LEGISLATIVE COUNCIL

Thursday 12 November 2009

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The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

PASSENGER TRANSPORT AMENDMENT (TAXI LICENSING) BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. Eric Roozendaal.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour of the sitting.

NATURAL DISASTERS

The PRESIDENT: Following my communications on behalf of members concerning the recent natural disasters, I report receipt of a letter of thanks from His Excellency Mr Primo Alui Joelianto, Ambassador, Embassy of the Republic of Indonesia.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 7, 25, 33, 62 and 208 outside the Order of Precedence objected to as being taken as formal business.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Budget Estimates 2009-2010

The Hon. Robyn Parker, as Chair, tabled report No. 32, entitled "Budget Estimates 2009-10", dated November 2009, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Robyn Parker.

The Hon. ROBYN PARKER [11.03 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Robyn Parker and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Bullying of Children and Young People

The Hon. Robyn Parker, as Chair, tabled report No. 31, entitled "Bullying of Children and Young People", dated November 2009, together with transcripts of evidence, tabled documents, correspondence and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Robyn Parker.

The Hon. ROBYN PARKER [11.04 a.m.]: I move:

That the House take note of the report.

I thank the committee secretariat and the members of General Purpose Standing Committee No. 2, who have worked long, hard and cooperatively to put this report together. I recommend the report to members. I know we will have a further opportunity to discuss the report.

Debate adjourned on motion by the Hon. Robyn Parker and set down as an order of the day for a future day.

AGRICULTURAL HIGH SCHOOLS

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 29 October 2009, as amended on 11 November 2009, documents relating to agricultural high schools in New South Wales received on Tuesday 3 November 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying documents received on Tuesday 3 November 2009 from the Director General of the Department of Premier and Cabinet which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents were available for inspection by members of the Legislative Council only.

STANDING COMMITTEE ON LAW AND JUSTICE

Reference

The Hon. CHRISTINE ROBERTSON: According to the resolution establishing the standing committees, I inform the House that on 11 November 2009 the Standing Committee on Law and Justice resolved to inquire into the following terms of reference from the Attorney General, the Hon. John Hatzistergos, MLC:

That the Standing Committee on Law and Justice inquire into and report on whether sex offenders' convictions should be capable of being spent under the Criminal Records Act 1991 or should only become spent in limited circumstances, for example, where:

(a) the offence was committed as a juvenile,

(b) there was a finding of fact that the sex was consensual,

(c) the offences were minor sex offences, or

(d) no conviction was recorded.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 2 postponed on motion by the Hon. Don Harwin, on behalf of the Hon. Catherine Cusack.

SELECT COMMITTEE ON THE NSW TAXI INDUSTRY

Membership

The PRESIDENT: I inform the House that on 11 November 2009 the Leader of the Opposition nominated the Hon. John Ajaka and the Hon. Trevor Khan as the Opposition members of the Select Committee on the NSW Taxi Industry.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business Item No. 231 outside the Order of Precedence relating to an order for papers regarding the Exploration Licence—Mount Penny be called on forthwith.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Members' Business item No. 231 outside the Order of Precedence be called on forthwith.

MOUNT PENNY EXPLORATION LICENCE

Production of Documents: Order

Motion by the Hon. Duncan Gay agreed to:

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 all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Mineral Resources and Minister for Primary Industries, the Department of Industry and Investment, the Treasurer, NSW Treasury, in relation to Exploration Licence 3771 (now Exploration Licence 7406)—Mt Penny, including any document relating to the tender process, and any document which records or refers to the production of documents as a result of this order of the House.

QUESTIONS

The Hon. ROY SMITH [11.12 a.m.]: I move:

That, for the remainder of the present session and unless otherwise ordered, questions with and without notice may only be put by non-government members.

I move this motion in good faith and in a sincere attempt to improve the functioning of this House. Question Time in Parliament has a long history, and it is generally accepted that the first recorded questions occurred in the House of Lords in 1721. The procedure for asking questions developed slowly in the House of Commons with the practice of giving the Minister notice of a question by printing it in the *Notice Paper* beginning in 1833. Our rules and conventions are modelled closely on the British practice—and the asking of questions without notice is a relatively recent event. Over the years various parliaments in Australia have amended their standing orders to provide for question time. In this place we have imposed a one-minute limit on the time a member has to ask a question and answers by Ministers are limited to four minutes. However, I believe that as the years have progressed question time has been politicised to the point that it no longer reflects its original function. Erskine May stated.

> Question Time is not a time for debate, but one for seeking information. Questions should therefore be short, to the point and relate to the responsibilities of the Minister concerned. Questions must not contain unnecessary detail, or contain arguments, expressions of opinion, inference or imputations or offensive expressions …

Unfortunately, speaking as a relatively new member of this place, of all the proceedings of this House, question time is that period of the day when the intensity of partisan politics is most clearly manifested. The purpose of questions, as I said, should be to seek information or press for action, but because public and media attention focuses mainly on question time questions are seen and used as political opportunities for scoring cheap points. It is a fact: Opposition members focus their questioning on matters which they hope will embarrass the Government and Ministers then filibuster with answers that are generally of little or no relevance to the question. Perhaps the greatest misuse of question time is the daily routine whereby the Government Whip distributes to various backbenchers the day's Dorothy Dixers, the ministerial responses for which are self-congratulatory pieces of oratory excellence written by talented ministerial staff who have perfected the art of writing speeches that precisely fill the allotted four minutes permitted for each answer.

For example, on 27 and 28 October in this place the Government used up nearly 70 per cent of question time in answering Dorothy Dixers, taking up nearly the full four minutes available for each answer. But when answering questions from Opposition and the crossbench members, the replies were brief and generally dismissive—hardly the original intention of having a question time. In looking at this issue I have found that I am not alone in being concerned about current trends and practices in regard to question time. There are similar concerns in parliaments across the country and indeed in Canberra. Five years ago the *Canberra Times* ran an editorial which is just as relevant today as it was then. It was calling for major reform of question time in the Federal Parliament. I will quote some passages from it. It refers to Canberra but I am sure it will also resonate in this place. The article stated:

> Question time—once one of the glories of Westminster accountability and responsibility—has become a joke—so far as the capacity of legislators to hold the executive Government to account.
>
> It is fashionable to blame Governments for this—and over the years, successive Governments have abused their position more and more BUT oppositions, and the style of questions they ask, are also responsible.
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> If questions are not really seeking information but merely seeking to make a rhetorical point, can anyone be surprised that able ministers take the opportunity to deal with the issue rather than the question?
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> Apart from the loaded preamble, the actual question asked is usually lame and does not ask for information. If oppositions gave the public any credit for intelligence, they might assume that they would understand the implications of a question.
>
> They might also recognise that Speakers—

or in our case the President—

> would be under far greater pressure to make ministers address the actual question if it were a request for information rather than an invitation to speak generally on a particular subject.

In conclusion, I will be interested in the contributions from fellow members and, in particular, the Opposition. If this motion is passed it will provide the Opposition with an enhanced opportunity to improve the transparency and openness of government and to hold the government of the day accountable. For the Government, it is a chance to demonstrate the sincerity of its oft-stated objectives of being open and honest with the people of the State. The conventions, traditions and standing orders that determine how question time currently operates have developed very slowly over a long period and I can understand how there may be a reluctance by the major parties to change the current practices because, as is obvious, they have become so comfortable with them. However, it should not be what is comfortable for the major parties that determines the practices of parliament; it should be what is best for the people of New South Wales. I commend the motion to the House.

The Hon. TONY KELLY (Minister for Lands) [11.17 a.m.]: The Government opposes this motion for some very valid reasons. In the short time I have had to investigate this matter I cannot find anywhere in the world where such a curtailment of the rights of members of parliament to ask question exists. The right to seek information from the Minister of the day and the right to hold the Government accountable recognises two of the fundamental principles of parliamentary government. The importance of questions within a parliamentary system cannot be overemphasised, and members should be able to search for and clarify information through questioning vital aspects of duties undertaken by government. Nothing could weaken the control of Parliament over the Executive more than the abolition or the curtailment of the rights of a member of a Parliament to ask questions in the House.

The Hon. Roy Smith alluded to the fact that sometimes answers from Ministers to questions from members of the Opposition or crossbenchers are short, but quite often they are long and informative. Government members generally do not put questions on notice, but I know that in the Legislative Assembly one Government member puts one question on notice almost every day. There should be no attempt by Parliament to curtail that fundamental right. Just to take a hypothetical example, if this motion were passed today, what could be a retaliatory action in the other place where the Government of the day controls the House? The government of the day could then move a similar motion and, for example, restrict the right of members of a particular party. They could say they do not like The Nationals today so members of The Nationals—

The Hon. Rick Colless: They don't like us every day.

The Hon. TONY KELLY: I should have said that they did not like the idea of The Nationals asking questions. The Parliament could decide to restrict that fundamental right of a particular party just because it does not have a majority in the House. The Government opposes this motion.

The Hon. DON HARWIN [11.19 a.m.]: We just saw the absolute unctuousness and hypocrisy of the Government on display in that speech from the Leader of the House. On the one hand he talked about the rights of members and parliamentary tradition and in the next breath he said to the Opposition, "If you support this, we will take it out on you downstairs."

The Hon. Tony Kelly: I didn't say that.

The Hon. DON HARWIN: That is what his speech said. Unbelievable! It was quite an extraordinary display from the Leader of the House. The Hon. Roy Smith has made some fair observations about the debased manner in which question time is being conducted under this Government in this House. Some of them were quite fair, in particular his observations about the practice of the Government Whip distributing the day's Dorothy Dixers. His calculation of the amount of time that is taken up with answers to Dorothy Dixers was quite fair as well. It comes down to an important issue. The real issue, of course, is whether Government backbenchers should have the right to ask questions seeking information.

Despite the fact that the Government backbenchers in this Parliament are too spineless to stand up and ask their own questions and put some of their Ministers under scrutiny, the Opposition is persuaded that that is not a sufficient reason to support the sessional order before the House. We would be opposed to taking away the rights of Government members, including our members when we are in government, if the need arises to ask questions of Ministers. I think it would be a sad day indeed when we said that one category of backbenchers could not ask questions at all and that they were not able to participate in question time on the same basis as every other member. On behalf of the Opposition I indicate that we will not be supporting this sessional order change.

Ms LEE RHIANNON [11.22 a.m.]: I congratulate Mr Smith on moving this motion and on the speech he gave. We will move an amendment to it but if both Labor and the Coalition were sincere in wanting to clean up question time they would support the motion. This is an attempt to clean up a most important period in this House each day. If passed, the motion would help restore respect for this House and the integrity of the democratic process we oversee. As we know, question time is one of the most important aspects of our daily program. As Mr Smith said, it is most closely scrutinised. Mr Smith's motion restricting questions to non-Government members only will remove the time-wasting Dorothy Dixers that he has spoken about, which really do the Government no credit, let alone this House. Question time, as we know, is a key opportunity to scrutinise the Government, the work of Ministers and the activities of the departments they oversee.

The Hon. John Hatzistergos: And donations.

Ms LEE RHIANNON: Yes, it is an opportunity for us to try to get to the bottom of donations but the Government still is not expanding on that issue as required. The Greens propose an amendment to the motion. I move:

That the question be amended by omitting "with and".

The motion would then read: "That for the remainder of the present session and unless otherwise ordered, questions without notice may only be put by non-government members." We very much support the right of Government members to be able to put questions on the notice paper. A number of Labor members in this place have used the provisions for questions on notice to put the Government on the spot at times, or just to gain information they need for working with their communities. There clearly is a legitimate role in doing that because it is not wasting the time of the House.

We believe this motion needs to target the issue of cleaning up how this House operates. That is where we have a major problem at present. The speech by Minister Kelly was informative to a degree that I doubt that he would like if he had had time to reflect on it. He talked about how the motion before us would limit controls over the Executive if it were passed. Then he moved on to say, "Well, we could well do something like this in the lower House."

The Hon. Tony Kelly: No I didn't. I said it was hypothetical. I did not suggest we would do it.

Ms LEE RHIANNON: Okay, I acknowledge your interjection. I am certainly happy to acknowledge the Minister's comments about it but he still put it on the record. What an extraordinary thing to even contemplate mentioning in a debate—that the Government would possibly, hypothetically, target a particular party.

The Hon. Tony Kelly: That is what you are doing. You are targeting the Labor Party here.

Ms LEE RHIANNON: Yes, and they deserve to be targeted.

The Hon. Tony Kelly: Is that what you are saying—that we deserve to be targeted?

Ms LEE RHIANNON: Yes, because of what you are doing to this House. You have abused question time for years. Mr Smith has brought forward a motion to attempt to clean it up. Mr Harwin, representing the Coalition, has given a self-serving response. Coalition members are obviously bearing in mind that they are going to be in government soon and they do not want to be bound by this requirement. At the moment one cannot see that anything is going to change with the Coalition and the Government lining up together to continue a regime in question time that does not allow the democratic process to flourish as it should.

The Hon. Rick Colless: Are you going to challenge Bob Brown for the leadership of the Greens in Federal Parliament?

Ms LEE RHIANNON: I am pleased that you asked that. I will put on the record that not only will I not challenge Bob, who is doing a fantastic job and continues to be energetic around the country, but I will not be putting myself forward. It is a hard enough job—

The Hon. John Hatzistergos: You said you would not run again after your first term and you did.

Ms LEE RHIANNON: And I am going.

The Hon. John Hatzistergos: You told us you wouldn't run again and you have.

Ms LEE RHIANNON: I am going, after 10 years. You cannot handle it. We are opening up the debate here, and it is a very useful debate because this House has a serious problem not just with the way question time is run but also with the new Leader of the Government in this House, Mr Hatzistergos. It is really making this place more dysfunctional. I appreciate the opportunity to put it on the record. He cannot stand having meetings with the crossbenchers.

The Hon. John Hatzistergos: That is not true.

Ms LEE RHIANNON: It is making the system more and more dysfunctional. We do not know whether we are dealing with Mr Kelly's staff or Mr Hatzistergos's staff. It is highly dysfunctional because of whatever agendas and hang-ups Mr Hatzistergos has. It is time that he moved on and cleaned up his act. Again, we are seeing the way this debate is being managed. I commend the amendment to the House and I again congratulate Mr Smith on making the attempt—which looks like it will go down—but how this House operates is an important matter.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, Vice President of the Executive Council) [11.28 a.m.]: I was not going to take part in this debate but in light of the somewhat provocative statements made by the previous speaker I think it is important that I do so. Notwithstanding the differences that exist between each of us from different political parties and different spectrums, the reality and the undeniable fact is that each and every one of us has been elected to this Parliament by the citizens of this State to represent their interests, their views and their values. Fundamental to our ability to do that is being able to participate in this Parliament on an equal basis, of course within the sessional orders and standing orders.

It is true that from time to time some of us might dislike comments that have been said or contributions that have been made by one member or another. However, that does not give anyone the right to say that members of a group will combine in the House and use their numbers and their majority to deprive other people

from participating in that way, which is their right. My concern about this proposition is: Where does it end? Does it mean, for example, that members of a group can combine and deny the right of another group of members to participate in a standing committee inquiry? Does it mean, for example, that I can join with Opposition members to deny the Greens any right to participate in the adjournment debate because I believe they have been using and abusing the adjournment debate to make the kinds of speeches that they made yesterday?

Ms Sylvia Hale: You have!

The Hon. JOHN HATZISTERGOS: Ms Lee Rhiannon referred earlier to the dysfunctional nature of this place. For the benefit of members, let me reiterate what happened yesterday. After hijacking the Government's agenda and putting on private members' matters for discussion, including the Graythwaite legislation, Ms Lee Rhiannon had the audacity to complain about the House sitting last night and she wanted to know how late we would be.

Ms Lee Rhiannon: Point of order: Mr Hatzistergos needs to be accurate. I did not complain about sitting late.

The PRESIDENT: Order! That is not a point of order. I call Ms Rhiannon to order for the first time.

Ms Lee Rhiannon: Be honest!

The Hon. JOHN HATZISTERGOS: I have been very honest. Ms Lee Rhiannon said, "Why are your members making multiple contributions to debate on a bill?" She was implying that Government members had the temerity to make an extra contribution to debate, as though the Greens confined themselves to only one speaker in debate on every bill. How many times have Greens members repeated the contribution of another Greens member? I have never complained about that or said that they should not do so. Members accept their right to do so. Every member of the Greens who has been elected to this Chamber has the right to contribute to and to participate in discussion.

I express some disappointment about the fact that the Hon. Roy Smith moved this motion. However, I am not at all surprised that the Greens are lined up behind it, because that is the way in which Stalinists operate. It is all about censorship, confining people's contributions and ensuring that politburo tactics are brought into play. That is the sort of agenda the Greens would like to pursue in this place. I am glad that the Hon. David Clarke is nodding his head in agreement as he knows how the Greens operate. I know because I have experienced their modus operandi for a long time. Much to the disgust of Ms Lee Rhiannon I will be here for some time to ensure that those sorts of tactics do not succeed. I know the way in which people at that extremist end of the political spectrum operate. This motion needs to be defeated.

Mr IAN COHEN [11.32 a.m.]: I support the motion to amend the sessional orders that was moved by the Hon. Roy Smith. I am pleased to participate in this debate and to inject what I hope will be some perspectives that might be worth noting. I listened with interest to other members who spoke in this debate and I disagree with some of the things that they said, which I hope to explain in a rational and reasonable manner. In speaking to this motion I congratulate the Hon. Roy Smith for trying to bring basic sanity back into question time in this place. Many people in the community who are undeniably disaffected and disenfranchised by the New South Wales Labor public relations goliath are craving amendments such as this to bring back accountability and transparency to New South Wales.

Undoubtedly the average punter on the street would support a proper examination of government operations, and not cheap spin or spruiking. I support the amendment to the motion that was moved by Ms Lee Rhiannon to not deny Government members, or any members in this place, an opportunity to put questions on notice—a fundamental right that everyone should have. Currently Government members are asking questions without notice. Those questions are not their own questions; they are questions that have been devised by ministerial staff that members have been given to ask. Effectively, those questions are questions on notice. Government members are asking those questions in question time when they could just as easily put them on notice and have them answered.

I do not think it is appropriate to say that members are being denied an opportunity to put questions on notice. So far as I am concerned Government members are asking questions on notice in question time. In the

15 years that I have been a member of Parliament I have not heard Government members asking questions without notice. All the questions that they ask have been prepared. It is their right to do so but we are seeking to achieve some streamlining, which happens from time to time in Parliament. It might not be happening in other parliaments but I believe it is a constructive suggestion. Government members should not be permitted to ask questions on notice in question time.

The amendment to the sessional orders moved by the Hon. Roy Smith will restrict the ability of Government members to ask questions during question time. Question time should be about ministerial accountability, but it is not. However, in an equitable world it should be. Question time is a key opportunity to hold the executive to account. It is one hour in which we can directly challenge and test the decisions of the executive. It is one opportunity for sensible questioning and inquiry to breach the political psyche of incumbent governments that have become impervious to the public will. It is a chance for distorted ideals and deluded doctrines to be unravelled, paving the way for a more equitable society. Yet incumbent governments captured by the intoxication of power quickly forget about the community and want to spend more time spruiking their wares rather than demonstrating accountability for decisions to the community. Last year Alan Ferguson, a South Australian Liberal and current Deputy President of the Senate, stated:

> I've held the view that Question Time is a farce for quite some time—and that doesn't apply to any particular government. Governments of both political persuasions, I think, have not used Question Time for what it was originally designed for, and that was for oppositions to be asking questions of the government to hold the government accountable for its actions or its non-actions.

In 2008, in an ABC Radio National interview, the Liberal Deputy President of the Senate lamented the excessive abuse of the Dorothy Dixer in both the State and Federal parliaments. A question time overflowing with Dorothy Dixers is like watching an international test cricket match where only weak and limp underarms are bowled to the batsman. The interview with the Hon. Alan Ferguson demonstrates that we need to rise above the system that institutionalises a process so deficient in substance. We need bipartisan commitment to stop short-changing the people of New South Wales in accountable governance.

We must stop allowing governments to avert serious and rigorous transparency. Any party that is serious about accountability and serving the public should see the need to support this amendment to the sessional rules of the Legislative Council. I wish to take a leaf out of the book of the Leader of the Opposition, Barry O'Farrell. In a recent State Liberal Party convention speech entitled, "Restoring Honesty and Accountability to Government in NSW", the Leader of the Opposition said:

> A rotten culture, a lack of standards will always produce flawed processes. A Government that refuses to commit to transparency and continues to concentrate decision making power in the hands of Ministers and puts political interests ahead of the public's shouldn't be surprised that its motives are questioned.

A similar statement opens the Opposition's freedom of information policy platform entitled, "Restoring your right to know". The opening paragraph on its 2008 policy states:

> The NSW Liberal/Nationals Coalition believes that the community has the right to openness, accountability and transparency when it comes to Government decision-making and information.

I am glad that the Opposition made this strong commitment to the people of New South Wales. We need a seismic shift in the culture of accountability in this State. I am delighted that members of the New South Wales Opposition made these commitments and placed these promises on their website for the people of New South Wales, heralding themselves as the patron saints of transparent and accountable governance. The Opposition must be ecstatic to be playing a role in killing off insidious spin and returning accountability to New South Wales.

When we come before this House seeking to put an end to shallow governance spin in Government Dorothy Dixers I am sure that in keeping with its commitment to the people of New South Wales to sweep out ineptitude the Opposition supports this change to sessional orders. Blazing across the Opposition's website "Stronger, Smarter, Healthier, Safer" are six social policy principles. Commitment No. 6 refers to "openness, transparency and accountability". This amendment to sessional orders is about commitment. Question time should be about openness, transparency and accountability, and not Government spin.

The concern may be that restraining Dorothy Dixers will spur an inverse increase in ministerial statements. If the Government wants to take that course of action, it will eat into the legislation-making function

of this House, not the key forum for ministerial accountability and transparency. If the Government takes this course of action, then so be it: The people will judge it. In this place we often hear the phrase "green shoots of recovery in our economy" in long, discursive assessments of the New South Wales economy embedded in Dorothy Dixers. If the House supports this motion, we will witness the green shoots of recovery in governance and accountability and the flourishing of increased transparency. Maybe even the Treasurer, the king of all things green shoots, will want to shift his green shoots to revitalising ministerial accountability.

I am disappointed that the Opposition will not support this worthwhile motion. It behoves the Opposition to stick to its principles as espoused in its policy and create true accountability and its proper role of Opposition in this State. I had hoped that members would support this motion.

Reverend the Hon. FRED NILE [11.40 a.m.]: I congratulate the Hon. Roy Smith on moving this motion. However, the reality is that such a motion would never be passed by this House because it is not in the interests of the Government or the Opposition. However, it is useful for the House to debate this issue. Every member should have a right to ask questions with or without notice. I disagree with some members who have been critical of government answers. Quite often amongst those Dorothy Dixers the Government conveys valuable information. In fact, sometimes the Government anticipates a question from the Opposition, but it is not asked. So then the current issue is put on the agenda of this House and we get the Government's position.

Sometimes Ministers' answers are not relevant, but many times they are. I agree that we need reform of question time. Labor Party members and Liberals-Nationals members should have the same rights as crossbench members to draft their own questions. Are questions distributed by the Government's question committee and the Opposition's question committee? We see both parties handing out questions at question time. We want to restore the rights of members to prepare their own questions, and that is a challenging concept for this House.

The Hon. Rick Colless: That goes for you too, Fred.

Reverend the Hon. FRED NILE: I prepare all my questions.

Ms Lee Rhiannon: The Government doesn't prepare any, Fred?

Reverend the Hon. FRED NILE: No, I prepare my own questions. I propose that our standing orders committee try to devise a procedure where a percentage of questions could be asked by members of the Labor Party and the Liberals-Nationals and not be distributed by the questions committees of both those parties. I would prefer and recommend that 50 per cent of questions be allowed to be asked by individual members. Certainly that would improve question time and the rights of members, and it would remove some of the frustration members from both sides experience in not having the opportunity to ask questions of a burning concern to them.

The Hon. TREVOR KHAN [11.43 a.m.]: I shall be brief as most of the issues have been canvassed amply by other honourable members. However, I make the initial observation about the interesting interplay between Reverend the Hon. Fred Nile and crossbench members and the assertion about who prepares questions. This reflects the potential danger in a motion such as this. Reverend the Hon. Fred Nile asserts that questions asked by various members in this place are Dorothy Dixers, yet the Greens assert that Reverend the Hon. Fred Nile acts as some dupe of the government of the day. Of course, Reverend the Hon. Fred Nile vehemently denies that assertion. If one takes this motion to its logical conclusion, on the basis of the Greens assertion do we group Reverend the Hon. Fred Nile with the Government and deny him the right to ask questions?

Essentially, Mr Ian Cohen has put before us the assertion that openness and transparency should be the order of the day and in that spirit we therefore should deny a member of this House the opportunity to ask a question. It is an interesting concept to achieve openness and transparency by denying a member of this House elected by the people of New South Wales the right to ask a question. In a sense it is a peculiarly obverse or reverse logic to shut down part of the Parliament. In the past two years we have seen the instability of the dynamic of this place and of political parties. This House provides the opportunity for the dynamism that exists within strong political structures to have their play. The example of that was the electricity privatisation debate. Tensions existed within the Australian Labor Party and people were prepared to speak out and take a stand. Indeed, they would have been prepared to cross the floor or ask a question without notice that was not, as would otherwise be asserted, a Dorothy Dixer.

This motion says to those members of the Labor Party, "No, you're not entitled to ask a question. You've got to sit there like a dummy and take it because this House won't allow you to ask the question." This motion would deny those members the opportunity to exercise their democratic rights to represent the people of New South Wales. On that basis the motion is flawed. It reinforces a structure rather than liberates the members of this House. Therefore, the motion should be opposed on that very basis. We need transparency and openness, but the logic being applied is fundamentally flawed.

Ms SYLVIA HALE [11.47 a.m.]: I am constantly bemused in this House when I see Mr Trevor Khan frequently exercise his considerable rhetorical skills, usually in support of an extraordinarily intellectually dishonest argument that he knows he does not support. I return to the issue at hand. I thank Mr Roy Smith for raising the issue and I support the amendment moved by my colleague Ms Lee Rhiannon. The whole point of questions is to elicit information. Opposition and crossbench members can do that in two ways. We can ask questions without notice when the Government does not have prepared answers or we can put those questions on notice and inevitably wait the full 35 days to receive an answer. Often, we do not even succeed in getting an answer within that time frame.

The Government abuses question time by using Dorothy Dixers as a pretext for making ministerial statements. This is an abuse of the process because at any time the Minister can make a statement. Standing Order 48, "Ministerial statements", states:

> (1) A Minister may make a statement regarding government policy at any time when there is no other business before the House.

Clearly, the Government does not make much use of the standing order. It prefers to dress up its ministerial statements in the form of answers to questions. The Government does not make ministerial statements because of the contents of Standing Order 48 (2), which states:

> (2) The Leader of the Opposition, or a member nominated by the Leader of the Opposition, may speak to a ministerial statement, not exceeding the time taken by the Minister in making the statement.

The Government refrains from making ministerial statements and instead abuses question time by handing out questions, as the Hon. Greg Donnelly is doing now, that supposedly are sincere, spontaneous and seek information from Ministers. Members are forced to sit here for a good third to half of question time and listen to what purport to be answers but are, in effect, ministerial statements. Government members have the opportunity to ask questions on notice. We know if they do that they will probably have their answers on the same day or the very next day, unlike the rest of us who have to wait the full 35 days for a response. The motion, to which Ms Lee Rhiannon has moved an amendment, does not stifle anybody, but it will prevent abuse of process. I believe the House should support the motion as amended by Ms Lee Rhiannon.

The Hon. ROBERT BROWN [11.50 a.m.]: Obviously, I support this very good motion that has been moved by my colleague the Hon. Roy Smith. The amendment moved by Ms Lee Rhiannon effectively negates the primary objection of both the Government and the Opposition. The amendment allows backbenchers to be able to place their questions on notice, as members of the lower House do on a weekly basis. The amendment effectively resolves the matter. I am hopeful that acceptance of the amendment will enable both the Government and the Opposition to support the motion.

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.51 a.m.]: This has been a very interesting debate, but I think there are some high principles about the role of this Chamber as a House of review, the role of all of us as elected members who are elected by people right throughout New South Wales, and the interplay between being a Government member and being a member of the House. I think all of those issues have been canvassed in one way or another during the debate. I wish to provide information to the House about being a backbencher and seeking information, the way in which we do that, and the way in which we manage time. This motion is very important in terms of the information that backbenchers seek from the Government. There has been a lot of discussion.

The Hon. Robert Brown suggested that the Greens amendment would fix the problem. It does not fix the problem at all. In reality, one of the privileges a Government member has is talking to ministerial colleagues and obtaining answers that are needed. That is part of what we do in the context of personal representation. We do not need to put motions on notice. However, we do need to ask questions. I am a member of the House who perhaps would have had to make some decisions outside my own parliamentary party. Being a member of the Labor Party is taken very seriously. I agree with the Hon. Trevor Khan in relation to the issue he debated, which is about being free to be able to do that. I think the motion limits that freedom. I will reflect on questions that

Government members ask during question time. We get a lot of information from those. As a backbencher, I use the questions that I ask and the questions that others ask to obtain information that I disseminate widely to stakeholders, party members and ordinary citizens who I know are interested in the issues.

