardian of the minor,
- (d) by requiring computer games classified R 18+ to display determined markings and consumer advice, indicating the classification of the games and what that classification means,
- (e) by ensuring that public libraries, which are otherwise exempt from offences for restricted material held by them, do not demonstrate or lend computer games classified R 18+ to minors.

The content of computer games has been an issue for some years. The member for Wyong alluded to the fact that there have been a number of problems with the material in these games. I am pleased that this Government has listened to the concerns of the people of New South Wales. After 16 years of those on the other side—

Mr Lee Evans: How long?

Mr STEPHEN BROMHEAD: After 16 years of inaction, inertia and paralysis we finally have a reformist Government that listens to the people. The Government is reforming this area and bringing it into line with international standards. It is also leading the charge in Australia on this issue and bringing the other States along behind it. The Government is forcing the Federal Government to action, and it is pleasing that it is able to do so. Clause 2 provides for the commencement of the proposed Act on 1 January 2013 or on the date of assent to the proposed Act, whichever is the later. That means this bill will come into force in January. Clause 3 repeals an amending Act that contains amendments that have not commenced. The substance of those amendments, which relate to R and X ratings, is incorporated in the amendments to the relevant provisions made by schedule 2 to the bill. Items [1] and [9] of schedule 1 make amendments of a statute law revisionary nature to ensure that certain provisions relating to the consequences of the reclassification of films and computer games apply to any reclassification under the Commonwealth Act. The remaining provisions of schedule 1 make amendments consequential on the enactment of the Commonwealth Act.

Schedule 1 [3] makes it an offence to sell or deliver a computer game that is classified R 18+ to a minor, unless the person who sells or delivers the game is a parent or guardian of the minor. It also will be an offence to sell or deliver an unclassified computer game that, if classified, would be classified R 18+, unless the person selling or delivering the game is a parent or guardian of the minor. It is a defence to a prosecution for either offence to prove that the minor, before being sold or delivered the computer game, produced to the defendant, or to the defendant's employee or agent, documentary evidence that might reasonably be accepted as applying to the minor and as showing that the minor was an adult; or the defendant, or the defendant's employee or agent, believed on reasonable grounds that the minor was an adult; or the minor was employed by the defendant and the delivery took place in the course of that employment.

Schedule 1 [4] makes it an offence for a parent or guardian of a minor to permit the minor to attend the demonstration in a public place of a computer game classified RC or R 18+, or an unclassified computer game that would, if classified, be classified RC or R 18+. Schedule 1 [5] makes it an offence for a minor who is 15 or

older to buy a computer game classified R 18+ or to attend the demonstration of a computer game classified R 18+ in a public place, knowing that the computer game is so classified. There are a number of other provisions in the bill that I will not deal with in detail. Mr Deputy-Speaker, I know that you will undertake your own research so there is no need for me to take up the time of the House dealing with the same provisions. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [4.54 p.m.]: The purpose of the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill is to amend the New South Wales Classification (Publications, Films and Computer Games) Enforcement Act 1995 to establish enforcement provisions for an R 18+ rating for computer games. The relevant Commonwealth Act, which will be amended to include the R 18+ classification for computer games, includes the following amendments to the New South Wales Act: prohibiting the sale or delivery of computer games classified R 18+ to a minor, which means to a person who is under 18 years, except by a parent or guardian of the minor; prohibiting the public demonstration of computer games classified R 18+ if a minor is present during any part of the demonstration; and prohibiting the private demonstration of computer games classified R.

Every film and video game first must be classified before it can be legally distributed to the public. The Classification Board and the Review Board are responsible for handing down the appropriate classifications for each film and computer game based on the classifications Act. Before classifying any film or computer game the Classifications Board must take into account the standards of morality, decency and propriety generally accepted by reasonable adults; the literary, artistic or educational merit, if any, of the publication, film or computer game; the general character of the publication, film or computer game, including whether it is of a medical, legal or scientific character; and the persons or class of persons to or among whom it is published, or it is intended or is likely to be published.

Until 1 January 2013 the classifications that may be used for computer games are as follows: G, for General, which means the content is suitable for everyone; PG, for Parental Guidance, which means the content should be no higher than mild; M, for Mature, meaning the content may be moderate and may not be suitable for children under 15; and MA 15+, for Mature Accompanied, which means that the content is strong and is restricted to persons aged 15 years and over. An R 18+ classification rating for computer games will allow the Classification Board to bring computer games classifications into line with film classifications, and that will make it easier for the general public to easily identify the nature of the content.

The introduction of the R 18+ classifications for computer games will give parents and guardians the capacity to easily identify the computer games that may contain content that is not suitable for their children and should only be viewed by adults. The R 18+ classification will allow for computer games, which were designed specifically with an 18 years and over audience in mind, to retain their target audience without the requirement of toning down the games content for no reason other than meeting the eligibility criteria for the MA 15+ classification. Subsequently that may have allowed games that have been pushing the upper limits of the MA 15+ classifications to be reclassified as R 18+, due to the games' explicit nature and illicit content.

Without an R 18+ classification, game developers presently may be forced to cull content and redesign parts of their game to meet the MA 15+ classifications solely to make the game eligible to be sold to the public. As a father and a former teacher, I believe the introduction of this new R 18+ rating will be of tremendous assistance not only to me but also to many other concerned parents throughout New South Wales. With the growing demand and popularity of computer games, the changes in classifications for computer games will make the difference between M, MA 15+ and R 18+ computer games clearer and more distinct and will enable consumers to make the right choice.

Mr JONATHAN O'DEA (Davidson) [4.59 p.m.]: I speak on the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. The National Classification Scheme provides for uniform national classification of publications, films and computer games. It is a cooperative national scheme that operates with the support of all Australian jurisdictions. The classification procedures, the Classification Board and the Classification Review Board are established under Commonwealth legislation. Enforcement procedures are set out in State and Territory laws. The main purpose of this bill is to give effect to a national agreement and to introduce enforcement provisions regarding an R 18+ classification for computer games.

By way of introduction, I note my experience from 2000 to 2004 as deputy convener and, for some months, acting convener of the Classification Review Board. In that capacity I reviewed the classification of a

considerable amount of material, including the films *Australian Rules*, *Black Hawk Down*, *Almost Famous*, *Phone Booth* and *Hannibal* as well as computer games. Having performed that part-time role, which was a senior classification reviewing role, provides me with perhaps a unique insight as a parliamentarian into certain issues associated with this legislation. The sheer volume of media available to consumers makes the task of classifying all content nearly impossible.

According to this year's Australian Law Reform Commission review of classification laws there are more than one trillion websites, hundreds of thousands of apps for smartphones and tablets and more than 60 hours of video uploaded to YouTube every minute—that is one hour of content per second. Practicalities dictate that the scope of what must be classified under the National Classification Scheme is confined to feature films, television programs and higher-level computer games. However, the scheme also needs to be flexible so it can adapt to new technologies and the challenges of media convergence, as appropriate, over time, particularly material for which Australians need and demand classification information. As an aside, I note that the Australian Law Reform Commission finding that rather than the platform-based historic approach, the need to classify should be based upon the nature of the content itself and its audience reach. I also agree with the commission recommendation that Refused Classification, or RC, rating should be renamed "Prohibited".

Returning to the bill, a national agreement has been reached on guidelines for the R 18+ classification of computer games. This incorporates amendments sought by New South Wales to address concerns about content, particularly sexual violence and illicit drug use. Not permitted are: actual sexual violence; implied sexual violence that is visually depicted, interactive and not justified by the context of the game; or interactive illicit drug use. All such content will continue to be refused classification. An R 18+ computer game classification is necessary to bring Australia's classification system up to international standards. In doing so, it improves the capacity of Australian game developers to compete internationally in the European, American and Asian markets where R 18+ games are already for sale. Domestically, the R 18+ classification should help to reduce illegal importation and piracy.

This legislation will ensure greater consistency within the National Classification Scheme between media categories. It also respects the civil liberties of adults, who should generally be able to read, hear and see what they wish, while simultaneously protecting children from unsuitable material that is likely to harm or disturb them. The proposed R 18+ rating should permit greater parental control over the types of computer games children have access to, and aid in the selection of suitable computer games by children and adults alike. I particularly recognise the value of this assistance as the father of four school-aged children.

The R 18+ classification will not remove the ability of the Classification Board or the Classification Review Board to refuse the sale of computer games, such as those with gratuitous, exploitative or offensive depictions of sexual violence. Contrary to the belief of some people, the boards do not censor material by ordering cuts or changes; but they can effectively censor material by refusing classification and making the material illegal for hire, exhibition or importation to Australia. As to comments by the member for Fairfield, there is nothing that prevents an applicant, of his own volition, from cutting or changing a computer game or film and submitting it in order to obtain a different classification. That will not change under this legislation.

There is the option, potentially, of an R 18+ rating, but equally, as happens with films, there would be computer game applicants who make such changes to get a lower rating. The findings of the Federal Government's 2010 report on relevant public consultation in relation to the subject matter, as well as the results of an associated telephone survey, revealed strong support from the public for introducing an R 18+ rating for computer games. Of 58,437 submissions received in response to a 2009 discussion paper, 98 per cent supported the proposed R 18+ rating, as did 80 per cent of respondents to the telephone survey. Like the vast majority of the public, I welcome this proposed reform as part of an improved national approach to classification in New South Wales and Australia.

Mr JOHN FLOWERS (Rockdale) [5.06 p.m.]: I support the Classification (Publications, Films and Computer Games) Enforcement and Amendment (R 18+ Computer Games) Bill 2012. Computer games will be able to be classified as R 18+ from 1 January 2013, following the recent passage of Commonwealth legislation amending the Commonwealth Classification (Publications, Films and Computer Games) Act 1995. The bill we are debating today produces an R 18+ rating for computer games, allowing computer games that have been classified as such by the Classification Board of the Commonwealth to be sold in New South Wales.

