

# LEGISLATIVE COUNCIL

Thursday 2 September 2010

**The President (The Hon. Amanda Ruth Fazio)** took the chair at 11.00 a.m.

**The President** read the Prayers.

## TILLEGRA DAM

**Dr JOHN KAYE** [11.02 a.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents:

- (a) all documents created since 28 February 2010 in the possession, custody or control of the Department of Planning relating to Tillegra Dam, including responses to Hunter Water's Submission Report and further studies undertaken by the Department of Planning in relation to Tillegra Dam,
- (b) all documents created since 31 December 2009 in the possession, custody or control of the NSW Office of Water relating to Tillegra Dam, Seaham Weir and the Hunter estuary and wetlands,
- (c) all documents created since 31 December 2009 in the possession, custody or control of the NSW Office of Water relating to studies involving the Hunter, Paterson and Williams rivers and the Hunter River Estuary, including salinity studies, and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

**Question—put.**

**The House divided.**

### Ayes, 20

Mr Ajaka	Mr Gay	Reverend Nile
Mr Clarke	Ms Hale	Ms Parker
Mr Cohen	Dr Kaye	Mrs Pavey
Ms Cusack	Mr Khan	Mr Pearce
Ms Ficarra	Mr Lynn	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Miss Gardiner	Reverend Dr Moyes	Mr Harwin

### Noes, 18

Mr Brown	Mr Obeid	Mr West
Mr Catanzariti	Mr Primrose	Ms Westwood
Mr Foley	Mr Robertson	
Ms Griffin	Ms Robertson	
Mr Hatzistergos	Mr Roozendaal	<i>Tellers,</i>
Mr Kelly	Ms Sharpe	Mr Donnelly
Mr Moselmane	Mr Veitch	Ms Voltz

**Question resolved in the affirmative.**

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Formal Business Notices of Motions

**Private Members' Business item No. 265 outside the Order of Precedence objected to as being taken as formal business.**

## ILLAWARRA ADVANTAGE FUND

### Motion by the Hon. Greg Pearce agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents in the possession or control of the Treasurer, NSW Treasury, the Minister for Regional Development or the Department of Industry and Investment relating to:

- (a) each application or request for assistance from the Illawarra Advantage Fund since 1 April 2003,
- (b) each final assessment and/or recommendation in relation to the grant of any assistance from the Illawarra Advantage Fund since 1 April 2003, and
- (c) any document which records or refers to the production of documents as a result of this order of the House.

## UNPROCLAIMED LEGISLATION

**The Hon. John Robertson** tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 1 September 2010.

## PETITIONS

### Adoption Laws

Petitions requesting that the Parliament reject any proposed legislation or amendments to adoption laws that would take away the fundamental human right of adopted children to be raised by both a mother and a father, received from the **Hon. Tony Kelly** and **Reverend the Hon. Dr Gordon Moyes**.

### Concord Foreshore Trail

Petition calling on the Minister for Health to intervene immediately to maintain public access to the foreshore trail at Rivendell, near Concord Hospital, received from the **Hon. Don Harwin**.

## GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2009

### Second Reading

**Debate called on, and adjourned on motion by the Hon. Rick Colless.**

## AGRICULTURAL SHOWS AND TOWN FESTIVALS

**Debate resumed from 20 May 2010.**

**The Hon. RICK COLLESS** [11.16 a.m.]: Previously I referred to two good old mates, Peter Body and George McColl, enjoying a beer or two in the same corner of the bar at the Inverell show each year for the past 60 years and how important the local show is as a social event, attracting people from all ages who get together and talk about the issues they face in their day-to-day lives. I too regularly attend the Tenterfield show. The show committee is unique in that more than half the committee is under the age of 30. Show committee president, Peter Petty, is to be commended for the way in which he has encouraged the young committee to become involved and take responsibility for the show.

A couple of years ago I was fortunate enough to be invited to judge the Tenterfield Showgirl competition. The showgirl competition is not just a beauty contest but one that assesses our young ladies' knowledge of local and rural issues, and State and Federal issues as well as their general knowledge, manners, deportment and general demeanour. It is a very worthwhile competition. All the competitors gain a great deal of self-confidence and self-esteem from their participation. I congratulate all the young ladies throughout New South Wales who have entered the Miss Showgirl contest over the years.

The country show is an opportunity for local commercial, home and hobby producers to show off their wares and produce. Most country shows have sections in which local people exhibit beef, dairy cattle, sheep, fat lambs, wool, grain, dogs, cats, birds, poultry, fruit and vegetables, cooking, photography, arts and crafts, and

any manner of livestock and produce from the local area. Country shows also have a significant schedule of ring events that includes horse sports such as showjumping, dressage, and flag and barrel races. Many shows also have rodeo events, such as buckjumping, bull riding, wild cow milking and campdrafting.

Show Day is a day when everyone comes to town and forgets about their woes: Ladies catch up with ladies, men catch up with men, ladies catch up with men and men catch up with ladies. It is also a very important forum for young people to meet with all their friends and have a great day out. Local shows attract a huge number of visitors to the towns. Competitors travel to participate in various events on offer at the shows and there is always a resultant significant boost to the local economy. Many service clubs, such as Rotary, Lions and Apex, run the food and drink outlets. Much of the money that is spent at the show on food and drink goes straight back into the local economy. Show Day brings a huge boost to local economies.

A few years ago I had the honour of opening the Mungandi show. Mungandi is one of the very unique towns whose area is in both New South Wales and Queensland. As technically it is in two States, the show committee invited a New South Wales Nationals member and a Queensland Nationals member to officiate at the opening ceremony. As the showground is on the New South Wales side of the river, I opened the New South Wales part of the show first. My very good friend and Federal Nationals colleague Senator Barnaby Joyce—who was not so well known at that stage—opened the Queensland side of the show. We had a great afternoon and enjoyed the magnificent hospitality of the Mungandi people. While magnificent hospitality is not all that unusual for country people, it is something that most urban dwellers probably have not been exposed to.

Another small show I attended some years ago was the Barham-Koondrook show. Like Mungindi, this is also a river township, with Barham on the New South Wales side of the Murray River and Koondrook on the Victorian side. The Barham-Koondrook show is normally held in October, and it will no doubt be a much more sombre and sober affair this year as a result of the recent decision by this House to annihilate the red gum timber industry in the Riverina. The normal show-time hilarity and optimism will probably be lacking, but this year's show will be very important for locals as the community attempts to regroup around the bar, working together to get their lives back on track after the Government pulled their livelihoods from under them a couple of months ago. Barham and Koondrook also host a river red gum festival, which I have also attended, and this event must now also be in doubt.

The Sydney Royal Easter Show commenced as a place where country people from around New South Wales could spend a few days together and exhibit their produce and compete in the many events on offer. I have attended the Royal Easter Show for many years and, while the new facilities at Homebush far exceed the facilities at the old showground, the new showground does not yet have the intimacy that the old showground had. After I graduated from Hawkesbury Agricultural College in 1973, for many years after a group of us met annually at the Cattleman's Bar at the old showground. There were several bars that were meeting places for country people. I remember most fondly the Cattleman's Bar and the Dalgety Wool Bar. People from the bush could walk into those bars at any time during the show and there would be someone there that you would know from somewhere around New South Wales. You would hear the same discussions that you would hear at any country show—people would talk about the weather, the crop yields, cattle prices and the wool stockpile. It was a great forum to forget about the issues that might be worrying each individual. I have not felt that same intimacy at the new showground—although I suspect that it may develop over time. I hope it does, because it is important for regional people to have that intimacy at the Royal Easter Show.

Many variations to the pastoral and agricultural shows have developed over the years. The first sister event to the show that many communities sponsor is the local rodeo, which was originally an event at which local stockmen gathered to show off their animal management skills. Events such as bareback and saddle buck jumping, campdrafting, calf roping and tying, bullock riding, bull riding, breakaway roping and steer wrestling all had their genesis in the cattle camps of bygone days before there were stockyards—everything had to be done on a horse. I can recall as a youngster entering a poddy calf ride at the Bundarra rodeo. I decided to practise at home a couple of days before rodeo day. I co-opted my brother and sister to help. We herded one of the milker's calves into the sheep yards, put my sister's skipping rope around his belly and I climbed on board. I certainly was not ready for the reaction of the calf: He jumped over the rails of the sheep yards with me still mounted, crashed down on top of the rails and smashed two panels of sheep yard fence. Somewhere between smashing the rails and the calf bolting back to its mother, I involuntarily dismounted face first into a mixture of sheep yard dust and wet cow manure, with my siblings standing there in fits of laughter. The laughter soon evaporated when Dad arrived to see what the commotion was all about, only to view the damage to his sheep yard. Needless to say, that was the end of my rodeo career!

Many other types of events have developed, including picnic races, music festivals, the Deni Ute Muster, AgQuip, Henty field days and many other more specific local events that bring huge amounts of money into country communities and provide a forum for local people to get together. These events are, of course, usually organised by the same people who volunteer their services to organise the local shows. Such people, who willingly give their time to their communities, contribute so much to the vibrancy and uniqueness of life in the bush. I again offer my congratulations to the Hon. Mick Veitch on bringing this motion before the House. I am sure that all in the House will join with me in wishing the show committees, volunteer workers, service clubs, showgirls and all others associated with country shows all the best for their forthcoming shows.

**The Hon. MICHAEL VEITCH** (Parliamentary Secretary) [11:24 a.m.], in reply: I thank all members who contributed to the debate: the Hon. Duncan Gay, the Hon. Kay Griffin, the Hon. Robyn Parker, the Hon. Tony Catanzariti, the Hon. Matthew Mason-Cox, the Hon. Christine Robertson, the Hon. Catherine Cusack, the Hon. Lynda Voltz and, at the end of the queue, the Hon. Rick Colless. I have mentioned everyone who spoke because all made valuable and heartfelt contributions to the debate and shared some great memories. They included memories about the communities with which members have strong ties. One of the most convincing and compelling arguments regarding the importance of rural shows and festivals is that they create memories for people—whether it be of poddy calves or rodeo events.

I echo the comments of the Hon. Duncan Gay, who said that shows and festivals are a place to go to forget about your troubles. I think that is very true. Not just attending on the day but also participating in the lead-up to the event helps country people forget about their troubles and problems. The Hon. Robyn Parker mentioned the development of organic farming and, in so doing, highlighted the important fact that shows and festivals are progressive. They are not simply steeped in tradition but move with changing agricultural concepts and changing agricultural dynamics. Shows and festivals are about fostering learning, growth and creativity through trying new things. This is especially evident in the diversity of the new festivals that are popping up all over the State.

The Hon. Tony Catanzariti mentioned the environmental issues that festivals celebrate. Shows and festivals are a fantastic vehicle to discuss environmental matters and to showcase solutions. He also mentioned the enduring spirit of these shows, which is testament to the communities from which they are born. These communities are resilient and inventive, which is evident at the shows through the stalls, displays, showcases and the many conversations. The Hon. Christine Robertson used a phrase that rang very true with me: "the inclusiveness of the process". I believe that sums up the operation of shows across rural New South Wales. I am grateful to all the members who spoke in the debate because everyone mentioned the tremendously important role that volunteers play in organising rural shows and festivals. By sharing our varied and somewhat interesting stories I think we have acknowledged adequately the time, the hard work and the effort of these fantastic people. I think this debate is a fitting tribute to those people.

During the debate members mentioned a range of festivals from across the State. Various events are conducted at the shows. I know that you, Madam President, spent some time at the Aquatic Festival in Taree, for instance. Then there is the kite festival in Harden and events such as sheath tossing, wood chopping, horseriding and the dog events. The competitions include the photographic, agricultural and cooking competitions. The debate has been conducted in a great spirit. It is exceptionally important that this House commends the volunteers and celebrates agricultural shows and town festivals in New South Wales. I commend the motion to the House.

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

**Motion agreed to.**

## **CRIMES AMENDMENT (GRIEVOUS BODILY HARM) BILL 2010**

### **Second Reading**

**Debate resumed from 18 March 2010.**

**The Hon. TREVOR KHAN** [11.29 a.m.]: I will speak somewhat briefly to the Crimes Amendment (Grievous Bodily Harm) Bill 2010. I note that Reverend the Hon. Fred Nile's bill essentially seeks to revisit issues raised during debate in this place in 2005 when the Crimes Act was amended with regard to the definition

of grievous bodily harm. That definition was extended to cover the destruction, other than in the course of a medical procedure, of the foetus of a pregnant woman, whether or not the woman suffers any other harm and any permanent or serious disfiguring of the person.

*Hansard* shows that the Opposition supported the amendment at that time. In this bill, Reverend the Hon. Fred Nile is now seeking to deal with the matter he raised at that time. The current Act provides a definition of "foetus". The honourable member raised the issue of whether the term "foetus" extended far enough in the definition. The Attorney General addressed the matter at that stage, indicating that the word "foetus" takes on its common meaning. The difficulty is that the common meaning of "foetus" seems to refer to an unborn young from either the end of the eighth week or, as I have gleaned, the eleventh or twelfth week after conception to the moment of birth.

One wonders whether the intention of the 2005 amendment was to create an offence for the destruction of an unborn young from either the eighth, eleventh or twelfth week through to the moment of birth. Perhaps that was not the intention. Certainly, in this bill Reverend the Hon. Fred Nile is seeking to extend the definition essentially to mean from the moment of conception. I understand the logic behind this bill, and indeed, I have sympathy in this respect. If it is an offence to kill a foetus in the eighth, eleventh or twelfth week, I have difficulty understanding why it is not an offence to kill a foetus by a kick, a punch or another deliberate act. The death of an unborn young at, say, six weeks does not attract the penalty as anticipated for an offence of grievous bodily harm.

In terms of the connection with the mother and the emotional distress and upset that would be caused, there does not seem to be any measurable difference between six weeks and twelve weeks. Indeed, for us as legislators to seek to draw that distinction without any other reason strikes me as strange and indeed inappropriate. I have a concern about this bill in its current form. Reverend the Hon. Fred Nile is seeking to overcome the problem he identified by using the term "a child in utero" of a pregnant woman. I have difficulty with that term. I am not suggesting that this was Reverend the Hon. Fred Nile's intent, but in a sense, it is a product of—if I can describe it this way—legislation in the United States of America, where the use of the term developed strong political overtones and issues relating to the rights of the unborn child.

That is a debate for another time and perhaps in another place, not here. We should avoid injecting into our legislation terminology that has a loaded and perhaps political meaning. At the appropriate time in Committee, I will move to remove references to the term "child in utero" and insert instead the terms "embryo" and "foetus" essentially to cover the full term of the unborn young. In conclusion, I indicate that if my amendment in Committee is successful, I will support Reverend the Hon. Fred Nile's bill.

**The Hon. HELEN WESTWOOD** [11.34 a.m.]: I oppose Reverend the Hon. Fred Nile's bill. In addressing the amendments in this bill introduced by Reverend the Hon. Fred Nile, it is important to understand the context and history of law reform in this area and the Government's legislative action on grievous bodily harm and assaults on expectant mothers that result in the loss of their child. In doing so, it is important to note that a major review of the law relating to the death of an unborn child is currently in progress. The review is being undertaken by the Hon. Michael Campbell, QC. Clearly, it is premature to take further action in this area before the findings of the Campbell review are handed down. In 2005 the Government passed the Criminal Amendment (Grievous Bodily Harm) Act 2005 which codified the principles expressed by the Court of Criminal Appeal in the matter of *Regina v King*. That Act amended the definition of "grievous bodily harm" in the Crimes Act 1900 to include the loss of a foetus.

Two incidents had focused public attention on the status of unborn children when a pregnant woman suffers injury. In 2001 Renee Shields lost her unborn child following a road rage incident, but at that time no charges could be laid in relation to the loss of the child. Following this case, the then Attorney General commissioned a review of the law of manslaughter by the Hon. M. D. Finlay, QC, who released his report, "Review of the Law of Manslaughter in New South Wales", in June 2003. In the meantime another case came before the courts. Kylie Flick was between 23 weeks and 24 weeks pregnant when she was assaulted by Phillip Nathan King, the father of her unborn child. Her baby died. King was charged with maliciously inflicting grievous bodily harm with intent.

The District Court granted a permanent stay on the charge in October 2003 on the ground that the injury to her unborn child could not be recognised in the court. The Crown appealed the matter and in December 2003, the Court of Criminal Appeal made the finding that the close physical connection between mother and child means that the loss of a foetus can constitute grievous bodily harm in the pregnant woman even in the

absence of other injury. King was subsequently remitted to the District Court, where he pleaded guilty to maliciously inflicting grievous bodily harm with intent. The Government chose to codify the ruling in the King case by ensuring that the statutory definition of "grievous bodily harm" included the destruction of a foetus. That legislative change became known as Byron's Law and extended the definition of "grievous bodily harm" to include the death of an unborn child. The maximum sentence for grievous bodily harm with intent is 25 years.

In recognising the seriousness of the offence in this manner, the Government avoided the difficulties that would have been created by the recommendation of the Finlay review to create an offence of killing an unborn child, which would effectively have given an unborn child a legal status of its own. These issues were raised again with the tragic death of Zoe, the unborn child of Brodie Donegan. Zoe died after her mother was hit by a car on Christmas Day in 2009. The driver of the vehicle was charged with drive under the influence of drugs, dangerous driving occasioning grievous bodily harm, negligent driving occasioning grievous bodily harm and negligent driving. After meeting with Ms Donegan the Attorney General instituted a review of the laws surrounding the death of an unborn child.

The review is looking at whether current provisions in the Crimes Act 1900, which now invoke an extended definition of "grievous bodily harm" to cover the destruction of the foetus of a pregnant woman, including those relating to dangerous and negligent driving, enable the justice system to respond appropriately to criminal incidents involving the death of an unborn child.

In particular, the review is assessing both the findings of the Review of the Law of Manslaughter conducted by the Hon. Mervyn Finlay, QC, and legislative changes brought about by the Crimes Amendment (Grievous Bodily Harm) Bill 2005 in light of recent criminal cases and incidents involving the death of an unborn child. It is also looking at whether maximum penalties for these offences are appropriate; whether standard non-parole periods should be introduced or varied; whether the Crimes Act 1900 should be amended to allow a charge of manslaughter to be brought in circumstances where an unborn child dies; whether New South Wales should introduce any other specific offences for cases involving the death of an unborn child; what further consultation should take place and any other relevant criminal or civil matter. Justice Campbell's report will be handed down in the near future and will represent a comprehensive review of the law related to the death of an unborn child. It is not appropriate to institute a significant reform to the law in this area, contained in the current bill, at a time just before a major review is to be handed down. The Government therefore opposes the bill.

**The Hon. LYNDIA VOLTZ** [11.42 a.m.]: The Government opposes the Crimes Amendment (Grievous Bodily Harm) Bill 2010. A substantial review of the law in this area is currently underway and it is premature to institute legislative reform before the findings of that review are handed down. In addition, there are concerns that the provisions in this bill may complicate and confuse the way that the law is applied, and lead to distress amongst victims and the community. The purpose of the Government's legislative reform with the Criminal Amendment (Grievous Bodily Harm) Act 2005 was to codify the decision of the Court of Criminal Appeal in the matter of *Regina v King*, without affecting any other laws, including the common law in relation to termination and to try to avoid the difficult debate regarding when life begins. The term "foetus" was chosen to reflect the terminology used by the court.

The amendment was specifically crafted to ensure that the definition of grievous bodily harm was non-exhaustive. That is, if the circumstances of a case fell outside the definition of grievous bodily harm as explicitly set out in the Act, this does not mean that it will not be grievous bodily harm and it remains open for the prosecution to establish on the facts of the case that grievous bodily harm occurred. Nothing in the Act would currently prevent a prosecution proceeding where a woman who was less than eight weeks pregnant suffered an injury and lost the pregnancy. This is consistent with the reasoning in *Regina v King*, in which the court did not specifically define "foetus", but merely used the term to describe the loss of a pregnancy, and the fact that such a loss constitutes grievous bodily harm to the mother. Like all prosecutions, it is a matter for the Director of Public Prosecutions to decide on the available evidence to prove, beyond a reasonable doubt, that the actions of the offender caused the loss of the pregnancy. The amendments in this bill to clarify that pregnancies under eight weeks will also be included in the definition of "grievous bodily harm" will not make it any easier for the Director of Public Prosecutions to assemble evidence and conduct a prosecution for the loss of a pregnancy of this nature.

It is also suggested that the language used in the bill is inconsistent with the rationale behind the King decision. The bill uses the term "child in utero" and describes it as any form of human life in either the embryonic or foetal stage of development. The premise of *Regina v King* was that the foetus can be considered

part of the mother, and hence the loss of a foetus could be considered to be grievous bodily harm to the mother. This avoids the controversial question of the legal status of the foetus itself. To describe the foetus as a "child" and formally endorse the concept that life begins at conception is inconsistent with an approach of focusing on the harm suffered by the mother, and would arguably provide support to the proposition that an unborn child has a legal status of its own. It is unclear what possible flow-on effects such a public statement regarding the commencement of life might have for other areas of the law.

Endorsing, even obliquely, the separate legal status of an unborn child could have significant impacts on other areas of the law, including the law of negligence in terms of medical treatment during pregnancy, and a duty that a doctor may owe to an unborn child that is not born alive. Such a step is far beyond the scope of *Regina v King* and the Government's intent to codify that principle. There are a number of bases for the Government not supporting the bill. First, the existing law does not limit the range of circumstances involving the loss of a pregnancy that could be used to support a prosecution involving grievous bodily harm; secondly, the bill risks extending the law into uncertain and controversial areas; thirdly, the Campbell review into the law surrounding the death of an unborn child is currently underway. On these bases, the Government opposes the bill.

**Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.**

### EARLY INTERVENTION PROGRAMS

**The Hon. CHRISTINE ROBERTSON** [11.45 a.m.]: I move:

That this House:

- a) notes that early intervention programs implemented by the Department of Community Services (DoCS) successfully increase resilience and promote healthy child development;
- b) notes that the NSW Labor Government has implemented a five-year, \$1.2 billion funding plan to reform the child protection system; and
- c) commends the Brighter Futures Early Intervention Program run by DoCS, which is a whole-of-government program being delivered with the help of non-government organisations to assist families with problems relating to domestic violence, drug and alcohol issues, social isolation and mental illness.

I foreshadow amendments will be moved to this motion by the Hon. Helen Westwood because there have been considerable changes since this motion was first placed on the *Notice Paper*. I have discussed this issue with several members of the House. It has long been accepted that preventing problems—or stepping in before they have a chance to escalate—is a sensible and efficient way to approach difficult issues. This is true in a wide range of social services and it is a concept adhered to by the New South Wales Government. Prevention and early intervention were identified as one of the key areas for investment in the Community Services budget for 2010-11, as it has been for many years.

I am pleased to move this motion today and I intend to address, first, the Brighter Futures Program as a particularly good example of an early intervention service that seeks to get the best outcomes for children and families in difficult circumstances. A couple of years ago I had the very good fortune to be involved in the opening of the Brighter Futures Program in Moree and that inspired me to address this issue because its setting up involved an enormous component of Community Services and the community itself. It was obviously a recipe for success. Secondly, I will address the Government's commitment to those programs including funding and review mechanisms. Further note will be given to the reform package introduced in 2009, Keep Them Safe, which the foreshadowed amendment will include. Finally, I will turn to the expansion of intervention services and the involvement of non-government organisations in the Keep Them Safe package.