Ms Sylvia Hale: That is the role of a ministerial statement, not an answer to a question.

The Hon. PENNY SHARPE: On the issue of ministerial statements, let us be honest about the way in which time is allocated in the House. We have a finite amount of time in which to get the work of this Chamber done. We all complain about it at various points in time, but we all manage the time in the best way we can, given the political realities within which we operate. Having said that, I do not think anyone would deny that the Greens take far more of the time available in the Chamber to push their agenda than does anybody else. It comes down to us as individuals having a right to seek information and having a right to be heard. If the Government started making ministerial statements on a Government business day or on a private members' day, the Greens and members opposite would be up in arms. They complain when we sit late. They also complain when we do not manage to do everything.

Mr Ian Cohen: We do not.

The Hon. PENNY SHARPE: That is the case.

[*Interruption*]

The PRESIDENT: Order! The Parliamentary Secretary has the call.

The Hon. PENNY SHARPE: As I was saying, we can have lots of discussion about motivation and the quality of question time, but I query some of the motivation of the crossbenchers and some of the questions they ask. If they are suggesting seriously that they are "spontaneously" providing questions and that they have not got a press release ready to go when the response is given, and that somehow that is a pure process whereas what Government members do when we disseminate information we receive during question time somehow is not pure, I really think they are kidding themselves and that they are pushing a very unreasonable line about the role of members of Parliament.

I do not query the motivations behind questions. I support the view that anyone in the House can ask a question, irrespective of whether it has been given to them by someone else, in whatever form they like because they take responsibility for it as elected members when they stand up in the Chamber to ask the question. If a member is prepared to ask the question, I am not going to query what the member's motivation is, where the question came from, or what it is. It is a member's right to ask whatever question they like and in whatever form they like.

This motion has raised a number of issues that I think are worthy of discussion. I would be pleased to have a discussion on any day about the quality of debate. I would be pleased to have a discussion about better ways in which to elicit information. I firmly support more information being made available to the public in ways that they can digest and that enable them to become more involved in decisions that are made by this Chamber. However, the motion fundamentally challenges the role of the House, the role of individuals in the House, freedom of speech and our individual's right to freedom of speech. For those reasons, I cannot support the motion.

The Hon. ROY SMITH [11.56 a.m.], in reply: I thank members for their contributions to the debate. As I indicated during my speech, I am a relatively new member of the House. During my time in the Chamber I have not seen Government backbenchers hold Executive Government to account by asking questions. It is certainly not my intention to remove the right of people to do so. The Parliamentary Secretary indicated that Government backbenchers have access to Ministers and to information which members of the Opposition and crossbenchers do not. The purpose of question time is to elicit information and hold Executive Government to account. It is not about providing the Government with an opportunity to launch its own self-congratulatory ministerial statements or to promote Government spin. I am happy to accept and support the amendment moved by the Greens.

Question—That the amendment of Ms Lee Rhiannon be agreed to—put.

The House divided.

Ayes, 7

Mr Brown
Mr Cohen
Reverend Nile
Ms Hale
Dr Kaye
Tellers,
Ms Rhiannon
Mr Smith

Noes, 32

Mr Ajaka	Mr Kelly	Ms Robertson
Mr Catanzariti	Mr Khan	Mr Roozendaal
Mr Clarke	Mr Lynn	Ms Sharpe
Mr Colless	Mr Macdonald	Mr Tsang
Mr Della Bosca	Mr Mason-Cox	Mr Veitch
Ms Fazio	Reverend Dr Moyes	Ms Voltz
Mr Gallacher	Mr Obeid	Mr West
Miss Gardiner	Ms Parker	Ms Westwood
Mr Gay	Mrs Pavey	*Tellers,*
Ms Griffin	Mr Pearce	Mr Donnelly
Mr Hatzistergos	Mr Robertson	Mr Harwin

Question resolved in the negative.

Amendment of Ms Lee Rhiannon negatived.

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

Motion negatived.

Pursuant to sessional orders business interrupted after 12.00 noon for questions.

QUESTIONS WITHOUT NOTICE

NEWCASTLE CITY DEVELOPMENT

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Minister for Primary Industries, Minister for Mineral Resources, and Minister for State Development. Is the Minister aware of the Newcastle Alliance, the Hunter Advantage Group and the Fix Our City campaign in Newcastle? Has the Minister had any meetings or sought to meet with any of these groups or, indeed, representatives of the Hunter business community? What is the Minister's response to public criticism in the Hunter this morning by a senior member of the Hunter business community that the failure to redevelop Newcastle is the result of the Government's refusal to engage with them and that the Government is "useless" and incapable of making a decision?

The Hon. IAN MACDONALD: I am not aware of that particular statement by that gentleman. I have met with the business community in the Hunter Valley on a number of occasions, and we have had some positive and creative discussions.

The Hon. Michael Gallacher: Have you met with this group?

The Hon. IAN MACDONALD: I cannot recall meeting this group, and I cannot recall that they have sought to speak with me. Certainly, I do not think I have met them. When we had that incredibly successful Cabinet meeting in Newcastle not long ago I met many local business people and had productive discussions about a range of issues that would be dear to the Leader of the Opposition's heart. The Government is doing a number of brilliant things for the Hunter. First, we are expanding the coal loader so that we can export out of the valley millions of dollars worth of income for the State each year. We are working with the Australian Rail Track Corporation to expand the rail link to connect that area.

Great works, thousands of jobs, we are working with them. I am quite happy to meet these people at any time but if they have these sorts of views, they should come and tell me. I am always willing to listen. I will even listen to members of The Nationals about various issues. I will even talk to the Leader of the Opposition about any of these issues. Today he has made a pathetic little statement thinking that he can create some hullabaloo in this Chamber. We are working hard for the people of New South Wales. We have the lowest unemployment in mainland Australia and it is because of our stimulus package that we have created jobs in New South Wales. As I pointed out yesterday, through direct intervention by this Government we have created 8,300 jobs over the last year—directly working with business to create employment.

The Leader of the Opposition scoured the papers this morning and found someone saying something negative. Go and look at all the positive stuff for once! Stop trying to put down New South Wales! Support the fact that the whole world supports the stimulus packages. I am enjoying myself. The Leader of the Opposition has got it wrong again. If they want to talk to us, they can come and see us. I am happy to meet them.

The Hon. Michael Gallacher: What about you going to see them? You are useless.

The Hon. IAN MACDONALD: Not like you and the useless Opposition that cannot put anything together ever. The Leader of the Opposition cannot even put his party together. This morning I listened to one of our best commentators. Listening to the fights in the Liberal Party—I could not believe it. I thought I was reading about something else but it was the Liberal Party. Why would they want to smash up Mr Hawke? Is he a friend of yours, Charlie? They wanted to smash him. They are talking about things like the Treasury department and this little troika—

The Hon. Michael Gallacher: This is a serious issue about Newcastle, one you are trying to trivialise; it shows what you respect about Newcastle—nothing at all.

The Hon. IAN MACDONALD: The Leader of the Opposition ought to get his house in order.

STATE ECONOMY

The Hon. PENNY SHARPE: My question is addressed to the Treasurer. Will the Treasurer update the House on the New South Wales economy?

The Hon. ERIC ROOZENDAAL: I thank the Hon. Penny Sharpe, an active member of the Legislative Council, for asking this question. It is very important that members of the Legislative Council take the opportunity during Question Time to ask important questions because I have the absolute latest official data released today at 11.30 a.m. by the Australian Bureau of Statistics. It reports that the New South Wales unemployment rate for October is 6.1 per cent. This is a serious number because it demonstrates the volatility of labour market survey data. Indeed, last month it was 5.6 per cent. On a trend basis the New South Wales unemployment rate is now 5.9 per cent and the national trend is sitting at 5.8 per cent. It is important we understand that we are not yet around the corner in terms of the recovery of the economy at a national and State level.

This rate demonstrates that we are well below our budget time projection of 7.75 per cent for unemployment but underlines and emphasises that more work needs to be done. We need to continue with the stimulus strategy. It is a stark reminder that it is too early to wind back the stimulus measures of the New South Wales and Federal governments. Yet, that is exactly what Barry O'Farrell, riding around on the coat-tails of Malcolm Turnbull, and the New South Wales Opposition, want to do. They want to set New South Wales on a reckless course. We know Barry O'Farrell is only interested in what he believes to be his own political interests. He is torn between following the poor economic advice of Malcolm Turnbull and cohorts as they struggle to devise a coherent strategy for the future of this country and torn on the other side by the massive factional—or should I say fractional—battles within the Liberal Party.

The Hon. David Clarke is not here again. We know where he is. He is in the gym pumping iron again. Oh, there he goes! He has gone out to pump more iron because he is in a hand-to-hand fight with Alex Hawke, his protégé who has run Australia like Frankenstein. We know Barry O'Farrell and Malcolm Turnbull want to trample on the green shoots of recovery.

The Hon. Greg Pearce: Point of order: This is a disgraceful abrogation of responsibility by this Treasurer. He was asked a question about the unemployment rate—

The PRESIDENT: Order! The Hon. Greg Pearce will not abuse the procedure for points of order. What is the point of order?

The Hon. Greg Pearce: My point of order is relevance. He was asked about the economy.

The PRESIDENT: Order! The Minister will be generally relevant.

The Hon. ERIC ROOZENDAAL: I may need to elucidate on this answer at the rate I am going. Barry O'Farrell and his cohort Malcolm Turnbull want to trample on the green shoots of recovery, those careful shoots that the Labor Party tends to every day to encourage to grow. They want to put people out of work. They want to slow growth and wreck the prosperity of this State. Supporting jobs and providing the foundations for future jobs is what New South Wales Labor is about and what the national Labor Party is about. That is why we acted so swiftly to the global financial crisis and put in place the four-year, $62.9 billion investment into jobs and infrastructure, supporting 160,000 jobs each year.

The Hon. PENNY SHARPE: Will the Treasurer elucidate his answer?

The Hon. ERIC ROOZENDAAL: It is why we moved quickly to become the nation's leader in delivering the Rudd Labor Government's Building the Education Revolution. They are doing it again—talking down the State. Let us talk about 616 projects under Primary Schools for the 21st Century or P21 that are underway, and new projects in schools are starting at a rate of 80 projects per week. What does the Opposition do? It complains about it. It wants to talk down this State. We anticipate that stimulus package spending will support 15,000 jobs per year in New South Wales; under O'Farrell—no jobs.

If they had it their way, none of this money would have gone into schools in the first place. No new classrooms whatsoever. No brickies, no plumbers, no carpenters, no builders—these workers know they do not care about them—no surveyors, no suppliers, no architects, none of them would have got work as a result of this spending. Following yesterday's consumer confidence figures members of the House will be interested to learn of positive comments by shopping centre giant Westfield Group regarding their Australian trading conditions. Managing Director Steven Lowy—

The Hon. Charlie Lynn: He is your neighbour, isn't he?

The Hon. ERIC ROOZENDAAL: No, I think he is Malcolm Turnbull's neighbour. He is reported as saying that Westfield saw solid trading conditions continue in the third quarter, while stabilisation continues in the United States, United Kingdom and New Zealand. This is further evidence that the Australian economy has done comparatively well. We did well thanks to the stimulatory measures adopted by the New South Wales and national governments. That has been underlined in the latest OECD report called "Tackling the Jobs Crisis" which specifically supports fiscal stimulus packages around the world.

NORTHPARKES MINE

The Hon. DUNCAN GAY: I address my question without notice to the Treasurer. Does the Treasurer recall his comments yesterday regarding the restart of construction at Northparkes Mine? Will the Treasurer detail to the House exactly which Government initiatives were responsible for the restarting of this mine? Will the Treasurer further explain why, only 10 months ago, he and his Government were nowhere to be seen to stop the closure of the E48 underground project that resulted in the loss of 320 contractor mining jobs in Parkes? How could the Treasurer yesterday take credit when he and his Government quietly stood back when hundreds of people in rural New South Wales lost their jobs? If the Treasurer wants to take credit for this restart of construction at Northparkes Mine, why should he not bear the responsibility for the loss of those jobs?

The Hon. ERIC ROOZENDAAL: Here we go again. This is yet another attempt to stomp on the green shoots of recovery. Members opposite have form. Every time I come to this House to talk about a new investment decision by business, whether it is JB Hi-Fi with 17 new stores or Bunnings or Costco—you name it—or whenever a business votes with its dollars for confidence in this State the Opposition wants to talk the State down. We know they absolutely hate good news.

[*Interruption*]

Listen to them! They asked the question and they do not want to hear the answer. I will tell members why: they have strapped themselves to Malcolm Turnbull. They are like an out-of-control rocket that will

eventually blow up. They have opposed the stimulus from day one. As we see business react to the triple-A credit rating of this State and react to the biggest investment in infrastructure in four years—$62.9 billion supporting 160,000 jobs a year—and as we see the indicators improve and businesses vote with their feet and their dollars, what happens? The Opposition complains and whinges because it cannot deal with the fact that we are slowly but surely growing those green shoots of recovery. We are committed to jobs, we are committed to economic prosperity and we will do it without the Opposition because they have fully abdicated their responsibility as an Opposition to ever offer serious economic policies.

The Hon. DUNCAN GAY: I have a supplementary question. Can the Treasurer elucidate his answer to give us one or two examples of what he did to be able to claim that his activity was the causal influence in this mine being re-established?

The Hon. ERIC ROOZENDAAL: Let's go—three examples. Should we start with record funding in health, record funding for roads—

[*Interruption*]

It is about all the money we are pumping into the economy to make New South Wales strong. We could talk about the reduction in payroll tax at the start of this year. We are cutting it again next year. That is almost $3 billion being given back to business in this State to encourage business. Whichever way you look at it there is record funding, record investment in infrastructure, cuts in payroll tax, and a stimulatory strategy in partnership with the Federal Government. We are supporting the economic recovery.

DALWOOD ASSESSMENT CENTRE AND PALM AVENUE SCHOOL

Dr JOHN KAYE: I direct my question to the Minister representing the Minister for Education and Training. Will the Minister for Education and Training meet with parents of students from Dalwood Assessment Centre and Palm Avenue School and explain to them why the Rees Government is trying to close the only residential facility in New South Wales for rural and remote students with literacy learning difficulties?

The Hon. JOHN HATZISTERGOS: I will refer the question to the Minister.

ELECTRICAL WASTE RECYCLING

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Climate Change and the Environment. What action is the Government taking to support a national scheme to recycle waste electrical products?

The Hon. JOHN ROBERTSON: I thank the honourable member for her question. How we deal with dumped or obsolete electrical products, known as e-waste, is a significant challenge in our community. This is especially true given the ongoing growth in consumer demand for electrical products such as televisions, computers and mobile phones. These electrical products have short life cycles and are deemed obsolete well before other types of personal or household items. It is estimated that over 80,000 tonnes of e-waste went to landfill last financial year.

The Hon. Helen Westwood: Point of order. I am unable to hear the Minister's answer due to the interruptions from members opposite.

The PRESIDENT: Order! Members will respect the Minister's right to address the House.

The Hon. JOHN ROBERTSON: The Government has long argued that a nationally consistent approach was needed if we were to deal effectively with this challenge. Individual States cannot adequately address e-waste, and that is why we have long advocated for a uniform approach across Australia. The issue of e-waste was one of the primary agenda items at the recent Environment Protection and Heritage Council meeting I attended on 5 November. I am very pleased to announce that after many years of hard work by the Government, industry and community representatives, the Environment Protection and Heritage Council has agreed on a national scheme to deal with e-waste. The Ministers resolved to establish a national product stewardship scheme for the recycling of televisions and computers.

This is a major milestone for the New South Wales Government, which has led the work on e-waste for many years. A comprehensive, industry-run scheme will be established to collect and recycle old televisions and

computers. This will be underpinned by Commonwealth regulation to ensure that the scheme operates fairly and consistently across all States and Territories. This is a great outcome for New South Wales, for our environment and our consumers. It delivers the recycling scheme that the community and industry have been calling for and does so through an efficient and effective national regulatory approach. The scheme will allow consumers to drop off their old equipment free of charge at designated collection centres. They will have the assurance that their products will be managed in an environmentally safe way, ensuring optimal recovery and re-use of materials. All TVs, computers and computer accessories such as keyboards, scanners, printers and external drives will be covered by the scheme.

At this point it is appropriate to acknowledge the leadership shown by the Federal Labor Government, unlike the Coalition, which was in government for so long and which opposed a scheme to recycle old TVs and computers. With Peter Garrett as Minister we have seen real leadership in an area that is supported by industry and consumers. I take this opportunity to acknowledge both the television and computer industries and their strong support for the development of the scheme. The industries have been represented by the Consumer Electronics Suppliers Association and the Australian Information Industry Association, who I commend. I note that Product Stewardship Australia, the organisation set up by television suppliers to design and run a national television recycling scheme, has acknowledged New South Wales' relentless efforts with the Commonwealth in achieving this outcome.

Both Product Stewardship Australia and the Australian Information Industry Association have committed to fast-track the establishment and initial operations of producer responsibility organisations that will manage national recycling schemes. Industry will also roll out relevant community information and education materials in preparation for the national collection and recycling schemes. Industry will work closely with relevant State and Territory agencies and local government to design specific collection and recycling programs. [*Time expired.*]

PARKLEA CORRECTIONAL CENTRE INCIDENT DATA

Ms SYLVIA HALE: I address my question to the Minister for Corrective Services. All correctional centres in New South Wales, including Junee, enter data on incidents that occur within the centres on the Incident Reporting Module. Why has Parklea been removed from this module? Have there been any incidents at Parklea that have not been reported on the module? When will Parklea be obliged to record incidents on the module?

The Hon. JOHN ROBERTSON: With respect, I think the member answered the question as to why those incidents that are recorded are not accessible to anybody who just wants to upload or download specific information. The system is called the Operations Integrity Management System [OIMS], and it has security issues associated with it. It deals with the movement of inmates, and incidents that are going on in all correctional centres throughout New South Wales. The reason that not everybody can access this system is because we do not want people who have some other agenda releasing what is going on for their own political purposes. The fact is the commissioner and the appropriate senior staff within Corrective Services have access to the system.

I have said on other occasions that Parklea continues to operate under the supervision of Corrective Services. The general manager and all the officers who work at Parklea are answerable to the Commissioner of Corrective Services. If any incidents occur at Parklea the Commissioner of Corrective Services will deal with them. No-one in the system will be allowed to access the OIMS when there is an ongoing campaign by people to score cheap political points from the fact that we successfully outsourced the Parklea operation smoothly and without compromising security. That outsourcing, which occurred in a true Labor way, will ensure that officers working at Parklea who want to continue to work for Corrective Services will be guaranteed a job within Corrective Services and will continue to be employed at their current rank and with their current pay at eight of the correctional centres at Parklea.

The Government said all along that it would not compromise security at Parklea jail. Providing people with the access about which Ms Sylvia Hale is talking would do just that—it would compromise security at Parklea jail. This Government is committed to ensuring that the community is secure and protected from the worst elements of our society who are locked up in our prisons. We will not compromise security at Parklea jail or at any of the other 29 correctional centres in New South Wales. This Government has a strong track record in dealing with security at its gaols. Since 1995, when this Government came to office, the number of escapes has declined and has continued to decline. The prison population has increased to just under 10,500 people, but

escape rates have declined because of this Government's commitment to security. This Government is committed to ensuring that the highest level of security is maintained and that appropriate people who have access to the system will deal with any incidents that occur at Parklea. This Government will not open up the system to anyone.

Ms SYLVIA HALE: I ask a supplementary question. Will the Minister elucidate his earlier statement that there would not be any compromising of security? Every other jail in this State is accessible on this incident-reporting module but Parklea is the sole exception.

The Hon. JOHN ROBERTSON: I dealt with that issue when I said that the appropriate senior officers within Corrective Services had access to this information. If appropriate information is required at another centre because someone is being transferred, being taken to court, or whatever, that information is available. However, this Government will not make information available that can be leaked and that might compromise security because we have talked about the fact that we are transferring inmates. At any point in time the equivalent of the inmates at one jail are on the road being transported to somewhere else.

The Hon. John Hatzistergos: Parklea has maximum-security prisoners.

The Hon. JOHN ROBERTSON: The Attorney General is right: Parklea has maximum-security prisoners. We will not broadcast to the world when we are transporting maximum-security prisoners from Parklea to court or to another location in the State. It is inappropriate for anybody to have that sort of access. This Government will not compromise security at Parklea or anywhere else in the State.

CENTRAL WEST WATER SUPPLY

The Hon. JENNIFER GARDINER: I direct my question without notice to the Minister for State Development. Does the Minister recall his endorsement in 2007 of the plans of the Central West Regional Organisation of Councils [CENTROC] for an expansion of Lake Rowlands to secure the future water needs of the Central West? I also ask the Minister whether he recalls his comments which were reported in the *Central Western Daily* on 30 October 2009, namely:

> This is a great opportunity for Orange, it will support the city's future growth and is a great investment in our future. Projects to increase water availability underpin economic security in our region, we need to invest in infrastructure which will support jobs, business, farmers and the communities' long-term needs.

As CENTROC's plan is expected to cost in excess of $100 million, what steps is the Government taking to facilitate the Lake Rowlands expansion and, therefore, State development?

The Hon. IAN MACDONALD: The Hon. Jennifer Gardiner asked a very good question. As I do not think I could have improved the accuracy or the content of the question I give the member 10 out of 10. When I was Minister for Natural Resources I visited the proposed Lake Rowlands enhancement site.

The Hon. Melinda Pavey: And you had lunch.

The Hon. IAN MACDONALD: I do not starve and I do not think too many members opposite would starve either. However, let me return to more serious issues. I had a good look at the site. At the time I said that I supported the concept, and I still do. The member is quite correct: recently I gave some commentary to my local paper, the *Central Western Daily*, about my support for the project. Any decision making relating to this project will probably be whole of government but driven by the Minister for Water. In a spirit of cooperation with Opposition members, I will forward this question to the Minister for Water and obtain an update on where we are with Lake Rowlands and water security issues in the wonderful city of Orange.

HMAS *ADELAIDE* ARTIFICIAL REEF PROJECT

The Hon. LYNDA VOLTZ: I address my question without notice to the Minister. Will the Minister inform the House of the latest developments for the HMAS *Adelaide* artificial reef project?

The Hon. TONY KELLY: I am pleased to inform the House that this morning I was at Glebe Island to witness another important milestone in the Rees Government's development of the first military dive site in New South Wales. As members would be aware, the forthcoming scuttling of the decommissioned HMAS *Adelaide* will provide a significant economic boost to the Central Coast. I ask Opposition members to remain

silent, as I am sure the Leader of the Opposition wants to know how important this project is for the Central Coast. The decommissioned HMAS *Adelaide* will provide a significant economic boost to the Central Coast and to this State, ensuring that new recreational options are available to the community and to tourists alike. Today's removal of the ship's main mast and its placement on the wharf at Glebe Island takes us one step closer to making the dive site off Terrigal a reality.

The Hon. Duncan Gay: Are we going to get an update as each piece of superstructure is removed?

The Hon. TONY KELLY: You certainly will. The HMAS *Adelaide* was gifted to the New South Wales Government by the Federal Government in June this year and handed over to create an artificial reef. It will rest in 32 metres of water off Avoca Beach at Terrigal. However, until today the height of the ship stood at around 39 metres. This morning 13.5 metres of the mast were removed to ensure that after the ship is scuttled boating around the dive site is safe. Plans for the future of the mast are currently being considered and we are listening to the local community's interest in establishing it as a monument on the Central Coast. Today's event provides clear signs that the scuttling date of April 2010 is achievable. However, work still has to be done. Major environmental inspections are underway, leading us towards this goal. McMahon Services Australia is removing a range of potentially hazardous material such as cabling as well as insulation and panelling that will not survive the scuttling or that may break down over time.

The Hon. Michael Gallacher: Can you watch the scuttling from the land?

The Hon. TONY KELLY: People will be able to watch it from the land. Every effort is being made to recycle and reuse all the materials to minimise the environmental footprint of the project. Today I am pleased to announce the launch of a website—*www.hmasadelaide.com*—which will provide the latest news and updates to the local community and prospective tourists. The site will include fascinating details of the HMAS *Adelaide*'s distinguished 28 years of naval service. She participated in the Gulf War and in peacekeeping operations in East Timor, has been deployed to the Arabian Gulf, and was involved in the high-profile search and rescue operations for solo yachtsmen Dubois and Bullimore.

Divers will be able to experience this history firsthand 32 metres underwater—along with fish, stingrays, sea sponges and other creatures that will make this unique site their new home. The decommissioned HMAS *Adelaide* reserve will provide an exciting and challenging experience for divers of all skill and experience levels. This is good news for the Central Coast as it will generate significant annual income for the local economy, create jobs in the tourism, hospitality and dive industries, and attract around 3,200 additional visitors each year. It will be the first of its kind in this State, joining only five other military dive sites in Australian waters. With its proximity to Sydney, the international airport and Australia's largest population centre, I have no doubt the decommissioned HMAS *Adelaide* will become Australia's premier dive attraction, once again showing this Government's fierce commitment to the people of the Central Coast. As I have said, the details are available on the site. The decommissioned HMAS *Adelaide* artificial reef—diving into history—will become as significant for the Central Coast as the Harbour Bridge and the Opera House are for Sydney.

TAFE TEACHERS

Reverend the Hon. Dr GORDON MOYES: My question is directed to the Attorney General, representing the Minister for Education and Training. Is the Minister aware that if the recent decision by the Industrial Relations Commission is implemented hundreds of permanent TAFE teaching positions will be endangered? Is the Minister aware that TAFE has the largest sector of public education that has a large non-permanent workforce with worse conditions and lower salary than its counterparts in other jurisdictions? In particular, is the Minister aware that thousands of part-time and casual TAFE teachers could lose a significant number of teaching, related duties and coordination hours? Given that the Industrial Relations Commission's decision could lead to a loss of over 300 full-time and part-time TAFE teachers, can the Minister inform the House on the estimated figures of the redundancy package for TAFE teachers who will be made redundant as a result of the Industrial Relations Commission decision and the succession plans to move redundant TAFE teachers into other sectors of the State's public education?

The Hon. JOHN HATZISTERGOS: I thank the member for his question. I will refer the details of it to the Minister for a response. However, I take this opportunity to once again emphasise to members that the Industrial Relations Commission performs an important function of resolving disputes in an orderly fashion between employers and employees. In this particular case, as in other cases, there was a dispute between the employer and the employee. The parties went to the commission fully armed with their competing claims and

arguments. The Industrial Relations Commission handed down its decision. There is a process by which that decision can be appealed, which I understand is to be activated by the aggrieved party. However, I express my strong displeasure about the absurd attacks made recently by Ms Rhiannon against the integrity of the Industrial Relations Commission.

The Hon. John Robertson: And supported by the Opposition.

The Hon. JOHN HATZISTERGOS: And anyone else. It is quite contradictory to run a campaign, as the Greens particularly have done, supporting the Industrial Relations Commission and its skill and integrity and then, when disagreeing with a decision not to appeal and have that matter dealt with in an orderly fashion, to instead reflect in what can only be regarded as quite disparaging terms on the integrity of those who adjudicated on that claim. I hope that in this civilised society, of which we are privileged to be part, where we have opportunities to properly ventilate matters before independent and impartial tribunals, people will respect those processes and not engage in the kinds of theatrics we have seen recently.

STATE ECONOMY AND JOBS

The Hon. GREG PEARCE: My question is directed to the Treasurer. As the Treasurer has indicated that today's unemployment figures show that unemployment in New South Wales again has risen to 6.1 per cent—again the highest in the country—compared to the national average of 5.8 per cent, all as a result of his Government's scorched earth policies over the past 10 years that have trashed the New South Wales economy, when will the Government actually take action to rescue the economy and jobs?

The Hon. ERIC ROOZENDAAL: We understand the volatility of this labour market data. Last month we had the lowest figure on the mainland. This month it has bounced around. The trend basis is the most important number to look at, and it states 5.9 per cent and the national trend is 5.8 per cent.

The Hon. Greg Pearce: I will quote you on that matter.

The Hon. ERIC ROOZENDAAL: You know this. That must be compared with what we forecast in the budget, which was 7¾ per cent. This is a far better recovery in the economy than we forecast in the budget and underlines the recovery occurring nationally and in New South Wales. I am happy to reiterate to the House what we are doing to support New South Wales. The starting point should be to remind members that in the midst of the global financial crisis and in the midst of all our trading partners around the world going into recession, New South Wales achieved an improvement in its credit rating to a stable triple-A off triple-A negative outlook. The fact that the State was able to improve its credit rating during a global financial crisis underlines that the decisions made by the New South Wales Government in a cooperative team effort with the Federal Government to support the State and national economies were proven to be right. The decision by this Government to invest more into jobs supporting infrastructure than any other State government was the right decision: $62.9 billion supporting 160,000 jobs. The Opposition opposed and voted against the first home owners boost.