The bill may also assist in games currently rated MA 15+ to be more appropriately rated R 18+, as they often are rated in other countries. Computer game content should be regulated in a similar way to other media

content. It is a common misconception that most gamers are children and teenagers. In fact, the average age of Australian computer gamers in 2009 was 30. The average age is rising, up from 24 in 2005 and 28 in 2007. The average age is set to rise even higher as more people play games on electronic devices, perhaps while they are at home, visiting friends and family or travelling to or from work. In this context, the National Classification Scheme has an important role to play. The scheme ensures that people are aware of the type of content in a computer game. As with films, they will know that a film or computer game rated G is suitable for young children. With the passage of this bill, they similarly will know that a film or computer game rated R 18+ is not suitable for children.

Australia is behind the rest of the developed world in not allowing the classification of adult-only computer games. All European Union [EU] countries, the United States of America, Canada, Japan, New Zealand and South Korea have these games. At the moment any games not considered suitable for children or adolescents are refused classification in Australia. In national consultation in early 2010, 98 per cent of those who made written submissions—more than 58,000 individuals and organisations in all—supported the move to introduce an R 18+ classification. A telephone poll in November 2010 of more than 2,000 Australians showed that 80 per cent supported the new rating. Games classified R 18+ will be clearly marked, as are films, alerting everyone to the type of content they are likely to include. Restrictions will be placed on the sale and delivery of R 18+ games to children. This will help parents protect their children from inappropriate content and also protect adults from being exposed to unsolicited material that they might find offensive.

For too long we have heard debates about whether there should be an R 18+ rating for computer games. On the one hand, some oppose it on the basis that children can get their hands on the games; yet, on the other hand, people support it on the basis that adults should be able to play computer games made for them. Both arguments hold weight and are recognised in the National Classification Code, which sets out the principles that the Classification Board must give effect to in making classification decisions. These principles are that adults should be able to read, hear and see what they want; minors should be protected from material likely to harm or disturb them; everyone should be protected from exposure to unsolicited material they find offensive; and the need to take account of community concerns about depictions that condone or incite violence, particularly sexual violence and the portrayal of persons in a demeaning manner.

This bill and the classification guidelines agreed to by all jurisdictions ensure that these principles remain at the forefront of the classification regime. No longer will we pause to wonder why computer games rated as adults only in other jurisdictions are rated as acceptable for 15-year-olds in Australia, often with what may seem to be inconsequential edits. These games now will be properly rated in Australia as being for adults only. The R 18+ classification will also serve as a renewed reminder to parents that computer games are not necessarily the benign playthings of children. While 40 years ago parents may have been content to let their children play Monopoly and run around the backyard, these days—some people would say unfortunately—the range and extent of electronic entertainment available is astounding.

From computer games to DVDs to YouTube, children and adults are confronted with more content than could ever have been believed in days gone by when television was a small, fat box in the corner with black-and-white images and tinny sound. That is why the national classification regime will continue to play an important role in helping adults, with or without children, determine whether particular computer games are suitable for them or for their own or other people's children. The R 18+ classification makes it absolutely clear that some games are not for children. It emphasises that parents need to be aware of the types of games that are available already and being played by children all around Australia, and that parents and other adults need to take responsibility when it comes to ensuring that children have access only to content suitable for them. I commend the bill to the House.

Mr MARK COURE (Oatley) [5.15 p.m.]: I support the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012. This bill introduces an R 18+ rating for computer games to allow Australian adult gamers access to computer games designed for an adult audience and to help prevent such games from being played by children. It may also help games currently rated MA 15+ to be more appropriately rated R 18+, as they often are in other countries. Too often computer games that many in our community feel are not appropriate are made available to children. We read newspaper articles about the latest violent games and wonder whether playing such games has a negative impact on young minds. Various experts tell us that the research is inconclusive, that there is no impact or that there is an impact.

The same debate about violence on television and in films has been going on for years. We know as a community that we can consider whether computer game content should be regulated similarly to other media

content, and that some content is okay for three-year-olds to watch on Saturday morning and play on mum and dad's computer or iPad. Conversely, no-one can dispute that some content is not okay for kids to watch at home on DVD or to play on a PlayStation, Xbox or Nintendo Wii. However, it is a common misconception that most gamers are children and teenagers. In fact, the average age of Australian computer gamers in 2009 was 30 years of age, rising from 24 years in 2005 and 28 years in 2007. This age is set to rise as more people play games on electronic devices such as iPads and iPhones, whether at home, while visiting friends and family or while travelling to and from work.

In this context the National Classification Scheme has an important role to play, and that is not debatable. The scheme ensures that people are aware of the type of content in computer games that are being played. As with films, they will know that a film or a computer game rated G is okay for young children. Similarly, with the passage of this bill, they will know that a film or computer game rated R 18+ is not considered suitable for children. Australia is behind the rest of the developed world in not allowing adult-only computer games. These games are available in all European Union [EU] countries, the United States of America, Canada, Japan, New Zealand and South Korea. At the moment any games not considered suitable for children or adolescents are refused classification in Australia.

In national consultation in early 2010, 98 per cent of those who made written submissions—more than 58,000 individuals and organisations in all—supported the move to introduce an R 18+ rating. A telephone poll in November 2010 of more than 2,000 Australians found that 80 per cent supported a new rating system. Games classified R 18+ will be clearly marked, as are films, alerting everyone to the type of content they are likely to include. There will be restrictions on the sale and delivery of R 18+ games to children, which will help parents protect their children from inappropriate content and protect adults from being exposed to unsolicited material that they may find offensive. I highlight the following amendments in the bill. Computer games will be able to be classified R 18+ from 1 January 2013, following the recent passage of Commonwealth legislation amending the Commonwealth Classification (Publications, Films and Computer Games) Act 1995.

This bill introduces an R 18+ rating for computer games, allowing games that have been classified by the Classification Board of the Commonwealth to be sold in New South Wales. Computer games are classified under the National Classification Scheme that operates with the support of all Australian jurisdictions. There has been longstanding debate about whether there should be an R 18+ rating for computer games. Some oppose it on the basis that children will be better able to access the games. Others support it on the basis that adults should be able to play computer games designed for them. Both of these arguments hold weight and both are recognised in the National Classification Code, which sets out the principles that the Classification Board must give effect to in making classification decisions. The principles are that adults should be able to read, hear and see what they want and minors should be protected from material that is likely to harm or disturb them. I commend the bill to the House.

Mr TONY ISSA (Granville) [5.23 p.m.]: On 1 January 2013 the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012 will enact Commonwealth legislation in New South Wales and allow the national standard to be introduced. There was great concern in the community about the classification of computer games as there was no R 18+ classification. An R 18+ classification is an adult category legally restricted to persons 18 years of age and over. The highest classification currently available for computer games is MA 15+ and any game with content that goes beyond MA 15+ is refused classification.

The Government knows that community consultation is key to the introduction of any major amendment to legislation. The Government does not rush decisions and will provide the community and interested stakeholders with an opportunity to participate in the legislative process. Extensive community consultation, which included 58,000 written submissions, found that 98 per cent of the community supported the measure to bring classification of computer games into line with that of films and to introduce an R 18+ classification. The majority of citizens favour the change. The Government has responded with the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012.

I am a family man who has raised four children and I understand how important this bill is to families. I raised my family with my beautiful wife, Susan. We spent a lot of time educating and raising our family. This bill will help families make better choices for their children, which is important to the community. Before we know it our children will be the leaders in society. They will not only be representatives of their families but some will be members in this Chamber. That is why the actions of the Government today are so important. The R 18+

classification will equip parents with the information and knowledge that will give them the best chance to raise their children to the highest possible standards. In the Granville electorate 28 per cent of the population are under the age of 18 and 50 per cent of the population are families. Parents and families welcome the amendments.

Research conducted by Bond University shows that nine out of ten Australian homes now have a device for playing computer games. Video games are a unique form of entertainment that encourages active interaction and involvement in the game's script. The 2004 study by Gentile, Lynch, Linder and Walsh highlights that children who play violent video games tend to be more aggressive, prone to confrontation with their teachers, may engage in fights with peers and experience a decline in school achievement. I have spoken to school principals in my electorate and they indicate that there is a problem with students spending time on mobile phones playing computer games or playing computer games at home. There is a decline in scholarly achievements. The study noted the negative impact of video games desensitising children. The effect on a minor of witnessing death in a virtual world can influence children to see immoral and dangerous behaviour as being not out of the ordinary.

This bill will protect minors from objectionable material such as how to use guns, the prostitution of art and sexual immorality—and desensitisation to violence—which have been proven to have a negative impact on young people. It is exposure to this teaching that influences children to avoid social interaction, study and involvement in family life. It has a major impact on the family. I visit and talk to families on a daily basis and they raise concerns about the interaction and involvement that their children have with the family. The children spend hours in their bedrooms by themselves playing computer games. Many children have dinner and lunch while playing computer games and do not sit at the table with their family. It is a major problem.

This bill will mean that games previously classified MA 15+, due to minor edits by the game makers, can now be reclassified unedited as R 18+. There will be reclassification on the advertisement and exhibition of R 18+ computer games that will affect who they can be sold to. Computer game retailers will not be able to demonstrate games classified R 18+ in the store. Retailers will be able to display the packaged game showing its classification on the shelf and sell it to any individual who has attained 18 years of age. Private demonstrations in the presence of a minor by someone other than the parents or guardian of the minor are prohibited. This move will allow adult gamers and parents alike to make informed purchasing decisions. An important aspect of this bill for the community is that offensive material cannot be imported into Australia.