I begin by focussing on the Brighter Futures Program, which has New South Wales Government funding in the current budget of more than \$337 million with the aim of helping to stop children from entering or escalating in the child protection system. The eligibility criteria for Brighter Futures give a clue to the level of need in families involved. Pregnant women and families with young children aged 0-8 years are eligible for the Brighter Futures program. Families with children under three years and families referred by an Aboriginal Maternal and Infant Health Service are given priority access to Brighter Futures. I have spoken before about the implementation of the Aboriginal Maternal and Infant Health Service right across the State of New South Wales. It is a really exciting, innovative program that came off the ground from Aboriginal health workers and maternity workers.

Parents must also be experiencing a vulnerability that if not addressed is likely to worsen and to impact on their capacity to parent adequately or on the wellbeing of their children. These vulnerabilities include domestic violence, parental drug or alcohol problems, parental mental health issues, lack of family or social support, parents with significant learning difficulties or intellectual disability, child behaviour management problems, lack of parenting skills or inadequate supervision. I recognise that many of those definitions are somewhat tenuous, but massive work has been done with people involved in these programs to get an operational definition.

Community Services centres and funded non-government agencies deliver the Brighter Futures Program. This teamwork gives the program a wider net of services and resources and more ways for families to enter the program. To give an idea of numbers, in 2009-10, 4,020 families and around 9,000 young people engaged in or participated in the Brighter Futures program across the State. To deliver Brighter Futures, the New South Wales Government has created 350 early intervention caseworker positions within the Department of Community Services and the Government has engaged with the non-government sector to provide services. These vulnerable families receive support services such as case management, quality children's services, parenting programs and sustained home visiting. I think that is one of the more important parts of the program. There is actually commitment to ongoing interaction with the family itself.

Brighter Futures is a voluntary program that provides targeted support tailored to meet the needs of vulnerable families with children aged under 9 years or families who are expecting a child. Brighter Futures provides families with the necessary services and resources to help prevent an escalation of emerging child protection issues. The program aims to strengthen parenting and other skills to promote the necessary conditions for healthy child development and wellbeing. The Brighter Futures program adopts a strengths-based practice approach that recognises that a family's motivation to change and to participate in a service greatly increases when their strengths are recognised and fostered. It is not about constantly pointing out how hopeless everything is, but building up what is good and working within that family environment.

The program takes into account the individual, familial, social, cultural and environmental factors that may impact upon a family. The program design allows for the management of service delivery to families by either a Community Services or Lead Agency Brighter Futures Team. A key feature of the program is that families can access the full range of services and supports they require through one entry point—either the Community Services Early Intervention Team or the lead agency. This central co-ordination promotes efficient and consistent service provision and reduces complexity for families.

Brighter Futures also offers an unparalleled opportunity to address government early intervention priorities by working closely across agencies to reach some of the most vulnerable groups within our community. The Aboriginal Maternal and Infant Health Strategy and the Blue Book—*My First Health Record*—are linked to the Brighter Futures Program to assist in better targeting and delivery of services. I might add that the process of the Blue Book has certainly changed and improved since I was required to use it. I can remember the occasional times that I went to the child clinic to have the baby checked, I could never find the Blue Book—there was a five-hour hunt for the Blue Book—but it is now obviously an integrated part of the process and parents and families across the board are involved in the Blue Book process.

Participation in the program is voluntary. This promotes empowerment of families over decisions concerning their lives while they participate in the program. This just shows that there has to be a lot of work with a family before an approach to join the program. A strengths-based approach involves recognising, fostering and building on people's skills, capacities and competencies. This approach recognises that parents already have skills and expertise in relation to their lives and their families, and a strengths-based approach enhances their motivation to participate in the program and to achieve change. A child-centred approach means that the focus of intervention is on the outcomes for children. A family-focused approach has often been missing, so individual parts of a family would be targeted, but this is a family-focused approach. While services are child centred, they are also family focused in that they seek to support parents and families in further developing the skills and ability to nurture children. Services are also flexible and responsive to the particular needs of each family. Entry into Brighter Futures is centrally co-ordinated so that families can access the different services and supports they require through the one entry point. This promotes efficient and consistent service provision and reduces complexity for families.

The aims of the Brighter Futures Program are to reduce child abuse and neglect by reducing the likelihood of family problems escalating into crisis within the child protection system; achieve long-term benefits for children by improving intellectual development, educational outcomes and employment chances;



improve parent-child relationships and the capacity of parents to build positive relationships and raise stronger, healthier children; break intergenerational cycles of disadvantage, which is incredibly important in country New South Wales and I believe parts of the Sydney region; and reduce demand for services that otherwise might be needed down the track, such as child protection, corrective or mental health services. Previous risk of significant harm reports or past involvement with Community Services child protection does not automatically exclude families from participation in the Brighter Futures Program. If there has previously been child protection concerns raised, then Community Services is responsible for determining whether these concerns would preclude the family from entering the program, that is, whether the risks are too high.

The Brighter Futures Program model has the following key features. There are three pathways into the program: the Child Protection Helpline pathway; Aboriginal Maternal and Infant Health Strategy-Brighter Futures pathway and the community referral pathway. Community Services make the determination of eligibility. Established eligibility criteria for the program exist. Families are likely to require an intervention of approximately two years duration. Families are assessed as requiring case management and at least two of the Brighter Futures Program funded service options, often in combination with other services and supports. Statewide, 80 per cent of families will be referred from Child Protection Helpline reports, requests for assistance and Aboriginal Maternal and Infant Health Strategy requests for assistance, and 20 per cent will be families referred to lead agencies by the community.

As I said, there are three entry pathways into Brighter Futures: a report or a request for assistance to the Child Protection Helpline that Community Services assesses is eligible; a referral from the Aboriginal Maternal and Infant Health Strategy service; and referral to a lead agency, which is called a community referral. It is important to stress that, regardless of how persons enter the Brighter Futures Program, the eligibility decision is always made by the Department of Community Services, which decides if the process should involve early intervention or if crisis intervention is required. Lead agencies can only begin to work with families once they have received confirmation via Department of Community Services Connect that a family is eligible for the program.

Community Services early intervention teams provide case management for families who enter the program via the Child Protection Helpline pathway, but not for families who enter via community referral. Lead agencies will case manage all eligible families that enter Brighter Futures via the community referral pathway, as well as managing some of the Child Protection Helpline reports and Aboriginal Maternal and Infant Health Strategy referrals. Total capacity in the Brighter Futures program statewide is 80 per cent being families referred from the Child Protection Helpline and eligible families referred directly to Community Services from the Aboriginal Maternal and Infant Health Strategy and streamed to the Brighter Futures program, and 20 per cent being families referred to a lead agency from the community referral pathway. Twenty per cent of families were referred to a lead agency from the community referral pathway. In summary, the Brighter Futures Program offers vulnerable children and families the best possible outcome for their lives whenever there is not an urgent need for a crisis intervention process.

I refer now to the Government's commitment to early intervention programs in general, including funding and review mechanisms. Community Services has a budget of \$1.67 billion in 2010-11, which is an increase of \$107 million, or 7 per cent, on the budget for the previous year. Before going into the funding in more detail, it is very important that I register the fact that despite the phenomenal work that has been put in by individuals in the services, non-government organisations, the Government and the Department of Community Services—we have spoken about it in this House often over the past seven or so years—there will always be crisis situations that have unfortunate and appalling outcomes. It is a commitment of this Government to ensure that as many resources as possible are made available right across New South Wales, including in the country—

**Pursuant to sessional orders business interrupted at 12 noon for questions.**

## **QUESTIONS WITHOUT NOTICE**

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### **POLICE BUDGET**

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Treasurer. Can the Treasurer confirm that Treasury has demanded cuts of up to 35 per cent from the Police Force budget as part of the \$240 million global saving strategy and that this will directly cut police overtime and higher duties

allowances? When will these cuts come into effect? Has the Treasurer's department modelled the impact of these cuts on front-line police services, the ability of police to provide supervisors and duty officers when other officers take leave, and the impact on special operations and task forces that require secondments and the payment of higher duty allowances for longer than usual hours?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his interest in the matter. It is of course an important matter. The budget for 2010-11 for Police is \$2.8 billion, which represents an 8 per cent increase over its budget for last year.

### ALTERNATIVE DISPUTE RESOLUTION

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Attorney General. What is the New South Wales Government doing to expand the use of alternative dispute resolution in the civil justice system?

**The Hon. JOHN HATZISTERGOS:** I thank the honourable member for this very timely question because only last weekend—

*[Interruption]*

**The PRESIDENT:** Order! I place the Hon. Duncan Gay on a call to order for the first time and remind him to set his mobile phone on silent.

**The Hon. Michael Gallacher:** The Minister is a ventriloquist. He did that.

**The Hon. JOHN HATZISTERGOS:** That is what used to happen when the Leader of the Opposition was in the Police Force; he used to set people up! This is a timely question because only last weekend I had the honour of addressing a workshop organised by the New South Wales Bar Association on alternative dispute resolution, or ADR as it is more commonly referred to for the sake of verbal economy. The workshop is a good example of the Bar Association's strong commitment to alternative dispute resolution in legal education and professional development. Despite alternative dispute resolution's celebrated history and origins, its modern take-up has been relatively slow. The Government's vision for alternative dispute resolution in New South Wales is set out in the alternative dispute resolution blueprint, which is designed to lead to a cultural shift away from litigation and towards the early and cheap resolution of disputes, encouraging people and businesses in this State to resolve their disputes without recourse to litigation wherever possible.

The blueprint contains 19 proposals, including changing court procedures to focus on resolving disputes rather than just on preparing for a hearing; requiring government agencies to be more accountable in adhering to the model litigant policy; progressing amendments to the uniform commercial arbitration legislation; establishing an International Dispute Resolution Centre in Sydney; and putting a much greater emphasis on alternative dispute resolution in legal education. Indeed, the importance of educating and training the legal profession in alternative dispute resolution is vital to achieving lasting cultural change.

I believe a greater emphasis on alternative dispute resolution training throughout the professional life of lawyers would help promote a stronger culture of non-litigious dispute resolution. After writing to the deans of Australian law schools and to providers of practical legal training that operate in New South Wales highlighting the significance of education in alternative dispute resolution and suggesting they consider further ways to increase their coverage of alternative dispute resolution, I was encouraged by the responses. Although alternative dispute resolution is primarily integrated in other subjects rather than offered as a stand-alone subject, alternative dispute resolution is already taking a prominent place in legal education. It therefore appears that the young lawyers coming through our universities will be well versed in alternative dispute resolution and that the foundation for developing an alternative dispute resolution culture rather than a litigious one is well on its way.

Another facet of the culture shift in the alternative dispute resolution blueprint to which I am firmly committed is in relation to the use of alternative dispute resolution by government. New South Wales Government agencies are required to comply with the Model Litigant Policy for Civil Litigation. It requires the State and its agencies to act as a model litigant by acting with complete propriety, fairness, and in accordance with the highest professional standards. My department is working on reforms to this policy to strengthen the focus on alternative dispute resolution, and improve compliance.

Another area where alternative dispute resolution can play an important role is in the care and protection jurisdiction. The New South Wales Government believes that alternative dispute resolution has the potential to improve the New South Wales child protection system by including and empowering children and their families in decision-making, producing child protection decisions that are better informed and more responsive, fostering collaborative, rather than adversarial, relationships, and leading to outcomes that are accepted by all parties and therefore more likely to be implemented. That is why the Government is working to increase alternative dispute resolution in children's care and protection matters both prior to and during care proceedings.

The Government has also pursued reforms in the area of arbitration by taking the lead in developing a uniform commercial arbitration law, based on the United Nations Commission on International Trade Law Model Law, for the consideration of the Standing Committee of Attorneys-General, and being the first Australian jurisdiction to introduce legislation based on the model bill following its approval by the committee. On 28 June this year we passed that landmark legislation, which will be proclaimed shortly. [*Time expired.*]

**The Hon. CHRISTINE ROBERTSON:** I ask a supplementary question. Can the Attorney General further elucidate his answer in relation to arbitration?

**The Hon. JOHN HATZISTERGOS:** I thank the honourable member again for her reinvigorated interest in this matter. These new laws will ensure that arbitration delivers on its promise to be a quicker, cost-effective and less formal option for resolving disputes than litigation. The reforms that form part of the blueprint are coming to fruition. They will assist people in resolving a wide range of disputes. They will free up resources of the courts to ensure that we deliver justice that is efficient, effective and just, and they will result in cultural change that will ultimately create a more harmonious New South Wales.

### LOCAL HOSPITAL NETWORKS

**The Hon. DUNCAN GAY:** My question is directed to the Attorney General, representing the Minister for Health. In regard to the Government's local hospital networks proposal, for which submissions closed yesterday, is he aware of the huge criticism from the Dubbo region in relation to the Government's rushed decision to lump Dubbo into the Central West Local Health Network with 40 other communities, including Bathurst and Orange, through to the Queensland border? Will the Minister take on board this strong criticism and urge his Government to make Dubbo the base of its own local health network? Is the Greater Western Area Health Service's chair, Dr Flecknoe-Brown, correct in his statement that there will only be "finetuning of the plan, rather than wholesale changes"?

**The Hon. JOHN HATZISTERGOS:** As I understand the situation, the very purpose of the decision announced by the Government a few weeks ago was to provoke responses from different stakeholders to how they believed the system ought to operate and perhaps to modify or put forward alternative proposals. To suggest that the Government has finalised its response in relation to this matter is, quite frankly, ludicrous, bearing in mind we made it very clear at the time that this was a process that would involve consultations. I am not aware of the statements having been made that the member has referred to but no doubt the Minister for Health will consider any submissions that have been put forward and respond accordingly.

**The Hon. DUNCAN GAY:** I ask a supplementary question. Considering the Attorney General's answer, is he indicating that there could be changes and the local concern that this was a telling, rather than a listening approach, is not the case?

**The Hon. JOHN HATZISTERGOS:** The process was a consultative one.

### ASSYRIAN GENOCIDE MONUMENT

**Reverend the Hon. Dr GORDON MOYES:** My question is addressed to the Treasurer, Minister for State and Regional Development, and Special Minister of State, representing the Minister for Police. Is the Minister aware that a memorial in Bonnyrigg that is dedicated to the Assyrian genocide of World War I and to Australian and Assyrian soldiers who fought together in World War I has been desecrated with foul language spray-painted over it and concrete thrown on it just weeks after its official unveiling? Is he aware that the total death toll of Assyrians in the genocide is approximately 750,000? Is he aware that the memorial cost \$70,000 and, as the first recognition of the genocide, is of great importance to the Australian-Assyrian community? Will

he indicate what the police are doing to combat disgusting hooligan behaviour whereby historical monuments and war memorials are openly vandalised? What is the Minister doing to protect historical monuments from future vandalism?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his question and interest in this matter. I will pass the question to the Minister for Police for an appropriate response.

### **BUS FLEET CARBON FOOTPRINT**

**The Hon. LUKE FOLEY:** My maiden question is addressed to the Minister for Transport. What steps have been taken to reduce the carbon footprint of the New South Wales bus fleet?

**The Hon. JOHN ROBERTSON:** It is a good first question. The New South Wales Government is committed to providing a first-class bus service that meets the needs of the travelling public and attracts more passengers. By its nature, public transport is environmentally friendly. The more people catch trains and buses to and from work, the more cars can be taken off the road. Every bus takes up to 50 cars off the road. The Government's 10-year Metropolitan Transport Plan includes funding for the purchase of 1,000 additional buses, of which the first 200 will be purchased this financial year. This is in addition to the Government's bus replacement program, which involves the Government spending more than \$275 million since 2006 to replace 535 of the older buses in the State Transit Authority bus fleet. Since 1995, all new and replacement State Transit Authority buses have been low emission vehicles. As at 30 June this year, 49.3 per cent of the State Transit Authority fleet has low emissions and comprises a mix of low emission diesel and compressed natural gas buses. This equates to a total of 1,066 low emission State Transit Authority buses on our roads.

**The Hon. Charlie Lynn:** What about buses out to Camden? What about Westbus?

**The Hon. JOHN ROBERTSON:** If the member would care to listen, I will tell him. As part of the contract conditions in place with public and private buses operators across Sydney, each operator must comply with all environmental and safety standards applicable at the time of registration of each bus, must comply with the accredited clean fleet guidelines program administered by the Roads and Traffic Authority, and must ensure that their bus fleet does not exceed an average age of 12 years. Transport New South Wales has developed a comprehensive set of new bus specifications, and that means that all new buses rolling into service are equipped with the latest technology.

Currently all new buses are required to meet the Euro 4 emission standard. Many of the new buses purchased over the past 12 months are already complying with the higher Euro 5 emission standard. From 1 January next year, all new buses registered in New South Wales will be required to meet this more stringent standard. The latest initiative to reduce emissions in our bus fleet involves awarding a tender to two Australian companies to build and trial fuel-efficient hybrid buses in Sydney. Earlier this month, Custom Coaches from western Sydney and Bus and Coach International were awarded the tenders to develop prototype EcoBuses for use on Sydney's bus network. Hybrid technology has real potential to reduce our State's carbon footprint and improve air quality.

Each bus will be equipped with different types of hybrid technology that will be tested comparatively over 12 months commencing early next year. I am very pleased that the bus building industry is involved in the trial, which will result in hybrid buses travelling on Sydney streets for the first time. Two types of hybrid technology will be trialled—series and parallel. Custom Coaches EcoBus is the series test and will run on a small Euro 5 emission standard diesel engine. It will either charge the bus's electric battery or provide direct power to the electric motor if the battery is full. Bus and Coach International's prototype uses parallel technology that involves a small Euro 5 emission standard diesel engine and an electric motor that can operate simultaneously or independently, depending on conditions.

Many hybrid buses that are being successfully trialled in Europe and the United States of America are achieving strong results. If the trial proves that EcoBuses are economically viable and feasible, they could become part of Sydney's permanent bus fleet. The buses will be tested against a range of performance measures, including customer feedback, emissions, engine reliability, performance and maintenance costs. The operators will not just be testing the hybrid fuel systems; they will also be comparing innovative vehicle designs. The hybrid bus trial reinforces the New South Wales Government's commitment to continue to rollout environmentally friendly public transport.

## COASTAL CROWN LAND RESERVE MANAGEMENT PLANS

**Mr IAN COHEN:** My question is addressed to the Minister for Lands. Will he advise whether plans of management for coastal Crown land reserves on the New South Wales North Coast propose the installation of rock walls and other hard permanent coastal protection works? Will he advise whether the currently drafted plans of management are consistent with the newly released and welcome coastal planning guidelines created by his Department of Planning?

**The Hon. TONY KELLY:** I am aware of new coastal policy guidelines and plans of management produced by the Department of Planning. There are a number of plans for areas along coastal areas of New South Wales. Obviously I cannot recall whether each proposal complies, but I will make inquiries and advise the member.

## PROCUREMENT PLAN

**The Hon. GREG PEARCE:** My question is directed to the Treasurer. Does he recall stating during his Budget Speech last year:

I can proudly announce a new purchasing plan—Local Jobs First that unashamedly gives priority to Australian-made goods and services. Government agencies must put local businesses first—giving preferred treatment to more than 500,000 firms and small businesses in New South Wales. Our first priority is employment—New South Wales spending to support local jobs.

How is it that it took 10 months for his Treasury Secretary to issue a circular requiring agencies to implement the plan? How many agencies have implemented the requirements of the plan? How many New South Wales small or medium enterprises have benefited from the plan, given that it applies only to goods and services procurement above a threshold of \$700,000?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his question and interest in this matter. I find it interesting at this point in the political cycle that he has decided to trawl back to what was stated in the Budget Speech. No doubt he has been looking at recent economic indicators about New South Wales and Australia. He knows he cannot criticise them so he has decided to slink back and try to pick on something.

Unfortunately for the member, responsibility for implementation of procurement policy rests with the Minister for Commerce, not with Treasury. Nevertheless, while I have the opportunity of responding to his question I will reflect on the report of the International Monetary Fund that was released yesterday. It remarked that out of 23 developed economies, four developed economies could sustain a double recession, and one of those four is Australia. When we think about that, we have to say what a great achievement that is for Australia, for the economy of Australia, and of course for New South Wales, which is responsible for a third of the national economy.

New South Wales can take a large part of the credit for the robustness and strength of the Australian economy. All the indicators of economic strength, such as retail sales, building approvals and the State's final demand statistics, show that New South Wales has a strong economy that is creating jobs. Indeed, as part of the Australian economy, the New South Wales economy is leading the developed world.

**The Hon. Greg Pearce:** Point of order: My question was quite specific. It related to the Treasurer's role, his speech on Local Jobs First and the Treasury circular issued in April this year.

**The PRESIDENT:** Is the member's point of order related to relevance?

**The Hon. Greg Pearce:** Yes.

**The PRESIDENT:** Order! The Minister has concluded his answer, which was generally relevant.

## EMPLOYMENT LAND

**The Hon. IAN WEST:** My question is addressed to the Minister for Planning. Will he update the House on the Government's initiatives to increase the supply of employment land?

**The Hon. TONY KELLY:** I am pleased to inform the House that the area of land released and zoned for development of industrial, warehousing and distribution facilities is more than adequate to meet Sydney's

current demand. Sydney's stock of land zoned for employment totals in excess of 15,000 hectares, of which more than 4,500 hectares is vacant land that is available for future development. Substantial parts of that vacant land are large holdings that can be developed readily. The land will provide the opportunity for new jobs to be created in areas of Sydney to which a substantial proportion of our population is moving.

Last year the Government announced the most significant recent addition to Sydney's zoned employment land stocks—800 hectares in the Western Sydney Employment Area. This land provides ready-to-go serviced industrial land in a highly desirable location—where the M4 and M7 intersect. Development of this land, and land in the nearby Erskine Park area that is already zoned, has been accelerated by the Government's decision to provide upfront funding for the \$80 million four-lane Erskine Park link road, which will connect to the M7. Design and environmental review processes are advanced. Construction will commence following further environmental approvals that are expected to be given by the end of 2010.

I can also inform the House that a regional distribution park will be established in the Western Sydney Employment Area, providing a significant \$60 million injection into the local economy. The development of the Minchinbury Employment Park near the junction of the M4 and M7 motorways will also deliver around 300 ongoing jobs once it is fully operational. The concept plan approval for the proposal will also see the redevelopment of Eastern Creek Quarantine Station, which forms part of the former Wallgrove Army Camp.

Recently I approved a concept plan and application to redevelop the former Hoxton Park aerodrome site in Sydney's south west for employment purposes. With a capital value of \$182 million this proposal is expected to support more than 2,500 jobs. Project approval has been given to start consultation on a range of businesses on that site, including a Big W warehouse with 89,000 square metres of gross floor area that will cover New South Wales and Victoria distribution; a Dick Smith warehouse with 51,700 square metres of gross floor area that will cover distribution to the whole of Australia; and road, stormwater and other associated infrastructure. As these sites are developed, we will continue to rezone more land for employment purposes.

I am pleased to inform the House that strategic planning has been identified for a further 3,500 hectares of proposed employment land for future rezoning. This includes around 2,800 hectares in Sydney's north-west and south-west growth centres. The Government's commitment to areas to increase the number of jobs available near to where people live includes the Central Coast. Only last week I approved a concept plan and project application for the 104 hectare Warner Industrial Park. It is a great area. Located in the Wyong Employment Zone, this proposal has a capital value of \$276 million and is expected to provide capacity for 3,200 jobs. It will feature a 90-lot industrial park and 20 hectares dedicated for conservation purposes. Economic conditions are improving. At the same time, stocks of land for development are increasing. We are ready to play a role in stimulating a recovery in the economy, supporting our building industry and bringing jobs closer to where people live.