The Hon. Michael Gallacher: We did not.

The Hon. ERIC ROOZENDAAL: You certainly did oppose it.

The Hon. Duncan Gay: Point of order: The Minister is misleading the House.

The PRESIDENT: Order! That is a debating point, not a point of order. The member will resume his seat.

The Hon. ERIC ROOZENDAAL: Let us go through it: triple-A credit rating improved under New South Wales Labor; record investment in infrastructure, $62.9 billion. For the information of the dolts opposite, $18 billion this financial year was invested into hard infrastructure, projects like—

The Hon. Duncan Gay: Eric, I wouldn't use the word "dolt".

The Hon. ERIC ROOZENDAAL: Oh, from the dunderhead himself comes a comment.

The Hon. Duncan Gay: Point of order: I take offence to being called a dunderhead by a dolt.

The PRESIDENT: Order! Members will exercise their privilege of free speech with good sense and good taste.

The Hon. ERIC ROOZENDAAL: If I have offended any dunderheads, I apologise.

The Hon. Duncan Gay: Point of order: There are apologies and apologies. That was not an apology. I ask that the Minister be directed to withdraw his comment.

The PRESIDENT: Order! I ask the Minister to consider withdrawing his remark.

The Hon. ERIC ROOZENDAAL: In relation to—

The Hon. Duncan Gay: Point of order: The member is defying your ruling. He was requested to withdraw his remark and he did not withdraw it.

The PRESIDENT: Order! I do not believe the Minister had the opportunity to respond to my request.

The Hon. ERIC ROOZENDAAL: In appreciation of the sensitivities of the member, in acknowledgement of his rather fragile sensitivities, I am happy to withdraw the comment.

CONVICTION RECORDS

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Attorney General. I ask this question because of a personal and political desire for the information. Could the Attorney General please update the House on the latest reform developments regarding spent convictions at the national and State level?

The Hon. JOHN HATZISTERGOS: This is an important question as it provides me the opportunity to give the House some important information. Like most other States, New South Wales has a spent convictions regime under the Criminal Records Act 1991, which allows convictions for which an offender receives a custodial sentence of less than six months to become spent after a crime-free period of 10 years. The basis of the scheme is that once a person has served their full sentence and has shown over an extended period that he or she will not reoffend they should have the opportunity to move on without the conviction continuing to mark the official record. This aids the rehabilitation of offenders by allowing them to put their past behind them, if they have demonstrated that they deserve it. However, sexual offences cannot become spent under New South Wales law.

The Standing Committee of Attorneys-General examined the spent convictions regimes to reduce the confusion created by different requirements in different jurisdictions and finalised a model Spent Convictions Bill at last week's meeting. The national approach to spent convictions will assist with problems associated with the sharing of criminal history information. However, the model Spent Convictions Bill does not cover sex offences because of policy differences between jurisdictions on whether, and to what extent, sex offences should be spent. In Queensland sex offences are spent in the same manner as are any other offences. In Western Australia the offences cannot become spent by elapse of time but will be spent only if a court so orders. As I have already indicated, New South Wales sex offence convictions cannot become spent.

In developing the model law the position of the New South Wales Government was that it will support two options being considered: first, that no sex offence is capable of being spent and, second, that sex offences committed by a juvenile that meet certain criteria could become spent following a court order. The second option could cover offences sometimes described as young love offences, which is when a juvenile has consensual sexual intercourse with another juvenile. I have asked the Standing Committee on Law and Justice of the Legislative Council to examine whether convictions should be spent and, if so, under what circumstances, such as when a sexual offence has been committed by a juvenile, when there is a finding of fact that the sex was consensual, when offences are minor, and when no conviction was recorded.

Arguments in favour of allowing the spending of these convictions could have long-term consequences for young people who are convicted of these offences. The consequences can be disproportionate both in relation to the objective seriousness of the offence and the level of risk of reoffending. The terms of reference also call for the committee to examine the issue of when there is a finding of fact that the sex was consensual. Because consent is not an issue for under-age sexual offences, on one hand young people can be convicted even if there is mutual agreement. On the other hand, there are arguments against allowing these convictions to be spent: sex offences are serious offences, and the consequences for victims can be damaging.

The terms of reference also include examination of allowing sexual offences to be spent for minor sexual offences, such as acts of indecency involving conduct that is a breach of ordinary standards of propriety, or the summary offences of extreme exposure involving exposure of a person in a public place. The committee will also examine the spending of convictions when a conviction was not reached. The issues raised in regard to spent convictions are likely to generate widespread community discussion, with strong arguments lying on both sides of the debate. The inquiry process of the Standing Committee on Law and Justice will allow the views of stakeholders, experts and community members to be aired in an open and public forum and will generate informed analysis on the many complexities of this topic.

ALCOHOL-RELATED VIOLENCE

Reverend the Hon. FRED NILE: My question is addressed to the Attorney General, in his own capacity and as a representative of the Premier. Is it a fact that on 2 October the Commissioner of Police, Andrew Scipione, launched the It's About You safe drinking campaign to reduce alcohol-fuelled violence? How will the recent High Court ruling, that hoteliers do not owe a duty of care to their patrons, further impact upon the objectives of the It's About You campaign? What impact will the ruling have on the application of the Liquor Act 2007 and hoteliers' responsibilities? What action will the Government take to address the situation and ensure that the objectives of the campaign still will be met?

The Hon. JOHN HATZISTERGOS: I thank Reverend the Hon. Fred Nile for his question. I congratulate Commissioner Scipione and police on their success in recent times—success that also has been noted by authorities such as the Bureau of Crime Statistics and Research—in relation to alcohol and alcohol-fuelled violence following laws passed by this Parliament. I also take this opportunity to acknowledge Reverend the Hon. Fred Nile's keen interest in this issue. On 10 October the High Court handed down two decisions concerning liquor licensees' duty of care to their patrons. It is important to note that these decisions concerned claims for compensation arising from allegations of negligence under civil liability law. As such, I am advised that the decisions do not touch on obligations and responsibilities imposed on licensed venues under the New South Wales Liquor Act.

The first decision, *C. A. L. No. 14 Pty Ltd v Motor Accidents Insurance Board* and *C. A. L. No. 14 Pty Ltd v Scott*, concerned a tragic drink-driving related death which occurred in Tasmania. I am informed that as the incident occurred in that State the court did not examine duties and responsibilities of licensees under the New South Wales Civil Liability Act or the New South Wales Liquor Act. However, the second decision, *Adeel's Palace Pty Ltd v Moubarak* and *Adeel's Palace Pty Ltd v Bou Najem*, related to an incident that occurred at a licensed club in Punchbowl in New South Wales. In the latter case the court examined the provisions of the New South Wales Civil Liability Act and found that licensed venues have "a duty to take reasonable care to prevent injury to patrons from the violent, quarrelsome or disorderly conduct of other persons." The court found that the particular facts of this case did not meet this standard.

The court also noted that the Liquor Act regulates the sale and service of liquor in licensed venues and the conduct of persons in those venues. However, I am advised that the court's decision should not impact on obligations that can be imposed on venues' licence conditions under the Liquor Act. Such obligations, which are designed to encourage the responsible service of alcohol and prevent incidents of violence, can include lockouts, restrictions on the service of shots and the use of plastic glasses. It is also worth noting that in New South Wales victims of alcohol-related violence may be eligible for compensation under the Victims Compensation Scheme. I certainly encourage any victim to contact the Victims Support Line, if they have not already done so, in relation to any concerns they may have.

KIDS HELPLINE

The Hon. ROBYN PARKER: My question is directed to the Treasurer. Is he aware that the inquiry into bullying of children and young people heard that the Kids Helpline service receives more than 570,000 calls a year from children and that almost half of those are from New South Wales? Why does the Government not provide funding to that service, unlike Queensland or Western Australia? Will he commit to funding the service in the future?

The Hon. ERIC ROOZENDAAL: I thank the Hon. Robyn Parker for her question and interest. I am not well acquainted with that particular service, but I will be pleased to make inquiries.

CORRECTIONAL OFFICER RECRUITMENT AND TRAINING

The Hon. IAN WEST: My question is addressed to the Minister for Corrective Services. Will he update the House on the recruitment and training of correctional officers?

The Hon. JOHN ROBERTSON: I thank the Hon. Ian West for his question. It gives me great pleasure to report to the House on the success of the introduction of casual correctional officers within Corrective Services New South Wales. Employment of casual officers forms part of the Way Forward package of reforms. Since September 2008 Corrective Services New South Wales has recruited 234 casual officers, and a further 55 will graduate from the Brush Farm Corrective Services Academy in December this year. Their graduation will follow an intensive 11-week primary training course that will provide them with the same skills and training as those of any full-time correctional officer.

Casual officers clearly are having a positive impact on the operation of our prisons. The use of casual officers means that existing full-time correctional officers are not forced to work excessive overtime instead of taking much-needed time off. This allows Corrective Services New South Wales to strengthen its occupational health and safety commitment to its employees and ensures that sufficient replacement staff are available to meet full-time operational needs. Using casual correctional officers to fill unscheduled absences in lieu of overtime expenditure generates significant financial savings. The progressive introduction of casual correctional officers has provided Corrective Services New South Wales with cost savings that are estimated to be approximately $1.6 million for the 2008-09 period.

The ease with which these officers have entered the system and the outstanding contribution they have made is reflected in the fact that many of these officers now are moving from casual positions into permanent full-time positions. In August this year Corrective Services New South Wales circulated an expression of interest that invited existing casual officers to apply for permanent full-time positions. As a result of that process 39 casual officers have since been appointed as permanent full-time correctional officers at the Long Bay Correctional Centre, and 12 have been appointed at the Wellington Correctional Centre. Many of the officers that have been appointed to full-time positions at Wellington already were working there as casuals. It is pleasing that some casual officers have taken the opportunity to move to Wellington to take up their full-time positions. This helps to increase the centre's staffing numbers and also benefits the local community as well as the local economy.

The Hon. Tony Kelly: According to the last census, there has been a 4.4 per cent increase in the local population, which is due to the jail.

The Hon. JOHN ROBERTSON: I note the Hon. Tony Kelly's interjection. Despite the fact that these appointments occurred only recently, I am able to report some positive results. At Long Bay Correctional Centre I am advised that since the introduction of these extra officers the amount of overtime hours has been reduced by up to 30 per cent. I note that significant savings are being generated for taxpayers as a result of officers who have been redeployed from Parklea Correctional Centre to other centres since GEO commenced its operations.

These extra officers have meant that Corrective Services New South Wales has so far been saving up to $70,000 a day in overtime costs across the system. This means savings of nearly $500,000 a week or $25 million a year. These results show that the Government's reforms in corrective services are working. All in all, the Government's corrective services reforms will save taxpayers $60 million a year—$60 million that can instead be spent on the State's schools, hospitals and other essential services, delivering to the people of New South Wales the services that they expect of a State Labor Government.

COAL EXPLORATION

Ms LEE RHIANNON: I direct my question to the Minister for Mineral Resources. What involvement has the Minister had with the exploration process in Cascade Coal's proposed exploration area near Bylong? Has the Minister discussed with Mr Obeid the coal exploration process in this area or in any other areas? If so, when were the discussions held and what was discussed? Considering that Mr Obeid is a former Minister for Mineral Resources, and considering that the State Government conducted preliminary drilling in the Mount Penny exploration area over many decades, does Mr Obeid have inside knowledge of the potential for coalmines to be developed in the Cherrydale Park area, where his family bought land?

The Hon. Charlie Lynn: Be nice!

The Hon. IAN MACDONALD: I am always nice. This particular resource exploration licence was part of a number of small to medium resource licences that were put out for expression of interest. The process was done entirely by the department; I had no role in it. Indeed, I delegated all authority relating to those leases

to the department. The whole process was overseen by the former Deputy Auditor-General of New South Wales, Mr Fennell. The decisions of the panel, including the probity auditor, were put forward to the director general, who implemented the results in relation to those coal leases.

Ms LEE RHIANNON: I ask a supplementary question. Will the Minister elucidate his answer? In particular, considering that some departmental representatives were employed in their positions when Mr Obeid was the Minister, would they have discussed this matter with the former Minister?

The Hon. IAN MACDONALD: As usual, it is a bit of a fishing exercise by the Greens. I am pretty sure that the department has conducted this in an appropriate way.

Ms Lee Rhiannon: Pretty sure?

The Hon. IAN MACDONALD: I am totally sure. Indeed, the whole process was overseen by Mr Fennell, who has a high reputation in this State.

BEACH WATER QUALITY

The Hon. DON HARWIN: My question without notice is addressed to the Minister for Climate Change and the Environment. When will the Government release the 2008-09 State of the Beaches report? Do the 2008-09 figures confirm that there are persistent water quality problems at Cabarita Beach in the inner west and at Malabar Beach and Coogee Beach in the eastern suburbs?

The Hon. JOHN ROBERTSON: At the end of this month we will release the State of the Environment report, which deals with a range of issues such as water and air quality. From memory, the report will be released on 30 November. It deals with a range of measures that demonstrate how the State is travelling in terms of environmental issues, whether it is air quality, land use, water quality and a range of other issues. I suggest the member read the report at that time.

V8 SUPERCAR TELSTRA 500

The Hon. EDDIE OBEID: My question is directed to the Minister for Primary Industries, Minister for Mineral Resources, and Minister for State Development. Will the Minister update the House about the upcoming Sydney Telstra 500 event and what benefits it offers to Sydney?

The Hon. IAN MACDONALD: It is my pleasure to provide the House with the latest update regarding this great event. There are just three weeks to go before the inaugural Sydney Telstra 500 heats up the streets of Sydney. Since the announcement that Sydney would host the grand finale of the V8 Supercar motor race series, a considerable amount of work has been undertaken. This morning I had the pleasure of touring the Sydney Olympic Park circuit with former V8 champion and track design consultant Mark Skaife. The track is 60 per cent complete and looks absolutely sensational. This event will be the best thing to happen in Sydney this year. The event is expected to attract around 160,000 spectators over the course of the three days. Not only will the event showcase Sydney to a national and international audience; it is estimated to bring in nearly $110 million to the State over the next five years and create about 110 full-time jobs.

The event, which will run from 4 to 6 December, will be truly family friendly. Children under 12 will be admitted free and there will be a dedicated carnival zone in the Olympic precinct. A ticket to the Sydney Telstra 500 will be the best value for money of any event this year. Included in the ticket price will be access to seven arenas of free entertainment and free public transport to and from the event, not to mention racing action and big name acts performing concerts on Friday and Saturday nights. Cold Chisel has reformed for a major concert on Saturday night. The Homebush Motor Racing Authority is well established and working with its advisory board and event implementation committee. The authority provides a streamlined approvals process to ensure that environment and safety matters are addressed and that the needs and concerns of all stakeholders are managed appropriately.

Events of the size of the Sydney Telstra 500 V8 Supercar race inject large amounts of money into the economy, stimulate local businesses, create jobs and attract tourists. We are already seeing a positive job impact. Western Sydney based construction company Abergeldie Complex Infrastructure was awarded the $10 million contract to undertake works to finalise the circuit at Sydney Olympic Park. This has meant the

creation of 100 equivalent full-time construction manufacturing jobs up to the end of the event for western Sydney. A mass tree-planting program at the precinct is also underway, which will replace three trees for every one removed from median strips along the race circuit.

Predictions of benefits of the V8 Supercar race series by Industry and Investment New South Wales include a contribution to the gross State product of about $100 million to $110 million over the five years, an additional 30,000 hotel visitor nights in Sydney, an additional $1.1 million directly from payroll taxes generated by the V8 event at Sydney Olympic Park over the five-year period, up to 15,000 interstate and international tourists, and the equivalent of 110 new full-time jobs. And the event is likely to attract tens of millions of dollars of media exposure for Sydney and New South Wales each year. V8 Supercars Australia has announced that its cars will race on E85—85 per cent ethanol fuel—at the 2009 event, showcasing ethanol as a safe and reliable renewable fuel source. All in all, this event is on track to be a major event with positive benefits for the New South Wales economy. I am confident that it will showcase Sydney as the major event capital.

NATIONAL PARK AND RESERVE SYSTEM

Mr IAN COHEN: My question is addressed to the Minister for Climate Change and the Environment. Given that between 1988 and 1992 the Greiner Liberal Government increased the national reserve system by 7.2 per cent, and given that between March 2005 and the present day the Iemma-Rees governments have increased the national park and reserve tenure system by 5.5 per cent, is the Rees Government adequately contributing to the conservation legacy of New South Wales? Since Nathan Rees became Premier, the New South Wales Labor Government has increased the national park and reserve system by 0.96 per cent. From these figures alone, can we deduce that the Liberals-Nationals are superior conservationists, compared with the Rees Government?

The Hon. JOHN ROBERTSON: It is all well and good to talk about 2004 until today, but the whole period of this Government in office must be taken into account. Former Premier Bob Carr did more to increase the number of national parks in this State than any other Premier in the history of this State. From memory—but I stand to be corrected—this State has a significant 794 national parks. The Government has a commitment to continue to look at areas that are under-represented in our nationals parks system, particularly in western areas of New South Wales. It will also ensure that ecosystems are sustained, protected and best reflect the systems that exist that might not be best represented at the moment.

The notion that somehow members of the Opposition are more environmentally conscious or aware is absurd. I am disappointed that Mr Ian Cohen would even think that Opposition members really care about the environment. On Monday night's *Four Corners* program the Leader of the Opposition in the Senate, Nick Minchin, stated on behalf of the Coalition—unless these blokes are suddenly saying they are not part of that any more—that he does not believe that climate change is being caused by humans. Anybody who missed the program should go on to the ABC's iView website and watch the program. Members of the Opposition are climate change deniers. Members of the Opposition are now sitting very quietly because they have nothing to say, because it is the truth. They cannot deny that Nick Minchin said on the ABC that climate change is not real.

I am pleased that I have been asked a question because I want to talk about this Government's environmental credentials. I note that the Leader of the Opposition keeps referring to Newcastle. I want to talk about this Government's commitment to the environment, in particular, its announcement this week of the Solar Bonus Scheme. This gives me a chance to report on more positive stories and commentary about that announcement. An article in today's Newcastle *Herald*, under the heading "Good news for green power", states:

> RENEWABLE energy in NSW received a huge boost this week when the Rees Government announced it would legislate to require households to be paid generously for all power they produce from domestic solar and wind generation …

It continues:

> Coupled with a variety of other incentive programs, the new "Solar Bonus Scheme" is likely … to produce a massive surge in demand for rooftop solar generating systems. Households can also avail themselves of the Federal Government's interest-free green loan scheme … which provides up to $10,000 free of all financing costs for up to four years.
>
> With such benefits available many households will be able to launch themselves into the green energy era, escaping power bills for years to come.

[*Time expired.*]

Mr IAN COHEN: I ask a supplementary question. Will the Minister reinvigorate the Carr-Debus tradition of adequate representative reserve systems with a proper protection of the river red gums on the Murray River?

The Hon. John Hatzistergos: Point of order: That question does not arise from the answer. The original question did not even refer to Carr.

The PRESIDENT: Order! I rule the supplementary question out of order. It is a new question, not a supplementary question.

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

Questions without notice concluded.

[*The President left the chair at 1.15 p.m. The House resumed at 2.45 p.m.*]

CRIMINAL PROCEDURE AMENDMENT (CASE MANAGEMENT) BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Hatzistergos.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a later hour.

STATE EMERGENCY SERVICE AMENDMENT BILL 2009

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

Annual Reports (Statutory Bodies) Act 1984—for the year ended 30 June 2009:

Aboriginal Housing Office
Health Foundation
Independent Transport Safety and Reliability Regulator
Public Transport Ticketing Corporation
State Sports Centre Trust
State Transit Authority of New South Wales

Ordered to be printed on motion by the Hon. Tony Kelly.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. CHRISTINE ROBERTSON [2.47 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. 237 outside the Order of Precedence relating to Remembrance Day be called on forthwith.

This motion should be accorded priority because 91 years ago more than 61,000 Australians lost their lives on foreign soil and 156,000 were wounded, because we must honour these lives and acknowledge their sacrifice, and because Australian men and women are still representing our country today. Remembrance Day, which was yesterday, honours those who have given their lives to preserve our way of life. It allows us to reflect upon those brave Australians and remember the sacrifices they have made. Remembrance Day—

Dr John Kaye: Point of order: I raise exactly the same point of order that Mr Donnelly and others constantly raise against the Greens. However worthy the motion, the member is going through the substantive

issues and not arguing the issue of urgency. Mr President, I understood your previous rulings on this issue to mean that the matter had to be more urgent in comparison to all other matters and it was not possible to canvass the substantive issues in a debate on urgency.

The Hon. Greg Donnelly: To the point of order: There is no canvassing going on. The member is speaking to why, given the date, this matter should take precedence before the House this afternoon.

The PRESIDENT: Order! I uphold the point of order to the extent that the Hon. Christine Robertson needs to argue why this matter is more urgent than other matters on the *Notice Paper*.

The Hon. CHRISTINE ROBERTSON: Thank you for your ruling, Mr President. Whilst not retracting anything I have said so far, I am indicating how important it is for this House and its members, all of whom I understand perceive this issue to be incredibly important, to have the opportunity to debate this issue thoroughly today. I apologise if my remarks did not indicate that. Many members are affected by this issue in some way during their lives. On Remembrance Day we commemorate a minute's silence, as we did yesterday. We remember exactly what happened, and it is entirely becoming of this House to remember the conflicts in which Australians gave their lives. We reflect upon the men and women—

Dr John Kaye: Point of order: While I am entirely in agreement with the substance of the member's speech, I cannot understand how what she is saying is relevant to urgency. I am completely sympathetic to what she is saying, but it is not a matter of urgency to talk about what Remembrance Day is. This is exactly the same point of order that Mr Donnelly and others have taken against the Greens time and again. I think the Government should apply the same standards to itself that it expects the rest of us to obey.

The PRESIDENT: Order! The question before the House is whether a matter is more important and more urgent than other matters. The Hon. Christine Robertson is arguing that this matter is critical in relation to the date. Hence, the timing of the debate is relevant as to why this matter is more urgent than other matters on the *Notice Paper*.

The Hon. CHRISTINE ROBERTSON: I have very little more to say in relation to the urgency of the matter, but I believe members should have the opportunity to voice their opinions on the issue in this important week. I urge that this motion be accorded priority so that Remembrance Day is given the acknowledgment it deserves.

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

Motion agreed to.

Order of Business

Motion by the Hon. Christine Robertson agreed to:

That Private Members' Business item No. 237 outside the Order of Precedence be called on forthwith.

REMEMBRANCE DAY

The Hon. CHRISTINE ROBERTSON [2.53 p.m.]: I move:

That this House:

(a) acknowledges Remembrance Day, 11 November, which marks the end of World War I 91 years ago,

(b) notes that Remembrance Day, originally called Armistice Day, honours the 416,000 Australian men who enlisted and 2,500 women who joined up as nurses in the Great War,

(c) notes that more than 60,000 Australian soldiers died and 156,000 were wounded or taken prisoner, and

(d) expresses deep gratitude to those who have lost their lives in war and conflicts over the last century for the freedom that we enjoy.

Yesterday, when Australians everywhere observed one minute of silence for Remembrance Day, each of us reflected differently, just as each member in this House reflected differently. Some thoughts were born of

personal loss of the precious memories of mates, of neighbours and of family members; some thoughts were for the Diggers who fought in theatres of war a generation ago; while other thoughts were for the service men and women still bravely representing our country today. But for all of us Remembrance Day is a solemn reminder of the sacrifices that have been made for the freedom that we now share.

Yesterday, at the eleventh hour of the eleventh day of the eleventh month, we marked 91 years since the guns of the so-called Great War were silenced. More than 60,000 Australians had lost their lives and over 156,000 were wounded. These numbers do not include the hundreds of lives that were destroyed by the break to family life patterns and work plans. Injuries included amputation, lungs destroyed by noxious gases, and severe mental stress, with the resultant difficulties in social, community and family interaction. Many members grew up with the effects of the Great War and/or other wars in which our countrymen and countrywomen fought.

Families across Australia were forever changed as they struggled to comprehend the horrors that their sons and daughters had seen. Tragically, the war to end all wars did not spell the end of the horror. Some historians believe that it structured the beginning of the next horror. This was an especially tragic outcome, given the hype about the war in 1914 as being the war to end all wars, and the fact that it was expected to be won by Christmas that year. It is clear that nobody foresaw the amount of torment, killing, trauma and struggle that would be involved in a process to reset the balance of power in Europe. That is what made it all the more important to commemorate those who died in the conflict in gratitude for their sacrifice for our freedom and in recognition of the abhorrence of war.

For Australia, the most recognised service is from the Gallipoli campaign of 1915—the first major commitment by Australia to the war. Most members, who are fairly conversant about history, would be aware of the history of Gallipoli. Gallipoli's tragic history is commemorated foremost on Anzac Day, and it has an important place also on Remembrance Day. It was on the Western Front in Europe where the majority of Australia's World War I dead fell. In fact, 45,000 persons died there out of approximately 100,000 Australians who died in conflicts over the past 100 years or so. Our tyranny of distance was no reason to prevent Australians from making the ultimate sacrifice in military service: 416,000 persons volunteered eagerly to travel thousands of miles across the sea to fight battles on the other side of the world.

What shattered the dreams of so many at Gallipoli was the brutal fact that a great adventure could come to an end even before so many had stepped ashore at Anzac Cove. Over the course of the past century more than 100,000 service men and women have lost their lives. We have lost brave indigenous Diggers, nurses, soldiers on peacekeeping missions, and countless front-line troops. While many of us find it difficult to understand what our service men and women have endured in times of war, we can all make a contribution by remembering them. On Remembrance Day Australians acknowledge the sacrifices made by service men and women and express their deepest gratitude. Their actions have forged a spirit of unity among all Australians and defined our story of courage, mateship and loyalty.

We must also acknowledge the role of Aboriginal and Torres Strait Islanders who have fought in almost all Australian campaigns. More than 400 indigenous Australians fought in the First World War. Two decades later, more than 5,000 indigenous Diggers fought in the Second World War. Many served in specially created indigenous units, including a Torres Strait Light Infantry Battalion, which was formed in 1941, primarily to protect Torres Strait. I have spoken before about this issue in the House. Aboriginal Australians in specific Aboriginal battalions were paid different wages and operated under totally different conditions. When they came home they found in many cases that their wages had not been paid to their families, which was not a good part of our history.

Anyone who has talked to or worked with Aborigines would be aware that they do not remember that—they were just proud to have participated in the war—an amazingly humbling experience. In late 1943 some men were sent to Dutch New Guinea where they encountered two enemy barges. In the exchange of fire a soldier by the name of Lance Corporal Barbouttis was killed and six others were wounded. There were many conflicts in which indigenous Australians showed their courage and paid the ultimate sacrifice. Although the service of indigenous Australians has not been adequately recognised throughout our nation's history, strong efforts are being made today to change that.

I had the incredible honour of participating in a wonderful Remembrance Day service, as did other politicians at the State and Federal level from northern New South Wales, for Aboriginal servicemen from Boggabilla and Toomelah in north-western New South Wales. Len Waters who served in the No. 78 Kittyhawk Squadron was involved in 95 operations and 26 sorties against the Japanese. That is just a piece of history that

we do not understand or hear about, but certainly it is being brought to the fore these days. At the service in February the whole family came from across the State and country together with veterans and their families from across northern New South Wales and southern Queensland to celebrate the memory of Mr Len Waters. We then went to Toomelah to open a brand new war memorial. There had never been a war memorial recognising Aboriginal persons. I shall not go into much detail, but before I went to the opening I rang an RSL club not too far away to get some detail about this exciting occasion. I hope I have been broad enough in my remarks to not identify the club.

The Hon. Rick Colless: Boggabilla?

The Hon. CHRISTINE ROBERTSON: No, it was not Boggabilla. The people at the club knew nothing about the occasion, let alone the memorial service and the new Aboriginal war memorial at Toomelah. That is just a little side issue, but it demonstrates how important it is to register such information. My personal shame was that I did not know that the men and women I had known and with whom I had worked for decades were the sons and daughters of veterans and were even veterans themselves. I was greatly shamed to discover that information. We remember them and are proud to be part of ensuring that Aboriginal veterans and their heroism is recognised. We all remember the names and places of some of the major World War I battles including the Somme, the Pozieres, Ypres, Villers-Brettoneux, Bullecourt, Amiens, Passchendaele and the Hindenburg line. Memorials along the Western Front bear the names of many Australians who died in World War I, including the 18,000 men of the Australian Imperial Force with no known graves. On Remembrance Day we remember them.

