LEGISLATIVE COUNCIL

Wednesday 27 September 2006

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The Clerk of the Parliaments offered the Prayers.

DEATH OF MR LEN EVANS, AO, OBE

Motion by the Hon. Amanda Fazio agreed to:

1. That this House notes the death of Mr Len Evans, AO, OBE, on 17 August 2006 and recognises:

   (a) that he was a pioneer in the development and promotion of modern table wines, helping the industry to grow from a specialist producer of fortified wines to a leading producer of wines for all occasions and a major export industry,

   (b) that he was also a highly respected wine writer, judge, winemaker and champion of the cause in all its forms,

   (c) that in his role as Chairman of the Rothbury Estate from 1969 to 1996 he helped to promote the Hunter Valley as a region of excellence in wine production with Rothbury creating the style now known as Australian chardonnay,

   (d) that his efforts were duly recognised with numerous honours, including the Order of the British Empire in 1982 for his services to the wine industry, the Order of Australia in 1999, Chevalier de Mérite Agricole in France, and *Decanter* magazine man of the year in 1997, and

   (e) that he served as President of the Australian Wine Foundation from 1990 to 1996 and for 35 years was involved in the selection of wines for Qantas flights.

2. That this House expresses sorrow at his passing and extends condolences to his wife, Patricia, daughters, Sally and Jodie, and son, Toby.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Inquiry into Voter Enrolment

The Hon. Penny Sharpe tabled report No. 3, entitled "Inquiry into Voter Enrolment", dated September 2006, together with minutes of proceedings.

Report ordered to be printed.

The Hon. PENNY SHARPE [11.05 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Penny Sharpe.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response to Report

The Clerk tabled further correspondence from the Leader of the Government and the Minister for Health advising that the Government's response to report No. 33, entitled "Report on the Inebriates Act 1912", tabled on 27 August 2004, will be tabled before the end of the current spring session.

RESTORATION OF PRIVATE MEMBERS' BUSINESS

Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005

Motion by Reverend the Hon. Fred Nile agreed to:

That, in view of the report of the Joint Select Committee on Tobacco Smoking having been tabled, the Smoke-free Environment Amendment (Motor Vehicle Prohibition) Bill 2005 be restored to the business paper and the second reading of the bill stand as an order of the day for the next sitting day.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PARENT RESPONSIBILITY CONTRACTS) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [11.11 a.m.], on behalf of the Hon. Tony Kelly: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill 2006 is part of the New South Wales Government respect and responsibility plan. This plan aims to keep people safe, tackle antisocial behaviour and build harmonious communities. It also adds a new focus on reinforcing the efforts of parents to teach respect and responsibility, and supporting a more inclusive society. Stable nurturing families are of critical importance for children and young people and their development into valuable members of the community. It is within these families that children and young people learn respect for the core values of our society and assume responsibility for their social behaviour. While the majority of parents naturally take their parenting responsibilities seriously, there are increasing numbers of reports of risk of harm made to the Department of Community Services each year.

Those children and young people who are at risk of harm, because of the behaviour or poor parenting skills of parents or primary caregivers, are also at risk of becoming adolescents and adults who have not been effectively taught social skills. This includes a sense of personal responsibility; commitment to the community and respect for others. In turn they are not capable of teaching social values to their children. To break this cycle of neglect and abuse, and to support parents and primary caregivers who need help raising their children, I am pleased to introduce this bill to the House.

The bill amends the Children and Young Persons (Care and Protection) Act 1998 and creates a legislative base for parent responsibility contracts. The aim of the contracts scheme is to encourage parents to improve their parenting skills and accept greater responsibility for their children. This in turn will minimise children and young people in need of care and protection. This scheme will also complement the early intervention program the Department of Community Services is implementing across the State, as a further preventative strategy to support families before they enter the child protection system. Once a child or young person has been assessed by the Department of Community Services as being in need of care and protection, the bill offers the department a form of action as an alternative to bringing the matter before the Children's Court. However, the bill does not exclude Children's Court action or removal of the child if it is deemed that the child is at immediate risk.

The bill will enable the Department of Community Services to develop, in collaboration with the primary caregiver for the child or young person, a parent responsibility contract. This will occur in those instances where the department is of the view that the lack of parenting skills or poor behaviour of one or more of the primary caregivers for the child or young person can be modified within a period of six months so as to adequately reduce the risk of harm to the child or young person. A parent responsibility contract is an agreement between primary caregivers and the Department of Community Services aimed at targeting specific problems where there is a specific and tangible response. Once agreed to and signed, the contract will be registered in the Children's Court. Primary caregivers will be able to obtain independent legal advice before entering a parent responsibility contract.

The bill proposes that a parent responsibility contract may require a primary caregiver to attend and participate in programs to address such issues as mental health, parenting skills, addiction, anger management and violence prevention and behavioural issues. A parent responsibility contract may also contain the primary caregiver's commitment to undertake activities such as alcohol or drug testing, or to take their child to child care or speech pathology. The steps to be taken might be small and incremental but this does not minimise their importance.

A parent responsibility contract will contain realistic goals and achievable targets and it will not set up the primary caregiver to fail. There is nothing to be gained and everything to be lost if the contract is misused. The possibility of the parent being held liable in civil courts for damages arising from breach of contract has been expressly excluded, so that this arrangement cannot be used as a back door to punitively punish parents instead of helping them to help themselves. Rather, a parent responsibility contract will give the primary caregiver the opportunity to accept support and to improve their ability to adequately parent their children. The desired outcome is to turn around the likelihood of the child or young person being in need of care and protection.

The targets the primary caregiver are to meet, their implementation, who will be involved, and how progress will be monitored and time frames met will all be set out clearly in the parent responsibility contract. A parent responsibility contract will not make provision for a re-allocation of parental responsibility or the placement of the child or young person in out-of-home care. The aim of the parent responsibility contract scheme is to set agreed targets and achievable outcomes to support parents, meet their obligations to their children to keep children safe and keep families together. The parent responsibility contract scheme will draw from existing resources and services. The bill strengthens the interagency approach to working with families, as primary caregivers will be linked with appropriate support services who will work together collaboratively.

From the outset, primary care givers will be aware that a breach of one of the terms of the parent responsibility contract they are party to is a serious matter. The bill will authorise the director general to file a contract breach notice in the Children's Court, which initiates an application for care orders in respect of the child or young person concerned. Once a contract breach notice is duly filed in the Children's Court, the presumption will be that the child or young person is in need of care and protection. It will be a matter for the parents to rebut the presumption that the child is in need of care and protection. However, given that the primary care giver voluntarily recognises that assistance is needed and the Department of Community Services [DOCS] has assessed the child as being in need of care and protection, litigation is a redundant step. When a fundamental term of the contract has been breached the filing of a contract breach notice simply operates as a form of bringing a care application. It is not intended that the director general will file any further affidavits or evidence.

However, the bill requires that a copy of the parent responsibility contract be filed with the contract breach notice. Nothing in the bill would prevent a primary care giver from challenging the validity of proceedings on the basis that the director general did not duly file the contract breach notice that purportedly commenced proceedings. However, this is unlikely to occur given that the bill makes clear that a parent responsibility contract must specify the circumstances in which a breach of a term of the contract will authorise the director general to file a contract breach notice, and that the contract breach notice will outline each provision of the parent responsibility contract breached and the manner in which it has been breached. When there is no, or insufficient, contrary evidence the Children's Court can proceed to make any order that is currently available to the court that it considers necessary to benefit the child. Once outside the co-operative situation of the contract the court plays a critical role in judicially assessing what, if any, future steps need to be taken.

Even though the bill provides avenues for alternative ways in which DOCS can work with parents, it does nothing to diminish the role of the court. To support the parent responsibility scheme, the bill strengthens the care orders available to the Children's Court. The bill proposes that section 73 be expanded to enable the court to accept undertakings not only from persons who currently have parental responsibility, as is presently the case, but also from any person responsible for the child or young person. This may include a birth parent who may no longer have parental responsibility, or primary care givers who are primarily responsible for the care and control of the child or young person. The bill proposes that the Children's Court be given the power under section 75 of the Act to order a primary care giver to attend therapeutic or treatment programs.

It is hoped that through the treatment of his or her own problems, the primary care giver will be better able to meet his or her parenting responsibilities. The bill also makes a minor miscellaneous amendment to section 38 of the Act to clarify the circumstances in which the Children's Court may make consent orders for the purposes of giving effect to a care plan without the need for a care application under part 2 of chapter 5 of the Act. This amendment seeks to address uncertainty arising from the current wording of section 38 (3) by making clear that the power of the Children's Court to make consent orders is subject to its judicial powers to make orders under part 2 of chapter 5 of the Act. Evidence and research from other jurisdictions, particularly the United Kingdom, show that parent responsibility laws similar to this proposed scheme can have successful outcomes for children and families.

The Government is committed to supporting and helping parents in their role. We are of the view that the primary responsibility for educating children in the values of respect and responsibility remains with parents and families. The bill seeks to reinforce that responsibility by providing both a support and deterrent mechanism to parents and care givers. I believe that in the drafting of this legislation the Government reflects community standards and is leading the way on this most important issue. I thank all those who have been involved in the development and construction of the bill. I also acknowledge the input of government departments and agencies that were consulted on the drafting of the bill. I commend the bill to the House.

The Hon. CHARLIE LYNN [11.11 a.m.]: The Opposition does not oppose the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill. The objects of the bill are to amend the Children and Young Persons (Care and Protection) Act 1998 to enable the Director General of the Department of Community Services and the primary caregivers for a child or young person to enter into an agreement that contains provisions aimed at improving the parenting skills of the primary caregivers and encouraging them to accept greater responsibility for the child or young person, to clarify the circumstances in which the Children's Court may make orders for the purpose of giving effect to a care plan without the need for a care application under part 2 of chapter 5 of that Act, to enable the Children's Court to accept undertakings from certain persons in respect of the child or young person in need of care and protection, even if they are not the parents of the child or young person, to expand the power of the Children's Court to make orders with respect to attendance by the parents of a child or young person as a therapeutic or treatment program, and to make a consequential amendment to the Children's Court Rules 2000.

The bill seeks to offer the Department of Community Services [DOCS] a form of action as an alternative to bringing the matter before the Children's Court, which is commendable. However, the bill does not exclude Children's Court action or removal of the child if it is deemed that the child is at immediate risk. The bill will enable DOCS to develop, with the primary caregiver, a parent responsibility contract. This is supposed to occur when DOCS is of the view that the lack of parenting can be modified in six months to reduce the risk of harm to the child. Once agreed, the contract may be registered in the Children's Court. The bill proposes that the contract may require a primary caregiver to attend and participate in programs, such as parenting skills, and may include a commitment to undertake drug testing, or other measures.

The bill will authorise the director general to file a contract breach notice in the Children's Court, which initiates an application for care orders. When a fundamental term of the contract has been breached, the filing of a contract breach notice simply operates as a form of bringing a child care application. As I understand it, it is

not intended that the director general will file any further affidavits or evidence. The bill broadens the care orders available to the Children's Court, and it appropriately extends the definition from "parent" to "primary caregiver". The bill proposes that the Children's Court will be given the power under section 75 of the Act to order a primary caregiver to attend therapeutic or treatment appointments, consistent with the objects of the bill.

The New South Wales Coalition has a strong and proud record regarding this most critical of issues facing the community: child protection. As I stated at the outset, the Coalition does not oppose the intent of the bill and will not oppose it, but we believe that it nevertheless has some shortcomings. In relation to the period of a contract, the Coalition is aware of widespread community criticism that the Department of Community Services is too tardy in bringing matters before the Children's Court. I note that the bill appropriately does not exclude Children's Court action or removal of a child if it is deemed that the child is at immediate risk. However, it is incumbent on the Minister to explain why the contract as proposed cannot exceed a period of six months. That is an important issue.

For many families the problems that exist may require a longer period of time to resolve. Families often need ongoing support and supervision to ensure the safety and long-term welfare of children in their care. The bill is quite strict in a number of places about this time frame. It is incumbent on the Minister to explain why she has stipulated a period of six months. For example, new section 38 (2) (e) states that a parent responsibility contract must specify the period, not exceeding six months, during which the contract will be in force, commencing on the date on which the agreement is registered with the Children's Court. New section 38 (3) states:

> No more than one parent responsibility contract may be entered into within any period of 12 months between the Director-General and any of the same primary care-givers for a child or young person.

New section 38B provides discretion for variation of the contract, again excluding duration. The Coalition asks the Government to reveal the nature of the evidence-based research supporting this time period. At the end of the day, the primary concern is protection of the child, so why has an arbitrary six-month period been stipulated so stringently? The second issue of concern to the Coalition relates to the contract. In layperson's terms, a contract is a document that binds two or more parties to certain obligations and arrangements. The proposed contracts outlined in this bill do not give any assurances that the Department of Community Services will fulfil its obligations. The Minister continues to fail to inform the community about how many reports, or even what proportion of child abuse reports, made to the Department of Community Services Helpline are followed up with a home visit from DOCS. That is a very important issue. The Coalition and the public need this information to ascertain the extent of the problem.

Child protection is one of the greatest issues facing all members of Parliament, regardless of their political persuasion. The Department of Community Services is probably overwhelmed by cases and therefore must receive appropriate resources. If the department is not properly resourced, all the words spoken by members of Parliament will be of no help in providing protection to children and young people who are out on the street. When the Government fails to provide basic information, the Coalition questions the extent of the problem and Government's implementation of appropriate programs and solutions to address the problem. During estimates hearings, it was embarrassing when the Minister was unable to answer even the most basic questions about this issue. She refused or was unable to answer any questions about the ability of her department to inform the community to what extent DOCS is following up reports or making home visits when reports of child abuse are made to the Helpline.

A response from the Government to those questions is fundamental to addressing the whole issue. The Minister in the other place repeated the results of a survey, which outlined that up to 43 per cent of the community who suspect an issue of child abuse are reluctant to report it. The Minister continually refuses to provide assurances to the community that once a report is made, it will be followed up with a home visit. That practice is fundamental, and if it is not adopted, all the words spoken by all members of Parliament in relation to this issue will do nothing to ensure that children and young people at risk receive the proper care and protection they deserve from our society. This issue has enormous relevance to the bill. The contracts outlined in the bill and in the Minister's second reading speech do not mention the role DOCS will play in supporting the forms of support services that will be required to ensure compliance with parent responsibility contracts.

The bill makes no mention of resources for appropriate parenting classes, counselling and other support services. It is incumbent upon the Government to articulate that DOCS will be appropriately resourced and have trained staff available to ensure that families that are the subject of contracts will be able to participate in relevant programs and services so as to maximise the outcome reached at the end of the six-month period. While

the intent of the bill is to provide for early intervention, it is again very concerning that $5 million has been cut from the early intervention budget. The DOCS early intervention program is already behind in its implementation time frame. That delay was again confirmed as a result of questions posed at recent estimates committee hearings.

I again make the point that this bill deals with parental responsibility contracts. The bill outlines parental responsibility contracts, but we have heard nothing from the Minister about what her department is doing. Is the department sufficiently resourced and staffed to ensure that the outcome is reached at the end of the six-month period, given that she stipulated in the bill that the duration of the contract would be no longer than six months? The Opposition raises another issue relating to responsibility. Again, the Minister failed to mention in her second reading speech the person within DOCS who will be responsible for implementation and compliance issues relating to contracts. Who will determine what will happen at the end of the six-month period? Clearly, at the end of the day, the director general is the person who is responsible, but he cannot micro-manage every contract that is entered into.

Therefore, the Opposition believes that it is incumbent on the Minister to outline the person in the department who will be responsible for management of the contracts, for compliance with contracts and for evaluation at the end of that six-month period. Again, this is absolutely fundamental to the successful implementation of the bill. The Minister stipulated that the maximum duration of a contract would be six months. She should also comment on who is making the evaluation and assessing what has happened at the end of that six-month period. What is the basis of the evaluation that will be used with respect to future action, and who will be making that evaluation? The Opposition wishes to make one final major point. New section 38A (1) states:

> A ***parent responsibility contract*** is an agreement between the Director-General and one or more primary care-givers for a child or young person that contains provisions aimed at improving the parenting skills of the primary care-givers and encouraging them to accept greater responsibility for the child or young person.

Clearly, that is the definition in the bill. New section 38A (6) states:

> However, a parent responsibility contract may not make provision for or with respect to any of the following:
>
> (a) the allocation of parental responsibility for a child or young person.

The explanatory note to the bill states that the term "parental responsibility" is itself defined by new section 3 to mean all the duties, powers, responsibilities and authority which, by law, parents have in relation to their children. The Opposition has raised this point because we understand the legal intent of new section 38A (6) (a). However, we believe it causes a great deal of confusion. The allocation of parental responsibility is legal terminology. Given that that is the thrust of this bill, we believe the Minister could have taken greater care in wording that definition; we believe it needs clarification. We understand from a briefing that the shadow Minister received that section 79 of the Act puts into greater context the legal significance of that provision. However, given the primary objective of the bill, there is no doubt that new section 38A (6) (a) must be better worded.

I reiterate that Opposition members will not oppose the bill. However, we have raised a number of serious concerns that go to the heart of the Government's failure to provide adequate information to the community about its child protection record. It is not good enough to present one half of the story. The Minister and the Government have an obligation to provide further information to the community about what action they have taken in following up reports of child abuse. Why do they continually refuse to disclose the number of notifications or reports that are followed up with a home visit?

I notice the Minister's second reading speech in the other House mentioned the concept of the bill, which, I think, contains a number of motherhood statements that we would have heated agreement with. We would like to see that concept work. The Minister in her second reading speech said that the plan aims to keep people safe, tackle antisocial behaviour and build harmonious communities. She said that the bill adds a new focus on reinforcing the efforts of parents to teach respect and responsibility. I do not think you can teach respect and responsibility; respect and responsibility are earned.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I acknowledge the presence in the public gallery of members of the Hastings Public School parliament, from Port Macquarie, guests of the

honourable member for Port Macquarie. They have come to observe the most senior Parliament in New South Wales in action. I hope what they have seen today will help them in their school parliament activities.

The Hon. CHARLIE LYNN: If the students attend question time in the other House, they will realise that the Legislative Council is a House of dignity. As I said, respect is earned by having proper role models within a family or community environment. As a community we help children in a heap of other areas, such as community policing and voluntary organisations that work in the communities where problems are more prevalent. The Minister said:

> It is within these families that children and young people learn respect for the core values of our society and assume responsibility for their social behaviour.

That is a great statement and I support it, but it is not backed up by our school system of teaching respect, and of earning respect, including for our symbols, our flag or our history. The teaching of Australian history is neglected in our schools. Respect for our flag is neglected. Within this Parliament members are attempting to tear down the institutions that have made this such a great country. Members want to move the royal coat of arms from this Chamber because one member has a bee in his bonnet about it. That coat of arms explains where we have come from, and we respect that coat of arms. Sure, we will move on and society will change and we will move with that change. However, we do not have to tear down the old institutions and mock our history to earn respect. If that is done, respect is taken away.

We can do a lot more with the school curriculum in regard to young people having respect for our social and political institutions and the communities in which they live. Many parents are third-generation unemployed and have never been taught to be good parents; children often come from single-parent families where there is a high turnover of partners in de facto relationships and so forth. A lot of kids grow up confused. As a result, they tend to repeat that behaviour and pass it on to their children. The thrust of the bill is good in that it brings together children and the parents or the primary caregivers on a contractual basis.

I totally support that as part of the early intervention program. However, when one learns that the Government has cut $5 million from the early intervention program, one wonders whether this bill is just spin—more words to satisfy the various community organisations to give the impression that the Government is actually doing something. However, it has cut the budget. The Opposition has raised questions in regard to the time limit of six months for modification of a parental responsibility contract. An arbitrary time of six months is unacceptable, because some parents may pick up their responsibilities within one month if a plan is laid out in front of them and they receive follow up. Some parents may take six months and some may take 12 months. The bill should not specify an arbitrary time and the Government needs to reconsider that point. The important thing is we all know the extent of the problem, which is huge. A lot of kids in certain communities have no hope; they have no role models.

We must confront that problem by compiling proper statistics. Incidents that are reported on the help line must be followed up. The Department of Community Services must be resourced adequately and its staff must be trained properly to gather this information. I am sure that many honourable members would agree that we must commit to programs that help parents to realise their responsibilities in raising children and equip them to perform that role. Such programs will produce role models for families and communities. The Opposition supports the thrust of the bill but the Government must be more dinkum about confronting the extent of the problem and about allocating the appropriate resources to resolve it. If the Government fails to do that the bill will satisfy those people with an interest in legislation such as this but will have no lasting impact on the kids and young people who need a break.

Reverend the Hon. FRED NILE [11.30 a.m.]: The Christian Democratic Party supports the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill, which will provide for parent responsibility contracts and expand the powers of the Children's Court to make orders facilitating responsibilities under this contract. In January this year Premier Iemma announced the Government's intention to amend the Children and Young Persons (Care and Protection) Act 1998 to enable the Department of Community Services to apply to the Children's Court to enter into parental responsibility contracts with caregivers of children who are at risk of harm. The bill makes good the Premier's intention and is part of a large package of measures heralded by the Government as the respect and responsibility plan. As the name of the plan suggests, its aim is to build respect and to champion responsibility within our communities.

We support this positive approach to helping families by intervening at an early stage in an effort to keep them together. We recognise that the family is the God-given unit of society and that it is preferable for

parents and children to stay together. This legislation will help that to happen. We hope that it will prevent major family breakdowns that facilitate the removal of children from the family unit. That must be an act of last resort. Legislation that introduces new concepts obviously must be reviewed and evaluated constantly to ensure that it is achieving its objects. If we examine our communities we will find that each comprises families. Families are the building blocks of society. Each family, in turn, is made up of individuals who must learn to act in a certain way towards each other. In some unfortunate circumstances—thankfully, it is only a small minority of families—there are problems and family members have adopted attitudes and coping mechanisms that impact adversely on the health and wellbeing of others in the family unit, particularly the children.

Sadly, we know that in modern society there has been a breakdown in values. Physical and verbal abuse, drug addiction and anger seem to be the norm in some dysfunctional families. This creates a risk of harm not only to the person who instigates the behaviour but also to other family members, especially the children. It also has a negative effect on our communities. It is clear that assistance must be sought in order to defuse this risk of harm. However, in some instances harm materialises because help is not sought at all or when it is too late. I hope that the provisions of this bill will kick in at that point.

It is very sad when parents are a source of harm, and especially when that harm involves the abuse of their own children. Jesus Christ was very critical of, and condemned, any person who hurt a child or caused a child to stumble. In fact, he said that such people should have a milestone put around their neck and drowned in the deepest sea. He knew how important it is to protect the children in our society. It is difficult for us to understand how parents could neglect or act in a harmful manner towards their children, but this occurs. Some children live with that reality each and every day. Parents often exhibit destructive behaviour because they were brought up in families where they were not loved and treated with contempt. In other words, it is a generational problem: the parents suffered throughout their childhood in a dysfunctional family and could not cope and they repeat that behaviour with their children. Destructive behaviours are commonly compounded by factors such as socioeconomic considerations and, in some cases, mental illness.

A report produced by the Australian Institute of Health and Welfare entitled "Child Protection Australia 2004-05" reveals the serious situation we are facing with regard to children's welfare. It states that over the past six years the number of child protection notifications in Australia has more than doubled from 107,134 in 1999-2000 to 252,831 in 2004-05. The total number of notifications in New South Wales alone is reported at 133,636. Those figures must cause us concern. We know that there have been changes in child protection policies and practices so these higher figures could point to a greater public awareness of child abuse. Some reported incidents may not be serious—for example, someone was suspicious and made a report that, when investigated, was found to be groundless. However, even responding to the increased number of notifications has put tremendous pressure on the Department of Community Services. The Government must ensure that it is providing the resources that will allow this legislation to function successfully. There must also be procedures in place and sufficient staff to deal with the large number of notifications.

Those with decision-making responsibilities are challenged to find new and more effective ways of dealing with the increasing numbers of children at risk of harm. For instance, in the context of separation and divorce, the new family relationship centres to be introduced by the Federal Government, of which honourable members may be aware, may assist some families. We hope that that approach will prove successful. We must place a heavy focus on the prevention of harm and try to uncover the factors that contribute to unhealthy situations developing in the first place in order to tackle issues such as children being neglected or put at risk. We must look under the surface and identify the causes. If people cannot look within themselves and to those who immediately surround them for assistance in dealing with negative behaviour patterns, it is incumbent on the State to provide support services for those individuals and their families. These support services must be suitable, accessible and amenable in order to assist those in need.

Much is required of the staff of the Department of Community Services. They work in a stressful environment, attempting to help dysfunctional families and children who are suffering abuse. This often tests the patience of departmental employees. They must be selected and trained carefully and given sufficient support to cope with the great demands of their role. Staff must be emotionally equipped to perform their work. It is no good having hardhearted individuals trying to help families that are falling apart. Although social workers must have a businesslike attitude, it must be backed up with compassion and care to ensure that the persons who need help respond favourably. Adequate resources must be dedicated to funding these support services and stress must be placed on this element of action.

Under the current law, if the Department of Community Services has concerns that a child is at risk of harm due to the behaviour of one or more parents, the department may make arrangements to ultimately remove that child from those parents. Clearly, where there is an urgent need for a child to be removed, and that need has been communicated to the department, the onus lies on the department to instigate removal of the child. The removal of a child should be the last resort. I believe this legislation will provide a halfway house, so to speak, where the family can be maintained as a unit but receive the necessary support so there is no future need for a child to be removed from that family environment.

The proposed reforms seek to intervene at an early stage, in cases where the negative behaviour of a parent or caregiver towards their child may be assisted. The reforms are similar in genre to the department's early intervention program, which, as has been said, unfortunately has suffered some reduction in its budget. This seems to be in conflict with the legislation. If the bill is passed, there must be a review by the Government and the Treasurer to ensure that there are sufficient funds, even if that means an increase in the budget, so this legislation can function effectively.

Under the reforms proposed in this legislation, the department will seek to enter into a parent responsibility contract with parents who are known to the department to be failing to meet their basic obligations to their children. A parent responsibility contract may determine that one or both parents attend treatment for alcohol, drugs or other substance abuse, including drug testing, or participate in courses aimed at improving parenting skills. The latter may include anger management courses and financial management courses.

It is very important that staff and funds be provided to assist such parents, and that courses that can help improve their skills as parents are available to them. Apparently, it is expected that approximately 400 parent responsibility contracts will be entered into each year in New South Wales. Again, that is only an estimate, but obviously from previous actions of the department it may be a fairly accurate assessment. It is presumed that this figure stems from the number of parents the department has faced that, in the department's view, are at risk of neglecting their children and are able to be assisted.

Parent responsibility contracts have also been introduced in the United Kingdom and Western Australia. Importantly, the intended objectives of parenting contracts in the United Kingdom differ from the proposed New South Wales parenting contracts. The motivation for parenting responsibility laws in the United Kingdom and Western Australian jurisdictions is to mitigate juvenile involvement in crime. The rationale behind this law relies on findings such as those made by Dr Don Weatherburn, which show that factors associated with inadequate parenting and neglect are among the strongest predictors of juvenile involvement in crime.

In the United Kingdom, the Police and Justice Bill amended the Anti-Social Behaviour Act 2003 to provide that a parenting contract could be entered into between a local authority and a parent. This may occur where the authority has reason to believe that the child or young person has engaged, or is likely to engage, in antisocial or criminal behaviour and where the child or young person resides, or appears to reside, in the authority's area. The contract may include provisions to the effect that parents attend counselling or guidance programs. Contracts may also be entered into between a parent and a residential social landlord. It is clear that in those other models, particularly the United Kingdom model, parenting responsibility laws have mainly been triggered by the desire to reduce juvenile involvement in crime. That is not the sole objective of the proposed New South Wales legislation.

It is important to note that parents can take responsibility for their own actions or inaction but it is commensurably more difficult to hold them accountable for their children's actions. The Western Australian Parliament has considered a similar proposal to that implemented in the United Kingdom. However, the Western Australian bill has not yet been assented to, and is currently the subject of an inquiry by the Legislation Review Committee of this House. The proposed New South Wales legislation does not go as far as the legislation implemented in, and inquired into, in the United Kingdom and Western Australia. The proposed New South Wales legislation differs in objective to the legislation in the United Kingdom and Western Australia, and we believe its objects are worthy of support. As referred to in the second reading speech, the parental responsibility contract scheme is "to set agreed targets and achievable outcomes to support parents, meet their obligations to their children to keep their children safe and keep families together". We strongly support those objectives. I have stressed the need to keep families together. It may seem to some that the measures in this bill are paternalistic in nature, but some parents need to be shown a way out of their destructive behaviour.

There are still some concerns about the proposed legislation, and I have referred briefly to some of them. First, it is imperative that service providers are accessible and adequately funded to run programs for parents in need. In many areas of social services, demand currently outweighs supply. There is no guarantee that the services promised under the bill would be able to be provided unless the Government provides sufficient funding for these services. Unless the market sufficiently caters for those in need—that is, the Government fulfils its end of the contract—the contract cannot be fulfilled. The contract is between two parties. Second, the bill prescribes that parent responsibility contracts be entered into for a period of six months. The contracts are registered in the Children's Court, giving them sufficient weight and authority to be heeded. It may be questionable whether six months is too arbitrary, and that may need to be reviewed. However, I assume there may be some machinery whereby, if necessary, the six months could be extended under a new contract or by some other arrangement.

The third concern is that requiring parents to attend programs to address the manifestation of a behavioural problem, such as alcoholism or drug addiction, would require specialised assistance. The underlying reasons for substance abuse, a tendency towards violence, and other similar issues, are multifaceted and are not as straightforward as may be perceived. There is a risk that the support rendered under these contracts by service providers will lead to a bandaid approach to much deeper problems.

The fourth concern is that the approach taken under the parental responsibility contract scheme comes across as individualistic rather than holistic in nature. Parents are encouraged to enter into a contract with the department, and this will certainly help to address some aspects of parental behaviour, but it is not clear whether family counselling will be offered to redress soured parent-child relationships. In other words, there may be a case involving a family conferencing situation where the parents and children are involved in conversation-type counselling.

The fifth concern is that there may be a risk that parents will develop ill-will towards their children for indirectly placing them in a position where they need to seek help for their behaviour. It may embarrass the parents; they may feel that they have failed. It is important that Department of Community Services workers have the necessary expertise to deal with such an environment, and that they are supportive and assist parents not to feel they are failures in their role as parents.

Further consultation is needed with other organisations, particularly non-government and church-related groups, to fully brief them on this new legislation. Because of their already caring ministries they are ideal to be involved in this project to give positive encouragement to assist parents. Although most parents will not be the subject of a parental responsibility contract, some of the best parents could mentor other families. We should have considered in more detail whether strong family units who live near a struggling family could be married up to provide assistance on top of that provided by the social worker. I believe in earlier generations families would automatically help each other but as we have become more individualistic families struggle on their own. People who live nearby may know that a family is having problems but no-one offers a helping hand so we may need to stimulate that to happen.

The Anglican Archbishop of Sydney, Reverend Dr Peter Jensen, recently raised that issue. On 18 September 2006 the *Sydney Morning Herald* reported that he said that some of the basic arts of raising children have been forgotten by parents. He said that children have abundant material possessions but suffer from a "serious hope deficit and an equally serious love deficit". He further stated:

> They have food and material possessions in abundance but at the level of spirit, at the level of hope and so meaning and purpose, these things are in short supply. Adults have found that promises are hard to keep; that relationships are hard to sustain; that time is hard to find; that love which is actually other-person centred is elusive … Where adults fail in these relationships and manner of operating, children suffer.

The key factor to which he referred is that time is hard to find. Children need time and unfortunately because of economic pressure in modern society both parents work and the children suffer. I believe that is often a key to parental problems in families. The majority of honourable members are parents and it is a challenge. We thank God for the blessing of children. I thank God for my four children, Stephen, Sharon, Mark and David, and my seven grandchildren. It is a wonderful privilege to be not only a parent but also a grandparent. We should pray that struggling families will get the help they need and to remember, as is stated in the Bible, that children are to be encouraged to honour parents and parents are told not to provoke or exasperate their children, but to bring them up in a Godly manner, in a loving, Christian, caring and nurturing environment. The Christian Democratic Party supports the bill.

The Hon. Dr PETER WONG [11.54 a.m.]: I do not support the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill. I would like to support the bill, as the idea is highly commendable, however, I fear we will put into effect a system that will allow the Department of Community Services [DOCS] an extra six months leeway, before it takes action to protect children at risk. Those six months will result in an increase in the number of children dying in this State from abuse and neglect. This system will not be of benefit to the children of this State. Many honourable members in this place have long questioned delays in dealing with child abuse notifications and reports as well as the department's woeful response to those reports. The department's response and excuses towards such questions have always relied upon a lack of resources. The response has always been that the child died not because of any inherent failure in the process of child protection but rather because of a resource issue. And that is one of my concerns.

This new regime will only take away from the effort of protecting vulnerable children, the core business of the department, by increasing the workloads of district officers, and by bringing a new procedure into the court system, taking the court away from its primary role. This bill will require court officers to cite, sign and file large numbers of additional documents thus diverting the attention of the court from its responsibilities. This diversion from core efforts is a major problem in DOCS and I am not the only person to have this fear. In 1997 the Wood royal commission stated, in volume 4 of its report:

> Mr Semple, the former DOCS Director-General, agreed that DOCS officers had so much "on their plates" that they had enormous difficulty attending to necessary cases. He said that the department was "screening out" only 10% of its cases whereas the national average of cases screened out was about 25%. It was an approach that spread the limited resources too thinly with consequent deficiencies in the investigation and management of deserving cases.

It is interesting that the department continually seeks new responsibilities which takes it away from, and seriously impacts upon, its ability to perform its core responsibilities. Only last year I asked a question in this regard when the department failed to provide its annual report to Parliament because of its workload. Yet it was actively seeking control over and received responsibility for the New South Wales Violence Against Women Specialist Unit, which was until recently located in the Attorney General's Department. This was a backward step, which I then stated, that women of New South Wales should fear. The royal commission further raised this issue of a lack of direction and indeed commitment from the department in fulfilling its responsibilities when it stated:

> There is ample evidence that for many years DOCS has been grappling with achieving an appropriate focus and direction in the delivery of its services to children. The confusion that has been caused by changing structures, and renaming child protection programs has not given its staff continuity of a career path, has detracted from their capacity to deliver a professional and competent service and has led to loss of professionals of calibre.

This bill once again shows that DOCS has not lost its fascination with smoke and mirrors. In fact this bill simply renames provisions already available in it to undertake what are called "care plans". I suspect this is to fulfil the Australian Labor Party's commitments for the next election regarding respect and responsibility. In this regard I think it is important to quote from the royal commission again:

> The rationale for this continual reorganisation is not clear but it bears a marked similarity to the serious management deficiency in the case of the Police Service, namely the endless development of plans and changes in structure, which appears sensible on paper but in the end achieve nothing.

While I do not normally quote members speeches in debates in the other place, I agree with Gladys Berejiklian's observations on this bill:

> Even in layperson's terms a contract is a document that binds two or more parties to certain obligations and arrangements. The proposed contracts outlined in this bill do not give any assurances that the Department of Community Services … will fulfil its obligations.

I quote those remarks because that was not the first time that such an observation has been made about legislation that has been brought before this House by the Department of Community Services. I am aware that Children's magistrates often complain about various actions related to the Department of Community Services but do not place an obligation on the department to fulfil the orders of the Children's Court.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

HUNTER REGION FIRE INVESTIGATION PATROLS

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Minister for Justice, and Minister for Emergency Services. Is the Minister aware of warnings by the Cessnock Fire Control Superintendent that arsonists in the Hunter will be targeted by co-ordinated patrols involving Police, the Rural Fire Service, council rangers and National Parks and Wildlife officers? What concerns have been expressed to the Minister or his office by the Rural Fire Service about the investigation by Police of suspicious fires and arsonists targeting areas like the Hunter, and what action will be taken to ensure that they are fully investigated by police?

The Hon. TONY KELLY: The question asked what I know about a particular incident at Cessnock and whether the matter was raised with me. It was not. I am aware that NSW Police co-operate with New South Wales Fire Brigades, National Parks and Wildlife and the Rural Fire Service units round the State, particularly regarding any fire. I refer the Leader of the Opposition to the answer that I gave yesterday in relation to Task Force Tronto.

MENINGOCOCCAL DISEASE

The Hon. IAN WEST: I direct my question to the Minister for Health. What is the latest information on the New South Wales Government's efforts to raise awareness of meningococcal disease?

The Hon. JOHN HATZISTERGOS: Meningococcal is an insidious disease; it is difficult to diagnose in its early stages, and it is rapidly progressing, with a disproportionate impact on children and young people. Even today, we have the case of a young child having to be transported from the mid west to the Children's Hospital at Westmead for treatment for suspected meningococcal infection. No quick and simple blood test can provide a definitive diagnostic response to meningococcal, and no single vaccine is effective against all strains of the disease. It is also very rare. I am encouraged that the 2005 calendar year saw the lowest number of cases notified in 10 years. However, any death is a tragedy, and that is why NSW Health will continue to keep the community informed of the warning signs associated with meningococcal and ensure that patients receive the best possible clinical care across the health system.

In fact, today's *Daily Telegraph* contains a special educational insert on meningococcal disease—the Treasurer has just given me a copy of it—which will be an important resource for parents. I encourage parents to make good use of the meningococcal awareness material that outlines the symptoms of meningococcal disease, including how to look out for the warning signs and what action to take in an emergency. The insert also lists the contact numbers for public health units in each area health service for parents wishing to seek specific information on meningococcal disease. The insert is a New South Wales Government initiative, prepared by the *Daily Telegraph* in close collaboration with NSW Health. This is another Government initiative to maintain awareness of the disease.