### ROAD TUNNEL VIABILITY

**Reverend the Hon. FRED NILE:** I ask the Treasurer, Minister for State and Regional Development, and Special Minister of State, a question without notice. Is it a fact that the River City Motorway Company, which built the CLEM7 River City Motorway in Brisbane, has collapsed from a value of \$1.56 billion to only \$18 million, and that its shares are worth only two cents each? What impacts are these economic collapses having on similar city tunnels, such as the Lane Cove Tunnel and the Cross City Tunnel and any future Sydney tunnels that are planned? Are these two Sydney tunnels now financially viable or still at risk?

**The Hon. ERIC ROOZENDAAL:** I have read the recent public comments in the media about the challenges being faced by the CLEM7 Tunnel. They underpin the risks involved in building road infrastructure tunnels, in particular when it comes to traffic modelling. That seems to be a risk that a number of projects have run into. I assure the people of New South Wales that whatever happened to the CLEM7 will have no impact on the operation of the Lane Cove Tunnel, the Cross City Tunnel or any of the other tollways within New South Wales, which are, of course, operating successfully right now. However, it does raise an issue about the future of public private partnerships and how they will be managed. As I have said publicly many times, we need to develop new ways of conducting public private partnerships. The days of government having these projects—

**The PRESIDENT:** Order! Members should not engage in conversations across the table while the Minister is answering a question.

**The Hon. ERIC ROOZENDAAL:** I think the days of Government putting out such projects without any risk or involvement of Government are well and truly over. We are certainly looking at models in relation to

which the Government will participate to ensure that such projects proceed. However, this shows that road infrastructure projects can bear a lot of risk and it is important that we get the risk sharing arrangement right between government and the private sector.

### **BULLI SEAMS OPERATIONS PROJECT**

**The Hon. CATHERINE CUSACK:** My question without notice is directed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. In relation to BHP's proposed 220 square kilometre Bulli Seams Operations project what is the status of the Planning Assessment Commission's inquiry and when will its report and recommendations be released and made public?

**The Hon. TONY KELLY:** I thank the member for her question. Illawarra Coal has lodged an application to extract up to 10.5 million tonnes of coal a year for up to 30 years from its existing Appin and West Cliff collieries north-west of Wollongong, and to upgrade the existing surfaces of these mines to support an expanded operation. I am ultimately the approval authority for the project under part 3A of the Environmental Planning and Assessment Act 1979.

The environmental assessment was publicly exhibited from 20 October until 2 December 2008. During this time my department received more than 75 submissions on the project from the public, special interest groups and other government agencies. To ensure that the project has an independent and rigorous assessment, the former Minister had asked the Planning Assessment Commission to review potential subsidence-related impacts on significant natural features, built infrastructure and Sydney's drinking water catchment.

The Planning Assessment Commission panel was chaired by Dr Neil Shepherd, the former head of the Environment Protection Authority, and its membership includes four highly regarded experts in the fields of subsidence, surface water, groundwater and resource evaluation. The Planning Assessment Commission panel held public hearings in Appin during February. The panel provided a report on its review of the project to the Minister on 23 July 2010. The panel has carefully examined the potential impacts of the project on streams and upland swamps and other natural and built features. The Planning Assessment Commission report is very extensive, with 136 detailed recommendations. The Department of Planning is currently considering the Planning Assessment Commission report. The department will then prepare its assessment report with a recommendation regarding determination on the project application. I can assure the member that I will not make a decision without carefully considering the recommendations of the report.

### **REGIONAL AND RURAL INVESTMENT**

**The Hon. TONY CATANZARITI:** My question is addressed to the Treasurer. Will the Treasurer update the House on the New South Wales Government's support for investment in regional and rural New South Wales?

**The Hon. ERIC ROOZENDAAL:** I thank the member for his ongoing interest in this matter as a member of Country Labor, which of course represents rural and regional New South Wales. I am pleased to report to members more good news for the New South Wales economy. Members may be aware that Rex Airlines' new Australian Airline Pilot Training Academy was officially opened in Wagga Wagga earlier this year and features the most modern flight simulators and comprehensive training programs. Not only will it serve Rex Airlines; it will also provide training for other Australian and overseas airline pilots. Up to 200 pilots are expected to be trained through this facility each year. The academy offers a unique training program that allows students to graduate with a commercial pilot's licence, a multi-engine rating and command instrument rating within 32 weeks. This new academy is well positioned to become Asia Pacific's leading location for pilot training. The new academy is expected to create 70 new jobs for Wagga Wagga.

An important factor in Rex's decision to locate in regional New South Wales has been the assistance provided by the New South Wales Government through our Regional Business Development Scheme. This Government supports regional New South Wales. My phone rang yesterday after I exposed how the Nationals had abandoned regional New South Wales and chose an inclusive eastern suburbs Sydney golf club for their golf day, a club that charges an \$8,800 joining fee. That was a slap in the face for Dubbo, Tamworth and Port Macquarie. Today I can reveal to the House further evidence of what The Nationals are doing to regional New South Wales. Their abandonment continues.

**The Hon. Duncan Gay:** Point of order: The Minister misled the House yesterday and today.

**The PRESIDENT:** Order! That is not a point of order. The Deputy Leader of the Opposition will resume his seat. Members who attempt to make debating points under the guise of taking a point of order will be placed on a call to order.

**The Hon. ERIC ROOZENDAAL:** Members may be interested to know where The Nationals held their Federal election launch dinner recently. Was it Wagga Wagga? No! Was it Canberra, the national bush capital? No! It was held at the Four Seasons Hotel in Sydney—a luxury hotel in the country's biggest city. It is no wonder The Nationals are out of touch. But it does not stop there. Members may want to know where The Nationals held their 2011 campaign raffle launch. Was it held in Muswellbrook? No! Was it held in Broken Hill? No! Was it held in Albury? No! It was held in George Street, The Rocks, in the heart of Sydney. But it gets worse. Earlier this year The Nationals held a leaders forum. Where do members think they would want to hold The Nationals leaders forum? Would it be held somewhere in rural or regional New South Wales? Members have guessed it! It was held at the Citygate Central Hotel in Sydney so that the Deputy Leader of the Opposition could simply take a quick taxi ride from Redfern to get there. I understand the landed gentry who sit on the other side of the House— *[Time expired.]*

### INFORMATION DISCLOSURE

**Ms SYLVIA HALE:** I address my question to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. As an example of public interest considerations in favour of disclosure, clause 12 of the Government Information (Public Access) Act nominates:

... disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.

Clause 27 provides that financial details of projects should be released within 60 days of government contracts becoming effective. Why have financial details in some 85 clauses and 300 subclauses of the \$6 billion contract for Barangaroo not been released? In the first significant test of the Government Information (Public Access) Act why has the Government failed so miserably in its commitment to transparency and public accountability?

**The Hon. Greg Donnelly:** Point of order: Clearly the language used in the last part of the question is argumentative. The member is also seeking a legal opinion from the Minister.

**The PRESIDENT:** Order! Having reviewed the question, I will allow it. The Minister may answer.

**The Hon. TONY KELLY:** The project development agreement between the New South Wales Government, represented by the Barangaroo Delivery Authority, and Lend Lease (Millers Point) Pty Limited, which enables Lend Lease to develop Barangaroo south, has been made available on the authority's website. The agreement details the conditions by which Lend Lease may develop Barangaroo south. While the majority of the agreement's clauses have been published, some sections of the document have been withheld to protect the commercial-in-confidence arrangements with Lend Lease, which is within the provisions of the Government Information (Public Access) Act. Detailed queries on the agreement are best directed to the authority, which has been pursuing these negotiations on behalf of the State.

### BOMBALA TIMBER MILL PROPOSAL

**The Hon. MELINDA PAVEY:** My question without notice is addressed to the Minister for Planning, Minister for Infrastructure, and Minister for Lands. Is the Minister aware of comments this morning by Bombala Mayor Bob Stewart, who has described the department's handling of Bombala Council's development application for a softwood processing plant as "tardy"? Why will the Government not provide information to the council and the community on why the approval process seems to have stalled? Given that the approval and construction of the mill have been promised by Labor since 1999, and the local member has indicated previously that the process is on track, when will this lengthy 11-year process be concluded?

**The Hon. TONY KELLY:** Obviously I do not have those details to hand, but I will get back to the member as soon as possible.

### TOWARDS 2030 STRATEGY ON AGEING

**The Hon. SHAOQUETT MOSELMANE:** My question is addressed to the Minister for Ageing. Will the Minister update the House on the New South Wales Government's Towards 2030 strategy on ageing and on how the New South Wales Government is ensuring that older people are valued and cared for appropriately?



**The Hon. PETER PRIMROSE:** People aged over 65 make up about 15 per cent of our total population, or about 1,015,000 individuals in New South Wales, according to the Australian Bureau of Statistics. It is projected that by 2024, for the first time, the number of people who will be aged over 65 will overtake the number of people aged under 14. However, I see the ageing of our population as a blessing, not a burden. It is an achievement of which the community can be proud. It reflects the value we place on equal access to healthcare and the importance of looking after those in need of assistance. One particularly gratifying aspect of our ageing population is the fact that people with a disability are living longer, healthier lives, and that reflects well on all of us. But the issue of an ageing population throws up challenges as we adapt to the changing nature of our demographics.

Towards 2030: Planning for our changing population is a five-year plan that was launched in April 2008, with its horizon as 2030. It is a comprehensive, whole-of-government approach to ensure that we are positioned to grasp the opportunities of an ageing population. Towards 2030 has five strategic outcome areas: getting in early and planning for change; improving prevention and early intervention; ensuring a productive, skilled and adaptable workforce; facilitating participation in all areas of society; and, finally, providing quality care and support. The Towards 2030 first-year progress report, released in June 2009, confirmed that all targets for the first year were met. We have now completed the second year of the Towards 2030 five-year strategy and we are on track with our priorities.

Achievements under the Towards 2030 strategy cross various policy areas, including a five-year housing plan, New Directions in Social Housing for Older People produced by Housing NSW, which provides more appropriate housing for older people. In response to priority three of the strategy, promoting lifelong learning and skill development, TAFE New South Wales has implemented a range of strategies to recognise the skills of workers through the Skills Express Program and the launch of the Skills Recognition website.

In my portfolio, Ageing, Disability and Home Care runs two key programs that help achieve the outcomes of Towards 2030: the Positive Ageing Grants Program and the New South Wales Seniors Week Achievement Awards program. The Positive Ageing Grants Program supports positive ageing initiatives that strengthen communities, contribute to an age-friendly culture in New South Wales and maximise opportunities for older people to remain active, socially connected and engaged.

The 2010-11 Positive Ageing Grants Program offers one-off grants to local government and not-for-profit organisations to implement positive ageing projects throughout 2011. The program has proven to be exceptionally popular. Approximately 170 applications were received and a total of \$300,000 in grants will be offered across the State. Successful applicants will be announced on 1 October 2010 to coincide with celebrations for the International Day of Older Persons. The Seniors Week Achievement Awards are an opportunity to thank seniors for their leadership, initiative and the contributions they make to their communities. Up to 60 awards are available in six categories. The Towards 2030 strategy and those programs indicate that we recognise the contributions being made by seniors in New South Wales.

#### **TILLEGRA DAM**

**Dr JOHN KAYE:** My question is directed to the Minister for Planning. Is the Minister aware of widespread community concern in the Hunter that the environmental assessment process for the Tillegra Dam proposal has been ill informed by Hunter Water Corporation's environmental assessment report, and that the process lacks independence, given that the State Government or its agencies are both the proponents and the consent authority? Will the Minister address these concerns by putting the assessment process on hold while an independent inquiry is conducted into the water needs in the lower Hunter?

**The Hon. TONY KELLY:** Recently I told the House that the lower Hunter is one of the State's major centres for economic activity, and forecasts indicate significant population growth in the lower Hunter and the Central Coast regions. A secure water supply needs to be provided to existing and future communities in those regions. The Hunter Water Corporation is proposing the construction of Tillegra Dam to provide greater water supply and security to the lower Hunter and the Central Coast.

**Dr John Kaye:** Point of order: My point of order relates to boring repetition. As we heard exactly the same answer yesterday, do the Minister's remarks not fall into that category?

**The PRESIDENT:** Order! There is no point of order. The Minister's answer will continue to be generally relevant.

**The Hon. TONY KELLY:** The Department of Planning is currently undertaking an independent merit assessment of the project and it would be inappropriate, as I said recently, for me to speculate on the outcomes of the assessment process at this stage. As part of the assessment of the project the department has engaged a number of independent consultants to provide expert advice. Those expert reviews include consideration of the potential impact of the project on the Williams River hydrology.

### COMPULSORY LAND ACQUISITION

**The Hon. CHARLIE LYNN:** My question is directed to the Minister for Planning. How does the Minister justify his Government's compulsory acquisition of land from families in Leppington and other parts of south-west Sydney when the Government has offered them only little more than \$70 per square metre yet land at nearby Edmondson Park sold recently for \$400 per square metre? How does the Minister justify that financial injustice given that surplus land that is not being used for the South West Rail Link is being sold to developers for apartment blocks and homes, whilst owners are being told either to assent to the government valuation or to lodge an objection with the Land and Environment Court?

**The Hon. TONY KELLY:** The South West Rail Link affects 60 parcels of privately owned land, 55 of which have been compulsorily acquired. Contracts have been exchanged for two parcels and three other parcels need to be acquired, and negotiations are currently underway in relation to them. Of the 55 parcels being compulsorily acquired, agreement on the value remains unresolved on 13 of them. Sixty per cent of the south-west corridor land acquisition budget, or \$94 million out of the \$150 million, has been expended from the annual borrowing by the Sydney Regional Development Fund.

The Office of Strategic Lands, which is responsible for acquiring affected land, is working with the Transport Construction Authority to transfer lands by 30 November 2010. The other properties still to be acquired include a Commonwealth-owned property and 10 parcels owned by various government departments, the Roads and Traffic Authority, council, Sydney Catchment Authority et cetera. Landcom is presently negotiating to purchase the whole of the Commonwealth Ingleburn defence site, including the rail corridor land that will be transferred for the rail project.

As has been pointed out by way of interjection, if we are going to build—and we are committed to building both the South West Rail Link and the North West Rail Link once we have allocated where the track will go, and we have done that in relation to the South West Rail Link—it is necessary to purchase the land. We are committed to doing that. We will be fair in that process, and if there are objections owners will have the right to have the Valuer General reassess the land and to go to the Land and Environment Court. I may be incorrect, but I believe that process was put into legislation before this Government came to office. The previous Coalition Government introduced those rules. I need to check it, but I am pretty sure I am correct—I would hate to mislead the House. The previous Coalition Government designed the rules of how this game is played. Without doubt, we intend to build that rail line—to get on with the job. We will compulsorily acquire that land.

### JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY

**The Hon. LYNDA VOLTZ:** My question is addressed to the Attorney General. What is the latest information on compensation for asbestos victims?

**The Hon. JOHN HATZISTERGOS:** I thank the Hon. Lynda Voltz for her important question. The Government has a very proud record of standing by asbestos victims. Members will be aware that the Government established the Jackson committee into James Hardie asbestos funding in 2003. In 2004-05 the Government with Bernie Banton and the Australian Council of Trade Unions negotiated a landmark agreement to establish the Asbestos Injuries Compensation Fund to ensure payments to victims valued at \$1.7 billion for the next 40 years. When the intervention of the global economic crisis brought the future of the Asbestos Compensation Fund into doubt, the Government took the lead in securing a rescue package.

Last year the Government and the Commonwealth worked together and pledged to inject a loan of \$320 million into the Asbestos Compensation Fund—up to \$160 million from New South Wales and up to \$160 million from the Commonwealth. Legislation was passed by this Parliament to facilitate that loan in order to support payments over three years at the current disbursement rates. The loan means greater security and certainty for James Hardie victims. It means that asbestos victims currently will continue to be paid the compensation payments they deserve. We have made good progress with regard to working with the Commonwealth. I am advised that there are no foreseeable difficulties in enabling the loan facility to be established before the fund may need the funds in 2011.

I will now address the matter of the continuing downturn in the United States of America. From the start of the negotiations in 2004, the unions, victims groups and the New South Wales Government recognised that achieving full compensation for future victims of James Hardie's asbestos depended on the continued success of James Hardie's business. This was recognised in the heads of agreement signed by James Hardie, the Australian Council of Trade Unions, UnionsNSW, Bernie Banton and the New South Wales Government at the end of 2004, and it was carried through in the final funding agreement. The sustained downturn in the United States housing market is obviously a significant concern. The longer it continues, the more pressure it puts on the funding of the compensation fund.

The loan from the Commonwealth and New South Wales governments will relieve this pressure. It will ensure that compensation can continue to be paid in full for the time being. The Commonwealth and New South Wales governments are able to make this loan without exposing taxpayers to unacceptable risk because repayment of the loan can be secured against the compensation fund's future insurance recoveries. In the long term, funding of full compensation for James Hardie's asbestos victims is James Hardie's responsibility. The final funding agreement can continue for as long as is needed to provide compensation to all future victims, but James Hardie's continued success as a business is critical to this. The New South Wales and Commonwealth governments' loans will cover three years worth of payments from 2011 onwards as needed, and we will continue to monitor the situation.

There has been recent media coverage of the tax litigation involving James Hardie before the Federal Court. The coverage suggests that the compensation fund's position might be worsened by the outcome of the litigation. I make the point that the Government's planning has not assumed a win for James Hardie in this litigation. An ultimate win for James Hardie after any appeals would be good for the fund, but the prudent course has been not to assume such a win—and we have not. I say again to each of the victims: We will continue to do what we can to stand by you and we will monitor the situation closely. The New South Wales Labor Government has a proud record in this regard, and it is a record that I am privileged to uphold and contribute to. The dedication of asbestos victims, their families and supporters to achieve justice is an inspiration to all Australians.

#### **JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY**

**Reverend the Hon. FRED NILE:** My question is directed to the Attorney General, and it follows on from the answer he just gave. It was confirmed today that the James Hardie Dutch subsidiary, RCI, has been found guilty of tax evasion and has to pay at least \$184.3 million in tax to the Australian Tax Office. Is the Attorney General confident that this will have no impact on the compensation fund for those who have suffered from the company's asbestos products?

**The Hon. JOHN HATZISTERGOS:** I believe I answered that question in my response to the previous question.

#### **DIRECTOR OF PUBLIC PROSECUTIONS BATHURST OFFICE**

**The Hon. RICK COLLESS:** My question is directed to the Attorney General. What consultations were conducted with the Director of Public Prosecutions and staff operating out of the Bathurst office of the Director of Public Prosecutions and others within the local legal fraternity who rely on the services of those staff prior to the closure and gutting of that office last week? Is it a fact that the closure and removal of resources vital to facilitating the effective carriage of justice may have jeopardised criminal trials that were being conducted in Bathurst at the time? What provisions will the Minister ensure are put in place to allow visiting officers of the Director of Public Prosecutions to access vital equipment—such as computers, photocopiers and other resources, since relocated to the Bathurst courthouse—outside normal court hearing hours should they be needed?

**The Hon. JOHN HATZISTERGOS:** I believe there was extensive discussion with staff in relation to matters concerning the Director of Public Prosecutions' presence in Bathurst. I should indicate that there was always external legal assistance to the Director of Public Prosecutions office in Bathurst when it was in existence. Supreme Court hearings, for example, were conducted outside the Bathurst office. Staff will be available to continue to carry out the work that is required in Bathurst. I understand that some of that work will be carried out from the Dubbo office of the Director of Public Prosecutions. It is important to ensure that the resources of the Director of Public Prosecutions are allocated to ensure that they are best positioned to maximise the effectiveness of service delivery. I understand that that can continue to be the case, notwithstanding the fact

that the Director of Public Prosecutions will not have a presence through a branch office. That branch office, coincidentally, was a relatively small one compared with others, and it was the last office ever established by the Director of Public Prosecutions in country areas.

### SYDNEY BUS SERVICES

**The Hon. EDDIE OBEID:** My question is addressed to the Minister for Transport. What action is the Government taking to improve bus services for commuters in Sydney?

**The Hon. JOHN ROBERTSON:** In July the Keneally Government announced that the Metrobus network would be expanded across Sydney, with the number of routes increasing from five to 13. This is a significant boost for public transport in Sydney and will make a real difference for people travelling to and from Parramatta, Bankstown and Liverpool in the west, Castle Hill and Baulkham Hills in the north-west, Hurstville and Sutherland shire in the south, and Hornsby in the north. Metrobus services run seven days a week, every 10 minutes in the peak, every 15 minutes during the weekday off peak, and every 20 minutes in the evening and on weekends. The services are so frequent that passengers no longer require a timetable: they just walk to a bus stop and jump on the first service to arrive.

There are currently five Metrobus routes in operation: Metrobus 10 between Leichhardt and Maroubra Junction; Metrobus 20 between Gore Hill and Mascot; Metrobus 30 between Mosman and Sydenham; Metrobus 40 between Chatswood and Bondi Junction; and Metrobus 52 between Parramatta and the Sydney central business district via Victoria Road. The Metrobus services have been extremely popular with passengers, with more than five million people jumping on board since their introduction in October 2008. As each new service is introduced, passengers quickly realise the benefits. Just one example is the Metrobus 40, which commenced in July this year. One local resident and new Metrobus passenger is quoted in the local paper as saying:

Congratulations and thank you to everyone involved in getting the new M40 route up and running. I live at Centennial Park and just started a new job at Chatswood and having this bus saves me so much hassle and stress.

Another passenger wrote:

... I am just so happy with this excellent change to my commuting ... it has made my day so much more organised.

With the expansion of Metrobus, an extra 8,000 bus services will be provided each week across Sydney, which equates to an additional 400,000 passenger spaces every week. It is not only passengers who benefit—around 380 bus drivers will be rostered on each weekday to run services across the expanded 13-route Metrobus network by the middle of next year.

All the big red Metrobuses are air-conditioned, low-floor vehicles that make travel easier for older people, those in wheelchairs and parents with prams. Not only do these environmentally friendly buses emit less greenhouse gas into the air but every passenger who travels on them equates to one less car on the road. Metrobuses will be bolstered by the rollout of 150 new three-door bendy buses over the next 18 months, the first 33 of which have already been delivered. The bendy buses are in addition to the 200 brand-new rigid buses already on order—the first of 1,000 new buses to be rolled out over 10 years as part of the Metropolitan Transport Plan.

As well as being high capacity and high frequency, the Metrobus network will provide a link with key employment and growth centres across Sydney. The expanded Metrobus network includes: Metrobus 41 between Hurstville and Macquarie Park via Burwood; Metrobus 52 between Parramatta and the Sydney central business district via West Ryde; Metrobus 54 between Parramatta and Macquarie via Epping; Metrobus 60 between Parramatta and Hornsby via Baulkham Hills; Metrobus 61 between Castle Hill and the Sydney central business district via Baulkham Hills; Metrobus 90 between Liverpool and Burwood via Bankstown; Metrobus 91 between Hurstville and Parramatta via Bankstown; and Metrobus 92 between Sutherland and Parramatta via Bankstown. Metrobus services will be supported by bus priority measures, including bus lanes and the Public Transport Information Priority System that turns traffic lights green if a bus is running late. Since the Premier's announcement, the M52 service has already commenced and I look forward to keeping the House informed as more routes roll out over the coming year.