To mark the seventy-fifth anniversary of the 1918 Armistice the Australian Government exhumed the remains of an unknown soldier from the Western Front for entombment at the Australian War Memorial's Hall of Memory in Canberra. As Australia's unknown soldier was laid to rest, World War I veteran Robert Coomb, who had served on the Western Front, sprinkled soil from Pozieres, France, over the coffin and said, "Now you're home mate." The unknown soldier honours the memory of all those men and women who laid down their lives for Australia. His tomb is a reminder of what we have lost and the freedom we have gained. At that particular Remembrance Day ceremony former Prime Minister the Hon. P. J Keating, MP, delivered an incredibly poignant message to Australians in memory of the unknown soldier. I should like to quote from the speech, which I obtained from the Australian War Memorial records. He said:

> We do not know this Australian's name and we never will.
> We do not know his rank or his battalion. We do not know where he was born, nor precisely how and when he died. We do not know where in Australia he had made his home or when he left it for the battlefields of Europe. We do not know his age or his circumstances – whether he was from the city or the bush; what occupation he left to become a soldier; what religion, if he had a religion; if he was married or single. We do not know who loved him or whom he loved. If he had children we do not know who they are. His family is lost to us as he was lost to them. We will never know who this Australian was.
> Yet he has always been among those whom we have honoured. We know that he was one of the 45,000 Australians who died on the Western Front. One of the 416,000 Australians who volunteered for service in the First World War. One of the 324,000 Australians who served overseas in that war and one of the 60,000 Australians who died on foreign soil. One of the 100,000 Australians who have died in wars this century.
> He is all of them. And he is one of us.
> This Australia and the Australia he knew are like foreign countries. The tide of events since he died has been so dramatic, so vast and all–consuming, a world has been created beyond the reach of his imagination.
> He may have been one of those who believed that the Great War would be an adventure too grand to miss. He may have felt that he would never live down the shame of not going. But the chances are he went for no other reason than that he believed it was the duty he owed his country and his King.
> Because the Great War was a mad, brutal, awful struggle, distinguished more often than not by military and political incompetence; because the waste of human life was so terrible that some said victory was scarcely discernible from defeat; and because the war which was supposed to end all wars in fact sowed the seeds of a second even more terrible war—we might think this Unknown Soldier died in vain.
> But, in honouring our war dead, as we always have and as we do today, we declare that this is not true. For out of the war came a lesson which transcended the horror and tragedy and the inexcusable folly. It was a lesson about ordinary people—and the lesson was that they were not ordinary. On all sides they were the heroes of that war; not the generals and the politicians but the soldiers and sailors and nurses—those who taught us to endure hardship, to show courage, to be bold as well as resilient, to believe in ourselves, to stick together.
> The Unknown Australian Soldier whom we are interring today—

As they did in 1993—

> —was one of those who, by his deeds, proved that real nobility and grandeur belongs, not to empires and nations, but to the people on whom they, in the last resort, always depend.

Members can read the remainder of that important statement on the Australian War Memorial website. There is also a grave to mark the tomb of the unknown sailor. The most grievous loss suffered by the Royal Australian

Navy occurred on 19 November 1941 when HMAS *Sydney* was lost in action when attacked by the German auxiliary cruiser *Kormoran* off the Western Australian coast. None of the HMAS *Sydney*'s complement of 645 crew survived. The *Kormoran* also was sunk in action with 78 of its 393 crew losing their lives either in action or afterwards in the sea.

In March 2008 both the *Kormoran* and the wreckage of HMAS *Sydney* were found by the Sydney Foundation Expedition. The then Minister for Defence joined families for a reburial service at Geraldton Cemetery for the HMAS *Sydney* unknown sailor on 19 November 2008. On behalf of the New South Wales Government, I thank the service men and women who have represented our country. Other members wish to present their remarks on this motion. The remembrance of these Australians must not be confined to just this day. These brave Australians must never be far from our and our children's thoughts.

All Australians now in some way are affected by conflicts and wars over the last century. In World War II many died in horrific circumstances. Many of us were affected as we grew up by the physical and mental trauma of the selfless men and women who defended us. The fall of Singapore is certainly etched in my mind for Remembrance Day in a positive and negative way. The harm done to my very sensitive father was suffered by many Australian families. I assure the House that the harm done to the family for whom my father was responsible was quite extensive. The Vietnam War also brings back personal memories. This morning I listened on the radio to the regret again of the Vietnam veterans coming back without perceived honour. This was not my personal experience. I opposed the Vietnam War. However, the men who returned were my heroes and heroes of all my acquaintances and friends; they were not part of any opposition. They were not the persons with whom we were angry—the politicians, the moneymaking people and the worldwide political forums that made us angry at that time.

The Hon. Charlie Lynn: Why did you attack the soldiers?

The Hon. CHRISTINE ROBERTSON: We did not attack the soldiers.

The Hon. Charlie Lynn: Yes you did.

The Hon. CHRISTINE ROBERTSON: I did not, Charlie, and neither did any of my peers and friends attack the soldiers. I am speaking about my experience. I was in Sydney at the time. Fortunately my husband narrowly missed out on the draft. I am in the same age group as those who were drafted. They were my peers. Those who were not killed or maimed were home, and that was good news. Sure, it was draft-time, but they went and did the job of defending Australia's freedom. I find it sad that there is still a belief that the armed services and their members should be vilified. We will remember them.

As Australia has become more independent on the world stage, brave men and women have been sent to places such as Timor, Iraq, and Afghanistan, not to mention other places throughout the world where often they are involved in incredibly dangerous work with peace-keeping forces. It is an incredibly important part of the way that we in Australia feel about ourselves that these sacrifices are made, and often in a selfless way, considering political impetus and perceptions of issues at the time. Our men and women go overseas and do their job. They do their job really well, over and above what should be expected of them. We will remember them.

The Hon. CHARLIE LYNN [3.10 p.m.]: On behalf of the Opposition, I commend the Hon. Christine Robertson for moving the motion, which states:

> That this House:
>
> (a) acknowledges Remembrance Day, 11 November, which marks the end of World War I 91 years ago,
>
> (b) notes that Remembrance Day, originally called Armistice Day, honours the 416,000 Australian men who enlisted and 2,500 women who joined up as nurses in the Great War,
>
> (c) notes that more than 60,000 Australian soldiers died and 156,000 were wounded or taken prisoner, and
>
> (d) expresses deep gratitude to those who have lost their lives in war and conflicts over the last century for the freedom that we enjoy.

Australia was 13 years old, not yet independent in our own right and basically a federation of British colonies and part of the British Empire when we made a commitment to send virtually a generation of young men to defend the British Empire against Nazi Germany. Often it has been said when our Australian soldiers landed on the beaches of Gallipoli, that was the baptism of our nation, Australia. And it was.

Australian soldiers were regarded as a bit different to British soldiers. Our officers had not been schooled in traditional officer-training institutions. They did not blindly follow orders. There was no class system. The Hon. Christine Robertson referred to Aboriginal soldiers deserving recognition. I concur with her remarks. During my 21 years in the Australian Army, I served with many Aboriginal soldiers. But they were not Aboriginal soldiers to us: they were Australian soldiers and they were equal in every respect. We played football together, we exercised together and we went to Vietnam together. We perceived no differences at all and were great mates with them.

Australia basically has an egalitarian Army. In those days, promotion in the Australian Army did not happen because of who one's father was on the battlefields, how much money one had, or wealth and connections. It was because of who we were. To get the respect of troops, officers had to earn it. They could not buy it or procure it; they had to earn it. Our identity was forged during our baptism, the Gallipoli campaign. Australians subsequently went to other campaigns in Europe under a great military officer, General Sir John Monash, whom I regard as the greatest Australian of all time. I commend his biography by Roland Perry, *Monash—The Outsider Who Won the War*. Monash was a remarkable man. He was the only Australian ever to command Australian, British, Dutch and English divisions constituting an army that was six times larger than Napoleon's with 10 times the firepower commanded by the Duke of Wellington.

When Monash was first placed in command of American troops, the Americans were not happy: We all know that Americans fight under American command. Having served with the American Army, I understand fully the American army's structure. But the Americans had to acknowledge that Monash was the greatest general, and the lives of American troops were placed under the command of this great Australian. Monash was the first to expound the theories of light and movement and precise planning. When the discussion turns to discrimination, it is as well to note that when Monash returned to Australia the then Prime Minister refused to meet him on the wharf for fear that Monash may have become more popular than he was. Monash was not allowed to join the Melbourne Club because there was a suggestion of Jewish ancestry. That is how we treated the greatest Australian of all time.

It is good that the Monash University and the Monash Highway have been named in his honour, but I do not believe we have done enough to acknowledge the greatest Australian, General Sir Jon Monash. It is great for us to acknowledge in Parliament the sacrifices and contributions that have been made. But our words are empty unless we, as legislators, ensure that those sacrifices and contributions are never forgotten. Military history has never been part of the Australian education curriculum. Patsy Adam-Smith's book, *The Anzacs*, should be compulsory reading for every student, as should the biographies of General Sir John Monash, Sir Roden Cutler and many others.

If we want young Australians to understand who we are and where we have come from, the study of our great military history and leadership should be part of their education system. That will not happen unless we make it happen. It will never happen unless we instruct educators to develop curriculum for primary, secondary and tertiary studies that will include studies of Australian leadership and sacrifice on the battlefields. Until it happens, motions of the type we are debating now will remain hollow and rather empty. We have the power to change our educational curriculum. If the Government decides to change the curriculum to introduce Australian military history into the education system, the Opposition would offer unqualified support.

Australia is a nation that was forged in adversity. Our nation was 13 years old when we committed to the Great War. Our Australian identity was forged through sacrifices we made during World War I. We could not afford an independent defence force and had to rely on the mother country. When Britain made the call, Australia had to make a contribution to the war effort. As a result, we lost a generation of young men and young women. After the war, we were just managing to get to our feet when we were confronted with the Great Depression. That was a different type of adversity but we worked our way through it. We have all heard stories of desperation during that period. We were just struggling to our feet after the Great Depression when again we were asked to commit to another world war.

In World War II our soldiers had been betrayed, if you like, by the political system of the day. After World War I, our military forces were demobilised to an unsustainable level. Instead of capturing and developing military strategies, tactics and experiences that we derived from participation in World War I, we let all of it go. Again we relied on Britain to come to our aid, if necessary. In other words, if I may use this metaphor, we were not prepared to pay a national insurance policy for defence. We wanted defence on the cheap. We paid a high price for that because when Great Britain called for help at the start of World War II we despatched another generation of young men and women overseas as our contribution to the British Empire.

At that stage we found that Great Britain no longer had the capacity to defend us, and we changed our allegiance. After Japan entered the war we realised that America was our great ally. Since then we have fought, and continue to fight, alongside Americans in every military conflict. Some people in society take great delight in continually knocking Americans and our relationship with America, particularly in the current war against terrorism. No doubt Australian troops were heroes in World War II. We must keep things in perspective, which is why we should study Australia's military history. While our troops were fighting virtually on our doorstep in Papua New Guinea—they were desperately fighting in hand-to-hand combat in the jungle—the wharfies here went on strike and refused to load the ships because they wanted better pay.

The Hon. Lynda Voltz: We're going back to that old thing, are we?

The Hon. CHARLIE LYNN: It is a fact of life and an acknowledged part of our history. It is a disgraceful part of our history. The wharfies went on strike.

Ms Sylvia Hale: Because they were shipping pig iron to Japan. It was absolutely disgraceful.

The Hon. CHARLIE LYNN: I do not know why Ms Sylvia Hale lives here. It is a disgraceful part of our history. The member is a beneficiary of that. She can carp and carp.

Ms Sylvia Hale: Carp and carp because you distort history.

The Hon. CHARLIE LYNN: No.

The Hon. Matthew Mason-Cox: Point of order: I cannot hear the Hon. Charlie Lynn because of all the carping. I ask you to call Ms Sylvia Hale to order.

The PRESIDENT: Order! Given the topic of this debate, I ask all members to display suitable decorum and to respect the ultimate privilege of all members of this House, which is the right to be heard. The Hon. Charlie Lynn has the call.

The Hon. CHARLIE LYNN: The Australians proved to be good soldiers, well led, on the battlefields of the western desert, in Europe and on our doorstep in Papua New Guinea. After that we had to respond to the threat of communism. Under our agreements, we supported America in the Korean War, followed by the Vietnam War. I served in Vietnam. I was conscripted for Vietnam. I volunteered for service in Vietnam. When I was in Vietnam our link with home was the mail service. We lived for the mail service every day of the week. Most of us were in our twenties. I was about 21 and not long married. We all wanted news from home. But what happened? The posties went on strike! They would not deliver our mail.

As the Hon. Christine Robertson said, the moratorium marchers should have objected to the politicians who sent us there. It is not for us to decide who we serve with or where we go. Soldiers serve the Australian government of the day. We did that, and I am proud of that, as are all soldiers. When we came home on the planes soldiers were told—I know soldiers who were told this—to change out of their uniform. They were sneaked out the back of the airport to avoid the demonstrators. This is a fact. They were told, "We will send you your discharge papers." As a result of that betrayal some Vietnam veterans are still living in the bush today. They feel totally alienated by the betrayal they suffered during that time.

People objected to the war for good reasons. They had the freedom to object. But attacking soldiers who served was the greatest betrayal of the army in our history. People still bear the emotional scars, which run deep. If we were serious about the welfare of our troops who serve we would apologise to them. We would say sorry. We are saying sorry to everybody else. This group of veterans needs to be acknowledged. We need to tell them, "We were emotional about it at the time. We felt strongly at the time. We should not have attacked you and I'm sorry that we did it."

If members opposite want to put meaning into their words, rather than hollow rhetoric, that is what they would do. That will be a test. Our troops served in Timor and another divisive war in Iraq. The Australian soldiers in Iraq are professional. The Australian army has a great tradition of civil service in these countries. The army goes in to build schools and hospitals. It protects civilians and gives them an opportunity to go about their daily lives free from attack from insurgents and the enemy. We made our contribution to Iraq, and today we are fighting in Afghanistan. I know a young soldier who is about to undertake his third tour in Afghanistan, where he will serve for six months. He is highly trained and skilled and part of a professional specialist team. The soldiers in this team virtually live and die for each other.

When they return home they live a normal life as a civilian, driving to work and going about their daily business. Then they are sent back overseas. I often wonder how they cope, because we do not get daily news about Afghanistan. The war in Afghanistan is out of people's minds until there is a major accident or something happens, such as the tragic death last week of a soldier in training. That shows how specialised and dangerous it is. The most vulnerable people in our society are the wives, husbands and kids left behind by our soldiers in Iraq. Only a couple of weeks ago a fellow was writing hate mail to our soldiers. I had intended to move a notice of motion on that issue, but it would have been deemed to be racist or whatever. I do not think I would have been able to control myself in showing how I really feet about that. It is unforgivable for this nation to allow that bloke to still walk the streets.

If there is a protected species it should be the families left behind while our men and women are overseas. We should give them every protection. Any person who threatens them or writes hateful letters should be put away. What do we stand for today? Will we have only empty rhetoric, or will we prove by actions that we truly honour the sacrifices made by our troops for the peace and prosperity that we have today, which we often take for granted? That is the test. We must include Australia's military history, studies of Australian leadership and Australian service as a compulsory part of our primary, secondary and tertiary education system.

Let us look at giving the ultimate protection to the families left behind by our servicemen. Let us say sorry to the Vietnam veterans because we got it wrong and make that commitment. Copies of speeches given in this House acknowledging Remembrance Day, Anzac Day, Kokoda Day and so forth could be sent to the troops, who would feel proud that they are serving. They would be proud that their political leaders are truly committed to what they are serving on the frontline.

The Hon. Christine Robertson: Are you implying we did not do that?

The Hon. CHARLIE LYNN: As politicians we can make it part of our education syllabus. We can say sorry to Vietnam veterans. We can give the ultimate protections to the families left behind by our service men and women. But they are just words and actions speak louder than words. So let us get it into our education system. That is my challenge to the Government. It will have my 100 per cent support if it does those things.

The Hon. LYNDA VOLTZ [3.30 p.m.]: I am surprised that an issue of such importance is now being turned into a kind of debate on ideology. Today is a day in particular when we remember the soldiers who have gone before us that have died in numerous wars, from the Maori wars, the Boer War, World War I, World War II, Korea, the Malayan Emergency, the Vietnam war through to the Iraq and Afghanistan wars that we are dealing with at the moment. It is important to pay tribute to those soldiers who served and to that whole generation of young men who were lost in the First World War, on which Armistice Day was based. The issue of Aboriginal soldiers and the service of Aboriginal soldiers has been raised. I want to read a poem written by Sapper Bert Beros, a non-Aboriginal soldier in World War II, for his mate, Private West, who was an Aboriginal soldier. It is called *The Coloured Digger*:

He came and joined the colours, when the War God's anvil rang,
He took up modern weapons to replace his boomerang,
He waited for no call-up, he didn't need a push,
He came in from the stations, and the townships of the bush.
He helped when help was wanting, just because he wasn't deaf;
He is right amongst the columns of the fighting A.I.F.
He is always there when wanted, with his Owen gun or Bren,
He is in the forward area, the place where men are men.
He proved he's still a warrior, in action not afraid,
He faced the blasting red hot fire from mortar and grenade;
He didn't mind when food was low, or we were getting thin,
He didn't growl or worry then, he'd cheer us with his grin.
He'd heard us talk democracy—, They preach it to his face—
Yet knows that in our Federal House there's no one of his race.
He feels we push his kinsmen out, where cities do not reach,
And Parliament has yet to hear the Abo's maiden speech.
One day he'll leave the Army, then join the League he shall,
And he hopes we'll give a better deal to the Aboriginal.

That important poem written by a soldier in World War II reflects what happened to our Aboriginal service personnel after World War I. Despite the prohibition a number of soldiers enlisted and a number of Aboriginal people showed their patriotism and joined to fight overseas in World War I. In 1909 the Defence Act prevented those who were not of substantially European descent from being able to enlist in any of the armed forces. Despite the legislation restricting their enlisting, or their long history of being persecuted by the British, many

Aboriginal people still wanted to support Australia by being involved in the war. Approximately 300 to 400 indigenous Australians from every State were said to have enlisted and fought in World War I for Australia. Actually we are not sure of how many fought or enlisted because there is no way to check the records. But certainly at least 300 to 400 have been identified.

Unfortunately, this type of mentality did not spread through Australia while the soldiers were away. Aboriginal soldiers who had fought and survived overseas received none of the accolades that their British Australian counterparts did. Often they were ignored or shunned by the white Australian community when they returned home. The Commonwealth Government supported public opinion by insisting on legislation which ensured that even the Aboriginal soldiers who served in the war were not entitled to the same rights as the white population. As a result, Aboriginal servicemen were not permitted to have a beer along with other returned servicemen. To further add to their frustration, the Aboriginal soldiers who went to war were not allowed to apply for the returned servicemen's settlement scheme.

The aim of this scheme was to give parts of the land for agricultural development to those who had fought in the war as compensation for their sacrifices. The majority of Aboriginal ex-servicemen were denied this right to be granted an allotment. This scheme also affected the Aboriginal population that did not go to war because the fertile land which was being given away in the Soldiers Settlement Scheme had previously been Aboriginal reserve land. This meant that many Aboriginal people were forced to leave the land off which they had lived for decades. They had no place to go and were left without any money. I acknowledge some of those Aboriginal soldiers who fought in World War I, in particular a special platoon of Aboriginal soldiers, all volunteers, at the No. 9 camp at Wangaratta. They were led by Major Joseph Albert Wright, a World War I Light Horse veteran who was in charge of the platoon. It was the only all Aboriginal squad in the Australian military forces.

Aboriginal serviceman Corporal Harry Thorpe was born at Lake Tyers Mission Station near Sale in Victoria. He enlisted at Sale in 1916, embarked in April and joined the 7th Battalion in France in 1916. He was wounded in action at Pozieres in 1916 and Bullecourt in 1917. He was promoted to Lance Corporal. On the night of 4 October 1917 Thorpe was conspicuous for his courage and leadership during the operations at Broodseinde near Ypres in Belgium. For his splendid example he was promoted to corporal and awarded the Military Medal although the original recommendation from his unit was for the Distinguished Conduct Medal. During the advance of 9 August 1918 at Lihons Wood, south-west of Vauvillers in France a stretch bearer found Thorpe shot in the stomach. He died shortly after and is buried in Heath Cemetery in France with his friend William Rawlings, another Aborigine who won the Military Medal and was also killed on the same day.

I had two great grandfathers who fought in World War I. One was David Lumsden who received what he called the million-dollar wound while serving with the Black Watch on the Western Front. He lost his hand, which resulted in his being sent home from the front, where he believed he was surely going to die. Another of my great-grandfathers, Dennis Walsh, also fought in World War I and served with the 36th Battalion. According to the records he was injured in June 1917. One can read the records of soldiers who were wounded at that time. He was wounded and also received shellshock but as part of the 36th Battalion he was likely to be part of the Battle of Messines, which was from 6 June to 7 June 1917.

The following is an account of the battle. While waiting to start from the gate of Regina camp the 40th battalion had caught the smell of German gas and as the march started shells began to fall like scattered heavy drops before a thundershower. For troops in masks, the mere effort of marching under the load of rifle ammunition, tools and rations and the excitement of the occasion caused heavy breathing and consequent distress. This, in addition to the half blindness of the troops in masks, so slowed the pace that officers and non-commissioned officers responsible for directing the column were often forced to take the risk of pulling down their mask and retaining only the mouthpieces between their teeth and the clips within their nostrils. Horses and mules were passed on the road gasping piteously in the poisonous air. All of the other seven battalions were also meeting with steady gas shelling on their entering of Ploegsteert Wood.

The soldiers were shelled with mustard gas and the air was thick with it. But that is not recorded in my great grandfather's records; all it refers to is shellshock and a self-inflicted wound—again to his left hand, like my other great grandfather, which raises questions—but he returned to Australia and it took seven years to slowly die from mustard gas poisoning. He was slowly strangled to death. My great grandmother was Aboriginal and after his death my grandfather and his siblings were fostered out and lived away from their mother.

It also raises the question of what happened in the First World War. I refer to the sheer fear and desperation of the soldiers and how brave they were to fight in those environments. It is important that we

remember why those soldiers went away to fight and also the horror of war. Obviously, the experiences of my great-grandfathers tell me that it was not all about heroism. I know that people thought badly of my great-grandfather for returning home with a self-inflicted wound. Obviously, there were reasons for it. It brings to mind the treatment of people such as Les Darcy, the famous Australian boxer, who was sent a white feather and hounded out of Australia even though he tried to enlist. He was underage and his mother had stopped him from enlisting. He was hounded out of this country for not fighting in the First World War.

I think we should certainly teach the history of wars to children in our schools for two reasons. Firstly, it is an important part of the culture of our society, the way our nation developed and what happened to us during these wars. Secondly, we need to point out the importance of avoiding war and how horrible war is—the reality of it. Sometimes we show the heroism and brave actions of people who fought but we do not teach our children about the sheer horror of war.

[*Business interrupted*.]

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into the President's Gallery the Hon. Mr László Mandur, MP, Deputy Speaker of the Hungarian National Assembly, accompanied by Dr Gábor Tóth and His Excellency Mr Gábor Csaba, who are here on a familiarisation visit.

REMEMBRANCE DAY

[*Business resumed*.]

Reverend the Hon. FRED NILE [3.41 p.m.]: I am very pleased to support the motion. It states that the House acknowledges Remembrance Day, 11 November, which marks the end of World War I, 91 years ago; that Remembrance Day, originally called Armistice Day, honours the 416,000 Australian men who enlisted and 2,500 women who joined up as nurses in the Great War; that more than 60,000 Australian soldiers died and 156,000 were wounded or taken prisoner; and expresses deep gratitude to those who lost their lives in war and conflicts over the last century for the freedom that we enjoy.

Remembrance Day always has a big impact on me because my father served in World War I in the British Army. He was born in Plymouth and enlisted in the Gloucestershire Regiment when he was aged 17 and served in France on the Western Front in those infamous trenches from 1916 to 1919. He suffered pleurisy and lung problems, as did many of the soldiers at that time because of the trench conditions, which afflicted him all his life. He also had a bullet wound in one leg. So Remembrance Day has a deep meaning for me.

Remembrance Day is also known as Poppy Day or Armistice Day. It is a day when we commemorate the sacrifice of members of the armed forces in times of war, specifically the First World War but now all wars in which Australian soldiers have served. It is observed on 11 November to recall the end of World War I. On that day in 1918 major hostilities of the war were formally ended at the eleventh hour of the eleventh day of the eleventh month with the German signing of the Armistice. The day itself was specifically dedicated by King George V, on 7 November 1919, to the observance of members of the armed forces who were killed during World War I.

Remembrance Day is observed in many of the nations that make up the Commonwealth, including Britain, Canada, South Africa and New Zealand. As members know, the service of remembrance in Australia and other Commonwealth countries generally includes the sounding of the Last Post, followed by two minutes of silence, followed by the sounding of Reveille. Wreaths are placed on war memorials by representatives of ex-service organisations such as the Returned Services League and other bodies as well as community leaders. In the United Kingdom the tradition of two minutes silence is observed on 11 November, but the main observance in the United Kingdom is on the second Sunday in November, which is called Remembrance Sunday.

As happens here, ceremonies are held at local war memorials, usually organised by the local branches of their ex-servicemen's organisation, the Royal British Legion. They also wear poppies, as we did in the Parliament yesterday, and wreaths of poppies are laid by representatives of the Crown, the armed forces and

local civic leaders. The start and end of the silence in the United Kingdom is often marked by the firing of a cannon. The first two minutes silence in London on 11 November 1919 was reported in the *Manchester Guardian* on 12 November 1919 in this way:

> The first stroke of eleven produced a magical effect. The tram cars glided into stillness, motors ceased to cough and fume, and stopped dead, and the mighty-limbed dray horses hunched back upon their loads and stopped also, seeming to do it of their own volition. Someone took off his hat, and with a nervous hesitancy the rest of the men bowed their heads also. Here and there an old soldier could be detected slipping unconsciously into the posture of 'attention'. An elderly woman, not far away, wiped her eyes, and the man beside her looked white and stern. Everyone stood very still … The hush deepened. It had spread over the whole city and become so pronounced as to impress one with a sense of audibility. It was a silence which was almost pain … And the spirit of memory brooded over it all.

The tradition of the poppy emblem was the result of Canadian military physician John McCrae's poem *In Flanders Fields*. The poppy emblem was chosen because of the poppies that bloomed across some of the worst battlefields of Flanders in World War I, their red colour an appropriate symbol for the bloodshed of trench warfare. An American YMCA Overseas War Secretaries employee, Moina Michael, was inspired to make 25 silk poppies based on McCrae's poem, which she distributed to the attendees of the YMCA Overseas War Secretaries conference. She then made an effort to have the poppy adopted as a national symbol of remembrance, and succeeded in having the National American Legion conference adopt it two years later. At this conference a French woman was inspired to introduce the widely used artificial poppies given out today. In 1921 she sent her poppy sellers to London, where the poppies were adopted by Field Marshal Sir Douglas Haig, a founder of the Royal British Legion, as well as by veterans groups in Canada, Australia and New Zealand. It has become very much part of our tradition.

I suppose because of my father's service I have always had a deep interest in the military. When I was 14 I joined the 45th Infantry Battalion regimental cadets, which was part of the 45th Infantry Battalion, and was finally commissioned in 1955 as an infantry lieutenant. I also volunteered for National Service, which was unique in those days, and served my time and then went back into the CMF Army Reserve, finally being promoted to captain and company commander in the 4th Royal New South Wales Regiment. I was qualified to be a major but I resigned before receiving that promotion. I never served overseas so I have never pretended that I am a war veteran. I admire those who have served, such as Charlie Lynn and others in this House.

I received the Queen's long service medal—the National Service Medal—and the Australian Defence Medal. It was a privilege for me to serve for 22 years in the Army Reserve of the Citizen Military Forces and to play a role in training young men to help to defend Australia. A number of those young men in the Army Reserve battalion volunteered to go to Vietnam and they served there with distinction. Even though they had not been through Royal Duntroon Military College—they were volunteer civilian soldiers—they served with distinction in Vietnam. I tried to go to Vietnam, but with a wife and four children it was not possible. I admire those in our nation who have served in our armed forces, and I remember with pride those who have given their lives in the service of our nation. Lest we forget their contribution to the freedom of our nation.

Ms SYLVIA HALE [3.51 p.m.]: I state at the outset that I support the sentiments expressed in the motion moved by Ms Christine Robertson. It is appropriate for us to acknowledge the sacrifice that many soldiers and civilians have made in the course of the various wars in which this country has engaged, and to acknowledge the individual sacrifices that were made. I must confess that for many people, in particular, prior to World War I and even during World War II, which arose in the aftermath of the Great Depression, a job in the Army represented the economic security that was not available in civilian life. I also recognise that the experiences of many must have been horrific. Jack Simpson, a good friend of my family who went to Gallipoli, survived the war. He said that the only reason he survived was that he was a batman to a general, and if the general was going to survive he certainly had the cards stacked in his favour.