Another Government initiative involves the extension of the successful meningococcal C vaccine program, which was originally offered by NSW Health during 2003 and 2004 to all New South Wales schoolchildren via a free school-based program. Through the program, 800,000 students were vaccinated, representing a coverage rate of 76 per cent. The extension of the program is an excellent opportunity to increase the coverage, and I urge parents to take advantage of this free vaccine available to children and young people born since 1 January 1984. It will be available until June 2007.

Meningococcal disease is a notifiable disease under the Public Health Act. As such, hospitals and laboratories must report cases to public health units. Public health units investigate every case, look at risk factors and ascertain who else might be at risk from exposure to a case. Public health units will then provide information for relevant contacts and, if necessary, prescribe antibiotics to clear carriage of the bacteria in throats. Where case clusters are identified, a broader investigation is undertaken to identify further risks.

NSW Health also has a Meningococcal Disease Advisory Committee, which advises on policy issues. It issued clinical practice guidelines in December 2004 on the management of acute bacterial meningitis in infants and children. NSW Health also issues regular media releases about the disease to raise awareness in the

community, and its web site includes a meningococcal disease fact sheet. The fact sheet has updated information on the incidence of the disease, guidelines for public health units, and immunisation guidelines.

In 2005-06 New South Wales Health contributed $60,500 towards the production of a new DVD entitled "Managing Meningococcal Disease: A Guide for Health Professionals". The 200 copies of these, recently distributed to emergency departments in New South Wales public hospitals, are expected to heighten clinicians' awareness of this life-threatening disease. Winter and spring are the peak times for meningococcal disease, so once again I urge people to take advantage of the free vaccine and to be vigilant of the warning signs.

RURAL ASSISTANCE AUTHORITY AND FEDERAL DROUGHT RELIEF PAYMENTS

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Primary Industries. Will the Minister now confirm that the Rural Assistance Authority has been deducting farmers' outstanding State Government loans from Commonwealth exceptional circumstances drought relief payments? Now that the Minister has had 24 hours to investigate the matter, when will he give an undertaking to stop this abhorrent activity?

The Hon. IAN MACDONALD: It is wonderful that the Deputy Leader of the Opposition comes out with the suggestion that the Rural Assistance Authority should stop engaging in this activity at this time, because I want to remind him that this policy has been in place since 1989, when the Commonwealth first applied interest rate subsidies, which in 1992 were transformed into exceptional circumstances funding. So a range of options to help farmers restructure their loan payments to meet many of their commitments, not only to banks but other creditors, including the Rural Assistance Authority, have been in place since then. If my memory serves me correctly, in the period from 1989 to 1995 this State had a Coalition Government. This approach has been adopted. Let me make it clear what the Rural Assistance Authority does. It discusses with all of its clients the various arrangements—

The Hon. Duncan Gay: Are you going to stop it? Yes or no?

The Hon. IAN MACDONALD: I am not stopping a perfectly legitimate policy that has been in place since 1989, when the Coalition was in power. It has been the policy for 17 years. First, let me make it clear that it is only an option the farmer, or the client, can consider. A range of options has been put forward. The head of the Rural Assistance Authority [RAA] has verified with his staff responsible for low arrears management that no changes have been made recently to the process. In other words, this has been going on right throughout the drought. Second, no pressure is placed on farmers to agree to utilise part of their exceptional circumstances [EC] interest-rate subsidies to reduce loan arrears. The other part of the statement by John Cobb in his press release, followed up by the Deputy Leader of the Opposition, is wrong gain. It is a lie. No threats have been made that the future of EC application approvals will be dependent on agreement.

It is quite clear that The Nationals are whipping this up. This old policy has been in place for years and years, since 1989 according to the RAA. The policy, which was not instituted in recent times, is quite clear: Farmers are given the option of reducing their loan debts through EC payments, if they so wish. There is no obligation. A whole range of other policies is in place to give farmers other options, including deferred payments. This policy has been in place for a heck of a long time. For members opposite to jump up and down now shows the hypocrisy of the Deputy Leader of the Opposition and the shambles called The Nationals.

The Hon. DUNCAN GAY: I ask a supplementary question. Will the Minister confirm that farmer constituents were told that they did not have to do this? Farmers who have contacted me told me that they were not told they had an option. They told me that they would lose their next payment if they did not agree to sign up. Further, will the Minister answer the previous question on whether he will stop this abhorrent practice?

The Hon. IAN MACDONALD: It is not an abhorrent practice. It is a perfectly legitimate financial practice, and it has been in place for 17 years under both Labor and Coalition governments. Let us be very clear about that. I will repeat: first, the head of the RAA has made it clear to me that no changes have been made to the process recently. Second, no pressure has been or is placed on clients to agree to utilise part of their EC interest rate subsidies to reduce loan arrears, and no threats have been made that future EC applications will be dependent on agreement to the above.

The Hon. Duncan Gay: This is farmers' money going into State Government advertising.

The Hon. IAN MACDONALD: It is not.

COMMISSIONER OF POLICE KEN MORONEY

The Hon. Dr PETER WONG: My question without notice is directed to the Minister for Commerce, representing the Minister for Citizenship. Given the strange political pronouncements by Commissioner of Police, Ken Moroney, in the *Daily Telegraph* on Monday titled "No English, No Excuse", will the Minister agree that it sends a message to multicultural Australia that not speaking English is an offence, and against the law? Will the Government now monitor the political activities of the Commissioner of Police? If not, will the Minister confirm that Commissioner of Police, Ken Moroney, is not considering running for the Labor Party at the next State election?

The Hon. JOHN DELLA BOSCA: I will deal with the last part of the question first. I have no knowledge about the private political sentiments or views of the Commissioner of Police.. In some respects it is quite offensive to ask a senior public official, like Ken Moroney, what his intentions are in the next State election. It is provocative politicking on behalf of the honourable member, and it does not behove him well. Usually his conduct in this Chamber is exemplary. It is disappointing that he would adopt the foolish attitude of the Leader of the Opposition in relation to the Commissioner of Police. It is disappointing that he denigrates both the man and the office in an extremely inappropriate way that is not reflective of the high regard in which the Commissioner of Police is held by the general public and the Government.

The Hon. Michael Gallacher: What about what your leader said about the commissioner's confidence?

The Hon. JOHN DELLA BOSCA: In spite of the interjections by the Leader of the Opposition, I make it very clear—

The PRESIDENT: Order! I call the Leader of the Opposition to order for the first time.

The Hon. JOHN DELLA BOSCA: In the second part of his question it seems that the honourable member is attributing to the Commissioner of Police a headline used by the *Daily Telegraph*. I have enormous respect for professional journalists and the *Daily Telegraph,* but the art of journalism involves making succinct headlines out of otherwise quite complicated matters. It is clear that in this respect the headline in the *Daily Telegraph* of "No English, No Excuse" reflects a summary of the commissioner's remarks from its editorial perspective. It is quite unfair of the honourable member to come into this House and attempt to hold the Commissioner of Police accountable for the way in which he is reported in the *Daily Telegraph*. It is also very clear from the behaviour of NSW Police and the administration of police not only under the commissioner but also under Mr Carl Scully that the police force is committed to a policy of multicultural objectives broadly supported by the community of New South Wales.

The point is well made that these matters are always before the public as a matter of public debate. It is legitimate for the Commissioner of Police to participate in such a debate. But it is unreasonable for the honourable member to attempt to hold either the Commissioner of Police or the Government accountable for the way in which the *Daily Telegraph* reports remarks. I do not think the commissioner's remarks reflect the headline referred to by the honourable member in the *Daily Telegraph*. I thank the honourable member for his question, but the points he has raised do not behove well his otherwise diligent contribution to the House.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS WORKCHOICES LEGISLATION RECORD-KEEPING REQUIREMENTS

The Hon. JAN BURNSWOODS: I direct my question to the Minister for Industrial Relations. Will the Minister update the House on the change to record-keeping requirements for New South Wales businesses under the WorkChoices legislation?

The Hon. JOHN DELLA BOSCA: Yes, I will. I thank the honourable member for her ongoing interest in these matters. Today is the six-month anniversary of the WorkChoices legislation. It is six months since New South Wales families have learned that they no longer have a range of protections that had been part of the Australian workplace for generations. Well over 100,000 calls were made to the New South Wales Office of Industrial Relations Fair Go hotline. Callers have sought advice and counselling on a wide range of issues as

they found that their pay reduced, their job eliminated or their conditions curtailed, as employers were encouraged by the Howard Government to join the race to the bottom. Employers have discovered that the legislation prevents them from making quite reasonable agreements with their employees, and that it is laden with red tape.

When the new and onerous Federal record-keeping obligations were first unveiled six months ago, business groups predicted that there would be widespread compliance chaos. A survey conducted by software giant Mind Your Own Business in late 2005 revealed that small business operators believed that the hostile industrial takeover would produce more confusion, more complexity and more anxiety, and more uncertainty for no gain. In fact, in the lead-up to the planned implementation employee groups candidly admitted that their members remained unprepared for the additional layer of red tape introduced by WorkChoices. Projected compliance costs were estimated to be as high as $20,000. The Commonwealth Government has been forced to grant a second delay of the operative date in the face of widespread confusion and anger across the business sector in response to these absurd requirements.

The moratorium, while perhaps welcomed, will undoubtedly anger business owners and managers, not to mention software application companies, who have been working at a furious pace to ensure their payroll systems complied as of this week. The Director of the Federal Office of Workplace Services, Mr Nick Wilson, has flagged a zero tolerance for breaches of the new rules when the moratorium expires on 26 March next year. Business owners will then risk financial penalties for non-compliance ranging from $550 for individuals to $2,750 for a company. The new and onerous record-keeping requirements are a major concern for employers, a dead weight on business productivity and a strangulation of the small-business owner and, therefore, the engine room of our economy.

I note that the State Chamber of Commerce has welcomed the extension, indicating that the Federal Government would do well to take the opportunity to simplify record-keeping obligations. The Australian Chamber of Commerce and Industry, not an organisation I always agree with, has correctly deduced that the delay does not provide a solution; rather, it defers the problem. The record-keeping requirements are just one element of flawed unfair legislation that cannot be rescued. The only solution is to dump the whole ugly mess and start again, building an Australian industrial relations system based on Australian values.

NATIONAL PARKS AND WILDLIFE SERVICE TOWAMBA RIVER WORKS

The Hon. ROBERT BROWN: I address my question without notice to the Minister for Commerce, representing the Minister for the Environment. On 5 September I asked a question relating to the National Parks and Wildlife Service building an urban dam on a creek running into the Towamba River at Kiah on the New South Wales far South Coast. That dam subsequently collapsed, dumping tonnes of silt into the river, and local people believe that it has seriously damaged fish-breeding holes. In answering that question, the Minister indicated that the temporary works to stabilise the area had been agreed and that additional rehabilitation works were to be undertaken by the Southern Rivers Catchment Management Authority. Will the Minister now provide the House with details of the additional rehabilitation work that has been done, particularly in relation to the stream bed, and if there will be any prosecutions over the incident?

The Hon. JOHN DELLA BOSCA: I will leave the issue of prosecution to the relevant regulator, but I am advised that the Department of Environment and Conservation substantially has completed the earthworks that were required to rehabilitate the damaged areas adjacent to the Towamba River referred to by the Hon. Robert Brown in his previous question. The works comprise the construction of a sandbag wall adjacent to the Towamba River and the reshaping of an eroded gully using earthmoving equipment adjacent to the sandbag wall. In addition, areas adjacent to the site where previous drainage works were blocked have been reshaped and stabilised using erosion control matting. The disturbed areas have been seeded with a quick-growing grass species. Germination of the seeds has occurred.

The Department of Environment and Conservation and the landholder have commenced a revegetation program that will establish up to 5,000 plants that are native to the area. There are already positive changes to the condition of the previously disturbed wetland. The Environment Protection Authority, which is now part of the Department of Environment and Conservation, has statutory responsibility for this investigation and for enforcing the Protection of the Environment Operations Act 1907, which regulates potential water pollution. I am advised that an investigation currently is under way into this incident. As I indicated in the first part of my answer, announcements relating to the impending prosecutions are best left to the regulator.

REIBY JUVENILE JUSTICE CENTRE DISTURBANCES

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Juvenile Justice. Is he now in a position to advise the House of the recent incidents at Reiby detention centre, which have included the lighting of fires and staff call-outs to respond to detainee violence?

The Hon. TONY KELLY: The Hon. Catherine Cusack asked me yesterday if I knew "What was the cost to taxpayers of riotous behaviour over the past two nights at Reiby detention centre?" The answer to that question perhaps depends on her definition of a riot. Fortunately, we know what the Hon. Catherine Cusack's definition of a riot is because she was asked about it earlier this year on ABC Radio, following an incident at the Acmena Juvenile Justice Centre. The compere said, "Well I don't know if a riot is an appropriate term."

The Hon. Don Harwin: Point of order: The Minister is clearly debating the question.

The PRESIDENT: Order! I remind the Minister that one of two things he may not do when answering a question is debate the question.

The Hon. TONY KELLY: I am trying to define what the Hon. Catherine Cusack means by "a riot", and I am using her definition.

The Hon. Greg Pearce: Point of order: My point of order relates to relevance. The question was whether the Minister is now in a position to advise the House of the recent incidents, and I emphasise the word "incidents", at the Reiby detention centre which included the lighting of fires and staff call-outs to respond to detainee violence. There is no reference to riots. The Minister should not be referring to riots.

The PRESIDENT: Order! I call the Hon. Rick Colless to order for the first time.

The Hon. TONY KELLY: I do not know why members of the Opposition ask me a question when they do not want to hear the answer. Perhaps they are upset because I kept them in last night.

[*Interruption*]

The PRESIDENT: Order! I call the Leader of the Government to order for the first time.

The Hon. TONY KELLY: I inform the House that the Department of Juvenile Justice has advised me of what happened at the Reiby Juvenile Justice Centre at the weekend. The department's advice is that there have been no disturbances at the Reiby Juvenile Justice Centre or any other centre over the past week. There were two occasions when fire alarms were triggered at Reiby and the fire brigade attended the centre. One incident occurred when steam from a detainee's shower triggered an alarm, and the other occurred when a detainee lit a piece of paper in a room. No damage or riot occurred at Reiby.

HOUSE REPLACEMENT INSURANCE REFORM

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Emergency Services. Will he inform the House of moves to address the problem of under insurance of Australian homes?

The Hon. TONY KELLY: I thank the Hon. Kayee Griffin for her question. The insurance industry has been a major contributor to the funding of this State's fire services for more than a century. It is patently obvious that insurance companies would be up for billions of dollars in claims but for the work of our firefighters in saving homes and properties from destruction. In recognition of this, insurance companies are required by legislation to contribute 73.7 per cent of the costs of running NSW Fire Brigades and Rural Fire Service.

As I have stated on previous occasions for the information of honourable members, the reason for that is because more than 100 years ago insurance companies provided their own fire engines. However, when a fire engine crew turned up to put out a fire in a building that did not have a plaque of the insurance company displayed, the fire engine and crew used to turn away. It was considered that the best way to address the problem was to have a government fire service to which insurance companies contributed 73.7 per cent of the costs.

As commercial organisations with an eye on the bottom line, insurance companies sometimes complain about this requirement. Indeed, the industry has devoted quite a bit of effort to having the system overturned by the Parliament's Public Account Committee—an attempt which, I must note for the record, has been unsuccessful. The Opposition has been quick to curry corporate favour by calling for the current system to be abolished and by organising rallies to protest against the industry's contribution to our fire services. The groundswell of anger was evident. Two great forums were held in the electorates of Tamworth and Dubbo—coincidentally, The Nationals are still smarting from having lost those safe seats—where the total number of people in attendance was approximately 50.

Because I believe in giving credit when credit is due, today I take this opportunity to draw the attention of the House to a reform introduced by one insurance company. This is a move that I hope other companies in the market will adopt. AAMI wrote to me to alert me to an initiative it has introduced that is designed to address the problem of under insurance of houses in Australia. The company now provides complete replacement cover for its home building policyholders, both existing policyholders and new policyholders. This means that the total cost of replacing a home is covered by insurance, not just the cost up to a previously agreed amount that often has been very well short of the actual cost of rebuilding.

This is a welcome advance. Time and again, underinsurance has been shown to be a major problem for people whose homes are lost or damaged and they find their insurance cover does not meet the replacement cost. A 2005 report by the Australian Securities and Investments Commission [ASIC] found that 70 per cent of homes were underinsured against complete replacement in the event of their total loss or destruction. That means that, faced with the complete destruction of their home, most Australians would be out of pocket in order to have their homes rebuilt to their former status.

The problem is exacerbated during major disasters such as Cyclone Larry and the Canberra bushfires, because acute demand for materials and labour drives up the cost of rebuilding. More than 400 homes were lost in the Canberra fires and the Insurance Disaster Response Organisation reported that structures destroyed in those fires were underinsured, on average, by 40 per cent of the replacement cost. In other words, a family needing $350,000 to rebuild their home had a shortfall of $140,000. Recently ASIC looked at rebuilding costs and found that complete replacement cost policies were prevalent in comparable countries, such as New Zealand and the United States of America, and believed that it would be of significant help to consumers if that was offered here. AAMI has become the first major insurance company to provide that kind of policy, which I believe sets a new standard for others in the sector. I call on other insurance companies to follow suit.

AMBULANCE SERVICE INTERSTATE TRANSPORT FEES

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question without notice is directed to the Minister for Health. Will the Minister advise why reimbursement by the New South Wales Ambulance Service of out-of-jurisdiction ambulance fees payable by holders of a New South Wales Health Care Card travelling in Queensland and South Australia was cancelled? What does the Government propose to do in the short term to ensure universal ambulance cover for New South Wales Health Care Card holders traveling outside New South Wales? Will the Minister advise how Health Care Card holders, particularly those living in border regions who wish to travel to Queensland or South Australia, should ensure that they have ambulance cover?

The Hon. JOHN HATZISTERGOS: Generally, Pensioner Concession Card holders, Health Care Card holders, Veterans Affairs Card holders, and Commonwealth Seniors Card holders, are covered for emergency transport under reciprocal rights arrangements between New South Wales and all other States and Territories, with the exception of Queensland and South Australia. On different dates the Queensland and South Australian governments withdrew from the reciprocal rights agreements that previously existed between those States and New South Wales. The reciprocal rights agreements made ambulance services available at no cost to pensioners, or people who had paid an ambulance levy through their private health insurance, while travelling interstate.

By withdrawing from the agreements and establishing a Community Ambulance Cover Scheme on electricity accounts, Queensland has created considerable inequities in ambulance funding across the two States, particularly in relation to pensioners. That is because the Ambulance Service of New South Wales costs are heavily subsidised by taxpayers. New South Wales has amongst the cheapest ambulance fees in the country. To the contrary, in Queensland and South Australia, where there are virtually no government subsidies, the services are fully funded through community levies and charges. For example, a five kilometre ambulance journey in Queensland would cost $820, in South Australia it would cost $679.20, compared to just $232.05 in New South

Wales. That is the reason why the Queensland and South Australian governments have effectively withdrawn. There is an opportunity for them to charge for their ambulance services at a higher rate than charged in New South Wales and other States. Obviously, they saw some financial advantage in being able to withdraw from the reciprocal rights agreement and fund their ambulance service through charging.

Specific recommendations were made by the Independent Pricing and Regulatory Tribunal [IPART] that all New South Wales residents travelling within Queensland and South Australia should be responsible for the payment of the provision of ambulance services in those States. There was a dispute, specifically with Queensland, relating to the position prior to July 2006, because it sought to charge the New South Wales Government for all costs of residents who had incurred charges up to that time. That issue was ultimately resolved.

In accordance with IPART recommendations, the New South Wales Government made it clear that there would be no further reimbursement to the Queensland Ambulance Service for charges it would levy on New South Wales residents. That decision was made public on the New South Wales Ambulance Service web site and in media releases, specifically in border regions. However, there is still a concern in relation to Pensioner Concession Card holders and Health Care Card holders, as the Hon. Dr Arthur Chesterfield-Evans identified in his question. I can inform him that where the New South Wales Ambulance Service asks for an ambulance service in another State to respond to a 000 call in a border location, if the person is entitled to free ambulance transport in New South Wales he or she will not have to pay a fee to the Queensland Ambulance Service. That service will be paid for by the New South Wales Government.

Last week I spoke to the Queensland Minister for Emergency Services on behalf of pensioners in New South Wales. I have written to him and asked that the Queensland Government specifically—because there is a lot of traffic between Queensland and New South Wales—consider urgently re-entering into the reciprocal arrangements. [*Time expired.*]

STATE FINAL DEMAND

The Hon. GREG PEARCE: My question without notice is directed to the Treasurer. Will the Treasurer inform the House at what rate he expects the State Final Demand to be for the September quarter, given that New South Wales has seen the State Final Demand fall in each quarter since December 2004, from 1 per cent, to 0.9 per cent, to 0.7 per cent, to 0.6 per cent, to 0.4 per cent, to 0.3 per cent and most recently to 0.2 per cent? What does the Treasurer expect State Final Demand to be for the September quarter, given that he has admitted the New South Wales economy will only get worse?

The Hon. MICHAEL COSTA: That is a very good question from the Hon. Greg Pearce, because it highlights the factual position in contrast to what the Leader of the Opposition has been saying for a number of months. Every quarter he has claimed that the State economy will be in recession or heading towards recession—and he has been wrong on every occasion. It is absolutely true that there are pressures on the economy.

The Hon. Duncan Gay: You are hardly a power house, are you, cobber?

The Hon. MICHAEL COSTA: Well, cobber, you guys put the budget into deficit four or five times. The Coalition put the State on credit watch and into a position such that the Government had to pay off a huge debt to get the economy into a position whereby the State could go forward and invest massively in infrastructure. The Government's position is that at this stage it does not intend to change from its forward estimates projections in growth.

CAP AND PIPE THE BORES SCHEME

The Hon. TONY CATANZARITI: My question without notice is addressed to the Minister for Natural Resources. Will the Minister provide the House with an update on the successful Cap and Pipe the Bores Program in the north-west of the State?

The PRESIDENT: I acknowledge the presence in the President's Gallery of the Hon. Dr Brian Pezzutti, a former member of this Chamber.

The Hon. Rick Colless: Tutti-Frutti!

The PRESIDENT: Order! I have ruled previously the expression "Tutti-Frutti" to be out of order.

The Hon. Greg Pearce: Point of order: The question is out of order as it contained argument. It suggested that there was a successful program. That is a question of fact, and it should not form part of the question. A question may not contain argument, and to suggest that something is successful or a failure is, in either case, an argument. It is not a question of opinion; it did not ask for information. The question asked for an answer in relation to something that contains argument, and it should be ruled out of order.

The Hon. Amanda Fazio: To the point of order: It is out of order for the Hon. Greg Pearce to raise a point of order after the question had concluded. Madam President, I ask you to rule accordingly.

The PRESIDENT: Order! A point of order may be taken at the conclusion of a question. However, the standing orders provide that a member may provide facts in a question in order to make the question intelligible.

The Hon. Greg Pearce: We do not know if it is a fact.

The PRESIDENT: Order! That might be the opinion of the Hon. Greg Pearce. I rule that the question is in order.

The Hon. IAN MACDONALD: That is typical of the Liberals' intervention in water. The Liberals in Canberra have interfered and sidelined The Nationals on water. That interference was demonstrated again when the Hon. Greg Pearce jumped up in this place to make pronouncements about water. He would not know whether the program is successful, but the Deputy Leader of the Opposition knows it is successful. I am pleased to announce that the State Government's Cap and Pipe the Bores Scheme is saving New South Wales hundreds of megalitres of water—

The Hon. Duncan Gay: It is successful.

The Hon. IAN MACDONALD: I know the Deputy Leader of the Opposition knows it is successful.

The Hon. Duncan Gay: It's very good.

The Hon. IAN MACDONALD: That is right. The Hon. Greg Pearce has tried to sideline The Nationals again. The scheme also reduces the impact of salinity on our landscape. Let us hope that the Hon. Greg Pearce does not make too many interventions in the bush because the poor old Nationals will be in terrible disarray! The $32-million program jointly funded by the Labor Government and the Commonwealth is gradually replacing open pipes and bore drains in the Great Artesian Basin with more efficient watering systems. Never has this been more important than at a time when farmers are enduring the worst drought in living memory. Let me make it clear: The Great Artesian Basin, which underlies 22 per cent of Australia, is one of the largest underground water resources in the world. However, many of the bores in the basin are free flowing and supply water along open bore drains, resulting in both significant losses in artesian pressure and wastage of water due to evaporation.

Under this 10-year program the Government is working collaboratively with landholders to replace open drains with pipes, storage tanks and stock troughs. A number of local schemes have already been finished, and today I am pleased to announce the recent completion of two more projects that will see about 330 megalitres of water saved each year. That is the equivalent of 330 Olympic-size swimming pools a year in water savings. First, the New South Wales Department of Natural Resources and local landholders recently completed the Hollywood Bore Water Trust Cap and Pipe the Bores Scheme near Coonamble. This scheme covers seven local properties across 17,500 hectares. It involved the construction of 65 kilometres of pipeline, 40 storage tanks and 85 stock troughs. As a result of this project alone around 200 megalitres of water will be saved each year.

New South Wales has also recently finished work on the Wambalona Cap and Pipe the Bores Scheme, which will see a saving of around 130 megalitres a year. This project saw the construction of 30 kilometres of pipeline, 25 storage tanks and 43 stock troughs across 3,500 hectares of farming country. This is important work that sees the Iemma Government investing in some of the more remote areas of the State. I am also pleased to inform the House today that two further cap and pipe schemes in the State's central and north-west regions are progressing well. The Brigalows Scheme south-west of Carinda is expected to be completed by the end of October, saving a further 50 megalitres of water annually. Under this scheme, 72 kilometres of pipeline will be

constructed across more than 20,000 hectares, as well as 26 storage tanks and 38 stock troughs. The State Government has also awarded the contract for the construction of the Quabothoo scheme about 20 kilometres east of Carinda, which will involve more than 100 kilometres of pipes across 22,000 hectares. This scheme alone will save about 250 megalitres of water each year.

The New South Wales and Commonwealth governments have contributed a total of more than $1.3 million in funding to these four important projects. Together they will save more than 630 megalitres of water a year for our State and prevent up to 500 tonnes of salt entering the New South Wales landscape each year. That is a saving of the equivalent of 630 Olympic-size swimming pools a year through these projects. I am pleased to report further cap and pipe the bores schemes—

The Hon. Duncan Gay: What percentage is Federal Government funding?

The Hon. IAN MACDONALD: Why talk about Commonwealth funding percentages when the Federal Government has a budget of $240 billion and we have a budget of $42 billion? If we are going to talk about percentages, we should be talking about 6:1. This is a nationally significant scheme that has numerous benefits for the landscape and the communities of a large part of our State. These benefits include reduced wastage of our precious water resources, improved water-use efficiency, reduced salinity, improved biodiversity and pest management, and the creation of long-term, sustainable land and stock management practices. [*Time expired*.]

STATE FORESTS AND CONSERVATION HUNTING

Mr IAN COHEN: My question is directed to the Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources. How much has Forests NSW spent on providing access for hunters to State forests? Is the scheme self-supporting or has Forests NSW incurred costs in setting it up, such as for advertising, administration and the provision of signage? If this is truly a conservation measure, can the Minister explain why the Bow Hunters Association web site—*www.bowhunters.org.au/nswgamelic.htmand*—states that there is a "deer season" and "bag limits" for some species, both of which are very odd restrictions for an activity that is supposed to be "conservation" hunting?

The Hon. IAN MACDONALD: I am neither aware of that site nor the claims made in relation to it. I point out that Forests NSW has erected about 2,500 signs across the State on lands that have been opened up to hunting. This proactive measure is part of our policy of ensuring that there are appropriate levels of safety. I do not see how the small amount of money that Forests NSW may have expended on this activity is particularly onerous or wrong given that the aim of the scheme is to eradicate feral animals in these areas. I would have thought it was a community service given that many leading conservationists in New South Wales report that we have a feral animal problem that needs attending to. I think even Mr Ian Cohen—

The Hon. John Della Bosca: Is a feral animal?

The Hon. IAN MACDONALD: He is not a feral at all. It is clear that Mr Ian Cohen supports limiting the number of feral animals in our forests and reducing the destruction they cause not only to plant life but also to the small mammals and birds across New South Wales. That very good policy has been in place for several years—we got it through the House after a long session.

The Hon. Duncan Gay: How many birds does a deer eat?

The Hon. IAN MACDONALD: Deer eat grass. We know that. I was clearly talking generically about feral animals. I was not talking about deer. It is a good policy—I know those opposite treat it with some mirth—and the Hon. Robert Brown, who is following in the footsteps of the Hon. John Tingle, has done a very good job getting it up and running. I think it is a great State conservationist initiative. It is about time Mr Ian Cohen joined us and confirmed it is a good approach that harnesses voluntary effort in eradicating feral animals from this State. We support voluntary effort; it is a good thing. In the past Mr Ian Cohen has supported many voluntary activities, such as surfing in Sydney Harbour and voluntary efforts to improve the environment. I think voluntary effort on the part of conservation hunters, who go out into our State forests and help to eradicate feral animals, is a good idea. It should attract more support from the Greens, who should stop sucking up to animal liberationists at such a ferocious rate.

MINISTER FOR NATURAL RESOURCES MEDIA RELEASES

The Hon. RICK COLLESS: My question is directed to the Minister for Natural Resources, and Minister for Primary Industries. Does the Minister write his own media releases? If not, does he read them before they are distributed?

The Hon. Jan Burnswoods: Point of order: The question is out of order. The first part of the question is not related to the public affairs for which the Minister has carriage.

The PRESIDENT: Order! I need to hear the rest of the question to decide whether it is in order. I cannot hear the question unless honourable members stop their conversations.

The Hon. RICK COLLESS: Why did the Minister issue a press release that referred to the Federal Minister for Agriculture as "Ian McGuaran" when this office is held by Peter McGauran?

The PRESIDENT: Order! The time for the Hon. Rick Colless to ask the question has expired. The honourable member will resume his seat.

The Hon. IAN MACDONALD: This is wonderful! The Hon. Rick Colless has given me an opportunity to talk about the two McGaurans. Amidst all the discussions about how the Liberal Party has taken over water, I guess someone might have thought the Government was getting mixed up about who is the Federal Minister for Agriculture, Fisheries and Forestry—whether it is a member of The Nationals or a new Liberal.

The Hon. Rick Colless: Who is Ian McGauran?

The Hon. IAN MACDONALD: Ian McGauran has defected to the Liberal Party. It is interesting that the Hon. Rick Colless has given me the opportunity to talk in question time about another problem for The Nationals. The press release referred to Peter McGauran, and it should not have gone out. The amount of press releases that are issued and the volume of work in the good governance of New South Wales is extraordinary, which I am sure the Deputy Leader of the Opposition acknowledges.

TELEMEDICINE AND TELEHEALTH SERVICES

The Hon. PENNY SHARPE: My question is directed to the Minister for Health. What is the Government doing to connect clinicians and patients across New South Wales?

The Hon. JOHN HATZISTERGOS: Last Friday at Royal Prince Alfred Hospital I announced that health services across New South Wales will receive approximately $5.3 million in funding this year to expand telemedicine services and enhance the existing telehealth infrastructure. This year the enhancement of telemedicine in New South Wales involves the development of 12 new health facilities to receive telemedicine services, as well as 23 expanded or new services in critical care and education and support programs. The expansion of existing services, and the development of new services, will improve access to healthcare for patients and enable better communication between specialists in facilities across New South Wales. Through the New South Wales Telehealth Initiative more patients and their doctors and clinicians are being connected in ways never before thought possible.

The Telehealth Initiative commenced operation in 1996 with 12 pilot projects connecting 16 sites. It is currently an extensive network of more than 270 facilities, which supports 25 clinical services. New South Wales is a leader nationally with telehealth and telemedicine services and has one of the largest integrated telemedicine networks internationally. Telehealth is the transmission of images, voice and data between two or more health units via telecommunications channels to provide clinical advice consultation education and training services. Telemedicine connects patients, carers and health care providers improving access to quality public health care, particularly in rural and remote parts of New South Wales.

Telemedicine is about utilising telecommunications in image transfer and videoconferencing to improve access to quality health care. For instance through videoconferencing a patient can communicate with their specialist and health care provider about their treatment needs and options. Telemedicine may also reduce the need to travel to large towns or cities to receive treatment. This state-of-the-art technology can be used to support rural-based health professionals by linking them with city-based specialists in larger teaching hospitals. It can also be used to keep patients who are receiving treatment away from their hometown in touch with their

families while in hospital. In the past 18 months 4,000 clinicians have been involved in more than 37,000 hours of telemedicine clinical consultations education and support sessions across New South Wales. Services include mental health, diabetes, oncology, rehabilitation, surgical review, chronic pain management, wound management, genetics and radiology.

Highlights of this year's telehealth projects include: a research application for connecting critical care that will examine the potential to improve the networking of emergency and intensive care services in the management of critically ill or injured patients; an extension of the Ambulance Service of New South Wales telehealth network to include a new interactive video facility at the Aeromedical and Medical Retrieval Services; assisting and supporting smokers to quit via the New South Wales Smoking Cessation Training Program; linking the emergency departments of Camden and Campbelltown hospitals with a high-quality video/audio link that will allow for off-site assessment by senior emergency department staff at Campbelltown Hospital to provide support to Camden Emergency Department thus improving the quality of care provided to patients; and the networking of Tumour Boards from the Royal Hospital for Women to rural cancer care providers that will improve patient care by providing the opportunity for specialists to participate directly in the planning of treatment and the ongoing care of patients in rural settings. The Telehealth Initiative has the support of clinicians and clients and is a proven enhancement to providing quality healthcare. Its expansion will ensure a greater connect between clinicians and patients.

TOTALLY AND PERMANENTLY INCAPACITATED VETERANS ASSOCIATION OF NEW SOUTH WALES BELMORE UNITS

Ms SYLVIA HALE: My question is directed to the Minister for Disability Services. Is the Minister aware that the Totally and Permanently Incapacitated Veterans Association of New South Wales intends to sell units it owns in Canterbury Road, Belmore, and relocate outside Sydney the resident veterans, some of whom are survivors of the Changi prison camp? What assistance will the Minister provide to help these veterans, many of whom are deeply distressed by the prospect of forced relocation? Will the Minister meet with the veterans and/or the board of the Totally and Permanently Incapacitated Veterans Association of New South Wales to facilitate a resolution of the concerns of veterans? Will the Minister declare his support for a green ban on association property until such time as the wishes of residents to remain at Canterbury are respected?

The Hon. JOHN DELLA BOSCA: Madam President, perhaps you can provide me with some advice about green bans and their interpretations. I do not think my support for a green ban one way or the other is necessarily the matter at stake. Generally speaking, I am aware that this matter has been widely reported in the media and there is obviously a great deal of concern about it. On the surface, this issue relates to a very vulnerable population of people, many of whom served Australia with distinction, as they are war veterans. Relocation involves many issues, the detail of which I have become familiar with not only in relation to this matter but with respect to the upgrade and the like of disability services.

I understand from media reports that one interpretation of events is that this matter is about the viability of the trust. I have not yet been approached by any advocates, operators, veterans or their relatives about this matter so I cannot tell Ms Sylvia Hale or other honourable members what action I propose to take. I will investigate this matter and provide the House with further relevant information. If I can take a course of action to resolve the issues, I will be happy to do so. I will provide any information I can.

COMMISSIONER OF CORRECTIVE SERVICES CONTRACT

The Hon. DON HARWIN: My question is directed to the Minister for Justice. What is the term of the new contract the Minister has reached with Ron Woodham to continue as Commissioner of Corrective Services? When is he expected to return to duty? Given that officers of Corrective Services are being medically health quested by the department, which often leads to their forced medical retirement for less serious illnesses than the commissioner currently has, why has the commissioner not been health quested?

The Hon. Peter Primrose: Point of order: The question of the honourable member contains argument and inferences, and I believe is out of order.

The PRESIDENT: Order! The question certainly contains argument and, therefore, is out of order.

SENIORS WEEK ACHIEVEMENT AWARDS PROGRAM

The Hon. GREG DONNELLY: My question is addressed to the Minister for Ageing. What action is the Government taking to acknowledge and celebrate the contributions of older people in New South Wales?

The Hon. JOHN DELLA BOSCA: The Seniors Week Achievement Awards Program is part of this Government's ongoing commitment to celebrate and acknowledge the valuable contributions that older people make to our community. The Achievement Awards Program is a prestigious recognition of New South Wales seniors for their contribution to the development of our community and to their leadership and initiative. The program provides the opportunity to formally thank those people for their contributions to the quality of life in our State. Any New South Wales resident who is 60 years of age or over is eligible for nomination, and both individuals and organisations can be nominated and are particularly encouraged from regional New South Wales and culturally and linguistically diverse communities.

There are six categories of nomination for seniors or seniors organisations: business mentoring is for demonstrated initiative and leadership in the areas of business and enterprise, whether it is through a consultancy an organisation or a small business; intergenerational understanding recognises the contributions to relationships with people of all ages, especially younger people; environment and/or science looks at contributions to the advancement of scientific research or environmental issues; health and wellbeing is for the development of health and recreational programs to enhance the wellbeing of older people; education and lifelong learning recognises the development or contribution to educational programs to enhance the quality of life for older people; and community service and volunteering is for those who have demonstrated a commitment to, and leadership in, the areas of community service or volunteering.

Up to 60 State awards will be presented at a ceremony at Sydney Town Hall on Monday 12 March 2007. This will also be the launch of New South Wales Seniors Week for 2007. In 2007, New South Wales Seniors Week will be held from 11 to 18 March, and the theme will be Live Life. By now, all members of the House will have received copies of the 2007 Seniors Week achievement awards nomination form. I encourage all members to consider nominating seniors in their local areas or people that they are familiar with who have made outstanding contributions to their communities. The awards program opened on 14 August and nominations close at 5.00 p.m. on 6 October 2006.