### AFFORDABLE HOUSING

**Ms SYLVIA HALE:** I ask my last question as a member of this House of the Minister for Planning. City West Housing has been given greater powers to levy developers for affordable housing within the City of

Sydney local government area via a recently released modified State environmental planning policy. Will Planning NSW extend this to other inner Sydney areas, or where a large urban renewal project is occurring, such as at Bondi Junction or the Parramatta central business district, and give councils the power to levy for affordable housing purposes?

**The Hon. TONY KELLY:** That is a detailed question. The member has asked me whether a policy is likely to be extended to a number of other councils. I am not aware whether the department is proposing that, but I undertake that I will get back to the member, despite the fact that she will no longer—

**Ms Sylvia Hale:** My last day will be Monday.

**The Hon. TONY KELLY:** If I can provide a response before Monday, I will do so.

### ROAD INFRASTRUCTURE

**The Hon. MARIE FICARRA:** My question without notice is directed to the Minister for Planning, Minister for Infrastructure and Minister for Lands. What is the Minister's response to statements by Ian Pedersen, Chairman of Engineers Australia, regarding this State's infrastructure report card? He said:

Sydney's road network is near standstill during peak hour, and by 2016 demand is expected to cause gridlock on most of the M4, M5 and Eastern Distributor, while the network around Port Botany and the airport and on the M2, M4 and M5 East will exceed capacity. The F3 and F5 will also be close to capacity.

How does the Minister intend to ease this chaos for struggling families in western, north-western, south-western and southern Sydney?

**The Hon. TONY KELLY:** Although this should be a question for the Minister for Roads, it has been pointed out that it could be suggested that this is about touting for business. The State Government has allocated \$50.2 billion for transport infrastructure over the next decade. That is real money, which we will deliver, and we will deliver on jobs. The Federal Government has also allocated money in addition to that \$50.2 billion. That will make a significant difference. We have applications before the Department of Planning for duplications and expansions of some of the motorways that the member mentioned. The proposed expansion of the M5 is part of the Federal and New South Wales governments' \$15 million feasibility study into improvements to the M5 transport corridor linking Sydney Airport and Port Botany. The Government has allocated \$5 million in the 2010-11 budget to further develop this project.

**The Hon. John Robertson:** And we are building the South West Rail Link.

**The Hon. TONY KELLY:** And the North West Rail Link and the light rail.

**The PRESIDENT:** Order! Members will come to order.

**The Hon. TONY KELLY:** Before I conclude, I point out that the Department of Planning is monitoring the progress of those applications and we will ensure that we get as many of those projects underway as we can before the end of the year. I thank Ms Sylvia Hale for asking me her final question.

**The Hon. JOHN HATZISTERGOS:** If members have further questions, I suggest that they place them on notice.

### COMPULSORY LAND ACQUISITION

**The Hon. TONY KELLY:** Earlier in question time I was asked a question by the Hon. Charlie Lynn and in answering it I said that I did not want to mislead the House but suggested it was the Coalition that set the rules for compulsory acquisition. I can confirm that I was correct. The Land Acquisition (Just Terms Compensation) Act was assented to in 1991 by the Liberal-National Government.

### BOMBALA TIMBER MILL PROPOSAL

**The Hon. TONY KELLY:** Earlier today the Hon. Melinda Pavey asked me a question about Bombala timber mill. I am advised that the Department of Planning accepted the proponent's submission report on

5 August. Draft conditions have been issued by Planning. The department is currently in discussions with the proponent and the Department of Environment, Climate Change and Water about conditions regarding legacy contamination on the site. I expect advice from the department by the end of next week.

**Questions without notice concluded.**

**LEGISLATIVE COUNCIL VACANCY**

**Joint Sitting**

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

Office of the Governor  
Sydney 2000

J. J. Spigelman  
Lieutenant Governor

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 Legislative Assembly for the purpose of the election of persons to fill the seats in the Legislative Council vacated by the Honourable John Della Bosca, the late Honourable Roy Smith, and Ms Lee Rhiannon, and I do hereby announce and declare that such Members shall assemble for such purpose on Tuesday the seventh day of September 2010 at 5.15 p.m. 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 House 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, 1 September 2010

The Honourable the  
President of the  
Legislative Council

*[The President left the Chair at 1.04 p.m. The House resumed at 2.35 p.m.]*

**BUSINESS OF THE HOUSE**

**Suspension of Standing and Sessional Orders: Order of Business**

**The Hon. MATTHEW MASON-COX** [2.35 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 262 outside the Order of Precedence, relating to an order for papers regarding the proposed Kings Highway realignment, be called on forthwith.

This motion should be debated urgently because people who live in the Kingsway Estate and the wider Queanbeyan community are being put at risk through potential exposure to deadly asbestos fibres as a result of the Roads and Traffic Authority's failure to implement proper asbestos handling processes in respect of the removal of asbestos and other hazardous material from the site of the proposed Kings Highway realignment just outside Queanbeyan.

This matter is urgent because the failure of the Roads and Traffic Authority and its contractors was brought to light but the Roads and Traffic Authority and WorkCover initially denied that there had been any breach of the applicable occupational health and safety procedures for the removal of asbestos, and totally ignored the valid concerns of local residents. This matter is urgent because the Roads and Traffic Authority and WorkCover have shown by their actions a complete disregard for the safety and wellbeing of their contractors as well as for the residents of both the Kingsway Estate and the wider Queanbeyan community.

The matter is urgent because instead of seeking to address those legitimate concerns the Roads and Traffic Authority and WorkCover sought to cover up clear breaches of the very occupational health and safety procedures that WorkCover established. The matter is urgent because, despite the serious nature of the

occupational health and safety breaches and the potentially serious impact on the health of residents, WorkCover has refused to adequately investigate the circumstances surrounding the removal of asbestos and other hazardous materials from the site.

The call for papers will reveal the extent of the investigations of the Roads and Traffic Authority and WorkCover. In the interests of good government it is urgent to ensure that the investigations are transparent. Moreover, the wider public interest will be served by ensuring that agencies of the State are held accountable for their actions, particularly when those actions may directly impact on the health and wellbeing of its residents. Accordingly I urge members to support this urgent call for papers.

**The Hon. GREG DONNELLY** [2.37 p.m.]: The Government does not support the motion for urgent debate of this matter. The Government holds expectations of dealing with matters that are listed in priority order on the *Notice Paper*.

**The Hon. LYNDA VOLTZ** [2.38 p.m.]: The Government opposes the motion. As my colleague the Hon. Greg Donnelly has pointed out already, matters have been listed for debate on the *Notice Paper* since 2007 that relate to a vital part of the role of government—the Department of Community Services. The department plays a significantly important role in the administration of the State. The Government is expecting that matter to be dealt with as an order of the day. It does not want to be diverted, as frequently happens, from dealing with matters that have been listed on the *Notice Paper* for a long time and that await expressions of views by members. I would have thought that members opposite would regard those matters as being among the more urgent to be debated and would wish to express a view about them.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 18**

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Brown	Ms Hale	Mr Pearce
Mr Cohen	Mr Khan	
Ms Cusack	Mr Lynn	
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Mr Gallacher	Reverend Nile	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

**Noes, 16**

Mr Catanzariti	Mr Primrose	Mr West
Mr Foley	Mr Robertson	Ms Westwood
Ms Griffin	Ms Robertson	
Mr Kelly	Mr Roozendaal	<i>Tellers,</i>
Mr Moselmane	Ms Sharpe	Mr Donnelly
Mr Obeid	Mr Veitch	Ms Voltz

**Pair**

Mr Clarke	Mr Hatzistergos
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**Question resolved in the affirmative.**

**Motion agreed to.**

**Order of Business**

**Motion by the Hon. Matthew Mason-Cox agreed to:**

That Private Members' Business item No. 262 outside the Order of Precedence be called on forthwith.

**QUEANBEYAN ROADWORKS AND ASBESTOS EXPOSURE**

**The Hon. MATTHEW MASON-COX** [2.48 p.m.]: I move:

That under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Roads, the Department of Transport and Infrastructure, the Minister for Finance and WorkCover Authority:

- (a) all documents created since 1 July 2009 relating to the removal of material, including asbestos and other hazardous material, from the site of the proposed Kings Highway realignment between Thuralilly Street and Regent Drive in Queanbeyan, New South Wales, and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

As I said in an adjournment speech on 25 February 2010, in 2008 the Roads and Traffic Authority proposed to realign a section of the Kings Highway just outside Queanbeyan to address a number of safety and traffic concerns on this stretch of highway. The new section runs through an existing road reserve that bisects Queanbeyan's Kingsway Estate. As a result, residents who once had idyllic views of the Australian bush are now confronted by the sight of a noisy four-lane highway. Naturally, residents are alarmed at the impact of these roadworks, but sadly their concerns have been ignored by the Roads and Traffic Authority and the local State member, Steve Whan.

The road reserve has been used for many years as an illegal dumping ground. The Roads and Traffic Authority's review of the environmental factors clearly identified a number of hazardous materials present on the site, including, as outlined in paragraph 6.1.2 of the document, potential impacts from the Roads and Traffic Authority stockpile of mixed debris, containing asbestos and material fragments distributed across the site's surface.

The potential danger of this material was such that a land specialist was engaged to prepare an action plan for remedial works—an excellent idea had the plan been properly implemented. Instead, on the morning of 28 January this year the residents of Kingsway Estate awoke to find their entire suburb engulfed in a haze of dust due to the Roads and Traffic Authority's excavation and removal of materials from the site. To top this off, the Roads and Traffic Authority's contractor then trucked approximately 600 tonnes of material containing asbestos, uncovered, through Queanbeyan in contravention of its own safety standards and hazardous material transport guidelines. I draw the attention of members to the Roads and Traffic Authority's dust minimisation procedures for contractors carrying out demolition and excavation work on behalf of the Roads and Traffic Authority. They state:

The contractor shall take all necessary precautions to prevent the contamination of the atmosphere, buildings and their surrounds by airborne fibres and particulates.

Clearly this was not done. The wetting down of dust and hazardous materials was inadequate, resulting in plumes of dust settling over the suburb of Kingsway.

Prior to any demolition work commencing the contractor is responsible for providing temporary barrier/screens, as appropriate, to suppress the effect of dust movement to adjacent occupied properties.

While steel fences were erected, these fences served only to keep residents out, rather than keep the dust and deadly fibres contained within the site.

Demolition of areas likely to result in significant dust is not to be undertaken during periods of strong winds.

On the day in question there was wind in the vicinity but I am advised that it was not strong, although clearly we must seek some objective evidence on the degree.

The contractor is to ensure that dust-generating materials are maintained in a moist condition during demolition or loading activities.

Again, this was simply not done. The suburb of Kingsway was engulfed in a cloud of dust as a result of poorly executed dust mitigation protocols. I note also that material transported in open trucks should be covered by Roads and Traffic Authority agents to prevent the generation of dust. Again, trucks carrying asbestos-containing material were transported uncovered not only through the Kingsway Estate but also through the main streets of Queanbeyan and the surrounding region. I understand that those materials were then dumped at Canberra tip adjacent to Queanbeyan. The local residents of Kingsway also collected evidence showing that dust monitors



used by the Roads and Traffic Authority's contractors were overdue for calibration and therefore were ineffective. At the time of the removal of material from the site, residents of the Kingsway Estate tried to draw the attention of the Roads and Traffic Authority and of the local member, Steve Whan, to the obvious dangers. Their representations were ignored so they were left with no choice but to blockade the work site in order to protect their families.

In spite of this, the local member still refused to meet with residents and supported the upgrade of the road, professing that it was for the greater good of the community through increased road safety. However, Mr Whan did not seem to care that, by not implementing proper safety procedures, the Roads and Traffic Authority was placing people at even greater risk through exposure to asbestos. The local Federal member, Mike Kelly, and a representative of the Roads and Traffic Authority finally met with residents on 12 February. Residents were advised that the Roads and Traffic Authority acknowledged that it and its contractors had failed in their obligations to them. Residents were told that there were asbestos-containing materials present and that the Roads and Traffic Authority would sack the current contractor as they had not followed proper protocols. The Roads and Traffic Authority then advised that it would use another contractor and ensure that dust and other particles would be wetted down to prevent further exposure to residents and their families.

Contrary to this, however, in a letter dated 11 February from the Roads and Traffic Authority to Mike Kelly the Roads and Traffic Authority denied that any breaches of occupational health and safety had occurred at the work site. Is it any wonder that residents suspected that the Roads and Traffic Authority and WorkCover were involved in a cover-up? That is why on 25 February this year I called on the New South Wales Government to immediately establish an independent inquiry to investigate whether the asbestos removal and transportation thereof was carried out in a manner consistent with the relevant laws and regulations. I also put a motion on the *Notice Paper* in this place for the release of all documentation relating to this matter. As a result of these actions, I was then contacted by the office of the Minister for Roads. Subsequently I hosted a meeting adjacent to the site between local residents and representatives from the Roads and Traffic Authority. The Roads and Traffic Authority explained its actions and tried to address a number of the concerns of residents.

The meeting was constructive. The Roads and Traffic Authority outlined the history and involvement in relation to the design of the road. For the first time, residents had an opportunity to put their concerns directly to the Roads and Traffic Authority and at least to have them listened to. I can report that as a result of that meeting some progress was made in relation to some of the claims from local residents, but in the main most of their concerns were dismissed by the Roads and Traffic Authority as it continued headlong into constructing this road. Importantly, at the meeting the Roads and Traffic Authority revealed also that it had forwarded to WorkCover all files relating to the removal of asbestos from the site but that it had not heard back from WorkCover. Despite having these files, along with the Roads and Traffic Authority's admission to residents that its contractors had failed to follow standard safety asbestos protocols, WorkCover then proceeded to close its file on this incident without interviewing any residents.

Indeed, WorkCover even refused to view photographic evidence of the dust clouds emanating from the site, and when it was provided with information about the dust monitors not being current it still refused to properly investigate each of these matters. This call for papers will reveal the extent of the investigations by the Roads and Traffic Authority and WorkCover into this matter. As I noted earlier, it is clearly in the interests of good government that these investigations be transparent. Moreover, the wider public interest is served by ensuring that State agencies are held accountable for their actions, particularly when those actions impact directly on the health and wellbeing of New South Wales residents. Accordingly, I urge members to support the motion.

**The Hon. LUKE FOLEY** [2.55 p.m.]: We oppose the motion moved by the Hon. Matthew Mason-Cox. The Kings Highway is a major road connecting the Australian Capital Territory, Queanbeyan, Bungendore and the southern coastal areas of New South Wales. It is subject to relatively high traffic volumes, including local and commercial traffic, with an increase in recreational motorists during holiday seasons. The highway serves a population of about 380,000, with the majority located in Queanbeyan and Canberra, and a range of employment industries, including government, property and business services, tourism, defence, health and community services, forestry, grazing and dry land farming. The New South Wales Government is committed to maintaining and improving the road environment on the Kings Highway.

Since 2005-06 the New South Wales Government has allocated more than \$25 million for upgrades and safety works on the Kings Highway, including \$4.6 million this financial year for continued maintenance of the road. In 2009-10 more than \$1.3 million in Nation Building funding from the Federal Government and \$400,000

funding from the New South Wales Government's Black Spot Program have also been allocated for road safety improvements on the Kings Highway. The works include improvements to the road alignment and the installation of safety barriers at a number of locations between Nelligen and the Clyde Mountain.

**The PRESIDENT:** Order! Opposition members will cease interjecting. One would think that this matter would be of interest to the Hon. Matthew Mason-Cox and that, therefore, he would want to hear the contribution of the member with the call.

**The Hon. LUKE FOLEY:** The Commonwealth Department of Defence has constructed a new Defence Headquarters Joint Operations Command about 14.5 kilometres east of Queanbeyan. In 2008 the New South Wales Government, through the Department of Defence, committed funding to a package of proposed improvements designed to reduce the likely impacts of increased traffic on road safety and efficiency on the Kings Highway in New South Wales. The Federal and New South Wales governments have allocated \$26 million for road improvements to accommodate the opening of the new Department of Defence Headquarters Joint Operations Command development. This package of works covers a section of the Kings Highway that is about eight kilometres long, from Thuralilly Street on the outskirts of Queanbeyan to the New South Wales-Australian Capital Territory border.

It includes upgrading the intersections of the Kings Highway and The Ridgeway, Captains Flat Road and Weetalabah Drive, as well as realignment of the Kings Highway immediately on the eastern outskirts of Queanbeyan between Thuralilly Street and a point about 380 metres east of Regent Drive. The largest single component of the upgrade is the new deviation of the Kings Highway between Thuralilly Street and Regent Drive immediately east of Queanbeyan. This existing section of the Kings Highway has the most substandard alignment between Queanbeyan and the Department of Defence Headquarters Joint Operations Command. Straightening and shortening this section will improve safety and traffic efficiency for the 12,000 vehicles a day that use it.

The realignment includes about 1.3 kilometres of new carriageway with median separation, two eastbound lanes including a new overtaking-climbing lane and two westbound lanes, provision for cyclists through construction of two-metre wide shoulders, architectural treatments to some nearby dwellings based on recommendations from the noise assessment, and the intersection of the Kings Highway and Regent Drive being relocated and divided into two access points. The other parts of the upgrade were completed in 2008 and 2009 and included extensive shoulder widening and sealing. The deviation uses a longstanding road corridor that is reserved on Queanbeyan City Council's local environmental plan. The Roads and Traffic Authority completed an environmental assessment of the planned deviation during 2009. As part of the environmental assessment, the authority consulted with a range of stakeholders, including the small number of directly affected residents, and made a number of amendments to the proposal in response to their feedback.

In December 2009, the environmental assessment was determined and the project approved. There is broad community support for the project, and major construction work is progressing well. The Roads and Traffic Authority completed earthworks in the middle of the year. During the second half of 2010 the work will include construction of the road formation and installation of associated infrastructure such as the road surface, safety barriers and line marking. The bypassed section of the Kings Highway will be made redundant, and the Roads and Traffic Authority has been consulting with the community and relevant stakeholders to determine its future use.

**The Hon. LYNDIA VOLTZ** [3.05 p.m.]: As members of the Opposition know, the Kings Highway proposal has been in the local environmental plan since 1950, which is a fairly long time.

**The Hon. Christine Robertson:** How long?

**The Hon. LYNDIA VOLTZ:** Since 1950.

**The Hon. Christine Robertson:** I was two.

**The Hon. LYNDIA VOLTZ:** I note that some members in this Chamber were two at the time. I was not even born, so I cannot enlighten them any further. During work asbestos was found on the site. When it was found WorkCover became involved to oversee the removal of the asbestos and, in accordance with legal requirements, an independent assessment was carried out of the asbestos removal from the site. Those arrangements found no residual issues in regard to the removal of asbestos. The Hon. Matthew Mason-Cox met

with the Roads and Traffic Authority on site in the middle of the year and had extensive discussions. The Hon. Matthew Mason-Cox put forward proposals to the Roads and Traffic Authority, some of which involved changes of alignment and changes to the level of the road to suit some residents. Unfortunately, those changes would have disadvantaged other local residents. There is no way to move forward in regard to those proposals.

However, the Roads and Traffic Authority did what it does very well—that is, it spoke to the Hon. Matthew Mason-Cox on site. The authority has had extensive discussions with local residents on site. It managed the roadworks and as soon as asbestos was found WorkCover was brought in and an independent assessment was carried out. That is the process by which we will go forward when dealing with the removal of asbestos and the works on site. This valuable piece of roadwork is widely supported by, and will provide significant benefits for, the local community. I know the Hon. Matthew Mason-Cox may be disappointed that some of the changes he suggested were not adopted by the Roads and Traffic Authority, but it certainly assessed them and their impact on local residents. The Government and the Roads and Traffic Authority are doing a very good job in Queanbeyan. The Government opposes this call for papers.

**The Hon. MATTHEW MASON-COX** [3.07 p.m.], in reply: It is always interesting when the Government sends a few drones into the House to discuss things about which they know nothing. I will address some of the issues for members opposite. Clearly it was very enlightening to hear from the newest member of the Government, the Hon. Luke Foley, in relation to infrastructure issues and what is being built adjacent to Queanbeyan. The Opposition understands that and knows of some very strong advocates of the improvements in road safety that will occur. Improvement of the road is long overdue and something for which the local community has been fighting for many years.

The reality is it is not a question of what has now been done effectively but a question of how it was done—a very fine distinction. In that regard, the Hon. Lynda Voltz said that WorkCover was present to oversee the removal of the asbestos. I think she was given the wrong script because that is simply untrue. That is the whole point of this call for papers. What has been done? The advice I have received from residents and their solicitors and from the contractors regarding engineering works on the road is that WorkCover did not come to the location to oversee the removal of the asbestos. If that is incorrect, I am pleased that the motion calls for papers to be placed on the table so there can be transparency. The problem is that there is no transparency in this matter. We do not know what happened—although there is conjecture about it. It is in the public interest for the matters to be disclosed fully so that the residents affected by this project will know once and for all exactly what occurred. The point is not whether we have a road; it is what happened in relation to the removal of asbestos and whether that removal was carried out in an appropriate manner. That is what this call for papers seeks to discover. I commend the motion to the House.

**Question—That the motion be agreed to—put.**

**Division called for.**

**Call for a division, by leave, withdrawn.**

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

**Motion agreed to.**

## **EARLY INTERVENTION PROGRAMS**

**Debate resumed from an earlier hour.**

**The Hon. CHRISTINE ROBERTSON** [3.14 p.m.]: I would like to talk about the Government's commitment to early intervention programs in general, including funding and review mechanisms. The Department of Community Services has a budget of \$1.67 billion in 2010-11, which is an increase of \$107 million, or 7 per cent, on the previous year. Of that budget, \$244 million is allocated to community building and community support funding; \$408 million goes to funding the New South Wales statutory child protection system, something that has been worked on for many years; \$680 million supports programs for children in out-of-home care; and more than \$337 million is set aside for the Brighter Futures program with the aim of helping to stop children from entering, or escalating in, the child protection system.

The following is an overall picture of prevention and early intervention programs implemented by the New South Wales Government through the Department of Community Services. In 2008-09 the helpline

received almost 310,000 reports—four times the number received in 2000. Around 2,200 caseworkers were employed at 30 June 2009, which is over 1,000 more frontline staff in the field compared with June 2003. The Keep Them Safe [KTS] action plan was launched in March 2009 in response to the Special Commission of Inquiry into Child Protection Services. Major legislative changes were implemented in January 2010 and a \$750 million five-year funding package is being rolled out.

At 30 June 2009 more than 16,000 children and young people were in out-of-home care, which is up from 10,623 in 2005-06. More than 34,000 training days were delivered to staff across Community Services in 2008-09, which includes training days for non-government services that participate in this particular area. In 2008-09 Community Services recruited, assessed, trained and authorised 519 new foster carers. Each year the foster carer campaign has continued. The number of carers continues to increase but, with the increased number of persons in out-of-home care, demand continues to increase also. Also in 2008-09 New South Wales families adopted 155 children and young people, including 93 from overseas—we have heard those figures quite a bit lately—20 local adoptions, and 30 children and young people adopted by their foster carers. Since July 2009 a further 30 children have been adopted by their foster carers.

In 2008-09 the Department of Community Services licensed 3,440 children's services with an estimated capacity of more than 150,000 places for children each day. An extra 10,500 children will be provided with access to subsidised preschool programs through the Preschool Investment and Reform plan. It is exciting to see how many of those programs have come to country New South Wales. More than 23,000 calls were made to the Domestic Violence Line in 2008-09 regarding matters involving more than 14,000 children and young people. This year a wide range of additional support services will be funded under Keep Them Safe, including \$2 million for drug and alcohol interventions for parents, young people and families, \$4 million for services to children of parents with a mental illness, and \$1.7 million for New Street, a service for young people who have been sexually abused.