However, I take issue with many of the remarks made by the Hon. Charlie Lynn. One can support the individuals who go off and fight in a war, and yet oppose the nature of that war and what they are fighting for. However, they are not mutually exclusive sentiments, as Mr Lynn would have us believe. Indeed, that was my experience in the moratorium campaign. I attended every moratorium demonstration and I spoke at several of them. We were opposed to the war; we were not opposed to the individuals who were fighting in that war. We urged them not to go. We said that they were misguided and that they were being used for an improper purpose. We believed that the cause for which they were fighting in Vietnam was particularly ignoble and dishonourable. Look at the legacy of the Vietnam War, at the ravages of napalm and at the ravages of Agent Orange.

I ask members to look at incidents such as the Mei Lai massacre. The Vietnam conflict was a totally ignoble war in which Australians and Americans should not have participated. Essentially, it was a war of

national liberation in which Australia should have played no part. But that is not the same as attacking the soldiers who fought in that war. Similarly, if we go back to World War I, whilst we recognise the massive sacrifice and the loss of life, it is also appropriate to recognise in a war—and all wars are supposed to be fought in defence of freedom—the courage, the determination and the principled stand of those who opposed the war. I am thinking, for example, of the International Workers of the World—the IWW 12. Twelve people were sent to jail because they spoke out against conscription and they spoke out against what was a truly terrible war—a war that achieved nothing other than the deaths of hundreds of thousands of people.

When we talk about military history we should look at Australia's military history at that time and say, "We support the troops as individuals. We do not support the wars in which they fought." Who can defend the Maori wars where the whole point was to subjugate the indigenous people of New Zealand? Who can support the use of our troops to massacre Australian Aborigines? Can we support the Sudan War when the whole purpose of that war was to foster British imperialist ambitions? Can we support the Boer War, which had as its main distinction that the British established in South Africa the world's first concentration camps? Can we support the Boer War, an absolutely shameful incident? Similarly, I believe it is impossible to support the Vietnam War.

What I find objectionable about Mr Lynn's remarks is that it is one thing to disagree on how we interpret history, but it is another thing altogether to rewrite it completely. That is what Mr Lynn tried to do when he spoke about the Dalfram dispute at Port Kembla. The Dalfram dispute took place in 1938 before the war had commenced when Robert Menzies was the Commonwealth Attorney-General. Robert Menzies sent in the police to break the strike of the Port Kembla wharfies who were opposed to the loading of "pig" iron to go to Japan. They argued—and they argued correctly—that that scrap iron would return in the form of bombs to be dropped onto Australian people. I believe that those wharfies at Port Kembla were heroes. I believe that those strikers were genuinely supporting the interests of the Australian people. They were not lickspittle defenders of the fascists in Japan and in Germany. I believe—

The Hon. Charlie Lynn: You don't believe in anything.

Ms SYLVIA HALE: I believe very strongly, but I believe in causes.

The PRESIDENT: Order! The prime privilege of members is to be heard. Given the nature of this debate, I ask all members to respect the right of members to exercise that privilege. This is a House of debate and review. If members wish to exercise their right to speak, they are perfectly able to do so. It is important for members to temper their emotions and respect the rights of other members when the House is dealing with emotional issues. Ms Sylvia Hale has the call.

Ms SYLVIA HALE: As I have said, one recognises the sacrifice of individual people. It is appropriate for us to examine how many of those returned soldiers were treated after World War I. Many of them, who had been disabled during the war, were left in the aftermath of the war to beg on the streets of Australia. What did General MacArthur do to veterans in the United States—the American GIs who returned from the battlefields of France and Europe? They were shot! General Douglas MacArthur, that great military hero, brought out the troops and fired on those veterans who had rallied in Washington in 1924 to lay claim to the "world fit for heroes" that they had been promised. The way in which many of our returned service men have been treated has been disgraceful. Many of the soldier settlements that were given to them were insufficiently large and were located in arid areas. They were conned into believing that they would be able to establish viable farms but they were not able to do so.

In no way does that detract from the individual suffering so many of them experienced. If we are to talk about history, I am prepared to concede that people will have different interpretations and understandings of what took place. But that is no excuse for falsifying what did take place. The Hon. Charlie Lynn appears to think that the more often you repeat something, the more frequently you trot out the old canards, the greater the distortion and the lie, the greater the likelihood that people will believe it. That view wears thin and as time passes people take a much more sober and less emotional view of our military history. If it is to be taught, I certainly want it to be taught warts and all.

The Hon. ROBERT BROWN [4.00 p.m.]: I shall be brief and try to keep to the leave of the motion. I have been to the Place de Armistice and the railway carriage where the armistice was signed. I will not say I was young, I was probably in my 30s, and I was over there on business. The only reason we got to the Place de Armistice was that I was navigating in the Northern Hemisphere and we went the wrong way. Putting that aside,

sitting here today listening to what is being said and looking around brings back vivid memories. The first thing I recall clearly is lots of red leather and mahogany in that railway carriage. The second thing I recall is looking out through the windows of the carriage at the forest—I am not sure of the name of the forest—where all the trees were green, it was spring, and then looking at pictures inside the carriage of that exact same landscape through that window in 1918. It was astounding.

The wall of the carriage displayed a screed or report of what it was like on the day the armistice was signed. We were there on a mid-weekday and there were very few tourists and visitors. The forest was quiet. The plaque on the wall said that one of the most pressing attributes of the day the armistice was signed was the absolute silence. I suppose that was the comparison to the previous two weeks before the signing when there was still shelling from the big guns either side of the trenches. The message I took from that is that we do not learn our lessons in history, but we are mortals and in that regard we are frail.

Remembrance Day, Armistice Day, is about concentrating on the sacrifice of the many men and women; it is not about political issues or political point scoring or any of that sort of garbage. Remembrance Day reflects on the sacrifice of people, generally young people, all over the world in all of those wars—not just Australian but young Germans and young French men and women, who are now all dead, with no second chance, now in the cold, cold ground. I commend the member for moving her motion. She is correct when she says that we should try to remind ourselves of what it was like, to remember what we have lost and, hopefully, to try to direct our energies to making sure that it never happens again.

The Hon. MATTHEW MASON-COX [4.03 p.m.]: It certainly is my great honour as a member of this House to support the Hon. Christine Robertson's motion acknowledging Remembrance Day. Certainly I note that 11 November 2009 marks the end of World War I, 91 years ago. Whilst that day originally was called Armistice Day, it certainly serves as a telling reminder to us all of the great sacrifice of human life and the great tragedy and horror of war. Indeed, the 416,000 Australian enlisted men and the 2,500 women who joined as nurses in the Great War sacrificed very much for our country—particularly also the 60,000 Australians who did not come home and, of course, the 156,000 who were wounded or taken prisoner.

I congratulate the Hon. Christine Robertson on moving this motion. I note particularly the poignant contribution of my colleague the Hon. Charlie Lynn, who focused very much on his experience as a Vietnam vet through his unique insight into what it is to be a serviceman in our great country. I acknowledge also the Hon. Lynda Voltz for her contribution. Again she too presented a unique insight as a servicewoman who served our country. It was disappointing that some of this debate strayed into political areas. I choose not to acknowledge most of the contribution from the Hon. Sylvia Hale. It should not be dignified with any serious commentary. It simply is against the spirit of this motion and is ideologically driven dribble. That is all I will say about it.

I should like to make a couple of points about some of the matters raised by the Hon. Charlie Lynn, particularly his comments about one of Australia's great heroes—Sir John Monash. It was my privilege as a school student to learn about the great contribution of Sir John Monash in the Great War. It certainly is troublesome that our current primary and secondary school curriculum is deficient in recording some of those major events. Tragic as they may have been, certainly they are a part of the great contribution from people such as Sir John Monash in the Great War and many others who followed in his footsteps in representing our country.

I join the Hon. Charlie Lynn in calling on those who determine our school curriculum to look carefully at the traditions we pass on to our children. When I travelled overseas in my early 20s I did not grasp the true sacrifice of our service men and women for their country until I ventured into Western Europe. I spent a few days in and around Arras. I could not help but be moved deeply by the many white crosses glistening in the sun recording in a very poignant fashion that ultimate sacrifice. Indeed, I spent some time also at the battlefields of Gallipoli. Those experiences underline the futility of the concept of war and the great sacrifice involved in fighting such conflicts. It has always struck me as odd that these conflicts were fought in some of the most beautiful places in the world. Indeed, it is a touching experience to visit there now to commemorate the fallen.

It is wonderful that Australians travel overseas to commemorate and celebrate the contribution our Australian service men and women made in fighting for our country in those faraway places. It is moving to see the tradition grow, particularly at Gallipoli and now on the Western Front, which has been rediscovered and the memorial is being renewed. Certainly, through the contribution of the Hon. Charlie Lynn that tradition has started to flow freely in places such as Papua New Guinea. It is through those things that we develop cultural links to our shared history to ensure that we are brave enough and courageous enough to retell that history so our children understand the sacrifices made by the men and women at that time.

I certainly endorse the comments made by the Hon. Robert Brown about sacrifice and service being the touchstone for Remembrance Day. If we can put our rhetoric to work in practical ways through the education system, we will pass the baton of respect for sacrifice to our children and inculcate in them selfless values that are perhaps less evident in today's society than they were in the past. I, for one, am very deeply honoured each Anzac Day to awake before dawn and take as many of my children as I can convince to come with me to a dawn service where I commemorate that sacrifice. My 11-year-old son and I have been to Narooma, Harden, Queanbeyan, Canberra, Sydney and a number of other wonderful places to share the experience with our veterans. It is a very moving but confronting experience. The tragedy of war is something we should never forget. The sacrifice of those great men and women is something we should always respect.

I know my great-uncle only from his photographs. He was one who put up his hand to fight for Australia in World War I. He joined the 1st Australian Light Horse Brigade, which gathered its first light horsemen in Harden, New South Wales—the home of the Australian Light Horse Brigade. I acknowledge the Hon. Michael Veitch from Young who knows that history very well. There is a wonderful and moving memorial in Harden that has been lovingly kept by local people to acknowledge the sacrifice of the men of the Australian Light Horse—their courage, their bravery and the legend that emanates from the Australian Light Horse Brigade. That is something that we should celebrate. We should pore over the exploits of the Australian Light Horse Brigade, particularly their amazing battles in Palestine. The charge at Beersheba is folklore and should be celebrated as one of Australia's greatest military achievements. It was a battle fought in desperate conditions against overwhelming odds.

There are some very moving stories of the conundrum faced by military leaders when the Australian forces approached Jerusalem over whether or not they could, or should, fire upon Jerusalem. They were relieved to find that the occupying Turkish and German forces had moved out of Jerusalem and ultimately they were not faced with destruction of that historic city, which would have been a great tragedy. The 1st Australian Light Horse moved forward through Palestine and into Damascus, resulting in the fall of Damascus. There is a whole series of historical battles that we as Australians should celebrate. We should commemorate the sacrifices and pass the great sense of history associated with Australian military campaigns to our children. We should never forget the sacrifices that have been made and always respect the contributions that the magnificent men and women of the Australian armed forces have made to the future of our country.

I join with other members who have preceded me in acknowledging and honouring the contribution made by our indigenous population to Australia's military efforts. Irrespective of whether people are from our indigenous community or any other community that constitutes our great nation, we are one and the same in this nation and I respect contributions that have been made across the whole spectrum.

I acknowledge also comments made by the Hon. Charlie Lynn in relation to some individuals who, for some unknown reason that I cannot comprehend, send letters to families of servicemen who have died in the service of their country. As parliamentarians, we should take further steps to prevent that. I stand with the Hon. Charlie Lynn in condemnation of individuals whose actions are well known to us all. That is something we should not tolerate because it stains the character of this nation when people denigrate others who willingly serve and sacrifice themselves in upholding the great traditions of Australia. As a Parliament, we should consider ways to honour and protect our veterans and their families to ensure that they can live with dignity and so that memories of loved ones are not foully stained by indiscriminate condemnation. I have difficulty comprehending how anyone from any culture could find such actions acceptable.

In conclusion, I state for the record my great respect for Australian service men and women as well as my great respect and enduring gratitude for their sacrifice, which has shaped our great nation. Let us remember that with great respect. Let us remember through practical means the contributions they have made. Let us make changes to curriculum and celebrate our history from the perspective of both sides of the battles in theatres of war in which Australia participated as a nation. Let us never forget the people who have done all and sacrificed all. May we pass that memory onto our next generation.

The Hon. KAYEE GRIFFIN [4.16 p.m.]: I support the motion moved by the Hon. Christine Robertson regarding the ninety-first anniversary of Remembrance Day, which was commemorated yesterday. The motion notes that Remembrance Day honours 416,000 Australian men and 2,500 Australian women who participated in the Great War. The motion also refers to other people who have served our country with valour, distinction and a great sense of support for continuation of our democratic way of life through their military service in overseas campaigns.

On Anzac Day 2000 I had the privilege of being in Gallipoli. It is very difficult to describe how I felt. The Hon. Robert Brown referred to his visit to France. It is an incredible feeling. When we think about what has happened in conflicts across the world that we have not been part of, it is very difficult to understand because it is very difficult for us to appreciate what the battlefields looked like and the sacrifices that were made by the troops who participated in the battles. At Gallipoli in 2000, it was an incredible feeling to be there and to try to understand just what Gallipoli looked like as a battlefield; to comprehend how many people had fought on both sides of the battle; how many people had been killed or injured; and how many men would not go home to their families, including Australians who were fighting with the British and the Turks who were trying to defend their homeland. It was just incredible.

The other very sobering aspect was that although there were so many very small cemeteries that commemorated many thousands of men who had lost their lives, there were very few individual graves relative to the number of deaths that occurred during the Gallipoli campaign. In Lone Pine Cemetery panels on the walls commemorate the Australians who were killed but whose graves have probably never been found. That was hard to comprehend. It was also hard to comprehend that we lost a generation of young people in the First World War, knowing that some of them went because it would be a great adventure. Many of them did not come home; their families at home were left wondering what happened to them and whether they would see their loved ones again.

Two of my great-uncles served in the First World War. James Griffin served with the 19th Battalion, and was killed at Flers on 14 November 1916. Charles Bean, the official war correspondent and historian, described the Battle of Flers, and many other battles on the Western Front, as the worst ever encountered by the Australian Imperial Force. The conditions in those battles were terrible. James Griffin was listed as missing; about 12 months later a court of inquiry found that he had been killed on 14 November, and my great-grandfather and great-grandmother were notified. My other great-uncle, Thomas Sweeney, also served in the First World War. I have seen the service records for both of my great-uncles. Judging by the records, Thomas Sweeney probably would not have been described as an ideal soldier.

[*Interruption*]

Scallywag is probably a good way to put it; naughty boy might be another way to put it. He certainly was one of those young men who went on a great adventure. He survived the war, although he had been gassed. My great-grandmother, who had raised five children and had taken over the care of her two little grand-daughters aged two and four because her daughter had died in childbirth, then had to nurse my great-uncle, her son, until his death at the age of 31 a few years after the war ended. Many other families in Australia had the same issues and problems. They either lost loved ones—as I said, a generation of young men—or they had to cope with not only perhaps the loss of a family member but also having to nurse members of the family who came home with horrific wounds and would never be well again. Thomas Sweeney lost his life at a young age after being away in the war. When he came home he was not the same man who had left Australia. He was seriously ill for the last few years of his life and passed away at the age of 31. I think that is the story of most Australian families at the time.

I turn now to the area I come from, Canterbury. At the beginning of the First World War the Canterbury local government area in Sydney had about 20,000 people. Of those 20,000, nearly 2,000 young men and some women joined up and served overseas or in the armed forces and in the nursing service. About 20,000 young men and women served overseas in the First World War. Given that Australia was such a young country in those days, it is a frightening statistic that so many young people either lost their lives or were seriously injured and had to face a different life from the one that perhaps they had planned before they went on that great adventure. More than 2,500 women served as nurses; 423 served in Australia, 25 died, 388 were decorated, and seven military medals were awarded to Australian nurses for their courage under fire. This was in a war that killed more than 20 million people. The service and dedication of the nurses to the soldiers they supported was outstanding.

As the motion moved by the Hon. Christine Robertson states, we honour everyone who served overseas. I would not like to think we have forgotten the nurses and others who supported the armed forces. My father was in the artillery in the Second World War. Gunner Matthew Griffin did not see service overseas, but he survived the war. However, the legacy of his service during the Second World War was that he lost the sight in one eye because of concussion from 25 pounders. Like many other people who joined up to serve their country in military service, my father's legacy from his military service was life after the war with a disability, which I do not think impeded him terribly much.

When I was a little girl I could not believe that my father was blind in one eye because his eyes looked perfect. It was only thanks to the great surgeons in our armed forces who supported people like my father and treated them that my father looked as though he still had sight in both eyes although we knew he had lost the sight in one eye because of concussion from artillery pieces. Members have talked about the many theatres of war in which Australia has served, and I will mention two of them. The first is Tobruk. The encyclopaedia at the Australian War Memorial and research on Tobruk shows that a parallel can be drawn between Tobruk and Milne Bay. It states:

> At Milne Bay the hitherto invincible Japanese suffered his first defeat—at Tobruk the all-conquering German forces received their first set-back—in each case at the hands of Australians.

It further states that during the battle the Australians went through in Tobruk under the leadership of General Morshead the defensive task of holding Tobruk was in reality held by offensive tactics. The battle continued for many, many months although most of the servicemen thought they would be there for a very short time. The siege of Tobruk assisted the allies in terms of what happened with the German plans to attack Egypt. It gave the allied forces time to regroup to further take on the Germans in Egypt. At the unveiling of the memorial in the Tobruk War Cemetery, the late Chester Wilmot, in a description of the ceremony, concluded by saying:

> Their real monument is their name and their most honoured resting place is in the grateful hearts of their fellow men.

That is exactly what we are debating today: the grateful hearts of people born and raised in this country who have generations of service personnel who made sacrifices overseas, and many people who supported them by working at home, to thank for our democracy today. Another battle in which Australia was involved was the Battle of Kapyong during the Korean War. Other members have mentioned our Aboriginal servicemen.

One who fought at Kapyong was Captain Reg Saunders. He was the first Aboriginal soldier to be commissioned by the Australian Army and is probably one of the best known. Captain Saunders had a distinguished military career and fought in World War II and the Korean War. He came from a very strong military family. His father and uncle served in World War I, and his uncle received a military medal for his actions at Morlancourt Ridge in France. During World War II, Reg and his brother Harry both served in the Army. Harry was killed in action in New Guinea. Captain Saunders was shot in the knee, but he returned to the 2/7th Infantry Battalion after his recovery. Whilst fighting in Korea, Captain Saunders led his company through some of the fiercest fighting. He was the first Aboriginal serviceman to command a rifle company and was well respected and very popular with his men. Private Joe Vezgoff who served under Captain Saunders said of him:

> Reg Saunders was one of the best company commanders I had served under and he was admired by the company as an excellent leader.

In the book *Pilgrimage* by Garrie Hutchinson, he mentions Captain Reg Saunders. After the battle of Kapyong Captain Saunders was quoted as saying:

> At least I felt like an ANZAC and I imagine there were 600 others like me.

The spirit of Anzac was being supported by those serving soldiers. Yesterday in London, 30-year-old SAS Trooper Mark Donaldson, recipient of the Victoria Cross medal, had an audience with the Queen at the official Remembrance Day service. Trooper Donaldson became the first Australian in 40 years to be awarded the Victoria Cross, the military's highest honour, for rescuing an Afghan interpreter while under heavy gunfire from the Taliban in September 2008. Trooper Donaldson has since returned to active operational service, but he was invited to attend Westminster Abbey in London on Wednesday for a Remembrance Day service commemorating the passing of Britain's World War 1 soldiers. After the two-minute silence, prayers and the sermon remembering lives sacrificed and innocence lost, Trooper Mark Donaldson and Lance Corporal Johnson Beharry, two of just nine living servicemen to have been decorated with the highest award for valour, laid a wreath at the Tomb of the Unknown Warrior.

In a recent news report Trooper Donaldson said that everyone should remember and not forget troops serving now and in the past overseas. It is not just about the Great War, the war that was supposed to end all wars, World War II, the Korean War, the action in Malaya at the time, the Vietnam War about which so many people have spoken today, current wars in Afghanistan and Iraq and the work done by Australian servicemen in Timor. It is not just about the valour; it is about our Australian servicemen and women doing their job to protect their country. They not only ensure that our democracy stays alive but they give a lot of support and do a great

deal in the countries in which they are involved. We should express deep gratitude for those who have lost their lives in wars and conflicts in the past century and be very grateful for the freedom that we enjoy. It is with great pleasure that I speak in this debate today.

The Hon. JENNIFER GARDINER [4.35 p.m.]: I join other members of the House in acknowledging Remembrance Day, marking the end of World War I, 91 years ago. Remembrance Day honours the 416,000 Australian men who enlisted in that war, and the 2,500 women who joined up as nurses in the Great War. I, like other members, think it is terrific that the role of those women is being increasingly written into the history books these days. In fact, a book called *Our Other Anzacs* published just a few weeks ago records the role of nurses in World War I. It is also noted that more than 60,000 Australian soldiers died and 156,000 were wounded or taken prisoner. No matter how many times I read that 60,000 Australian soldiers died, it is always an overwhelming statistic that so many people were lost and wounded.

The Hon. Henry Tsang: And the Australian population was smaller then.

The Hon. JENNIFER GARDINER: It was only a few million people. As we move around Australia we see the number of war memorials and notice how ubiquitous it was that families lost loved ones in that war. It is worth noting that young country people were over-represented in the Anzacs. It is noted that the House expresses deep gratitude to those who have lost their lives in war and conflicts over the past century for the freedom that we enjoy and, as others have mentioned, that we give thanks to those Australians serving in the defence forces today, in particular, those who are serving overseas at this present time. In moving this motion, unwittingly, the Hon. Christine Robertson has allowed a debate that gives vent to the notion of freedom of speech because it cannot be said that this debate was anything other than robust. I think that many soldiers do go to war with that in mind; they defend our right to free speech. The fact that we can have such a robust, and sometimes painful, debate in this House on these occasions indicates that freedom of speech is well and truly alive in this House and in this nation and that is for the good.

I now refer to some of the sites that have been mentioned in the debate. The Hon. Christine Robertson mentioned Villers-Brettoneux and Bullecourt. One of the terrific things that has happened in the past couple of years, courtesy of the previous Howard Government and followed by the Rudd Government is that two years ago the first known official Dawn Service was conducted at the Australian National War Memorial in Villers-Brettoneux. I think it will be an annual event, supported by the Federal Government and French Government and the people of that village, who have never forgotten the Australians. It is on my to-do list to one day attend that dawn service.

I have been to the War Memorial on a couple of occasions, including on the Saturday of Anzac Day on the ninetieth anniversary of the battle to the north, the Battle of Arras, which included the Battle of Bullecourt mentioned by the Hon. Christine Robertson and in which my grandfather fought. Along with his battalion, they fought in battles like the first Battle of Bullecourt, a bloody disaster; the Battle of Pozieres, another disaster; the Battle of Passchendaele, another bloody battle; in the wider Battle of Amiens and many other battles to which the 48th Battalion contributed. It is a total and complete mystery to me how I am here because how on earth someone could fight in all of those battles, knowing the death toll, and come home and survive is still a source of complete amazement to me. I think it is wonderful that more and more Australians are discovering the importance of the Western Front battles and paying tributes to those soldiers in greater numbers as the years roll by, and that it is already an important part of young Australians' rights of passage. Not only will they go to Gallipoli to remember and to learn, but also they will go to France.

I have been following, like many other people, the extraordinary story that is unfolding at Fromelles, which is due to the work in the first instance of a history teacher in Melbourne who was brought up in a part of Melbourne where there were returnees from the Great War. As a little boy he befriended some of the old soldiers and they told him about their mates who did not come back. As a kid he wondered why they had not come back and what had happened to them. Nobody knew what had happened to them. As he got older he embarked upon a project to find out. Through his extraordinary efforts in his unofficial role as a war historian—he is a professional historian—and with the assistance of the Australian War Memorial and the German archives, some of those missing soldiers have been found. They took part in the battle of Pheasant's Wood, near Fromelles. The remains of many of the men have been found and they are exactly where the German aerial photographs said they would be.

One of the very touching things about that story is that it is acknowledged that their foes, the Germans, had respected the Australian, British and other dead and had laid them out as you would hope they would be laid

out, in a pit, and taken photographs so they would know exactly where they were. However, nobody knew until this remarkable man living in Melbourne decided to track them down. The remains are being identified and connected in a way with their families, and I think in the next few months we will see the commemoration and opening of yet another Commonwealth war grave at that site. That will become another place that Australians can visit to pay tribute to and honour those who served their country. At last those men will not be listed simply as missing; they have been found. It is a wonderful story.

I thank the Hon. Christine Robertson for providing the opportunity for us to appropriately remember all those who have served and perished in the name of our country and New Zealand—the Anzacs. I join with others in the House: Lest we forget.

The Hon. IAN WEST [4.42 p.m.]: I am honoured and proud to have the opportunity to speak in this debate. I congratulate the Hon. Christine Robertson for moving this important motion to acknowledge Remembrance Day, 11 November, which marks the end of World War 1, 91 years ago. It enables us to pay our respects and to commemorate, in a very sober way, the futility of war and the horrific acts done in the name of God, King and country, colonies and empire. It is absolutely vital that on the 11th of the 11th we pay our due respects and commemorate the good, the bad and the ugly events that occurred in those terrible wars, and the lives lost through such futility.

I join with other members—the Hon. Charlie Lynn, the Hon. Lynda Voltz and the Hon. Matthew Mason-Cox—who have spoken in acknowledging the importance of 11 November. I have always enjoyed the banter with Charlie Lynn about his obsession with posties and I have indicated to him on many occasions, and I do so again, that in all walks of life there are all sorts of people—the good, the bad and the ugly—and that in the name of God, King and country, colony and empire some horrific things have been done. There have also been some heroic acts by many people. I would not get too hung up about being the goodies and the other side being the baddies because we all have our crosses to bear.

I take the opportunity to pay my respects to my grandfather, trooper 599 in the 12th Light Horse, 1st AIF, who served at Gallipoli and then proceeded to Palestine to take part in the battle of Beersheba, before returning to Australia without his left shoulder.

I also pay tribute to my father, S5209, a member of the Royal Australian Navy who, in 1941, as a young man of 21 hitchhiked from Kenebri to Woolloomooloo to join up. He went off to explore the world and fight for King and country. He ended up celebrating his 21st birthday in the Coral Sea on HMAS *Kuttabul*. He then served on the *Watcher* and the *Shropshire* and fought in the battle of Balikpapan in the Coral Sea. He served as a signalman in Papua New Guinea, where he got malaria, and returned to the *Shropshire* and went to Tokyo Bay where he took the surrender of the Japanese forces—not single-handedly, but with the help of one or two others! The *Shropshire* apparently went in first, escorted by submarines of the Japanese navy, and there was great concern about whether they would make it in.

I also pay tribute to my eldest brother, Alan, who served as a sapper in the 17th Construction Engineers—he was sapper 2790007—the year after Charlie was over in Vietnam, at Vung Tau and Nui Dat. Alan served nine months of this 12-month tour of duty there before being brought back to Australia to be treated for injuries he received whilst in Vietnam. He is now fully recovered but I have no doubt Charlie will be fully aware of the problems created by spraying Agent Orange in Vietnam and the health consequences that resulted. I am proud and honoured to be able to speak in this debate and thank the Hon. Christine Robertson for moving the motion.

Reverend the Hon. Dr GORDON MOYES [4.49 p.m.]: An hour ago, when we were having a vigorous debate in this Chamber about different aspects concerning Remembrance Day, this came to my mind as the noise of debate died down:

The tumult and the shouting dies
The captains and the kings depart
Still stands thine ancient sacrifice
A humble and a contrite heart
Lord God of hosts be with us yet
Lest we forget—lest we forget

I wish to speak briefly about one important thing that everybody mentioned. However, not everybody understands the significance of the background of what they said. Once, when filming in a wide field in Israel, I quoted the words of Jesus as I walked among the bright wildflowers:

> And why do you worry about clothes? Jesus said. See how the lilies of the field grow. They neither spin nor labour. Yet I tell you, not even Solomon in all of his splendour was dressed like one of these. If that is how God clothes the grass of the field, which is here today and tomorrow is gone, how much more will He clothe you, O you of little faith?

To which plant was Jesus referring when he described them as the lilies of the field? The plant must have the following characteristics: it must be exceptionally colourful because of the allusion to Solomon's scarlet robes. Solomon was the most glorious of all the ancient kings of Israel, so in line with Semitic literary hyperbole, this king was selected. In my opinion the crown anemone, known as Anemone coranaria, with flowers that are crimson red with a black centre, short stems and leaves close to the ground, is the most likely. In fact, when I was filming in Israel I picked some of these scarlet wildflowers, pressed them into my notes, and when I returned home I compared them with the Flanders poppy that I had picked on another occasion in the low countries of Europe, and also with others that I had picked in Greece, in Italy and throughout Turkey.