Another successful New South Wales Government seniors initiative is of course the Premier's Christmas Gala Concerts. For the past 25 years the Premiers Christmas Gala Concerts have had a history of providing topline entertainment for seniors in New South Wales. This year will be no exception. The release of tickets on Monday for the concerts in December saw a rush to the booking line, with 20,000 tickets being snapped up in record time—only 2.5 hours—making them the hottest ticket in town for seniors. Once again the Iemma Government is providing an enjoyable day out for seniors, to acknowledge their contribution to society, with a fun and festive celebration.

I suggest that if members have further questions, they place them on notice.

Questions without notice concluded.

[*The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.*]

APIARIES AMENDMENT BILL

BUSINESS NAMES AMENDMENT BILL

BAIL AMENDMENT (LIFETIME PAROLE) BILL

PROFESSIONAL STANDARDS AMENDMENT (DEFENCE COSTS) BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Tony Kelly agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Inquiry into the Administration of the 2003 Election and Related Matters

Debate resumed from 20 September 2006.

The Hon. JAN BURNSWOODS [2.34 p.m.]: I move:

That the amendment of the Hon. Don Harwin be amended by omitting all words after "That" in paragraph 2 and inserting instead:

recommendation 33 of Report No. 1 of the joint Standing Committee on Electoral Matters, entitled "Inquiry into the Administration of the 2003 Election and Related Matters", dated 20 September 2006, be recommitted to the Committee for further consideration and report.

2. That a message be forwarded to the Legislative Assembly seeking the concurrence of the Assembly in the resolution of the Council.

I do not wish to speak at length in this take-note debate. I gather my amendment has been discussed by a number of members, including the Hon. Amanda Fazio and the Hon. Don Harwin. It seems to me when we have before us a committee report containing a large number of recommendations, in this case 34 recommendations, and when the committee—I think like all our committees—has put considerable work into its report, it would be fairer and more courteous to the committee, if this Chamber could refer back to the committee consideration of the issue raised by the Hon. Don Harwin in his amendment.

So, rather than the House, without the benefit of the kind of examination and debate that the committee has had, in a sense riding over the top of the committee, in this case—and, I would think, in general too—it would be more appropriate to proceed, as suggested by the amendment of the Hon. Don Harwin, and refer the amendment back to the committee. That is the substance of my amendment. In this case the amendment is even more sensible, and more courteous, given that this is a joint standing committee. Therefore, it would be good for the members of the committee to meet again and consider the issues raised in relation to this one of the 34 recommendations contained in the report.

The Hon. AMANDA FAZIO [2.38 p.m.], in reply: As I said when I spoke initially in this take-note debate, there was some concern expressed by committee members about recommendation 33, and that led to the amendment moved by the Hon. Don Harwin. Following further discussions, I believe consensus has been reached that the most appropriate thing to do, rather than rejecting recommendation 33, would be to refer it back to the Joint Standing Committee on Electoral Matters so that it may consider the full ramifications of the recommendation.

The majority of the committee's deliberations in relation to part 2 of schedule 6 to the Constitution Act 1902 related to random sampling, and the validity of that method given that computer accounting procedures enter all full preferences on a database. It seems silly that technology already in use can produce an exact count when the Constitution Act requires us to use random sampling. It is very pleasing that many of the recommendations in the report of the standing committee of which we are taking note today have been implemented. We dealt with them last night at length in debate on the Parliamentary Electorates and Elections Amendment Bill, which passed through the House. I commend the amendment of the Hon. Jan Burnswoods to the amendment moved by the Hon. Don Harwin. Support of the amendment to the amendment would enable the Joint Standing Committee on Electoral Matters to reconsider recommendation 33. Hopefully, the outcome of those considerations will be reached on a consensus basis.

Amendment of the Hon. Jan Burnswoods agreed to.

Amendment of the Hon. Don Harwin as amended agreed to.

Motion as amended agreed to.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Recruitment and Training of Teachers

Debate resumed from 20 September 2006.

The Hon. IAN WEST [2.42 p.m.]: When debate on the report of the Standing Committee on Social Issues entitled "Recruitment and Training of Teachers" was interrupted on 20 September, I was talking about funding historically and the referral not only of this inquiry by the former Minister for Education and Training, Andrew Refshauge, but also his in-depth knowledge and commitment in this area, for which we are grateful. I know that he has been watching the progress of the inquiry with great interest. Reports published over recent years have made a substantial contribution to the public education sector debate, particularly those by Dr Greg Ramsey and Dr Tony Vinson, which proved invaluable to the committee in understanding developments that have been taking place in the profession in the training and retention of teachers. Throughout the inquiry the committee heard overwhelming support for the expansion of the department by bringing into play an Institute of Teaching, and the induction and mentoring programs through the institute's professional teaching standards and the teaching profession as a whole.

It was fairly obvious that there is a desperate need for all tiers of government to do a hell of a lot more to provide innovative funding to ensure that the historical perspective of the overwhelming importance of teaching, and its role in our society as a whole are not short-changed, as it has been over many years. It is interesting to note what has been said over the years by different people and different political parties. I was interested to read a report by Sylvia Lawson on a book written recently by a young Liberal, which made reference to the Liberal Party's beginnings in 1944 and the principles espoused by its founding father, Robert Menzies. At that time the party's strong statement of principle revolved not only around individual freedoms, free enterprise and the encouragement of initiative, freedom of religion and the like, but also on the rights of the whole population to accessible education, work and housing at reasonable cost. In 1944 the document that set out Robert Menzies principles included goals such as:

> A revised and expanded system of child and adult education, designed to develop the spirit of true citizenship, and in which no consideration of wealth or privilege shall be a determining factor.

They are extremely important words for education when one considers training and retention of the citizens of New South Wales, and ensuring that the consideration of wealth or privilege should not be a determining factor in the ability of every citizen of our country to reach their ultimate potential, whatever that might be. Even the founders of the Liberal Party acknowledged that was an extremely important principle. It is tragic that today that principle seems to have faded away: it no longer comes to the fore, as it should. The attitude of the current Federal Minister for Education, Science and Training—the user-pay system—to funding for before and after school child care, primary and secondary education or tertiary education, and education on the basis of one's parents genes and the capacity to pay is slowly inching its way back into the psyche. That is a travesty. It is important for all honourable members to ensure that it does not spread. I commend to the House the report of the Standing Committee on Social Issues entitled "The Recruitment and Training of Teachers".

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.49 p.m.]: The inquiry into teacher training was certainly a very interesting one. The essence of the problem of teacher training relates to the goal of equity in society. In a sense, teacher training is where the hard edge of economic reality strikes the desire for social equity. The historical aspect of this debate is that many years ago, such as when I was attending the university, trainee teacher scholarships met the costs of a three-year university course and provided students with a living allowance that was not even means tested, which was a big deal at that time. In return for a university education, students were bonded to the education department to serve as teachers for approximately three years. The scheme offered a civilised way for students to pay their way through a university course in return for honouring their obligation to serve wherever the department sent them for a period of approximately three years.

Teaching in the education system in New South Wales is based on a seniority system which means that junior staff are sent to less sought-after schools and good quality graduate teachers may be sent to disadvantaged schools. If market forces applied, the best teachers would be sent to the best teaching jobs and the worst teachers would be sent to the worst teaching jobs with the result that the difficulties for students in disadvantaged areas would be considerable. The seniority system is based on points. If a teacher accepts an appointment at a disadvantaged school for a number of years, that teacher accrues seniority points and at some stage is given the pick of teaching jobs. The upside of this scheme is that disadvantaged schools are sent quite good quality teachers, but the downside is that good teachers are sent to disadvantaged schools.

Good quality teachers who opt out of the public education system to go to the private sector are able to compete on merit and have jobs in very nice schools. In a sense, there is good and bad in the seniority system. The not-so-good features of the public education system are the limited capacity of schools to choose teachers, bureaucratic problems associated with administration of the seniority system, and casualisation of the teaching work force. At the school that my son attends, the music teacher was much admired. His employment for approximately a decade required him to spend half of his time at my son's school and half of his time at another school. He was offered a full-time job at another school and accepted the appointment. He should have had a full-time position years ago. As a result, my son's school has lost a very good music teacher and everyone is very disappointed. Perhaps to describe his employment as having mucked him around is too strong a term, but the practical effect was that his lack of tenure affected his career, his ability to obtain a mortgage and other aspects of his life. Attempts to achieve equity in the teaching profession sometimes have resulted in creating problems for individual teachers.

While teachers are training they are released to schools for practicum that involves attendance at private and public schools. When private schools accept a good teaching student for teaching practice, they sometimes offer not just teaching experience but a job with pay commencing while the student is completing their course and employment that will begin after graduation. A student may receive the offer of a good job at a good school at a time when the department has not even advertised its positions in goodness knows what type of school with a commencement date several months hence. That means that recruitment is a bit of a non-contest and good quality graduate teachers are lost from the public sector to the private sector. Those who value equity are very concerned that students in disadvantaged areas are not getting the benefit of having good teachers in their schools. Despite the rhetoric and subjectiveness of some submissions, the underlying concern of the report on the inquiry into the recruitment and training of teachers relates to retaining good teachers in the public sector.

The committee interviewed the Director General of the Department of Education and Training, Andrew Cappie-Wood, who is certainly one of the most impressive heads of department in New South Wales. He is aware of the problem and is doing his best to recruit student teachers earlier, but it is very difficult to do so earlier than does the private sector during pre-service practicum. It is also difficult for him from a budget perspective to obtain approval to pay numerous pre-service teachers long before they graduate and begin teaching. These implications have to be considered in Australia if we purport to strive to achieve equity in our society. One of the subtleties of the modus operandi of the Howard Government is to advocate choice as a virtue and eschew compulsion. However, in an economic system, choice tends to be the province of those who can afford choice, and those who cannot afford choice have to go without it. In an education context, choice is available to all the students who are bright because that they will go to good schools whereas all the kids who are not so bright go to schools that will accept them. Consequently, there is a concentration of most of the bright students in some schools and a concomitant polarisation in society of ability, opportunity and quality.

Only when we manage to a high standard across the board should specialisation be embarked upon, and even then only when quality assurance is insisted upon. That may require incentive payments to attract good teaching staff to disadvantaged schools so that those schools may have better teacher to student ratios and other benefits. One of the advantages of the seniority system, despite seniority as an objective standard having its pros and cons, is that schools in disadvantaged areas do not necessarily have only less competent teachers. But attaining an equitable standard of education requires more than a teachers seniority system: Additional measures should be applied, such as affirmative action programs in disadvantaged schools. The committee did reasonably well in wrestling with those key issues within the framework of its terms of reference.

Without in any way being critical, the report also discusses the decline in prestige of the teaching profession over the past 20 or 30 years. As the salary levels of a profession fall relative to the consumer price index, not far behind will be a decline in status as young people decide that they will not follow a profession that is not well paid and provides restricted opportunities. As part of an increased emphasis on teacher recruitment, there has been a discussion of teacher training systems in the context of how quickly an expert in a particular field may learn pedagogy, assuming the requisite knowledge of expert content exists.

More time needs to be spent on teacher training to get mature-age teachers back into teaching. A huge recruitment drive is under way to get teachers back, and the Government is putting a great deal of effort into that. The inquiry did quite well and I thank the committee staff and the people who attended. The committee heard from the New South Wales Institute of Teachers, a new body that is trying to maintain quality in the teaching profession. Pre-service teacher education enhances performance but government schools still have to attract quality teachers in the face of private sector market forces, given that John Howard is giving roughly 60 per cent more money per student to private schools than to public schools. The parents' input pushes up the

amount of money available to private schools far higher than can be matched by the department. There is ongoing need to encourage the retention of teachers by supporting and mentoring them in their first years when they are more likely to drop out. Those aims are very important in maintaining teacher quality and confidence. I congratulate the committee on its report. [*Time expired*.]

The Hon. CHARLIE LYNN [2.59 p.m.]: The Hon. Dr Arthur Chesterfield-Evans spoke about his time at university. I never had that opportunity; I left school at 15. When I was raising my three daughters and putting them through the education system, I was in what I regarded as the profession of arms. Most parents are so busy in their late twenties and their thirties with their own careers that they leave the education of their children to the teaching profession. We had a lot of experiences with schools around New South Wales and around the country. My eldest daughter went to 13 different schools in three different countries during my 21 years in the Army.

Some time ago I was shocked by events in the education system in New South Wales. We always enrolled our girls in Catholic schools, because we thought they would have a common standard of education. However, we found out that they never had a common standard with uniforms. With three girls you could bet that if they went to different Catholic schools, one would have a brown uniform, one would have a grey uniform and the other would have a blue uniform—all totally different. With daughters of that age, the uniforms have to be exactly right; so the uniforms cost us a fortune. However, the standard of education was the key reason for enrolling them into Catholic schools. I then received a posting as an exchange officer to the American Army for two years. I had to move from Scheyville to the Middle Head Army unit. I moved my family from Scheyville to the Army's married quarters at Castle Cove.

Halfway through that year, the girls were transferred from a Catholic school in Windsor to their first public school, in Castle Cove. A couple of days later the headmaster rang me and asked me to come in for a yarn. He said, "Your three daughters need to drop back a year." I asked him what he meant by that. He went through all their tests, which indicated that my three daughters had to drop back a year. I asked him, "How can this be? Do you not have inspectors? I am a professional and I have entrusted my daughters' education to the profession of teaching." He told me that those two State schools at primary level had one year's difference. There was a year's difference, and my daughters had to drop back a year. That had a major impact on their self-confidence. I felt that the teaching profession had failed me, and it had.

We then went to America where the school year is from June to July. It took the girls a long time and a lot of additional coaching to recover from that lack of self-confidence. The Hon. Dr Arthur Chesterfield-Evans spoke about the choice we have between public and private schools. Without doubt there are good public schools within the system. Where I live, in south-west Sydney, Airds High School, James Meehan High School, Robert Townsend High School and others are good schools staffed by dedicated professionals. As the Hon. Dr Arthur Chesterfield-Evans said, getting teaching back onto a professional basis is one thing, but what they teach is important. Incoming teachers have to realise that they have a very important role—in fact, the most important of all roles—in the teaching and development of our children. If the curriculum is wrong, if there is no standard against which to make a judgment, if there are no school inspectors to maintain standards, some schools will be of a higher standard and others will drop below the line. The reason that a lot of teachers are attracted to the private sector is because their standards of behaviour and teaching are higher.

The Hon. Jan Burnswoods: Rubbish!

The Hon. CHARLIE LYNN: In response, that is what the statistics indicate. No-one can argue with that. An article in the *Weekend Australian* by Paul Kelly referred to Kenneth Wiltshire's article in the previous *Weekend Australian* entitled "In defence of the true values of learning". The article referred to the history summit held in Canberra at which Tony Taylor said that most students on leaving school "will have experienced a fragmented, repetitive and incomplete picture of their national story". He said they need to understand their national story, their history, because that is where our values are founded, established and developed. Paul Kelly wrote:

> Most state governments surrendered curriculum responsibility many years ago to progressivist education theory and the clout of teacher unions. In some cases this retreat assumes epic proportions …
>
> The decision from the history summit was that history should be re-established in schools as a core academic discipline …
>
> Wiltshire paints a picture of curriculums that have "strayed far from being knowledge-based", with teachers who represent "a cohort of almost three generations of this situation". Curriculum accountability has been weakened and school inspectors have long since been abolished. Labor governments are "usually under the influence of the teacher unions".

The Hon. Jan Burnswoods: You are wrong, that is not about New South Wales.

The Hon. CHARLIE LYNN: Look, I am talking about the experience of my children. I do not know what experience the children of the Hon. Jan Burnswoods have had. I am talking as a parent.

The Hon. Jan Burnswoods: You do not know about the New South Wales curriculum.

The Hon. CHARLIE LYNN: The Hon. Jan Burnswoods is talking from an academic point of view. She is one of those progressive people that Paul Kelly was talking about who have put so much politically correct rubbish into the education system that they are destroying the very system they are trying to build.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! Members will cease directing comments to one another across the Chamber.

The Hon. CHARLIE LYNN: I am talking about the practicalities of life.

The Hon. Jan Burnswoods: No, you are not.

The Hon. CHARLIE LYNN: Yes, I am. The Hon. Jan Burnswoods is talking theory, but I have been through the system. The system failed me and failed my children.

The Hon. Jan Burnswoods: New South Wales has three different curricula. This is rubbish.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! Former Presidents have ruled that members can speak rubbish in the House.

The Hon. CHARLIE LYNN: The Hon. Jan Burnswoods can squawk later on, she has the bill for it. For example, I refer to male teachers. Why would any male enter the teaching profession? With child protection provisions things have gone so far that if a child runs through the school ground and trips and skins herself and starts crying, the male teacher has to stand and watch. He cannot pick up the child.

The Hon. Jan Burnswoods: Rubbish!

The Hon. CHARLIE LYNN: The Hon. Jan Burnswoods knows that that came out in the inquiry; or was she asleep at that stage? She did not want to hear it. She only hears what she wants to hear.

The Hon. Jan Burnswoods: What you are saying is a pack of lies. It is garbage.

The Hon. CHARLIE LYNN: The Standing Committee on Social Issues should revisit all these matters when the Hon. Jan Burnswoods has left—as long as she does not go back to teaching! I will do the numbers for her to get her back into the Labor Party, or back her as an Independent, if it keeps her out of the schools. I will do whatever it takes to make sure that she has no influence over developing the minds of young people because they will be as bitter and twisted as she is.

The Hon. Jan Burnswoods: You never turned up at the inquiry.

The Hon. CHARLIE LYNN: The Hon. Jan Burnswoods will have a chance to squawk at the finish. She should just sit back in her tree and wait until she has a right to reply. In that newspaper article Paul Kelly wrote:

> The truth about the critical literacy agenda was exposed 128 months ago when the president of the NSW English Teachers Association, Wayne Sawyer, wrote that the Howard Government's 2004 election win showed that teachers were failing in their mission and the Government, like Margaret Thatcher's, had a Stalinist outlook.

This is the conspiracy theory that these progressives, the Lefties, have. They are just so far out of touch.

The Hon. Duncan Gay: They are regressives.

The Hon. CHARLIE LYNN: Yes, they are regressives; progressive is their word, but they are actually regressive. However, this Parliament has made a major contribution to the teaching profession by

keeping the Hon. Jan Burnswoods out of that industry for the past 12 or 16 years. We have done our bit, but we are about to release her back into the wider public area.

The Hon. Duncan Gay: I've got grandchildren about to enter the education system. That's what I'm worried about.

The Hon. CHARLIE LYNN: I would be worried too. Perhaps the Hon. Jan Burnswoods will be employed as a consultant. The Minister for Justice has said that he will not appoint her to the Parole Board, but I am sure that there is a job for her somewhere. The Peter Principle refers to lateral arabesque, which involves promoting people sideways, getting them to do lots of paperwork but not paying any attention to the things they write. This report is an example of lateral arabesque. No-one will take any notice of this report. I hope that the Standing Committee on Social Issues will revisit many of the same issues next year and get them right then. We have failed this time but we will get it right next time.

The Hon. JAN BURNSWOODS [3.10 p.m.], in reply: I must add some important comments that I was not able to make last week when I introduced the debate on the report of the Standing Committee on Social Issues. I thank the committee staff who played a role in the hearings and in writing the report. Susan Want, who is in the Chamber, was our Acting Director towards the end of the inquiry and she had a hand in writing the report. I also thank Rachel Simpson, a former director of the committee. I pay particular tribute—as the committee does in the Chair's foreword—to Victoria Pymm, the senior council officer, who because of staff changes in the secretariat of the Standing Committee on Social Issues had to assume her role quite suddenly. She did a fine job on this quite complicated inquiry.

I also pay tribute to the witnesses who appeared before the committee. The inquiry was referred to the committee by the then Minister for Education and Training, Dr Andrew Refshauge, and in most cases the witnesses and committee members were in agreement. I remember particularly Dr Paul Brock from the Department of Education and Training pointing out that over the past decade or so 16 or 17 inquiries had been conducted into various aspects of teacher recruitment and training—many of them at a Federal level—and that this topic is often inquired into. I think that reflects the importance that the entire community places upon the education of children, and therefore on the training, quality and retention of teachers.

Almost everyone has opinions about education. Fortunately, most of them are much less ignorant and better informed than those of the Hon. Charlie Lynn, who, despite being a member of the committee for the whole inquiry, does not appear to have learned anything. Paul Brock did the committee a service, as did other witnesses from the department and several academics—including some from interstate—by pointing to the relationship between our inquiry and other inquiries and by highlighting the things that have not changed over the years. I guess the major difference was that our committee focused on practical measures. We were not interested in exploring the sorts of ideological issues that have exercised the minds of some people. Fortunately, we did not take a Brendan Nelson type of approach to our task. For instance, we did not try to set exponents of teaching reading against each other and highlight the minute differences between them in an attempt to achieve some ideological purpose.

The committee explored the question of whether enough teachers are trained in our universities, and we criticised the Federal Government for its continual reduction in funding for bread-and-butter university courses such as teaching and nursing—which we debated in this place last week. The inquiry was about trying to ensure that teaching is as attractive a profession as possible. Everyone agrees that teaching is a difficult profession, particularly in our high schools. We need well-trained teachers, particularly in government schools, and we need them to stay in employment. Our community is full of people who are former teachers. We need to make sure that we attract the best people to the profession in the first place and train them well. Student teachers must gain experience through the practicum while they are doing their university training and through the important process for which the Department of Education and Training was much praised—namely, the employment of teacher mentors to assist beginning teachers in a variety of areas where they often require assistance, especially during the first crucial year.

It was suggested that beginning teachers should have a reduced teaching load, that the number of mentors should increase and that they should work in all schools. Much attention was paid to the very important issue of ensuring that there is equity in the system. Some schools are less attractive to teachers for a variety of reasons. These may include geographical distance and isolation and the perception that schools are located in unfavourable areas of the State, whether in climatic or distance terms or because of views about the nature of the children and the community. For instance, some schools have a much higher percentage of children from

non-English speaking homes. The report tries to comment on a variety of issues and to make recommendations for the future.

The committee's findings were unanimous every step of the way. I think that reflects the commitment on the part of all committee members and witnesses to ensuring that the children of New South Wales receive the best possible education and tutelage by the best teachers. Some issues raised in this debate—particularly by the Hon. Charlie Lynn, who made some remarks about the curriculum—were neither in the committee's terms of reference nor anywhere in the report. But issues of relevance, knowledge and ignorance have never worried the Hon. Charlie Lynn before so I should not be surprised that they do not concern him in this debate. The report deals seriously with some very important issues. I thank the Deputy Chair of the committee, the Hon. Robyn Parker, and the other committee members who contributed to the report and to this debate. The Hon. Dr Arthur Chesterfield-Evans, the Hon. Kayee Griffin and the Hon. Ian West made valuable contributions to this inquiry and to the work of the Standing Committee on Social Issues. I thank them and the committee staff.

Motion agreed to.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Study Tour of International Jurisdictions—Malta, Dublin and New York

Debate resumed from 10 November 2005.

The Hon. AMANDA FAZIO [3.18 p.m.]: For the first inquiry of the Joint Standing Committee on Electoral Matters into the result of the New South Wales 2003 State election—which focused mainly on the conduct of elections to the Legislative Council—the committee decided to undertake a study tour of international jurisdictions with voting systems similar to our own. I must say I was not necessarily convinced of the merits of an international study tour to look at overseas voting systems.

The Hon. Don Harwin: You voted.

The Hon. AMANDA FAZIO: I was not there at the time. I am in the minutes as having attended the meeting but I was not present when the vote was taken. The majority of the committee members decided that an international study tour would be worthwhile.

The Hon. Duncan Gay: Did you vote for an amendment to the minutes?

The Hon. AMANDA FAZIO: I remind the Deputy Leader of the Opposition he should not interject. I thought I would give him a bit of a swipe while I was at it.

The Hon. Duncan Gay: That is all right, you acknowledged my interjection, and that is all I wanted.

The Hon. AMANDA FAZIO: I acknowledge your interjection. I remind the Deputy Leader of the Opposition that minutes of committee meetings show whether a member is in attendance during the course of the meeting and not whether a member is in attendance for a particular part of a meeting. I had reservations about the need for an international study tour on electoral matters.

The Hon. Melinda Pavey: Who went?

The Hon. AMANDA FAZIO: In any case, the committee resolved to have a tour and it was determined that it would look at the Malta, Dublin and New York jurisdictions. In response to the interjection of the Hon. Melinda Pavey, the Chair of the committee, the honourable member for Illawarra, Ms Marianne Saliba, went on the study tour. The Hon. Jennifer Gardiner was initially chosen to go on the study tour but was unavailable, and the Hon. Dr Arthur Chesterfield-Evans from the Australian Democrats substituted for her. They undertook the tour together with a member of committee staff and published this fairly reasonable report explaining the comparisons between the Legislative Council voting system and the systems that operated in those jurisdictions. Although I do note the tour did not recommend the pet project of the Hon. Dr Arthur Chesterfield-Evans, which is proportional representation for everything everywhere.

The findings in the report were fed into the recommendations that the committee came down with and which we have already taken note of earlier today. I will leave my contribution at that and say that I request that

honourable members look at the report, and see the comparisons between our Legislative Council voting system and those of Malta, Dublin and New York.

Motion agreed to.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: Traditional Chinese Medicine

Debate resumed from 10 November 2005.

The Hon. Dr PETER WONG [3.24 p.m.]: Chinese medicine has grown in popularity in Australia and internationally. It is estimated that in 1996 there were 4,500 practitioners of traditional Chinese medicine [TCM] in Victoria, Queensland and New South Wales and an estimated 2.8 million consultations took place. The history of TCM in Australia can be traced back to the time when Chinese migrants began arriving on Australian goldfields in the nineteenth century. By 1991 Chinese herbal preparations were available with labels and direction for consumption in English. At present Victoria is the only State in Australia to register TCM practitioners. Currently more than 800 practitioners are registered with the Chinese Medicine Registration Board of Victoria.

In June 2005 the Western Australia Department of Health released a discussion paper entitled "Regulation of Practitioners of Chinese Medicine in Western Australia" seeking feedback on the options for regulation, indicating that the serious risk posed by TCM warranted the release of the discussion paper. The discussion paper from NSW Health discussed the possibility of registering TCM and an expert committee has provided advice on the matter to both the Minister for Health and to the committee. In the event of a patient being adversely affected by a treatment administered by a practitioner of TCM, or by the conduct of a practitioner of TCM, a complaint can be made to the New South Wales Health Care Complaints Commission [HCCC]. At a public hearing held as part of the inquiry on the 31 August 2005 commissioner Mr Kieran Pehm said:

> People who practise traditional Chinese medicine are health service providers under our Act so we have the power to investigate their conduct. There is a paucity of regulation of any outcome. We can terminate the investigation but the most severe outcome we can have is to make comments to the practitioner if we find their practice to be unsatisfactory, and that is not a very effective remedy.

The potential risk to patients of TCM is significant with the potential danger including: interactions with other medications, infection and injury from acupuncture needles, toxicity of herbs and an inaccurate diagnosis of health conditions. The risks are significant enough that TCM satisfies the Australian Health Ministers Advisory Council criteria for registration. In 1996 the council stated:

> … according to the six criterions set by the Australian Health Ministers' Advisory Council the benefits of promoting public safety clearly outweigh the potential impacts of occupational regulation of TCM.

The committee members concur that TCM should be registered in New South Wales through the protection of title. During the course of the inquiry the committee received 35 submissions. The vast majority of those submissions supported the committee's view on regulation with variations in the opinions of the best model to be used. On 31 August 2005 a public hearing was held for the inquiry. Professor Alan Bensoussan from the University of Western Sydney provided the committee with evidence in relation to the risk posed by TCM. This risk is not trivial. There is a significant level of risk. If I were to rank the level of risk represented by Chinese medicine, I would put it below medicine and surgery, but above other registered health occupations. I would rank the risk presented by TCM as sitting above physiotherapy, podiatry, osteopathy, chiropractic and nursing.

The committee considered the nature and quantity of complaints made to date in relation to TCM practitioners to the HCCC. At a public hearing on 31 August 2005 the Health Care Complaints Commissioner Mr Kieran Pehm informed the committee that 17 complaints had been made against 18 individuals over a five-year period. The degree of seriousness of the complaints varied and included: false certificates and reports, financial fraud, inappropriate treatment, competence and sexual misconduct. Mr Pehm also acknowledged that a lack of awareness and cultural barriers could account for the relatively small volume of complaints that have been made about practitioners of TCM. The committee, therefore, took the view that a lack of complaints could not be relied upon as an indicator of public satisfaction with TCM practitioners.

The City of Sydney Council and other local councils provided the committee with feedback in relation to their experiences inspecting the facilities of acupuncturists. Serious breaches of the Public Health (Skin Penetration) Regulation 2000 were of great concern to the committee and to area health services which liaised with councils over the inspection of facilities. Breaches included the reuse of single-use needles and the performance of surgical procedures in the absence of hygiene procedures. The role of the Health Care Complaints Commission would be enhanced by the introduction of registration of TCM. Consumers would have an avenue for redress, which would involve a registration body with the ability to invoke powers to deregister a practitioner in appropriate circumstances. The registration of practitioners of TCM is in keeping with several other international jurisdictions.

The committee turned to international jurisdictions for inventive ways of handling issues like how to deal with existing practitioners when introducing registration in New South Wales. Having learnt much from other established TCM boards, the committee has recommended the listing of existing practitioners and the creation of several options following listings that include sitting an examination or undertaking a bridging course. This means that the rights of existing practitioners are balanced with the need to protect public safety. The details of a possible bridging course are complemented by acknowledgment by the committee of the need for existing practitioners to be able to undertake the course part time to ensure that they can continue to practise and financially support themselves. In addition, the needs of practitioners in rural and remote areas have been acknowledged in discussion on the need for distance education options in the bridging course.

The committee took evidence outlining the link between adverse events and a lack of training. The committee looked with great interest to the provision of education and training in TCM in New South Wales. The course content of qualifying degrees in TCM appeared to the committee to need an enhancement in the western medicine content. This was based on the reported dangers of potentially serious illnesses going undetected or misdiagnosed by TCM practitioners. The committee was told that more consumers are going to a TCM practitioner without first consulting a general practitioner It is imperative that TCM practitioners are adequately trained to be able to refer consumers on to other health professionals or to diagnosis of health conditions that are potentially serious.

National consistency of standards in TCM across Australia is highly desirable to the committee. A registration board for TCM in New South Wales has much to learn from the Chinese Medicine Registration Board of Victoria and it is hoped that New South Wales will enjoy close working relationships with any registration body that may be established in Western Australia. The practice of TCM by other health professionals as an adjunct to their primary practice in Victoria involves the respective registration body endorsing the practitioner to use acupuncture or registration with the Chinese Medicine Registration Board of Victoria. It is the view of the committee that medical practitioners have access to the title of medical acupuncturist and that other titles for TCM practitioners remain protected. The evidence base for TCM is growing. Enjoying a long history spanning centuries and practice in a quarter of the world, TCM is supported today by more than 100 research institutes in China alone. The committee was told at the public hearing that:

> The Cochrane control trials register currently lists 977 controlled trials of acupuncture and this is in contrast to 299 physiotherapy trial and 142 chiropractic trials.

It is hoped that a registration board for TCM in New South Wales will play a role in encouraging further research into, and improvement of, the efficacy of TCM. Chinese medicine is reported to be particularly effective in the treatment of the following conditions: digestive problems, such as colitis; emotional problems, such as anxiety and depression; general conditions, such as chronic fatigue syndrome; gynaecological problems; musculo-skeletal problems; neurological problems; respiratory problems, including asthma and bronchitis; and vascular problems such as haemorrhoids and high blood pressure. This appears to be a sentiment that resonates with the wider population, over half of whom use at least one non-medically prescribed complementary medicine and who account for the millions of consultations that are carried out each year using TCM. The committee is pleased to have investigated this area and to make recommendations that it feels safeguard the public, who are increasingly turning to TCM to treat a wide variety of health conditions.

Motion agreed to.

JOINT COMMITTEE ON THE OFFICE OF THE VALUER-GENERAL

Report: Best Practice Reporting Review

Debate resumed from 15 November 2005.

The Hon. KAYEE GRIFFIN [3.31 p.m.]: The Best Practice Reporting Review from the Joint Committee on the Office of the Valuer-General was tabled in November 2005. The review constituted an occasional report produced by the joint committee. It was commissioned in December 2004 and the review commenced in early 2005. Under its terms of reference, the joint committee is able to examine issues connected with the exercise of the New South Wales Valuer-General's functions. This review by the joint committee outlined how the Valuer-General reports on the performance of his functions and how that reporting can be improved. The joint committee observed that performance reporting on activities and outcomes by the Valuer-General has been disjointed and decreasing over the past decade. Over the same period, the independence and quality of New South Wales valuation services provided by the Valuer-General has been questioned by the community.

While the Office of the New South Wales Valuer-General is a separate statutory office, it is attached to the New South Wales Department of Lands portfolio. Under this structure, the Valuer-General complies with annual reporting requirements and provides brief comments on the office's performance and activities within the Department of Lands' annual report. The joint committee examined this performance information and reconciled it with best practice principles for performance reporting. The joint committee considered that the Valuer-General's current performance information needed significant improvement to meet best practice standards.

When the joint committee commenced this review in early 2005, it examined options to improve and to communicate performance information from the Valuer-General. One suggestion was to schedule the Office of the Valuer-General under the Public Finance and Audit Act 1983 to require the publication of a separate annual report that canvassed performance and financial audit information more extensively. However, the joint committee considered this action to be unnecessary and duplicative. Much of the daily operations of the Office of the Valuer-General are delegated to the Department of Lands' Land and Property Information Business Unit, which is known as the LPI. Reporting on internal and financial arrangements of the LPI is the responsibility of the Department of Lands and already noted in the department's annual report.

Pursuant to standing orders business interrupted.

CRIMES (APPEAL AND REVIEW) AMENDMENT (DOUBLE JEOPARDY) BILL

CRIMES (APPEAL AND REVIEW) AMENDMENT (DNA REVIEW PANEL) BILL

SUCCESSION BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by the Hon. Tony Kelly agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time and ordered to be printed.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PARENT RESPONSIBILITY CONTRACTS) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. Dr PETER WONG [3.37 p.m.]: I am aware also of complaints made by senior children's magistrates that the Department of Community Services [DOCS] even fails to turn up to court when children in DOCS care are being proceeded against with criminal charges. It is a fact that DOCS regularly fails to find

appropriate accommodation for children so charged, and that these children must be remanded in custody by the presiding magistrate. This is not a sign of good parenting, is it? Nor is it a sign of a good government agency with any respect for law and order, or the role and authority of the Children's Court. If anyone needs to be charged with breaching a parental responsibility contract, then surely that is the Department of Community Services.

How many of the individuals now locked up under Bob Carr's "cement them in law" grew up in the care of the State? Most. How many of the girls presently incarcerated in Department of Juvenile Justice prisons are presently, or have been, in the care of the State? Would honourable members believe that it is 39 per cent of all such imprisoned girl children? That is shocking!

What makes it even more alarming is that these girls make up only 0.2 per cent of the child population, which means they are 195 times overrepresented in the criminal justice system. Nothing happens to assist them and, more importantly, nothing stops the DOCS production line of criminals. Even an Aboriginal overrepresentation rate in Juvenile Justice of 18 times requires that government provide some lip-service to change. Even if programs are of limited success, at least the problem is recognised, and strategic plans are developed to address this grave problem. Sadly, this is not the case with children in care. There are no strategic plans or programs for children in the care of the State, who are 13 times more likely to end up in Juvenile Justice than even an Aboriginal child! Yet, the very same department is requesting that it be given a power to exercise against others, a responsibility it would revile should it be used against itself. Previously, under the parental responsibility legislation, the department—the drafter of that legislation—awarded itself a dispensation from the provisions of the Act. Clearly parents are responsible, but DOCS, as a parent, is not responsible.

I state again for the benefit of honourable members: 39per cent of female children prisoners in our State are, or have been, in the care of the Minister for Community Services. I know how much the Government hates this word, and has outlawed its use, so I will state it clearly now. Over one-third of the prisoners in our State have been, or are, State wards. What does the Department of Community Services and the Minister have to say on this? Nothing! They act as if it is normal that children end up criminal, and there is nothing wrong with that. The very best I have been able to get out of them in relation to what programs they have for these children to assist in their rehabilitation, what research they have done to address this remarkable criminogenic phenomenon, and what preventative programs they have put in place to assist these children, is a memorandum of understanding between DOCS and Juvenile Justice—as if that is all they need. But at least we have an admission of sorts in the Minister's second reading speech when she stated:

> This plan aims to keep people safe, tackle antisocial behaviour and build harmonious communities. It also adds a new focus on reinforcing the efforts of parents to teach respect and responsibility, and supporting a more inclusive society. Stable nurturing families are of critical importance for children and young people and their development into valuable members of the community. It is within these families that children and young people learn respect for the core values of our society and assume responsibility for their social behaviour.

The Minister thus ignores the reality that her department is primarily responsible for the majority of the criminals in this State. Once again she neglects more than 9,000 children presently in out-of-home care. The Minister said, and I cannot stress this enough:

> Stable nurturing families are of critical importance for children and young people and their development into valuable members of the community.

Thus, children without stable nurturing families, those very same children in her care, are once again written off. This hypocrisy is further compounded in the Minister's second read speech. She said:

> Those children and young people who are at risk of harm, because of the behaviour or poor parenting skills of parents or primary caregivers, are also at risk of becoming adolescents and adults who have not been effectively taught social skills. This includes a sense of personal responsibility, commitment to the community and respect for others. In turn they are not capable of teaching social values to their children. To break this cycle of neglect and abuse, and to support parents and primary caregivers who need help raising their children, I am pleased to introduce this bill to the House.