The amount of \$1.6 million has been allocated to a 24-hour bail hotline for juveniles being held by police. This will assist 10- to 18-year-olds in the juvenile justice system, diverting them from being remanded in custody while looking for safe and secure accommodation. New South Wales Community Services administers a wide range of essential programs for our State that make a difference to many families. Those programs that relate to early intervention services continue to do an excellent job in ensuring the best outcomes for children, families and our society as a whole. I repeat: No-one has a magic wand. There will still be sadness and bad times, but much work has been put into maintaining an environment where young people can be safe.

Finally, I turn to the expansion of intervention services and the involvement of non-government organisations in the Keep Them Safe package. The Government released its action plan Keep Them Safe in March 2009 in response to the Special Commission of Inquiry into Child Protection Services. More than 100 of Commissioner Wood's recommendations have been supported in part or in full by the Government and are accompanied by detailed actions and time frames. The New South Wales Government's action plan is a concrete, costed and timetabled plan of action to improve the lives of vulnerable children, young people and families. Keep Them Safe also marks a new era of collaboration and partnership between government, community organisations and individuals. The implementation of Keep Them Safe has proceeded quickly and I am very pleased with the progress that has been achieved.

In January 2010 a number of significant milestones were reached. First, the Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 gave effect to those special commission of inquiry recommendations that required legislative change. Most changes were proclaimed on 24 January 2010, with key changes to date being in new chapter 16A that allows agencies to exchange information with each other directly rather than through Community Services; includes the new risk of significant harm threshold; new grounds indicating that a child may be at risk of significant harm relating to non-attendance at school and cumulative harm; alternative reporting arrangements through the child wellbeing units; changes to Children's Court processes; and the restructuring of out-of-home care into statutory, supported and voluntary services.

The Government has supported these reforms through a \$750 million five-year funding package. This provides for a major expansion of prevention and early intervention services, increased support for Aboriginal children and families, enhanced acute services, and improvements to the child protection system. The package also provides funding to support the increasing numbers of children entering out-of-home care, which is necessary until the system changes start to take effect. Some 40 per cent of the funding package has been set aside specifically for non-government services.

Services to be delivered by the non-government sector include \$132 million over four years to provide more places for children in out-of-home care; \$23.5 million over four years to establish a network of referral services; \$12 million over four years for intensive help for Aboriginal people; and \$6 million over four years to trial a new model of working with Aboriginal children and families. KPMG has been commissioned to work with the Government and our NGO partners to develop a project plan for non-government organisations' capacity building. It is incredibly important to support and maintain those organisations. To date, KPMG has met with a range of non-government organisations and stakeholders. Consultations continued this year, and the plan was scheduled to be finalised midyear.

Child wellbeing units in key government agencies—NSW Health, the New South Wales Police Force, the Department of Education and Training, and the Department of Human Services—became operational in January. These units provide advice and assistance to agency staff to identify at-risk children and respond to the needs of children at the local level, resulting in more families receiving earlier support. This replaces the system under which all matters concerning children at risk of harm were reported to the Community Services Helpline. We all know how overloaded it got, to the extent that it was getting too hard to deliver on the definitions of risk of significant harm.

The world's first online and interactive mandatory reporter guide has been successfully developed, and I have looked at this information. It is in plain English and it makes sense and therefore can be used by everybody. Front-line workers in agencies with child wellbeing units will continue to be able to contact the helpline directly when a case meets the threshold of risk of significant harm. The Child Protection Helpline will continue to advise non-government agency reporters as to whether their concerns about a child or young person meet the statutory reporting threshold.

In addition, the Government has established a support line to assist non-government mandatory reporters, including those in non-government schools, with the changes following the introduction of the new reporting threshold under Keep Them Safe. It is called the KTS Support Line and has been established as a transitional service for the first six months of the new reporting system, with a review to follow. A strategy for joint training across the government and non-government sectors is being progressed, in consultation with non-government peak bodies. This work is being led by the Department of Premier and Cabinet.

Family referral services will be managed by non-government organisations and will put families in touch with appropriate services in the local area. NSW Health is leading the establishment of these new services to be piloted in Dubbo, Newcastle and Mount Druitt. Two different models are to be trialled over the next twelve months: a basic advice service and a model with a greater capacity to conduct more active referrals. This new system will see government agencies working much more closely with each other to share information about children and families, and stronger government/non-government service provider partnerships to ensure that families and communities get the services and support they need to raise children and young people who are happy, healthy and safe.

Commissioner Wood acknowledged that the problems facing child protection are beyond the reach of one agency. His report called for greater cohesion between the government and non-government sectors to protect and support the most vulnerable members of our society. An early demonstration of our commitment to working hand in hand with NGO partners was the establishment of three key advisory groups. The advisory groups are made up of representatives of peak organisations, direct non-government service providers, unions, academics and individuals, who provide valuable high-level and strategic advice. These groups continue to be a critical mechanism for ensuring a better balance in sharing responsibility for service provision as well as driving a new culture of collaboration and partnership.

Keep Them Safe is a comprehensive plan for the next five years. It begins from the principle that child protection is primarily the responsibility of parents, with the collective responsibility of the whole of government and the community. It gives prevention and early intervention a clear priority in reducing the number of children and families requiring State intervention. It provides strategies to reduce the over-representation of Aboriginal children and young people in the child protection system. Keep Them Safe is a new direction intended to dramatically change the way that children and young people are supported and protected. A recent Council of Social Service of New South Wales [NCOSS] newsletter carries some positive words:

The Government has achieved a lot in a short period of time... NCOSS congratulates the government on the implementation of the Keep Them Safe plan so far.

There is plenty more work to do in this regard but we have come a long way. In conclusion, the Brighter Futures program, as part of Community Services, is a showpiece of what can be done to put early intervention programs in place and gain real benefits from them. The New South Wales Government has demonstrated its commitment in this area through the \$750 million reform package. The Government is firmly committed to community services and early intervention programs that ensure that the vulnerable in our society have the best chance possible in life in the face of adversity. These programs are essential because they are tackling the big, hard problems in society to ensure that cases such as children at risk of harm and neglect can be appropriately addressed. We know that building resilience and healthy child development will have lifelong benefits for our children, families and society as a whole. The potential gains from early intervention with vulnerable children are manifold. This improvement gives us the best chance of the best result for our society.

I look forward very much to hearing members' contributions in this debate. This issue, as everyone in the House knows, is incredibly complex and difficult, and heart rending in many cases. It is a very important issue for us to get a handle on in a bipartisan way and as a government. I would like to acknowledge the incredible work that has been done in this area by individual workers of Community Services and non-government organisations, the non-government organisations themselves, foster carers, and the multitude of people who work to give equal opportunity to the children of New South Wales. I look forward to the remainder of the debate.

**The Hon. ROBYN PARKER** [3.27 p.m.]: The motion moved by the Hon. Christine Robertson has been on the *Notice Paper* for some time, as she noted. It is important that we take every opportunity to talk about children and young people, families supporting parents to do the best they can by their children, and the role that the various government departments and the non-government sector have in that process. It is true that early intervention ought to be our first priority when we are talking about particularly those children in a vulnerable situation and those who need support and help with parenting. It should be our absolute ideal. The earlier the intervention is offered, the better chance of success and prevention and of turning a situation around so that we do not have an ambulance waiting at the bottom of the cliff.

The idea behind Brighter Futures—the Hon. Christine Robertson gave us a great deal of detail about it—is in essence to support parents in their parenting role, support children and have early intervention. The Brighter Futures program and funding to the child protection system in some ways does not get to the heart of where it is needed. There is a lot of government funding, but my concerns rest particularly with the non-government sector, which, as the Hon. Luke Foley commented in his inaugural speech yesterday, is staffed by wonderful people who are often the most poorly funded and poorly remunerated workers in our society. They do great things with small amounts of government funding. Brighter Futures program funding does not trickle down in requisite sufficiency to the non-government sector and the community service workers at the coalface who do the hard work of assisting families, day in day out. The Government's top-down allocation of funds should be reversed.

Our aim in relation to community services and providing assistance to children should be early intervention with a view to increasing resilience. However, I do not think we can go quite so far as to pat the Keneally Government on the back when it comes to protecting vulnerable and at-risk children in this State. We have had commissions of inquiry and increases in government funding but all too often they follow the tragedy of a child being treated badly. We look around and say, "Who knew?" Which government departments were not communicating? Where did the system fail? How did this child and the child's family fall through the cracks?

The aim of government programs should be to make sure that children do not fall through the cracks. Of course there will be occasions when that happens, but whenever we hear about a child tragedy on the television news, we follow the same pattern: Which organisations knew about the situation? Which organisations should have been providing the necessary support? Why did this system not work properly? This is particularly so, considering the amount of funding that is directed towards programs.

When the Carr Government announced funding of \$1.2 billion for the Department of Community Services in 2002, it did so with the intention of addressing repeated failings, poor computer systems and staff shortages, which were just the tip of the iceberg. After that program finished—bear in mind that, given the level of under-resourcing, the funding was easily spent—the sector was still not in good shape. Two children died under the most horrific circumstances and Justice James Wood held a commission of inquiry.

While we welcome the provision of additional funding to the sector, we should make sure that we remove the blinkers when we examine the situation. The latest Productivity Commission report on government

services was produced only a month after the motion we are debating was listed on the business paper. The January report shows how badly the Government is performing and found that New South Wales is spending less and less on investigating and substantiating reports of abuse or neglect of children. In 2008-09, New South Wales spent the least of all States on child protection services for every notification of child abuse and/or neglect.

In the same year New South Wales was rated last of all States in real recurrent expenditure on child protection services per investigation and substantiation. In the meantime, while New South Wales spends the least it recorded the highest rate of removal of children. For every 1,000 children aged nought to seven years in New South Wales, more than nine children have been placed in out-of-home care by child protection services. This should be compared with Victoria, which records just over four children in out-of-home care. More than nine in 1,000 children were taken from their families in New South Wales last year alone. That is an appalling statistic.

Instead of addressing the rate of removal, the Government announced a review of grandparents' entitlements for those who care for their grandchildren. The Government targets good people, who are trying to help their grandchildren—and, in turn, their own children—rather than examining why the removal rate of children is so high in the first place. Grandparents do not take lightly the removal of their grandchildren from their parents. I do not think any relative would take such a step unless it was absolutely necessary for the protection and safety of the children. They are the people who need the Government's support. Instead, the Government has created a real division in funding for the community services sector.

The Brighter Futures budget is split in a ratio of 60:40. The Department of Community Services receives 60 per cent and non-government organisations and community organisations receive 40 per cent. That is the very issue that lies at the heart of the problem. The 40 per cent component is used up very quickly in the community, whereas the Department of Community Services component is used to field lower-level calls that are not necessarily categorised as early intervention. Brighter Futures is used to help prevent the escalation of family problems relating to domestic violence, drug abuse and/or mental health.

It would be ideal if problems were not so difficult by the time Brighter Futures caseworkers become involved, but by the time Brighter Futures caseworkers arrive, the problems within the family have well and truly begun. That was very plain in the case of Dean Shillingsworth. In December last year, the New South Wales Ombudsman found that the New South Wales Labor Government's child protection system failed to protect that toddler, in spite of having received 34 reports of the child being at risk of harm. Between 2001 and the death of Dean in 2007, the Department of Community Services received 34 risk-of-harm reports in relation to his family, and 10 of them concerned Dean. None resulted in a comprehensive secondary risk-of-harm assessment.

The Ombudsman's report highlighted the need for the Government to strengthen the capacity of non-government organisations that deal with child protection matters before non-government organisations can be expected to take on an increased role in the provision of service. The report also noted that one month before Dean's death, the family's extensive child protection history put them at too high a risk for the Brighter Futures early intervention program. The Department of Community Services closed the report when it was handed back to it. Children who are at risk in the State are given a lower priority by the Government.

There appears to be one report after another that condemns the Government's management of the community services system. For example, the recent "Releasing Pressure on Remand" report by 12 non-government organisations, led by UnitingCare Burnside, highlighted that in 2008 more than 5,000 children and young people were kept in remand in New South Wales and that only 16 per cent of them receive a custodial sentence. Yet again the failure of Community Services to provide young people with safe accommodation and meet the requirements led to that situation. The figure represents a huge increase from 3,600 children who were kept in remand in 2006.

The pressure on caseworkers who are under-resourced and who lack strong sector management from the Government is evident from the high turnover of caseworkers—the very people who need the Government's support. In 2008 stress leave accounted for 869 days, there was a 170 per cent increase in overtime to 44,000 hours, and there was poor morale. Justice Wood identified all those factors as issues that needed to be addressed. Although the motion praises record spending, the problem is not about money but about where the money is directed and how effective it could be. It is about management of the community services sector. It is also about the failure of the Government to manage effectively and produce real results and the Government's failure to deliver the right type of early intervention.

The Government has adopted a top-heavy bureaucratic approach and has been throwing money at the problems rather than dealing with the core problem by supporting the non-government sector to do the job it does so well. Brighter Futures and early intervention are in place and we should make sure that children are not falling through the cracks. I am pleased that the number of children whose lives have been severely traumatised has led to inquiries, has embarrassed the Government into introducing new programs and has forced the Government to introduce new programs such as Keep Them Safe. I am pleased that these issues are receiving attention from the House today.

I understand that the motion has been on the business paper for some time and that things have moved on. However, we should not ever accept that we have managed community services well and congratulate ourselves while there are still so many vulnerable children in the community. Funding should be managed to ensure it is not being provided too late. We should provide early intervention that the Brighter Futures program is designed to provide at the right place and at the right time so that it supports parents and families to do the right thing. Brighter Futures should be providing parents and families with skills and resilience so that children are thriving instead of sliding down the slippery slope. Certainly that will be the motivation of the Liberal-Nationals government, should we form government in March next year. That certainly will be our focus and we will pay close attention to the issues.

**The Hon. Christine Robertson:** Like last time.

**The Hon. ROBYN PARKER:** Some of us on the last time, 15 years ago, when this Labor Government got into power, were actually delivering the services with non-government organisations and are in Parliament because of the failure of the Labor Government time and time again to acknowledge the non-government sector.

[Interruption]

The Labor Government is failing to pay the necessary attention to the non-government sector. The non-government sector does fantastic work and is incredibly lacking in support. They jump through hoops only to get small amounts of government funding, whilst the majority of funding stays at the top level with the bureaucracy. So here's to all of us who support children and families and who will be providing government support to those families and children; we certainly look forward to taking up that challenge.

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! Before the Hon. Helen Westwood is given the call I remind all members of the importance of this matter and that members with the call should be heard in silence. It is frustrating for the Chair when contributions cannot be heard because of interjections from other members. The view of members on this important matter should be heard without interruption

**The Hon. HELEN WESTWOOD** [3.42 p.m.]: I speak in favour of the motion put forward by the Hon. Christine Robertson and I commend her for doing so. I move:

That the question be amended as follows:

1. In paragraph (b) insert ", and fully funded," after "implemented".
2. In paragraph (c) omit "NSW Labor Government on the".
3. Insert at the end:
  - (d) endorses the expansion of early intervention programs such as Brighter Futures, including the greater involvement of non-government organisations, through the Keep Them Safe reform package".

It is to that area that I will confine my remarks this afternoon. I will speak specifically about the Keep Them Safe program. The delivery of Keep Them Safe marked the beginning of a new era of collaboration and partnership between government, community organisations and individuals. Already that collaboration is showing results. On 24 January 2010 new legislation was proclaimed that dramatically changed the way children are protected and families are supported in New South Wales. This new legislation added cumulative harm and non-attendance at school as key indicators that a child may be at risk of significant harm. It also established a new mandatory reporting threshold.

The new threshold requires that only concerns that a child or young person is at risk of significant harm should be reported to the Child Protection Helpline, which helps to ensure that only the most serious cases are



directed to Community Services. Those concerns that do not meet the new threshold are instead receiving help within the community from a wide range of government and non-government agencies. They are able to receive that help quickly and locally, without having to become involved with Community Services or the statutory system. An online mandatory reporter guide has been developed to help front-line workers determine whether their concerns about a child need to be referred to the Child Protection Helpline for further consideration or should be dealt with directly at a local level.

Playing a big role in this shift are the new child wellbeing units in key government agencies—Health, Police, Education and Training and Human Services. The units provide advice and assistance to agency staff to identify at-risk children and respond to their needs at the local level so that more families receive earlier support. These units and other non-government organisations are now able to exchange information directly with each other about children at risk, instead of having to go through Community Services. A database is being used so that child wellbeing units can determine when a child has a history of events reported by other units or is already involved with Community Services. That is helping the child wellbeing units track cumulative harm. Complementing the child wellbeing units are new family referral services operated by non-government organisations at trial sites in Dubbo, Newcastle and Mt Druitt. These services put families in touch with services in their local communities.

The new referral pathways are seeing government and non-government agencies working much more closely with each other to share information about children and families. They are also forging stronger partnerships between government and non-government service providers, which helps ensure families get the services and support they need to raise children and young people who are happy, healthy and safe.

One key example of these partnerships is a new memorandum of understanding between Community Services, New South Wales Department of Human Services and the Aboriginal Child Family and Community Care State Secretariat New South Wales. This memorandum of understanding was signed in March 2010. It formally recognises the partnership required to deliver a culturally appropriate and effective response to protecting Aboriginal children at risk of harm. I believe the outcomes of this new cooperation will greatly assist in helping to reduce the over-representation of Aboriginal children and young people in the child protection system. Family case management trials are under way in which government and non-government agencies are working together to work on child wellbeing concerns with families who have had contact with multiple services.

The reforms are taking place within the statutory system also. Work has commenced on a series of initiatives designed to shift children's core processes from adversarial proceedings towards dispute resolution measures, which involve children and families in the decision-making process. This includes family group conferencing models and dispute resolution conferences, which are being piloted by specially trained registrars. An external mediation service pilot is also underway.

Special work is being done to improve the quality of services for children and young people in out-of-home care. A referral path between NSW Health and Community Services has been developed, which establishes a health and development assessment for children and young people in out-of-home care. Similarly, a draft education plan pathway is identifying and mapping the roles and functions of key services in supporting all school-age children and young people entering out-of-home care. This process will ensure that all children in out-of-home care have an individual, annually reviewed education plan designed specifically for them to help them overcome any educational disadvantages that may have resulted from their life experiences. I am sure all members would acknowledge that an enormous amount of activity is underway. The degree of change is such that it is difficult to capture each and every project in the limited time available to me this afternoon.

I urge members to check Keep Them Safe at [www.KeepThemSafe.nsw.gov.au](http://www.KeepThemSafe.nsw.gov.au) on a regular basis for more progress details. However, during this debate I will share some early results. The department is already seeing a drop in calls to the helpline. Preliminary data suggests that there has been a reduction of about 24 per cent in the number of calls to the helpline in the period from 24 January to 30 June 2010, compared with the corresponding period in 2009. It is only an early indication, and these figures may vary over time as both mandatory reporters and caseworkers become accustomed to the new reporting arrangements. But I am sure members will agree that this is a promising trend.

The department has also seen a growing understanding of the new system across New South Wales, thanks to an extensive briefing and training program. Last year TAFE New South Wales managed the State-wide rollout of 550 Keep Them Safe information sessions for about 22,000 government and

non-government mandatory reporters. These sessions were backed by e-learning and DVDs being made available for another 300,000 mandatory reporters. From April 2010, TAFE provided training on the Mandatory Reporter Guide to about 8,400 mandatory reporters in the non-government sector and a further 2,250 early childhood workers. Meanwhile, the Centre for Community Welfare Training provided 80 sessions to about 1,600 mandatory reporters from the non-government sector. The training covered the use of the Mandatory Reporter Guide, information exchange and interagency collaboration.

Preparations are now underway for phase three of this process, which will focus on sustaining and embedding change. A further support for those working with children and families are the *Child Protection and Child Wellbeing—NSW Interagency Guidelines*, which provide a common assessment framework for all agencies working in the sector. To date, sections on information exchange, interagency collaboration, child protection legislation and agencies' roles and responsibilities have been finalised after extensive consultation with government and non-government agencies. These are available to all on the Keep Them Safe website. As members would be aware, Keep Them Safe is funded through a five-year, \$750 million package, almost 40 per cent of which will go to the non-government sector.

This includes \$23.5 million over four years to establish a network of referral services to link children and families needing support with services in the local area; \$12 million over four years for intensive help for Aboriginal families where children are at risk of serious harm; and \$6 million over four years to trial a new model of working with Aboriginal children and families that involves significantly more consultation with Aboriginal non-government organisations. As a protected investment, the Keep Them Safe funding is quarantined. Any underspent funds in a given period will be distributed over the remaining years of the reform package. Earlier I mentioned that collaboration lies at the heart of Keep Them Safe. Government and non-government agencies alike are now stepping up and stepping in, where appropriate, to provide the kind of support children and families need.

This Government is working hard to support our non-government partners in the greater role they now play in child protection and wellbeing. A plan to build the capacity of non-government agencies and further develop their workforce has been prepared following extensive consultation with sector peaks and individual service providers. Members often talk about the contribution of community workers and workers in the non-government sector. The Keep Them Safe Program highlights how indebted we are to the non-government sector and particularly to community services workers for the contribution they make to the wellbeing of our community. The department also continues to work closely with key stakeholders through the Child Protection Advisory Group, which the Minister, the Hon. Linda Burney, chairs.

This year the Child Protection Advisory Group was reconstituted to include representatives from NSW Health and the Department of Education and Training, both government agencies that provide universal services to children and families. Similarly, Cabinet has appointed the former Commissioner for Children and Young People, Ms Gillian Calvert, to serve the Child Protection Advisory Group as deputy chair. The Child Protection Advisory Group continues to provide high-level policy advice and informed stakeholder input on key issues arising in the development and implementation of Keep Them Safe, and its discussions and deliberations are all available for review on the Community Services website.

The Child Protection Advisory Group is supported by an advisory pool of some 49 direct service providers and key stakeholders from the community services, health and education sectors. Also providing advice are three specialist non-government consultative groups operating under the Child Protection Advisory Group umbrella. They are currently working on the implementation of key initiatives relating to strengthening the out-of-home care system, the transition and realignment of Community Services Grants Program funded services to Keep Them Safe and Community Builder programs, and on changes to supported care under the new legislation. The membership and meeting reports of these groups are also publicly available on the Community Services website. Keep Them Safe is a comprehensive plan for the next five years. It begins from the principle that child protection is primarily the responsibility of parents, with collective responsibility by the whole of government and the community.

Interestingly, in the past few days we have heard a lot about parenting during debate in the other place. It is clear that all of us understand the importance for children to have a happy and healthy childhood and to be raised in an environment in which they are nurtured, loved and allowed to realise their full potential. Placing the emphasis on responsibility back on the community and the government and non-government sectors is a key part of Keep Them Safe, and it is one reason I believe it will be successful. It also makes prevention and early intervention a clear priority in reducing the number of children and families requiring State intervention, and it provides strategies to reduce the over-representation of Aboriginal children and young people in the protection system.

Keep Them Safe is a new direction intended to change dramatically the way children and young people are supported and protected. I commend all involved across the sector for the progress they have made in introducing this sweeping reform package. The special commission of inquiry into child protection in New South Wales followed two particularly horrific cases in which children fell through the gaps in the most tragic circumstances. As we have seen since, these two children, and many others like them, were known not only to Community Services but also to many other agencies that make up everyday life in New South Wales—that is, teachers, medical professionals and so on. Essentially, the inquiry found that we are much more likely to maintain the safety and wellbeing of children if we work together to do so. This should come as no shock to anyone here.