These wildflowers grow profusely, more than any other weed, throughout the entire European and Mediterranean area. In Greco-Roman myths these scarlet poppies were used as offerings to the dead. A second meaning for the depiction and use of scarlet poppies in the Greco-Roman myths is the symbolism of the bright scarlet colour signifying the promise of resurrection after death. The red poppy was a symbol of sacrifice, death and resurrection. The Flanders poppy has long been part of Remembrance Day—a ritual that marks the Armistice on 11 November 1918—and it is increasingly being used in Australia as part of Anzac Day and Remembrance Day. During the First World War red poppies were among the first plants to spring up in the devastated battlefields of northern France and Belgium. In soldiers' folklore the vivid red of the poppy came from the blood of their comrades that soaked into the ground.

Members may be interested to know that one of the earliest instances of associating poppies with the fallen took place in 1917 when some Australians were in the area that we used to call Palestine, where the poppies are abundant in spring and summer. A senior Australian officer made a wreath of the red wildflower poppies picked on the slopes of Mount Scopus, which is just outside the walls of Jerusalem. That is the first recorded use of the poppy being used in connection with remembrance. The sight of poppies on the battlefields at Ypres in 1915 moved Lieutenant Colonel John McCrae, a Canadian surgeon and soldier, to write a poem in which the opening line vividly describes the image of the poppies blowing in the wind amongst the many white crosses that mark the resting places of the fallen soldiers. For the sake of completion I will quote that poem:

In Flanders fields the poppies blow
Between the crosses, row by row
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard among the guns below

We are the dead. Short days ago.
We lived, felt dawn, saw sunset glow
Loved, and were loved, and now we lie
In Flanders fields

Take up our quarrel with the foe;
To you from failing hands we throw
The torch; be yours to hold it high
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields

The poppy soon became widely accepted throughout the allied nations as the flower of remembrance to be worn on Armistice Day. In 1921 the Australian Returned Soldiers and Sailors Imperial League, which was the forerunner to the Returned Services League [RSL], sold poppies for Armistice Day for the first time in Australia. For this drive the league imported one million silk poppies made in French orphanages. Each poppy was hold for a shilling. Five pence was donated to the charity in France for children, six pence went to the league's own welfare work, and a penny went to the league's national expenditures. Today the RSL continues to sell poppies on Remembrance Day to raise funds for its welfare work.

Last year at my home on the eleventh of the eleventh I planted in a flowerbox that is raised from the ground 100 tiny black poppy seeds that I brought with me from Turkey. I can tell members that, at this moment, I have a glorious display of hundreds of Flanders poppies. However, I also buy the RSL poppy each year to help its charities. I close by saying to members who may be interested that if they ever travel at this time of the year in the South Downs in England they will see millions of scarlet flowers in vast fields of up to 100 acres or more. At Devil's Dyke, for example, in Sussex, the hot weather brings a million or more plants into bloom. No wonder they are harvested, boxed up and unloaded by the boxful at the British Cenotaph in Whitehall. Thus the plant is a symbol used by relatives and friends to remember their dead. In this Remembrance Day debate I am pleased to remember those service men and women. I am thankful to the Hon. Christine Robertson for moving this motion. We wear a red poppy in appreciation of all that our armed services have done for us. Lest we forget.

The Hon. CHRISTINE ROBERTSON [4.56 p.m.], in reply: I thank all members for their thoughtful and heartfelt contributions to this debate. It is with sadness that I remember my father and grandfather and their lifelong suffering. I thank all members for their support for this motion. During the debate many heartfelt sentiments were expressed that added to the value of this debate. As the Leader of the Opposition did not listen to the debate I suggest that he read *Hansard* tomorrow. All members should be proud of their contributions to this valuable debate.

Many members referred in debate to the effect of war on our communities, for example, when service men and women returned home and were not happy, or when service men and women did not return to their home and their families could not come to grips with such a sudden loss. Wars have had an amazing effect on individual groups and races in different countries. We remember with great sorrow what happened to the Germans in the Second World War and what happened to Australians in the First World War. It is easy to indulge in inappropriate and incorrect actions when we are angry about what people are doing to others. We will remember them. Lest we forget. I urge all members to support this motion.

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

Motion agreed to.

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

The House continued to sit.

SPECIAL ADJOURNMENT

Motion by the Hon. John Hatzistergos agreed to:

That this House at its rising today do adjourn until Tuesday 24 November 2009 at 2.30 p.m.

TABLING OF PAPERS

The Hon. John Hatzistergos tabled, according to the Annual Reports (Departments) Act 1985, the following paper:

Department of Juvenile Justice annual report for the year ended 30 June 2009

Ordered to be printed on motion by the Hon. John Hatzistergos.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notices of Motions Nos 1 to 7 postponed on motion by the Hon. John Hatzistergos.

COASTAL PROTECTION

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of Thursday 29 October 2009, documents relating to coastal management received on Thursday 12 November 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying documents received on Thursday 12 November 2009 from the Director General of the Department of Premier and Cabinet which are considered to be privileged and should not be made public or tabled. According to standing order, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

GOVERNMENT ADVERTISING

Production of Documents: Return to Order

The Clerk tabled, pursuant to the resolution of Thursday 29 October 2009, documents relating to focus groups received on Thursday 12 November 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms SYLVIA HALE [5.01 p.m.]: I move:

That standing and sessional orders be suspended to allow Private Members' Business item No. 208 outside the Order of Precedence, relating to Casula rail freight noise barriers, be called on forthwith.

I will not labour the point. The matter is urgent because the majority of members of this House believe it is urgent.

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

Motion agreed to.

Order of Business

Motion by Ms Sylvia Hale agreed to:

That Private Members' Business item No. 208 outside the Order of Precedence be called on forthwith.

CASULA RAIL NOISE NUISANCE

Ms SYLVIA HALE [5.02 p.m.]: I move:

(1) That this House notes that:

(a) the provision of dedicated rail freight lines are an asset to our community and benefit the community by reducing road transport and the associated costs of trucks on our roads, and

(b) rail freight assists in the reduction of air pollution and greenhouse gases being emitted into our atmosphere.

(2) That this House further notes that:

(a) according to World Health Organisation (WHO) guidelines, community exposure to noise above 30 dBA will cause sleep disturbance,

(b) prolonged exposure to environmental noise in excess of 70 dBA will cause hearing impairment,

(c) some rail movements currently exceed 95 dBA on existing rail lines within the Sydney Metropolitan area,

(d) the new freight line linking Macarthur and Sefton will carry around 1000 freight train movements per month, 24 hours a day, seven days a week,

(e) residents of Casula will be seriously affected by the operation of the new freight line when it opens in January 2010,

(f) the rail corridor that the new freight line passes through is controlled by the State Government,

(g) permission to use this corridor at excessive noise levels was given by the State Government, and

(h) noise barriers have not been provided at Casula and, as a result, the health of residents living adjacent to the railway line will be even more severely compromised than it is at present.

(3) That this House calls on the Government to:

(a) immediately construct noise barriers at Casula to protect the amenity of residents,

(b) ensure that construction of the barrier is completed before the opening of the line, scheduled for January 2010,

(c) review similar rail projects in Sydney to assess whether they too should be provided with noise barriers, and

(d) require the inclusion of suitable noise abatement measures in all projects likely to generate noise levels in excess of WHO guidelines.

This speech should not have to be made, for a number of reasons. On at least two occasions I have tried to have the matter moved as formal business but was prevented. We now have gone through this formal process to enable this urgent matter to be debated today. The need for noise barriers to be installed alongside the new freight railway line at Casula is indisputable. Casula residents support the installation of noise barriers, Liverpool City Council supports the installation of those barriers, and Dr Andrew McDonald, the local Labor member for Macquarie Fields, supports the installation of noise barriers, yet the State Labor Government and the Federal Labor Government remain unmoved. It seems that both governments are willing to endanger the lives and health of those unfortunate residents whose houses back on to the railway line. Both governments are indifferent because they have refused to intervene to resolve the intolerable situation of these residents.

I suspect the answer for this lack of activity lies in the fact that Macquarie Fields generally is viewed as a very safe Labor seat. Labor believes it can safely ignore this intolerable noise being inflicted on these residents. The Southern Sydney Freight Line Project was approved by former Minister for Planning Frank Sartor on 21 December 2006. The project entails the construction of a single-line dedicated freight line from Glenfield to Sefton passing through Casula. The Government granted the Australian Rail Track Corporation [ARTC] a 60-year lease to operate the freight line. The lease expires in 2064. The construction of the freight line has ceased at the moment because of incredibly poor planning on the part of the Australian Rail Track Corporation, but when the line becomes operational residents will be exposed to a phenomenal noise level as well as fumes from the diesel engines.

Noise from the freight line will be in excess of 90 to 95 decibels for 24 hours a day, seven days a week. The World Health Organisation states that noise at 30 decibels will result in sleep disturbance and at 70 decibels will cause hearing impairment. These people will be exposed to somewhere between 90 and 95 decibels. I will not take up the time of the House any further as my colleague Lee Rhiannon wishes to speak briefly on the current impact of the noise on those residents and how that noise level will multiply to the extreme when the freight line becomes operational. The only answer to the problem is the construction of noise barriers.

Ms LEE RHIANNON [5.05 p.m.]: The Government should do its job and provide noise barriers for these residents of Casula. At the end of September I met with about 45 local people in the Casula area. They told me their moving and troubling stories about living with this excessive noise. These people should not have to suffer in this way. Some residents actually have lost their jobs because sleep deprivation has impacted on their working performance. One woman who is a machinist described how she fell asleep at work at her machine. She lost her job. Another man described how he had to drive to Chatswood and fell asleep at the traffic lights on two occasions. These people have expressed also their frustration in dealing with the Government. Interacting with the process to register complaints and engage in what the Government calls consultation has made many of them very angry.

The people I met told me the following stories. Michael Russell of Birkdale Crescent described how the trains are getting longer and longer, which means that the noise duration is increasing. He said that often anywhere from 1.00 a.m. to 5.00 a.m. he is woken by the noise. He said that the train speeds are increasing from 40 kilometres an hour to 60 kilometres an hour and the sleep deprivation he experiences ultimately is affecting his ability to work. He and a number of others told me that at one of the earlier consultation meetings the Australian Rail Track Corporation said there would be no night-time running and that noise walls would be constructed. That just has not happened, and it is understandable why the residents are frustrated and concerned about how the Government operates.

Narelle Oliver gave a moving story of how her children cannot sleep and she told me of the special measures she has taken within the house to assist them to get to sleep. She has commissioned her own assessment of house movement because she was concerned that no reliance could be placed on the approach taken by the Australian Rail Track Corporation. Louise Briggs, who originally came from Mascot, moved to the area that is now called Macquarie Links 36 years ago, building the first house on the estate. She described how for the past six years she has been woken in the early hours of the morning by train movements. She has pleaded for the erection of sound barriers. She described also how items in her cabinets have fallen from the shelves because of the vibration. Someone else said that visitors to their home had awoken quite shocked at the excessive sound because they thought a train or a car was about to hit the house. Clearly, it is time to act. The Government should immediately construct noise barriers at Casula to protect the amenity of the residents. It is the right thing to do according to the law and it is the right thing to do by these local people.

The Hon. TONY KELLY (Minister for Lands) [5.09 p.m.]: There is no doubt that noise is a matter of vital importance from the perspective of anyone who lives near a railway line. Freight infrastructure and freight trains are also vital to our State's economic performance. The Government has committed substantial funds—more than $80 million—to the southern Sydney freight line, which has been constructed by the Federal Government's Australian Rail Track Corporation. The southern Sydney freight line will consist of 36 kilometres of dedicated freight track from Macarthur to Sefton. When operational, the line will allow dedicated freight access to Sydney from the south and will further improve reliability outcomes for interstate rail freight.

The principal purpose of the project is to separate freight and passenger traffic on the rail network. Without the project, the southern rail corridor will continue to experience significant congestion when passenger and freight rail users compete to use the same rail infrastructure. At present rail passenger traffic is afforded priority, resulting in rail freight movements being restricted to outside peak periods, such as at night. However, we must also address the challenge of northern access to Sydney. This is a key project for exporters and the logistics industry. The northern Sydney freight line is the most congested point for rail freight on the east coast. This is due both to the prioritisation of RailCorp's passenger services and to geographical constraints, such as the Cowan bank and the Hawkesbury River.

New South Wales rail agencies, together with the Commonwealth Department of Infrastructure and the Australian Rail Track Corporation, presently are undertaking detailed engineering, planning and concept design studies for the northern Sydney rail freight corridor from Strathfield to Broadmeadow. The Government looks forward to receiving the outcomes of this study into the needs of the corridor. The study also will inform expenditure of $840 million allocated by the Commonwealth towards improving rail freight access along the corridor in the 2009-14 period. While rail has good environmental credentials, increasing noise remains an issue for projects. In response, the New South Wales Government is continuing to develop a comprehensive approach to managing the environmental impact of noise and vibration from the rail system.

Progress to date includes the release of the Department of Environment and Climate Change interim guidelines on the assessment of noise from rail infrastructure projects, which addresses noise and vibration from new rail infrastructure projects. Other measures already in place include environmental impact assessment guidelines for rail developments that are covered in State Environmental Planning Policy (Infrastructure) 2007, which is known as the infrastructure SEPP, and the interim guidelines for development near rail corridors on busy roads, which is an environmental planning instrument for new residential development along rail lines that was released in 2008. However, approval for the construction of a southern Sydney freight line was determined prior to the release of the interim guidelines for the assessment of noise from rail infrastructure projects. Therefore, the major regulatory instrument in this regard is the conditions of approval.

I am advised that, as the proponent of the southern Sydney freight line, the Australian Rail Track Corporation is responsible for determining mitigation for the potential noise impacts once the line is operational. I am advised that the Australian Rail Track Corporation undertook a noise and vibration assessment as part of the planning approval process. I understand that that assessment involves modelling of the anticipated operational noise levels along the length of the new line. I am further advised that the project was assessed and determined under part 3A of the Environmental Planning and Assessment 1979, but was subject to 76 conditions of approval including 21 that related to noise. The modelling of noise levels is specifically focused on the impact of the development of the project; in other words, the building process and future usage.

I am advised that modelling predicts that at some locations the construction of the south Sydney freight line will result in potential reductions in noise levels due to the freight traffic being moved away from the existing main south track. Furthermore, it is anticipated that only certain sections of the main south line side of the corridor will require noise mitigation. I am advised that when the southern Sydney freight line is completed noise from freight trains in many instances will be reduced, especially for those whose houses are located on the passenger railway side of the corridor. In short, where freight trains currently share the passenger corridor, construction of a southern Sydney freight line will mean that in some cases freight trains will be moved further away from houses.

I am advised that during the development approval process, the modelling showed that the Liverpool to Casula section of the corridor would not be affected by increased noise levels once the southern Sydney freight line becomes operational. The Australian Rail Track Corporation predicts that there will be no net increase in noise levels once the southern Sydney freight line is operating. All that being said, a condition of the approval of the project is that the Australian Rail Track Corporation is to conduct noise monitoring one, two, five and ten

years after the line is commissioned. Where this monitoring indicates any substantial exceedence of stated or emerging noise and vibration objectives, the Australian Rail Track Corporation must identify and implement any additional reasonable and feasible mitigation measures.

The Hon. JOHN AJAKA [5.14 p.m.]: The Minister has told us how much money has been allocated to the project, but that really does not answer or deal with the problem that the motion has raised. No-one is arguing about the construction of the railway line or its effects. The first two paragraphs of the motion moved by Ms Sylvia Hale clearly state that dedicated rail freight lines "are an asset to our community" and that they reduce road transport and associated costs as well as air pollution. The issue is not funding. The motion before the House focuses on the safety and welfare of residents of the State who live within the area of the rail line.

As a young person, I lived approximately 15 to 20 metres from a rail line and my bedroom window opened near it. To this day I still suffer serious hearing problems, as some of my colleagues know and about which they continually remind me. It is a serious issue that affects people, and we should treat the issue seriously. I am surprised that the Government opposes the motion. I am surprised that the Government would not at least acknowledge the first two paragraphs of the motion. I was stunned when I learned of the Government introducing but then withdrawing the Transport Administration Amendment (Rail Trails) Bill 2009. That legislation threatened future rail corridors across New South Wales and had the potential to have a devastating impact on rural and regional communities by reducing public transport options as well as threatening corridors designated for rail transport in urban areas. It was a good thing that the shadow Minister for Transport, Gladys Berejiklian, ensured that that did not occur. It appears that the Government has seen sense and has withdrawn the bill at this stage.

The Hon. Trevor Khan: They blinked, that is what they did.

The Hon. JOHN AJAKA: Yes, they blinked. Paragraph 2 (h) of the motion sums up the position nicely. It states:

> noise barriers have not been provided at Casula and, as a result, the health of residents living adjacent to the railway line will be even more severely compromised than it is at present.

The Government should act immediately. The Government should not oppose the motion. Rather, it should support the motion and thank Ms Sylvia Hale for bringing it to the attention of the Government. The Government should immediately implement the necessary work to erect the barriers. I am really stunned that the Government would try to prevent that from happening.

Ms SYLVIA HALE [5.17 p.m.], in reply: I thank all members who contributed to the debate, particularly the speaker who preceded me, the Hon. John Ajaka, for pointing out that not only do the Greens support the building of the railway line but, indeed, so do the local people. The local people have no objection to a dedicated freight line being built, but they object to being exposed to a massive amount of noise. It is true that the contract entered into between RailCorp and the Australian Rail Track Corporation obliges the Australian Rail Track Corporation to erect noise barriers only where the level of noise actually increases. It is true that along quite a few sections of the rail corridor noise barriers have been erected. What really almost verges on criminal negligence is that RailCorp either did not recognise or refused to recognise that residents currently are being exposed to noise from freight trains and that the noise reaches levels of 90 to 95 decibels. It is significant to bear in mind that at the moment trains travel along that line only intermittently.

The Australian Rail Track Corporation is standing on the wording of the contract and says, "There's not going to be any increase, so there is no obligation on us to build a noise barrier." By the Government failing to recognise its criminal incompetence when it entered into the contract it is indicating its preparedness to say to residents, "Well, the ARTC is not going to do anything. We're certainly not going to do anything. You can continue to live with this intolerable level of noise." My colleague Ms Lee Rhiannon has pointed out the disastrous impact of the relatively infrequent exposure of residents to excessive noise. What we must remember is that when this dedicated freight line is up and running that noise will be constant, 24 hours a day, seven days a week. It will be unbelievably noisy.

The residents are not objecting to the rail line. All they are saying is that there is an obligation—it is certainly a moral obligation, if not a legal obligation—on the Government to intervene and to recognise that it did the wrong thing when it signed the contract that left the residents so unprotected. Now that work on the freight line has ground to a halt while other work is being done, the Government must take the opportunity to build the noise barriers now.

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

Motion agreed to.

PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. John Hatzistergos.

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.21 p.m.]: I move:

That this bill be now read a second time.

The Personal Property Securities (Commonwealth Powers) Amendment Bill 2009 will amend the Personal Property Securities (Commonwealth Powers) Act 2009 to make provision for matters of a savings or transitional nature consequent on the referral of matters by that Act to the Commonwealth, and to make related amendments to other legislation. This bill is part of a raft of reforms that will improve the law of personal property securities. It is the product of several years of work undertaken by the governments of Australia to develop a single, national legislative scheme for the regulation and registration of security interests in personal property. In June this year the Parliament passed the Personal Property Securities (Commonwealth Powers) Act 2009, referring power to the Commonwealth Parliament to establish a single national personal property scheme.

The Personal Properly Securities Bill 2009, which establishes the national scheme, is currently before the Commonwealth Parliament. The Personal Property Securities [PPS] reforms are themselves part of a package of reforms approved by the Council of Australian Governments aimed at moving toward a seamless national economy through the reform of business and other regulation. The reforms will make it easier for businesses to operate across State and Territory borders. More particularly, the PPS reforms will make life simpler for businesses and consumers. They will establish national comprehensive rules governing security interests in personal property. Central to the reforms will be a clear set of rules relating to security interests in personal property and for ordering priorities between competing secured interests in personal property, and the creation of a single national personal property securities register.

The streamlining of Australia's personal property securities system follows similar reforms in the United States, Canada and New Zealand. The key objective of the reforms is to remove the uncertainty arising from the range of Commonwealth, State and Territory legislation and its uneasy interaction with legal and equitable principles governing personal property securities. A personal property security is created when a financier takes an interest in personal property as security for a loan or other obligation, or enters into a transaction that involves the provision of secured finance.

Personal property includes all forms of property other than real property. It includes tangible property, such as motor vehicles, machinery, office furniture, currency, art works and stock-in-trade, and intangible property, such as contractual rights, trademarks and patents. The reforms will create a national PPS regime that will benefit individuals, consumers and businesses by delivering more certain, consistent, less complex, and cheaper arrangements for securing loans with personal property. The national PPS register will replace numerous registers currently operated by the Commonwealth, States and Territories.

I now turn to the details of bill. The Personal Property Securities (Commonwealth Powers) Amendment Bill 2009 supports the transition to the national PPS scheme. It amends New South Wales legislation that provides for the registration of security interests in personal property on New South Wales registers. The bill will repeal the Registration of Interests in Goods Act 1986, which establishes the Register of Encumbered Vehicles [REV] administered by the Department of Services, Technology and Administration. The bill will also repeal the Security Interests in Goods Act 2005, which establishes the Security Interest in Goods Register administered by the Land and Property Management Authority.

Both New South Wales Acts will continue until the national PPS scheme commences in 2011, and will then be repealed. The bill also enacts savings and transitional provisions to ensure a smooth transition to the new, single, national scheme. The bill will allow the two New South Wales registers to be incorporated into the new, national PPS register. After the PPS scheme commences, security interests that could have previously been registered on the REV or on the Security Interest in Goods Register will be able to be registered on the national

PPS register. Existing security interests on the New South Wales registers will be migrated to the PPS register. These are the most significant consequential amendments that will need to be made to New South Wales legislation for the national PPS scheme. Further consequential amendments will be included in a separate bill that will be brought before the Parliament next year.

As part of those further consequential amendments, the Government will consider whether there is a need to include provisions to facilitate the creation and enforcement of agricultural mortgages currently dealt with by the Security Interests in Goods Act 2005, which could operate concurrently with the Commonwealth's Personal Property Securities Bill. However, the bill is being introduced now to comply with the Council of Australian Government's agreement that legislation be passed in 2009 and to provide some early certainty to business that the necessary arrangements have been made for a smooth transition from the main New South Wales registers to the national PPS register.

The national PPS scheme was due to commence in May 2010, but following submissions from business and recommendations from the Senate Legal and Constitutional Affairs Legislation Committee, the Council of Australian Governments agreed that the PPS scheme would commence in May 2011. The provisions of the New South Wales bill repealing the Registration of Interests in Goods Act 1986 and the Security Interests in Goods Act 2005 will be proclaimed to commence when the national PPS scheme commences. I am pleased that the New South Wales Government is playing an important role in implementing these reforms. New South Wales was the first jurisdiction to pass legislation to facilitate these reforms when it passed referral legislation in June this year. This allowed the Commonwealth to introduce the Personal Property Securities Bill 2009.

New South Wales will also be one of the first jurisdictions to introduce legislation making the necessary consequential and transitional amendments to ensure a smooth transition to the new national scheme. The PPS reforms will make it easier for businesses to operate across State and Territory borders, promote more certain and consistent outcomes, and have the potential to stimulate growth in areas currently squeezed out of lending by the current system. The PPS reforms have obvious benefits both in the current economic climate and for the future of the New South Wales economy. I commend the bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

WATER MANAGEMENT AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. Eric Roozendaal.

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.28 p.m.]: I move:

That this bill be now read a second time.

The Water Management Act 2000 is the primary legislation for the management of the State's water resources. The Act, which was introduced in 2000 by the Carr Labor Government, provides for an integrated approach to water management by recognising that water is vital for the health of our river systems and the environment while also being a valuable resource for industry and communities. The Act remains the pivotal legislative mechanism for the protection and sustainable management of our State's water resources, and the key instruments empowered by the legislation—that is, water sharing plans—remain the key water management tool in New South Wales.

Under the Act, 45 water sharing plans have now been commenced. These plans detail the rules for water use, allocation and trading for roughly 90 per cent of water used in New South Wales. These are great achievements and these reforms have led Australia and the world in water management. New South Wales was the first State to separate land and water rights, to allow water to be traded to higher value uses. New South Wales was the first State to corporatise our irrigation districts. New South Wales was the first State to allocate a share of water to the environment.

Last year the Government introduced two pieces of legislation to continue the proud tradition of water reform in this State. The Water Management Amendment Act 2008 has enacted tougher penalties, stronger offences and better investigation and evidence provisions to improve compliance with the Water Management

Act 2000. The Water (Commonwealth Powers) Act 2008 has established the arrangements needed to implement the historic 3 July 2008 Intergovernmental Agreement on Murray Darling Basin Reforms. The Water Management Amendment Bill 2009 represents the next step in the continuous improvement and constant renewal that is necessary to ensure we have the best possible systems for water management in New South Wales. The bill makes amendments to the Water Management Act 2000 and to the State Water Corporation Act 2004.

There are three main aspects to the bill. First, I refer to amendments in relation to metering. The bill confers power to install, maintain and replace metering equipment on the Water Administration Ministerial Corporation and clarifies the powers of State Water Corporation in this regard. It also clarifies existing powers to give directions in relation to metering equipment. These amendments will establish the necessary mechanisms to enable the rollout of metering projects totalling approximately $250 million in the Murray-Darling Basin and in the Hawkesbury Nepean catchment in New South Wales. Second, the bill provides for certain instruments made under the Water Management Act 2000 to be notified on the New South Wales legislation website, rather than being published in the *Government Gazette*. Third, the bill makes some other consequential and minor amendments in light of the Commonwealth Government's water market rules.

I will now outline each of these areas in turn, starting with the metering amendments. The Office of Water is currently administering a $28.6 million Commonwealth Government funded program of water meter installation in the Hawkesbury-Nepean catchment. That program involves the purchase and installation of up to 2,000 state-of-the-art metering systems as well as a data management system for the Hawkesbury-Nepean catchment. In addition, New South Wales has received in principle approval to undertake a major $221 million Commonwealth Government funded metering program in the Murray-Darling Basin. Of that amount, it is proposed that $131 million will be dedicated to installing meters in groundwater and unregulated water sources in the Murray-Darling Basin. This part of the project is to be administered by the New South Wales Office of Water. The remaining $90 million is proposed to be used to replace existing meters in regulated water sources—that is, rivers that have a major dam in their headwaters. This part of the project is to be administered by State Water Corporation.

If the Commonwealth Government finally approves it, this project will be a significant capital injection to deliver cutting-edge metering technology throughout the basin. Measuring the amount of water extracted from our rivers is critical to ensuring that the resource is shared fairly amongst users and the environment. Currently installation of meters is the responsibility of water users, where that is required as a condition of their access licence or approval. However, while meter coverage on regulated rivers and in some groundwater areas is relatively good across the State, it is less widespread in unregulated rivers. The rolling-out of meters in the Hawkesbury-Nepean catchment and in the Murray-Darling Basin will significantly benefit those water users who are currently unmetered, as well as those users whose meters are getting on a bit and may not comply with the forthcoming national metering standards.

To support the New South Wales Office of Water and State Water Corporation in these metering projects, the bill contains amendments to the Water Management Act 2000 and the State Water Corporation Act 2004 with respect to the installation, maintenance and replacement of meters. The amendments will principally affect section 326 and part 2 of chapter 8 of the Water Management Act 2000, and part 3 of the State Water Corporation Act 2004. The bill essentially does two things to allow for these metering projects to progress. First, it confers the power to install, maintain and replace metering equipment on the Ministerial Corporation and clarifies the powers of the State Water Corporation in this regard. Second, the bill clarifies the Minister's power under section 326 of the Water Management Act 2000 to issue directions to install, replace or maintain metering equipment.

I will now explain these concepts in a little more detail, starting with the powers to install. The bill confers powers on the Ministerial Corporation to install, test and remove metering equipment generally across the State. This will apply to works covered by the Water Management Act 2000 and the Water Act 1912. The bill does not extend to create any interest in land for the Ministerial Corporation as a result of the installation, operation or maintenance of works on land. As the installation of meters on land by the Ministerial Corporation will not create any interest in the land itself, the bill clarifies that no compensation is payable in relation to the removal of metering equipment installed by the Ministerial Corporation. In relation to State Water Corporation, the bill makes it clear that State Water is the owner of all metering equipment it installs and confers on State Water the same powers in respect of metering equipment that it already has with respect to works under its legislation. This includes installing, operating, repairing and replacing metering equipment.

The bill also extends the powers of State Water Corporation in relation to metering equipment to include metering equipment that State Water does not own, if this is provided for under the State Water

Corporation operating licence. The bill provides for the Ministerial Corporation and State Water Corporation to take over the exclusive operation and maintenance of prescribed classes of meters in areas or water sources prescribed by regulation. Such regulations may, for example, limit the application of functions to a particular water source, or area, or to a particular class of access licence or approval, or a particular class of work. This means that existing obligations, such as licence conditions or directions under section 326 of the Act, requiring landholders to maintain meters will be overridden in certain areas while such a regulation is in force.