The refused classification category will remain for offensive material and the mechanisms for consumers to complain will remain in place; and if objectionable material does appear, there is a trusted mechanism in place for its removal. The health and wellbeing of our children, and the ability of parents to make informed purchasing choices and to educate their children in the way they wish, is a primary concern for the New South Wales Government. The introduction of an R 18+ classification will bring the Australian regime in line with international standards, and the New South Wales Government is pleased to be part of this great step forward. I commend the bill to the House.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [5.30 p.m.]: The Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012 is another piece of legislation from this Government and the Attorney General and his hardworking staff and the staff of the department, who do an excellent job. It is difficult to pass enough legislation to protect completely the young people in our community. I note that the Opposition does not oppose this bill. I believe the State's legislation has struggled to keep up with modern technology—the advent of the internet, the smartphone, the iPad and so on. Mr Assistant-Speaker, you are of an age when I assume your children program your television, iPad and computer. I know that one of your sons is most proficient in information technology; in fact, I have relied on his wisdom and expertise—obviously derived from you, Mr Assistant-Speaker.

This bill will be an important Act of this Parliament. Computer games are the focus of this debate. I am somewhat younger than you are, Mr Assistant-Speaker, but we have both grown up with classifications regarding publications, films and so on. Computer games are relatively new. I note that the member for Granville had something to say about young children spending too much time playing games on their computers. You would well know, Mr Assistant-Speaker, as a vigilant parent, what children are viewing on their computers and the games they are selecting. This bill introduces enforcement provisions for an R 18+ classification for computer games.

The National Classification Scheme, which provides uniform national classification of publications, films and computer games, is a cooperative national scheme that operates with the support of all Australian

jurisdictions. Classification procedures, the Classification Board and the Classification Review Board are established under Commonwealth legislation. I note the fine contribution made by the member for Davidson, who has participated in the review board's work in this area. I am sure that his input was tremendous. Enforcement procedures are set out in State and Territory laws.

A number of members spoke about the extensive public consultation and the fact that in 2011 all Australian jurisdictions agreed to introduce an R 18+ classification for computer games. Commonwealth legislation will introduce the classification from 1 January 2013. This bill will enable that legislation to be enforced in New South Wales. Currently the highest classification available for computer games is MA 15+. Any game whose content is determined to exceed the MA 15+ guidelines is refused classification. There are concerns that some distributors, to avoid a game that is designed for adults being refused classification, perform minor edits to allow it to be classified MA 15+. It is expected that some of those games will now, more appropriately, be reclassified as R 18+.

The balance between censorship and the freedom of adults to view certain types of material or play certain computer games is always a contentious issue. At times, it is hotly debated in our wider communities, with some pretty strong views expressed for and against freedom. Therefore, it is very important that legislation such as this respects the rights of adults while moving to protect young people under the age of 18 years. As a parent, I know that this is always an issue of concern, even with respect to our current classification system for films. We now see that concern reflected in the wider community: some in our judicial system have concluded that various swear words are now commonplace, and consequently have dismissed charges brought for directing certain language towards police and so on. That is disturbing.

Mr John Williams: And so on.

Mr GEOFF PROVEST: I note the interjection of the member for Murray-Darling. I am sure that he has deep concerns about the children in his electorate, particularly in the Far West, where I assume computer games are far more prevalent due to the tyranny of distance and the lack of alternative forms of entertainment. Community support for an R 18+ classification for computer games is widespread. In 2010 a staggering 98 per cent of written submissions—or 58,000 in total—supported the measure, as did 80 per cent of telephone respondents—or a total of 2,000—including 76 per cent of adults from households with children. I am led to believe, though I have not witnessed it myself, that some fairly violent, sexually explicit video games are currently on the market. I believe they are inappropriate.

I note that some radio, print and television commentators in recent times have alluded to the fact that violent video games are contributing to an increase in violence in the wider community. I suspect that a great deal of research is being conducted on this very important issue. Not only Sydney but also that fine town of Broken Hill—where the member for Murray-Darling hails from—has experienced antisocial behaviour. That would be of deep concern to him. As other members have said, Australia is behind the rest of the developed world in not allowing adult-only computer games. These games are currently available in European Union countries, in the United States of America, Canada, Japan, South Korea and, surprisingly, New Zealand. So I believe this bill is a good step; but it is the beginning of a journey. Some issues are still to be addressed.

I know that State and Federal jurisdictions are grappling with how to deal with some online content. The member for Davidson indicated that in Australia alone one hour of material is uploaded on YouTube every second. I do not know whether Mr Assistant-Speaker has appeared on YouTube; I am sure if he did he would make a great contribution on behalf of the lovely electorate of Coffs Harbour. I look forward to seeing his golfing swing—or that of the member for Drummoyne or the member for Murray-Darling—on YouTube. But as far as measures to control content in computer games, this is an important bill. It will enable parents to make an informed and appropriate decision. Some concerns remain but watch this space: This is evolving legislation.

As technology delivering computer games through mediums such as the smartphone, iPad and the internet develops we will need to turn our minds to how to legislate further to protect members of our community. I am working as a collective with the Federal Government and with other State jurisdictions in an effort to protect people under 18 in this respect. The whole purpose of this legislation is to protect people under 18 within our wider communities from exposure to possible harm from some of these mediums, particularly computer games. We all know how popular these games are and it would be very hard to take them away. I feel guilty for allowing my grandchildren to play games as a form of babysitting from time to time. It is out there: we need to take this action. I commend the bill to the House.

Mr LEE EVANS (Heathcote) [5.39 p.m.]: I am very pleased to speak in support of the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012, which finally brings New South Wales legislation in line with that of every other developed nation.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I ask the member for Drummoyne to stop eating in the Chamber. This is not a place to have his dinner. If the member wishes to continue to eat, he should leave the Chamber.

Mr LEE EVANS: When I was a child computer games were not available. As I said earlier to the member for Gosford, about the best we had was a pinball machine. I remember that on one birthday I was given a rock and a piece of string as a present. I am not sure how we developed these games in such a short time. I am a young 50-year-old and computer games have been developed within my lifetime. I am such a troglodyte, as my staff will attest, that I have white-out on my computer screen! I will outline a few statistics for members. As at April this year the computer gaming industry in Australia was worth more than \$3 billion. It sustains 588 businesses and provides employment for more than 4,000 Australians. Importantly, as the average age of gamers continues to rise the industry is expected to grow at a rate of 4.1 per cent per annum over the next five years.

Revenue from this industry grew by 20.6 per cent in 2008-09, despite fears that the recession would slow demand. This revenue included a 38.7 per cent increase in retail spending on games and consoles. The industry provides a range of sustainable employment opportunities, including those in software and hardware retail, software development and publishing, manufacturing, console and accessories development, and online subscription administration and distribution. It is clearly an important industry with enormous growth potential that deserves the recognition and support of government. However, until now the classification legislation in this country has stifled the growth of this industry and pressured domestic consumers to spend their disposable income overseas via online purchases.

The outdated classification legislation means there is currently no R 18+ rating for computer games, setting it at odds with film classification. This means that any games that bear this rating overseas are either banned from sale in Australia or a censored version is released. Overwhelming submissions and petitions on this issue indicate that consumers resent the prospect of purchasing censored products. Also, products that are banned and censored in this country are readily available in their original form overseas and through illegal downloading. That is something else that is foreign to me—downloading computer games. I am not sure how this has developed, but it is part of the entertainment industry. Downloading products provides an incentive for online piracy and discourages consumers from purchasing games through our local retail networks. The enormous impact of banning or censoring just one game can be understood when we consider that recent individual titles have sold more than 28 million copies worldwide. However, the bill has merit far beyond the economic benefits.

The bill introduces an R 18+ rating for computer games, allowing Australian adult gamers to access computer games that are specifically designed for an adult audience and to help to prevent such games from being played by children. I have a 21-year-old and an 18-year-old. My 18-year-old plays console games more than my 21-year-old plays them. I have noted a change in my 18-year-old's attitude when he plays violent computer games. My 18-year-old often borrows games from his mates, and there is a decided change in his attitude when he plays them. The bill may also help games currently rated MA 15+ to be more appropriately rated R 18+, as they often are in other countries. Computer game content should be regulated as other media content is regulated.

It is a common misconception that most gamers are children and teenagers. In fact, the average age of Australian computer gamers in 2009 was 30 and rising. It is obviously a relatively recent phenomenon for a 30-year-old to sit in a room playing with a console. It is fairly foreign to me; I do not have enough time to wipe the white-out off my computer screen! In this context, the National Classification Scheme has an important role to play. The scheme ensures that people are aware of the content in the computer games they are playing. As with films, they will know that a computer game rated G is okay for young children and, with the passage of this bill, they will similarly know that a computer game rated R 18+ is not considered suitable for children.

Australia is behind the rest of the developed world in not allowing adult-only computer games. These games are available in all European Union countries, the United States of America, Canada, Japan, New Zealand and South Korea. Any games not considered suitable for children or adolescents are currently refused classification in Australia. In a national consultation in early 2010, 98 per cent of those who made written

submissions—more than 58,000 individuals and organisations in total—supported the move to introduce an R 18+ rating. A telephone poll in November 2010 of more than 2,000 Australians showed that 80 per cent supported a new rating system. Games and films classified as R 18+ will be clearly marked, alerting everyone to the type of content likely to be included in them.

There will be restrictions on the sale and delivery of R 18+ games to children. This will help parents protect their children from inappropriate content and will protect adults from being exposed to unsolicited material they might find offensive. Computer games will be able to be classified as R 18+ from 1 January 2013 following the recent passage of Commonwealth legislation amending the Commonwealth Classification (Publications, Films and Computer Games) Act 1995. The bill introduces an R 18+ rating for computer games, allowing computer games that have been classified by the Classification Board of the Commonwealth to be sold in New South Wales. Computer games are classified under the National Classification Scheme, which operates with the support of all Australian jurisdictions.