What is the department doing to address its own, well-documented failings as a parent? Where is the recognition that the vast majority of poorly performing parents that this cycle of neglect and abuse effects were children who grew up in the care of the Minister? One of the primary reasons I reject this bill is that that recognition is not present. Many of the people who will come under the regime of parental responsibility contracts are people who have been in the care of the State, who hold the Department of Community Services in very little regard, if not in contempt. These people will be loath to sign such a one-sided contract with the very department that failed them so miserably, and yet, that failure to sign the contract shall, prima facie at law should we pass this

bill, constitute clear evidence to be presented at the Children's Court of a propensity to abuse children. The department will thus use the victims of its services to justify its continued growth, and the continued increase of disgusting powers to protect itself, which I shall come to shortly.

I have already mentioned that DOCS is not a good parent. That is a position held not just by me, but also by a large number of professors, commissioners, and numerous inquiries in recent times. By passing this bill we will legislate to allow the Department of Community Services to wallow in denial and ignorance. How can we as members of this place grant this power to DOCS, when the department itself is given a dispensation from being a good parent? Since I have been in this House we introduced legislation setting up a regime of standards for DOCS to meet—the Children and Young Persons (Care and Protection) Act 1998. These standards and the accreditation that flows from meeting those standards is controlled and granted by the New South Wales Children's Guardian. It is now 2006, eight years since this regime of standards was set up. How do you think DOCS is doing in achieving the goal of becoming a good parent and achieving the accreditation that would recognise DOCS as a decent service? Would eight years be enough?

Would honourable members grant parents eight years to become a good parent? The bill grants them only six months. Honourable members may be surprised to learn that the very same department that has brought this disgusting legislation before us has been given a dispensation from the Children's Guardian for the requirement to gain accreditation until 2013.That dispensation should come as no surprise given what has happened to the independence of the Children's Guardian. It is attributable to the fact that the Children's Guardian has been stripped of its independence. As is stated on the front page of the Children's Guardian's web site:

> On the 3rd of April 2006 the NSW Government merged the Commission for Children and Young People and the Office of the Children's Guardian and created the Office for Children. The Office for Children is in the portfolio of the Minister for Community Services and Minister for Youth.

How cosy! Thus two independent bodies that were set up to oversight and monitor the Department of Community Services are gutted and placed under the control of the Minister. The department now has a dispensation until 2013, which is only 30 times longer than the six months the department is demanding we allow normal parents. Why should we grant child welfare experts, social workers, and university graduates in child health and welfare 15 years to gain the standards we are demanding normal parents must achieve in just six months? Why should people who lack the skills to be decent parents because they were raised by DOCS have to meet standards that DOCS itself still fails to achieve, but will be empowered to enforce?

Is it fair for the Minister to come into this place with a hollow apology to those whom DOCS has abused and failed and return to business as usual, having set up laws to continue the denial of the existence of those people and empowering the department to administer them unfairly and unreasonably? Once again we have the outlandish situation of this department coming before us seeking the power to hold up normal parents to some sort of standard that the department cannot meet, is unwilling to meet, and has been given a dispensation from having to attain until 2013. However, this hypocrisy pales to insignificance compared to this provision in the bill that makes me shudder:

> **38D Effect of parent responsibility contract**
>
> (3) Except to the extent that this Division or any other provision of this Act provides otherwise:
>
> (a) a parent responsibility contract does not create a legally enforceable agreement, and
>
> (b) any failure to comply with the terms of such a contract (or any thing done or omitted to be done in connection with the negotiation of, or entry into, the contract) does not give rise to civil liability of any kind.

What this means is that a parental responsibility contract can be used only in a Children's Court, only by DOCS, and not in any other court. The Minister's second reading speech dressed up this remarkable provision as follows:

> The possibility of the parent being held liable in civil courts for damages arising from breach of contract has been expressly excluded, so that this arrangement cannot be used as a back door to punitively punish parents.

I want my colleagues to be absolutely aware that this is not a benevolent provision introduced by DOCS to protect parents. It is a provision, plain and simple, to protect DOCS. It means that a child, for whom a parental responsibility contract has proved of no worth and for whom that contract leads to another six months of

horrendous abuse, cannot use the contract in court to support a case against DOCS when the young person becomes an adult and able to exercise some control over his or her life.

This is not only an appalling admission of the department's inability to protect the children in its care and protection but also an admission that it does not wish to protect them. It denies that child a fundamental right to have administrative actions reviewed and remedied. It denies that child natural justice. This provision represents a fundamental erosion of human rights. It is appalling that it is being used against the weakest and most damaged members of our society. I understand that a tenet of common law is that a fiduciary duty is a strict duty of care and that one who is has a fiduciary duty to another cannot deny that responsibility to the detriment of that person who is being cared for. Indeed, common law holds that persons with the duty must take the risk and assume responsibility for the risk to fulfil their duty.

Clause 38D once again shows that the department is adverse to risk. Children suffer, and will continue to suffer, simply because DOCS refuses to take responsibility for its actions. The very existence of this provision in the bill should be grounds for a royal commission. On that ground alone, I do not support the bill and ask honourable members to throw it in the bin. Clause 38D proves that the department is unwilling to assume any responsibility for its actions. The department has adopted a hypocritical stance. Once again, DOCS is demanding a power to exercise it over others who fail to meet their responsibilities and obligations—a punitive function—while the department attempts at every turn to avoid its responsibilities and obligations. The Minister said in her second reading speech:

> We are of the view that the primary responsibility for educating children in the values of respect and responsibility remains with parents and families.

Given the behaviour of DOCS that I have outlined and described today, that is not an understatement. The department clearly cannot be considered an appropriate vehicle for passing onto the children in its care any semblance of what it means to be an honourable, caring, compassionate or responsible person. It should be no surprise to legislators that children in the care of that department make up most of the worst, most criminal and despicable individuals in our society.

I express my huge sympathy and personal regrets for those who have grown up in the care of the department and who now number among our most infamous and reviled prisoners. But I have absolutely no sympathy for the department that created them and kept the fact hidden from the public. Just last week, I spoke during debate on the Children and Young Persons (Care and Protection) Amendment Bill, which was overwhelmingly supported in this House and passed. That legislation allows DOCS to introduce suppressed evidence into court cases—evidence that is suppressed from the accused. The accused will not know of its existence and therefore will not be able to contest it.

A similar Federal provision that was to be used against accused terrorists created massive civil and legal protest. I understand that it is now being contested in the courts, and that is a good thing. However, illegal and immoral legislation of this type typically passes in this Parliament in relation to child welfare without anyone presenting themselves from the Council of Social Service of New South Wales, the Welfare Rights Centre, the Public Interest Advocacy Centre, or the Council for Civil Liberties, let alone the Law Society or the Bar Association. I ask myself why is there silence? Have those bodies also accepted that these children are a write-off? I do not support the bill. I ask honourable members to do for DOCS what DOCS does to the children who grow up in State care; we should throw this bill into the bin. The department is acting like Pontius Pilate; it is washing its hands of its guilt and responsibility. I will not assist it to do that.

The Hon. CATHERINE CUSACK [3.56 p.m.]: At 1.42 a.m. on Monday 30 January 2006, Mr Youbert Hormozi, an employee of South Western Cabs picked up two girls from the Arthur Street cab rank at Cabramatta and drove them to Canley Heights. Mr Hormozi was a 53-year-old father of two. He had only recently returned to work after two strokes had left him partly paralysed. Mr Hormozi would later be described by Mr Elias Kopti, the general manager at South Western Cabs, as being a hard worker, preferring the night shift, which he worked up to seven nights per week. Mr Kopti commented that Mr Hormozi was:

> … not really healthy because he had a stroke on his left side … He was a lonely man actually, he was living on his own, and he was a very simple man. He was robbed at gunpoint a few times and he was still going on working because he had nothing … but driving cabs.

On that fateful Monday morning Mr Hormozi drove his passengers to Parklea Parade in Canley Vale, where police allege he was brutally bashed and left for dead. His attackers stole his mobile phone and the $150 in fares

he had earned for the night. They escaped in the taxi, leaving Mr Hormozi with massive head injuries. He was rushed to Liverpool Hospital but died on the way. Relying on witness statements, police initially announced they were looking for four attackers, including a woman aged in her early twenties. But two days later, on Wednesday 1 February, the community was stunned to learn that the police had arrested the alleged attackers and they were two 14-year-old girls who had been arrested for fare evasion at Strathfield station and wound up being charged with robbing a person in Strathfield by using a knife.

The *Sydney Morning Herald* reported the reaction of Mr Hormozi's former wife as having struggled to contain her shock and grief. She said, "I can't believe it, to think that 14 year olds have been arrested over this." And we all agreed with her. It was, and still is, incomprehensible to ordinary people to understand what chain of events could have led 14-year-old girls to commit such a horrific crime. Premier Morris Iemma said he was shocked. He also stated, "My immediate reaction was: Where are the parents?" It was a good question, and everyone wanted to know the answer. However my criticism of the Premier is that the question was being asked at least 10 years too late.

I know nothing of these girls but I know for sure that no ordinary 14-year-old child suddenly embarks on a violent crime spree by roaming the streets and bashing to death a disabled cabbie. I would be astonished if these girls and their families were not already known to the Department of Community Services [DOCS]. If the girls' crimes are ugly, I would speculate that the events propelling the alleged offenders towards the horrific crime of murder are even uglier. It is almost certain that those girls, barely out of primary school, had themselves been victims of abuse and neglect. That failure cost Mr Hormozi his life. The two girls have all but lost their own lives. It is an unbelievably tragic situation. And the question "where were the parents?" was discussed in earnest. On 3 February the *Daily Telegraph* reported that the arrest of the 14-year-old girls was:

> … the hot topic across Sydney yesterday, most citizens dumbfounded at not only the gender of the accused but also their age. Liverpool teenager May Batulan [said] the arrests were a sad indictment of society.
>
> "Crime seems to be pushed along by younger and younger criminals and it's very sad," she said. "It's all about upbringings. We were taught not to do these things and to respect everyone … Kenway Leh, 17, was also sickened by their crime, and apalled at the age of the accused. "Fourteen is just too young. Where were their parents?" he said.

The views of those young people were consistent with many in the community who believe that better parenting would prevent poor behaviour. I note that the United Kingdom Home Office National Surveys have shown that when people are asked what is the best way to reduce juvenile offending, the top response is always that parents should take more responsibility. So it was no surprise really when, on 5 February 2006, just six days after the cabbie was murdered, an article appeared in the *Sunday Telegraph* under the headline, "Laws will force bad parents to sign contracts", which stated:

> Negligent parents will be forced to sign "responsibility contracts" under a NSW Government plan to reduce juvenile crime.
>
> Parents who breach the contracts would face the removal of their children by the authorities.
>
> The plan forms part of the Government's Respect and Responsibility Agenda announced last month. It follows the recent Cronulla Riots and Tuesday's (sic) death of cab driver Youbert Hormozi in Sydney's West. Two girls aged 14 have been charged in connection with Mr Hormozi's murder ….
>
> Mr Iemma said the aim of responsibility contracts was to drive down juvenile crime by forcing parents to become more accountable.
>
> "Instilling respect for authority and fellow members of the community needs to be fostered and developed at an early age" he said….
>
> The parent responsibility contracts would be created in law by amending the Children and Young Persons Act. Once lodged they would empower the Children's Court to order parents to undertake a course of action.
>
> Community Services Minister Reba Meagher said the violation of a contract could result in a child being removed from a home on protection grounds. "Some parents do not take their responsibilities seriously enough and we have to break that cycle", Ms Meagher said.
>
> "There is plenty of evidence to show that children who are failed by their parents are more likely not to complete their schooling, to become involved in crime and to abuse their own children."

Very fine words: and a respect and responsibility plan did indeed sound like a very good idea—just what the media and the public wanted. However, two days after that announcement by the Government, the new South Wales Council of Social Services [NCOSS] issued a media release which was headlined "What is the NSW

Government Respect and Responsibility Plan?" In that release NCOSS asked the Premier where and what was his respect and responsibility plan? The media release stated:

> The Council of Social Service of NSW [NCOSS] has sought urgent discussions with NSW Premier Morris Iemma to clarify the nature and scale of his Government's so called Respect and Responsibility Plan … Labor premiers like Morris Iemma are the first to condemn the Howard Government for punative and misleading policies like Welfare to Work reform. Yet, the NSW Government has so far failed to consult those who are massively affected by this Respect and Responsibility Plan before any of the announcements are made.

As it turns out, the reason NCOSS was not consulted is quite simple: There never was, and still is not, a respect and responsibility plan. It is all a media fiction, cooked up as a slick response to a crisis of public confidence in this Government's social and juvenile justice policies. The Minister for Housing, Cherie Burton, talked about the respect and responsibility plan when she announced a series of antisocial behaviour initiatives for public housing. These initiatives, like the so-called plan, do not exist. They just evapourated after the media announcement. The Minister for Justice, the Hon. Tony Kelly, also referred to this fictional respect and responsibility plan when talking about prison policy initiatives. On 20 March Premier Iemma announced that under his respect and responsibility plan he would put police in schools to target young offenders.

I was quite bemused by that announcement because the strongest predictor for youth offending is not gender, even though most young offenders are boys. The biggest predictor is not ethnicity, even though Aboriginal children are grossly over-represented. It is not socioeconomic standing or even drug use. No, the biggest predictor of youth offending is poor school performance and truancy. So how police are going to target young people at risk of offending by being inside schools is quite perplexing. Those at highest risk are not in school—that is the whole point. The police need to look outside the schools to find them.

The concept of respect and responsibility was invented in the United Kingdom, where the Blair Government has undertaken extensive research over many years and funded numerous innovative pilot programs in a holistic response to antisocial behaviour. The research is fully funded, co-ordinated across agencies and has involved major investment by that Government in building capacity in local communities—in other words, a tougher approach to problems balanced by additional resources to implement initiatives. In the United Kingdom it is not just about lecturing others to take more responsibility; it is about the Government and communities taking more responsibility as well. I take on board what the Hon. Dr Peter Wong has said: that all the protections in the bill ironically seem to be directed at protecting the Government rather than protecting the children. It is an extraordinary situation that has borrowed good media ideas, if you like, from the United Kingdom, but it absolutely does not reflect what is going on in that country.

In the United Kingdom it is the job of everyone to fix the problem. In New South Wales it seems the Government regards it as the job of everyone but it to fix the problems. The New South Wales Government has used the term "respect and responsibility plan" as a political slogan in media releases. There is no plan. It is an extraodinary con which ranged across portfolios in media releases in February and March this year, but it never existed outside the media coverage. The Government may have intended to have a plan, but the fact is it has never been delivered. It has been talked about for months, and we have been told that it exists, but we have yet to see it. That is very significant reflection on the type of government that Premier Iemma is leading.

Premier Iemma has been desperately trying for more than a year to distance himself from the Carr legacy, which was notorious for being all spin and no substance. Premier Iemma would have us believe he is different; that the bad old Carr days are behind us. But the respect and responsibility plan fiasco shows that those bad old days are not behind us—the words have simply been polished differently, but the end product is the same: a gigantic fraud perpetrated by a smiling Government on a tired electorate that wants to believe things can be better, but yet again have been let down by another Labor Premier.

In regard to the respect and responsibility initiatives, we have not seen the promised crackdown on school truancy. Even though it is an offence under the Education Act to fail to send all children under 15 to school, this Government has yet to prosecute anybody for that failure. So much for a crackdown. Where are all the police officers that the Premier was putting into schools? It just sounds like a con! Where are the initiatives to fight antisocial behaviour in housing estates? Although the department manages hundreds of thousands of tenancies and there is a waiting list of 70,000 men, women and children to access those tenancies, last year there were only 39 evictions for reasons other than being in arrears with rent. Where is the evidence of any crackdown on antisocial behaviour in housing estates? It is a complete joke!

Given more than seven months has passed since the Premier and community services Minister announced parental responsibility contracts, we are wondering: Why the delay? The bill has all the answers. The

bill is every inch a joke—the same cynical, media savvy joke that the Government has played on schools and on housing commission tenants. Through this bill the joke is on the public who were conned into thinking that Premier Iemma would make parents take more responsibility for children and, furthermore, that he would act if they refused. I refer to the scope of the problem and why the community want parents to take more responsibility and why they believe, quite rightly, why it will prevent crime.

In media statements the Minister for Community Services, Reba Meagher, has told us that one in 10 babies in New South Wales have been notified to her department as suffering a form of abuse—that is 10 per cent of babies in New South Wales. On 1 December 2005 the Ombudsman, Bruce Barbour, released his report of reviewable deaths for 2004. He said during the year he reviewed the deaths of 104 children, 94 of whom were known to the Department of Community Services or were the siblings of children known to the department. Mr Barbour said:

> We continue to be concerned about the DOCS Policy that allows closure of Child Protection cases on the basis of competing priorities and inadequate resources. In some cases that we reviewed, children that the Department considered to be at risk were not subject to any further intervention. We continue also to be concerned about what was, at times, narrow assessment of risk.

The Ombudsman also commented:

> As with last year's report, we have identified significant room for improvement in the way agencies work together to protect children.

Last December the Acting Chief Magistrate of the Children's Court, Scott Mitchell, delivered a stinging address that revealed how DOCS has abandoned thousands of children, including its own State wards. I know that term has been abolished in the newspeak of the department but, for the sake of plain speaking, I shall continue to refer to them in that way. Mr Mitchell gave case studies outlining how children appearing before the court on criminal matters have no parent present and DOCS refuses to appear. This leaves the magistrate with no information about accommodation options for the child—a very important issue when considering bail conditions and curfew options. Mr Mitchell reported that magistrates were supposed to obtain the information by accessing the DOCS Helpline and queue on the telephone like everybody else. That is a totally impractical course of action when a magistrate is in the middle of a bail hearing. I was astonished to learn that DOCS has removed staffing resources at Cobham Children's Court to ensure that staff can no longer be found and badgered during hearings on child criminal matters. It is quite sickening.

Once children are accused of a crime they are defined as perpetrators, not victims, and DOCS just walks away—even from its own State wards. I heard about a very disturbing example of this the other day when I was talking with a professor of psychiatry at Sydney university. He told me about a young man whom he was counselling who was the victim of a sex offender. In the course of the counselling the young man disclosed that he was having feelings that could cause him to behave inappropriately sexually. Following this disclosure, the Department of Community Services reacted by immediately cutting the funding for his counselling, even though the young man had not committed any offence. He was redefined as having made the transition from victim to perpetrator, or potential perpetrator, and DOCS wanted nothing to do with him. It is so frustrating. It makes me very angry to hear these sorts of stories—and I hear them every day.

Unless and until a child is convicted of an offence the Department of Juvenile Justice, which has a mere fraction of the resources that DOCS has, will have no role or responsibility regarding the alleged young offender. Thus we have a huge bureaucratic rubbish bin where these children, who are effectively in transition from being victims of crime to becoming perpetrators of crime, are placed. The Premier asks: Where are the parents? I ask: Where is the Department of Community Services in such cases? It clearly has an opportunity to do something, but the Minister for Community Services, Reba Meagher, is hiding in a cupboard to avoid meeting her responsibilities.

The Department of Community Services reports that it has about 10,000 children in care in New South Wales. I will refer to one of those cases, which was reported in the *Sydney Morning Herald* on 19 January 2006, under the headline "Model carers lose children". The story concerned three Aboriginal brothers, who were aged six, four and two. They had been removed from their mother due to problems with parenting, domestic violence and drug use. These little boys, who were just babies when they were removed, were effectively wards of the State—in other words, they had been removed permanently. For two years they had been cared for by foster parents who loved them, and whom they loved. DOCS reported that the children were thriving in this arrangement and encouraged the foster parents to make longer-term care plans. These three little boys had a

stable, loving home and foster parents who were willing to fight for them—in short, they had a real chance, which too few children in this situation get.

That all changed when in May 2005 a DOCS caseworker decided that the boys needed to be placed with new parents. Although the new foster mother, who would be the primary caregiver was white, she had a part-Aboriginal husband. So for ideological reasons this family—with three innocent and vulnerable little boys aged six, four and two—was to be destroyed by DOCS. The Foster Parents Association was incredulous, pointing out the huge shortage of foster parents for Aboriginal children and the long waiting list. It questioned why on earth DOCS would bust up a rare and wonderful case, where things were actually working, at the expense of everything else. There were no winners in this case. Other children missed out on placements and the little boys, who had formed strong attachments with their foster parents, were ripped away from them and placed with their third set of parents in two years. It is unbelievable. Of course, the foster parents appealed and the appeal was heard by the Administrative Decisions Tribunal [ADT]—an organisation that I had cause to criticise only last week for being arrogant and out of touch. The ADT upheld DOCS' stupidity, saying:

> We are satisfied that the applicants have provided children with high-quality care. The three children have developed positive attachments … [but] research has shown very real damage that has been done to Aboriginal people by past policies of assimilation.

This is heartbreaking stuff—and it is infuriating. Neither DOCS nor the ADT is willing to accept its responsibility in this case. They duckshove hard decisions based on research, even to the point of overriding the interests and the relationships of the children. Honourable members should bear this story in mind the next time they hear Premier Iemma ask: Where were the parents? During this debate Reverend the Hon. Fred Nile quoted Peter Jensen from an article in a Sydney newspaper in which he expressed concern about a deficit of hope, a deficit of love and linked this to parents being too time poor to necessarily spend enough time with their children. He inferred from those comments that the participation of mothers in the work force is a key factor in parenting problems that need to be addressed. I must divert for a moment to address this statement. I will quote Dr Jensen's words more directly, because I support many of the aspects of his analysis of the problem. However, I do not believe that Reverend the Hon. Fred Nile drew entirely the right conclusions from that analysis. Dr Jenson said of children attending Anglican schools:

> They have food and material possessions in abundance. But at the level of spirit, at the level of hope and so meaning and purpose, these things are in short supply. Adults have found that promises are hard to keep; that relationships are hard to sustain; that time is hard to find; that love which is actually other-person centred is elusive.
>
> Where adults fail in these key relationships and manner of operating, children suffer. The spirit of the age distorts child-raising. It is not as though most parents have suddenly become unloving or neglectful. It is just that we have forgotten some of the basic arts of raising children.

In my view, the suggestion that the reason parents break promises to children, fail in relationships, cannot find time to spend with their children and cannot love people other than themselves is mainly because mothers are participating in the work force is wrong and offensive. It passes judgment on an entire class of people about whom, frankly, many of the men in this place know very little. This class of people, by the way, now includes a majority of mothers of children aged 12 and under and most mothers of older children. The suggestion is factually incorrect. All the research shows that children of two-parent families where both parents work are less likely to encounter the justice system than the children from other family types. I might add that I am referring to all sorts of two-parent families where the parents share a loving relationship. It was once said:

> Whatever they grow up to be, they are still our children and the one most important of all the things we can give them is unconditional love. Not a love that depends on anything at all except that they are our children.

Pablo Casals wrote:

> The child must know that he is a miracle, that since the beginning of the world there hasn't been, and until the end of the world there will not be, another child like him.

I believe this concept of unconditional love is the foremost a right of each and every child and the precondition for everything else that follows. I am constantly bowled over with astonishment at the joys and wonder of being a parent. Yes, we have a busy house. Everybody in our house is a worker: my husband, my sons and I are fully occupied during the working week. As a country member, the demands on my time are obviously far greater than most working mums. I am particularly pleased that my children have two adoring parents. I do not think it would be possible with only one. We are time poor and, of course, we worry about that. It goes with the choices we make. I emphasise that many working mums do not have the choices that I have enjoyed, and that makes the adverse reflections upon them all the more deplorable.

Indeed, I have never met a working mum who does not worry. I have met a few working dads who do not worry—and I suggest that is more of a problem for some children. These women and their husbands of necessity provide structure and discipline that children need to become organised, goal-setting, contributing citizens. Children need much more than this in terms of love and spiritual needs, but I simply point out that a busy house does not automatically mean all promises are being broken and all relationships are unsustainable. To the contrary, promises are usually more carefully given and relationships more highly valued. Most children in other family types receive the same unconditional love with routines and boundaries that build citizenship.

My point is that no family type should be prejudged. The issue is not the social or employment status of the parent or parents—and using such ideology or prejudice as a policy basis is a damaging and wasteful way to ensure that children who really do need our help continue to be neglected. I suggest that both the ideologies of Conservatives and the far Left do a great disservice to families and children. Both lay claim to being compassionate. However, they are not really compassionate as far as individuals are concerned. The thundering judgments meted out to classes of people, such as working mums, is wrong and very destructive. So too is the ideological approach of the Left, which is the example I have already given. I outlined how the needs of three little Aboriginal boys were disregarded in favour of an ideological guilt about past welfare policies. Neither of those blinkered approaches truly serves the public interest or enhances the life of any child.

The bill is another depressing example of the triumph of ideology over commonsense. The Premier announced legislation for parental responsibility contracts and it is true that those words are included in the title of the bill. However, what is a parental responsibility contract? An Oxford dictionary definition of "contract" is that it is, first, a written or spoken agreement between two or more parties, intended to be enforceable by law and, second, a document recording this. The use of the term "contract" in the bill is not consistent with our ordinary or legal understanding of a contract. I refer to new section 38A, which reads:

> **38A Parent responsibility contracts**
>
> (1) A *parent responsibility contract* is an agreement between the Director-General and one or more primary care-givers for a child or young person that contains provisions aimed at improving the parenting skills of the primary care-givers and encouraging them to accept greater responsibility for the child or young person.

Obviously we cannot relate anything in that definition to what the Premier told us in February he was going to do to prevent crime. The contract as described in this bill is, therefore, not a two-sided agreement. All obligations are placed on one party—mainly, in this case, to attend programs. There are no reciprocal obligations for the Director General of the Department of Community Services to guarantee the supply of programs. Under new section 38A (f) the director general has unilateral rights to terminate the contract, but the caregivers have no such rights. New section 38C (2) states:

> The Director-General may cause a termination notice to be served on each other party to the contract for any reason and at any time during the contract period.

No other party to the contract has any access to initiate termination, and I find that remarkable. New section 38B gives the director general the power to vary the terms of the contract, but there are again no corresponding provisions that would allow other parties to vary the contract. Again, a document that is so lopsided could never be considered a valid contract. Any suggestion that we really are dealing with a contract is exploded by reading new section 38D, which refers to the effect of a parent responsibility contract. It states:

> (3) Except to the extent that this Division or any other provision of this Act provides otherwise:
>
> (a) a parent responsibility contract does not create a legally enforceable agreement, and
>
> (b) any failure to comply with the terms of such a contract (or any thing done or omitted to be done in connection with the negotiation of, or entry into, the contract) does not give rise to civil liability of any kind.

Who has ever heard of the word "contract" being applied to such an extraordinary document? New section 38A, which, as I have said, deals with the definition of "parental responsibility contract", states:

> (6) However, a parent responsibility contract may not make provision for or with respect to any of the following:
>
> (a) the allocation of parental responsibility for a child or young person,
>
> (b) the placement of a child or young person in out-of-home care.

I was astonished when I read paragraph (a). This is quite remarkable. A parent responsibility contract must not deal with parental responsibility. This bill is a farce. The title of the bill gives effect to a media announcement by the Premier, but the rest of it is like Alice in Wonderland's smiling Cheshire cat. Honourable members will recall that the cat slowly vanishes, leaving behind nothing but its smile. In this case, rather than giving effect to parental responsibility contracts, this bill is dedicated to repudiating parental responsibility contracts. Indeed clause 5 of the bill actually has the effect of repealing the Act as soon as the provisions have been enacted. This will ensure that the words "parental responsibility contracts" will disappear like the Cheshire cat from the statute books.

While the contracts are not genuine the bureaucratic requirements for drawing them up are very real. This includes the need for all parties to have access to independent legal advice, as set out under new section 38A (4). How this is to be achieved and funded is a complete mystery. It was not explained in the Minister's second reading speech nor has it been funded in the department's budget. New section 38A (5) lists the things that can be included in a parental responsibility contract. Basically, it is a padded out list of programs a caregiver can be ordered to attend. Of course, I support the need to place obligations on caregivers to do this. However, the power to make such orders already exists in a better form: by way of care orders made by courts.

The fact these orders have not been sought by DOCS and such powers have not been used by courts is another very poor reflection on Labor's administration of welfare and justice. This bill is another cover-up of that failure to use existing powers that were first established by the Fahey Government in 1994. Government members like to say the orders are a good idea, but they have done nothing to implement them and it is now 2006. It is reprehensible. None of the things that this bill says that a contract can cover relate directly to children. For example, in spite of the Premier promising to crack down on truancy, these parental responsibility contracts may not include any provision requiring a parent to send their child to school. What a farce!

I will now talk about how the United Kingdom concept of parental contracts operates. The two-sided program was developed through research with a massive investment of funds to make it work. The United Kingdom Government has established young offender teams that are multidisciplinary. They do not comprise only workers from the equivalent of DOCS, but include qualified teachers, people working in juvenile justice, people from the non-government sector and people with counselling backgrounds. That makes them very rich and effective teams to co-ordinate the needs of these young people. Initially the teams were set up specifically as a crime preventative initiative. Not only counsellors can apply for parental responsibility contracts, but also schools are in the process of being empowered to apply for them, as are juvenile justice officers.

It is wonderful idea as part of our juvenile justice system that parents should be required to participate in the rehabilitation plans for young offenders. What would be wrong in New South Wales to allow juvenile justice officers to apply? Of course, the proposal before us today is so marginalised and meaningless that it would scarcely benefit anybody to widen the number of people who can apply. Today I predict that very few of these parental contracts will ever be used. We will have a lot of people running around with lawyers, drawing up meaningless agreements, which may or may not be filed, and will never really be monitored. They will just become the subject of another set of excuses on all sides to do nothing while children continue to suffer.

I noticed that yesterday the Premier announced Crime Prevention Partnerships, which are meant to be interdepartmental and will be exempted from the Privacy Act to enable them to function. The latest excuse for why things are not working is that the Privacy Act prevents it. However, after nearly 13 years in office that excuse is wearing way too thin. They are obviously modelled on the young offender teams in the United Kingdom—but again they come with no money, no resources, and no mandate. The Government has looked at a massive and impressive program being undertaken in the United Kingdom, cherry-picked a couple of things from it, and had its members put them in media releases and read them out in Parliament. Then nothing happens, and nothing changes. But, of course, Government members have their lines all worked out; they are already printed.

I think there is already something in the State Plan about parental contracts. Even though parental contracts have not yet been produced, they have already been included in the State Plan. I think they are already printed in newsletters that members are distributing in their electorates. This is all about politics, and not about dealing with the problem. It is deplorable and immoral. The latest episode in this public relations farce appears to be crime prevention partnerships.

In conclusion, I return to the tragic death of Mr Youbert Hormozi and the two 14-year-old girls alleged to have committed this horrific crime. It also, in every respect, was a very sad crime. The Premier asked,

"Where were the parents?" I ask the Premier, "Where were you? Where have you been since this terrible event? And what will the bill before the House today do to change things?" This bill is a farce. It actually disappears after its clauses have been enacted. It is a fiction, based upon another fiction called the Respect and Responsibility Plan, which does not even exist.

This bill does no justice for Mr Hormozi, or for the hundred children known to the Department of Community Services who die each year. It will not help the 10 per cent of babies known to the department, or the 10,000 children in care and the thousand more who possibly should be in care but have yet to be visited by Department of Community Services officers. Of course, that will be left until it is all too late. Then, of course, foster care placements become almost impossible. This bill, as a response to all of those difficult problems, is an insult. It is a weak and insipid insult to those who need help but are not getting it.

The bill is a fraud. It is the story of Carr Labor revisited now upon the Iemma Government. It shows the hollow years of Carr have been replaced with more hollow years of the Iemma Government. And it is depressing. As a member of Parliament, a parent and a human being, I am genuinely dismayed by the bill that is before this House. The Government has the support of all of us to deal with this problem, but it has opted instead for a stunt. I feel very sad, frustrated and helpless when I say, "Suffer the little children."

The Hon. GREG DONNELLY [4.32 p.m.]: I support the bill. In doing so I cannot stress too strongly the importance of parents accepting responsibility for the raising of their children. In leading parents to fully accept this responsibility, the State needs to make available a range of possible options. Those will, of course, range from providing support to those parents who seek help, to pointing out to parents that help is needed and arranging what help that may be, to taking parents to court to remove their children from them if the parents continue to ignore their responsibilities. The bill that we are considering this afternoon seeks to enhance the middle option.

The bill provides for a voluntary agreement between parents and the Department of Community Services. If the parents agree to participate, the department will locate support for them. The parents, and certainly their children, have everything to gain from participation. It will give the parents a structured approach that is enhanced by identified services. It shows the parents what they need to do to be able to improve the wellbeing of their children.

There is, of course, a sting in the tail. The sting is that if the parents fail to meet the agreed outcomes, that failure can be used as part of the court proceedings to remove their children from them. One might ask how this can be voluntary if there is such a sting in the tail. It is voluntary because the parents are not forced into the arrangement. If they do not enter into a parent responsibility contract, that will be an important factor—but still just a factor—in the department's case that these are not parents who place their children's interests first.

It might be said that parents will clutch at any straw to avoid having their children removed from them, and that this attempt to keep their children will mean that they have surrendered any ability to voluntarily participate. This is, one might argue, an act of coercion, rather than a voluntary agreement. They will agree to anything, you might say, no matter how unrealistic, and so have been forced by the State to accept a position and indeed an outcome. If this logic were pursued to its ultimate conclusion, the State would never offer help to parents. Here is an arrangement offering help, setting out clear and accountable ways in which parents will be helped to help themselves. Must we so damn these parents as to suggest that, no matter what help they are offered, they will fail and so put themselves into a worse position? That indeed would be a sorry argument. It fails to recognise the crucial role that the Children's Court will play.

If parents were set up to inevitably fail, surely this will be transparent to the court. The parents will be able to readily rebut the presumption that the children are in need of care and protection. If that is not possible, the court will say that in the circumstances no care order is appropriate because the parents have not been given a fair go in the first instance. This power of oversight and criticism by the court will be the strongest possible incentive against potentially coercive action. The bill recognises that parents do want to improve their own behaviours, and this will help them to care for their children. The bill gives a transparent and accountable path to be followed by parents to achieve that outcome. The bill links those parents who want to do things in a better way with the services that will help them do just that. The bill is a positive step towards helping our community build its capacity and particularly parents to shoulder their responsibility.

To establish the reality in New South Wales with respect to children I had cause to look at a publication—which I recommend all honourable members obtain a copy of, or at least source from the

Parliamentary Library—produced annually by the Australian Bureau of Statistics called "New South Wales in Focus". The 2006 edition came out in June. It has a series of good chapters covering a number of key headings and matters of interest. Chapter 2 is very interesting. It is titled "Family and Community". I do not intend to read the chapter because it contains a set of comprehensive tables. However, the tables contain important and significant information that is prescient to the debate that is now taking place. I will make a couple of observations about some of the figures because I think that will help to capture the reality of the situation in which we in New South Wales, but more broadly in Australia, find ourselves. The figures in this report, of course, relate specifically to New South Wales.

At page 20 of the publication, under the title "Household and Family Type" is a subcategory which defines family type, and then breaks it down into a series of subcategories. I will not read through all the subcategories of family type. These are the figures collected in 2003, the most recent ABS figures. I presume we will have more up-to-date information relatively soon, once the census data is collated and published. The figures show that New South Wales had 1.854 million families in 2003, and that 185,000 of those were one-parent families with dependent children. I suspect the figure is now either the same or perhaps has trended up slightly; I do not believe it would have trended downwards. Those figures, expressed as a percentage, show that 10 per cent of families in this State are one-parent families with dependent children.

The reality is that only a very small number of children in one-parent families reside on an ongoing and permanent basis with their fathers. The vast majority reside with their mothers, which has significant consequences for the material wellbeing of the mothers and their dependent children. Many social issues and difficulties that have been highlighted by previous speakers can be traced back to children in one-parent families in difficult financial hardship. I refer honourable members to the table on page 23 of the same publication and the same chapter titled "Children aged 0 to 17 years with a natural parent living elsewhere". The table, which, to some extent, is a disaggregation of information in the previous table, breaks down the frequency of face-to-face contact of children surveyed with a parent living not with the child, but elsewhere. The table breaks down face-to-face contact into daily, once a week, once a fortnight, once a month, once every three months, once every six months, once a year, less than once a year and never. It is poignant in the context of this debate to take note of the table.

Some 6.7 per cent of children in single-parent homes have daily contact with a non-residing parent; 29.4 per cent have contact once a week, which is typically contact with their fathers; 16.1 per cent have contact once a fortnight; 5.5 per cent have contact once a month; 6.8 per cent have contact once every three months; 5.2 per cent have contact every six months; and 4.3 per cent have contact once a year. In the column less than once a year and never, 4.8 per cent of children come under the subheading "indirect contact" and 20.2 per cent come under the subheading "does not have indirect contact", which brings up the total of 100 per cent. As I said, in 10 per cent or 185,000 families in New South Wales with dependent children, children are experiencing very little contact with one of their parents on an ongoing basis. I do not think anyone would disagree that it is stating the obvious to say that both mothers and fathers have the responsibility and the right to raise their children. I mention fathers particularly and specifically because some people would have us believe that fathering is somewhat of a quaint, old-fashioned idea that males only once knew a little bit about and were not particularly good at, but now do not rate as important at all. One way to sum it up would be: Having all the fun and no responsibility.

In many respects society conditions males to think and act that way. I offer this not as an excuse, but as an explanation of why many males behave the way they do, particularly in relation to their family responsibilities. We all act with free will, but no man or woman is above being influenced, and in some cases significantly, by the media, advertising, popular culture, peers and the general social environment in which we all work and live. Contemporary Western culture—I add, tongue in cheek, that I do not mean western Sydney culture—has given us two, going into three, generations of adults who have been presented with a somewhat ambivalent, lukewarm critique of a father's role in facing up to his responsibilities of caring for, and raising, their children. The impact has, and will continue to have, most damaging consequences for children in particular, but also for the fathers—and we should not forget that—to say nothing about the mothers. The reality is that the impact of some very sad and tragic consequences are felt by all the people involved—fathers mothers and children—materially, personally and spiritually.