We have been saying for many years that child protection is everybody's business. Keep Them Safe helps to ensure that the collaboration between government and non-government agencies becomes a reality. Keep Them Safe is building a seamless safety net that is designed to protect not only those children at the most serious end of the child protection system but also those whose families may simply need some help and support to get back on track. Few members in this place would not know of families in that situation. Often they are families within larger families that simply need some support to get back on track.

Community Services will continue to respond to the most serious cases—those which require statutory intervention. But other government agencies and non-government organisations now have the opportunity to step in appropriately to support a child or family to prevent them from reaching this point. Keep Them Safe is about prevention and early intervention, about breaking that vicious cycle of abuse before it begins. That is why a significant proportion of the five-year \$750 million Keep Them Safe funding package is being invested in prevention and early intervention.

To break down that sum, during the next four years the Government will invest \$27 million for expansion of the Brighter Futures Early Intervention Program; \$14 million for services to support children who have parents with a mental illness—and many of us understand the impact on a child's life of a parent's mental illness—\$8 million for specialist nurses to provide support at home for vulnerable mothers who are pregnant or who have babies or very young children; \$8 million for children and young people who are at risk because of their parents' drug or alcohol abuse; \$4 million for integrated case management with families who are in contact with multiple agencies in the child protection system; and \$28 million for a range of other evidence-based prevention and early intervention services, such as family support services and sustained health home visiting. As one can see this investment goes well beyond the traditional Community Services portfolio. The funding is allocated across several government agencies reflecting the view of Commissioner Wood that child protection is a responsibility that must be shared across government and the community and extends to non-government partners who will receive almost 40 per cent of the funding package.

I have already outlined that the non-government sector will receive \$132 million to provide more places for children in out-of-home care, a very significant investment, as well as \$23.5 million to establish the network of referral service to which I referred earlier. The Government does not underestimate the difficulties in implementing this major overhaul of the child protection system. It recognises the need not only to provide additional funding but also to ensure that necessary support is available for front-line workers in government and non-government agencies alike. I commend all of those involved in the department and the non-government sector for implementing this program. I particularly commend the Hon. Christine Robertson for this motion that provides us with the opportunity to discuss this very important area of policy that will ensure the protection of our children. [*Time expired.*]

**Mr IAN COHEN** [4.02 p.m.]: On behalf of the Greens I provide general support for the motion of the Hon. Christine Robertson. The Greens provide qualified support for the Government's Brighter Futures Early Intervention Program, which is currently being introduced across the State. Brighter Futures is a voluntary program providing support to targeted vulnerable families with children under eight years of age to prevent them from entering or escalating in the child protection system. After the recommendations of Justice Wood following the Special Commission of Inquiry into Child Protection Services—and subsequently the Keep Them Safe report—tangible activities that deliver on these recommendations are to be welcomed. Brighter Futures teams can now be found in Sydney and across the State, including in neighbourhood centres in my area, at Ballina, Byron Bay and Lismore.

I understand that families in the Brighter Futures program are receiving ongoing case management support as well as home visits, parenting programs and some children's services that may be provided for up to two years. Repeated studies have shown that early intervention programs using multiple interventions work

better than those using a single intervention strategy. Good early intervention programs, including home visiting, enable the most vulnerable children to make significant development gains. Good-quality, supervised child care gives children opportunities to socialise and develop their cognitive, intellectual and physical skills. Reaching parents before they reach breaking point will reduce child behaviour problems associated with extreme stress. By improving the capacity of parents to build positive relationships and raise stronger, healthier children, we can reduce parental stress.

It was good to see a commitment to the allocation of growth funding for Brighter Futures to the non-government sector. It acknowledges the findings of the Wood report that non-government agencies are well equipped to connect with families to deliver the kinds of services that Brighter Futures promotes. The employment of an additional 350 Department of Community Services early intervention workers is also an important initiative. In light of the Keep Them Safe report and its shared approach to child wellbeing, it is important to recognise the significant role that the non-government sector plays in the successful delivery of Brighter Futures. This was affirmed in the findings of the Special Commission of Inquiry into Child Protection Services in New South Wales, otherwise known as the Wood report. Recommendation 10.11 of that report states that "within three to five years, case management of all families in Brighter Futures should be by lead agencies".

However, since the release to Cabinet earlier this month of the undisclosed report by the Boston Consulting Group—which was commissioned by the Government—recommendations have been made to cut funds to non-government children's agencies that provide foster care. This is despite the fact that Justice Wood specifically said that these agencies, which include well-known and well-respected organisations like Burnside, Barnardos, Catholic Care and Anglicare, are currently successfully providing these essential foster care services. I am tempted to think that the cost of out-of-home care has become the driver for the Government's decisions in this area rather than the needs of children, for whom the Minister has parental responsibility!

The Association of Children's Welfare Agencies has expressed grave concerns about the secrecy of the Boston Consulting Group report, and the suggestion that recommendations made by Justice Wood on this matter be ignored. This comes on the back of the study on kinship carers by the University of Western Sydney, also released this month, which has led to the Government suggesting that grandparents who care for grandchildren due to the death or drug dependence of their own children—or their inability otherwise to do so—may no longer be funded to provide this essential service, or at the very least that they will have their supported care allowance reassessed. Grandparents in that situation are generally at the end of their working lives and not in a position to earn the large amounts of money now required to raise children. The announcement has sent many kinship care groups in places such as the Blue Mountains and the Central Coast into a panic as they fear the loss of their funding even to keep open support services to kinship carers. The Wood inquiry also found that:

... effective early intervention with families requires a relationship of trust between providers and parents. The fear of child protection involvement can act as a major barrier to parents accessing the specialist services that they need such as drug treatment and domestic violence services. Further, many families may not engage with DoCS as they fear their children could be taken away.

This issue of trust is very important and must be developed in order not to alienate vulnerable or abusive parents who may then keep their children away from the attention of the Department of Community Services, or even deliberately hide them as happened in recent high-profile cases, such as that of Ebony. Much child protection will now be done within child wellbeing units in other departments such as Health, Education and Juvenile Justice. It is important that Brighter Futures reaches more New South Wales children as soon as possible. Sticking with Commissioner Wood's recommendations will support this access for vulnerable families. There is a lot to commend in the Brighter Futures program if it is allowed to fulfil the recommendations of the inquiry into child protection services—and subsequently the Keep Them Safe report. Early intervention is an investment in the future that will hopefully be demonstrated by a reduction in the number of families entering the child protection system. The Brighter Futures program has the potential to break the intergenerational cycles of disadvantage. If it is supported and sustained to reduce the demand for services that otherwise might be needed down the track, such as child protection, corrective or mental health services, then we really are talking about brighter futures for parents and children. The Greens support the motion.

**The Hon. MARIE FICARRA** [4.08 p.m.]: As I and many other members have said in this House previously, it is so important that our society ensures the protection of children and the vulnerable. For too long, the soft pleas of the vulnerable have gone unheard. Children have been abused and neglected and their cries have been ignored by this Government until the media brings matters to the attention of the wider public. The problem has been ignored by a lack of resourcing, professionalism and the heeding of expert advice in the field, and by bureaucratic neglect and incompetence. Professionals and non-government organisations have stated the

obvious: reform of child protection is needed. However, it has taken a very long time for some type of substantive action to take place. We still regularly read many tragic stories involving children at risk who have been lost in the system.

My heart goes out to the loved ones of six-year-old Kiesha Abrahams, who has now been missing for a significant period. We can only hope that she is safe somewhere and will soon be found. I hope that, in the ultimate investigation of this case and other cases, the actions of the Department of Community Services are reviewed properly and changes made for the better. I am sure that all members in this place as well as our community were shocked when Commissioner James Wood, heading the child protection inquiry, revealed on 16 May 2008:

It seems to be a matter of luck whether the families in crisis get any services.

We should work together towards the healthy development of all children as well as strong, functional and well-supported families. Research over many years has shown that early intervention services reinforce positive family relationships, increase resilience, promote healthy child development and prevent child abuse and neglect.

Between 2005 and 2007 the number of reviewable child deaths known to the Department of Community Services increased by nearly a third, to 102. This Government's total incompetence and failure in community services is well established. Indeed, it got so bad that the Government was forced to establish the Wood special commission. For the past 15½ years this Government has been focused on spin and politics, not child protection. Only this Government could have spent \$1.2 billion and ended up with a departmental system in worse shape than when the program started.

The Wood special commission heard shocking evidence from families, social workers and other experts about the rundown state of child protection in New South Wales. It was Minister Burney who stripped the New South Wales Ombudsman of the power to investigate the deaths of children who had been notified to the Department of Community Services as being at risk of harm, contrary to Commissioner Wood's recommendations and contrary to the wishes of the Ombudsman. The Liberal Party and The Nationals understand and support the fact that the protection of children, more than any other area, requires independent oversight to reassure the public that everything possible is being done to stop children dying. What the public and children at risk of harm require is action, not rhetoric, and not more political posturing from a tired, old Labor State Government.

The most recent Productivity Commission report into government services shows that New South Wales is in a downward spiral in relation to child protection services, with figures showing that New South Wales spends less and less on investigating and substantiating reports of abuse or neglect of children. Vulnerable children in New South Wales are paying a huge price for this lack of effort. In 2008-09 New South Wales spent the least of all States on child protection services for every notification of child abuse and/or neglect. In the same year New South Wales was also at the bottom of the ladder in relation to real recurrent expenditure on child protection services per investigation and substantiation. While New South Wales spends the least on child protection services, it has the highest rate of removal of children.

For every 1,000 children aged nought to 17 years in New South Wales, more than nine children have been placed in out-of-home care by child protection services. This compares with Victoria, which has just over four children in out-of-home care. If New South Wales continues to rush through its child protection processes with little investment or thought, we will continue to see more and more children removed, while other States keep families together. The State Labor Government is not doing the intensive work with families in the child protection process; it is instead relying on the courts to remove children in record numbers and hoping that keeps them safe. The Minister for Community Services needs to explain why New South Wales is so far out of step with the rest of the country.

Instead of targeting grandparents who care for grandchildren in need, the Government should conduct a general review of out-of-home care to change the failing system. Back in February we heard that the Department of Community Services was to review grandparents' entitlements when they care for their grandchildren. The Coalition's position is that this review should be extended to a general review of out-of-home care programs in New South Wales. Any proposed review should extend to the cost of out-of-home care and question why the New South Wales rate of removal is so high. The New South Wales Liberals and Nationals are committed to reducing this number in our first term and are committed to providing a fairer system of care for children in need.

In regions of community services demand, such as Penrith and Mulgoa, local service providers are falling behind because of a lack of funding. Caring and effective organisations such as South Penrith Youth and Neighbourhood Services, or Spyns Inc.—the area has the fourth-largest Aboriginal population in Sydney—are expected to provide tailored programs for at-risk Aboriginal children and their parents as well as other struggling families on a budget that has struggled to keep up with inflation. Hundreds of families and children benefit from breakfast programs, in-school programs, supported playgroups, young mums sessions and a range of other services. Unfortunately, a lack of State Labor Government funding is putting these services at risk.

Spyns has been forced to cut back worker hours every year because government funding, after wage rises, falls way too short. The shadow Minister for Community Services, Pru Goward, has made strong representations to Minister Burney asking that the State Labor Government reconsider the funding needs of Spyns. And whilst the Hon. Christine Robertson wastes the time of this House with self-congratulations, I mention the Penrith Women's Health Centre, which is another vital service struggling to support women and children escaping domestic violence as well as providing basic gynaecological medical services for local women. This centre survives on an annual income of \$400,000—barely enough to pay for a part-time doctor, health worker and the counsellors who give so generously of their time. It is time that this State Labor Government ensured that women in disadvantaged areas had good access to basic health services. Providing the Department of Community Services with adequate resources to enable it to meet community needs has always been of importance to the Coalition.

Back in October last year the Releasing Pressure on Remand report by 12 non-government organisations led by Burnside UnitingCare showed how badly this Labor Government had been failing New South Wales children and young people over many years. The report was published shortly after the Department of Community Services was strongly criticised in a report of the New South Wales Ombudsman into the death from starvation of seven-year-old Ebony. Ebony was known to the department at the time of her death. A girl known to the department through concerns raised regularly by her father became pregnant at the age of 11. These serious concerns have been ignored by the Department of Community Services, and many other cases can be used to highlight the systems failure in the department.

In 2008, according to the report, 5,081 children and young people were kept in remand—a dramatic increase from 3,623 in remand in 2006. Only 16 per cent of those went on to receive a custodial sentence. This indicates a failure by the Department of Community Services to provide these young people with safe accommodation that meets their bail requirements. Why should a juvenile have to spend long periods in a juvenile justice centre unjustly when a court will later decide against a custodial penalty at sentencing? This is simply outrageous and inappropriate.

The New South Wales Ombudsman's report post Ebony's death found failings across five New South Wales government agencies. New South Wales Ombudsman Bruce Barbour said on 6 October last year:

If Government agencies had acted properly, I have absolutely no doubt this little girl would still be alive.

According to the report, the Department of Community Services received six risk-of-harm reports concerning Ebony and her siblings, yet alarm bells failed to ring. Even with reforms following Justice Wood's special commission of inquiry the New South Wales Ombudsman remains concerned that children at significant risk will continue to fall through the cracks.

This Labor State Government has failed to legitimately improve child protection since it pledged to do so in 2002. The Wood Special Inquiry into Child Protection Services took this Government to task for its failure to protect children at risk in New South Wales and, despite the Minister's claims that its flagship Brighter Futures program is helping vulnerable children, disturbing failures are still being revealed. The Social Policy Research Centre at the University of New South Wales reported that a quarter of the families that join the program drop out without reaching their goals.

There was little change in the number of times that the children of families involved are reported to the Department of Community Services when they leave the program, which means that those children remain at risk. Even more disturbing is the report also found that Brighter Futures did not change any outcomes for the children or the parents, except that parent wellbeing improved. Children had the same degree of behavioural difficulties and emotional problems before and after taking part. The report found that the families that had any significant cut to their number of reports to the Department of Community Services were low-risk families to begin with and, tragically, in the case of indigenous families, there was no drop in the number of reports to the

Department of Community Services six months later. With a further \$506 million allocation to the Brighter Futures program and a budget of \$750 million following the damning Wood inquiry, how can the public believe that any of this money will be well spent when this Government's response to independent reports is to spin or waste the time of this House with useless, self-congratulatory motions such as this, regardless of the results?

The first few years of a child's life are crucial in setting the foundation for lifelong learning, positive behaviour, and good health outcomes. Getting involved early to promote nurturing and positive family and community experiences has been shown to increase the benefits for the child, improve the functioning of the family, and yield long-term gains for our whole community. That is why a child's early years are so important to their mental and physical outcomes in later life.

The Brighter Futures program has very positive aims: to reduce child abuse and neglect through reducing the likelihood of family problems escalating into crisis within the child protection system; to achieve long-term benefits for children through improving intellectual development, educational outcomes and employment chances; to improve parent-child relationships and the capacity of parents to build positive relationships and raise stronger, healthier children; break intergenerational cycles of disadvantage; and reduce demand for services that otherwise might be needed down the track, such as child protection, corrective or mental health services. All members support the Brighter Futures program and all members support early intervention programs in the child protection system but we want independent checks and balances and we want this Government to listen to reports from the New South Wales Ombudsman. We want this Government to implement all the recommendations of the Wood royal commission and the New South Wales Ombudsman and not waste the time of the House with such self-congratulatory mumbo jumbo on a Thursday afternoon.

The Liberal-Nationals Coalition will make implementation of early intervention and prevention strategies a priority for families at risk along with interagency support, with an aggressive follow-up strategy. The strengthening of our communities has been identified as a key component in community development and making New South Wales a better place to live. The Liberal-Nationals Coalition will work hard for the public's electoral approval on 26 March next year to give it our best shot for the sake of our young Australians and their families.

**The Hon. KAYEE GRIFFIN** [4.22 p.m.]: I support the motion moved by the Hon. Christine Robertson. Emotionally healthy children require an upbringing framed by love, care and attention, in a safe and happy environment. The health and wellbeing of children in New South Wales is an extremely important issue and this Government is committed to taking measures to ensure that children have access to early intervention programs, are safeguarded by a strong child protection system and are provided with advocacy with regard to their health and safety. While the primary responsibility of care for children lies with their parents and families, a child's welfare is a shared responsibility, with governments and the wider community making a substantial contribution to providing a safe environment for children. A safe environment is vital to the healthy upbringing of children. This is the best way to ensure children have the opportunities to follow their interests and ambitions, and develop to their full potential without undue pressures or stress.

In Australia we enjoy a very good quality of life by global standards, a circumstance which provides the majority of us and our families with all the accompanying benefits, including the opportunity to raise children in safe, stable environments and to provide them with strong foundations to reach their full potential and lead enjoyable adult lives. However, despite our relative wealth and prosperity, the increasing pressures of contemporary life can place considerable strain on families. Many people in New South Wales, and indeed throughout Australia, struggle to maintain a reasonable work-life balance, as well as provide for their families financially and emotionally. Such pressures add stress to family life, testing relationships and placing enormous strains on individuals as parents and families struggle to meet the many demands placed on them. In the most extreme cases these pressures can lead to family breakdown, with devastating results, leaving children vulnerable to harm and neglect.

The social and economic costs of family breakdown are great. Studies have shown that neglect has severely adverse effects on a child's brain development, reducing their capacity to control behaviour and emotions as well as increasing the risks of both physical and mental illness later in life. It is important that we provide support to all parents who seek it so that children have the best opportunity to enjoy happy and healthy childhoods.

Authorities across Australia and the world are experiencing an increase in the number of reports about the safety of children and young people. In New South Wales alone there were more than 300,000 reports to the

Department of Community Services Helpline of children at risk in 2008-09, and currently there are around 14,000 children living in out-of-home care. Social and economic disadvantage, though not universal, are often key indicators of at-risk families. Socially isolated, with minimal family support and a shortage of income, vulnerable families can fall into intergenerational cycles of disadvantage, with damaging consequences to a child's development and, in extreme cases, the necessary forcible removal of children to a safer environment. These social costs are high for all involved. The corresponding negative effects on children necessitate government action sooner rather than later. Instead of waiting for problems to escalate before they are addressed, investing in prevention and early intervention is crucial if we are to provide effective policy solutions that ensure better outcomes for parents, children and families.

This approach is not only socially responsible, it also makes economic sense, with research showing investment at an early stage delivering long-term savings to the community through reduced crime rates, welfare dependency and other social costs. Contemporary studies into the provision of child protection services serve to emphasise the importance of early intervention and prevention services in the reduction of child maltreatment and neglect. The primary goal of prevention is to decrease risk factors that lead to neglect and associated dangers whilst empowering parents and families to lift themselves out of high-risk scenarios through a system of regulated freedom, rather than having constraints imposed upon them arbitrarily as a result of risk factors escalating. A focus on early intervention enables at-risk families to work with authorities to resolve issues before they lead to child neglect and maltreatment, with the active assistance of government. This process is far less traumatic and costly in the long term.

With levels of child abuse and neglect increasing at alarming rates, the necessity for governments to implement, reform and maintain wide-ranging early intervention services has become even more paramount. This importance was recognised by the Council of Australian Governments in its 2009 National Framework for Protecting Australia's Children. The framework's goal is for "a substantial and sustained reduction in child abuse and neglect in Australia over time", providing for a more integrated intergovernmental response that utilises the non-government sector, with the State Government maintaining responsibility for the implementation of early intervention services. The agreed principle of the national framework that "our children must be able to grow up nourished and supported in loving and caring environments" is also the guiding principle of the New South Wales Government in its provision of child protection services, notably in the realm of prevention and early intervention.

One of the Keneally Government's primary goals is to ensure children in New South Wales live healthy, happy and safe lives, in families and communities that allow them to reach their full potential. Spearheading this effort is the Department of Community Services Brighter Futures early intervention program, which identifies ways to strengthen vulnerable families by providing services to help reinforce family relationships, and to prevent issues escalating to more advanced stages in the New South Wales child protection system. Some of these matters have been raised by previous speakers, including the fact that early intervention and supporting families is certainly a very worthwhile part of the Brighter Futures early intervention program.

By providing voluntary, multi-component early intervention programs for at-risk families with young children Brighter Futures empowers participants to work to prevent the causes and deal with the consequences of child neglect. This not only benefits participants but also has a flow-on effect, delivering safer communities and a reduction in the number of children entering child protection.

First implemented in 2002, the New South Wales Government's Brighter Futures Early Intervention Program is intended to provide services tailored to assist families in need with young children, with a particular focus on families with children under three years of age. Accessibility to the program is prioritised for families with identified vulnerabilities, which may include domestic violence, parental drug or alcohol problems, mental health issues, lack of family or social support, parents with significant learning difficulties or intellectual disability, child behaviour management problems, lack of parenting skills, or inadequate supervision.

Brighter Futures enables parents and children to access a variety of support services designed to address a range of issues, such as housing, parenting support, drug and alcohol misuse, and legal issues. To ensure optimum results services are available to participants on a long-term basis, with Brighter Futures providing parenting programs, home visiting services, and quality child care as well as personalised case management support. The services provided by Brighter Futures are aimed at enhancing a child's abilities at school, as well as improving their problem management skills—skills that will help at-risk families to build stronger foundations.



With current research concluding that the first three years of life are crucial for laying the foundation for cognitive and emotional development in a child, Brighter Futures recognises the necessity of working closely with communities and families in addressing at an early stage symptoms of child neglect and family breakdown. This is vital in improving child-parent relationships and, as a result, produces mentally and physically healthier children. In the long term not only will these outcomes benefit children and families but they will also help to reduce the strain on child protection, correctional and mental health services down the track.

Despite the overrepresentation of disadvantaged families in community services, there is no typical at-risk family. They range from extreme poverty to relative wealth, and come from backgrounds as diverse as is the composition of our society. As a result the custom-designed format of Brighter Futures is a key aspect of the provision of successful early intervention programs, resulting in the achievement of long-lasting results for families in need.

The conclusions of the wide-ranging Special Commission of Inquiry into Child Protection Services in New South Wales, headed by Commissioner James Wood, AO, QC, further emphasise the importance of early intervention and the need for community engagement in addressing child protection. The Government's response outlined in the Keep Them Safe action plan acknowledges the importance of early intervention with an extension in funding committed to Brighter Futures and an increased role outlined for the non-government sector in providing crucial support to families to address issues before they reach crisis point. The Brighter Futures Early Intervention Program has benefited thousands of children and families since its inception and has resulted in significant reductions in helpline reports of children who, before their families entered the program, were subject to one or more risk-of-harm reports.

The Keneally Government will build on its success with a five-year action plan to reform and strengthen the New South Wales child protection system, as outlined in the Keep Them Safe report. Last year the New South Wales Government moved to encompass in the Brighter Futures program recommendations from the Committee on Children and Young People, of which I am very proud to be the Deputy Chair. On 28 February 2008 the committee established an inquiry to investigate and report on children and young people aged nine to 14 years in New South Wales. The report is appropriately entitled, "The Missing Middle".

The committee, in handing down its report on 3 September 2009, recommended in part that the Minister for Community Services "expand the provision of youth services to allow for the development of new programs in areas of need and to enhance the hours of operation for existing services". The Government has responded to this recommendation with a commitment to progressively extend Brighter Futures services to children aged nine to 14 years, with priority of access to services assigned to Aboriginal children and their families.