There has been longstanding debate about whether there should be an R 18+ rating for computer games. Some oppose it on the basis that children would be better able to access them. Others support it on the basis that adults should be able to play computer games made for them. Both of these arguments hold weight and both are recognised in the National Classification Code, which sets out the principles that the Classification Board must give effect to in making classification decisions. These principles are that adults should be able to read, hear and see whatever they want; that minors should be protected from material likely to harm or disturb them; that everyone should be protected from exposure to unsolicited material that they find offensive; and that there is a need to take account of community concerns about depictions that condone or incite violence, particularly sexual violence, and the portrayal of persons in a demeaning manner.

This bill and the classification guidelines agreed to by all jurisdictions ensure that these principles remain at the forefront of the classification regime. Accordingly, the National Classification Scheme will continue to play an important role in helping adults, whether with children or not, determine whether particular computer games are suitable for them, or for their own or other people's children. R 18+ classifications make it absolutely clear that some games are not for children. It emphasises that parents need to be aware of the types of games that are already available and being played by children around Australia, and that parents and other adults need to take responsibility when it comes to ensuring that children only have access to content that is suitable for them.

Mr KEVIN CONOLLY (Riverstone) [5.49 p.m.]: The purpose of the Classification (Publications, Films and Computer Games) Enforcement Amendment (R 18+ Computer Games) Bill 2012 is to amend the Classification (Publications, Films and Computer Games) Act 1995 to introduce enforcement provisions for an R 18+ rating for computer games. The parallel with movies is clear. In Australia for many years the classification system has given the public clear guidance about what sort of movie they will see if they enter a cinema or hire a video that has been classified. A general or G rating signifies that the content is very mild. PG indicates that parental guidance is recommended but that the content is mild. M stands for mature and signifies that the content is moderate.

MA 15+ signifies that the content is strong. In the case of movies there also is an R category, which means the content is suitable only for adults. Until now there has not been an equivalent classification for computer games. This bill will introduce provisions into the New South Wales enforcement regime that will permit and regulate the sale, delivery and exhibition of computer games that have been classified R 18+ and will create associated offences should those games be placed into the wrong hands. I confront this issue with mixed feelings. There are some movies with an R classification that I would not want to see. However, I accept that in our society adults have the right to watch movies that I might find distasteful or unattractive. I suppose the same applies to computer games.

Making such games permissible in New South Wales does not necessarily mean that they contain things I would recommend everybody see, but I take heart that the bill will not give the industry carte blanche. There will not be open slather because some categories of computer games will still not be permitted. For instance, content that includes actual sexual violence, implied sexual violence that is visually depicted, interactive, not justified by context or that is related to incentives or rewards, explicit depictions of actual or simulated sexual activity, or interactive illicit drug use, will not be permitted in R 18+ computer games and will continue to be refused classification. Likewise, consensual sexually explicit material akin to content that is permitted in films classified X 18+ will also continue to be refused classification in computer games.

The big improvement that will come from this bill is in relation to the MA 15+ category. That is because the introduction of an R 18+ classification is likely to push violent content that is at the upper limits of the current MA 15+ classification into R 18+ territory and lead to some of those games being reclassified as R 18+. That will provide greater protection to young people and greater assurance to parents and families that the classifications reflect community standards. The absence of an R category for computer games has probably led to some games being classified as MA 15+ because it would have seemed draconian or harsh to have denied them classification altogether.

The presence of the new category will allow them to be available to adults but will not make them available to people under 18 year of age. That improvement will give parents and the community some assurance that we are providing the right information and protection for young people so that computer games that are designed for adults will be used only by adults. This is a sensible bill that balances competing interests in the community. As I said, while I have some misgivings about the sorts of things that might find their way into movies or computer games, this bill will restrict such material to adult use only. Children will be spared from such content. The classification system will be more accurate and more informative in order to strike an appropriate balance. It is for these reasons that I support the bill.

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

[The Assistant-Speaker (Mr Andrew Fraser) left the chair at 5.56 p.m. The House resumed at 7.00 p.m.]

PRIVATE MEMBERS' STATEMENTS

PARALYMPIAN HANNAH DODD

Mr MATT KEAN (Hornsby) [7.00 p.m.]: Over the past two weeks Australians have had the pleasure of watching the 2012 Summer Paralympic Games in London. Not only were countless medals won, and many achievements attained by our wonderful and remarkable athletes, but also records were broken and personal bests achieved. Just qualifying and competing in the Games is an amazing achievement in itself. The Games were of particular interest to me because a 20-year-old constituent of mine, Hannah Dodd of Arcadia, represented Australia in equestrian events at the Games. This was Hannah's first Games and she made her local community and country proud.

Together with her horse, Waikiwi, Hannah finished eleventh in the Mixed Individual Freestyle Test—Grade IV, twelfth in the Individual Championship Test—Grade IV, and eleventh in the Team Test—Grade IV. Hannah has sacral agenesis, which is a specific type of spina bifida, and is missing four vertebrae in her back. That makes her Paralympic Games achievement even more remarkable. But having a disability has done nothing to prevent Hannah from achieving personal goals. It has made her even more determined. Since Hannah was four months old she has been around horses. In fact, she learnt to ride a horse before she learnt to walk. Horseriding not only has provided Hannah with enjoyment and challenge but also has allowed her to be independent.

Not surprisingly, Hannah developed an interest in equestrian competition. She started competing in 2005 and first represented Australia in 2006, subsequently winning the 2008 and 2011 Australian National Championships, and finishing second in 2009. She also won the Oceania Championships in 2011. Despite facing challenges, including having to search for a new horse after hers suffered an injury, Hannah's determination and courage ensured her selection in the Australian Paralympic team. I am proud to represent a community that is committed to helping fellow residents, especially during times of hardship. The residents of Arcadia demonstrated this commitment when they hosted a fundraiser in July to help to fund the travel costs for Hannah's carer, dressage coach and horse groomer. Hannah's success in equestrian competitions is testament to her fortitude and motivation. Her years of training and hard work have paid off and reflect positively on her strong character and values.

In addition to her sporting feats, Hannah studies sports and exercise science at the University of Western Sydney, and coaches young riders to ensure that they will be able to achieve and fulfil their potential also. Future riders will benefit from Hannah's mentorship, sense of belief and optimism. Hannah is a role model to all Australians. Her energy and desire to achieve personal goals provide hope to others who have high aspirations. Her success is evidence that having a disability does not preclude anyone from achieving greatness. Hannah's story is an inspiration to my local community, to communities right across the State and indeed to communities throughout this country. I acknowledge the support Hannah has received from her family, her

parents and her local community. This was Hannah's achievement, but it would not have been possible without the support of so many. Hannah, we are so proud of what you have achieved. We congratulate you on this remarkable feat. We wish you every success for the future.

FAIRFIELD RELAY FOR LIFE

Mr ANDREW ROHAN (Smithfield) [7.04 p.m.]: I draw to the attention of the House an event that occurred on Saturday 11 August 2012—an event that I was proud to attend and support. The official launch of the Fairfield Relay for Life fundraising dinner in support of the Cancer Council NSW took place at the Smithfield RSL in my electorate of Smithfield. I make a special mention of Allanah and Lee Fallapi and the Relay for Life organising committee members whose dedication and commitment over many years have helped to raise awareness and funds to fight cancer. For that I pay tribute to them. On behalf of all of the residents in my electorate of Smithfield I thank Allanah and Lee, the committee members and the volunteers for their efforts to make cancer history.

I am honoured to be the patron for the Fairfield Relay for Life. It gives me the opportunity to assist the Cancer Council NSW to continue research and clinical trials in an effort to prevent and defeat cancer. Cancer affects all of us, either directly or indirectly. It does not discriminate between children and adults, men and women or different cultures and backgrounds. We cannot afford to stop the fight or do nothing. If we do that cancer will win. Thus it is important that we continue the fight and raise funds in support of the fantastic work that the Cancer Council does to eradicate cancer. In the period between 2002 and 2006, more than 3,500 cases of cancer were detected in the Fairfield area alone, which sadly resulted in almost 1,500 deaths. This is simply not acceptable.

The Fairfield Relay for Life group is busy throughout the year and works hard to raise funds. However, its main fund raising activity is the continuous and non-stop walks by registered teams over a 24-hour period in November. At last year's Fairfield Relay for Life I was among the 8,000 people who shared the experience and raised more than \$80,000. It is worthwhile mentioning that across the State more than 40,000 people take part in this event annually. Relay for Life is not just about the amazing experience of spending the weekend with people from your local community by running in a 24-hour relay; it is also about the fun ways your team can raise money in the lead-up to the day. Relays are truly amazing occasions where tears are shed, hopes are raised, fun is had and friendships are forged.

I am pleased to say that, in a strong display of support for the efforts of Fairfield Relay for Life, the Fairfield Relay for Life fundraising launch was attended by approximately 300 people from across the community. The fundraising effort included a live auction, a silent auction, raffles, table lotto, and mystery prizes. There was also a fashion parade by designer Laura Maidment and music was provided by a local band, Gotcha. I commend the Cancer Council NSW and thank the Fairfield Relay for Life organising committee. Without its hard work and dedication this event would not be possible. This year the Fairfield Relay for Life team is aiming to raise \$90,000. I encourage all members of the community to engage, register and participate in the 24-hour continuous relay walk on 3 and 4 November at the Horsley Park Showground.