Time does not permit me to examine this profoundly important issue in detail, but for those who are seriously interested in trying to understand the impact of fatherlessness on children I recommend three books that I have read over the past half dozen or so years, which have helped shape my thinking about the importance of parenting, the bringing up of children and the significant role played by fathers. The authors of the books are

not from what some might call the loopy religious Right, or religious zealots trying to force down people's throats sideways a particular view of raising families. In the main they are social scientists, sociologists and people who have observed culture over a period of time and made observations about the way they see these societies playing out, particularly children being raised without fathers. The first book, which received significant comment and criticism at the time from the Left and a real cheer from the Right, if I could describe it that way, *Fatherless America—Confronting Our Most Urgent Social Problem*, was written by David Blankenhorn. This 11-year-old book is a very detailed commentary on the examination of fatherlessness on children in the United States of America and focuses particularly on African-Americans and Hispanics.

The second book I recommend for those who are interested, *The Role of the Father in Child Development*, is edited by Michael E. Lamb. A number of contributors to the book make interesting and salient observations about the importance of fathers in the raising of children. The final book I mention is six years old. *The Unexpected Legacy of Divorce, a 25 Year Landmark Study* is written by three well-known American authors, Judith S. Wallerstein, Julia M. Lewis and Sandra Blakeslee. I am sure honourable members are familiar with it. Judith Wallerstein was the lead author. She examined and tracked the development of children who had experienced the breakdown of their parents' relationship and the consequential divorce into early adulthood. When writing the book she sat down in a very non-threatening and private way to quietly talk to these people about their point of view on the impact of the breakdown of their families.

It is a very moving book. Some of the stories are very heartfelt and very sad, but the author does not adopt an emotional perspective. She uses case studies to exemplify the harmful impact of the no-fault divorce system that has operated in the United States of America since the late 1960s. Her approach is not judgmental and does not demand legislative change to alter divorce laws so that society will right itself; indeed, that could not be the case. Instead, in her long-range analysis dating from the 1960s to the present, she makes the observation that through the breakdown of families in the United States of America, particularly through divorce, tragic consequences have been played out over three generations.

As outlined in the books, the harmful manifestations of fatherlessness run so widely and deeply throughout our culture that it will take some time to address the situation we now find ourselves in. While I agree with some of the comments made by the Hon. Catherine Cusack, I part company with her in a most significant way. At least with respect to the way she presented some of her arguments this afternoon, one gathers the impression that the Department of Community Services [DOCS] is ever able and capable and could have the resources available to deal with its difficult caseload if only the Government would get off its tail and do its job properly. The fact of the matter is that unfortunately none of the Opposition members who participated in the debate paid proper regard and tribute to the people who work for DOCS, let alone recognised the absolutely sterling work they do in picking up the pieces in most difficult circumstances after a breakdown of familial relationships.

DOCS workers endeavour to make judgments about the best way to proceed in the interests of children while taking into account the interests of parents. To suggest that it is just a case of providing more money to DOCS for all the problems of society to right themselves is to completely miss the point. I suggest that the problem emanates from a societal issue that has been building up for almost half a century, and I suggest that the broader time frame is the correct perspective from which to examine the bill. The suggestion that all the problems associated with the DOCS caseload will right themselves by a government department swinging into action and addressing the issues is utterly naive and fundamentally reflects a misunderstanding of the cultural context of modern society in Australia.

I offer some observations about the importance of mothers and fathers in the raising of children. A point that is sometimes overlooked during discussions and debates of this type is the validity of the suggestion that government policy, government prescription, regulations or law will resolve the issues. A wide view of the malaise in which modern families find themselves reveals that solutions have to be profound and will require a lot of thinking. People sometimes fail to fully take into account the significance of the roles played by mothers and fathers in the raring of their children. For those who are interested in the significance of mothers and fathers in the raring of children, there is much material that has been produced over the past two decades. I do not intend to deal with that material in detail because people can research the subject independently, but I will make some prescient observations concerning the real importance of fathers in the raring of their children.

Some of the matters I will mention will not be a surprise to some honourable members, so I will mention only a few. Among other things, we know that fathers excel in reducing the antisocial behaviour and delinquency in boys as well as sexual activity in girls. What is fascinating is that fathers exercise a unique social

and biological influence over their children. For example, a recent study of fathers' absences on girls found that girls who grew up apart from their biological father were much more likely to experience early puberty and a teen pregnancy than girls who spend their entire childhood in an intact family that included their biological father. Similarly, the significance of mothers in the rearing of their children should be highlighted. As all who have observed our own mothers or who, having been fortunate enough to be parents, have observed our wives interacting with our children would know, among other things, that mothers excel in providing children with emotional security and in reading the physical and emotional cues of infants. They also give their daughters unique counsel as their daughters confront the physical, emotional and social challenges associated with puberty and adolescence. I could continue, but I am content to make the point that both mothers and fathers bring to the raising of their children quite unique, special and particular influences which cannot be replicated in any other way.

I emphasise that in the end result government policy and prescription will go only part of the way to addressing the current societal malaise. In truth, I suggest that not just heads but also hearts have to change while addressing the difficulties of children who are raised in a dysfunctional or broken family. Nonetheless, everything that we as individuals and collectively as members of Parliament can do ought to be done. The bill does not provide a total solution but is part of the answer. Before concluding my speech, I wish to comment on some of the points made by other speakers during the debate. I state for the record that I listened to the remarks made by Reverend the Hon. Fred Nile and I did not discern any implication from his remarks that he was, shall I say, having a go at women in the work force. Rather I think that Reverend the Hon. Fred Nile also reflected on some of the roles and values that I discussed during my speech. I do not believe his remarks bore any implication relative to working women. I understood the point he was making to be that deprivation of time spent by mothers and fathers with their children is a reality and a dilemma that most parents have to deal with. I really do not think he was pointing the finger of scorn at working women.

One of the fundamental shortcomings in the speech made by the Hon. Catherine Cusack was that the New South Wales Government should do more in its allocation of resources. She compared and contrasted the role of the New South Wales Government with the role of the United Kingdom government. Well, hello! The big difference between the two governments is that on the one hand we are talking about a State government that is reliant to the extent of 80 per cent of its income on funding from another level of government, the Commonwealth Government, and on the other hand the national government of the United Kingdom. In those circumstances, a discussion of access to resources, the deployment of resources and the introduction of policies, et cetera, is significantly linked to funding. A comparison between the capacity of a State in a federation with tied funding arrangements and the capacity of a national government is not valid. I found it extraordinary that she even attempted to make such a comparison.

I acknowledge that the Hon. Dr Peter Wong will not support the bill, and that is his decision. However, I lament having detected in his speech some criticism of DOCS workers. That is unfortunate because anyone who has had the opportunity to meet DOCS workers, sit down with them over a cup of tea and quietly discuss the situations they face on a day to day, week to week, month to month and year to year basis, and tried to put themselves in DOCS workers' shoes, would be more sober, reflective and less judgmental in their comments. Indeed, I believe that, from that perspective, one's comments would be entirely complimentary about the contribution that DOCS workers make to our community. I commend the bill to the House.

The Hon. KAYEE GRIFFIN [5.00 p.m.]: The Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill provides an important addition to the range of options available to help parents care for their children. The bill is about helping rather than coercing parents. It gives parents options, and it provides them with assistance to achieve those options. It is true that whenever a Department of Community Services officer works with a family there will always be in the background the possibility that the child can be removed. This bill does not alter that situation. Instead, it recognises the reality and provides that if a departmental officer makes demands about changed parental behaviour this should be documented. Not only will it be documented, but the ways in which the State will assist in bringing this about will also be documented.

That documentation will be registered with the Children's Court. The bill is about clearly and openly setting out expectations. The Ombudsman has criticised previous practices within the department of entering into informal undertakings with parents. The criticism centres on the lack of clarity of what was required of parents, the lack of accountability, the failure to monitor and the inability to enforce. Each of those criticisms has been answered in the provisions of the bill. Does the bill introduce any greater level of coercion? No, it does

no more than make clear that the department always has the power to approach the court. The power to order the removal of children remains with the court.

Parents have the ability to seek independent advice on the contracts. Parents have the ability to put their case before the court. The court, not the department, decides if a child is to be removed or if other involuntary action is required. A parent responsibility contract gives a parent an ability to receive services without altering the power of the department to approach the Children's Court. The bill expressly precludes the department from pursuing debt recovery or other civil action to enforce the parent responsibility contract. All enforcement is constrained to care proceedings through the Children's Court. Where then, is this increased coercion? It is a myth!

The bill is about bringing into the open departmental practices of working with families. It provides an accountable and documented process that can only be enforced by approaching a court. The bill is about providing parents with access to services. The services are there to improve the responsibility of parents for their children. The bill builds those services into the current system of court powers and does not give the department any means of enforcement outside the Children's Court. It responds to criticisms of past practices by enhancing current arrangements. I commend the bill to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.04 p.m.]: The Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill amends the Children and Young Persons (Care and Protection) Act 1998 and enables the Director General of the Department of Community Services to enter into a formal agreement with the primary care-giver of a child or young persons to improve the parenting skills of primary care-givers and encourage them to accept greater responsibility for the child. The bill should be considered from a number of perspectives. The Hon. Kayee Griffin spoke about the Ombudsman's comment that the Department of Community Services [DOCS] was not clear about what it was demanding parents to do and that the bill will force parents to enter into a clear contract as to what they are prepared to do.

We need to look at DOCS in a broader context. The fundamental problem with DOCS is that it was gutted by the Greiner Government, particularly at the middle-management level. Of course, at that level there are people who have experience to set the priorities of service delivery. At the bottom of the totem pole are the Indians, who deliver the service, but all the experience for prioritisation resides in the middle ranks of management. The department has not recovered from that gutting. It has been built up to some extent. At a recent estimates hearing the director general said, in answer to a question about how the department was going, that he was doing a lot of recruiting. Honourable members may be aware that I made the original call for an inquiry into DOCS. Well, 20 months later the Liberals were brave enough to support my call for an inquiry, and an inquiry was conducted. As a result, DOCS was allocated $1 billion over 10 years basically to rebuild the department and to put it higher up the priority level for resource allocation within the State budget. That is now happening. The director general, Neil Shepherd, spoke positively and proudly at the estimates hearing about getting more recruits to carry out the necessary functions. DOCS is climbing back, but its performance is still suboptimal.

Interestingly, a controversial aspect for DOCS a few years ago was the mandatory reporting of child abuse, particularly by teachers, doctors and so on. As a result the department had to deal with a huge number of reports. DOCS workers that I have spoken to satirically called the Helpline the "No Helpline" because it was so overloaded that people could not get through it to talk to anyone. The department introduced fax reporting, which meant that one sent off one's fax but did not know what, if anything, happened with it. That was fine if one was reporting a situation that was merely a bit odd about a child, because someone somewhere would marry up that report with any subsequent reports about the same child and come to the conclusion that the child was at risk, although the initial report was not of huge moment. However, if the initial report concerned a serious matter, and something needed to be done, the delays were often quite frightening.

Indeed there was some controversy over the training of telephone operators and so on who could promise action but who then had to hand on the reports to someone else because they did not have the resources to deliver on their promise. There was the further problem because a centralised reporting system was involved in that the person asked to deliver action could ask, "Yes, and where are you ringing from?" and be told, "I am in a call centre in Woop Woop and something has been happening on the North Coast." Obviously, what a person in a call centre in Woop Woop can promise to do, and what a person on the North Coast can deliver, may be two quite different things. The point about mandatory reporting is that one assumes that the power of the central office to make decisions and to prioritise is far better than someone reporting.

Mandatory reporting sounds okay; any possibility of a child being harmed must be notified to the responsible people. In a sense if the power to make a judgment is taken from the people at the bottom of the totem, those who enthusiastically report relatively trivial incidents may take resources from others who are trying to identify very serious problems. Indeed, mandatory reporting has its own political momentum, and that may not be the best way of handling things. That has been amply demonstrated by the huge workload that comes with mandatory reporting brings; the prioritisation task is huge and that detracts from the quality of service delivery. For every task there is an opportunity cost, meaning that one cannot do something else.

There is another perspective. An election if forthcoming and the Government wants to be seen to be doing something to ensure that parents are given a contract and have time to raise their game, as it were—suggesting that parents are being pushed into line. In her second reading speech the Minister said that parental responsibility contracts will occur:

> … in those instances where the department is of the view that the lack of parenting skills or poor behaviour of one or more of the primary caregivers of the child or young persons can be modified within a period of six months so as to adequately reduce the risk of harm to the child or young persons.

She said further:

> A parent responsibility contract is an agreement between the primary caregivers and the Department of Community Services aimed at targeting specific problems, where there is a specific and tangible response. Once agreed to and signed, the contract will be registered in the Children's Court.

Amendments will be made to part 2 of chapter 5 of the Act to clarify the circumstances in which the Children's Court may make orders to activate a care plan without the need for a care application. Under the bill the Children's Court can accept undertakings from certain persons even if they are not the parents of the child or young person. The court will have the power to make orders for the parents of a child or young person to attend a therapeutic or health treatment program on parenting skills, addiction, anger management and violence prevention and behavioural issues for no more than six months and no more than twice within a 12-month period.

The bill is the product of a discussion about what occurs in other jurisdictions. The excellent library research paper No. 7/06 by Lenny Roth compares the jurisdictions. I take issue with the Hon. Greg Donnelly, who asked what New South Wales has in common with England because we are a State and it is a country. I think both community services systems are of sufficient magnitude to allow us to compare the way in which we handle our children at risk. There are certainly differences between the British system and what happens here. Parental responsibility laws exist in other jurisdictions, such as Western Australia and the United Kingdom. In the United Kingdom parenting orders were introduced along with antisocial behaviour orders [ASBOs] under the Crime and Disorder Act 1998.

Magistrates in the United Kingdom impose parenting orders to accompany an ASBO on a juvenile offender. These orders are imposed on the parents of children who have refused to co-operate on a voluntary basis. Parenting orders are civil orders that encourage parents to address their child's offending or antisocial behaviour and to establish discipline for, and a relationship with, their child. This may help the conditions of the ASBO to be met, and thereby reduce the chances of the young person breaching the order. Emphasis is put on improving parenting skills through attending parenting programs. The orders may also impose other case-specific requirements. A breach of this type of order is a criminal offence, for which offending parents can face a fine of £1,000. I refer those who wish to read more about this system to "A Guide to Anti-Social Behaviour Orders and Acceptable Behaviour Contracts" issued by the United Kingdom Home Office.

United Kingdom parenting orders differ from those proposed in the bill in that they are more punitive. Under this bill the parent responsibility contracts will operate within the framework of child protection and are intended to be therapeutic. The Australian Democrats have several concerns about the bill. Clause 38D (3), "Effect of parent responsibility contract", reads:

> Except to the extent that this Division or any other provision of this Act provides otherwise:
>
> (a) a parent responsibility contract does not create a legally enforceable agreement, and
>
> (b) any failure to comply with the terms of such a contract (or any thing done or omitted to be done in connection with the negotiation of, or entry into, the contract) does not give rise to civil liability of any kind.

It has been brought to my attention that under this provision DOCS can use a contract only in the Children's Court, not in any other court. This means that a child cannot use a parental responsibility contract as admissible evidence in a court of another jurisdiction to support a case against DOCS if in the future that child seeks some form of legal remedy for the abuse that he or she may have endured during the period when the parent responsibility contract was in force. In other words, if DOCS tells a parent who is not doing a very good job, "Righto, you've got six months to get your act together and this is what you have to do," but the parent fails to comply and the situation worsens, DOCS cannot be held responsible for the problems created during the six months when the contract was supposedly in force.

We are concerned that DOCS will waste time and enter into a contract instead of resolving the problem. For example, if a drug-addicted or violent parent cannot meet the terms of the contract and time is wasted to the detriment of the child, DOCS will not be held liable. The responsibility rests with the parent, and DOCS is specifically excluded from any liability for a poor contract outcome. Is the department trying to protect itself from future liability and responsibility for the welfare of a child who it was aware was at risk when the contract was entered into? I look forward to the Minister's clarification of clause 38D.

We are also concerned about the resources allocated to support services for people on parent responsibility contracts. Can DOCS deliver the support services that are intended to make the people subject to these contracts better and more responsible parents? If a person has a problem with drug addiction—which is quite common in cases of child neglect—and DOCS writes into the contract that the person must address that addiction problem, will DOCS be able to refer that parent to a service that can provide credible assistance, or is the contract more or less set up for the person to fail in the absence of any support? The budget appears to allocate no additional money to providing therapeutic or health treatment programs and classes on parenting skills, addiction, anger management and violence prevention, and other behavioural issues. Is that the case and, if so, why has more money not been allocated to provide such programs? It will obviously cost money to heal or educate parents. Where will the money come from and what is the time frame for establishing such programs and meeting the demand? The contracts will direct people to undertake these courses so they will undoubtedly be in demand. The contracts presuppose that a service is available. Unfortunately, this is often not the case, especially in regional, country and remote areas.

The consequences for parents who breach a contract can be quite severe. But is there an onus on DOCS to ensure that the necessary services are provided? Why does the department not provide those services already? What will change under this bill? Is this legislation simply an advertisement that offers clarification to people with disordered lives by clearly setting out their responsibilities but fails to provide any additional assistance that enables them to improve their parenting skills? There is a danger that the contracts will delay remedial action that is perhaps inevitable in some cases. Will contract compliance be monitored? Will the level of unmet need be identified, and where will that information be collated? DOCS has difficulty reporting now. The information system, which was promised for years and years, has finally arrived but it is difficult to access the wonderful information that it supposedly collates.

I look forward to the Minister's response to my concerns about the bill. I am not sure whether to support it. I think it is a piece of advertising. I acknowledge that it is a response to the Ombudsman's comment that parents are unsure of their responsibilities. I am concerned that the contracts may delay action and will not change the way in which DOCS works. We hope that clear contractual stipulations about behaviour will make parents change, but changing human behaviour that is entrenched or drug affected is a fairly difficult assignment. We must put the interests of kids first.

The Hon. JOHN RYAN [5.18 p.m.]: We have 250,000 reports of child abuse in New South Wales every year, and about 15,000 of these are known to be phenomenally serious complaints. They are rated by the Department of Community Services [DOCS] as being category 1, which means that the child involved is in immediate danger of harm and should be sighted by a DOCS officer within 24 to 48 hours. But no matter how much we question DOCS in estimates hearings or in other places, it is not able to guarantee that this occurs with all the children in this category, notwithstanding we are now almost into the fourth year of the Government's plan to increase funding for DOCS. Given that level of need within the DOCS portfolio, I do not understand what option this bill will provide, because it widens the possibilities of options for officers of DOCS in what could only be considered fairly minor matters. If DOCS is not able to deal promptly, quickly, appropriately and measurably with the most serious cases it encounters, it is difficult to know what it will do with the sorts of cases that lend themselves to the treatment that is suggested in this bill.

As my colleague the Hon. Catherine Cusack suggested in her phenomenally well-researched and very thoughtful presentation to the House, this bill contains an element of a gimmick. It has the hallmarks of the Premier wanting a piece of legislation that includes the word "responsibility" so that he can strut around the political stage and say that he is urging parents to be more responsible and lecturing parents to be as good as perhaps he tries to give the impression he is. Obviously he is marketing himself, by virtue of placing his family in the public eye, as a model parent. As a parent with some experience I suggest that it is dangerous to do that because no matter how good a parent one tries to be, sometimes one never quite knows what the ultimate result will be. But if the Premier chooses to market himself as a model parent, I wish him well with the result.

The Hon. Christine Robertson: Who is the member bagging out?

The Hon. JOHN RYAN: I am not bagging out anyone. I am simply saying that when a person puts himself on the public stage as a good parent, an enormously high benchmark is raised. I wish the Premier well in living up to that benchmark because it is a tough one. It is time we recognised that children in need of care are unlikely to receive care because of a written contract. There are numerous good reasons why a written contract is unlikely to be of much use to children who are at serious risk of abuse and neglect. Such children need a strong and well-researched intervention, which would include the removal and termination of their relationship with an irresponsible parent. In most cases of children who are being neglected we are not talking about nice middle-class mums and dads who have a high level of literacy. Usually we are talking about parents who themselves have often been the subject of neglect. They live on the edge of poverty; they have chaotic lives characterised by violence and drug abuse; they frequently suffer from developmental delay and often are not literate themselves. For all of their lives they have failed to live up to anything written, and a written contract, even if accompanied by additional support from courts and bureaucrats, is unlikely to mean very much to them—that is, the sorts of people most honourable members are concerned about coming within the realms of the child protection system.

I am concerned that this particular gimmick will become another excuse for putting on hold children in need. It will provide another hoop for them to jump through. It will make them wait for something to be done for them instead of a person being immediately available to research their circumstances, bring resources to bear to work out the best possible outcome for them and to make a decision that will determine whether they will have a sustainable and long-term healthy relationship with nurturing adults. This bill creates the impression that something is happening without something actually happening. It is another way of extending the time that children in serious need of intervention will spend living in a toxic environment. It has been said in this debate that the contracts will help DOCS make submissions before the courts. It is claimed that parents will voluntarily enter into a contract and, if they fail to live up to them, DOCS will have a further opportunity to present a case to court to terminate parental rights.

The children involved do not need yet more evidence to be piled upon evidence. I suspect that most of the evidence that will be gained in that fashion—if that is what these contracts are about—ought to be gained by a proper and thorough investigation of the conditions in which the parents who are abusing or neglecting their children live. A way of bringing such information together is to examine the interactions that children in neglect and their parents have with other State Government agencies. Do they pay their Department of Housing rent on time? Are they frequently at the hospital and the subject of injuries? Do they pay utility bills on time? Do the older siblings go to school? Are there significant numbers of reports of neglect or abuse to DOCS relating to the other siblings? Can the Department of Housing advise about the conditions in which these people live? Are there complaints about antisocial behaviour within the neighbourhood? What interventions have the police had within the family?

Overseas, particularly in places such as England, privacy laws have been suspended to allow government agencies to share such information to get a better profile of children at risk of harm and neglect, particularly the children of parents who live transitory lives in different places. Often a profile can be developed on children that enables DOCS to come quickly to the conclusion that no amount of contracts or intervention will rescue children from living in a toxic environment and that the best option is to have children child taken from their homes and put into a safe and comfortable environment that will give them the nurturing they deserve and need.

Quite often DOCS is not able to prepare such researched and well thought out case plans to put before the courts; it does not have the necessary information. All too often children are brought to courts in a state of crisis when some emergency intervention has had to be made because of actual acts of violence against them or because they have been abandoned. The process is then rushed and becomes chaotic at the courtroom door, and

often it is extended over a period of 12 or 18 months while various pieces of information are collated. This piece of bureaucratic tomfoolery will not help DOCS make the necessary quick decisions about a fairly limited number of children. Contracts are unlikely to be used with parents who understand the importance of living up to them. In most cases the parents will have broken the law many times themselves and have no idea about adhering to laws and contracts or anything that is written.

I am concerned that the bill will enhance the conflict that exists within the Department of Community Services; officers of the department are always placed in a cleft stick of either being seen to be people who help families or who supervise families in the enforcement of child protection laws. Frequently when DOCS should be using its enforcement powers to remove and protect children its officers are constantly trying to find holding patterns to avoid such a conclusion. This bill seems to present another opportunity to do just that.

As legislators we must determine what we want DOCS to do? Do we want its officers to be police officers for child protection? Do we want the department to be an agency to provide assistance to families? When that role conflicts the resultant confusion impacts harmfully on a wide variety of children. We need people who provide that sort of help and support—and case workers do that—and the best place to get such people is not within government departments but often within private agencies, such as Barnardos or Centacare or UnitingCare. Those organisations hire people with a high level of expertise who stay with them for long periods and commit themselves to families. As someone once said to me "It is real hard to have a relationship with a government department." That is absolutely true in the instance of DOCS.

Department of Community Services officers are far too busy to provide that continuing and sustainable relationship with a family in trouble. There is turnover after turnover and change after change in DOCS caseworkers because they are either off on training on a particular critical day, or have been transferred to another community service centre, or the family moves and become subject to another group of people. However, caseworkers employed in agencies such as Barnardo's often stick to families better and offer them a more sustainable and long-term relationship; they stay in place and provide the family with the support that they need.

We need properly trained staff and sound research into the family circumstances of children in serious trouble. We need the capacity to make strong and sustainable decisions that really do operate in the best interests of the child. Those decisions will include intensive family support. They will, of course, include parental training programs. They possibly also will include sharing information across government departments. Sadly, largely because the culture of the Department of Community Services will not support it, we also need the option of removing children from a family altogether and placing them in another family, such as in the instance of adoption. For reasons that I do not understand, that vast resource of families who are prepared to adopt young babies is frequently ignored by DOCS as an option to remove children from toxic situations and out of harm's way. This option is used more frequently overseas. Although these arrangements are not always perfect, they are often much more successful than constant attempts and failures that happen with parents who are just never going to make it.

Every child deserves the right to grow up in a nurturing environment free of neglect, violence and exposure to drug abuse or other damaging behaviour. Children are vulnerable and powerless. It is important for us to have strategies that work, not gimmicks that sound good for five minutes. I really wish we would stop debating this matter. As my colleague the Hon. Catherine Cusack said, let us stop the gimmicks, stop trying to suggest that we can fit this into sound bytes and giving the community pointless lectures about parental responsibility. We need to commit ourselves to child protection actions that work and have been demonstrated to work.

I cannot oppose this bill—although it would not be difficult to oppose it—because there will be people who will get some benefit from it. But I cannot but add my voice to those of people who would ask the Government to strip this debate of superficial lectures about parental responsibility, and let us start to understand that there is a profound need for not only more child protection resources—which I acknowledge the Government is now providing to DOCS—but for a complete rethink about what we expect of the Department of Community Services, what its role should be and what we need to do about families that are simply toxic and never going to make it.

Finally, I respond to a comment made by the Hon. Greg Donnelly. He said that people who work in DOCS find it hard; they are faced with Hobson's choice and making difficult decisions. That is true. But please understand that the people employed in DOCS are experts. They have been trained to do this work. I could not

make the decisions that they make, but that is not how we benchmark them. I am not an expert in child protection. That is like walking into Royal Prince Alfred Hospital and saying, "Gee, I don't know how doctors face this!" Of course I do not understand how doctors solve the problems that face them, but they have years and years of training. We need to understand that the people working in DOCS should have the necessary training. I suspect many of them do not; they get generic social work degrees and then largely get thrown into the deep end, working out in the suburbs, with the odd bit of orientation occurring from to time while they are on the job.

Many DOCS officers may not have had the experience of being parents themselves. Whilst I would hate to lecture people who have not had children, there is no doubt that something profound happens to you when you have the responsibility of living with children in your own family home and having that level of responsibility. It educates you in a way that is impossible to explain to people. If the Department of Community Services does not have lots of people with that experience, that is a problem. I am not suggesting that you are not qualified to be a DOCS officer if you are not a parent, but there is something wrong with simply flooding DOCS with lots of people who do not have that experience, and expecting them to understand the sorts of things they are trying to achieve. Being a parent is an important 24-hour orientation on how kids think and how they respond.

We need to afford respect to professional expertise within DOCS and start finding ways to train large numbers of people who will have the sort of expertise at a level that we expect of doctors and other highly trained professionals. It is my view that that is one of the things DOCS sorely needs and does not have. Sure, it is difficult. But, frankly, if I were the Minister responsible for the Department of Community Services I would be saying, "It is difficult, but that is your problem. Don't expect me to understand how you carry out your professional responsibility; that is a professional responsibility and you are charged to find people with that expertise and solve those problems." Sure, the decisions are hard, but they are not impossible, and there are people who have this expertise. That expertise is available—not readily available, but it is available. I have seen plenty of instances in which DOCS does not make enough use of it.

The Hon. MELINDA PAVEY [5.35 p.m.]: I welcome this opportunity to speak on the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill. In doing so I acknowledge that our community faces two major problems. The first is the care of children in the most vulnerable of situations. I will not stereotype those children as being from families in which both parents work, or from single-parent families. Care of the children is a problem that the community needs to face together. But there is also a growing problem with law and lack of respect in our young teenagers roaming the streets. I think those are two clear and disparate issues.

Unfortunately, I do not think this bill will improve the lot of children in the most toxic of circumstances. The bill attempts to create a legislative base for parents to act properly. It is strong on rhetoric but I fear that ultimately it will not instil in parents the proper controls necessary to stem the crisis that many children face. Those children include the three-year-old boy who, in September 2003, was found dead in a unit in Sydney's inner west with up to 10 burn marks on his chest—after the mother left him and his six-year-old sister with two men she had met at a local train station. The mother later admitted she did not know the last names of the men and left the children in their care for up to three weeks. The daughter was raped by one of the men, who was gaoled after police investigating the boy's death found a home movie that the offender had made of one of the rapes.

The Department of Community Services had received seven alerts about the children since the boy's birth. A damning report released in 2004 by Bruce Barbour, the New South Wales Ombudsman, revealed the department repeatedly closed those cases without proper investigation or follow-up. Just one day before the boy died, the last DOCS case file on the children, warning that they were at extreme risk of harm and urging further investigation, was closed without action. The children involved, Bianca and Jeremy Lennon, were in the most tragic of circumstances. Their case has been widely reported in the media, as it should be, because that shows what happens when children fall between the cracks. The Premier announced the respect and responsibility plan, of which this bill is a part. But it is a plan that is strong on rhetoric and another example of more spin over substance. I do not think it will in any way enhance the care and protection of children. As the Hon. John Ryan has said, tough decisions are required, not putting decisions on hold for six months while we send parents off to parenting courses. That will not solve the problem.

Children will continue to live in toxic environments. All the research says that zero to five years is the most vulnerable age for children. Every minute that a child is left in a toxic environment, even though the parents might have signed up to go and do a parenting course, is a minute more of damage and scarring for that

child. As the Hon. Catherine Cusack pointed out in her speech, following the tragic and senseless murder of the taxi driver, the Premier stepped up to the plate, attended a press conference, said he had a plan and that he was going to do something. What is embodied in the bill before the House is not a plan; it is more spin over substance.

Yesterday in the other place the Premier admitted that approximately 15 per cent of all assaults in public places are committed by persons under the age of 25, and that victims are also under 25. He admitted that there is no sharing of information between agencies where children are under the age of 16 unless they come to the attention of DOCS, which is an absolute disgrace after 12 years of Labor maladministration in New South Wales. We can be relieved that people from the department went to the United Kingdom to study its practices, but we cannot be relieved that, as the Hon. Catherine Cusack said, the Government is cherry picking bits and pieces it can get through caucus. The Government is not adopting real change and making the real tough decisions.

Many children and families in this State are spinning out of control because of a lack of discipline, authority and, most importantly, respect for each other and their society. Although I have been referring to the most vulnerable children in the most toxic environments, there is also the environment of parents dropping off their 13-year-old, 14-year-old or 15-year-old children at beach parties. I refer to a report in the Coffs Harbour *Advocate* of June this year, which states that at least three police cars patrolled the areas where parties were being held, which resulted in a breaking up, a brawl, a moving on of partygoers, the issuing of warnings, putting out a fire and the issuing of infringement notices to under-age drinkers, which is not much of a reason to stop drinking.

When I was young—something like 25 years ago—police would take the offenders away in a paddy wagon. Parents would have to pick up their children at the police station. If we want controlled parties and situations that cause great inconvenience to communities we need a tough approach. The problem with the North Coast police area patrol is that we are short of police. We have only two police servicing a community of 100,000 people. Five or six beach parties can be under way at the same time. This type of behaviour is being replicated across the State. The Central Coast has enormous problems with parents dropping off young people. The parents should be put on parenting plans for dropping off their children and supplying them with alcohol, which we know is a problem.

Unfortunately, we do not have the police resources to ensure that the children are reprimanded and taken away, which would ensure that parties do not get out of control and continue undisciplined. Apparently a youth liaison officer from the local police service frequents parties and talks to children about their problems while they are having a drink. The youth liaison officer supplies them with sausages, which is all very nice but it is not enforcing discipline. It is not appropriate for young people to be drinking in front of a police officer. However, the main point is that parents are dropping off their children without appropriate care and with taking responsibility for knowing where they are.

The parenting arrangement may be that the husband works and the mother stays at home, and then they drop their children off. However, we cannot criticise and stereotype families. I note the contribution of Reverend the Hon. Fred Nile and I agree with many of his points. The family is the centrepiece of a happy, contented community. The unconditional love and support for children by their father, mother, grandparents, friends and extended relations is the secret ingredient to a healthy, productive and fulfilling life. However, I cannot agree with his point that two hard-working parents is the reason for lawlessness and the ills our communities face.

Reverend the Hon. Fred Nile: I didn't say that.

The Hon. MELINDA PAVEY: I took the intention of his contribution to be that one of the main problems—

Reverend the Hon. Fred Nile: I said the shortage of time meant that they didn't have the time to give the love and care.

The Hon. MELINDA PAVEY: Because they have two working parents.

Reverend the Hon. Fred Nile: Yes, it is simply a time factor.

The Hon. MELINDA PAVEY: I do not agree, because time is something we all struggle with. It does not matter whether we work or whether we stay at home. Many parents are on a life treadmill, finding ways to send their children to a private educational institution because they have lost faith in the public education system, which is very disappointing. They have to work two jobs because they want to provide the best for their children. Two working parents can be a positive role model. There are many ways of managing families and involving grandparents, aunties and uncles, and cousins, and extending children's life experiences through child care, preschools and schools.

Reverend the Hon. Fred Nile: Nothing beats mother care.

The Hon. MELINDA PAVEY: And father care, too.

Reverend the Hon. Fred Nile: Nothing beats mother care.

The Hon. MELINDA PAVEY: Mother care and father care are required. Good, strong families are the basis of our society. The Hon. Greg Donnelly said that this is somehow predicated on the difficulties faced by single-parent families. I have many friends who are single parents and I know that single parents do it tough. They proudly work double the time and put in double the effort to provide for their families. I correlate the information provided by the Hon. John Ryan that there are 15,000 cases at stage one with the Department of Community Services, but there are 185,000 single-parent families in New South Wales, as revealed in the Australian Bureau of Statistics data quoted by the Hon. Greg Donnelly, out of the 1.8 million families in New South Wales. I cannot see a correlation between single parents and these problems, and it is unfair to make it. A good, loving relationship with both parents and an extended family in a protective environment is the healthiest way to raise children. Unfortunately, many children do not have that advantage and they should not be pigeonholed as part of the problem. As many as 20 per cent of the children who are born in a particular North Coast Hospital are addicted to heroin, which is a real problem for many families.

Many people in this community are too scared to have a proper debate about adoption in New South Wales. Last year there were approximately 12 domestic adoptions in New South Wales and about 50 intercountry adoptions. Given that the Department of Community Services charges tens of thousands of dollars for families to adopt from overseas, it shows an amazing level of commitment by those who go to Korea, China, Africa or South America to adopt children. There is a huge unmet demand in this State for people who want children and babies. I think we can meet the community's expectations of children being brought up in a loving family environment, still having contact with their birth parent or parents. It is something we are too scared to talk about, but we should talk about it. Vulnerable mothers, those with drug problems, may consider adoption a better option for their child. It could be a very healthy thing if there were better ways for the birth mother to interact with the new family. I fear that the legislation is spin over substance. I do not see an explanation of the extra resources available to the Department of Community Services.

Having said that, I hasten to add that I know many DOCS caseworkers. I know how hard many of them work and the obstacles and difficulties that many of them confront at the coalface. While the Opposition acknowledges that their role is tough, we have a responsibility to point out that things could be done better for the workers but most importantly for the children who are at risk. Too often the last we ever hear of children such as Jeremy and Bianca Lennon is when they are brought to our attention in headlines. In the report of reviewable deaths in 2004 by the NSW Ombudsman, Bruce Barbour, 94 of 104 reported deaths involved cases that were known to the Department of Community Services. As the Minister for Community Services has stated, 10 per cent of babies in New South Wales have been referred to the department in some manner.

There are many issues confronting our community and our society, but this bill does not present real solutions for addressing them. Parent responsibility contracts are not enforceable and there is no provision for prosecutions. The Department of Community Services will not be liable when things go awry. During the debate it was mentioned that there have been no prosecutions for truancy of parents whose children have not been attending school. Parents are obliged by law to require their children to attend school. Despite truancy being a problem throughout New South Wales, no prosecutions have been undertaken. While the Premier may use Labor members' mail-outs to send a message to constituents about his Government's respect and responsibility plan in an endeavour to convince people that his Government is attempting to make parents act responsibly, the truth is quite a different matter. Sadly, the children will pay the ultimate price of this Government's inaction. We endured the hollow years of Carr and we are certainly experiencing the shallow years of Iemma.

Ms LEE RHIANNON [5.51 p.m.]: The Greens will not support the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill, which will create a legislative basis for parent responsibility contracts in New South Wales. In the Minister's second reading speech, she outlined that the aim of introducing parent responsibility contracts in New South Wales is to encourage parents to improve their parenting skills and accept greater responsibility for their children. Obviously the Greens agree with that object of the bill, and nobody would disagree with it, but we have serious doubts about the use of parent responsibility contracts to achieve that aim. The Greens believe that child protection is of the utmost importance. We are very concerned about the increasing number of reports to the Department of Community Services [DOCS] of children at risk of harm.

The Greens believe that the State should make every effort to assist parents to understand their responsibilities in relation to the care and protection of their children. According to our analysis, parent responsibility contracts are neither an appropriate nor an effective tool to improve the lives of children whose parents need assistance. The Greens believe that the objects of this bill may be more appropriately and effectively achieved through increased youth and family services, early intervention services, and policies to overcome socioeconomic disadvantage. In short, the New South Wales Government should be providing services, not enforcing contracts.