This important initiative and the Government's Keep Them Safe reforms help to identify and respond to early warning signs, thereby working to prevent children in that age category from becoming more vulnerable, and empowering them to make significant improvements to their current and future lives. Brighter Futures' expansion and focus on greater community involvement, with an increased role for non-government organisations, will continue to provide quality early intervention services to families in need. In celebrating the tenth anniversary of the Commission of Children and Young People in June last year Her Excellency Professor Marie Bashir stated:

Caring for children and young people, helping them learn, keeping them healthy and safe, allowing them the freedom to be themselves, are integral to a healthy, happy and creative community.

Indeed, protecting the interests of children in need has been at the centre of both Parliament's role and the New South Wales Government's initiatives. The Government has developed policy initiatives that are designed to prevent the persistence and escalation of at-risk scenarios through the implementation of early intervention services such as Brighter Futures. The Government recognises that protecting children is everyone's business and is a shared responsibility. Families and communities, government and the non-government sector must work together to ensure that children have the support and protection they need to reach their full potential. Brighter Futures highlights the New South Wales Government's commitment to early intervention and the protection and support of families and children. The motion before the House recognises that, and it deserves our support.

**The Hon. CHRISTINE ROBERTSON** [4.35 p.m.], in reply: I thank the Hon. Robyn Parker, the Hon. Helen Westwood, Mr Ian Cohen, the Hon. Marie Ficarra and the Hon. Kayee Griffin for their contributions to the debate. The amendment moved by the Hon. Helen Westwood brings the motion up to date with significant

changes in the program that occurred during the period between notice of the motion being given and debate on the motion. I recognise the difficulty when debating private members' matters and discussing whether a particular government did or did not implement initiatives. However, the amendment moved by the Hon. Helen Westwood reflects the underlying intention of the motion, which is to congratulate government and non-government organisations on their efforts and processes. The amended motion, if agreed to by the House, will represent an important celebration of early intervention programs that have been developed in New South Wales.

I inform the House of the non-government organisations and lead agencies involved in delivery of the Brighter Futures program. Non-government organisations tender for service delivery and, as the program develops, the scope of service delivery expands. One of the reasons the Council of Social Service of New South Wales supports the program is that the non-government sector is heavily involved. In the Metro Central district, which comprises northern Sydney, inner-west Sydney and south-east Sydney, SDN Child and Family Services Inc. provides services to a large inner Sydney area that includes Ashfield, Botany, Burwood, Canada Bay, Canterbury, Hurstville, Kogarah, Leichhardt, Marrickville, Randwick, Rockdale, Strathfield, Sutherland, Sydney, Waverley and Woollahra. In the same region the Benevolent Society provides services in Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby.

In the Metro South West region of south-west Sydney, the Tharawal Aboriginal Corporation provides services to Camden, Campbelltown, Wingecarribee and Wollondilly, the Benevolent Society provides services to Bankstown, Liverpool and Fairfield, and UnitingCare Burnside provides services to Campbelltown, Camden, Wingecarribee and Wollondilly. The combined efforts of those organisations ensures that full coverage of the population is provided in that region. In the Metro West region Wesley Dalmar provides services. In northern New South Wales the Casino Neighbourhood Centre Inc. provides services in the Kyogle and Richmond Valley areas, Centacare Newcastle provides services to Gloucester, Great Lakes and Greater Taree, the Consortium of Neighbourhood Centres provide services at Ballina, Byron, Clarence Valley, Lismore, Richmond Valley and the Tweed, Mission Australia provides services to Kempsey, Nambucca and Port Macquarie-Hastings, and the Benevolent Society provides services to Armidale-Dumaresq, Gunnedah, Glen Innes, Severn, Guyra, Liverpool Plains and the Moree Plains.

When I officiated at the opening ceremony of the Benevolent Society's new facility at Moree I met a wonderful group of people. They are working with all services and every service in town as well as every visiting service represented at the gathering. A local person donated a huge old house that has been converted into special rooms to provide service delivery on site. It must be remembered of course that service provision is focused on providing services in the home, and that that involves a great deal of visiting. However, there is a central services aspect as well so that people and families are able to meet and stay together. In the Coffs Harbour and Bellingen areas UnitingCare Burnside provides services.

In the Hunter Central Coast region the Samaritans provide services to Lake Macquarie and Newcastle. The Benevolent Society, UnitingCare Burnside and Wandiyali also provide services in that region. In the southern New South Wales region Barnardos, the Bega Valley Shire Council, CareSouth, Mission Australia in the Shoalhaven, Mission Australia in the Boorowa and Goulburn-Mulwaree areas and SDN Child and Family Services Inc. provide services. In the western region of New South Wales services are provided by Barnardos, Mission Australia, the Benevolent Society and UnitingCare Burnside. The organisations I have listed are indicative of the incredible amount of work being done by the non-government sector and community services that have joined together to deliver support services on the ground.

It is amazing to visit the organisations and discover how much interaction takes place within the community. It is a matter of regret that some members who participated in the debate did not perceive the motion to relate to early intervention. The motion was designed to discuss changes made to service delivery to ensure that services are not limited to simply picking up the pieces when things fall apart totally, when children are destitute, and when they are in trouble. The Hon. Michael Veitch has referred to those types of problems on many previous occasions in the House. He has been involved personally in the foster program and knows firsthand that children have been in a really bad way and have had to be picked up and cared for by foster carers.

I want to register what a great job is being done across New South Wales to engage families and work with them at an early stage. Sure, we will hear of one, two, three or four—maybe more—very bad incidents. Our society is not perfect. There is no way, with the current social inequities, that we can find a magic wand and ensure that nothing will go wrong again. But the structures are in place to pick up the problems, to investigate them and to deal with them. I commend both the amendment and the motion to the House.

**Question—That the amendment of the Hon. Helen Westwood be agreed to—put and resolved in the affirmative.**

**Amendment agreed to.**

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

**Motion as amended agreed to.**

### **CHAFFEY DAM**

**The Hon. TREVOR KHAN** [4.42 p.m.]: I move:

That this House:

- (a) notes that there has existed for some years now a proposal to increase the capacity of Chaffey Dam from 62 gegalitres to 100 gegalitres, known as the Chaffey Dam Augmentation,
- (b) notes that the augmentation of Chaffey dam can be most economically and efficiently undertaken at the same time as the required safety upgrade of the dam,
- (c) notes that any augmentation of Chaffey Dam will have little or no effect upon the rate of discharge of waters from the Peel River to the Namoi River system,
- (d) condemns the Rees State Labor Government for its delay in progressing the development of the Peel River Water Sharing Plan,
- (e) condemns the Rees State Labor Government for its failure to progress the augmentation of Chaffey Dam,
- (f) calls on the Rees State Labor Government to commence construction of the augmentation at the same time as the safety upgrade of the dam, and
- (g) calls on the Rees State Labor Government to complete the augmentation and safety upgrade of Chaffey Dam during the current Parliament.

I move this motion today as water is one of the most pressing issues facing both the people of Tamworth and the people of the Peel Valley. The augmentation of Chaffey Dam, as I am sure the Hon. Christine Robertson would agree, is essential for the future growth of the Tamworth community. As indicated in the motion, for years there has been a proposal to increase the capacity of Chaffey Dam from some 62 gegalitres to 100 gegalitres. This proposal to date is simply that—a proposal. It has gone nowhere because of the inaction and ineptitude of the State Labor Government. Chaffey Dam is located some 43 kilometres south-east of Tamworth—indeed, it is 43 kilometres from where I live. Chaffey Dam is the primary source of potable water for Tamworth. The other source, Dungowan Dam, now offers only a back-up supply because of problems with accessing the dam's water. When Chaffey Dam was constructed in 1979 the population of Tamworth was no more than about two-thirds of its current 55,000 residents. Since then Tamworth has become unrecognisable, with new industries and water users growing at speed. Sadly, water supplies have not kept pace with this growth. So we now have a twenty-first century town with a water supply stuck back in the twentieth century. The people of Tamworth and the people of the Peel Valley deserve better.

During 2007 the dam level fell to about 12 per cent of capacity. If capacity had fallen to below 10 per cent major industries in the town, including the very important meat and lamb abattoirs, would have been denied water and been forced to shut their doors. This would have caused the loss of hundreds of jobs and long-term damage to the reputations and contracts held by the abattoirs. According to the Chaffey Dam discussion paper issued in February 2007, unless the augmentation of Chaffey Dam proceeds the current 59 per cent chance of irrigators receiving an 80 per cent allocation each year will fall to zero within 10 years. This consequence is explained in part by the fact that town water demand, even taking into account the 15 per cent water efficiency saving, will increase from 10 gegalitres per annum to 14 gegalitres per annum over the next 25 years. The dramatic reduction in water reliability will effectively mean that the irrigation industry in the Peel Valley will become unviable during the next 10 to 15 years. In addition, the impact on Tamworth's water supply will also have significant negative impacts upon both domestic and industrial water users in the town.

I digress somewhat to say that, whilst some in this place might not consider it significant, the loss of the irrigation industry in the Peel Valley is indeed a most important matter. The irrigation industry in the Peel Valley basically revolves around the irrigation of lucerne and other crops. It is not an irrigation industry like that in other parts of the north-west involving—

**The Hon. Christine Robertson:** Don't forget the cows.

**The Hon. TREVOR KHAN:** Yes, indeed. As the Hon. Christine Robertson rightly points out, the irrigation industry is an essential part of the dairy industry that still exists in the Peel Valley, and I thank her for that contribution. Those many small farmers who populate the Peel Valley not only provide for their families but also generate significant employment, both on farm and also in the various service industries in the town of Tamworth. With such a pressing need, any reasonable Tamworth resident must be asking: What is going on? The answer to the question involves a sad tale indeed—a tale that is replicated time and again across the State when it comes to the Government delivering on its promises to the people of New South Wales. On 3 September 2007 in the lead-up to the 2007 Federal election the then Deputy Prime Minister, Mark Vaile, made an election promise that the Federal Government would commit \$6.545 million towards the upgrade and augmentation of the dam provided that other stakeholders contributed to the project. The State Government conditionally confirmed its commitment prior to the New South Wales election in 2007 on the basis of matching funding from the Federal Government as well as a contribution from the council, and indeed a contribution from the irrigators themselves.

At this stage one could have hoped that, with both State and Federal governments on board, Tamworth would finally get the water security that it desires and needs so desperately. Unfortunately—and perhaps as usual with this Government—nearly four years later there has still been no significant movement on the project. To date we have seen no significant action. What we have seen is plenty of press releases, lots of announcements and ongoing promises that Chaffey Dam was front and centre in the mind of the State Labor Government, but we still have seen no significant action. This whole affair is about either total lack of interest in Tamworth by State Labor or total incompetence in managing the project from announcement to completion. Either way, the people of Tamworth and of New South Wales deserve better. Of course, the Hon. Christine Robertson may offer various excuses as to why this has occurred. Unfortunately, the track record of the State Labor Government on projects such as this is well known. Indeed, it is replicated throughout Tamworth with regard to projects such as the redevelopment of Tamworth Hospital, where promise after promise has been made but we have not seen any redevelopment work. That is an indication of the Government's track record.

The first sign of trouble with this project began with the first in a series of what could best be described as delaying tactics. The Federal Minister for Water attached a condition to the Federal funding—namely, the development of a water-sharing plan for the Peel Valley. It would seem that the State water Minister made no attempt whatever to decouple the development of the water-sharing plan from the augmentation of the dam. A sensible and logical way to approach this would have been to move with reasonable expedition on the water-sharing plan and convince the Federal Minister, Penny Wong, that coupling these two issues together made no sense.

Nevertheless, the plan moved at glacial speed and was gazetted only in March this year. One must ask why it took so long. Why did it take so long for the first meeting of the advisory group to occur? Once the advisory group had met on a number of occasions, why did it take so long to develop a plan? Then once a plan had been finally arrived at why did the Minister move with such undue haste to gazette the plan? Unfortunately, we may never get a real answer from the Minister. When the plan had finally been completed I wrote to the Minister for Water, Phil Costa, in April this year seeking assurances that as the water-sharing plan had been gazetted the people of Tamworth could now expect some movement on the augmentation project. But instead of trucks and construction what did we get? We got another delaying tactic.

The State Labor Government then insisted that nothing would happen because it was busy working with the Commonwealth to pursue water savings at Menindee Lakes in the State's far west. The Menindee Lakes are more than 1,000 kilometres from Chaffey Dam as the crow flies. Nevertheless, it would seem that water saving at Menindee Lakes was to become a precondition for augmentation of the dam, and apparently that project was to put \$300 million from the Commonwealth into the hands of the State Government for water security projects. I still fail to see how events thousands of kilometres away extinguish a real need or diminish the past promises to start construction on the augmentation of Chaffey Dam.

In more recent times we have seen yet another apparent flurry of activity but not in the nature of building or construction. No! The only type of activity this Government seems to know is spin and media releases. To make it appear as if Chaffey Dam was a priority, we were told in a press release by Minister Phil Costa on 16 August 2010 that Chaffey Dam would be front and centre in discussions with the Commonwealth. One could excuse the residents of Tamworth for not being terribly excited by this lacklustre proposition. Instead of delivering on the promises previously made—promises that go back to 2007—all that could now be delivered

by Minister Phil Costa was yet another commitment to talk about Chaffey Dam. No amount of spin could make what now appeared to be a broken promise appear to be good news for the people of Tamworth. What we got was more talk but very little real action.

Finally, just days before the Federal election the Federal Minister for Climate Change, Energy Efficiency and Water, Senator Penny Wong, announced that the Federal Government would provide an additional \$10.4 million for the augmentation of Chaffey Dam, bringing total Federal funding to \$16.9 million. It is notable that the announcement by Senator Wong of the additional \$10.5 million did not require the meeting that Minister Costa had talked about in his media release of 16 August. It would seem that Senator Wong was either capable of coming to a decision to announce an additional \$10.5 million on the basis of looking into the ether and deciding that the project had to proceed, or perhaps she received a telephone call from somebody. But it would certainly seem that the telephone call was not from the State Minister for Water. If that is the case, one must ask why. Why was the State Minister incapable of picking up the phone and saying to his Federal counterpart, "We've got to get this project underway. We've got to proceed with the augmentation of Chaffey Dam"? But he did not do that.

Once again, one can forgive the people of Tamworth for not taking too much notice of the media alert. After years of inaction, how can anyone believe that State Labor will actually do anything on this? One must be concerned that the announcement of additional funding of \$10.5 million is yet another election stunt—and an election stunt not coordinated with the State Minister, Phil Costa. This last-ditch announcement smells a lot like the one that caretaker Prime Minister Julia Gillard threw at the voters of western Sydney when she promised the Epping to Parramatta rail link. In both election stunts what do we hear from the Keneally Labor Government? Nothing! That is because on both of these projects there is no real commitment by the State Government to deliver this valuable infrastructure.

Since the announcement of additional Commonwealth funds towards the augmentation we have heard nothing from the State Government or the Minister for Water, Phil Costa—no matching contribution, no start dates, no construction timetable, and no communications with Tamworth Regional Council to reach agreement on a funding formula. Unfortunately, we get nothing from the State water Minister. One can only assume that, even with additional funds from the Commonwealth, the State Government has no intention of actually getting on with the job of augmenting the dam and thereby protecting the water security of Tamworth. The whole affair has now descended into disaster and shambles. After all the promises the only thing that Chaffey Dam has received is money for stage one of the safety upgrade. That work commenced only recently. Stage one of the upgrade is vital. While the dam is safe for day-to-day operations, it does not meet the modern standards for safety during extremely large floods. While I am thankful that stage one of the upgrade is finally progressing, there has been no announcement of further work to be undertaken. A document entitled "Chaffey Dam Upgrade—Upgrade Option", prepared by the State Water Corporation in January 2007, stated:

From a reliability perspective, increasing the storage capacity to 100 gegalitres was shown to be the most effective option. This augmentation provides reasonable reliability for the next 25 years of irrigation, meaning there would be at least a seven in ten chance of irrigators receiving 80% irrigation allocations on 1 July each year. The frequency of restrictions in Tamworth is expected to be less than one in twenty years with this augmentation. The enlargement to 100 gegalitres also provides an allowance for possible "greenhouse" impact, some flexibility in supply transfer, the limitations of the modelling and some adjustments for environmental flows.

The experts are saying it, the people are saying it and the Liberal-Nationals are saying it: Augment the dam now. All the delaying tactics have caused a cost blowout on the construction of the dam. In 2007 it was estimated that all necessary safety upgrades and augmentation would cost about \$14.6 million. I am advised by Tamworth Regional Council that the figure for stage two and the augmentation—the parts of the project that have yet to be funded—is now estimated at \$41 million. The delaying tactics and deliberate procrastination have ended up costing New South Wales taxpayers many more millions of the dollars and this Labor administration has practically killed dead any augmentation under its governance.

That information does not seem to have reached the Labor Government and the ears of Minister Costa. In his press release of 16 August the Minister claims the augmentation will cost \$25 million. This figure is correct but only for the augmentation. What Minister Costa has forgotten is that the augmentation cannot proceed unless stage two of the safety upgrade is undertaken first or alongside the augmentation. If that additional stage is included—that is, stage two augmentation—the cost is not \$25 million but \$41 million. Even the weak, worthless commitments that have been given at this stage by the State Government do not hold up to reality. It is plain that either Mr Costa does not know what he is talking about or he is playing tricky politics with imaginative accountancy when he says the State Government wants to see this project progressed. Labor's commitment becomes less credible the closer it is examined. It simply does not add up.

To add insult to injury to the people of Tamworth, the process of only completing stage one of the safety upgrade at this point and then completing stage two of the safety upgrade and the augmentation at some later date, further increases the cost of the entire project. What should have happened from day one is that both safety upgrades and the augmentation should have been undertaken at the same time in 2007-08, so that we would have seen the cheapest, quickest and best option. The Nationals at Federal and State level are clear on this issue. We are clear on our commitment to seeing the augmentation of Chaffey Dam progressed at both a State and Federal level. We are 100 per cent behind the augmentation of the dam. It was only a couple of months ago that The Nationals Leader Andrew Stoner was in Tamworth committing the State Opposition, if it wins government in March 2011, to resolve the funding formula and move forward on the augmentation as soon as possible.

**Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.**

**Item of business set down as an order of the day for a future day.**

### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Michael Veitch agreed to:**

That this House at its rising today do adjourn until Tuesday 7 September 2010 at 2.30 p.m.

### **ADJOURNMENT**

**The Hon. MICHAEL VEITCH** (Parliamentary Secretary) [5.00 p.m.]: I move:

That this House do now adjourn.

### **MCCAIN SCHOOL VEGE PATCHES**

**Dr JOHN KAYE** [5.00 p.m.]: Frozen food multinational McCain is pushing its brand onto students at schools that are developing vege gardens. It is collecting the right to use individual schools to advertise its own products. The Greens call on the Minister for Education and Training, Verity Firth, to enforce guidelines on commercial sponsorship that prohibit McCain's from exploiting students and promoting unhealthy foods. The campaign, McCain School Vege Patches, is being marketed to schools across Australia and New Zealand. The program requires members of the school community to purchase McCain products and then earn points by sending barcodes collected from the product packaging to the food manufacturer.

A points tally is kept on the McCain website. The points can then be redeemed for gardening products to assist with the development of the vege patch. Each registered school will be awarded 10 points for every barcode received by McCain from 1 kilogram, 1.2 kilogram and 2 kilogram packs of an eligible purchase, and five points for every barcode received from McCain from all other packs including 500 grams, 600 grams, 750 grams and 800 grams packs of eligible purchases. Eligible purchases include McCain frozen vegetable and McCain Purely Potato range. Redeemable objects start from 70 points for a pack of seeds valued at \$6.35, to 15,000 points for a gardening team valued at \$4,765. Registered schools can only claim their rewards once per month. Approximately 520 primary schools across Australia have registered to date. The agreement in fine print is very illuminating. Principals of participating school are required to register with the McCain promotional website where a list of registered schools is kept. The terms and conditions also require school principals to hand over to McCain the right to use the schools for promotional purposes indefinitely. Item 27 states:

Registered schools consent to the promoter [McCain] using the registered school's name, in the event they are awarded a reward in any media for an unlimited period of time without remuneration or compensation for the purpose of promoting, publicising or marketing this promotion (including any outcome), and promoting any products manufactured, distributed and/or supplied by the promoter. The registered school agrees to participate in all reasonable promoted activities in relation to this promotion as requested by the Promoter and its agents.

The terms and conditions also require schools to sign a legal release with McCain which states:

It is a condition of entry and redeeming a reward that each registered school sign one or more legal releases in a form determined by the promoter in its absolute discretion.

The problem is that McCain's products are high in fat and salt. The Greens are concerned that the program allows McCain to legitimise its brand as a healthy option in the eyes of schoolchildren and parents. McCain

frozen pizzas and meals contain high levels of salt and fat. While these are not eligible for the McCain School Vege Patches campaign, they carry the same branding as the eligible products and are therefore attracting a degree of official sanction. Some examples are Attack a Snack, frozen pizzas, pizza portions, subs. They include spaghetti Bolognese that has 290 milligrams of sodium per 100 grams of the product. That is 35.3 per cent of the average daily intake allowable for sodium per serve. Some of the other products have as much as 48.7 per cent of the allowable daily sodium intake and are as high as 20.8 per cent in fat.

The Department of Education and Training sponsorship guidelines ought to prohibit McCain from pressuring parents or school staff to purchase their products, as required by the McCain School Vege Patches campaign. The guidelines state:

The sponsorship does not place any pressure on students, parents or Departmental staff to purchase particular products or services or to adopt particular beliefs, attitudes or courses of action.

Multinational corporations should not be allowed to use schools to ambush market unhealthy foods to children. The Greens support school vege gardens, but not as a vehicle for manufacturers of high salt and fat frozen foods to re-brand their products as healthy choices. The Minister for Education and Training, Verity Firth, should stop this happening. It works against healthy eating and undermines the benefits of the vege garden program. McCain is the wrong type of organisation to have on school grounds or to be allowed to use schools to promote its products. McCain's frozen pizzas and pre-packaged meals are high in fat and salt. Children should not be lured into thinking they are healthy choices because of the connection to their school vege garden. Commercial sponsorship of school vege patches by a processed food multinational sends a confusing message to students. While the garden is all about the values of fresh vegetables and healthy eating, McCain makes its living by selling frozen and manufactured food. It is a case of, "Ah McCains, you've done it again"!

#### SYDNEY IDEAS PROGRAM

**The Hon. IAN WEST** [5.05 p.m.]: Last Monday the Sydney Ideas Program of the University of Sydney organised a lecture delivered by much acclaimed economist and international policy analyst Loretta Napoleoni. The Sydney Ideas Program brings some of the world's leading thinkers to New South Wales to bridge the knowledge gap between our political leaders and the general public. Napoleoni's recent book, *Terrorism and the Economy*, examines the economic impact of government responses to terrorism and how living legislation such as the Patriot Act compounds our economic problems and has the opposite effect to its intent. I found her take on the self-named Italian-Marxist organisation the Red Brigades particularly interesting as it was a group infamous for its subversion of democracy and violent attitude towards government. Her interview with one of its leaders highlights a group which aggressively challenged the legitimacy of government itself as an institution. The will of the people had no place in the dogma of the Red Brigade, and democracy was irrelevant and disregarded as such.