I look forward to the Relay for Life in November. I promise I will be there with my team so that, together with the community, we can continue to fight cancer and bring hope to families who are affected by this dreadful disease. From the bottom of my heart I thank the organisers, committee members, volunteers, and members of the community who are assisting and contributing to this noble cause by raising awareness and raising funds in an effort to make a difference to the lives of others. I know that some day during those first few minutes when a person is told that he or she has cancer that person also will be told that there is a cure because of the efforts of people who decided to support the Relay for Life.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.09 p.m.]: I congratulate the member for Smithfield on being the patron of the Fairfield Relay for Life. Every family would have someone they know who has been affected by this dreadful disease known as cancer. The member for Smithfield as patron is passionate about spreading the word to raise much-needed funds for research into this dreaded disease. As the member said, people from all walks of life, men and women from different backgrounds, come together to raise funds. It is interesting to note that already—50-odd days before the Relay for Life is to take place—more than \$30,000 has been raised online. I commend the member for Smithfield for his role as patron and for informing the House about Relay for Life.

ACTING-SPEAKER (Mr Gareth Ward): Order! As someone who nursed my mother through breast cancer, I commend the member for Smithfield for his involvement in Relay for Life and his fight against cancer.

UNGOOROO ABORIGINAL CORPORATION

Mr CLAYTON BARR (Cessnock) [7.10 p.m.]: Tonight I speak about a magnificent organisation, the Ungooroo Aboriginal Corporation. I recognise that the Ungooroo corporation services the Wanaruah people, whose lands stretch from the Liverpool Ranges in the north to Wollombi in the south, east from Sandy Hollow and Merriwa and across to the western fringes of the Barrington Tops. The Wanaruah people are part of my community and my electorate. The Ungooroo organisation is based at Singleton in the electorate of the member for Upper Hunter and Minister for Tourism, Major Events, Hospitality and Racing. We share the service of those people, and it is an honour to do so.

The team at Ungooroo is made up of Allen, David, Dahlene, Denise, Sarah, Annette, Colleen, Jess and their manager, Taasha. I was fortunate to visit just three weeks ago and hear about the wonderful success the organisation has had in placing Aboriginal people in the workplace. I was buoyed last week by the comments of the Minister for Aboriginal Affairs who spoke about the new initiative to assist Aboriginal people to join the Police Force. The essential element of his words is the same as mine, which I want to share with the Chamber. The placement of people in a work environment in sustainable long-term jobs will impact significantly and substantially on their lives, their family's lives and the community.

The Ungooroo organisation actively works with some of the larger mining organisations in the Hunter Valley. It identifies cultural gaps and talks to the mining organisations about how they may be able to close those cultural gaps. The Ungooroo corporation recognises that a formal interview process is not easy for an Aboriginal person. It is not culturally appropriate and not the best way to proceed. Steve from the Ungooroo Aboriginal Corporation will conduct an interview sitting on a riverbank, over a cup of coffee, on a lounge or in a person's home. He will talk to them about their dreams, their aspirations and their hopes and ask them what they want to get out of the job. In 2012 Steve and the Ungooroo corporation have placed 37 trainees, and they have a success rate of more than 95 per cent. That is a magnificent effort. It does not just stop with getting these people into the workplace. They continue to mentor the men and women for whom they find careers. They go into the workplace and train and educate the work environment to make the employees more aware of cultural sensitivities.

Steve and I spoke at length and exchanged a few laughs about some of the cultural issues that the white Anglo-Saxon community—which is primarily the management of a mining organisation—is sometimes too afraid to ask about because of political correctness. They do not want to offend people's sensibilities. Steve provides an opportunity for them to ask questions in a polite and respectful way. They exchange ideas and he helps them to understand. Steve said, "The conversation often starts with silence in the room, people leaning back on their chairs with their arms folded. The body language is clearly saying they are disengaged. But within 20 or 30 minutes and over the next two or three hours there is an incredible exchange of ideas, opinions and learning and everyone walks away from the exchange knowing a little more about what the other person needs and how they can help to make this a success."

That is why Steve and the Ungooroo Aboriginal Corporation have a success rate of more than 95 per cent in placing these Aboriginal workers. The media would have us believe that Twiggy Forrest is the only person who is involved in Indigenous employment, but the Hunter Valley has an organisation that is equally successful in obtaining work for Aboriginal people. Apart from employment opportunities, Ungooroo also supports Aboriginal art and culture. This Friday night the member for the Upper Hunter and Minister for the Arts is coming down to my patch to open an art exhibition. I will join him in attending that event.

Mrs Leslie Williams: You are very lucky.

Mr CLAYTON BARR: Yes, I am very lucky to have the Minister on my patch. This initiative places Aboriginal artworks at various wineries around the area. I am sure all members would have done a winery tour once or twice, but the chance to tour the wineries and follow an Aboriginal art trail is a unique and wonderful experience. It encourages people to put a completely different spin on their wine-tasting tour and provides them with an opportunity to purchase great pieces of art and support the Aboriginal people of our area. I congratulate the Ungooroo Aboriginal Corporation.

LOCAL GOVERNMENT ELECTIONS

Mrs LESLIE WILLIAMS (Port Macquarie) [7.15 p.m.]: Last Saturday millions of people across 152 local government areas in New South Wales went to the polls to elect new councils. The electorate of Port

Macquarie, which I represent, is covered by two local councils. In the south Greater Taree City Council extends from Harrington to Johns River, and the remaining part of the electorate is covered by Port Macquarie-Hastings Council. On Saturday Hastings residents elected their new council for the first time in eight years following the dismissal of the previous council in 2008. In that council area 32 candidates stood for election, and I am pleased to announce this evening that, while counting continues to determine exactly who will make up the council to represent the Hastings community, we will soon have a new mayor. While the ballot has not been declared as yet, it is likely that Peter Besseling will be given the honour of this position. I am confident he will perform this role admirably. I telephoned Peter a short time ago to pass on my congratulations and to wish him the very best for his term of office as mayor. Of course, Peter is no stranger to this place, having been a member of Parliament for 2½ years prior to the March 2011 State election.

The race is also on to see who will be elected to make up the team of eight councillors. The likely contenders are Lisa Intemann, Adam Roberts, Rob Turner, Justin Levido, Mike Cusato, Sharon Griffiths, Trevor Sargeant and Peter Alley, but a final decision is not expected until later this week. It is an anxious time for the candidates and I wish them all well. In the Manning Valley there were 33 candidates. It is a very close race for the office of mayor between Paul Hogan and David West. May the best person win. Some of the likely councillors are Katherine Bell, Peter Epov, Alan Tickle and Brad Christenson. They all campaigned strongly to represent their area. Counting continues and it is too early to say what the final make up of the Greater Taree City Council will be. Whoever is successful certainly has an enormous task ahead.

For both councils there is a backlog of infrastructure projects to be addressed, including the maintenance of local roads. Ratepayers in both local government areas have made it clear during the past few months that roads must be high on the agenda of the newly elected councils. Whether it is Ocean Drive, Kennedy Drive or Lorne Road in the Hastings, or Hannam Vale Road, Harrington Road or Lansdowne Road in the Manning, many local roads are desperately in need of major rehabilitation. Just getting on top of filling potholes will be an ongoing challenge for the new local government. The backlog of infrastructure works runs into more than \$300 million. Just one example is timber bridges. Our region is home to almost 200 bridges, many of which are in need of major repairs, if not total replacement.

The State Government has been able to assist Port Macquarie-Hastings Council with a generous loan subsidy through the Local Infrastructure Renewal Scheme for two major road projects. Hastings River Drive has been earmarked by council for a \$10 million revamp, and the replacement of the Stingray Creek Bridge in Camden Haven, estimated to cost \$14.6 million, will now be delivered sooner rather than later. I understand Greater Taree City Council is still negotiating projects for consideration under the Infrastructure Renewal Scheme. Whether it is trying to improve economic development, maintaining our parks and gardens or improving library services or community services, our new councillors face significant challenges. I look forward to working in partnership with them to make sure we continue to deliver positive outcomes for our local areas.

It is not all doom and gloom. We are lucky to live and work on the mid North Coast, which boasts some of the most beautiful parts of Australia. Putting your hand up for election at any level of government can be a daunting experience and I congratulate all of the candidates who stood for election on Saturday. While counting is still underway, I take this opportunity to congratulate each and every one of those who will prove to be successful candidates in the Port Macquarie-Hastings Council and the Greater Taree City Council elections. Port Macquarie-Hastings Council has been under administration and I have worked closely with the administrator, Neil Porter, the general manager, Tony Haywood, and the various directors in dealing with many council issues over the past 18 months in the absence of an elected representative. I have no reason to doubt that this strong and productive relationship will continue for the betterment of the community.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.20 p.m.]: I thank the member for Port Macquarie for her contribution and thank also the work of the elected representatives of the Port Macquarie area. Local government elections were held only last Saturday. To be elected to council is an honour and a privilege. Many people see local government as the grassroots of democracy. Elected members in this House are keen to work with their councils to ensure the best outcomes for our communities. I am surrounded by former local government councillors in this place: the member for Kiama, who was also deputy mayor, the member for Smithfield, the member for Drummoyne, the member for Riverstone, the member for Londonderry and the member for Myall Lakes. These members understand the importance of working as a councillor and as State government members to ensure the best outcome for our communities. It is important also to note that for the first time in many years no New South Wales council is under administration.