The Greens are concerned that this bill will reverse the burden of proof in child protection applications. Under new section 38E (4) an application for a care order in respect of a child will automatically be generated when a parent breaches a contract term. When the matter goes to court, the presumption will be that the child is in need of care and protection. The onus will rest with the parent to show that the child is not in need of care and protection. I believe this provision takes us back to a different century. It is deeply troubling and disturbing that the Government has proposed it. I am concerned that the new section reverses a very longstanding principle that the onus of proof should rest with a plaintiff. This is particularly important in care and protection cases in which parents often lack legal knowledge and financial resources. DOCS should not have to rely upon the relative weakness of the other party to successfully pursue such actions because such reliance will result ultimately in disadvantage to only one party.

The Greens are concerned that there are no additional resources attached to this bill to ensure that parents will be able to access the services needed to carry out parent responsibility contracts. Will the Government provide additional resources and trained staff to ensure that families will be able to participate in the programs? Will parents who have drug and alcohol problems be forced to undergo drug and alcohol testing rather than undertake treatment because testing is a cheaper option? Will contracts be backed up with other measures, such as affordable, safe and secure housing? Will there be part-time employment programs for parents? The availability of services for parents is a particular concern in rural and remote New South Wales where so few services are available. Will increased resources be provided for the implementation of this legislation? We have not heard anything to suggest that that is the position. The Greens are concerned that contracts may have a disproportionate impact on indigenous families. I cite a submission by the Aboriginal Legal Service of Western Australia to an inquiry into Western Australia's Parental Support and Responsibility Bill 2005:

> The ALS disagrees with the government that this bill is an appropriate mechanism … so far as Aboriginal and Torres Strait Islanders are concerned.

The Greens are concerned that parent responsibility contracts lack cultural sensitivity and may have a significant adverse impact on Aboriginal families. I ask the Minister to address that issue during his reply. Surely some consideration was given to this aspect of the legislation. Was any consideration given to it? What factors were taken into account? What was the decision with regard to this legislation being sensitive to the needs of Aboriginal families to ensure that it is not biased against them? The Greens are concerned about child protection, but the coercive approach of parent responsibility contracts is inappropriate and wrong-footed. In many cases parent responsibility contracts could create more problems than they solve. By punishing parents the Government is more likely to increase tensions and financial hardship in families that are already in crisis.

Instead of helping families, this bill may increase pressure on parents and send more children into foster care—a system that is already struggling and an outcome that is not desirable. Legally imposed measures and sanctions are not the solution to inadequate parenting. A person who has difficulty in parenting will often be battling problems such as poverty, long working hours, drug abuse and mental illness. These problems will not be solved by a parent responsibility contract. Complex social problems require services, not contracts. The Government needs to address the cause of parenting problems and develop sound early education and early intervention responses. I believe that the Premier, Mr Iemma, lacks the courage to better fund social services

because he knows that that solution will cost money and the outcomes will not grab a headline in tomorrow's newspapers.

I listened to the debate with interest. I noticed very strong criticism of the bill by the Opposition. Some of the comments included that this bill does not provide real solutions, the contracts are not enforceable, and the department will escape liability. I welcome those comments and agree with them, but in the light of those comments, I cannot understand why the Opposition will support the bill. That is just ludicrous and again demonstrates the problem of a lack of leadership in the Opposition. The Opposition is trying to have two bob each way and that is not good enough. When the Opposition makes strong comments, it must be prepared to follow through and take a stand. As I stated earlier, the Greens will not support the bill. I thank the National Children's and Youth Law Centre and the Council of Social Service of New South Wales for their advice in relation to the bill.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [5.58 p.m.], in reply: I thank all honourable members for their contributions to the debate on the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): I report the receipt of the following message from His Excellency the Lieutenant-Governor:

J. J. SPIGELMAN
Lieutenant-Governor

MESSAGE

I, the Honourable James Jacob Spigelman AC, in pursuance of the power and authority vested in me as Lieutenant-Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Patricia Forsythe, and I do hereby announce and declare that such Members shall assemble for such purpose on Thursday the twenty eighth day of September 2006 at 11:30 am in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.

Office of the Governor
Sydney, 27 September 2006

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 2 to 4 postponed on motion by the Hon. Tony Kelly.

PARLIAMENTARY ETHICS ADVISER

Debate resumed from 6 September 2006.

The Hon. DON HARWIN [6.03 p.m.]: The Opposition supports the role of the Parliamentary Ethics Adviser and we certainly do not oppose that position being given a role over post-separation employment issues as they relate to former Ministers. However, the Opposition shares the concerns of Ms Lee Rhiannon, expressed in debate on behalf of the Greens, and of Reverend the Hon. Fred Nile, about whether that role is an adequate response to the recommendations in the report of ICAC on this issue. The Opposition believes that the Government could have done better and should have had a better response than this. The Opposition believes

also that there certainly should have been, as Ms Lee Rhiannon suggested in her amendment, a more comprehensive response to recommendations 9 and 10 of the ICAC report on the investigation into the conduct of the Hon. Richard Face, dated June 2004.

The Opposition gave serious consideration to giving support to the amendment moved by Ms Lee Rhiannon, but has decided to support the amendment moved by Reverend the Hon. Fred Nile, with the amendment suggested by the Hon. Dr Arthur Chesterfield-Evans. We take the view that the message from the Legislative Assembly and the initiative in the message is a step forward, although not an adequate step forward. Our sentiments are best summed up in the amendment of Reverend the Hon. Fred Nile, which is to support the introduction of legislation for post-separation employment practices of Ministers and former Ministers in accordance with recommendations 9 and 10 of the ICAC report on the investigation into the Hon. Richard Face, dated June 2004.

Reverend the Hon. FRED NILE [6.06 p.m.]: I realise that I have already spoken in this matter, but an amendment was moved by the Hon. Dr Arthur Chesterfield-Evans, after I spoke, to amend my motion by inserting a deadline into the original motion. My motion amended the motion of Ms Lee Rhiannon, and the Hon. Dr Arthur Chesterfield-Evans moved an amendment for a draft of the legislation to be made publicly available by 28 February 2007. That is unrealistic in this complex situation. His amendment would, basically, be difficult to implement. I do not wish the guidelines, as introduced by the Government, to be lost at this stage. We are in danger of that, and of finishing up with nothing. We should allow the guidelines to stand, assuming they are agreed to by the House, and not have a deadline for legislation. That may be a further step to be taken in due course, probably next year following the March election, to determine whether there is a need to develop legislation. If the guidelines work, the legislation will not be necessary.

My other concern is that the guidelines are for both Houses of Parliament. It is always best to get both Houses to agree. I do not know what the lower House will do, as this may not be acceptable to it. We may end up in a deadlock and finish up with nothing. Therefore, I withdraw the amendment I moved earlier, which stated:

> That the Government introduce legislation to provide for post-separation employment practices of Ministers and former Ministers in accordance with recommendations 9 and 10 of the Independent Commission Against Corruption report on investigation into the conduct of the Hon. J. Richard Face, dated June 2004.

I was under the impression that the ICAC had called for legislation, and I now understand that is not correct. I seek leave to withdraw my amendment.

Amendment of Reverend the Hon. Fred Nile, by leave, withdrawn.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! As Reverend the Hon. Fred Nile has withdrawn his amendment, the amendment moved by the Hon. Dr Arthur Chesterfield-Evans can no longer be proceeded with.

Ms Sylvia Hale: Madam Deputy-President—

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! Ms Sylvia Hale has spoken already in this debate and cannot seek the call again.

The Hon. GREG PEARCE [6.10 p.m.]: We have just witnessed a most unexpected manoeuvre by the Government. It convinced Reverend the Hon. Fred Nile to withdraw his amendment, which the Opposition intended to support together with the amendment moved by the Hon. Dr Arthur Chesterfield-Evans. Accordingly, I move:

> That the question be amended by inserting after paragraph 5:
>
> 2. That the Government introduce legislation to provide for post-separation employment practices of Ministers and former Ministers in accordance with recommendations 9 and 10 of the Independent Commission Against Corruption report on investigation into the conduct of the Hon. J. Richard Face, dated June 2004, and that a draft of this legislation be made publicly available by 28 February 2007.

The Hon. JON JENKINS [6.12 p.m.]: I understand why the motion was moved in the first place. I find it extraordinary that former Ministers of the Crown would assume positions of influence and corruptly misuse their contacts within political parties—for their own benefit, for the company's benefit or in order to

enhance the fortunes of their political comrades—post their political career. However, there is a problem with legislating in this regard. I will recite a personal experience that I had many years ago.

Even now I am bound by a contract that prevents me from speaking about the area in which I worked, but it was related to viruses and vaccine production. That is about as much as I can reveal. When I left my place of employment and attempted to work elsewhere I was immediately slapped with a legal injunction that prevented me from working because I had intellectual property in my head that I might transfer from one company to another. It caused extraordinary problems for my family and me because I theoretically could not work in the field for which I was trained. The episode left me scarred and unwilling to prevent others from doing the jobs for which they were trained.

I reiterate that I think it is reprehensible and corrupt for Ministers of the Crown to work in areas related to their ministerial portfolios and misuse their sphere of influence. But what would occur if a medical practitioner—we have several in the House—were appointed Minister for Health then resigned from Parliament or was defeated in an election and attempted to re-enter the medical profession? Would that former Minister be prevented from practising as a doctor or from working in another role in the health system or for a health provider? If a lawyer or solicitor became the Attorney General because of his expertise or desire to be involved in that area would he be prevented from practising law, becoming a magistrate or being otherwise involved in juris prudence when his political career had ended? An accountant could become the Treasurer. Would he be prevented from running his own business following his time in Parliament because he had an undue sphere of influence? The Minister for Primary Industries—our own Ian Macdonald—is a farmer. Must he stop farming when he retires from Parliament?

The Hon. Rick Colless: He's not a farmer. He's only a make-believe farmer.

The Hon. JON JENKINS: He may be a make-believe farmer now but when he retires from politics he may want to become a real one. Would he be prevented from doing that? If a member who was involved in local government or town planning is appointed Minister for Local Government or Minister for Planning will he or she be prevented from finding employment post-politics in that field? I understand the sentiment behind the amendment but it is unenforceable. It may even be unconstitutional under the restraint of trade conditions in the Australian Constitution. I am not a lawyer so I do not understand that area fully, but what the amendment seeks may be unconstitutional.

What happens if a former Minister is employed interstate or overseas? Will former Ministers be able to seek employment outside this jurisdiction? I understand the sentiment behind the amendment, but I believe the legislation that it calls for would be unworkable and unenforceable. I reiterate that I find many aspects of Parliament and the workings of politics simply corrupt. But I think legislation of that kind would be almost impossible to draft and require extraordinary mechanisms to prevent people from misusing their influence while allowing them to continue in the trade or profession for which they trained before they entered Parliament. Professional politicians, who have spent their entire working lives in politics, will be all right. But it is wrong to restrain former members from pursuing their professions even after a single term in Parliament. I do not support the amendment.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [6.17 p.m.], in reply: The Government has already considered ICAC's recommendations on the post-separation employment of Ministers and it has decided to adopt the system set out in the motion before the House. The Government has sought to balance the perceived risk that former Ministers could misuse their former ministerial position with the need to ensure that those who once held ministerial office are not unreasonably prevented from seeking employment. The Hon. Jon Jenkins made that point.

Accordingly, the Government has decided to adopt an advisory model based largely on the United Kingdom's appointment process. The United Kingdom system has operated successfully for a number of years. I point out that ICAC's recommendation No. 9 does not require that legislation be introduced. It simply proposes that rules be introduced. This is what the Government is trying to do through this motion. It has already amended the ministerial code of conduct. I note that the United Kingdom system is not supported by legislation and no other Australian jurisdiction has legislated to implement post-separation employment restrictions on Ministers. I note specifically that the Government has already considered carefully recommendation No. 10 of ICAC that the Government should consider a number of specific options. The Government has done this and has

decided to implement substantially four of ICAC's specific proposals regarding rules for post-separation employment. These are:

(a) including an explicit statement in the Ministerial Code of Conduct which highlights the ethical issues raised by post-separation employment of Ministers;

(b) establishing a process for advising Ministers on offers of employment or business associations received by them before and after leaving office;

(c) requiring that while in office Ministers must obtain advice in relation to any offers of employment or business associations received which directly relate to their portfolio responsibilities;

(d) providing an option for former Ministers to seek and obtain advice in relation to offers of employment or business associations received after leaving office.

It is the Government's view that this is adequate. The Government has considered the other three proposals of ICAC to restrict post-separation employment. It does not support them. The Government does not believe that proposals (e) to (g) of recommendation 10 appropriately balance the competing considerations. The Government has also considered recommendation 10 (h). The Government considers that the appropriate means of enforcing this regime is for the Ethics Adviser to publicly release the Ethics Adviser's advice where the former Minister accepts the position or if any conditions were imposed. The Green's amendment seems to be based on a view that the Government's system will not be effective. I note that some have argued that former Ministers will be free to ignore the advice of the Ethics Adviser.

The Government is of the view that a former Minister would be highly unlikely to run the risk of damaging their reputation by having an independent third party publicly state that it is inappropriate for him or her to accept a position. Similarly, I doubt that any company would want to employ someone in circumstances where the former Minister is likely to be subject to continuing controversy because he or she ignored the advice of an independent third party. This system has operated successfully in the United Kingdom. The Government is of the view that legislation is simply not necessary or appropriate in this area. The Government's system should be given a chance to operate. If any honourable member is dissatisfied with the way it operates then they can introduce their own bill. The Government opposes the amendments.

Question—That the amendment of the Hon. Greg Pearce be agreed to—put.

The House divided.

Ayes, 14

Dr Chesterfield-Evans	Ms Hale	Ms Rhiannon
Mr Clarke	Mr Lynn	Dr Wong
Mr Cohen	Ms Parker	*Tellers,*
Miss Gardiner	Mrs Pavey	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin

Noes, 17

Mr Brown	Ms Griffin	Mr Obeid
Ms Burnswoods	Mr Hatzistergos	Ms Robertson
Mr Catanzariti	Mr Jenkins	Mr Tsang
Mr Della Bosca	Mr Kelly	*Tellers,*
Mr Donnelly	Mr Macdonald	Mr Primrose
Ms Fazio	Reverend Nile	Mr West

Pairs

Ms Cusack	Mr Costa
Mr Gallacher	Mr Roozendaal
Mr Ryan	Ms Sharpe

Question resolved in the negative.

Amendment of the Hon. Greg Pearce negatived.

Amendment of Ms Lee Rhiannon negatived.

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

[*The President left the chair at 6.31 p.m. The House resumed at 8.00 p.m.*]

CRIMES AMENDMENT (APPREHENDED VIOLENCE) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [8.00 p.m.]: I move:

That this bill be now read a second time.

As the speech has been delivered in the other place, I seek leave to incorporate it in *Hansard*.

Leave granted.

I am pleased to introduce the Crimes Amendment (Apprehended Violence) Bill 2006.

The Government is committed to its responsibility to respect, protect, fulfil and promote the rights of its citizens, in particular women and children, to live free from violence.

Initiatives include:

- Funding for the Domestic Violence Helpline and DoCS Helpline, Community Service Centres and Family Support Services
- The Supported Accommodation Assistance Program which provides support and supported accommodation for women, especially women escaping Domestic Violence and their children;
- The Domestic Violence Intervention Court Model Pilot which focuses on increasing accountability for perpetrators of domestic violence whilst providing greater support and safety for victims;
- Intensive Domestic Violence training for all new DoCS caseworkers as well as on going training for experienced DoCS regional caseworkers. Thorough training is also being provided for non-government organisations in order to facilitate a better understanding of domestic violence issues and the best ways to overcome and prevent domestic violence.
- Priority public housing for victims of domestic violence, especially women and their children, and emergency crisis accommodation;
- The provision of legal advice and representation to women who apply for Apprehended Domestic Violence Orders;
- The Women's Domestic Violence Court Assistance Program and Domestic Violence Advocacy Service which provide women and their children with support, advocacy, referral and information;
- 115 NSW Police Domestic Violence Liaison Officers around the State who are specially trained to assist victims of domestic violence.
- The NSW Health Education Centre Against Violence which provides specialised training, consultancy and resource development to NSW Health and interagency workers dealing with children and adults who have experienced sexual assault, domestic violence and/or physical and emotional abuse and neglect; and
- The Violence Against Women Specialist Unit which aims to develop and promote effective prevention of domestic violence strategies, and improve access to services for all victims;

It is a sad and terrible fact that each year across Australia, somewhere between six and nine per cent of Australian women aged 18 and over are physically assaulted. In the majority of cases the assailant is a man they know. Domestic assaults currently account for approximately a third of the assaults recorded by police each year. In many cases children are also victims of the violence or are witnesses to it.

For many years Government and non-government agencies and individuals have worked tirelessly to educate their communities about domestic violence. They have worked to prevent and reduce the violence that is occurring by providing practical assistance to women and children. I applaud their efforts and trust that this Bill will provide them with renewed commitment and focus in achieving their goals of reducing and preventing violence.

This Bill maintains and strengthens the Government's position that violence in all its manifestations is completely unacceptable.

Under this enhanced legislative framework, the safety of victims is paramount. Our response to victims must be respectful of their courage and of their right to be involved in and informed about proceedings for their protection. The Government's focus will continue to be on how to ensure the long-term safety of victims through the provision of information and integrated assistance for their needs.

This Bill goes a long way to ensuring that a clear message is sent to those who are perpetrators of violent actions that such behaviour will not be tolerated. The Bill also aims to provide women and children with the confidence that they have the full support of the legal system behind them when they courageously take the steps to break the cycle of abuse.

The safety and protection of persons affected by violence is paramount and this Bill is aimed at guaranteeing that New South Wales has the most advanced and effective laws possible.

The reforms being proposed in this Bill arise primarily out of the New South Wales Law Reform Commission's report into Part 15A of the Crimes Act 1900. The Law Reform Commission conducted a comprehensive and thorough enquiry into this area and consulted extensively, including consultation with advocacy and representative organisations, women's refuges, community legal centres, community justice centres, government departments, the Police Service, Apprehended Violence Legal Issues Co-ordinating Committee (AVLICC) and interested individuals. The recommendations made in the Report also drew on the expertise of the Commissioners of the Law Reform Commission who include eminent judges and practitioners.

The Law Reform Commission found there was a general consensus that AVOs are adequate and effective as a means of preventing violence, intimidation and harassment. This reinforces earlier research conducted by the Bureau of Crime Statistics and Research that found, for the vast majority of protected people, an AVO led to a reduction or cessation of the abusive behaviour.

The Law Reform Commission Report contains 56 recommendations for fine-tuning the operation of AVOs and further enhancing the protection they provide. The Report was the culmination of over 12 months' research and extensive consultation. Many of these recommendations have been adopted by the Government in this Bill.

In essence, the Bill is designed to:

- offer greater protection to victims of domestic and personal violence;
- recognise the gravity of domestic violence and how it may differ from other violent crimes;
- minimise as much as possible the stress and trauma that is associated with apprehended violence orders;
- streamline the process of making an application and having that application heard;
- minimise the impact AVO proceedings have on our most vulnerable members of society, children; and
- ensure that New South Wales has the most progressive and up to date laws it can with respect to this very important and highly poignant area of concern.

I do not propose to address each clause of the Bill separately however I will address areas where there has been substantive reform, in particular:

- New expanded definitions,
- A revised test for granting an apprehended domestic violence order and additional considerations,
- New provisions for referral to mediation for apprehended personal violence order,
- New provisions concerning the granting of telephone interim orders,
- New limited police powers of detain and arrest for the purposes of serving an order,
- Protection of children and victims of sexual assault in AVO proceedings,
- Revised restrictions and prohibitions that may be imposed upon a defendant for both interim orders and final orders,
- New provision for property recovery orders,
- The abolition of the outdated complaints and summons process,
- Revised police discretion not to make an application,
- Extended duration for final orders, and
- Revised variation and revocation provisions

I will now turn to the detail of the bill

New expanded definitions including expanded personal violence offences
Proposed section 562A defines certain terms used in the Part. Importantly, the definition of "stalking" has been amended to make the definition of "stalking" inclusive rather than exclusive. This means that "stalking" **includes** (rather than 'means') the following of a person about, or the watching or frequenting of the vicinity of or an approach, to a person's place of residence, business, or work. The reference to any place that a person frequents for the purposes of any social or leisure activity is to remain. The definition of what constitutes a "personal violence offence" has also been expanded to encompass an additional number of violent offences.

Proposed section 562B defines the term **domestic relationship.** The definition has been amended to include, in the case of an Aboriginal person or a Torres Strait Islander, a relationship arising because the person is or has been part of the extended family or kin of the other person according to the indigenous kinship system of the person's culture. This is extremely important, as statistics have shown that the prevalence of domestic violence is higher in areas that have a higher percentage of Indigenous residents.

Proposed section 562D defines **intimidation**. The definition is amended to specifically include a reference to an approach made to the person by telephone, telephone text messaging, e-mailing and other technologically assisted means. This amendment is vital, as modern technology has given people the tools to menace and harass from afar. Mobile phones and the internet have provided a raft of new methods of tormenting victims and it is time to update the laws to recognise this frightening trend.

Proposed section 562E sets out the objects of the Division, which have been considerably expanded and sets out and expands upon the matters that Parliament recognises in enacting this legislation.

Revised test for granting the apprehended violence order and additional considerations

Proposed section 562G enables a court to make an apprehended domestic violence order for the protection of a person in fear of another person with whom he or she has or has had a domestic relationship. The amendment to the test for the issuing of an order is extremely important and provides a solution to a problem that has long been recognised by those who have contact with victims of domestic violence. Namely, that as the current test stands; it is necessary for the court to be satisfied that the victim does in fact fear. This creates a dilemma if a victim is reluctant to proceed with an application and tells the court she or he is not in fear. Examples of why a victim might say this include, being intimidated and worrying about retribution if they proceed, worrying that the defendant will get a criminal record, wanting to try to 'fix' the relationship or perhaps simply being scared of going to court.

This amendment allows for a court to still make the order, if the victim has been subjected at any time to conduct by the defendant amounting to a personal violence offence, and there is a reasonable likelihood that the defendant may commit a personal violence offence against the person, and the making of the order is necessary in the circumstances to protect the person from further violence. When the court is considering the making of the order, it will have recourse to the history between the victim and the defendant and be able to take into account previous AVOs, previous convictions for violence or breaches of AVOs and where complaints have been made by the victim but subsequently withdrawn.

Proposed section 562H sets out the matters that are to be considered by a court when making an apprehended domestic violence order. The court is firstly to consider the safety and protection of the person seeking the order and any child directly or indirectly affected by domestic violence.

Proposed section 562I sets out the objects of the Division regarding Apprehended Personal Violence Orders which have also been expanded.

Proposed section 562L sets out the matters that are to be considered by a court when making an apprehended personal violence order. As in the case of an apprehended domestic violence order, the court is firstly to consider the safety and protection of the person seeking the order and any child directly or indirectly affected by domestic violence.

Proposed section 562M gives an authorised officer a discretion to refuse to issue process where an application for an apprehended personal violence order has been made unless the application for the order was made by a police officer. The proposed section sets out expanded grounds upon which the discretion is to be exercised for example, where matters should be referred to mediation.

Mediation for apprehended personal violence orders

Proposed section 562N is a new provision that enables a court at any time when considering whether to make an apprehended personal violence order or after making such an order, to refer the parties for mediation under the Community Justice Centres Act 1983. The proposed section sets out the circumstances in which a matter is not to be referred to mediation such as where there has been a history of physical violence.

This amendment is important so that appropriate matters can be diverted away from the court process and dealt with more expediently and economically for the parties involved.

New provisions regarding telephone interim orders

Proposed section 562P provides that a telephone interim order may be made if an incident occurs and a police officer has good reason to believe that an order needs to be made to ensure the safety of one of the persons or to prevent substantial damage to any property of one of the persons. The proposed section makes it clear that an application may be made at any time and regardless of whether a court is sitting.

This is extremely important. According to the findings of the Law Reform Commission, some courts have interpreted the existing section to mean that a telephone interim order should only be available outside of court sitting times, or where distance precludes visiting a court. Otherwise, an ordinary interim order must be sought. However, applying for an interim order may involve waiting at a local court for hours, which may not be feasible or desirable in situations requiring immediate action. Amending the section in this manner will ensure greater access to telephone interim orders and provide emergency protection for victims.

Proposed section 562Q sets out circumstances in which a police officer investigating an incident must make an application for a telephone apprehended violence order.

Proposed section 562S sets out the effect of a telephone interim apprehended violence order. The proposed section has been amended so that it is no longer necessary for a police officer making an application for a telephone interim apprehended violence order to request additional restrictions to be imposed on the defendant. Provided that the test is met for the order to be made, an authorised officer may now, of his or her own volition, impose restrictions or prohibitions on the behaviour of the defendant.

Proposed section 562T provides that a telephone interim apprehended violence order is taken to be an application for an apprehended violence order by a court and is to include a direction for the appearance of the defendant at a hearing of the application on a date specified in the order (being not later than 28 days after the order is made). This is an important amendment as it allows the victim to be assured that the matter will be given priority and listed within 28 days.

Proposed section 562W provides that a telephone interim apprehended violence order remains in force for 28 days after it is made, unless it ceases to have effect or is revoked. A telephone interim apprehended violence order ceases to have effect when a court makes a final order or, if the defendant is not present when the final order is made, when a copy of the final order is served on the defendant. Currently, a telephone interim apprehended violence order remains in force for 14 days (or 28 days if the order

is made in certain circumstances). By extending the duration of the order, applicants can be satisfied that in the rare instance where a matter is not listed within 14 days, the order is still in effect and offering protection.

Proposed section 562X enables a telephone interim apprehended violence order to be varied or revoked by an authorised officer or a court dealing with an application for an apprehended violence order. This section has been extended to include the power to vary the telephone interim order. This amendment is designed to cover scenarios where the police have made an application for and been granted a telephone interim order but it becomes apparent after the order had been made that a variation, such as a change of address or need for an additional condition is required. This section will now allow the police officer to request an urgent variation which in turn will provide greater and enhanced protection to the victim.

New limited police powers of detain and arrest for the purposes of service

Proposed section 562Y enables a police officer in certain circumstances to detain or arrest a person against whom a telephone apprehended violence order is sought but only for the purpose of serving a copy of the order on the person. This amendment allows police to do their job more effectively and ensure that immediate protection is granted to a victim.

Revised restrictions and prohibitions that may be imposed upon a defendant for both interim orders and final orders

Proposed sections 562S and 562ZD set out the prohibitions and restrictions that may be imposed on a defendant by an apprehended violence order. A court may impose such prohibitions or restrictions on the behaviour of the defendant as appear necessary or desirable to the court and, in particular, to protect the person in need of protection and any children from domestic or personal violence.

Proposed section 562ZE provides that, unless the court orders otherwise, every apprehended violence order prohibits certain conduct of the defendant, including assaults, harassment, stalking and other intimidating conduct directed towards the person or persons who are protected by the order.

New provision for property recovery orders

Proposed section 562ZF is a new provision that enables ancillary property recovery orders to be made that enable the retrieval of property of a person protected by an apprehended violence order or the defendant under such an order. This is a significant amendment that recognises that in domestic violence situations, people are often forced to leave the house at short notice, thereby leaving behind important personal possessions.

Proposed section 562ZG makes it an offence to contravene an apprehended violence order. The proposed section contains a new provision that provides that a protected person under an apprehended violence order is not guilty of an offence of aiding or abetting a contravention of the order.

Protection of children and victims of sexual assault in AVO proceedings

The protection of children and victims of sexual assault is of particular concern to the Government. **Proposed section 562ZH** provides that a child who is either a witness or in need of protection is not required to give evidence in proceedings unless it is in the interests of justice to do so. If a child is required to give evidence, the proposed section provides that proceedings relating to apprehended violence orders are to be closed to the public (unless the court otherwise directs) if they are for the protection of a child under the age of 16 years. An additional provision is included to require any part of proceedings relating to an apprehended violence order in which a child under the age of 16 years appears as a witness to be closed to the public (unless the court otherwise directs).

Proposed section 562ZI is a new provision that enables a person who is the alleged victim of a prescribed sexual offence and is required to give evidence in proceedings relating to an apprehended violence order where the defendant has been charged with the offence to be given the option of giving evidence in a manner allowed by that section for criminal proceedings in which such offences are involved. So for instance, a victim could give evidence by way of closed-circuit television facilities or screens.

Proposed section 562ZN enables a party to proceedings relating to an apprehended violence order to choose to have a person present (such as a relative, friend or support person) when giving evidence.

The abolition of the outdated complaints and summons process

Currently Part 15A provides that an application for an apprehended violence order may be made by laying a complaint before an authorised justice of the peace, who may then issue a summons or warrant to arrange for the attendance of the defendant at Court. This procedure is no longer consistent with the procedures that apply to other matters that come before the court. The complaints and summons process is to be replaced by an application process. This will streamline the process and make more efficient use of police time.

Proposed section 562ZQ sets out the manner in which applications for apprehended violence order are to be made. The current procedure for seeking an apprehended violence order is by complaint made orally or in writing to a justice of the peace. The new procedure provides for an application to be made under the Local Courts Act 1982.

Revised police discretion not to make an application

Proposed section 562ZR sets out certain circumstances in which a police officer is to make an application for an apprehended violence order. The police officer has a discretion not to make an application if the person for whom the order would be sought is at least 16 years of age and the police officer believes that the person intends to make an application themselves or there is other good reason not to make the application. A new provision makes it clear that it is not a good reason for the police officer not to

make an application in cases where the person for whom the order would be sought is reluctant to make the application but is the victim of violence or threatened violence, or has an intellectual disability and has no guardian.

Extended duration for final orders

Proposed section 562ZY provides for the period for which an apprehended violence order remains in force. The court may specify the relevant period but if no period is specified, it ceases to have effect after 12 months. This has been extended from 6 months to provide greater prolonged protection to victims.

Revised variation and revocation provisions

Proposed section 562ZZC deals with applications for variation or revocation of apprehended violence orders. The proposed section now provides that an application for variation or revocation may only be made by a police officer where any of the persons protected by the order is under 16 years of age. This is to ensure that children are not subject to untoward influences regarding an application to vary or revoke an order.

Upon all of us rests a weighty obligation to ensure the safety and protection of all persons, including children, who experience or witness domestic violence, and to reduce and prevent violence between persons who are in a relationship with each other. To achieve these aims, this Government is committed to providing the most up to date and effective legislative regime to victims of domestic and personal violence and to those, such as children, who might suffer directly or indirectly.

In summary I would like to stress that it is vital that there be legal mechanisms to protect victims of domestic and personal violence. This Bill is another demonstration of the Government's dedication to ensuring the safety of victims from people who have or are likely to commit crimes of violence. This Bill is aimed at preventing that conduct and ensuring that a clear message is sent to the community that this kind of behaviour will not be tolerated.

I commend the bill to the House.

The Hon. DAVID CLARKE [8.01 p.m.]: The Crimes Amendment (Apprehended Violence) Bill is an important bill that arises as a result of recommendations made by the New South Wales Law Reform Commission into the operation of apprehended violence orders [AVOs] issued by Local Courts, the Children's Court or authorised officers to protect persons from violence arising from domestic relationships or violence arising outside domestic relationships. The purpose of the bill is to streamline the whole process of apprehended violence orders and to minimise the trauma of those for whom AVOs are sought, especially children. Overall, it will give greater protection to victims of domestic violence.

The bill is not opposed by the Opposition, but we will propose some amendments that will expand the means by which an interim AVO may be issued in circumstances where it is difficult to obtain an interim telephone AVO—for example, during late hours of the evening, when many acts of domestic violence occur. The continuing high level of violent crime in New South Wales causes deep concern within the community, and it is certainly a matter of deep concern to the Opposition. Of notable concern is the violence perpetrated against women and children, because they are especially vulnerable, particularly in family or personal relationships where there may be pressure exerted for victims to remain silent and to take no action against offenders.

Apprehended violence orders play a very important part in preventing criminal acts of violence because they often operate to prevent future violence. The truth is that apprehended violence orders play a pivotal role in our legal system. One can go to virtually any Local Court in New South Wales and find that AVO matters constitute a significant portion of the workload. It is therefore vital that the laws relating to AVOs are effective and fair and help to reduce the level of domestic violence in our community.

In dealing with this bill in the other place, the shadow Attorney General, Chris Hartcher, expressed concern as to whether there had been sufficient consultation with interested parties. He asked whether women's resources centres—those who see the end tragic results of domestic violence—were sufficiently consulted in relation to the bill, or whether they were even consulted at all. He asked whether groups representing fathers had been consulted, particularly as such groups have expressed legitimate concerns about the use of AVOs purely for the purpose of leverage in proceedings before the Family Court. I wonder whether organisations that work in the community for a strong family base and family life, such as the Australian Family Association, have been consulted. I suspect that they have not.

The bill amends the definition of "domestic relationship" in the Crimes Act 1900 so as to include indigenous kinship concepts. The amendment is included in recognition of the abnormally high levels of domestic violence within indigenous communities—a concern that an increasing number of indigenous leaders have highlighted in recent times. The definition of "intimidation" in the Crimes Act is amended to specifically include a reference to an approach made to the complainant by telephone, telephone text messaging, emailing, or other technologically assisted means. The amendment is included in recognition of such newer methods of

communication being increasingly used to threaten, intimidate and harass. The definition of "stalking" is expanded in recognition of the greater use of this form of intimidation, and the definition of personal violence offences is likewise expanded.

A court will now be able to grant the domestic AVO in certain circumstances where a victim claims to "no longer be in fear" but where there is a history of personal violence and a likelihood that the defendant may commit a personal violence offence against the victim. The victim's reluctance to make an application for a domestic AVO will no longer, by itself, be a reason for police not to make an application for an AVO where circumstances show that violence has occurred, where there is the threat of violence, or where the victim is a person with an intellectual disability who has no guardian.

Telephone interim orders will be available on a 24-hour basis in circumstances where the police officer making the application has good reason to believe that a person requires immediate protection. Once a telephone interim order has been made, the matter must be listed for hearing within 28 days. Police officers will be provided with the power to detain or arrest a person against whom a telephone interim AVO is sought, for the purpose of serving a copy of the order. The bill introduces measures to provide greater protection to children. AVO proceedings are to be closed to the public if they are for the protection of a child under the age of 16 years, unless the court otherwise directs. A witness who is a child or a person in need of protection is not required to give evidence unless it is in the interests of justice to do so.

Further protection is afforded to children by providing that the name of a child for whose protection, or against whom, an order is sought, or who appears, or is reasonably likely to appear, as a witness, or who is likely to be mentioned, must not be published or broadcast before the proceedings are commenced or after the proceedings have been commenced but before they are disposed of. Where an AVO variation is sought in circumstances where one of the protected persons is a child under 16 years of age, the applicant seeking the variation must be a police officer. If a person who is an alleged victim of a prescribed sexual offence is required to give evidence in proceedings relating to an AVO in circumstances where the defendant has been charged with the offence, such evidence can be given by way of closed-circuit television or screens. This is a welcome addition, and it will help reduce the psychological trauma suffered by victims of sexual assault.

Henceforth an AVO will remain in force for 12 months instead of six months, where the court does not specify the period. Police can apply to vary an order, regardless of who made the initial complaint. Cognisant of the time that AVO matters take up in the Local Court, a court will be empowered, at any time, when considering whether to make an AVO, or after making such an order, to refer the parties for mediation under the Community Justice Centres Act 1983. As I said earlier, the Opposition does not oppose the bill. It is to be hoped that it will assist in bringing under control the growing plague of domestic violence, a form of violence that is particularly detestable because of the large proportion of women and children who constitute the great majority of its victims, and a form of violence that claims a number of deaths each year.

The Hon. ROBYN PARKER [8.09 p.m.]: When coming to Sydney for parliamentary sittings or other business, I leave home early in the morning. As I get up to a darkened house, kiss my children goodbye while they lie asleep in their warm beds, and tiptoe out and drive down the F3 I think to myself, "Is this role that we play worth it?" I truly believe that members of Parliament get elected because they want to make a difference. When we sit in this place, as we did yesterday, and spend hours debating issues such as whether the crest in this place should be moved and how urgent that is, while there are bills such as this sitting on the table, I have to really wonder. However, my enthusiasm for the job was restored when I listened to the debate earlier today. Having heard members express interest in the needs of children and their concerns for children in particular and parents and families, I feel more encouraged.

The sacrifices that we make as members of Parliament are no different from those of many working parents and lots of other people in our community. As working parents we miss important family events, and there are times that we are not with our families though we would like to be. We make those sacrifices because it is for the betterment of other people, and I think our families make sacrifices for the same reasons. My children, warm and tucked up in bed, have an advantage that many children in our community do not have. Many children in New South Wales do not have the advantage of being tucked up warm in bed and having someone kiss them. They live in terrible households—households full of violence and households that have the worst of situations. If a home is sanctuary, if a home is where security should be, if a home is where we go to be protected, many women and children may as well be homeless as they endure a home environment that is full of fear.

So we come to the bill tonight. I join with the Hon. David Clarke in adding my support for the bill. I acknowledge that the bill is the culmination of more than four years work by the New South Wales Law Reform Commission and stakeholders in the Domestic Violence Support Network. It is long overdue. This Government has had 12 years in office. Its tenure over that long time has not been without the urgings of many, many people that something should be done about apprehended violence orders. In those 12 years the Government has had time to do something about the issue, but we have had to wait till now to see it taking some action—action that people have been crying out to legislators to take notice of and the Government in particular to do something about. Those 12 years equate to the 12 women who have died as a result of domestic violence so far this year in New South Wales. Those 12 deaths were directly attributable to domestic violence, as were the deaths of two children. So we have had 12 years of this Government, and 12 deaths this year, and it is time we did something about apprehended violence orders. It is certainly time we put more resources into dealing with violence in general as well as domestic violence.