In addition, the bill allows for regulations to be made under the State Water Corporation Act 2004 to limit the application of State Water's powers in relation to metering equipment or for such functions to be conferred, or not conferred, exclusively on State Water. The power will enable alterations to be made and operation and maintenance to occur on existing meters where these are almost in line with the National Water Metering Standards and do not need to be replaced altogether. Alterations may, for example, include the installation of telemetry equipment which will allow a meter to provide real time data back to the Ministerial Corporation or State Water Corporation, and save the effort and cost of making a site visit to read the meter.

In relation to the second aspect of this part of the bill, the bill clarifies the Minister's powers under section 326 of the Water Management Act 2000 to issue a direction to install, replace or maintain metering equipment. This will enable the Minister to clarify that a direction may be made solely in respect of the installation, replacement or maintenance of a meter. Currently the section focuses only on installation, which could be problematic if something needs to be done to a meter that is already installed. We need to specify who can install, replace, maintain or seal the metering work. For example, this will allow the Minister to specify that a work needs to be installed by a person listed on a panel of certified installers.

The bill also makes some consequential amendments to the offence provisions of the Water Management Act that relate to metering. The bill extends the offence of taking water when metering equipment is not working contained in section 911 of the Act to include equipment that has been installed by or with the written authority of the Ministerial Corporation or State Water. It also excludes things done to metering equipment by or with the written authority of the Ministerial Corporation and State Water from the offence of tampering with metering equipment contained in section 91K of the Act. Finally, it inserts a new section 91 MA to make it clear that the Ministerial Corporation and State Water are not required to hold an approval to construct or use metering equipment.

These amendments are necessary to ensure the New South Wales Office of Water will meet its obligations to roll out approximately $250 million worth of Commonwealth funded metering projects in New South Wales. By allowing these projects to progress, the bill will contribute to the further evolution of the water management system in New South Wales. The bill is also a further step in the process begun by this Government last year to significantly improve arrangements for enforcement and compliance under the Act. Better compliance means less water theft and that is good for our farmers, and our precious riverine environments, as they both get the water they are legally entitled to.

These improvements remain timely as the record drought continues across much of the State. At this time the Government and the community are focused as never before on doing everything possible to sustain our inland rivers, and the communities they support. More widespread use of the latest metering technology will improve the operation of the Act to deliver more secure and sustainable water supplies, which is a key goal of the State Plan. Better metering will ensure users are only taking the amount of water they are legally entitled to. This means that downstream users will benefit because water will be shared equitably between water users, and between users and the environment, in accordance with the established rules of the water sharing plans. Water users, as a whole, are broadly in agreement with the principle of metering, and the need to be able to demonstrate a more transparent, accurate and accountable system for monitoring the extraction of this precious resource.

Some concerns have been raised in relation to increased business costs, particularly as a consequence of the requirement to install water metering equipment that is telemetry enabled. However, telemetry equipment, while having initially higher costs, provides for significantly improved efficiency in gathering the information required and will, in the medium term, result in lower metering costs to Government and hence to irrigators. By allowing for the rollout of these major metering projects, if finally approved by the Commonwealth Government, the bill will facilitate a massive investment of funds into regional New South Wales, and contribute to the further evolution of the water management system in New South Wales. Consultation has commenced with users and stakeholder groups regarding water meter upgrades and replacement. This will continue as part of the rollout of the metering projects in the Hawkesbury-Nepean and the Murray-Darling Basin.

I will now turn briefly to the second main aspect of the bill, namely amendments to provide for certain instruments to be notified on the New South Wales legislation website. Briefly, this aspect of the bill relates to the publication of certain statutory instruments made under the Water Management Act 2000 on the New South Wales legislation website. These amendments are intended to implement the requirements of Premier's Memorandum 2009/02 in relation to the online notification of new statutory instruments, to ensure public access to all instruments of a legislative nature.

The bill contains amendments to provide for certain instruments made under the Water Management Act to be published on the New South Wales legislation website, rather than in the *Government Gazette*. The amendments apply only to instruments under the Water Management Act that have a relatively permanent nature. These include water management plans, harvestable rights orders, access licence dealing principles orders and mandatory guidelines for the taking and use of water for domestic consumption and stock watering. The real benefits of this part of the bill are transparency and for members of the public to have easier access to instruments made under the Water Management Act 2000.

Lastly, the third aspect of the bill makes some other consequential and minor amendments to the Water Management Act in light of the Commonwealth Government's water market rules. On 3 July 2008, the historic Intergovernmental Agreement [IGA] on the Murray-Darling Basin reforms was signed by the basin jurisdictions. The Murray-Darling Basin is critical to New South Wales. Fifty-seven percent of the basin is within New South Wales. Irrigated agriculture across the basin is valued at $9 billion a year. Almost all of inland New South Wales is within the basin.

Last year the Water (Commonwealth Powers) Act 2008 established the arrangements needed to implement the July IGA. That Act fulfilled New South Wales obligations under the July IGA by referring powers to the Commonwealth. In June of this year the Commonwealth Minister for Climate Change and Water made water market rules for the Murray-Darling Basin under Commonwealth legislation. The aim of the water market rules is to enable people who hold water rights as a member of an irrigation infrastructure operator to convert the right to an individually held entitlement. This will facilitate trade in water rights, by recognising the water right as a valuable asset, and will allow those individuals to make use of their water rights, for example, as collateral when seeking finance.

The free trade of water within interconnected water sources is consistent with the National Water Initiative and is supported by New South Wales. It requires the States to reduce barriers to permanent trade in water entitlements and to ensure a level playing field in the southern Murray-Darling Basin. If implemented well, trade will benefit New South Wales communities by enabling water to be used where it is of greatest value. This means that even with potentially less water available in the future, we may nevertheless be able to expand water dependent regional economic activity. On the other hand, many of our towns and regional centres have grown around the existing irrigation communities. To mitigate the impacts on regional economies of any rapid movement of water out of an area, the National Water Initiative enables the States to impose an interim trade threshold limit on permanent trade in water entitlements out of all water irrigation areas.

The agreed limit, or "cap" on trade, is currently set at 4 per cent per year of the total water entitlement, however work is underway to increase the cap, with a view to removing it entirely by 2014. New South Wales implemented the requirement to enable 4 per cent trade out of irrigation areas through section 71 ZA of the Water Management Act, which was introduced by an amendment to the Act in December 2005. This amendment enabled civil penalties to be imposed on irrigation corporations if they prevented the first 4 per cent of permanent trade out of their area.

The water market rules approved by the Commonwealth Minister in June this year provide a detailed framework for transformation. In addition, the Commonwealth Water Act 2007 has a framework for enforcing these rules, which will be administered by the Commonwealth Government. As the Commonwealth is now responsible for this area, I am concerned to avoid duplication of responsibility. Accordingly, this bill seeks to remove section 71 ZA of the Water Management Act, which relates to the 4 per cent cap on trade out of an irrigation corporation area. For now, the intention is to maintain the current cap through a trade order to ensure that regional economies continue to be protected.

The New South Wales Office of Water has commenced consultation on the terms of a trade order under section 71 Z of the Water Management Act to maintain the 4 per cent cap. This is consistent with the National Water Initiative and is also consistent with the Memorandum of Understanding in relation to Water for the Environment signed by the New South Wales Premier and the Acting Prime Minister on 23 September 2009.

However, this is a very complex issue. Trade is good for business flexibility and good for the environment and, for these reasons, New South Wales leads the world with a free and flexible water trading regime. However, the Government also recognises the need to maintain communities and infrastructure based on historical levels of use, and that is the purpose of the 4 per cent limit.

An order made under section 71 Z will enable the Government to keep the issue under review and to modify the order if trading restrictions in other States are lifted more quickly than currently planned, or if it is no longer needed to support our irrigation industries and communities. The Government needs to carefully balance the needs of regional economies with the needs of water users and the environment. This is particularly important while trade barriers continue to exist in other States. The Government will carefully consider stakeholder views and keep the issue closely under review.

In conclusion, this bill is necessary to make amendments in relation to metering to establish the mechanisms by which metering projects totalling approximately $250 million may be rolled out in the Murray-Darling Basin and in the Hawkesbury-Nepean catchment in New South Wales, to allow for certain instruments made under the Water Management Act to be published on the New South Wales legislation website and to make consequential amendments in light of the Commonwealth Government's water market rules. The bill contributes to the ongoing reform of water management in New South Wales, to safeguard the future of our rivers and river communities and to support our irrigation industries and riverine environments. I commend the bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

FOOD AMENDMENT (BEEF GRADING) BILL 2009

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Robert Brown.

Motion by the Hon. Robert Brown agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading set down as an order of the day for a future day.

VALUATION OF LAND AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. Tony Kelly.

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.50 p.m.]: I move:

That this bill be now read a second time.

The Valuer General is the State Government's principal adviser on all land valuation matters and has a statutory responsibility to provide fair and accurate land valuations for rating and taxing purposes. The Valuer General has recently been involved in a court case, the decision of which has put in jeopardy the manner in which heritage land is valued and casts doubt on the validity of heritage valuations undertaken by the Valuer General. This bill will clarify the approach to valuing heritage land that has been developed by the Valuer General and used for over 30 years. The Valuation of Land Act 1916 provides for the valuation of land for rating and taxing purposes. Valuations made under the Act reflect the land value only. Value is assessed as if the land was vacant on the basis of its highest and best use. The land value determined by this method does not generally reflect the full sale price that could be obtained for the property.

The court case prompting this amendment—*Valuer General v Commonwealth Custodial Services Pty Ltd* 2009 NSWCA 143—dealt with the valuation of heritage land. In New South Wales there are two categories of heritage land—heritage-restricted land and heritage-listed land. Land subject to a heritage restriction is listed in the heritage schedule to the local council's local environmental plan. Heritage-listed land

refers to property identified on the State Heritage Register kept under the Heritage Act 1977. This is a register of places and items of particular importance to the people of New South Wales. If a property is heritage restricted, a landowner can request the Valuer General to provide a heritage-restricted valuation for land tax and local rate purposes. It would be unjust to value such land as though all its potential uses could be realised.

A heritage valuation allows a discount to be made based on the existing development of the land rather than on any presumption of future development. As a result, the valuation is usually lower than other comparable land not subject to a heritage restriction. It would follow that the owner of the heritage land would receive lower council rates and land tax, again, compared to land that is not heritage listed. Section 14G of the Act sets out the manner in which heritage-restricted land is to be valued. In order to determine the highest and best practical use of the land, section 14G requires three assumptions to be made. These are: that the land may be used only for the purpose for which it was being used at the date of valuation; that all improvements on the land when the value was determined may be continued and maintained in order that the existing use of that land may continue; and that no improvements, other than those on the land, may be made to or on that land.

In order to demonstrate how the section operates, I will provide an example of a valuation of a heritage-restricted building. In this example I will use the Sydney Hospital, located next door on Macquarie Street. In assessing the value of the land the valuer would ask: If the site of the Sydney Hospital were vacant, how much would someone be willing to pay for the land, given that the only building allowed on the land would be the current building, and the land could be used only for a hospital? The land value would then be calculated accordingly. By taking the use of the land into account, section 14G would operate to discount heritage-restricted land. Using my example again, the site of the Sydney Hospital would attract a much higher valuation if development on the site allowed a 30-storey building for use as offices or even for the development of a modern and more substantial hospital.

It goes without saying that a building of heritage significance will never be in a new condition. However, the assumptions provided by section 14G are designed to assist a valuer to properly determine the highest practical use of heritage restricted land, as required by the Act. The actual building itself is not assessed for value. The building is considered only for the purpose of determining the nature of use and the extent of development allowed on the land. The Court of Appeal in *Valuer General v Commonwealth Custodial Services Pty Ltd* considered that the current wording of section 14G requires that the current condition of the building must be taken into account in the valuation assessment. The court stated that the cost of maintenance of a heritage building impacts upon its marketability and available return, and the potential cost of refurbishment should therefore be factored in.

The Valuer General has never valued heritage-restricted land in this way. To undertake a heritage valuation in the manner that the court has stated would be disastrous for the valuation process in New South Wales. Most land in New South Wales is valued using a mass valuation process. This procedure enables like properties to be considered together and valued in groups called components. The properties in each component are similar, or are likely to change in value in a similar way. Within each component, at least one representative property is valued individually each year to measure how the much the value has changed in the previous year. The change in value is then applied to all properties within the component to determine their new value. If, as the Court of Appeal has suggested, section 14G required that the actual condition of the heritage building be taken into account, separate inspections would need to be made for every heritage property in the State.

There are approximately 44,000 heritage properties in New South Wales. To require an individual inspection of all these would mean the end of the mass valuation process. To change the valuation procedure in this way would have a substantial impact on the ease and practicality of administering the Valuation of Land Act, as a significant amount of time and expense would be required to assess each and every property. This change to procedure from mass valuation to individual inspections of heritage property would require a substantial variation to the existing contracts with private valuation companies currently engaged to undertake this work, creating additional cost to the Government. A change to the accepted valuation method would make land values more volatile and enable the land value to vary due to a landowner's intervention.

A landowner may be tempted not to maintain improvements on the land and ultimately achieve a lower land value for his or her property. This is contrary to the intention of both the Heritage Act, which aims to protect items of environmental heritage, and the Valuation of Land Act, which focuses on the value of land rather than on the improvements on the land. The purpose of this bill is to maintain the status quo and to clarify the purpose of the assumptions in section 49G. To achieve this the bill proposes to introduce a further assumption that clarifies that when valuing property under section 14G all improvements on the land are, and

will continue to be, maintained without the need to make any allowance for the building's actual condition. This amendment will ensure that a valuer need not take into account the actual condition of the building when the valuation is made.

The bill will also validate the practice of assuming that the building or structure may be continued and maintained to determine the best and highest use of the land. I take this opportunity to assure landholders of heritage properties in New South Wales that these amendments will not of themselves result in any increase in heritage property land values. The amendments will maintain the status quo and enable the Valuer General to continue valuing heritage land following the method used over the past 30 odd years. A landowner's right of objection and appeal against a valuation under the Act are untouched by these amendments. The bill also proposes a corresponding amendment to the Heritage Act 1977.

The State Heritage Register is established under the Heritage Act. The register contains a list of places and objects of particular importance to the people of New South Wales. Land that is listed on the State Heritage Register is subject to similar development restrictions to that of heritage-restricted land. If land is listed on the State Heritage Register, the Valuer General is compelled to value the land in accordance with the heritage valuation principles set out in section 123 of the Heritage Act. A heritage valuation made under the Heritage Act is made upon the same assumptions as section 14G of the Valuation of Land Act. For the same reasons as I have given in regard to the proposed amendment to section 14G, a corresponding amendment will be made to section 123 of the Heritage Act.

The amendment will provide that all improvements on the land are, and will continue to be, maintained without the need to make any allowance for the building's actual condition. The amendments in this bill will ensure that the Valuer General's office can continue to value effectively heritage-restricted land and provide timely and consistent valuations on which the rating and taxing authorities can confidently rely. I commend the bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

ROAD TRANSPORT LEGISLATION AMENDMENT (MISCELLANEOUS PROVISIONS) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Henry Tsang, on behalf of the Hon. Eric Roozendaal.

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.59 p.m.]: I move:

That this bill be now read a second time.

The main purpose of the Road Transport Legislation Amendment (Miscellaneous Provisions) Bill 2009 is to amend road transport and fine enforcement legislation to improve the way the law operates for camera-recorded offences, to increase penalties for false nomination or failure to nominate offences, extend the time limit for commencing proceedings, reduce red tape by allowing corporations to nominate by means other than statutory declaration, confirm the operation of driver licence disqualification periods for major traffic offences, confirm driver blood alcohol limits for unlicensed, novice, and supervising drivers, and prevent unlicensed drivers from evading appropriate penalties. Under New South Wales road transport law, the registered operator of the vehicle is the person responsible for its management and use. This includes the requirement to nominate the person in charge of the vehicle in camera-recorded offences under what are called "operator onus" provisions.

The person responsible for the vehicle is deemed liable for certain offences, mainly camera-recorded offences, unless he or she can nominate the person who was in charge of the vehicle at the time. If the person served with the penalty notice by the State Debt Recovery Office [SDRO] for the offence is not the driver of the vehicle, he or she must nominate by statutory declaration the person who was responsible. The State Debt Recovery Office, through the Fines Act 1996, then issues a fresh penalty notice to the person nominated. The publicity surrounding the conviction of former judge Marcus Einfeld in March 2007 for perjury and perverting the course of justice for falsely nominating persons for traffic offences highlighted the potential for abuses of the system.

Other abuses include the failure to nominate the driver responsible—even though the fine is paid—which means that demerit points cannot be allocated. Some unscrupulous operators sometimes use this ploy to

shield their drivers from licence sanctions. The purpose of the amendments to the Road Transport (General) Act 2005 is to increase the penalty for making a false or misleading nomination for a camera-recorded or parking offence from five penalty units, or $550, for an individual to 50 penalty units, or $5,500, and 100 penalty units for a corporation. This brings the penalty closer to those in other jurisdictions. For example, in Victoria, the penalty for a false statement for an operator onus offence is $6,800. Members are reminded that under the Crimes Act the penalty for giving false or misleading information where the information is provided to a person exercising a duty or function under a law in this State is a fine of 200 penalty units, imprisonment for two years, or both.

The bill also increases the penalty for failure to nominate to 50 penalty units for an individual and 100 penalty units for a corporation. The new penalties should act as a deterrent to those who seek deliberately to mislead or evade responsibility for traffic offences. Consistent with these measures is the proposal to extend the time limit from six months to 12 months in which proceedings can commence for false or misleading nomination offences. Collecting evidence to prove a false nomination, as was discovered in the Einfeld matter, takes time especially if the responsible operator uses time-wasting tactics or is uncooperative. The extension of the time limit to 12 months will provide law enforcement agencies, like the State Debt Recovery Office, with time to investigate whether the nomination is false and, if so, to gather evidence. Successful prosecutions will act as a further deterrent to committing the offence.

Not everyone does the wrong thing. Being mindful of this, and of the administrative burden on businesses, it is proposed to amend both the Road Transport (General) Act 2005 and the Fines Act 1996 to make it easier for corporations to nominate a driver by means other than a statutory declaration. This will provide a substantial benefit to car rental companies and fleet operators who, at present, must submit a separate statutory declaration nominating the responsible person for each traffic offence. It is likely that nominations will be transferred electronically and the proposal is consistent with the Government's intentions to cut red tape. It will also promote further business efficiencies within the State Debt Recovery Office. Only in cases where a nominee elects to have the matter dealt with by a court would the corporation be required to provide a statutory declaration.

When the Road Transport (General) Act was re-enacted in 2005 to include nationally agreed compliance and enforcement provisions for heavy vehicles, new definitions were introduced. Definitions such as "registered operator" were added to existing definitions relating to the responsible person for a vehicle to extend liability to parties in the chain of responsibility in the transport industry. The bill aims to clarify the scope and operation of these definitions as they apply to New South Wales and interstate vehicles, and to confirm that the amended definitions had effect from the time of the assent to the Road Transport (General) Act 2005.

Turning to the matter of disqualification periods, members would be aware that if a person has been convicted of three major traffic offences within five years he or she can be declared an "habitual traffic offender" and, in addition, be disqualified from driving for an additional five years. A court does have the power at a later time to quash the declaration. Some magistrates have taken the view that, in quashing a declaration, the disqualification period is void from the start—that is, it is deemed never to have existed. In cases where the disqualification period has not commenced, this is clearly correct. However, the same cannot be said where the declaration is quashed after the period of disqualification has commenced. If the disqualification is considered to be quashed from the start, this may have consequences for a person who, despite being disqualified, is caught driving in that disqualification period. A person subject to an habitual offender declaration may apply at any time for such a declaration to be quashed, including after being caught and charged with driving while disqualified.

Where the declaration is quashed in such a case, an interpretation that deems the disqualification period never to have existed means that the entire period of disqualification is removed and the charge of driving while disqualified cannot proceed. The bill seeks to address this by amending road transport law to clarify that where a court quashes an habitual traffic offender declaration, if the period of disqualification has started, it ends on the date the court orders the quashing. This makes it clear that any period of disqualification that has been served is to remain and therefore is valid. This amendment will support police in prosecuting an offence of driving while disqualified in these cases, and effectively removes the opportunity for a person to avoid penalties for unauthorised driving.

Turning to the related matter of penalties for serious traffic offences, I point out that in 1998 the Government responded to community concern about irresponsible and dangerous driving, and amended the former Traffic Act 1909 to increase fines, disqualification periods and terms of imprisonment. An escalation of

penalties through a second or subsequent offence penalty regime was also introduced. This applied to a person who previously committed the same type of offence, or any one of the other major offences in a five-year period, and included an automatic disqualification period of two years.

Major offences included furious or reckless driving, driving under the influence of alcohol or other drugs and negligent driving causing death or grievous bodily harm. In the following year, the Act was amended to insert section 25A that provided, among other things, a second or subsequent penalty regime for offences such as driving while disqualified, suspended, cancelled or refused. Earlier this year, a Court of Criminal Appeal ruling found that second or subsequent penalty provisions of section 25A do not increase disqualification periods if the first offence was a major offence. The effect of the ruling is that, while fines and periods of imprisonment are increased, disqualification periods will be increased under section 25A only if the earlier convictions are for driving while disqualified, suspended, cancelled or refused, and not for major offences. This was never the policy intent.

It is proposed to amend section 25A of the Road Transport (Driver Licensing) Act 1998 to ensure that a person is subject to the second offence disqualification period of two years, if convicted of driving during a period of disqualification, cancellation, refusal or suspension, or any other major offence. In addition, it is intended to confirm that the section had effect from the time it was originally enacted. I should point out that the changes to section 25A that I have just outlined will not be extended to include the offence of driving during a period of suspension imposed for non-payment of fines.

In September 2008 a new section 25A (3A) was created to make a distinction in the law between driving during a period of suspension imposed for road safety reasons, such as excessive speeding or demerit points, and driving during a suspension period imposed because a person failed to pay an outstanding fine amount to the State Debt Recovery Office. These amendments are consistent with and further support the recommendations of the New South Wales Sentencing Council.

Turning to the matter of unlicensed driving, I point out that severe penalties apply under the Road Transport (Driver Licensing) Act 1998 to persons driving without ever having been licensed. A first offence attracts a fine of 20 penalty units, or $2,200, while a second or subsequent offence attracts 30 penalty units, or $3,300, or imprisonment for 18 months or both. Never having been licensed is defined as not holding a driver licence in Australia for at least five years before being convicted of the offence. Police report that, when charged with a second offence, some accused are taking out a learner licence before the matter goes to court. In doing so, they avoid the higher penalty. Accordingly, the proposed amendment will remove that opportunity by changing reliance on the five-year period before the person is convicted of the offence to the five-year period before the offence was committed.

In 2004 a zero blood alcohol content limit was introduced for learner and provisional drivers. Previously these drivers were special category drivers, and were subject to a legal blood alcohol content of 0.02. Currently, special category drivers include drivers of public passenger vehicles, coach or heavy vehicle drivers, drivers of vehicles transporting radioactive or other dangerous goods, or drivers who have had their licence cancelled, refused or suspended, or who have been disqualified from driving or who have never obtained a licence. However, doubt has been raised as to whether the zero alcohol blood alcohol content would continue to apply if the learner or provisional licence was suspended or cancelled, and the person was deemed to no longer be the holder of such a licence. In those circumstances, the person would default to a legal blood alcohol content of 0.02. This appears to have been an unintended consequence of the drafting of the zero blood alcohol content laws in 2004.

It is proposed to amend the Road Transport (Safety and Traffic Management) Act 1999 to ensure that the legal blood alcohol content limit of zero, which applies to the holder of a learner or provisional licence, continues to apply if that licence is subsequently cancelled or suspended, or when the licence expires or the holder is disqualified from driving. Consistent with this proposal, the zero blood alcohol content limit will be extended to apply to a person who has never obtained a licence. These persons currently fall into the special range category with a blood alcohol content limit of 0.02.

Lastly, as we have seen, the Road Transport (Safety and Traffic Management) Act 1999 specifies not only the legal blood alcohol content levels and the alcohol offences for drivers, but also the supervisors of learner drivers. The supervising driver offences rely on the person who is learning to drive actually holding a learner licence. In the case of heavy vehicles, the person learning to drive is not issued a learner licence. The person learning to drive is required only to hold a valid driver licence and be eligible to progress to the licence

class of the vehicle that the person is learning to drive. As a consequence, the existing provisions do not place a legal blood alcohol content limit on supervisors of persons learning to drive heavy vehicles. This anomaly can be corrected by replacing the words "a holder of a learner licence" in the provision with "a person learning to drive". This will introduce the intended legal blood alcohol content limit of 0.02 on the supervising driver of a heavy vehicle.

These measures before the House aim to improve safety on our roads by improving the accountability of those responsible for camera-recorded traffic offences. In addition, it seeks to make amendments to other aspects of road transport law to ensure that the unlicensed drivers cannot evade penalties, that habitual traffic offenders who drive while disqualified can be penalised and that drink-driving laws are applied consistently and effectively to learner and provisional drivers and to supervisors of heavy vehicle learners. I trust all members will lend their unreserved support to the Government's proposals. I commend the bill to the House.

Debate adjourned on motion by the Hon. Rick Colless and set down as an order of the day for a future day.

GRAFFITI CONTROL AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, Vice President of the Executive Council) [6.19 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Graffiti Control Amendment Bill 2009. The purpose of the bill is to give effect to the legislative aspects of the New South Wales Government's graffiti action plan that the Premier announced on 8 November 2009. It will also create a scheme of community clean-up work for graffiti offenders. Graffiti is not a victimless crime and is not simply a costly eyesore; it makes people feel unsafe and the community has had enough. Portions of the bill draw on the evidence-based research done by the Department of Justice and Attorney General on graffiti offenders in the report entitled "The motivations and modus operandi of persons who do graffiti". The report on the interviews with 52 offenders found that while most offenders do graffiti either in the pursuit of fame or recognition or for the adrenaline rush that doing graffiti gives them, graffiti offenders are a heterogeneous group; and while some offenders are opportunistic in their illegal activities, around a third of those interviewed stated that they were dedicated members of a crew or semi-organised group, which can range from 10 members to up to 40 members.

Given that the current penalties do not appear to be a deterrent to these serious graffiti offenders, there is a need to increase their severity. Moreover, compared with other jurisdictions in Australia, the penalties for marking graffiti and carrying a graffiti implement with intent in New South Wales are at the lower end of the scale. However, the Government is also focusing its energies on intervening early with graffiti offenders through a range of options, especially youth justice conferences. The report also identified that the current sale restrictions under the Graffiti Control Act 2008 had limited the ability of offenders to purchase spray paint and has led to graffitists recruiting adults to purchase the cans on their behalf. The Office of Fair Trading has indicated that current restrictions on the retailing of spray paint have been adhered to. An audit of approximately 800 stores by the Office of Fair Trading found 100 per cent compliance with obligations regarding the display and sale of spray paint cans. Some offenders said that older friends or family members were instead purchasing spray paint on their behalf, hence the need for a secondary supply offence, which I will come to shortly. I now turn to the detail of the bill.

The bill creates two new graffiti offences. The offences further restrict the supply of spray paint cans to persons under the age of 18 years and the possession of spray paint cans by persons under the age of 18 years. Under proposed section 8A, a person who supplies a spray paint can to a person under the age of 18 years will be guilty of an offence with a maximum penalty of $1,100. It is a defence to this offence, proof of which is on the person who supplied the spray paint, if, first, the person believed on reasonable grounds that the spray paint was going to be used by the person to whom the paint was given for a defined lawful purpose; and, secondly, where the supply occurred in a public place, the person believed that the spray paint was going to be used by the person to whom the paint was given for another defined lawful purpose.

Purposes or uses of graffiti are specifically defined in the bill as lawful for these offences and are, first, the lawful pursuit of an occupation, education or training; secondly, any artistic activity that does not constitute an offence against this Act or any other law; and, thirdly, any construction, renovation, restoration or maintenance activity that does not constitute an offence against this Act or any other law. It is also a defence to this offence if the supply occurred in a private place and the person believed that the spray paint was going to be used by the person to whom the paint was given for any purpose that is not against the law at or in the immediate vicinity of that private place. To illustrate, this offence makes it legal for a parent to give a child spray paint so he or she can help paint the outside shed, but not to allow the child to go down the road with his or her friends with the can.

Under proposed section 88 a person under the age of 18 years who is in possession of a spray paint can in a public place is guilty of an offence, with a maximum penalty of $1,100 or six months imprisonment. It will be a defence that the person had the spray paint can in his or her possession for a defined lawful purpose, being education or employment. It will also be a defence if the person had the paint in his or her possession for one of the other defined lawful purposes, such as a lawful artistic activity, but only at the place or in the immediate vicinity of the place where it was being used or it was intended to use the spray paint. In order to ensure consistency in the principal Act, schedule 1 [6] amends the existing spray paint confiscation powers to allow a police officer to confiscate the spray paint can unless the person satisfies the officer that his or her possession of the can does not constitute an offence under the new provisions.