ST COLUMBKILLE SCHOOL

Mr RYAN PARK (Keira) [7.21 p.m.]: I bring an important issue to the House, but before doing so I acknowledge in the public gallery the friends and family of Ron Hoenig, who are here to hear his inaugural speech. They include two good friends of mine, the first and greatest female Premier of New South Wales, Kristina Keneally—she certainly will have no competition from those opposite—and her husband, Ben, who now is the new Mayor of Botany. He has big shoes to fill, but I know Ben will do a sterling job. I acknowledge all the people in the gallery, especially my two special friends. Tonight I speak about St Columbkille Catholic School in the Keira electorate. It is an important school in my electorate and I have been in recent contact with some parents of the school's students. I am sure those opposite and perhaps some members in the gallery may be wondering why I have had contact with that school over the past 72 hours. This faith-based school in the heart of the Keira electorate will now experience, like all other schools in that electorate, some of the worst—

Mr John Williams: One per cent.

Mr RYAN PARK: Just be careful about your figures.

ACTING-SPEAKER (Mr Gareth Ward): Order! Government members will come to order. The member for Keira will be heard in silence.

Mr RYAN PARK: This school, along with many others, will suffer some of the worst cuts ever imposed on an education department since Terry Metherell was the education Minister. This school does not have wealthy parents. This school is located in a very difficult and challenging socioeconomic area within my electorate. Those opposite are treating this and every other school as if they are all flush with money, so it is fine for the Government to take \$1.7 billion out of the education system.

Mr Stephen Bromhead: Point of order—

ACTING-SPEAKER (Mr Gareth Ward): Order! What is the member's point of order? If the member is taking a spurious point of order I will order that the member for Keira have additional time to conclude his private member's statement.

Mr Stephen Bromhead: My point of order is that the member for Keira is not entering into the spirit of private members' statements.

ACTING-SPEAKER (Mr Gareth Ward): Order! There is no point of order. The member for Myall Lakes will resume his seat.

Mr RYAN PARK: Just add 20 or 30 seconds to my time. St Columbkille is not a wealthy school and its parents are not wealthy. Yet a number of them contacted me over the past 72 hours. Many of them, I am sure, stupidly voted for that lot opposite 18 months ago. These parents made it clear to me that they have never seen or experienced this type of behaviour from any government. One parent said he had been a long-time Liberal voter for our conservative friends opposite but that he would never vote again for them after what they have done to his child's school. He and his wife will be forced to take their child out of the school.

Mrs Leslie Williams: Oh, come on, Ryan.

Mr RYAN PARK: Those opposite say, "Come on, come on, come on." For some of us a few thousand dollars a year is a lot of money. My good friend the member for Vacluse is not present, but two weeks ago she said that New South Wales no longer has battlers. What an incredible statement. I am sure the odd battler resides in the electorates of those opposite. They certainly do in mine. Schools such as St Columbkille should get the support and funding they need. Yesterday's announcement will make it very difficult for the parents and families in my local community.

NEW SOUTH WALES CONSULAR CORPS

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [7.26 p.m.]: My contribution tonight relates to the Government's promotion of regional New South Wales to the world. This afternoon I had the opportunity to represent the Deputy Premier of New South Wales and meet with a number of Consular Corps representatives to discuss how we can promote trade and investment opportunities in regional New South Wales. Around

40 different Consular Corps countries were represented at the meeting. It was the first time such a gathering was held with the Department of Premier and Cabinet. Representatives came from Sri Lanka, Papua New Guinea, Uganda, Serbia, Hong Kong, Turkey, Chile, Croatia, Ecuador, Egypt, Peru, Romania, Finland, the Netherlands, Timor-Leste, Uruguay, Vietnam, Canada, France, Ireland, Italy, Korea, Spain, Austria, Indonesia, Argentina, Japan, the United Kingdom, Nepal, New Zealand, Lebanon, the Philippines and Syria. The aim of the meeting was to provide information about the 10 regional areas in New South Wales.

The 10 regional areas identified by the Government fit perfectly with our State Plan 2021 to make New South Wales the number one State again. The plan is about ensuring opportunities for trade investment and cultural connection. The occasion today was a magnificent opportunity to promote regional New South Wales and its many investment opportunities. As I indicated to the representatives today, regional New South Wales accounts for about 40 per cent of the State's population and offers investment opportunities in areas such as mining and agriculture, and business opportunities for business migration, international students, tourism and research collaboration. The New South Wales Consular Corps represents around 90 countries, which play a valuable role in facilitating trade and investment relationships. Therefore, it is important that they are fully aware of the opportunities existing across New South Wales.

The New South Wales Consular Corps also provides advice to its Canberra-based embassies and home governments on trade and investment opportunities in New South Wales, as well as manages programs and hosts visiting trade delegations. The Government wants to promote awareness of the State's areas of economic strength and our leading-edge capabilities in science and medical research. By promoting regional New South Wales to an international audience we will help to equip them in identifying opportunities for bilateral cooperation as it arises. Over the coming months the New South Wales Government will continue to work in collaboration with the Department of Foreign Affairs and Trade and with the Consular Corps to identify potential investment opportunities. I thank the Regional Coordination Branch Senior Coordinator, Ms Caroline Seagrove, the Deputy Director General, Department of Premier and Cabinet, Mr Simon Smith, and the Consul-General of Uruguay and Deputy Dean of the Consular Corp, Mr Alvaro Barba, for bringing together these distinguished people. It was an historic and important meeting concerning investment in regional New South Wales.

Private members' statements concluded.

DISTINGUISHED VISITORS

ACTING-SPEAKER (Mr Gareth Ward): Order! I officially welcome to the gallery former Premier of New South Wales and former member for Heffron Kristina Keneally. I also welcome her husband, recently elected councillor and mayor of Botany Bay Mr Ben Keneally.

INAUGURAL SPEECHES

Mr RON HOENIG (Heffron) [7.32 p.m.] (Inaugural Speech): It is an honour and a privilege to speak as a member of this House. In so doing, I recognise the traditional owners of this land and pay my respects to their elders past and present. I am particularly proud to have been elected by the people of Heffron. My electorate covers an area of Sydney where I have lived almost my entire life. During three decades representing the people of the City of Botany Bay as mayor I never looked backwards. To me, to look backwards has no point other than to learn. As Santayana said, "Those who cannot learn from history are doomed to repeat it." We on this side of the House know the past all too well. The people of New South Wales passed their judgement and that is why we now sit on this side of the Chamber. New governments always begin their term spending time throwing blame. In my view, it has now reached an age when that time has passed. There are huge issues to be addressed and that is what Government should be about: looking to the future, planning for the future and acting for the future.

My input into debates in this House will, I hope, look ahead. There is much to be done in planning, law reform, transport, infrastructure, the environment, housing and many other areas. In the years ahead that is where my focus will be. I am the fourth member for Heffron since the electorate was created in 1973. The electorate was named after the late Bob Heffron, former Premier and member for Botany, and then named Maroubra. The Heffron electorate was first represented by the Hon. Laurie Brereton, followed by the Hon. Deidre Grusovin and in 2003 by my predecessor, the former Premier the Hon. Kristina Keneally until her retirement some two months ago. I take this opportunity to pay tribute to the Hon. Kristina Keneally for her outstanding service, not just to the people of Heffron but also to the people of New South Wales. I wish her well in her future endeavours and thank her on behalf of the people of Heffron.

I am the eldest child of Ernest and Edith Hoenig. My late father was born in Vienna in 1921 and my late mother was born in Prostějov, Czechoslovakia, in 1926. My mother was a Holocaust survivor. The Holocaust was never spoken about in our home, as was the case with many survivors. It was not until after her death—when I saw the video of her Shoah interview and did a search online of the Yad Vashem Holocaust museum in Jerusalem—that I gained some insight into her life. On 30 June 1942, at the age of 16, she was deported along with her mother, Ida, and father, Rudolph, by the most primitive and soul-destroying transport, a cattle wagon. It was train DA 404 to Theresienstadt, then to Raski, Estonia, where her parents were, as she described, "shot naked into a trench" with thousands of others.

My mother survived because she was a strong, young girl who was fit to work. When liberated from the concentration camp she discovered two generations of her extended family had been exterminated. Prior to the Anschluss my father and his twin brother, Walter, had been sent by their father from Vienna and were among 1,800-odd Jewish refugees bound for Palestine. The British would not accept the Jews escaping the Nazis and deportation orders were issued. They were loaded onto the ship *Patria* at Haifa. The Zionist organisation Haganah, seeking to disable the ship to stop the deportation of the Jewish refugees, caused an explosion and the ship sank in Haifa harbour.

My father survived, when hundreds did not, by swimming to shore with a broken arm, and carrying a very small child. My mother and father met after the war and settled briefly in Czechoslovakia. Their stay was cut short when the communist regime gained power in 1948. They snuck out of the country, eventually coming by boat to Australia. No doubt, in modern political discourse I am the child of boat people, and I am pleased that the political leaders in 1948 were not calling to stop the boats. On arrival in Australia in 1948, my parents were initially accommodated in refugee huts erected in what is now known as Heffron Park, Maroubra. Their first home was a block of flats at Maroubra Beach, which still stands today.

That block of flats was home to eight families who had survived the Holocaust. Such was the social justice spirit in that humble block of flats that three of the children from those families became public defenders for the State of New South Wales. My association with the Heffron electorate was entrenched when I was five years of age and my parents bought their family home in King Street, Eastlakes. They lived there for the rest of their lives. I have never lived more than about one kilometre from my family home. I went to public schools at Eastlakes and Daceyville and then on to J. J. Cahill Memorial High School—named after another former Premier.

A university education was beyond the financial resources of my parents. At 19, after working in box and tile factories, I gained employment with what was then called the Petty Sessions Branch of the Attorney General and Justice Department. Following the election of the Whitlam Government university and higher education was made available to all students, and with no fees to pay I enrolled with the then Solicitors Admission Board, gaining a qualification to practise at law. In those days the Petty Sessions Branch transferred its personnel to country towns. I saw service in Bathurst, Wagga Wagga and Lockhart. Those postings gave me an insight into the difficulties that people in regional New South Wales face, especially in terms of the lack of government services.