In the lead-up to the 2003 election the Domestic Violence Advocacy Service recommended to many candidates that part 15A of the Crimes Act be amended to include stronger obligations on police to act in response to reported incidents of domestic violence and contraventions of apprehended violence orders. In the 12 months prior the New South Wales Law Reform Commission had been conducting in-depth research into the issue that would eventually contribute to its 56 recommendations. Its continued commitment to this cause is to be acknowledged and congratulated.

There is no discrete offence of domestic violence in New South Wales. Rather, a domestic violence offence is defined as one of a range of offences committed against a person who is in a particular relationship with the perpetrator. A definition of domestic violence was first inserted into the Crimes Act in 1982. The road towards defining, educating and one day solving this issue has been, and will continue to be, long and arduous. Prior to this definition inserted in the early 1980s, there was no provision to offer protection to victims. That is how far we have come. At the time, section 547 of the Crimes Act allowed a court to recognise that it might be necessary to keep the peace where it thought domestic violence might be occurring. From blatantly condescending language in the early Act to today we have taken only the first steps on this long path to policy that will truly defend and protect the rights of women and children.

When I am out talking to the people who run support networks, women's refuges and advocacy services, I am often reminded that we have a long way to go as legislators in terms of taking this issue seriously and tackling it head-on. The bill relates not just to domestic violence; it also addresses other forms of personal violence. Apprehended violence orders should be one of our legal system's most effective means of controlling antisocial behaviour, whether it be in the home or elsewhere.

Today, however, I would like to address my comments on the bill primarily to the topic of domestic violence. Apprehended domestic violence orders make up the bulk of those seen by courts. As a person whose previous career was in child and family services, I have taken a keen interest in domestic violence policy, so I feel it is appropriate that I speak to the House on this matter. This is an issue that I am passionate about. I hope we can make a difference with this bill.

Domestic violence can affect anyone. Age, marital status, ethnicity, religion or sexuality are no barriers to people becoming victims. Although people from certain backgrounds are more susceptible, statistics show that women identified as Aboriginal or Torres Strait Islander are more likely to experience domestic violence. So too are women for whom English is not the first language. This problem cuts across all social boundaries. Domestic violence is not only male against female. That needs to be acknowledged. However, reported incidents of domestic violence indicate that 95 per cent of perpetrators are men. I note that here we are talking about reported incidents of domestic violence. We do not know how much domestic violence is occurring, because part of the problem is in the reporting of it; from what we are aware, we think that only about 20 per cent of incidents are reported. That makes it difficult to determine the actual amount of domestic violence occurring. However, in the majority of the cases that are reported, the perpetrators are men.

Domestic violence is broadly defined as violence and abuse perpetrated by a man upon a female adopted to control his victim, which results in physical, sexual and/or psychological damage, forced social isolation or economic deprivation, or behaviour which leaves women living in fear. The realities of domestic violence are as ugly as the bruises that are left behind. If we were to take the sheer volume of domestic violence incidents alone, then the scale of this crime would be staggering. But that is to say nothing of the emotional weight that this crime carries with it. Nelson Mandela said of the Truth and Reconciliation Committee that he formed:

> Safety and security don't just happen; they are the result of collective consensus and public investment. We must address the roots of violence.

Whilst we as a society and the Parliament of New South Wales are a long way from properly addressing the roots of domestic violence, that is, the causes of domestic violence, we have achieved a collective consensus—at least I hope so—here in this House tonight that something must be done. I hope that support will be across the board. Certainly I am happy to support the bill, as is the Coalition. I am happy at last to see serious investment of legislative capital into this issue.

The most recent figures released by the New South Wales Bureau of Crime Statistics and Research place the total number of domestic violence-related assaults for the past 12 months at 26,346, and that is a conservative estimate. According to the Australian Bureau of Statistics [ABS] the hidden nature of domestic violence makes it difficult to know the extent of the problem in our society. Some statistics on family violence can be obtained from the police, courts, hospitals, medical practitioners and social services, but because of the nature of the crime it is still not possible to ascertain the total number of victims and their social and demographic characteristics. And domestic violence is a crime. It is not a social welfare problem and it is not a women's problem. It is a problem that we need to deal with; it certainly should not be regarded as welfare problem. In a 1996 survey of women's safety in Australia the ABS estimated that 7.1 per cent of Australian women experienced violence in some form in the preceding 12 months. That translates to thousands of women being physically, psychologically or sexually abused each year. Despite the high occurrence of domestic violence, reporting rates are low, particularly for partner violence, whereas reporting rates for other types of violence and non-violent crime are up to about 95 per cent.

Statistics from the World Health Organisation reveal that domestic violence is the leading cause of injury or death for women between the ages of 16 and 44, and the leading cause of death in pregnant women. Statistics from refuges show that more than 50 per cent of women return to their partners after suffering abuse. Furthermore, on average a woman will suffer domestic violence on eight occasions before leaving a violent relationship. The bill and its amendments to apprehended violence orders [AVOs] are vital because we cannot expect women, or victims in general, to be protected without strengthening the AVO system and without proper resourcing. Based solely on statistics gathered from actual police reports—not forgetting for a moment they ignore roughly 80 per cent of cases never reported to police—domestic violence is the single most prevalent form of criminal violence facing Australians today. Since January 2006, 12 women and two children in New South Wales have been killed as a result of domestic violence. Members of the Domestic Violence Committee Coalition have been in the grounds of this Parliament laying roses for these 12 women. Let us hope we do not have to lay more roses for the remainder of the year, or in the near future, to draw attention to this issue. These flower-laying ceremonies have also occurred in other places such as Maitland, where I live.

In a 2004 report on the cost of domestic violence to the Australian economy—$2.8 billion—Access Economics put the average cost of domestic violence to the New South Wales Government at approximately $163 million annually. That is my maths; that is the figure I have come up with. Depression is the largest contributor to the costs associated with domestic violence, and that is calculated on the basis of the cost of people being away from work, and the impact on the health system, the social welfare system, policing—right across the board. Nearly 18 per cent of all female depression in Australia is associated with domestic violence. Anxiety disorders contribute nearly 23 per cent of the costs, with 17 per cent of all female anxiety disorders in Australia being associated with domestic violence. Suicide and self-inflicted injuries make up 12 per cent of the cost. A very clear link can be drawn between domestic violence and its severely detrimental effects on women's emotional wellbeing. The strain on the economy caused by depression is profound. I put it to honourable members that were this cost incurred as the result of any other crime, a you-beaut task force with a you-beaut name would be established to deal with it and dozens of police would be diverted to investigate reports and prosecute offenders. It would be splashed across the pages of the city tabloids.

I put it to honourable members that domestic violence is swept under the carpet because of its unpalatability, and because it strikes close to many of the homes of so many of us. When not ignored, outright domestic violence is sensationalised as the media concentrates more on the lurid aspects of violent crime than the motivations behind it. On 4 July this year the headline "Court told woman stabbed by her former partner in a crime of passion" appeared in the Newcastle *Herald*, as though the crime were excusable. That sickened me. The Maitland *Mercury* could not resist a whole page spread with the headline, "A crime of passion", as though the crime were acceptable because it occurred in a relationship. But domestic violence is not an acceptable crime and there is nothing passionate about it. The subtle implication that domestic violence is a different type of crime, motivated by emotion and not by diseased minds, is a lie. There is no justification for violence in any context. Domestic violence is a crime. It is an abuse of power. It is the domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within an intimate relationship. Let us not forget the children, the innocent victims of domestic violence, who witness domestic violence, who often shield their parents, who are often part of it and who are often victimised over and over again.

Domestic violence is a crime that manifests most often in the most intimate surrounds of family homes. Therefore witnesses to the crime are rare beyond those who are directly affected by it—the perpetrators, the victims and the children, who are also victims. Apprehended violence orders in this context have a clear purpose: to give women protection from a violent partner, to bring awareness to law enforcement agencies, and to give women additional support by having the law on their side. In many cases—and this is our hope—they may help to reduce, or even eliminate, the violence. At least they may give victims a feeling of control over the violence in their lives.

Proposed division 2 of the bill will amend apprehended domestic violence orders [ADVOs]. The Government will enact provisions consistent with the Declaration on the Elimination of Violence against Women and the United Nations Convention on the Rights of the Child. Earlier today honourable members spoke in debate on the Children and Young Persons (Care and Protection) Amendment (Parent Responsibility Contracts) Bill. We have put the rights of children to safety and security at the forefront of family policy. The right of a child to be safe must override any perceived rights to access that might be brought in defence of a parent found to be abusive. The bill will amend the definition of ADVOs to include stalking and intimidation, with a broad measure given to the court to decide exactly what constitutes behaviour warranting an ADVO.

In most cases the more crippling form of violence can be the less physical type. It is good to see those amending provisions in this legislation. Over the past year and even earlier, some great steps have been taken toward recognising the types of bullying and intimidation that exist in the community, particularly in the form of sexual assault, bullying and intimidation in, for example, a school environment, or in any other environment. Those who engage in cyber bullying and stalking at a young age generally become perpetrators of violence later on in their lives. When it comes to sexual assault, we have at least come some part of the way toward recognising extended categories of violence.

It is important to include for consideration threats made against people. It is not good enough that police have to turn away because of fears for their own safety based on threats that are being made by someone to someone else. The police say that domestic violence call-outs account for between 60 per cent and 65 per cent of their workload. That is certainly borne out anecdotally in the Hunter region, where domestic violence is a huge drain on police resources. If this bill addresses that issue, perhaps more violent offences will be prevented from occurring. This bill will make stronger the commitment of legislators to this cause. That commitment needs to be across the board from everybody who deals with domestic violence.

This year we have discussed the role of the judiciary and the courts system in using the right language and understanding the role of courts in protecting victims by the use of closed-circuit television in sexual assault cases. The measures that have been applied to protecting women and children should be carried through to all court proceedings. When it comes to domestic violence, everyone involved should be given training in the use of appropriate language, in dealing with threats and certainly about the types of crimes that occur. I believe that insufficient training has been provided. I believe also that the issues warrant a discussion of the merits of specialised courts dealing with domestic violence. Although that factor is not a part of the bill, it is certainly part of the issue of addressing the problems associated with domestic violence.

I believe that further consideration should be given to whether the need exists for specialised courts to deal with domestic violence. I am convinced that there is a need for more training and resourcing to improve court procedures. There are some great support workers in the community, but there are too few of them. There are also too many delays in the courts system. A lack of resourcing results in domestic violence orders not being processed as efficiently as they should be. There are huge delays in serving orders and in so many ways the process is not friendly for victims. The courts system has a long way to go to adequately address the issues associated with domestic violence. This Government should take responsibility for its failure to provide basic services and for the shortage of police officers who are available to address them as to violence.

I have met fantastic domestic violence liaison officers who work in police area commands, but they have low ranking and a low profile within the police structure. When they have time off, they are not replaced. For example, in the Lower Hunter Local Area Command there are two full-time domestic violence liaison positions to cover an area of approximately 7,000 square kilometres. With such a minimal level of resourcing, how can police officers be expected to cope? That is a problem that the Government has failed to address and for which it is directly responsible. The Government should be providing a better standard of services for the community. The number of offenders who breached apprehended violence orders in the past decade has more than doubled. I have statistics for 2003 only, but in that year 10,700 breaches were recorded.

The intention underlying any legislation with respect to police powers and domestic violence must favour police intervention. We must legislate to protect and support victims of domestic violence and at the same time send a clear message to perpetrators that their actions are unacceptable. The police should be given sufficient resources to give domestic violence the attention it needs. In 1999 the NSW Ombudsman published the Policing of Domestic Violence in New South Wales report and found that although domestic violence is a major cause for community concern and there is a strong and effective support network of organisations to provide assistance, it is the police who provide the front-line response to domestic violence incidents. The findings of the report were extremely favourable to the police. All honourable members are aware of the wonderful job that many police officers do. Given the sheer lack of support and police strength, they do an outstanding job.

The police take domestic violence extremely seriously. Seventy-seven per cent of people whose complaints had been investigated by police officers expressed satisfaction with the way in which their complaint had been handled. Nevertheless, the police remain under-resourced. There is a lot of confusion associated with the serving of apprehended violence orders. Victims are often under the impression that an apprehended violence order has been served when, owing to the lack of police resources, the police have been unable to locate the perpetrator and serve the order. Therefore, victims who presume they are protected by an order frequently in reality are not protected.

It is heartening that by virtue of this bill the police will be able to apply by telephone for an interim order, and that will be a huge advantage. As I mentioned earlier, police resources in New South Wales are stretched to breaking point, so those provisions are a step in the right direction. However, they come too late for someone like Ingrid Poulson. Tragically her daughter, Marilyn Poulson, aged four, her little brother, Sebastian, aged 23 months, and their grandfather, Peter Poulson, were murdered by the children's father after he repeatedly breached apprehended violence orders that had been taken out to protect his estranged wife. The risk of domestic violence increases at the time of separation, as is evident from surveys conducted by the Australian Bureau of Statistics and the files of the Family Court.

However, domestic violence is not the only form of criminal behaviour addressed by this bill. As I mentioned earlier, the bill also addresses bullying. I note that the Department of Education and Training recorded 57 police reports of threats and intimidation among students, teachers and parents last year. That is a damning indictment of this Government. More than 200 students were suspended for using, possessing or threatening to use a gun, a knife or some other weapon in the State's public schools. In the first six months of 2005, 2,398 students were suspended for being physically violent. While those figures pale in comparison to figures for domestic violence, we must come to terms with the fact that not all partner violence occurs in family homes.

Although similar studies have not been conducted in Australia, reports from the United States of America indicate that almost 14 per cent of young girls aged between 14 and 17 years had either experienced abuse in a relationship or knew of someone who had been abused in a relationship. Young girls in relationships do not understand domestic violence or that its origins stem from power and control. The bill provides measures to address stalking and cyber bullying, which are forms of unacceptable intimidation that are difficult to address by legislation.

Elder abuse is another cancer eating the soul of our society, and it is a silent epidemic. Like the abuse of the disabled, oftentimes those victims have no way of speaking out. Statistics compiled by the Lake Macquarie-based Domestic Violence Agency Referral Scheme, in my local area, estimate that as many as 16,000 residents aged over 45 are abused each year. The apprehended personal violence order provisions will give police another method of protecting the vulnerable, but I stress that we need to do more to increase reporting rates through education. People must know that help is available, and usually only one phone call away. We need people on the end of those phone lines; we need more police to arrive in a timely manner; and we need a responsible government that will make sure that resources go in the right direction.

> It is important to recognise also how the apprehended violence order legislation interacts with the Family Court. There has been a lot of discussion about the Family Court and AVOs. The Family Law Act 1975 is a Commonwealth Act and is administered in the Commonwealth jurisdiction. However, AVO legislation is State based. While the two may intersect, they are independently administered. In Family Court proceedings the fact that an AVO has been issued by a State court against a person, or that an application for an AVO is pending, is not the basis for finding that violence has occurred. The Family Court must make its own findings in that regard, and research shows that in matters where violence has been alleged, in most cases court findings support those allegations.

It is important to mention that AVOs are a source of contention amongst a certain section of the community. There is contention that AVOs are used vexatiously or to gain tactical advantage during Family Court cases. It is

frequently asserted in the courts and in the media that women allege domestic violence and child abuse to obtain tactical advantage in Family Law proceedings, and that they initiate AVO proceedings to further that advantage. I have great sympathy for fathers, and parents in general, who go through custody matters; it is a terrible and difficult time for everyone. It is also a time when the risk of violence is heightened.

Fathers' rights groups assert that women routinely fabricate allegations of domestic violence to gain advantage in Family Law cases and use protection orders to remove men from their homes or deny contact with children rather than out of any real experience or fear of violence. In its submission to a review of legislation regarding protection orders, the Lone Fathers' Association stated that protection orders "are employed as a routine separation procedure" by women to force their husband out of their homes, without any actual violence having occurred, "and/or as a vindictive retaliatory act". That proposition gained support and notoriety in a 1999 survey of magistrates in New South Wales. In the survey 90 per cent agreed that orders were used by applicants on advice from solicitors as a tactic in Family Court proceedings to aid their case and to deprive their former partner of access to their children.

Examination of Family Court files and victims' experience found that the fathers' rights claim was unsubstantiated. In a study of 176 files in which children's matters were contested, while 54 per cent included evidence of domestic violence, apprehended violence orders were not obtained in over one-third of those. Women going through Family Court proceedings and living with domestic violence do not routinely take out protection orders in response. Other studies further document that women are reluctant to take out orders and often do so only as a last resort after being subjected to repeated and serious victimisation. Bodies such as the Criminal Law Review Division of the New South Wales Attorney General's Department reject the view that women use protection orders in family law proceedings to gain a tactical advantage.

The issue of fathers' rights groups influencing public policy is extremely sensitive. Two experiences bring most men, and women, to the fathers' rights movement. The first is deeply painful marriage break-ups and custody battles. Fathers' rights groups are characterised by anger and blame directed at former partners and the system that has deprived men or fathers of their so-called rights. Such themes are relatively common among men who have undergone separation and divorce. As a stepmother, I understand some of those feelings. I have great sympathy, but we must make sure that the reality is based on fact, not on myth.

Anger is often manifested in a political agenda that preaches gender equality, but uses a skewed perception of that equality. Domestic violence is not, as many men's groups and the media assert, gender neutral or gender equal. To support the claim that domestic violence is gender symmetrical, advocates draw almost exclusively on studies using a measurement tool called the conflict tactics scale [CTS]. The CTS situates domestic violence within the context of family conflict. It asks one partner in a relationship whether, in the past year, they or their spouse had ever committed any of a range of violent acts. CTS studies generally find gender symmetries in the use of violence in relationships. That system is open to selective interpretation; it also has methodological problems, which include an ability to garner information on the intensity, context, consequences or meaning of the action. The CTS ignores who initiates the violence.

There is no doubt that men are victims of domestic violence. Men experience domestic violence at the hands of female and male sexual partners, former partners and other family members. However, there are important contrasts that make any thought of gender symmetry with regard to domestic violence redundant. Women are far more likely than men to be subjected to frequent, prolonged and extreme violence, to sustain injuries, to fear for their lives and to be sexually assaulted. Men subjected to domestic violence by women rarely experience post-separation violence and have more financial and social independence. Female perpetrators of domestic violence are less likely and less able than male perpetrators to use non-physical tactics to maintain control over their partners. Australian crime victimisation surveys find that less than 1 per cent of violence incidents among men is perpetrated by partners or former partners, compared to one-third of incidents among women. Boys and men are most at risk of physical harm from other boys and men.

Why are we not doing more about domestic violence? Why does the 2005-06 Police budget not mention increased spending for domestic violence liaison officers? When one considers the amount of money spent on the Minister's department and on frivolous expenditure such as the Government's spin machine, why are we not spending appropriate funds on the most pressing issue of community violence facing our State? The Federal Government, on the other hand, is to be congratulated on its work in this area. The Violence Against Women—Australia Says No campaign is a national campaign, which many in the community are familiar with. It was developed by the Federal Government to deliver a strong message that violence against women is totally unacceptable. That campaign sends a clear message and it aims to raise awareness amongst young people about

the harm caused when personal relationships become violent. Launched in 2004, that campaign includes television advertising with specific indigenous and non-English speaking advertising in ethnic and indigenous press.

The campaign also offers practical support through a national 24-hour, seven-days-a-week confidential help line: 1800 200 526. Anyone—whether victim or perpetrator, friends or family—can call that number for support counselling and referrals. Funding for that campaign is provided as part of the Australian Government's Women's Safety Agenda—a $75.7 million commitment to addressing domestic and family violence and sexual assault in Australia. The Minister Assisting the Prime Minister for Women's Issues, the Hon. Julie Bishop, is responsible for implementing the program.

There are many other programs that aim to educate people about violence. White Ribbon Day, an internationally recognised initiative, occurs on 25 November each year. If offers a forum for men to speak out against violence and highlights the connection between violence and human rights. White Ribbon Day is supported by 16 days of community activism around that date. The State Government must implement programs such as that if it is to get serious about combating violence against women, domestic or otherwise. We must identify the causes of violence. I acknowledge the work of people such as Dina McMillan, who has researched the identifying characteristics of perpetrators, and the Enough is Enough Foundation, who conduct programs in schools to help young people understand why violence occurs. The measures in this bill will kick in after acts of violence have been committed, but we must do more to prevent them from occurring in the first place.

We must address what happens to victims of violence and the needs of those who escape violence. Homelessness and the provision of low-cost housing are important considerations. Domestic violence is not just a problem for women on low incomes. Women on the North Shore who are the victims of violence report great difficulty finding low-cost accommodation. Sadly, more often than not it is the victims who leave the home rather than the perpetrators, and women forced out of their homes by violent partners need somewhere to go. There are some fantastic women's refuges in the community, such as Carrie's Place in Maitland—my local women's refuge and information centre—but they must turn away many women in need.

The Government must do more in terms of service accessibility and support for women in country areas. We need online services such as that established by the Rape Crisis Centre under the guidance of Karren Willis. I must highlight also the great work of Lifeline. Lifeline counsellors are always there at the end of the telephone—the first call that people in crisis make is often to them. The New South Wales Government has failed Lifeline. Lifeline counsellors play a vital role in dealing with the problem of violence. Lifeline centres around New South Wales do all wonderful job and pick up the slack for the Government, which has failed to provide services in this area. Yet they remain underresourced. I am pleased that the Coalition has committed to provide $1.5 million in recurrent funding to Lifeline's telephone counselling service. Labor should match that commitment at the very least.

We must place more emphasis on building healthy relationships. We must deal with recidivist offenders. There should be more programs for people who commit violence and then reoffend. We take every opportunity to call domestic violence a crime. The Government has taken some drastic steps to dumb down the problem. The Government shifted the regional violence against women co-ordinators from the Attorney General's Department to the Department of Community Services [DOCS]. The move was accomplished by stealth. The clear message was that domestic violence is not a criminal issue but a welfare issue. In doing so, the Government has labelled domestic violence a welfare problem. These regional co-ordinators—it is a wonderful program and I congratulate the Government on initiating it—do a great job co-ordinating services and playing an education role. They are based in police stations and raise awareness of domestic violence. But this Government thinks the best way to deal with the problem of domestic violence is to shift the regional co-ordinators to the control of DOCS.

So many people are doing fantastic work. Carrie's Place, the women's refuge I mentioned earlier, offers assistance to victims of domestic violence in my area and runs some amazing programs on the smell of an oily rag. Remember that domestic violence services and women's refuges do great things generally with few resources. I recently reported to the House on the work of Carrie's Place. Staff say that they are overwhelmed by the number of women who seek assistance and for whom they simply cannot find places. They are overwhelmed by the unmet demand for accommodation and by the sheer enormity of the domestic violence problem.

Over the years I have met many people who do great work in this field. Catherine Garder, the Executive Director of the New South Wales Women's Refuge Resource Centre, co-ordinates women's refuges. I congratulate Karen Willis, the women from the Domestic Violence Committee Coalition, including Betty Green, court support workers such as Jenny Harland, the domestic violence liaison officers, the women's

refuges, the women's resource centres, including long-term advocates such as Barbara Kilpatrick, and the police. People such as Liz Berger, Jillian Meyers Britain, Sabine Wagner and Robyn Cotteral-Jones from my local area are doing everything they can to raise awareness about domestic violence and associated issues, such as the need for a homicide review team so that we can investigate and trace back the causes of domestic violence. Why did those 12 women die? We need answers to that question so that we can allocate resources where they are required.

Of course I cannot mention individually all the many wonderful people who are doing great work in the community. It is our responsibility to ensure that we pass legislation that supports their work. This bill is late in coming and it is only a beginning. We must do more far more to address the problem of domestic violence. We cannot allow more women and children to suffer as a result of domestic violence. We must strengthen the apprehended violence orders system. I support the bill. I look forward to considering amendments in Committee that will make it even easier to serve AVOs in New South Wales.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.58 p.m.]: I believe the Crimes Amendment (Apprehended Violence) Bill is the result of the 2003 examination by the New South Wales Law Reform Commission of apprehended violence orders [AVOs]. The commission, chaired by Justice Michael Adams, produced report No. 103 that contained 56 recommendations, many of which are incorporated in the bill. There has been much criticism of the application and interpretation of AVO laws by all parties, including victims, police and the legal profession. The bill seeks to address these issues while focusing on protecting women and children from violence.

The bill contains new provisions that include expanding the definition of "stalking" to make it non-exclusive. "Stalking" was quite narrowly defined in the previous legislation. New section 562B expands the definition of a "domestic relationship" to include the extended family and kinship groups of Aboriginal and Torres Strait Islander people. New section 562D includes intimidation by telephone, text messaging, email or other technologically assisted means. New section 562E amends the fear test. At present the court must be satisfied that the victim is in fear of violence. The court will now be able to issue an order if there has been a history of violence and the court believes it is necessary to make the order to protect the victim from violence in the future.

New section 562N enables the court at any time to refer the parties for mediation, which is a good provision. New section 562P allows a telephone interim order to be available at any time. At present they are usually only available when courts are not sitting. This is a good idea as many people may not be able to get to a magistrate, no matter what the time. New section 562W extends the length of telephone interim orders from 14 days to 28 days. The cumbersome complaints and summons system of application for an apprehended violence order [AVOs] is now replaced with a new more streamlined system. This bill should solve many of the existing problems with the enforcement of apprehended violence orders, and will be of assistance to victims of domestic violence.

I turn now to the Legislative Review Committee's concerns about strict liability. The publication of the name of victims as contained in new sections 562ZJ and 562Z creates strict liability offences with heavy penalties, including imprisonment for up to two years, for example, when a court released the name of a person involved in AVO proceedings. I do not advocate lax laws or laws that can be ignored, but if a paperwork muddle occurred, and a clerk mistakenly released a name, it would be a tad extreme to put the clerk in gaol for two years. It is true that there are many strict liability offences, for example, driving 72 kilometres an hour in a 60 kilometres hour zone, for which a fine is imposed. A fine is one thing but two years gaol for a clerical error is another, and the Government should consider removing those sections that give strict liability. The committee is also concerned about the personal rights and liberties in those two sections.

As an amendment has not been foreshadowed to remove sections 562ZJ (5) and 562ZK (5), I propose that they be deleted to give some discretion to magistrate deciding cases. The penalties should still be high, but some humanity should be able to be given for an innocent mistake. That is dealt with in proposed section 562ZJ. Obviously if a radio station were to challenge the law it would need to be dealt with very sternly. I do not suggest that any shock jock can ignore the law with impunity, and that is dealt with in proposed section 562ZK. The bill is good legislation and has been the subject of a detailed process. I have been lobbied by the Opposition to say that if a magistrate cannot be contacted the police should be able to issue AVOs. Certainly this bill enables the issue of an AVO at any time. It is hard to believe that a magistrate somewhere could not be contacted. It is better to have judicial oversight of this process, so I will not support that Opposition amendment. It is highly significant that domestic violence groups also do not support that proposal.

Reverend the Hon. FRED NILE [9.04 p.m.]: The Christian Democratic Party supports the Crimes Amendment (Apprehended Violence) Bill, the object of which is to repeal and re-enact part 15A of the Crimes Act 1900, the principal Act, with changes following a review of that part by the Law Reform Commission. Part 15A deals primarily with the issue of apprehended violence orders by Local Courts, the Children's Court or authorised officers to protect persons from violence arising from domestic relationships or violence arising outside domestic relationships. Sadly, domestic violence is a fact of life in our society. It is such a major problem that the Commonwealth Government has run a very impressive and dramatic television advertising campaign with the message "no violence". Hopefully it is having an impact, particularly on many men who believe that using their fists will solve a problem, relieve their anger or appease whatever is in their mind.

I am pleased that in recent years the Government has increased the training of police officers to understand domestic violence, which is one of the most common activities that police are called upon to deal with. Two of my sons have spent 20 years in NSW Police and, from what they tell me, attending domestic violence incidents, particularly at night, is a major role for them. The police need support, training and back-up to cope with those volatile situations. I am also pleased that more than 115 domestic violence liaison officers in this State are especially trained to assist victims of domestic violence. I encourage the Government and NSW Police to ensure that those specialised officers pass on their knowledge to other members of the force so that all police officers are equipped to deal with those situations. Local constables are the ones who are confronted with these episodes, not the commissioner.

The Violence Against Women Specialist Unit aims to develop and promote the effective prevention of domestic violence strategies and to improve access to services for all victims. I note the Opposition has foreshadowed an amendment that has merit. Under the current legislation police seeking a domestic violence order have to contact a magistrate. When the Government briefed members of the crossbench on the bill I raised the practical difficulty of trying to locate a magistrate at 2 o'clock in the morning. The Government response was that a system would be in place to make it work. However, an emergency provision should be available to an officer working alone in a small country town who is trying to get help. A senior police officer should be able to issue an interim 24-hour authority, but that facility should not be used regularly. Within the 24 hours a magistrate must be contacted to confirm the order. That is not unreasonable and is very practical.

Young police officers dealing with domestic violence situations also need the wisdom of Solomon with regard to making decisions about who is at fault and what should be done. Often a lot of screaming and shouting goes on, and the police officers have to ascertain where the blame lies and so on. I am sure they have our sympathy in carrying out a very difficult role. In my son's early years it was not a major role that they were carrying out, but today it is. I note that it is difficult to be accurate about how many cases of domestic violence occur across Australia.

However, there have been reports indicating that somewhere between 6 per cent and 9 per cent of Australian women aged 18 and over are physically assaulted at some stage and that in the majority of those cases the assailant is a man they know. Quite often it seems to be what is known as a de facto partner. I am aware that a married man can just as easily be involved in domestic violence as an unmarried man. However, the reports I have read seem to suggest that often a de facto partner—who perhaps does not have a great love for the woman and may even be using the woman, for whatever reason—is inclined to use violence, perhaps feeling that that is the way to resolve some of his relationship problems.

Sadly, in some cases children are also the victims of domestic violence. Obviously, if violence is directed against their mother, the children will witness that violence and that is very traumatic for them. Therefore children in this situation also need support. Together with all members of this House, I am totally opposed to domestic violence. It is totally unacceptable. It can never be justified, and we must do all we can to ensure the safety of victims. Our response to the victims of domestic violence must be one of support, recognising the difficulty they are facing, and they must receive all the help possible to be informed about their rights, how the proceedings will work, and what protection they can receive. It is obvious that in some cases there is a need to ensure the long-term safety of domestic violence victims, and steps must also be taken in this regard.

I know it is difficult to prove, but I still believe that the dramatic increase in stories of violence reported in the media is having an influence on our society and making it even more violent. As I have said on previous occasions, I cannot understand why, in a civilised society, we tolerate the sale of magazines and videos showing X-rated material. I know that the worst X-rated material is now sold only in Canberra, but a large category of that material, known as bondage material, deals with brutalising and torturing women. Some men read these

magazines or view videos of films depicting that activity purely as a form of entertainment. I believe such material should be totally banned.

Many years ago, after a lot of pressure, the Labor Government under Neville Wran agreed to prohibit child pornography. That served as a loophole, because a large number of people on the left of both sides of politics, Labor and Liberal, argued that adults should be allowed to read and see whatever they please. However, eventually, after a lot of thought, people realised that child pornography can never be justified. I would say the next category that should be prohibited is material that depicts women being abused, brutalised or tortured. That material should be totally banned. I know it is X-rated and that it is available by mail from Canberra, our national capital—which is a disgrace. I am pleased that this State has banned X-rated material, but it is still available by mail.

There were reports that some of this material was also becoming readily available in Aboriginal communities, and that it could have been a factor in the increasing violence occurring there. We may not always be able to ban all violence, but I believe we should prohibit material that provokes it—indeed, material that almost justifies it by promoting the idea that many women say no but they actually mean yes. I believe that is one of the great lies of that material, and that has probably caused some women to be abused when they certainly were saying no.

The bill has a number of positive features. It expands the definition of "domestic relationship" to include relationships recognised according to indigenous kinship principles, and to clarify that "other residential facility" means any facility that provides long-term accommodation, but excludes a correctional centre or juvenile justice centre. I assume that those measures are an attempt to provide some legislative support for dealing with the increasing domestic violence in some Aboriginal communities. That is not to say domestic violence does not occur in white communities, but certainly there seems to have been an increase in domestic violence in Aboriginal communities, which is a sad development. The definition of "intimidation" is expanded to mean approaches made, by any technologically assisted means, to any person that cause that person to fear for his or her safety. Intimidation may occur, for example, through emails or telephone text messaging.

The definition of "stalking" is made inclusive rather than exclusive, and the definition of "personal violence offence" is expanded to encompass more offences. These are extremely positive aspects of the legislation. A court will be able to grant an ADVO in certain circumstances where a victim claims to "no longer be in fear" but where there is a history of personal violence and a likelihood that the defendant may commit a personal violence offence on the victim. Similarly, a victim's reluctance to make an application for an order is not, in itself, a reason for police not to make an application for an AVO, in circumstances where violence has occurred, or there is a significant threat of violence, or where the victim is a person with an intellectual disability who has no guardian. That is a very positive aspect of the bill. The victim still may have fear but may think, "If I make the application, it will only result in more bashing." If police can take responsibility for that, the immediate result is protection for the distressed woman.

I have already referred to the problem with telephone interim orders. The legislation provides for telephone interim orders to be available on a 24-hour basis, regardless of whether the court is sitting, in circumstances where the police officer making the application has good reason to believe that a person requires immediate protection. Once a telephone interim order has been made, the matter must be listed for hearing within 28 days. The problem is that the police officer must get through to a magistrate. As I have said, there may be situations where, for a variety of reasons, that is not possible. If we are to protect women from domestic violence, there needs to be some machinery by which a senior police officer can make a 24-hour interim order, which is endorsed by a magistrate. Hopefully the magistrate will endorse the police action. We are pleased to support the legislation and hope that the victims of domestic violence will appreciate what the Parliament has done tonight.

The Hon. PETER BREEN [9.18 p.m.]: I am pleased to support the Crimes Amendment (Apprehended Violence) Bill. However, I wish to raise a couple of matters, particularly in relation to the strict liability offences referred to in the bill. The Legislation Review Committee expressed its concern that a person can be sentenced to prison for up to two years and receive a monetary penalty of up to $22,000 without having any opportunity to defend themselves or explain why they published the name of a person under the age of 16 years who was involved in apprehended violence order proceedings.

Honourable members will be aware that the Legislation Review Committee is undertaking an inquiry into strict liability offences. I believe that until that inquiry has been completed it would be desirable for strict

liability offences to be held in limbo. Nevertheless, the provision is in the bill and the Legislation Review Committee has made the observation that I have just outlined. The committee also published a discussion paper about strict liability as part of its review. In that discussion paper strict liability is described as a criminal act that does not require the normal mental element indicating intention to commit a crime. The common law defence of mistake of fact may be pleaded to a strict liability offence, but there must be an active and genuine mistake, and not mere ignorance. A mistake of fact can only be made where the accused has turned his or her mind to the relevant facts. Mere ignorance will not be sufficient to maintain a mistake of fact defence.

Strict liability means a person can be criminally liable for inadvertently offending against a legislative provision. Recently, I was asked by a constituent to have a look at a case in which the constituent had been charged with a strict liability offence under the national parks and wildlife legislation. The constituent was fined $9,000 and ordered to pay $6,000 in costs for inadvertently causing the death of fauna. So strict liability offences can be quite severe in their application. In the case that I mentioned, no mercy was shown by the court and all the apologies and mea culpas fell on deaf ears.

Of even greater concern for the purposes of the legislation before the House is that other legislation already deals with the publication of the name of the child involved in legal proceedings. Section 11 of the Children (Criminal Proceedings) Act 1987 provides that the name of the child involved in any criminal proceedings must not be published. The question in my mind is: Why does that provision need to be repeated in the bill before the House when it is already in the Children (Criminal Proceedings) Act 1987?

I note the excellent contribution of the Hon. Robyn Parker to the debate. I share her concerns about the extent of domestic violence. I do not think that has been properly recognised, certainly not over the past few years. This legislation, in some sense, hardly addresses the enormous problem of domestic violence in the community. I agree with the honourable member that the use of the word "passion" in the context of domestic violence is a misnomer and diminishes the harm caused by domestic violence. Protecting children is also an important aspect of legislative measures to curb domestic violence, and I commend those aspects of the bill that enhance child protection.

Might I also mention potential problems with apprehended violence orders obtained over the telephone. I do not want to be controversial on this very important bill, which I fully support. But we are breaking new ground with domestic violence orders over the telephone. No doubt the Government and the Police Association believe that giving police the power to get an apprehended violence order over the telephone will defuse a potentially violent situation. However, my experience is that the moment an angry person is denied their basic rights and freedoms, as they see them, such a person is likely to become even more angry and even more violent. This particular provision will deny a person what we call natural justice, or procedural fairness, in that the person will not have the benefit of an independent assessment of the situation, and will not have the right to contend or dispute anything that the police officer might say to the person on the other end of the telephone who will be issuing the order.

Where these rights are denied, it is likely that the person will react in a way that may be unpredictable. I think the provision needs to be monitored. Certainly, its application should be introduced gradually, rather than suddenly using the power in a way that might cause it to have an effect opposite to that intended by the legislation. The person who fails to comply with a telephone apprehended violence order is likely to get a criminal record on the basis of assertions that have never been tested by a court. The reality of this provision is that you can get a criminal record based on a telephone call. When I put that proposition to the Government during crossbench briefings, the officer of the Attorney General's Department confirmed that it is in fact the case that if a person breaches an apprehended violence order obtained over the telephone, that person will get a criminal record based on a telephone call. Nevertheless, something needs to be done about the harm caused by domestic violence, and on that basis alone the initiative is one that is worth trying.