By contrast, Australians are extremely fortunate to be able to freely vote at the ballot box as opposed to being heaved down the barrel of a gun. The power of a vote should not be underestimated. This was a principle not reflected by far too many voters at the recent Federal election. We saw the rate of informal voting climb to 5.64 per cent, an increase of 2 per cent on the 2007 election, the highest level since 1984. In the division of Werriwa, almost 11 per cent of votes were informal or invalid. Those figures say a lot about the way in which many of us take our democracy for granted. Australia now faces its first hung Parliament since World War II. I note with a degree of irony the desire of Independent politicians to collectively bargain. This is, of course, a wise decision. The very essence of our democratic process is collective bargaining. The success of trade unions collective bargaining is why the conservative Howard Government championed individual workplace agreements.

The 2010 election has shown that our democratic system relies on the emphatic will of the people and for such a system to prevail basic political engagement is something expected of Australian citizens. In this vein, I commend the Sydney Ideas Program for providing a platform for the discussion of policy and the advancement of political and social thought amongst our youth. Australia's education system needs programs of this mould to allow future generations to continue to build a better nation. The 2010-11 State budget recently delivered by the New South Wales Government was deeply committed towards those endeavours. In the current financial year, education in real terms will comprise more than 20 per cent of our total expenditure. That is the type of investment needed to secure our economic and social potential.

The Smarter Schools National Partnerships, for instance, will mean that more than \$1 billion in funding will be directed to schools in New South Wales in the next four years, particularly those in lower

socio-economic status communities. These are the types of measures that will help struggling working families and our most vulnerable citizens haul themselves out of the dismal cycle of disadvantage they confront every day.

In his book *Children in Jeopardy: Can we Break the Cycle*, Irving Harris emphasises the importance of strong investment in early childhood education in breaking such a cycle. Equally important is the extension of equality of opportunity to ensure that children of lower socioeconomic status have access to quality education. This goes to the centre of the New South Wales Government's agenda. The Best Start initiative, for instance, is directing more than \$100 million towards kindergarten students. It is well established that early intervention is the most effective way of delivering better educational outcomes.

Despite what some may say, governments are crucial to influencing the direction in which we move as a nation. Obviously, I am of the personal view that Julia Gillard should have been re-elected hands down with an extended majority. However, our democracy is founded on who has the numbers and not on some subjective view of right and wrong. In spite of the high informal voting rate, the election outcome has engendered a new wave of interest in the political discourse, especially amongst our young generation. We therefore have good reason to be optimistic that, as time rolls on, our fragile democracy will grow more robust and lively with young people coming through who are active in the political arena.

### QUEANBEYAN SUPPORTED ACCOMMODATION

**The Hon. MATTHEW MASON-COX** [5.10 p.m.]: Some of the most vulnerable citizens within our community are those living with a chronic mental illness. Sadly, many of these people fall between the cracks of existing models of mental health care, often ending up on the streets and fending for themselves. Tonight I am very proud to announce to this House that the community of Queanbeyan has uniquely responded to the plight of the homeless mentally ill by establishing a 24-hour supported accommodation service called HOME in Queanbeyan. HOME provides these most vulnerable people with care, love and dignity in a safe community environment. It is a community initiative which consists of 20 self-contained units catering for both full-time and respite residents in a residential rather than an institutional or hospital setting.

I was honoured to attend the opening of HOME in Queanbeyan on 1 July this year. The keynote speaker was Australian of the Year, Professor Pat McGorry, who praised the community of Queanbeyan for its vision and compassion. Indeed, he endorsed HOME as a much needed and long overdue model of community care for those with a mental illness. The patron of HOME, former Governor-General Sir William Deane, also gave a moving speech saying that he had never before seen a community gather to support one group of the most disadvantaged people in the way the people of Queanbeyan had. He highlighted the significance of a facility like HOME in the following way:

The provision of long-term, supported accommodation for the chronically mentally ill who are not able to live with the basic dignity to which every human being is entitled is not simply a 'good idea'. It is an absolute must.

Also speaking at the ceremony was the father of one of the first residents, John Wilson. He shared the journey of his son Justin, who was diagnosed with a chronic mental illness at 19 years of age. He spoke of the struggles that he and his family faced dealing with the limited mental health services available, and of the time that Justin spent homeless on the streets. John described HOME as a godsend to people in the region. It will provide a real home to those who would otherwise be homeless but, more importantly, HOME gives these people a place of their own within the community.

HOME in Queanbeyan has been a long-held dream of Father Peter Day, the founder and driving force behind HOME. Father Peter Day is an inspirational leader who is passionate about the plight of the mentally ill. From his days in training for the priesthood, he witnessed firsthand the daily struggle of the mentally ill on the streets of Sydney, and later in Queanbeyan. Father Day envisioned HOME as a way to stand alongside people with their daily struggle and to give them the tools and encouragement they desperately need to function within our community.

At the opening of HOME, Father Peter spoke of the extraordinary effort, support and commitment given by the community which made HOME in Queanbeyan a reality and answered two very important questions for those suffering from a chronic mental illness:

Yes, you are somebody and yes, you do have a place to call home.



I wish to acknowledge and thank the hardworking manager of HOME, Ann Pratt, along with the board members Tony Carey and Father Peter Day, Margaret Joy, Colin Imrie, Paul Crawford, Nick Pelle, Dr Leanne Craze, Jim Snow, Father Michael Cockayne, Glen Jarvis, Hugh Percy, Nerida Dean and Franca Jones for their continued enthusiasm and support for this wonderful project.

I would also like to thank a number of individuals and organisations that helped make the building of HOME possible: notably Queanbeyan Anglican Church for providing so generously the land to HOME; PBS Building, which kindly donated its services and constructed the units for only the cost of materials, and OzTel Architects, who provided their services completely free of charge. Of course, many others have generously given to help make HOME a reality. The community of Queanbeyan contributed more than \$1 million to the project, along with donations from local charities and businesses, plus a program of business heroes for HOME. I thank them all for their contribution. Finally, I commend HOME to the House as a model of care for the mentally ill. I challenge all levels of government and communities across this great country to make a real difference in this chronically under-resourced area so that we can start to provide these most vulnerable citizens with the care, dignity and support they deserve.

### TRIBUTE TO VAL MELVILLE, OAM

**The Hon. KAYEE GRIFFIN** [5.15 p.m.]: Tonight I would like to speak about the late Val Melville, OAM, who passed away peacefully on 9 August 2010. Val made a tireless contribution to the New South Wales mid North Coast community throughout her life and she leaves a lasting legacy of community service, compassion, generosity and commitment to social and welfare issues. I was saddened to hear of Val's death and I am grateful to have had the opportunity to spend time with Val in recent years. The oldest of six children, Val was born on 14 October 1923 to Ada and Daniel Mighell. Her father was a farmer, grazier and dairyman, and a local councillor on the Macleay Shire Council, and politics played an important role in her life from a young age.

Val trained as a nurse at Kempsey Hospital in 1942. Dedicated to the care of her patients, she quickly became aware of the need to improve health services, in particular for Aboriginal patients. A strong advocate for the more vulnerable members of her local community, Val also worked tirelessly to improve the working conditions for nurses and staff. In 1945, frustrated at the lack of improvements to health services and working conditions, Val and the nursing staff at Kempsey hospital took industrial action. This resulted in major changes and improvements, including the provision of nurses' quarters, a children's ward and an x-ray unit.

In 1948 Val married Robert Gavin (Bob) Melville, a prominent local bricklayer and builder, and in the early 1950s Val and Bob joined the Australian Labor Party, becoming very active members in the local Kempsey branch. In 1954 Bob was elected to the Kempsey municipal council. In 1973 he was elected to the New South Wales Legislative Council, where he served for eight years. With Val's assistance and support, Bob was instrumental in the establishment of a high school at South Kempsey named Melville High in his honour after his death in 1982. I would like to make particular mention of the Melville High school choir who sang at the celebration of Val's life. This was a wonderful and fitting tribute to the Melville family.

Val was politically active all of her adult life, holding the position of either President or Secretary of the Kempsey branch of the Australian Labor Party for 51 years until 2005 when ill-health forced her to step aside. In 1980 she stood for election in the Federal seat of Cowper, recording a 7.4 per cent swing towards the Labor Party in the traditional Country Party seat, a result indicative of how highly regarded Val was in her local community. She had a long and proud history of advancing the wider interests of the Macleay Valley area.

In 1967 she was appointed as Macleay's first tourism officer, the first woman in Australia to hold such a position, one that she held for 20 years. Val worked tirelessly to promote the Macleay Valley at every opportunity. In 1968, at the height of the Vietnam War, she organised farm stays for hundreds of American servicemen who were coming to Australia for rest and recreation. Val was also instrumental in attracting movie productions to the Macleay Valley, such as *Always Afternoon* and *Eliza Fraser*, both filmed in and around Trial Bay Gaol. An award-winning visitor information centre and museum at South Kempsey, established under her tenure, remain as a testament to her commitment to the region.

Val was active in the Country Women's Association [CWA] and assisted in the establishment of a CWA branch at Burnt Bridge Aboriginal community and a baby health clinic with the help of her long-time friend Victoria Archibald. Val actively participated in the establishment of local festivals and events and also found time to volunteer for the Red Cross as well as the Spastic Council. Val's outstanding commitments to her

community and the Labor Party have not gone unacknowledged. In 1996 she was awarded life membership of the Australian Labor Party, in 2001 she was awarded the McKell Award for services to the party and her local community, and in 2004 she was awarded the Bluey Rodwell Award for Country Labor members. In 2000 Val was named as the Kempsey Shire Citizen of the Year and in 2009 she was awarded an Order of Australia Medal for service to the Kempsey community.

When I think about Val's immense contribution I often wonder how she managed to fit so much into her days. Val was a woman of many talents. She was a nurse, community activist, businesswoman, tourism ambassador, journalist and charity worker. Despite all her community service, family came first for Val and she was a committed wife, a proud mother, grandmother and great-grandmother. I have had the pleasure of getting to know Val's children in recent years, and they have extended to me the warmth and hospitality which was so evident in their mother.

At the celebration of Val's life it was touching to see so many people attend and share stories of her generosity, kindness and commitment to others. The number of people who were present and the genuine sadness displayed at the loss of Val is a testament to the love and respect afforded Val in her life. In death, Val leaves a legacy of community service and generosity of spirit that we can all admire. The New South Wales mid North Coast community has lost an advocate, a champion and a friend but the community is richer for all they have gained thanks to Val's enormous contribution. Val Melville will be sadly missed by all who knew her and I extend my sincere condolences at her passing to her children, Jenny, Robyn and Gavin, and their extended families.

### **MS SYLVIA HALE**

#### **LOCAL HOSPITAL NETWORKS**

**The Hon. JENNIFER GARDINER** [5.20 p.m.]: This is the last day that Sylvia Hale is a member of this place. I would like to place on record my appreciation of the opportunity to have worked with Sylvia very closely for the life of this Parliament in particular, and in the preceding Parliament, especially as she was a member of General Purpose Standing Committee No. 4 and undertook many inquiries with me as a member of that committee. I always found Sylvia to be very honest and open to deal with and I really appreciated the way she worked with that committee, the spirit in which she approached the work and her diligence in all the inquiries. I wish Sylvia all the best in her post-parliamentary life.

On 27 March 2009 the then Health Minister, John Della Bosca, said, "Doctors and nurses told me during the Garling consultation that redrawing area or district boundaries would be a waste of energy and money, occupying everyone for years and achieving nothing for patients." His successor as Health Minister, Carmel Tebbutt, told Parliament on 2 December last year that The Nationals and Liberals policy to replace Labor's discredited and un-asked for area health services would "make absolutely no difference" to the State's health and hospital system.

Then, because Prime Minister Kevin Rudd was having a hard time in the polls, he suddenly turned his attention to one of those projects on which he had not delivered—health reform. Mr Rudd dumped on the New South Wales Labor Government's ridiculous resistance to the decentralisation of hospital and health service governance and announced that, in effect, The Nationals and Liberals policy, Making it Work, was the way to go. That policy was published in March last year and committed an incoming Liberal-Nationals government to breaking up Labor's area health services and establishing health district boards with local communities and clinicians having a genuine say in how our hospitals and health services are run.

Mr Rudd announced that the New South Wales Labor way of health system governance was wrong. That is what he had found out by visiting hospitals around Australia, so he proposed that local hospital networks be established and, not long after, the local hospital network concept was signed off by the Council of Australian Governments. New South Wales Labor had to eat its words and sign off on The Nationals and Liberals policy. Because the local hospital networks are to be in place shortly, as per the Council of Australian Governments agreement, the Keneally-Tebbutt Government has engaged in a so-called consultation process in order to draft the boundaries which are meant to replace the area health service boundaries.

This comment from the record of the Coffs Harbour forum conducted by NSW Health on 7 July 2010 indicates the cynicism with which many stakeholders have greeted the consultations, which were not open to the public:

Desire for future consultation to be advertised more widely and conducted in a more meaningful way with more opportunity to provide considered feedback and views.

That is on the NSW Health website. Of course, the consultations were not advertised widely in the first place. Today in the Legislative Council, my colleague Duncan Gay asked the Government about suspicions that the draft local hospital network boundaries were locked in and whether that was justified or whether they would be subject only to finetuning. The Government made out that that was not the case. But advertisements are appearing calling for nominations for the chairmen of local hospital networks even though the boundaries were open for feedback from the public until yesterday, and before the Government has brought its proposals before this Parliament. As usual, the word "consultation" has a different meaning in the Labor Party lexicon to what it has in everyone else's. It is a sham.

The geographic areas proposed in some of the local health networks have been greeted with outrage and disbelief. With respect to the local hospital network in the south-eastern part of the State, the member for Bega, Andrew Constance, echoing the views of his constituents, said, "It's too big. It's not a local network, it's an area health service. This is back to the future, it's a lemon of a boundary. I mean it goes back to the area health service boundaries of 2005. Fifty thousand square kilometres. I mean this is not local at all."

In the State's mid west there has been widespread criticism of the draft central west local hospital network. The chairman of the Orana Regional Organisation of Councils said the central west local hospital network is a "clone of the current health system which has proven not to work. I would believe that people out further, like at Bourke, will travel to Cobar and then jump on a plane and go to Sydney. I don't believe people will toy around with going to Orange." Even the doomed Labor member for Bathurst, Gerard Martin, has expressed concerns, saying, "The networks are still bigger than I would like." But he reckons that this is by no means locked in and he asked for more community consultation. One wonders why he did not ask for that in the first place. There are many other critics of the proposed local hospital networks, including the mayor of Dubbo, who is not known for his support of The Nationals, and others in the north of the State. We in The Nationals intend to devolve governance of local hospital networks— *[Time expired.]*

## PALESTINIAN REFUGEES AND GAZA BLOCKADE

### VALEDICTORY

**Ms SYLVIA HALE** [5.25 p.m.]: I thank Jenny Gardiner for her kind and generous remarks. During the recent winter break I participated in a tour of Gaza and the Palestinian Occupied Territories organised by Union Aid Abroad-APHEDA, the overseas humanitarian aid organisation of the Australian Council of Trade Unions. Spending four days in Gaza and 10 days on the West Bank and in Jerusalem, and brief stopovers in Lebanon was a moving although deeply disturbing experience.

Two incidents haunt me. The first was our visit to one of the 12 refugee camps in Lebanon, the Burj al-Barajneh camp in Beirut. Its one square kilometre area is home to some 22,000 Palestinian refugees. A disgraceful perception pandered to by both major parties throughout the recent election campaign was that Australia was being overrun by refugees when it offered asylum to some 20,000 people. I repeat that the Burj al-Barajneh camp occupies one square kilometre and houses 22,000 people. Lebanon, unlike Australia however, has not signed the 1951 refugee convention, and refuses to acknowledge the presence of the refugees and denies them any entitlement to health, education or welfare services. It also forbids the provision of electricity or water supply, so above your head as you thread your way through the maze of narrow, gloomy unmade alleyways is a dark mesh of illegal powerlines through which water intermittently drips from tanks four storeys up. Families of up to 12 people live in two rooms and a rudimentary kitchen and bathroom. Water fit for drinking is trucked in for sale; rubbish collection is irregular. There is no open space for children to play. Work opportunities are few. APHEDA assists an early education centre, a youth centre, an elderly care program, and a woman-to-woman program.

Yet this camp has operated for 62 years. Is it any surprise that chronic disease, hopelessness and despair are rife? There are 420,000 Palestinian refugees in Lebanon, the victims of the 1948 Israeli occupation of Palestine. Yet the one thing I heard time and again from people was that their right to return should be recognised or, at the very least, compensated. It struck me as a similar demand to that for recognition of Aboriginal land rights in Australia.

The second event that moved me was a visit to Gaza International Airport. A very modern facility, it opened in 1998 but in late 2000 was repeatedly attacked and bombarded by the Israeli army, while army bulldozers destroyed its runways and demolished several buildings. When I saw it, it resembled nothing so much as a flattened moonscape pitted with hollows with the remains of a few partially demolished walls protruding crazily from the dust. But several hundred people were there, and dozens of donkey carts.

Because of the Israeli blockade of Gaza, cement, steel and other building materials cannot be brought in to repair the massive damage inflicted on Gaza by Israel during Operation Cast Lead in January last year. I mention incidentally that when we visited in July 2010, not even buildings in the United Nation's Gaza compound had been repaired because materials are not able to be obtained. At the airport we saw whole families scrabbling in the airport's ruins to retrieve rubble and to recycle it into building blocks. They looked to be the poorest of the poor whose only hope for a house lay in their ability to recycle the debris.

Two days after my visit, Israel again bombed the airport. The airport has absolutely no strategic value. The only possible target could have been the poorest of the poor of Gaza's inhabitants—the people with their donkeys who were scrabbling in the dust to retrieve cement rubble. As such, I believe it was a knowingly criminal act perpetrated by the powerful upon the powerless. Unfortunately, I think it was merely a small example of the contempt the Israeli government has for the Palestinian population and indicative of Israel's strategic approach to them. It is a policy of ethnic cleansing, of apartheid and of a disproportionate use of force. The illegality of the Gaza blockade is replicated in the settlements on the West Bank that, in defiance of international law, so blatantly dispossess Palestinians of their land. It is also reflected in the separation barrier, the Wall, which supposedly adheres to the 400-kilometre Green Line established in the wake of the 1967 war but runs for almost 700 kilometres and intrudes entirely into Palestinian territory, thereby annexing Palestinian villages, farms and water sources. The International Court of Justice has declared it illegal and called for its removal.

I could go on, but suffice it to say that Australian expatriates I met in Jerusalem, on the West Bank and in Gaza shared my concerns. Brisbane-born Maxwell Gaylard, the United Nations Special Co-ordinator for the Middle East Peace Process, told us of his repeated reports to the United Nations Security Council about the 10,000 Palestinians in Israeli jails, of the unwillingness of the international community to rescue 1.5 million people from collective sanction and imprisonment, and of the international community's refusal to uphold rule of law. Australian-born Father Peter Bray, the Catholic Vice-Chancellor of Bethlehem University, spoke of the problem he faced at the university. Non-Palestinian staff are unable to obtain work permits and are issued with three-month tourist visas only, and checkpoints hinder students and staff at every turn. He spoke graphically of the violence to which so many Palestinians students are subjected.

Dr Jean Calder, AO, who directs the Red Crescent's Ability Development College in Khan Younis, spoke of the work she was doing with disabled people. We inspected a room where young children were busily engaged in illustrating the story of *Cinderella and the Prince*. Paintings they had done of their daily lives were on the walls, and those paintings depicted stark images of shelling, of wounded and dead people and of houses destroyed.

There is so much more I could tell but, as members know, this is the last speech I shall deliver in this House. I have found the House and its occupants interesting, to say the least—sometimes bemusing. Nevertheless, I have always valued the kindness and courtesy of so many people, including those with whom I have little in common politically. But I feel compelled to single out Irene, who cleans my room every day, and Santiago, who clears away the paper, the attendants Lucy, Charles, Mike, Maurice, John, Mark, Susan and Max, all the staff of Hansard, Committees and the Library, and Kate Cadell, Sam Griffith, Stephen Frappell, Susan Want, Stephen Reynolds, David Blunt and Lynn Lovelock. I thank them all sincerely for all their assistance and sage advice.

Last night I re-read my inaugural speech. I cannot say that the last seven years have done much to allay the concerns I raised in that speech. Admittedly we have witnessed a Prime Minister's apology to our Indigenous community, but equally we have witnessed the Howard Government's instigation of the discriminatory racist intervention in the Northern Territory and the cowardly continuation of that action by the Rudd and Gillard governments. Concerns about the war in Iraq have been compounded by our intervention in Afghanistan, and Australia's treatment of refugees has never been more appalling, as international law and all moral sense have been violated in a craven kowtowing to ignorance and prejudice.

In this State, the numbers of young people in detention, especially Indigenous young people, have continued to swell, as have the numbers of adults we imprison. The homeless on our streets are evermore present, despite Australia being one of the world's richest societies. Cynicism about our political system festers under the impact of corporate donations that rightly are perceived by the community at large as the buying of favourable outcomes. The Environmental Planning and Assessment Act has been shredded, and the fundamental notions of accountability and transparency that were incorporated in that Act in the wake of the green bans have been abandoned. In their place is a concentration of power in ministerial hands. Accompanying that is the

creation of authorities such as the Sydney Harbour Foreshore Authority, the Barangaroo Delivery Authority, the Land and Property Management Authority, the Planning Assessment Commission and the Joint Regional Planning Panels—all peopled by trusted appointees whose purpose it is to do the Government's dirty work at one step removed, while retaining a veneer of independence.

But not all has been doom and gloom. I rejoice in the occasions when the community stubbornly refused to capitulate and in which I was privileged to be able to participate in small measure—occasions such as frustrating the privatisation of Snowy Hydro and of the Cessnock prison. I look back fondly on the campaign to save Killalea during which, for the first time, my office was able to track the making of every key decision and correlate it with donations from Babcock and Brown and Mariner Finance at every step of the way.

Clearly, in March 2011 part 3A of the Environmental Planning and Assessment Act, which is the embodiment of ministerial usurpation of the community's right to participate in the planning process, will come back to bite the Government. But what gives me real pleasure is the growth in influence of the Greens. In 2003 we had 17 members in State and Federal parliaments. Today there are 30, with numbers set to increase at the forthcoming Victorian and New South Wales elections. Greens representation in local government also has increased exponentially. To this time, I am the only Greens New South Wales member of Parliament who has served on a local council, but my successor, David Shoebridge, is a local government councillor, as are the top four candidates of our 2011 upper House team. I anticipate fondly that the Mayor of Leichhardt and the Deputy Mayor of Marrickville will take their seats in the lower House of this Parliament in seven months time.

Last of all I should thank my staff—Hazel Blunden, Col Hesse, Niccola Grieve, and Rosslyn Rix, and volunteers Irene Doutney and Garry Wotherspoon. They have been a constant source of strength. For inspiration I look to my colleagues Ian Cohen, Lee Rhiannon and John Kaye. I cannot thank them enough. Needless to say, I am confident that Lee will be an outstanding representative of this State in the Federal Senate.

Finally may I say I love my children, I like their partners, and I cherish my grandchildren. Spending more time with them is something I keenly anticipate but I also look forward to working towards the election of a record number of Greens to this Parliament in 2011.

**Question—That this House do now adjourn—put and resolved in the affirmative.**

**Motion agreed to.**

**The House adjourned at 5.39 p.m. until Tuesday 7 September 2010 at 2.30 p.m.**

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