I became an articled clerk and then a solicitor in the Public Solicitor's Office, where I practised in litigation and then in criminal law. In 1987 I was appointed as a Public Defender for the State of New South Wales. That was my dream job. As a young boy I imagined myself standing up in front of a jury advocating the innocence of my client, and becoming a public defender fulfilled that ambition. My great passion was and is the criminal law. The criminal law gave me an opportunity to make a difference. The difference was not made when appearing in high-profile cases but in rural and regional areas of New South Wales, where one can go quietly about one's profession fighting against oppression, standing up for people who have never had a chance in life and persuading courts to give the best the law can—reasonable and fair decisions. Being able to convince a court, in accordance with the law, to release young offenders, particularly Aboriginal offenders, and giving them a chance in life, has given me about the greatest sense of achievement I could have had.

My election to this House meant resigning the office of public defender and leaving a floor of talented and dedicated hardworking barristers. This was perhaps the hardest thing I have ever had to do. In 1975, when I was living in Wagga Wagga, I became involved in the Labor Party, as many young people did—particularly law students, spurred on by the sacking of the Whitlam Government. While my fervour was bound in ridding the country of Malcolm Fraser, when I transferred back to my family home and joined my local Labor Party branch I discovered that the main focus of the local branch was local government. I joined my first community protest when the council attempted to sack its garbage staff and award the garbage collection contract to its deputy mayor. We won that one.

But, following that victory, there was an expectation in the Labor Party branches that I would be a candidate at the 1980 local government elections. I heeded the call, and in September 1980 I was elected to the then municipal council and was elected deputy mayor at the age of 27. The following year I was elected by my fellow councillors as mayor. In 1983 I was elected as mayor by popular vote, a position to which I was re-elected at every election, serving just four days shy of 31 years. Whilst being mayor was never my profession, it did become integral in my life and the driver to be involved in change. When I was a young boy and represented my local schools people who knew I came from Botany or Mascot would look down their nose at me. The place I lived was the home of the largest concentration of petrochemical industries in the Southern Hemisphere. It had aircraft taking off and flying overhead and it was home to stinking tanneries and polluting industries.

We have always been people proud of our city and we were not going to be looked down on. I was determined, with my council colleagues, to give our residents a quality of life that they could be justly proud of and a city that would be the envy of others. I was determined to transform our dirty suburbs into a garden city. We had some success, and now the City of Botany Bay has a new lease on life, with families moving in. It has become a desirable place in which to live. I leave the office of Mayor of the City of Botany Bay, as at 2 o'clock this afternoon, with no regrets. It is in the safe hands of people for whom I have enormous respect. The Council of the City of Botany Bay has been able to renew itself, with its elected representatives receiving an overwhelming endorsement to continue to make it a great place to live. [*Extension of time agreed to.*]

Proper planning was required to make the City of Botany Bay become a great place to live. As a member of this House I will contribute, with all the intellectual rigour that I can, to the overhaul of the planning system in this State. The Environmental Planning and Assessment Act of 1979 was perhaps the finest piece of environmental planning legislation enacted in Australia. Any ineffectiveness or actions that have brought it into disrepute are as a result of the constant meddling with this legislation, which, I submit with the greatest respect, has been occasioned by an almost total lack of understanding of what the legislation was designed to achieve. Planning decisions must be made by elected representatives—not bureaucrats. Decisions on developments—developments that may impact upon a city or a neighbourhood for decades—should only be taken by "local experts", with local experts being the representatives of the people. These experts may be councillors or, at times, Ministers responsible to Parliament. Reform that encapsulates this principle should be the essential reform of planning legislation.

Reform, genuine reform, is also needed in the criminal justice system. But criminal justice reform must not simply appeal to the lowest common denominator or adhere to community fears and prejudices. There is not a citizen who does not share the wish for a crime-free society. However, more needs to be done by government to support the very social infrastructure, or lack of social infrastructure, that is the source of most crime. As a public defender, and for several years as an Acting Crown Prosecutor, I have witnessed the worst of crimes. The outcomes always involve a loss of liberty, which is the right punishment. But loss of liberty does not mean loss of dignity, and that is what exists in the current corrective services system—and has for many years. Rehabilitation is not just for the benefit of those incarcerated; it is also for the benefit of our society. When these reforms are debated we should be cautious with that legislation and take advantage of input from the Law Reform Commission, the Bar Association, the Law Society, Crown prosecutors, public defenders and members of the judiciary.

Allied with that reform is the role of police. Two years as an Acting Crown Prosecutor gave me a unique insight into the workings of the NSW Police Force and the investigation of serious crime. I was deeply impressed by the talent and the dedication of a number of detectives who investigated and gave evidence in trials that I prosecuted. Murderers were convicted because of the individual work of local detectives—men and women who were then, as they are now, impacted by budget restrictions imposed by a bureaucracy more concerned about bean counting than results. The present oversight of police has led to a situation where there are so many bodies watching over the men and women who are the first responders to crime that their ability to respond is often hamstrung. This should not be the reality. And we should never equate police numbers with police effectiveness. Effectiveness costs money—money for the latest surveillance technology, money for the latest and faster forensic examinations. But an effective and resourced police force is the greatest protection for our community.

On my election on 25 August 2012 I said, and I restate for the benefit of the House, that a number of issues concern the electors of Heffron. Whether it is gridlock in the road system, inefficiencies of public transport, the quality of maintenance in public housing, the quality of law enforcement, the cost of living, the availability of car parking—all those issues can be grouped together as quality of life and the need to improve it.

That is where people are coming from. I said then, and I say again, that people are looking to their elected representatives to care, and to care about their quality of life. People do not believe politicians have a magic wand. People do not, as a prerequisite, even want to agree with the government of the day. What they want is leadership. They want to be inspired. They want genuine hope for the future. I see my role in this place as working towards these aims and aspirations.

The great honour of being a member of this House for me has occurred only through the contribution of many people. To the people of Heffron, I say thank you for entrusting me as your representative. I will do my very best and not let you down. To the people of the City of Botany Bay who overwhelmingly supported me for 31 years, I thank you sincerely for your trust and your warmth. To my fellow councillors on the City of Botany Bay, both past and present, I thank you for your warm and generous support and friendship over many years. They are just as much a part of this success as I am—particularly the deputy mayor, my good friend George Glinatsis, who has been more than a deputy. He has been a true friend and confidant and, for that, I thank him from the bottom of my heart.

To the Labor Party branch members throughout the electorate of Heffron, your support was generous and warm when I was selected as Labor Party candidate and I am extremely grateful. To the much-maligned Australian Labor Party officials, who impressed me with their professionalism and energy, particularly Kaila Murnain, I thank you sincerely—as I thank the Young Labor team, who never stop. The Labor Party's future is bright with these talented young people, and I thank them sincerely. I thank my parliamentary colleagues who gave so much of their time supporting me in the by-election. I particularly thank the Hon. Bob Carr, Minister for Foreign Affairs and former Premier of New South Wales, because if it were not for him I would never have had the opportunity to be a member of this House.

I thank my late parents, who went through so much in their life. Although they always wished I was not involved in politics, I know they would be proud of their son today. To the staff of the City of Botany Bay, who have served for many years with such dedication, I say thank you. To my dear friend Peter Fitzgerald, who served as Director of Personnel and then as General Manager for much of the time I had the honour to be the city's mayor, I thank him for his professionalism, his wise counsel and his friendship. I will be forever grateful. To the genius of Brian Dale, who for 15 years has been an inspiration in so much of what I have done, I say thank you for your friendship, your support, your guidance and for never being afraid to tell me like it is.

Last, but certainly not least, I thank my wife and children. Those who serve in politics often say when they leave that they wish to spend more time with their family. Those expressions are often viewed with cynicism. Being a mayor was a second job after your real job, and then there was your family. My eldest son, now 22, brought this home to me when he was nine. He asked me if I was going to his school speech day, adding, "Dad, how come you've gone to everybody else's speech day and you have never been to mine?" To my children, Ben and Matthew, thank you for lending your father to the people of the City of Botany Bay for the term of your entire lives. Just when you thought you might see more of me, I have taken on another role. But I have always been there for you when it was important, and I always will be. To my wife, Christine, who has supported me so completely, professionally and personally, and who has put up with me for almost 30 years, I thank you.

I will discharge my duties as a member of this House to the best of my ability. It is often not understood by those who seek to judge members of Parliament that we are not perfect. We are, after all, human beings, subject to the same human failings and shortcomings as the rest of the community. If it were otherwise, how could a member of Parliament really understand or relate to his or her community? If anyone expects perfection in any member of Parliament they will be disappointed. Being human, there are times when one is going to be wrong or to make errors of judgement. All we can hope for is that when we err it happens less frequently than when we do not. It is an honour and a privilege to be a member of this House.

ACTING-SPEAKER (Mr Gareth Ward): I join all members in congratulating the new member for Heffron. I welcome him to the Legislative Assembly of New South Wales and to the Fifty-fifth Parliament.

PUBLIC EDUCATION

Matter of Public Importance

Mr GUY ZANGARI (Fairfield) [7.55 p.m.]: Tonight I will discuss as a matter of public importance the value of public education. As we all know, public education is one of our most important resources and it

should be cherished, not quashed—which is what those sitting across the Chamber would like us to believe. The Liberal Party intends to slash \$1.7 billion of vital funding from our education system over the next four years. The loss of funding will result in many schools across New South Wales being forced to consider increasing fees, cutting teaching resources or reducing support for children with special needs. I fail to see how the Government can go ahead with such heinous cuts in funding while maintaining that those cuts will not directly affect all students throughout New South Wales. The Premier and the Minister for Education have talked a lot about falling GST revenue and how this justifies the \$1.7 billion cut to education.