The Hon. Robyn Parker made the observation that people claim to use apprehended violence orders to gain an advantage in family law proceedings. She quoted a survey of judges and magistrates suggesting a perception in the judiciary that women use apprehended violence orders to promote their legal entitlements. I agree with the Hon. Robyn Parker that there it is a good deal of selective interpretation of such surveys, and they often ignore the fact that it is almost always men who initiate and perpetuate domestic violence. There is simply no excuse for domestic violence wherever it occurs or whatever the circumstances. Surveys that a perception exists in the judiciary that women are somehow in general, and in general terms, using domestic violence orders for their advantage in order to secure legal entitlements need to be treated with a certain amount

of disrespect and disdain. Violence in domestic relationships is as unacceptable as violence in religion. I commend the bill to the House.

Ms LEE RHIANNON [9.26 p.m.]: The Greens will support the Crimes Amendment (Apprehended Violence) Bill. We congratulate the Government on a number of important reforms. We also have a number of concerns about the bill, and I ask the Minister to respond to those in his reply. Domestic violence destroys many people's lives, particularly those of women and young children. In 2005 the Bureau of Crime Statistics and Research reported that 26,283 incidents of domestic violence assault were reported in New South Wales. There have been 12 domestic violence related deaths in New South Wales this year. We need strong laws and well-resourced services to ensure that the rights of people to live their lives free from violence are protected, respected and promoted.

The Greens welcome many of the reforms proposed in the bill. We note that most of the reforms came out of the New South Wales Law Reform Commission's report on its review of part 15A of the Crimes Act. I understand that a range of domestic violence advocacy organisations and service providers were consulted during the drafting of the bill. In particular, the Greens welcome reforms to expand the definition of "domestic relationship" to include relationships organised along kinship lines in indigenous communities; to introduce 24-hour telephone interim orders where the police officer has good reason to believe that a person requires immediate protection; and to bring the definition of "intimidation" up to speed with technological changes. These are significant improvements to the apprehended violence order system and will, on paper, offer greater protection to victims of domestic violence.

My main concern with the bill, however, is whether the Government is putting sufficient resources into domestic violence to ensure that these laws are enforced. I have consulted with a number of organisations and individuals working on domestic violence issues. The overwhelming response I received from people in this sector is that there is a serious lack of resources going to domestic violence. In the Hunter, I understand there are only two domestic violence liaison officer positions funded in Maitland to serve an area of 7,700 square kilometres. Three people share these positions, and their positions are not filled when a staff member goes on leave. It is just not good enough in a region where more than 60 per cent of police callouts are domestic violence related.

Karen Mifsud from the Domestic Violence Advocacy Service in Lidcombe told the *Sydney Morning Herald* on 16 September last that, instead of pushing for new powers, police should simply enforce the ones they already have. We can have the best laws in the world, but unless domestic violence is given adequate resources and trained staff, then these laws will mean nothing. Domestic violence devastates lives, particularly those of women and children. On 14 September I attended a function here in Parliament. The campaign was launched by the Domestic Violence Coalition. The key message of the campaign is that domestic violence bruises every aspect of a woman's life. The Greens support the bill. We congratulate the Government on some significant reforms. We caution, however, that good laws are meaningless if they are not effectively enforced and resourced.

The Hon. CATHERINE CUSACK [9.29 p.m.]: I join with other speakers in expressing my support for the Crimes Amendment (Apprehended Violence) Bill. I particularly congratulate my colleague the Hon. Robyn Parker on her thoughtful contribution, which captured many of the arguments I support. As the shadow Minister for Women I have visited a large number of refuges across New South Wales, in Armidale, Tamworth, Moree, Strathfield, Lane Cove and Nowra. Like my colleague the Hon. Robyn Parker I have visited Carrie's Place in Newcastle and I have met with representatives from other refuges, including representatives from the Lismore Women's Refuge and from Dubbo. The outstanding women working in these women's refuges are doing a marvellous job. They are working for salaries that are way below what could be reasonably expected, given their level of skill, their commitment and the requirement to be on 24-hour call-out. I cannot help but feel they are exploited because they are working for their belief in the sector rather than their salaries.

Other speakers have covered the initiatives in the bill, which I believe are very welcome, particularly that relating to changes to the definitions of "stalking", "domestic relationship" and "intimidation". I will not go over that ground; it has been very well explored, particularly by my colleague the Hon. Robyn Parker. However, I take issue with the Minister's second reading speech, which refers to initiatives to deal with domestic violence that the Government claims to have undertaken. The first initiative the Minister referred to is funding for the domestic violence help line and the DOCS help line, community service centres and Family Support Services. It is pretty rich for the Minister to begin a second reading speech on domestic violence citing these initiatives as achievements. Family Support Services, which were relevant to an earlier debate on parental responsibility

contracts, have not received an increase in funding from the Government for 13 years. It is absolutely disgraceful. And the reason it has not received an increase in funding is that it is a non-government agency. The Department of Community Services has an ideological block and the Government is either too complacent or too detached to understand, or perhaps they share the same ideology. Family Services is the most needed and most reported to service. It has received no increase in funding for 13 years, but it is listed as the first initiative to deal with domestic violence that the Government has introduced. I am gobsmacked!

The Minister lists the Supported Accommodation Assistance Program as the Government's second initiative—a program that has been functioning for more than 20 years! The only initiative of the Government I can recall is its whingeing and complaining about having to match the Commonwealth indexation to maintain the real value of the program. Next on the list is intensive domestic violence and training for all new Department of Community Services caseworkers, as well as training for experienced DOCS caseworkers. Congratulations! The Government is training DOCS workers in how to deal with domestic violence. When domestic violence is the primary cause in this State of family dysfunction and child abuse does the Government seriously expect us to welcome that as some kind of achievement and to congratulate it on training DOCS workers? It is bizarre.

Next on the list is priority public housing for victims of domestic violence, especially women and their children, and emergency and crisis accommodation. That is a lie. I have met clients in refuges who cannot be placed on the waiting list for public housing. The problem is not that they cannot get public housing; the problem is they cannot even get on the waiting list for public housing! At a recent estimates hearing the Acting Minister for Housing, Diane Beamer, was bragging about the Government reducing the number of people on the public housing waiting list from 125,000 to about 70,000. "Haven't we done a great job?" she said. I said, " Minister, have you not changed the criteria for the waiting list so that people who are in refuges with their children are not even eligible to be placed on the waiting list? Surely, that is why you have been able to achieve a reduction in the public housing waiting list." She had no idea.

I asked the director general of the department the same question, but he could not be sure. He looked around at his staff, but they did not know either. They took the question on notice. Everyone in the Government ought to know—and they need to do something about it—that women in refuges with their children who are in need of medium to longer-term housing are not eligible to be placed on the public housing waiting list. My colleague the Hon. Robyn Parker spoke with considerable passion about the number of clients that Carrie's Place has to turn away because the refuge has exit block. Clients cannot leave the refuge because they are not eligible for medium or long-term housing, or are not eligible even to be placed on the public housing waiting list. I have spoken to clients at the refuge.

I met a 21-year-old woman who had a gorgeous, well looked after, two-year-old daughter. She was not able to live at home because of the violence of her mother's partner. The 21-year-old mother showed me months of receipts for amounts in the order of $400 a week from serviced apartments in Newcastle in which she and her two-year-old daughter had been staying. By showing me the receipts she was saying, "I am a good tenant. I paid all of my rent. I stayed at this place until I could afford it no longer." Her complaint was that she was unable to access low-cost private housing. Real estate agents would not consider her applications for rental accommodation because she did not have a job and because she did not have a reference from a prior landlord, who was her mother. Living with her mother was unsustainable—not for her, but for her daughter. This woman's story was heartbreaking. She was doing her best for her little girl and doing a wonderful job, but she was ineligible even to be placed on the public housing waiting list. She was not even allowed to inspect private rental accommodation before applying to be a tenant because she was a single parent with no reference from a prior landlord. She was all at sea. She did not know what to do. But she was a fighter. She would not have been in that situation had she not been a fighter. I have tremendous admiration for her.

If the Government wants to brag about its services for victims of domestic violence and list that as an item, it is lying not only to the victims—they know the Government is lying because they cannot access this accommodation—but also to the people of New South Wales. My colleague the Hon. Robyn Parker reminds me about the position of the Minister for Women, Sandra Nori, on these issues. I have just been through the annual belting that the upper House estimates committee has to go through every year when examining the portfolios of Minister Nori. I expect we will recall that committee for a supplementary hearing to receive a belting just one more time before she leaves the Parliament. It is an incredibly unpleasant experience, and I would not recommend it to anyone. I do not think any other Minister puts their estimates committees through quite what Sandra Nori puts hers through.

Ms Lee Rhiannon and the Hon. Robyn Parker referred to the Domestic Violence Committee Coalition. The committee's co-ordinator, Betty Green, does a fantastic job in drawing attention to the number of women who have died as a result of domestic violence incidents this year. During a recent estimates hearing I asked the Minister for Women what she was doing to support the important work of the committee. I regret to inform the House that the Minister did not even know it existed. Moreover, the Minister did not know what I was talking about and took the question on notice.

My colleague the Hon. Robyn Parker reminds me that the Minister advocated a good program of ballroom dancing to prevent bullying behaviour among boys. That indicates the Minister's completely unrealistic and out-of-touch approach to addressing domestic violence. When I ask the Minister for Women questions about domestic violence, all I receive in response is an explosive torrent of abuse, but absolutely no information or reassurance that she is advocating policies and programs on behalf of victims. Whatever is the outcome of the State election next year, this State will have a Minister for Women. I hope that we will have a more balanced and determined advocate for women who will address domestic violence properly.

I regard domestic violence as a foundation issue for women. The suffragette movement was founded in the temperance movement. The temperance movement was really an anti-domestic-violence movement, given that the abuse of alcohol was the source of violence in the home. Men, after spending all their wages in pubs, came home and belted their wives. That was the reason for the formation of temperance movements that later merged with suffrage movements. They won for women the right to vote and subsequently the right of women to be elected to Parliament. Domestic violence is a foundation issue in terms of women's rights—one that must never be neglected by a Minister for Women, a Minister for Community Services or an Attorney General.

As other honourable members have already mentioned, the Women's Domestic Violence Court Assistance Program has been claimed by the Government as one of its achievements. That is particularly churlish on the part of the Government considering that the program is underfunded and overwhelmed by work. For many years the program has received no increase in support. This is another example of the Government exploiting the commitment and passion of women who want to make a difference to other people's lives. That is the reason the program attracts quality staff—certainly not because of the resources or the way in which the Government has left the program all at sea and left women to fend for themselves.

I endorse the comments made by my colleague the Hon. Robyn Parker relating to the Violence Against Women Specialist Unit. Placing the unit into the Department of Community Services has been a most retrograde step. The unit has lost its focus. The Attorney General's Department has a particular role in crime prevention and that was the logical place for the unit. Domestic violence is a crime. It is not abuse, it is not undesirable conduct, and it is not dysfunction. It is a crime. Moving the unit out of the Attorney General's Department and placing it in a welfare agency such as the Department of Community Services, which is not particularly prestigious in terms of its professionalism in the provision of services, was a really retrograde and regrettable step—one that could well be reversed by a future Coalition government.

The Government argues that the bill goes a long way to ensuring that a clear message is sent to perpetrators of violence that such behaviour will not be tolerated. Although the bill is an important step forward, the Government grossly exaggerates its importance and underestimates not only the extent of the work that remains to be done but also the resources that are required to make an impact on the important issue of domestic violence. All the research, information and surveys highlight how under-resourced services are and how poor the response to the issue has been to date. Against that background, the Opposition welcomes the introduction of this legislation, but asks the Government to maintain its focus by considering innovative ways of delivering new programs, in particular perpetrator programs. I realise that the latter is a contentious issue, but unless the cycle of domestic violence is broken by educating boys, all we will continue to do is address the symptoms, not cure the disease. In the end, we all want the violence to stop. I support the bill.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.44 p.m.], in reply: I thank honourable members for their contributions to the debate on the Crimes Amendment (Apprehended Violence) Bill. The Hon. David Clarke referred to consultation. I inform the House that thorough and comprehensive consultation was undertaken with women's resource centres. The centres are represented on the Apprehended Violence Legal Issues Co-ordinating Committee, which was heavily involved in deciding on the details of amending provisions in the bill. With respect to men's groups and family associations, the Law Reform Commission received submissions from men concerning the operation of the apprehended violence order [AVO] system, as well as

from organisations such as the Family Law Reform Association. The Law Reform Commission took those views into account.

The Hon. Robyn Parker said that it has taken 12 years to reform the AVO system, but I point out that this is the Government's second major overhaul of AVO laws. I refer the honourable member to the landmark reforms introduced in 1999 by the Hon. Jeff Shaw that gave New South Wales the most advanced AVO laws of that time. The Government is committed to the ongoing monitoring and reform of these laws to ensure maximum protection for victims of violence. The bill is proof of that commitment. The Hon. Peter Breen asked why non-publication provisions are replicated in this bill and the Children (Criminal Proceedings) Act. Section 11 of the Act deals specifically with criminal proceedings. However, while AVOs are undoubtedly related to criminal behaviour, the proceedings are civil proceedings and are therefore not covered by section 11, hence the need for separate legislation. I thank all honourable members for their comments. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

Consideration in Committee ordered to stand as an order of the day.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report: Review of Unregistered Health Practitioners: The Adequacy and Appropriateness of Current Mechanisms for Resolving Complaints

The Hon. Peter Primrose, on behalf of the Hon. Christine Robertson, tabled report No. 15/53, entitled "The Review of the 1998 Report into Unregistered Health Practitioners: The Adequacy and Appropriateness of Current Mechanisms for Resolving Complaints ", dated September 2006.

Ordered to be printed.

The Hon. PETER PRIMROSE [9.48 p.m.], on behalf of the Hon. Christine Robertson: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Peter Primrose.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.50 p.m.]: I move:

That this House do now adjourn.

AUSTRALIAN SWEETS EMPLOYEES

The Hon. PETER PRIMROSE [9.50 p.m.]: Australian Sweets manufactures and packages Prydes, Rics, Sweetpoint, Skyblue and Exquisite chocolates and confectionary products at Homebush. It employs 25 people, most of whom do not read, write or speak English at all. The employees are all supporting families. The Australian Manufacturing Workers Union [AMWU] represents the workers at Australian Sweets. The day after the union visited the site all workers were presented with Australian workplace agreements [AWAs] prepared by Dooleys Solicitors at Parramatta. The Chief Executive Officer at Australian Sweets is Wayne Taylor-Girdler. I mention those names because the AWA documents are so extraordinary that the two gentlemen deserve special recognition for their handiwork. I will quote directly from the AWA, which speaks for itself. It requires no comment from me. The contracts were handed to workers, by supervisors, who told them to sign a waiver to the normal seven-day cooling-off period and also to sign the AWAs immediately, or else they would never again be offered any overtime. The workers at Australian Sweets are paid approximately $25,000 per annum. Their AWA stated:

> This Agreement is your complete employment contract and it replaces all laws that can lawfully be contracted out of, including awards, enterprise bargaining agreements, and all contracts and promises.

All Award conditions, including Protected Award conditions are excluded.
This Agreement is specifically excluded from the jurisdiction of the Industrial Relations Commission of New South Wales and the Industrial Relations Act, 1996 (New South Wales) in its entirety, including "Unfair Contracts".
One flat ordinary rate is paid for all work done, regardless of the time of day or night or whether it is carried out on a week day, week end, public or other holiday. No weekend penalty rates are payable. Annual leave loading will not be paid.
You will take breaks as directed by us. You are entitled to one unpaid meal break of up to 30 minutes each day after working for an unbroken 5 hour period.
Full time employees will devote all of your time during Business Hours and at other times as necessary to Us on an exclusive basis.
Unless you have received our written approval, you will not obtain or engage in any paid or unpaid employment.
On up to three occasions per year we may close down, or operate with a reduced workforce for a period of up to two weeks. We may direct you to take leave. If you do not have sufficient leave entitlement accrued, you will be treated as taking unpaid leave for the duration of that period.
No long service leave applies to you from the date of commencement of this Agreement.
We have the right to deduct payment for any time that you cannot be usefully employed for any reason.
You will not be eligible for any redundancy entitlement at all. We have no obligation to consult with you in relation to Our (sic) operational requirements, restructuring or the redundancy of your position.
You acknowledge Our Values (sic). You must project a pleasant and helpful attitude.
You agree that additional hours that you are asked to work are reasonable and necessary for Our (sic) operational requirements...commencing at any time and finishing at any time from Monday to Sunday, at our absolute discretion.
We reserve the right to:

1. Change lengths of shift times
2. Change shift start and finish times
3. Change the number of shifts we operate

For Casuals…There are no minimum hours for shifts. We set rosters for Casuals as we choose.
You irrevocably and unconditionally waive any objection that you may have now or in the future.

I wonder how John Howard, Dooleys and Wayne Taylor-Girdler can sleep at night.

MR GERHARDT WEIDMAN AND STATE FORESTS

Mr IAN COHEN [9.54 p.m.]: Gerhardt Weidman, a far South Coast forest activist, is about to lose his land because he refused to pay a $100 fine for entering a logging site. Gerhardt's battle with Forests NSW has reached a critical point. He has been made bankrupt and the Commissioner of Taxation is about to sell Gerhardt's land for non-payment of the fine imposed by Forests NSW. Gerhardt's fine related to one of the penalty infringement notices [PIN]. He entered a logging site, but harmed no-one and did not touch any machines; he was simply there to challenge the logging of the catchment that was silting up the creek that runs through his land. However, because he was the first person to challenge a PIN under the then new forestry regulations, State Forests was determined to make the fine stick.

State Forests brought in a Queens Counsel from Sydney, who clocked up a huge bill—as I understand, over $20,000—and in the wash-up Gerhardt had costs awarded against him. He has steadfastly refused to admit that he has done anything wrong and has refused to pay either the fine or the legal bill. The bill increased as further legal actions and fees mounted up. Forests NSW ultimately had him declared bankrupt as a way of recovering the so-called debt. Although Gerhardt's land consists of nine blocks, with a total of over 1,000 acres, the commissioner refused to consider selling just one block, which would easily have raised the amount in question, which is now about $40,000 as fees, et cetera, mount up. It was all or nothing.

The land has been listed with an Eden real estate agent. The Bega Environment Network has set up a fund to assist Gerhardt, but the most important thing now is stopping the sale. This matter is urgent, and I ask the Government to consider it. I have been involved in similar situations. Many people in the community stand up and take action, as Gerhardt Weidman has done, for their beliefs on social and ecological issues. People stand up and make a statement because they can see land being destroyed in front of them by very powerful organisations, sometimes private industry and sometimes government bureaucracies.

In this situation, because of the non-payment of a simple fine, a man stands to lose his land. The process has involved mounting legal bills, which are over inflated. Quite often even when people are proven right their lives are destroyed by legal costs and, very likely, their land is sold off at a price far below its value. This is just another example of a person who has stood up for his rights to make representations in defence of the Earth who will suffer immeasurably from the sophisticated forces of a society that have ranged against him. I ask the House to take note of this man's plight. This is a serious injustice against the basic rights of a person to make a complaint and to stand up for what he believes in.

SYDNEY SWANS 2006 GRAND FINAL

The Hon. JENNIFER GARDINER [9.58 p.m.]: I take this opportunity to again wish the Sydney Swans well—

The Hon. Peter Breen: You did this last year.

The Hon. JENNIFER GARDINER: Well, here we are again. It has become a bit of a tradition in this House that, when the Sydney Swans are in a grand final, on the last sitting day before that grand final we wish them well in a very convivial, joyous and musical way.

The Hon. Peter Breen: What about the Broncos?

The Hon. JENNIFER GARDINER: I have never heard of the Broncos! Unfortunately I will not be in the House tomorrow, because I will be attending the funeral of the late the Hon. Sir Charles Cutler in Orange. I take this opportunity to congratulate the Sydney Swans on a fantastic year in 2006. I wish them well for their second consecutive grand final. I congratulate Adam Goodes, who is now one of only 12 Brownlow Medal winners in the Victorian AFL Football League who have won two Brownlow Medals, the leagues' highest award to an individual player. Adam Goodes has had a fantastic season.

The Swans' outstanding coach, Paul Roos, has said that Adam Goodes is capable of going on to become a triple Brownlow Medal winner. Given the way Adam has played this season, Paul Roos is probably on the mark. Adam Goodes's mate, Michael O'Loughlin, has played superbly also this year. Some commentators have concluded that he has been able to turn back the ageing clock. He has certainly played brilliantly, notwithstanding that most of the time he suffers seriously from tendonitis. Michael plays at an elite level of football. It is remarkable that he continues to be an instrumental team member, and that will no doubt help the Swans win another grand final on Saturday at the Melbourne Cricket Ground!

Michael will be joined by his brilliant colleagues, such as Barry Hall, who reckons that he will have to kick about six or eight goals to beat the West Coast Eagles on Saturday. Barry has not only had a great year on the field but made a big impact as a co-captain of the Sydney Swans in 2006, as he did in 2005. The great Leo Barry will be there. He will go down in history as having clinched last year's Grand Final for the Swans with his fantastic mark while defending in the dying moments against the West Coast Eagles, who were just in front shortly before the siren sounded. So, too, will Ryan O'Keefe be there, who this year was picked for the first time for the All Australian team. Fantastic players such as Jude Bolton, Brett Kirk, Adam Schneider and Amon Buchanan will be there also. It has been a fantastic team effort this season. It is great to see that Nick Davis—who comes to save us—is back in the team and will be on deck for the Grand Final.

The Hon. Peter Breen: Are you going to sing this year?

The Hon. JENNIFER GARDINER: Only if I have some friends in the Chamber. I have the words here if the Hon. Peter Breen wants to join me.

The Hon. Peter Breen: I would be too embarrassed.

The Hon. JENNIFER GARDINER: I see. I will put them on the record anyway. I wish the Sydney Swans well on Saturday. They could be playing against no finer team than the West Coast Eagles and it will be a fantastic match-up. The Sydney Swans song goes like this:

Cheer, cheer the Red and the White
Honour the name by day and by night
Lift that noble banner high
Shake down the thunder from the sky
Whether the odds be great or small
Swans will go in and win over all
While her loyal sons are marching
Onwards to victory!

A. R. BLUETT AWARDS FOR LOCAL GOVERNMENT EXCELLENCE

GWYDIR LEARNING REGION PROGRAM

The Hon. CHRISTINE ROBERTSON [10.02 p.m.]: I was delighted last week to represent the Government at the presentation of the A. R. Bluett Awards to Gwydir Shire Council in Bingara and Warialda. These awards, named after Albert Robert Bluett—an outstanding figure in local government and a long-time secretary of the Local Government and Shires Associations for some 30 years—are presented every year to two councils that have made great strides forward and met the needs of their communities. Winning a Bluett Award is the highest accolade that a council can achieve. This year's awards went to Gwydir Shire Council in the Shires section and Dubbo City Council in the Local Government section—two country councils. The award is presented to the council that displays the greatest relative progress during the year under review. The A. R. Bluett Trust is run by local government, and peer review is always a big challenge.

I pay particular tribute to the Mayor of Gwydir shire, Councillor Mark Coulton; to the General Manager, Max Eastcott; to the Administrator who saw council through its difficult merger, Councillor David Rose; and to all the staff of Gwydir Shire Council for enabling this to happen. Gwydir shire is one of the newest local government areas in the State, having been formed in 2004 from the merger of Bingara and Yallaroi shires, together with part of Barraba shire. The Roxy Theatre in Bingara is an icon of country New South Wales—I returned there on Friday and saw what a community asset it is—and a venue for cultural and community functions.

Gwydir shire is a particularly beautiful part of our State, with highly productive primary industries. I was privileged to receive a copy of the submission from shire staff, and it made for very exciting reading. The creation of the new council presented many challenges, and this award is testament to the way that not only the council but the entire community accepted and rose to meet those challenges. In particular, during the transitional period a number of community meetings were held in towns and villages throughout the shire and these played a positive role in bringing the council and residents closer together. This process ensured that matters of concern were dealt with promptly and allowed councillors to build a positive relationship with the community. The consultation was extensive and it continues today.

Research was also conducted into the needs of the towns, villages and rural communities. The water supply for Gravesend was given as much attention as the water for Warialda. The council, in conjunction with Telstra, prioritised communications technology and more efficient work practices resulted, leading to better service delivery along with the ability to utilise several sites many kilometres apart. One of the reasons for the excellent outcomes occurring in the Gwydir shire is that it has a strong record of working well with the State and Federal governments, as well as its community, on bridges, roads, the Roxy Theatre and halls—the list goes on.

The Gwydir Learning Region Program was a powerful part of the winning entry. The results of this program have been outstanding. In an effort to tackle local skills shortages and make sure the school students of the area have every chance, the former Yallaroi and Bingara councils and communities, with the assistance of the State Government, have worked with local business, TAFE, Warialda High School, Hunter New England Health, the University of New England and Southern Cross University, adult and community education and private training groups to fill gaps in skills training and increase access to education for the whole community. This has produced workplace training for high school students in a variety of vocations.

Even more exciting is the inclusiveness of this project. Council employees were offered educational chances. Literacy and numeracy programs were offered to make sure that everybody got the chance to have a go, and they were taken up. Just over half of all council staff members are currently undertaking tertiary studies at certificate III level and above, with a further couple undertaking certificate II level tertiary studies. Three-quarters of these 72 staff members had never undertaken any form of tertiary study before. This project has dramatically increased the collective knowledge of council workers and a study conducted in late 2004 found that it had also increased the level of job satisfaction to amongst the best anywhere.

State Government initiatives, such as the recently announced Department of Local Government and Department of Planning scholarships, together with the Gwydir Learning Region Program will stand this area in good stead to deal with the challenges ahead. Indeed, the State Government is hopeful of establishing lasting relationships between councils and tertiary education providers in order to improve skills. Gwydir Shire Council is already well ahead of the game in that area. I have worked with Gwydir shire since its formation and I can

bear witness to the outstanding work that has been done. Aside from establishing an outstanding community consultation network, the council has successfully networked its various facilities, expanded the learning program for citizens and council workers, and introduced a range of community services initiatives. When the councils were amalgamated in 2004 there was unease in many parts of the community. This award is a credit to the council staff, the councillors and the community of Gwydir shire. I congratulate Gwydir shire.

BRONSON BLESSINGTON AND MATTHEW ELLIOTT SENTENCE REDETERMINATION APPEAL DECISION

The Hon. PETER BREEN [10.06 p.m.]: Prisons represent a line in the sand against tyrannical governments in that the rights and liberties won by prisoners are the benchmarks that ordinary citizens rely upon to defend the rule of law. In contemporary Australia prisoners David Hicks and Jack Thomas are fighting for their rights to due process. They are supported in that fight by those of us concerned about the rule of law if only for the reason that we might understand the reach of anti-terror laws. A practical interest in defending the rule of law is the reason for my interest in the case of Matthew Elliott and Bronson Blessington, who are also fighting for their due process rights. The case of Elliott and Blessington will determine the reach of the Convention on the Rights of the Child and the internationally recognised principle that children should not be imprisoned for the term of their natural lives.

I believe each of us wants to live in a just society, and defending the rule of law as it applies to children is one positive way to promote justice. Honourable members will recall that Elliott and Blessington were the children convicted of the abduction, rape and murder of Janine Balding in 1988. Last Friday the Court of Criminal Appeal handed down its decision in the case of Blessington and Elliott. The court decided, two judges to one, that Blessington and Elliott should spend the rest of their lives in gaol for a crime they committed when Blessington was aged 14 and Elliott was aged 16. Psychiatric evidence available at the time suggested that Blessington suffered from a temporary disorder of adolescence and had the mental capacity of a 9- or 10-year-old. Indeed, evidence at the trial, which was referred to by the judge in his closing remarks, indicated that Blessington had a defence available to him of mental incapacity, which was never pleaded.

The court observed last Friday that Blessington and Elliott's crimes were not in the worst category of offences and that children bear less culpability for crimes than adult offenders. While adults almost always plan their crimes, children act impulsively. Blessington and Elliott took police to the crime scene the day after the offences and before the crimes had been discovered. Despite this, the Court of Criminal Appeal showed no mercy. The decision has given me cause to reflect on the nature of the relationship between the four arms of government: the judiciary, the legislature, the Executive and the media—or the fourth estate as it is sometimes known. Elliott and Blessington were the subject of special legislation "cementing them in their cells"—to use the words of former Premier Bob Carr. The legislation was driven by demands for vengeance by the fourth estate and the Executive then used its authority to force the legislation through Parliament. We had special legislation effectively written by journalists acting as lawyers that was voted on by politicians acting as judges.

These are black days for Westminster-style democracies but it is not the first time that the Executive Government has exceeded its authority and forced its will on Parliament. In the seventeenth and especially the eighteenth centuries it fell to judges to protect the rights of citizens, particularly in cases where it was to the political advantage of the monarchs and their Ministers to allow those rights to be eroded. Judges have always had responsibility for cleaning up the messes made by parliaments, especially in a case involving manifest injustice.

The case of Blessington and Elliott is one of those messes created by Parliament where there is a manifest injustice. I often think of former Premier Bob Carr sitting at his flash Macquarie Bank desk and wonder whether he ever contemplates the situation of Matthew Elliott and Bronson Blessington "rotting in their cells for the term of their natural lives", to quote the *Daily Telegraph*. I am no fan of Bob Carr, but even on a bad day he would agree that the justice system should not treat child offenders the same as adults. Perhaps the former Premier thought that his old mate from the Labor Party, Jim Spigelman, would clean up the mess as Chief Justice of New South Wales.

I have always been a great admirer of the Chief Justice, and I hasten to add that nothing has changed. At the launch of his excellent book *Beckett and Henry* in the crypt of St Mary's Cathedral I informed Chief Justice Spigelman that his talents were wasted as Chief Justice and he should have followed his old boss Gough Whitlam into the top political job as Prime Minister. Gracious as always, His Honour said that his highest

achievement as a politician might have been to become a Minister in the Keating Government. There was nowhere else for that conversation to go and I do not seek to take it any further this evening.

However, I do wonder about politicians making judicial decisions on sentencing, and judges failing to clean up the mess in a case of manifest injustice. In the dissenting judgment of Justice David Kirby in the Blessington and Elliott case, His Honour said that natural life sentences imposed on children amounted to a manifest injustice and that the court may have regard to legislative changes in determining whether the sentence is manifestly excessive. His Honour also said that a miscarriage of justice had occurred and each of the prisoners should receive a determinate sentence with a non-parole period of 21 years. In the prevailing judgments of Chief Justice Spigelman and Justice Rod Howie, their Honours found there had been no miscarriage of justice in the passing of the Parliament's cement law. Parliamentary supremacy trumps everything, including commonsense. Their Honours said:

> The Parliament of New South Wales has enacted a consequence which, in the exercise of the tradition of mutual respect in our constitutional system, this court should respect.

[*Time expired.*]

PARLIAMENTARY DEMOCRACY AND MEDIA REPORTING

The Hon. CATHERINE CUSACK [10.11 p.m.]: Today in the Chamber we had a very thoughtful and involved debate about parental responsibility contracts. Overwhelmingly the argument was against the Government's legislation, which I have already described as a fraud and a cruel hoax at the expense of the most deserving, vulnerable and needy people in our society—that is, children in need of care. Ms Lee Rhiannon upbraided the Opposition because while it was critical of the bill it resolved to "not oppose" it. The Opposition took that decision because while it disagreed, the policy is so vacuous as to do no harm and it is clear the Government has certain rights to stew in the messes of its own creation. Based on low expectations of media reporting, I think it is fair to say we do not want to spend the next six months responding to accusations that members of the Opposition are opposed to parental responsibility.

As I said in my concluding remarks to the second reading debate, I feel a certain sense of helplessness and sadness at the charade this Government makes of the Parliament. The system we labour under is increasingly governed by the rules of politics and the media in lieu of the rules of debate and good governance. I note that last night during the debate on the elections legislation at least four Government Ministers were present in the Chamber. Today for the debate on parental responsibility contracts no Minister was present—I mean no disrespect to the Parliamentary Secretary who "minded" the House—which did not do justice to the outstanding discussion of issues affecting children in care. There was no Minister and no media, in spite of the reality of the bill and the importance of the issues raised.

The debate today fulfilled all the promise and potential the Legislative Council offers as the pluralistic Chamber representing the people of New South Wales. Yet the Minister who replied to the debate had heard nothing of the argument, replied to none of the issues, and stumbled through the formalities of thanking honourable members and simply moving the bill through its final stages. I like to think that being in politics is about making a difference. I want to believe that making the argument for the public interest still means something in politics today. But the fact is the media is cynical about politicians and the politicians are cynical about the media. Given the significance of the issue debated today, there should be a lengthy and interesting article in both major newspapers tomorrow. Of course, there will be no such reports. If we ask members of the press gallery why not, they will say it was not newsworthy. There were no victims paraded and nothing to be photographed—ergo it did not happen.

Janet Malcolm's book on Sylvia Plath entitled *The Silent Woman* is an analysis of all the biographies about Sylvia Plath. One chapter reflected on the popular media coverage of Sylvia's life after she committed suicide. One chapter reflected on modern articles in newspapers as being "stories" whereas in the past they had been referred to as "reports". In discussing the demonisation of Plath's husband, Ted Hughes, Malcolm makes the point that the media no longer reports news; rather it sells stories. Taking the hypothetical example of Cinderella as told by the media, the story would be that she had three ugly sisters. Once this story has been written it is impossible to change the punchline. The media is incapable of publishing a later piece that says "third sister not so ugly after all".

A good example of this would be the opinion pieces published by both major newspapers that say they could not write a single news story from estimates hearings. This, by the way, is factually untrue because both

papers have covered news from hearings, including those arranged at times such as 8.00 p.m. on a Friday night where the media was unable or unwilling to attend. However, the estimates disaster story has regrettably been written and all the work of our committees is now to be characterised in this way. I find this incredibly disappointing and contrary to good governance. During a 1992 visit to the United States of America I met the head of a major United States cable news network who explained the election campaign is not so much a contest between two parties—being the Democrats and the Republicans. Rather, it is a fight between three parties—the Democrats, the Republicans and the media, which has its own demands and its own agenda in each campaign. Those comments were very insightful and instructive.

The media plays a fundamental role in our democracy. The dynamic and increasing role they are adopting as commentators needs to be carefully watched. Where journalists seek to supplant the role of an opposition, in terms of monitoring a government and impacting on policy, their analysis needs to be considered in that context. I am proud to be a member of an Opposition that has the best candidates in key seats in memory—and my political memory goes back to 1982. We need a fair go from the media. We need our policies to be considered in our own words, rather than the biased versions offered by the Government. Sweeping and simplistic judgments benefit nobody, least of all the electorate. I urge the media to be fair to all of us as we count down to the March State election.

FREDERICKTON PUBLIC SCHOOL

The Hon. KAYEE GRIFFIN [10.16 p.m.]: In July I had the pleasure of representing the Minister for Education and Training, the Hon. Carmel Tebbutt, at the official opening of new facilities at the Frederickton Public School on the mid North Coast. Frederickton Public School was handed over to the Department of Education in 1877 and is one of the oldest schools in the Macleay Valley area. In 1880 the first permanent buildings were completed. John Horbury Hunt was responsible for the design of the original buildings at the school and the unique architectural design makes the school a very recognisable landmark in the district. Today his heritage-listed buildings are still standing strong. In keeping with the style of the original buildings at the school, heritage architect John Carr designed the new buildings. He did a marvellous job ensuring that the new facilities complemented the older structures.

Funding for the upgrade of facilities at Frederickton Public School was a joint funding venture between the State and Federal governments. The total cost of the program was $3.2 million. Facilities included in the upgrade were eight new home bases, a new hall, a new canteen, a covered outdoor learning area, a new block C staff room, a new play area, a covered walkway linking staff building to administration building, landscaping around blocks C, D, E, F, and topsoil and turfing around other areas of the school. Prior to the completion of these works the school had been regarded as a focal point for community activities. The construction of a new hall will mean that the school will be able to offer a vast range of activities and host events that will benefit the whole community.

Today Frederickton Public School has 163 students and 10 teachers. The school has an excellent reputation for sporting and academic achievements of its students. Along with Aboriginal literacy and numeracy programs, the school has an impressive record in providing successful programs for special needs students, which focus on the educational and social needs of students with autism and other disabilities. Those programs are so successful that schools from surrounding areas have called on Frederickton Public School to present development programs for teaching staff of other local schools and to act as mentors in the area. This recognition of the school's commitment to students with special needs is something I know the staff are very proud of. Parents are also equally proud of the school's efforts. The local Parents and Citizens Association is very active and plays an important role in the school's reputation. Members of the Parents and Citizens Association enthusiastically organise fundraising ventures to assist with the financial needs of the school.

Frederickton Public School is also renowned for the sporting achievements of some of its students. Many of the school's students have gone on to compete in a number of sports at the State level. Along with an impressive sporting record and inspiring program for special needs students, the school also boasts a healthy canteen that is staffed by volunteers every day. These volunteers assist the school in many ways, not just through the staffing of the canteen. They also provide every grade at the school with helpers who assist in the classroom and during sporting activities. This sort of dedication has demonstrated how the community and school can work together to provide the best possible educational and social support a young child needs to develop into healthy, active adults.

On the day I met a number of teachers, students and parents who were all very proud of both the past and present achievements of the school and its students. For more than 127 years Frederickton Public School has provided exceptional schooling in the Macleay district and its reputation for the outstanding achievements of its students is well deserved. The school's motto says it all, "Knowledge in youth is wisdom in age." Frederickton Public School certainly has demonstrated over the years that it has the support of the staff, parents and community members to ensure that its students have a great education.

[*Time for debate expired.*]

Motion agreed to.

The House adjourned at 10.20 p.m. until Thursday 28 September 2006 at 11.00 a.m.