The simple truth is that the amount of GST revenue received by the New South Wales Government will increase steadily over the next four years. The amount of GST revenue received by the State has increased by \$358 million this year and it will increase by \$8.3 billion over the next four years. That is an average increase in GST revenue of 4 per cent per annum. I have visited many public schools throughout my electorate of Fairfield and the level of pride that school communities—teachers, students and parents—have in education is phenomenal. During all school visits I noticed the recurring trend of teachers consistently going above and beyond the call of duty to assist students not only with their formal education but also with extracurricular activities. Teachers go above and beyond the call of duty to ensure that their students get the best education possible. Passion like that should be rewarded, not penalised.

The principal of Fairfield High School, Mr Bob Mulas, works with a diverse multicultural community—one of the largest in New South Wales. Mr Mulas and a group of Fairfield High School students were fortunate enough to travel to the United Nations in Geneva to present a model of multiculturalism that exists within the school. The presentation was well received by the members of the United Nations and was yet another great Fairfield High School milestone. Another great public school in the Fairfield electorate is Fairvale High School. When campaigning during the 2011 election the now Minister for Education promised Fairvale High School \$250,000 for works to begin to return the classrooms to "essentially completely new" condition. The Minister said he was going to do something when he in opposition but has done the total opposite when elected to government, clearly indicating the Minister's lack of belief in the value of public education.

Members opposite like to slam the former Government for its spending on education. But it was Labor that believed—and still believes—in building our children's future through education. We do not believe in slashing funding for any school, private or public. At the end of the day, every child's education is an investment in our State's future. On 17 August 2012 I invited Minister Adrian Piccoli to Fairfield West Public School so that he could witness the issues the school was facing before the budget cuts. What can I say? I am still waiting for a response from the Minister. That is a slap in the face for the Fairfield West Public School community. Frankly, it is a slap in the face for all families throughout New South Wales. It is clear that the Minister does not value education.

The Minister has enthusiastically slashed budgets from the safety of Governor Macquarie Tower but he does not have the guts or the ticker to face the families and explain how cutting \$1.7 billion will help their children get into university and provide security and stability for them and their families. Pride, development, multiculturalism, tolerance, passion and respect are just some of the things that come to mind when I think about public schools. But this Minister has no respect for our education system or for the families, teachers and staff who live and breathe those principles every day.

Mr CHRIS SPENCE (The Entrance) [8.00 p.m.]: This matter of public importance should have been a discussion of the importance of education.

Mr Guy Zangari: It is.

Mr CHRIS SPENCE: No, it refers to the "importance of public education". During the taking of private members' statements earlier the member for Keira said that the parents of students attending faith-based schools in his electorate were not wealthy and that Liberal electorates are flush with money. This is not a class debate; this is about education and spending money on the important task of educating our children for the future. Labor Party members go on about \$1.7 billion being cut from the education budget, but let us remember the Solar Bonus Scheme. John Robertson single-handedly cost this State \$1.7 billion. If he had not blown out the Solar Bonus Scheme perhaps we would not have had to make cuts to education. The Auditor-General said of the Solar Bonus Scheme:

This scheme was a bit like a runaway train. It went through every red light and stop light, burning up cash.

But I am pleased to lead for the Government during discussion of this matter of public importance because we recognise the importance of public education and are committed to delivering high-quality education and training, providing education opportunities and driving better education outcomes across New South Wales. There can be no doubt that public education is the cornerstone of our community, holding at its very heart the right of every individual to a quality education and an opportunity to learn and continue to learn. Our public schools teach not only the fundamental curricula of maths, science and English but also social interaction, personal responsibility, ethics and attitudes, health and fitness, tolerance, acceptance, and community spirit. Public education is part of our social fabric and a demonstration of the civilised and democratic Australian way of life.

As a member of a responsible State Government, the Minister for Education has taken immensely difficult but necessary measures to bring the education system into line. New South Wales must spend within its means. While facing difficult economic circumstances, the Government is committed to ensuring that the State's education system is financially sustainable in years to come. The Government is committed to reining in the "spend now, pay later" attitude that was rife under the Labor Government, which became famous for its exorbitant cost blowouts. A \$5.2 billion reduction in GST revenue over the next four years, along with reductions in other revenue, means that the Government needs to tighten its belt to ensure that New South Wales is once again living within its means. That means taking tough decisions, and over the next four years the Department of Education and Communities will need to make some tough changes.

The department will need to adapt, reduce staffing numbers, become more streamlined and operate within budgetary guidelines. It is a tough but necessary target for the education system to save \$1.7 billion over four years. Treasury has advised that a total of \$116 million over four years will be saved by capping the per capita non-government school funding pool. This cap is simply freezing the funding at the current level for four years—not forever—meaning a reduction of around 3 per cent, which is around the same as government schools. This cap will not come into effect until 1 July 2013. These are tough but necessary decisions. The public sector needs to be part of these belt-tightening decisions. We are a responsible Government and we are making responsible decisions to ensure the financial future of New South Wales. There will be a reduction of around 600 staff in State and regional offices over the next four years, and this will result in a leaner and more efficient structure that will reduce bureaucracy.

Our teachers are protected from the labour expense cap. In 2007 during salary negotiations the Department and the Public Service Association agreed to salary increases of around 4 per cent, over and above 2.5 per cent at a cost of around \$125 million over three years. As a trade-off, and in line with the Labor Government's policy that was never followed through, it agreed to a reduction of around 400 school administrative staff. This was the efficiency saving the association agreed to under Labor. While TAFE NSW fees will increase by 9.5 per cent, they will still be below the national average. Despite these difficult changes, the Government is committed to quality education and is investing 22.4 per cent of the State budget in education, which is an increase from 22 per cent in 2011-12.

Ms SONIA HORNER (Wallsend) [8.05 p.m.]: United States Senator Hubert Humphrey said that a government should be judged by how it treats those in the dawn of life, the young; those at the twilight of life, the elderly; and those in the shadows of life, the sick, the weak and the poor. If governments are to be judged along these lines then this Government must be judged very harshly indeed. On 11 September this year, on the false premise of falling revenue and falling GST payments, this Government savagely hacked \$1.7 billion from the State's education budget. The Premier referred to this decision as being a tough one. The education Minister reiterated that point. Yet it is a cynical move. It is an unpopular move and our community will see the sad results. Take it from a former teacher who spent most of her life in the State's underfunded and under-resourced regional and isolated schools that this is a bad move. Will teachers' jobs be saved? I doubt it.

With less money in the system and fewer resources to go around the education of children in this State will suffer—particularly kids in the most disadvantaged schools because they have no-one to fight for them. I can tell members from experience that it is our poorer schools that do not have active parents and citizens associations. The students do not have parents who are involved in their education and the teachers and kids at those schools fend for themselves. These cuts will see a 9.5 per cent increase in TAFE fees. In the Hunter the wonderful Newcastle Arts School is under threat and up to 200 civil servants who work to ensure that the State's education system operates smoothly will lose their jobs. This Government is looking to slash fine arts courses due to allegedly low job prospects, ignoring the creativity and vitality that artists pour into our society. Education should not and must not be run along the lines of a business. We cannot afford to be so cavalier and cynical with the future of our State's children.

This comes down to a fundamental misunderstanding by the Government about the role of education in life and in society. Education is not simply a means to an end; education is an end in and of itself. Learning is the root of social mobility, aspiration and social responsibility. Education is everything the Government claims to support, so why is the Government going to make it harder for the State's TAFE students to seek an education? Why is the Government making it harder for teachers to do their jobs? We as a generation and members opposite as a Government owe the young people of this State much more than that.

Mr GUY ZANGARI (Fairfield) [8.08 p.m.], in reply: I acknowledge and thank the member for The Entrance and the member for Wallsend for their contributions. I thought a point of order would be taken when the member for The Entrance began by speaking about the Solar Bonus Scheme and the \$1.7 billion blowout. I was wondering how that related to public education, but then he came back and said it was all about education—even though he was talking about the Solar Bonus Scheme. The member for The Entrance must have been a little worried because he spoke about the commitment to high-quality education, which we all endorse. He said that public education is the cornerstone of our society, social interaction happens at all schools, great curriculum is delivered at schools and education is part of our social fabric. I cannot disagree with him; his views are right on the money.

However, the member for The Entrance went on to refer to the Government's necessary measures, one of which is the \$1.7 billion cut in education funding over four years. As the father of four children and a former teacher who lives in south-west Sydney I can only say that the cuts will be made at the expense of our children receiving quality education. Some of the electorates represented by Labor members are predominantly middle-to low-socioeconomic areas, such as areas in my electorate of Villawood, Old Guildford and Yennora. We have all heard about tightening the belt, living within our means and reducing the bureaucracy, but in reality that amounts to a slashing of resources, loss of jobs and an increase in TAFE fees of 9.5 per cent. At the beginning of the speech made by the member for The Entrance, I did not know whether he was on Labor's side but by the conclusion of his speech I had a definite opinion on which side he leans towards.

The member for Wallsend is a great parliamentary representative. She is a former teacher who has taught in rural areas of New South Wales. She understands what it is like to be at the coalface and to be in front of a class without adequate educational resources. The member for Wallsend takes pride in the great schools in the Hunter area, but mentioned with regret that the Newcastle Art School is under threat. I know she is a very passionate advocate for the school, and she stated her views very clearly about its importance. She said that learning is the root of aspiration, and I am sure no member of this House would dispute that. I reiterate for the record that public education is a top priority for New South Wales Labor.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 8.12 p.m. until
Thursday 13 September 2012 at 10.00 a.m.**