In addition to creating these two new offences, the bill creates a scheme of community clean-up work. Courts which impose fines for graffiti offences will be able to order that offenders pay off those fines by way of community clean-up work at the rate of $30 per hour. It will also be open to offenders to volunteer to do this work instead of paying a fine. In the latter case, a community clean-up order can be made by a registrar. The orders can only be made after consultation with Juvenile Justice in the case of children and Corrective Services in the case of adults to ensure that the person is suitable to do the work. Although these orders draw heavily on the statutory machinery of community service orders, community clean-up orders are a distinct type of order which attaches to a fine.

A court must first come to the conclusion that a fine is the appropriate option for an offender, as against other options, such as prison or a community service order, before deciding that it is appropriate for the fine to be paid by way of community clean-up orders. Under the community clean-up order, an offender must, if practicable, participate for at least two hours in a graffiti prevention program. The program will include personal development, education or another program the object of which is to prevent offenders from engaging in unlawful graffiti activities. A court can revoke the order if an offender fails to comply or is unable to comply. It can also revoke the order if the offender requests and it is satisfied that it would be in the interests of justice to do so. Upon revocation of the order, the offender must pay the remaining amount of his or her fine.

An offender need not be present when the order is revoked, and a registrar can sanction revocation. However, notice of the intention to revoke the order and an opportunity to put submissions must be given before an order is made. It is envisaged that the majority of revocations will occur in chambers under the hand of a registrar. However, should a person wish to appear before the court and make submissions as to why the order should not be revoked, natural justice demands that he or she be given the opportunity to do so. There is no right of appeal against the decision to make or revoke a community clean-up order. However, the effect of proposed section 9L is to allow a court which hears an appeal against the severity of the fine which underlies the order, or any other appeal which affects that fine, to vary or quash that order as the case may require. Appeal courts which re-sentence an offender to a fine will also be able to make the order.

In addition to these two key changes, the bill makes a number of other amendments to further criminalise graffiti behaviours. Schedule 1 [2] increases the maximum penalty for the existing offence of damaging or defacing property with a graffiti implement from six months to twelve months imprisonment. Schedule 1 [3] increases the maximum penalty for the existing offence of possessing a graffiti implement with the intention that it be used to damage or deface property from three months to six months imprisonment. Currently only Police and Fair Trading investigators may issue penalty notices with respect to the sale of spray paint cans.

Schedule 2.4 amends the Graffiti Control Regulation 2009 to allow certain local council employees to also issue such penalty notices. Schedule 2.5 amends the Rail Safety Act 2008 to give rail safety officers the power to direct a person to state the person's name and address if the officer finds a person committing an offence against the Graffiti Control Act 2008 or reasonably suspects that the person has committed an offence

against that Act. This power accords with other powers that rail safety officers enjoy in relation to antisocial behaviour on trains and related premises. The bill also makes other consequential and minor amendments. The tough, extraordinary measures in this bill leave no doubt as to the Government's view of people who deface property and how they deserve to be treated. I commend the bill to the House.

Debate adjourned on motion by the Hon. Greg Pearce and set down as an order of the day for a future day.

CRIMES AMENDMENT (FRAUD, IDENTITY AND FORGERY OFFENCES) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, Vice President of the Executive Council) [6.30 p.m.]: I move:

That this bill be now read a second time.

The Crimes Amendment (Fraud, Identity and Forgery Offences) Bill 2009 amends the Crimes Act 1900 to introduce three new parts. The first updates the crime of fraud and increases the maximum penalty for this crime to 10 years, doubled from 5 in the current law. The second introduces new offences arising from identity crime, the maximum penalty for which will also be 10 years. The third updates the law relating to forgery, and also sets the maximum penalty at 10 years. This bill is the product of significant research and consultation and draws on three reports produced by the Model Criminal Law Officers Committee of the Standing Committee of Attorneys General on Theft and Fraud, Credit Card Skimming, and Identity Crime. It also draws on the Commonwealth Criminal Code to the extent that it picks up on those reports.

The bill does not adopt all of the provisions of the reports as incorporated in the Model Criminal Code as some of the thinking behind the model bill has progressed, but it does bring New South Wales closer to the national approach. New South Wales has also had the benefit of the experience of its own practitioners who have provided significant assistance in this project through submissions and consultation. More than 30 fraud provisions are being replaced with four new provisions, and 25 forgery provisions are being replaced by six new provisions. These new broad offences will cover all the sorts of conduct formerly dealt with under numerous very specific offences. It is a significant rewrite of this part of the Crimes Act.

One example of the old offences we are repealing is forging or uttering any East India bond, an offence from the eighteenth century when the East India Company issued bonds to finance its activity. Not surprisingly, no person has been convicted under this section for many years. The bill removes this and many other out-of-date provisions, and replaces them with simple and modern offences that can keep pace with modern criminal conduct. Fraud, which is the dishonest deception by one person of another to obtain property or financial gain or to cause a financial disadvantage, is an area of crime that has exploited the opportunities opened up by technology, and that makes it hard to police. It covers the creation and cashing of false cheques, pyramid schemes, inducements to invest based on a misrepresented scheme, the creation and sale of counterfeit items such as artworks or designer clothing, or failing to pay for items, such as petrol.

The new fraud offences I am introducing are technologically neutral, and will ensure that criminal conduct now and well into the future can be caught. The bill also doubles the maximum penalty for fraud from five to ten years, demonstrating how seriously we take the issue. Identity fraud, involving the theft then misuse of personal identification information, is a growing problem, and one to which we are all potentially exposed. A major enabler of this sort of fraud is the trade in identification information. People acquire it in various ways—skimming machines or fake emails, for example—and then they sell it online to other people who use it to commit a crime, such as fraud, or the creation of a new identity to conceal involvement in other serious crimes, drug offences or money laundering.

It will now be a very serious crime, punishable by up to 10 years imprisonment, if a person deals in identification information this will include using it, making it or selling it. It is a growth crime, costing Australians millions of dollars a year, and we are determined to give police the power they need to investigate and prosecute it. Forgery is another area of crime characterised by rapid change. There are all sorts of documents people now create in order to obtain property or some financial advantage. This bill repeals the

specific and outdated offences, and puts six broad offences in their place. These offences can cover machinery especially made to counterfeit money, for example, and standard office equipment such as scanners used to make false identification. These are important and timely reforms that mean these parts of the Crimes Act will support law enforcement well into the future, and I am very pleased to introduce them. I will now briefly outline the more significant provisions of the bill.

Schedule 1 [3] inserts a new part 4AA into the Crimes Act and contains the new fraud provisions. The principal fraud offence is contained in clause 192E which makes it an offence for a person by any deception to dishonestly obtain another's property, obtain any financial advantage or cause any financial disadvantage. This offence carries a maximum penalty of 10 years imprisonment. This one provision clearly covers most fraud cases, and ensures that only people that have been deceptive and dishonest will be prosecuted. The Model Criminal Code definition of dishonesty has been adopted, so that the mental element of dishonesty means dishonest according to the standards of ordinary people and known by the defendant to be dishonest according to those standards. This definition will apply to offences in the Crimes Act that involve dishonesty, and was recommended by the Model Criminal Law Officers Committee. It was supported by the High Court in the case of *Peters v the Queen* and has been adopted in the Commonwealth Crimes Act. Its adoption will particularly assist juries in hearings containing charges for both Commonwealth and New South Wales offences.

The part also contains a number of definitions for the purposes of fraud and forgery, and the concepts of "obtain property", "obtain financial advantage" and "cause financial disadvantage" are clearly explained. "Deception" is also defined in this part and includes a deception exercised on a machine such as a computer or automatic teller machine. Three further offences are contained in proposed part 4AA. They include an offence for a person to dishonestly destroy, which includes obliterate, or conceal any accounting record with the intention of obtaining another's property, obtaining a financial advantage or causing a financial disadvantage. This offence carries a maximum penalty of five years imprisonment. This offence will ensure that accounting records cannot be deleted or concealed on a computer in order to avoid prosecution.

Clause 192G of the bill is a modernised version of section 178BB of the Crimes Act. This provision makes it an offence for a person to dishonestly make, publish or concur in making or publishing any statement that is false or misleading in a material way, with the intention of obtaining another's property, or obtaining a financial advantage or causing a financial disadvantage. This offence carries a maximum penalty of five years imprisonment. Clause 192H applies to officers of organisations who make false or misleading statements with the intention of deceiving the members or creditors of that organisation about its affairs. This offence carries a maximum penalty of seven years imprisonment, and the higher penalty is justified by the position of trust and responsibility that the offender is in.

Schedule 1 [3] inserts the new identity offences in a new part 4AB. Clause 192J makes it an offence for a person to deal in identification information with the intention of committing, or facilitating the commission of, an indictable offence. This offence will carry a maximum penalty of 10 years imprisonment. "Deal" is defined broadly in the bill and includes make, supply or use. A person may also commit the offence of possession of identification information with the intention of committing or facilitating the commission of an indictable offence. This offence will carry a maximum penalty of seven years imprisonment. It will also be an offence to possess equipment to make identification information punishable by imprisonment of up to three years.

Schedule 3 to the bill also amends the Criminal Procedure Act, to allow a victim of identity crime to obtain a certificate from the Local Court that identifies the person as a victim of identity crime, and describes the manner in which identification information relating to the victim was used to commit the offence. The certificate should assist victims of identity crime in repairing the damage done to their financial affairs and personal details. Schedule 1 [4] to the bill inserts the six new simplified forgery offences. Provision is made in the part for what is a false document and ensures that a reference to inducing in this part includes causing a machine to respond to a document as if it were a genuine document. The forgery part also picks up on the language used in the fraud part, and shares the concepts of obtain property, obtain financial advantage and cause financial disadvantage.

Clause 253 makes it an offence to make a false document with the intention that it will be used to induce another person to accept it as genuine to obtain another's property, obtain a financial advantage or cause a financial disadvantage, or influence the exercise of a public duty. This offence carries a maximum penalty of 10 years imprisonment. The bill also makes it an offence for a person to knowingly use a false document with the intention to induce another person to accept it as genuine to obtain property, obtain a financial advantage or cause a financial disadvantage, or influence the exercise of a public duty. This offence carries a maximum penalty of 10 years imprisonment.

The third major forgery offence is of possession of a false document with the intention of inducing someone to accept it as genuine to obtain another's property, obtain a financial advantage or cause a financial disadvantage, or influence the exercise of a public duty. This offence also carries a maximum penalty of 10 years. Provisions criminalising the making or possessing of equipment have been added to in order to keep up with technological advances. The old provisions have been updated in modern language, but it remains an offence to knowingly make or possess especially adapted equipment with intent to use it to commit forgery. This offence is punishable by imprisonment for up to 10 years.

In addition, however, the bill makes it an offence simply to possess especially adapted equipment without reasonable excuse. It is also an offence for a person to possess ordinary, everyday equipment which has not been especially adapted, if it is held with the intention of committing a forgery offence. Both these offences carry a penalty of three years. This bill addresses the serious and growing problem of identity crime in New South Wales. It also modernises and simplifies the existing fraud and forgery offences in the Crimes Act and deletes the outdated and redundant provisions, replacing them with provisions that conceptually fit in a modern Crimes Act. The bill also adopts a number of the provisions and more broadly the structure of the national Model Criminal Code. It will bring New South Wales more in step with the national approach to fraud, forgery and identity crime, and will give law enforcement the tools required in a modern age to actively combat these crimes. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

INDEPENDENT COMMISSION AGAINST CORRUPTION AND OMBUDSMAN LEGISLATION AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, Vice President of the Executive Council) [6.41 p.m.]: I move:

That this bill be now read a second time.

This bill contains three amendments to the Independent Commission Against Corruption Act and the Community Services (Complaints, Reviews and Monitoring) Act 1993. The amendments have been requested by the Ombudsman and the Commissioner of the Independent Commission Against Corruption and they are intended to clarify and strengthen their powers. First, the bill clarifies the ICAC's ability to use audio recordings involving the late Michael McGurk in circumstances where those recordings may have been made unlawfully. Honourable members will of course be aware of media reports about certain audio recordings involving the late Mr Michael McGurk. The Commissioner for the ICAC asked the Government for amendments in the context of an investigation he is undertaking in relation to those matters. The Government agrees there is a strong public interest case in the ICAC not being unnecessarily restricted in the conduct of its investigations.

In developing the amendments, however, the Government has also been conscious of the national model surveillance laws, which are designed to enable improved cross-border law enforcement cooperation. Arising out of that process, the New South Wales Government is working hard to put in place positive, reciprocal relationships with other jurisdictions. The Government wants to emphasise, therefore, that the amendments contained in this bill will not impact on that process. In order to provide some assurance to other jurisdictions with which New South Wales is developing cooperative relationships in regard to surveillance device legislation, the additional powers given to the ICAC are limited through the inclusion of a sunset clause and by only allowing them to be used for recordings in relation to Mr McGurk.

The Government is also conscious of the need to ensure that there is no encouragement whatsoever to any person to make unlawful recordings in the future, which would undermine the policy of the Surveillance Devices Act. Accordingly, the bill has been drafted to ensure that there is no endorsement for, or excusing of, past unlawful recordings. The amendments will not protect any person or organisation, including any law enforcement agency, that has made an unlawful recording contrary to the Surveillance Devices Act. The makers of unlawful recordings remain open to prosecution. Furthermore, the bill's application is expressly limited to

recordings that appear to the ICAC to be recordings of a private conversation in which the late Mr Michael McGurk was a participant. Clearly, the amendments would not be needed if Mr McGurk could provide the ICAC with direct evidence about any alleged corrupt conduct of which he was aware.

There are also additional safeguards put in place by the amendments to protect individual privacy and the integrity of investigative processes. The provisions of the bill only apply where the ICAC has obtained the recordings through the use of its coercive powers during the course of a corruption investigation. It will not be possible for the ICAC to use recordings provided to it on an unsolicited basis or for any other non-investigative purposes, such as corruption education. As a further safeguard, the amendments will sunset on 31 December 2010. The ICAC has informed the Government that it is confident that its investigations in relation to Mr McGurk will have concluded by that time.

While it is entirely a matter for the ICAC how it wishes to pursue its investigations, the Government believes it is appropriate that there be an end date to these exceptional arrangements. The sunset provision sends a very clear message that this departure from the normal rules applying to covert surveillance is a one-off response to a unique set of circumstances. Of course, the bill will not prevent copies of a report made by the ICAC before 31 December 2010 being available after that date. The Government is confident that the bill before the House strikes the appropriate balance between protecting the public interest in individual privacy and protecting the public interest in uncovering corruption.

The second important reform in the bill is a new power for the Ombudsman to conduct an audit of the Government's implementation of the NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities. The Ombudsman's new audit function arises out of the Government's response to the Wood Special Commission of Inquiry. In its response the Government announced that it would take steps to ensure the Ombudsman could review implementation of the interagency plan. The interagency plan was released by the New South Wales Government in January 2007 in response to the report of the Aboriginal Child Sexual Assault Taskforce.

To ensure that the Ombudsman can undertake the audit the bill will impose a duty on public authorities to provide information to and assist the Ombudsman in his work. The bill will also allow the Ombudsman to provide relevant information or comments to public authorities. The bill will also require the Ombudsman to report to the Minister for Aboriginal Affairs on the results of his audit by 31 December 2012. The Minister must then table the Ombudsman's report in Parliament within one month of receiving it. The Government is looking forward to cooperating with the Ombudsman in this important task.

The third amendment to be made by the bill is to expand the category of senior public officials who are under an obligation to report corrupt conduct to the ICAC. This amendment has also been requested by the Commissioner of the ICAC. Section 11 of the ICAC Act provides that the principal officer of a public authority is under a duty to report to the commission any matter that the person suspects, on reasonable grounds, concerns or may concern corrupt conduct. The wide-ranging reforms of the New South Wales public sector instituted by the Government this year mean that chief executive officers of the new amalgamated departments are under this obligation to report corruption to the ICAC.

The bill ensures that the management and reporting of corruption allegations in key areas of the public sector continue to operate in the most effective way under the new public sector arrangements. The bill amends section 11 of the ICAC Act to allow additional reporting officers to be prescribed by regulation in respect of separate offices within a public authority. The amendment ensures that the former department heads who continue to hold leadership positions in operationally discrete areas—for example, the Commissioner of Corrective Services within the new Department of Justice and Attorney General—continue to be subject to reporting obligations.

The Government wants to ensure that the officers who are in the best position to form a view as to whether a matter is reportable under section 11 remain under a duty to report corruption. The particular officers to be prescribed under this new provision will also be determined following further consultation with the Independent Commission Against Corruption. This bill is about ensuring that the Ombudsman and the ICAC continue to have the powers necessary to undertake their important functions. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

CHILD PROTECTION LEGISLATION (REGISTRABLE PERSONS) AMENDMENT BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, Vice President of the Executive Council) [6.48 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Child Protection Legislation (Registrable Persons) Amendment Bill 2009. The bill amends the Child Protection (Offenders Registration) Act 2000 and the Child Protection (Offenders Prohibition Orders) Act 2004 to improve the management of child sex offenders in the community. Recent events have raised questions about how child sex offenders are managed in our community once they have served their time and have been released from custody. In New South Wales since 2001 these offenders have been managed through the Child Protection Register, governed by the Child Protection (Offenders Registration) Act 2000 and administered by the New South Wales Police Force.

Schedule 1 of the bill contains various amendments to the Child Protection (Offenders Registration) Act. Offenders on the register—known as "registrable persons"—are required under section 9 of the Act to inform police of a wide range of personal information, including their primary place of residence. They are also required under section 11 of the Act to inform police of any change to that information within 14 days. The exception to that requirement is that under section 11 (1) (a) registrable persons must currently inform police of any unsupervised contact with a child when that contact is for three days or more in a 12-month period, within three days of that contact occurring.

The bill amends section 11 (1) (a) so that registrable persons will now have 24 hours to report contact with a child. This change results from a recommendation of a national Child Protection Register working party, established through the Ministerial Council for Police and Emergency Management—Police [MCPEMP] and endorsed by that council in June 2009. All Australian jurisdictions will require their registrable persons to report to police within 24 hours any total of three days unsupervised contact with a child. Twenty-four hours is a more appropriate time frame for reporting ongoing contact with a child, as police should evaluate any such contact as soon as possible.

The bill also amends the section 11 requirements so that registrable persons must notify police of a change to their primary place of residence 14 days before they move. This change will ensure that police have advance notice of any planned moves made by registrable persons so that they can assess the new location and inform any relevant agencies if necessary. Clearly, 14 days advance notice will not be possible in all circumstances so the legislation makes an exception for unforeseeable emergency circumstances. Regardless of circumstance, a change of address must be notified to police as soon as practicable and, at most, within three days of a move.

Another key change to the Child Protection Register contained in this bill is the ability for the clock to be stopped on a registrable person's reporting period when that person is overseas for one month or more, through the proposed new section 15 (3) of the Act. The length of a registrable person's reporting period is determined by section 14A of the Act and will be 8 years, 15 years or life, depending on the offence committed. For juveniles, these periods are halved, with a maximum of 7.5 years.

Section 15 of the Act allows for a person's reporting period to be suspended for certain reasons. If the person is in custody, their reporting obligations are suspended and the period for which they are required to be registered is extended by that time. For example, if a person who is registered for seven years is jailed for two years during their reporting period, that person's reporting period will be extended to a total of nine years, with no reporting required during the two-year jail term.

Police have observed that some registrable persons appear to be going overseas for long periods of time to avoid their reporting obligations. It is also believed that many persons who are required to register in New South Wales and have not done so are, in fact, overseas and will return to New South Wales only when their reporting period has expired. An example is that of a citizen of the United Kingdom who returned to the United

Kingdom for six or seven years of his eight-year reporting period and returned to Australia as soon as his reporting obligations ceased. While registered sex offenders in the United Kingdom are required to report in Australia as their legislation is recognised as corresponding to our regulations, our legislation is not recognised as corresponding by their legislation. This may need to be pursued through the Ministerial Council for Police and Emergency Management—Police and the Commonwealth to ensure that, where possible, corresponding registration with other jurisdictions is occurring.

Another example is a man who travelled to Indonesia for six months, a country without a register, returned to Australia for less than 14 days—and therefore was not required to report—to renew his visa, and then returned to Indonesia. The bill inserts section 15 (3) into the Act so that prolonged periods of a month or more of overseas travel to countries without a corresponding register will result in a corresponding increase to the reporting period, as with terms of custody. The bill also amends section 16 of the Act so that a registrable person whose reporting period is extended under section 15 (3) can apply to the Administrative Decisions Tribunal to have their reporting obligations suspended for the extended period.

Police do an admirable job in managing registrable persons. However, to be truly effective, monitoring and management of high-risk registrable persons must be done on an interagency basis. To promote interagency collaboration in relation to registrable persons, in 2008 the Government endorsed the progressive statewide rollout of the Child Protection Watch Team across New South Wales. The Child Protection Watch Team consists of representatives from the New South Wales Police Force, Corrective Services NSW, Community Services, NSW Health, Justice Health, Juvenile Justice, Education and Training, Ageing, Disability and Home Care, and Housing NSW. The team takes an interagency risk management approach to high-risk registrable persons. This approach has been found to be effective in monitoring these persons and ensuring that information is exchanged appropriately and a person's risk of reoffending is minimised.

The Child Protection Watch Team was being progressively rolled out across New South Wales with a planned completion date of 2010. However, given the current public concern about child sex offenders in the community, the Government has agreed to accelerate the rollout of the remaining branches of the team to cover the whole of New South Wales. To facilitate this accelerated rollout, the allocation of seven new positions to the Child Protection Registry within the Sex Crimes Squad of the New South Wales Police Force, who chair the Child Protection Watch Team branches, has been brought forward from 2010-2011 to 1 January 2010.

As part of the introduction of the Child Protection Watch Team, section 19BA of the Act was introduced to clearly allow the exchange of information on registrable persons between agencies. Section 19BA currently states that agencies may disclose personal information about a registrable person to another agency if the disclosure of that information accords with a written authorisation given by a senior officer. The officer giving the authorisation must be satisfied that there are reasonable grounds to suspect that there is a risk of substantial adverse impact on the registrable person or another person or class of persons if the information is not disclosed or if that the information will assist in developing or giving effect to a case management plan for the registrable person.

The intention of this legislative amendment was to clarify that there were no privacy impediments to the exchange of personal information in these circumstances. However, I am advised that certain agencies have remained reluctant to exchange information without the consent of the registrable person concerned. This makes effective management and monitoring of registrable persons difficult if the full range of information is not made available. The bill therefore amends section 19BA to allow the Commissioner of Police to serve a notice on a scheduled agency directing it to provide personal information of a particular kind about a registrable person. The amendment also specifies that information provided under this section does not give rise to any liability to civil, criminal or disciplinary action and is not a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct.

Schedule 2 of the bill contains changes to the Child Protection (Offenders Prohibition Orders) Act 2004. This Act commenced in July 2005, fulfilling an election commitment made by this Government in 2003 to give New South Wales Police Force officers additional powers to monitor and restrict the conduct and behaviour of high-risk offenders against children who are on the Child Protection Register. Police can apply to a Local Court for an order to prevent registrable persons from engaging in specific behaviour where there is a reasonable cause to believe the behaviour poses a risk to the sexual safety or life of a child, or children generally. This bill introduces a new type of order under that Act, a Contact Prohibition Order, so that police can prevent a registrable person from contacting a specified co-offender or victim.

Centrelink was recently criticised in the media for allegedly putting Dennis Ferguson into contact with his co-offender Alexandria Brookes. However, there is currently no legislative restriction on a registrable person contacting a co-offender. Similarly, there is no legislative restriction on a registrable person contacting a victim. Prohibiting association with a specified person or class of persons can be issued on sentence under the Crimes (Sentencing Procedure) Act as a condition of an Extended Supervision Order [ESO] under the Crimes (Serious Sex Offenders) Act, or of a Child Protection Prohibition Order [CPPO] under the Child Protection (Offender Prohibition Orders) Act.

The new Contact Prohibition Order will complement the existing options for prohibiting associations by allowing police to prohibit a registrable person who is living in the community and is not the subject of an Extended Supervision Order or a Child Protection Prohibition Order from contacting particular individuals who are their co-offenders or victims. A Contact Prohibition Order will be granted by a Local Court on application from the Commissioner of Police where the commissioner has reasonable grounds to suspect that the registrable person will seek to contact the specified victim or co-offender. If a Contact Prohibition Order is breached the registrable person will face a penalty of 12 months imprisonment, 50 penalty units, or both. Section 16D of the Act specifies that Contact Prohibition Orders cannot be issued to restrict contact with the close family of a registrable person, unless the court considers that there are exceptional circumstances which make this necessary.

This bill, and the associated changes to the Child Protection Watch Team, will enhance the multi-agency approach to the management of high-risk and high-profile registrable persons and will continue to send a clear message to the community that protecting the safety of our children is a top priority for this Government. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

ELECTRICITY SUPPLY AMENDMENT (GGAS) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Robertson.

Second Reading

The Hon. JOHN ROBERTSON (Minister for Climate Change and the Environment, Minister for Energy, Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State) [7.00 p.m.]: I move:

That this bill be now read a second time.

On 1 January 2003 New South Wales commenced one of the first mandatory greenhouse gas emissions trading schemes in the world. The Greenhouse Gas Reduction Scheme, or GGAS, was designed to reduce emissions from the use of electricity and to encourage activities that offset the production of emissions. The success of GGAS has been impressive. By the end of 2007 there were 40 benchmark participants who surrendered approximately 17 million GGAS abatement certificates that year. Benchmark participants are required to meet the targets under GGAS and include electricity retailers and generators and some large electricity users that have voluntarily taken part in the scheme. The 2007 figures were a 38 per cent increase in the number of certificates surrendered from 2006.

The bottom line is that by the end of 2007 New South Wales met its ambitious target to reduce electricity sector emissions to 7.27 tonnes of carbon dioxide per capita. To date, over 91 million abatement certificates have been created under GGAS. That means over 90 million tonnes of greenhouse gases have been offset under the scheme. In 2008 the Commonwealth announced a national emissions trading scheme now known as the Carbon Pollution Reduction Scheme, or CPRS. The New South Wales Government strongly supports the introduction of a national emissions trading scheme to deliver least-cost emissions reduction. The New South Wales Government has committed to end GGAS once a national scheme commences. An orderly transition from GGAS to CPRS is required.

The bill before the House provides for a smooth transition in two key ways. It proposes legislative amendments to the Electricity Supply Act to allow for a reduction in the number of surplus GGAS certificates

remaining at the end of GGAS, and it provides for half-year compliance and other technical changes to facilitate the move to CPRS. The bill will reduce surplus certificates by stopping new applications for accreditation under GGAS from 1 January 2010, or another prescribed date. This will communicate to proponents of new projects that they cannot expect to be entitled to any transitional arrangements, including the Commonwealth's $130 million cash assistance package, and that they need to be developing projects that suit the proposed national arrangements under the CPRS.

In addition, the bill removes opportunities to create GGAS certificates from generation projects that were commissioned prior to the commencement of GGAS known as category A projects from 1 July 2010 or another prescribed date. New South Wales is preparing to transition to the national CPRS. Currently, the Electricity Supply Act specifies targets for GGAS compliance based on a full calendar year. If the CPRS commences on 1 July 2011, GGAS will end on 30 June 2011. Therefore provisions need to be made to allow the final compliance period for GGAS to be prescribed as a fraction of a full calendar year. Regardless of the exact start date of the national CPRS, this bill allows for the final GGAS compliance year to be any part of a calendar year.

The bill also makes some technical changes to existing provisions to clarify their operation in the transition to the CPRS. The bill amends section 97KB, which permits the termination of GGAS upon the commencement of a national emissions trading scheme. Consistent with the national design of the CPRS, the bill makes it clear that the scheme must apply in New South Wales rather than be established in New South Wales. GGAS abatement certificates will not be permitted to be created in respect of activities occurring on or after the termination of GGAS. As members would be aware, the New South Wales Government, along with GGAS participants, successfully lobbied the Australian Government for a $130 million assistance package for those GGAS participants who will be adversely affected by the transition.

The bill makes it clear that compensation is not payable by the State in relation to changes to the legislative framework for GGAS or its termination. These changes are designed to facilitate the transition from GGAS to the national Carbon Pollution Reduction Scheme. GGAS participants and other stakeholders have been consulted on the proposed changes and have requested that the changes be passed as soon as possible to bring policy certainty to the GGAS market. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

ELECTRICITY SUPPLY AMENDMENT (SOLAR BONUS SCHEME) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Robertson.

Second Reading

The Hon. JOHN ROBERTSON (Minister for Climate Change and the Environment, Minister for Energy, Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State) [7.08 p.m.]: I move:

That this bill be now read a second time.

The Electricity Supply Amendment (Solar Bonus Scheme) Bill 2009 amends the Electricity Supply Act to establish a Solar Bonus Scheme for New South Wales, broadening this Government's commitment to creating viable renewable energy alternatives and investment in green skills and green jobs. The Premier appointed me as the first Minister for Energy in Australia to also be Minister for the Environment and Climate Change. This was not window-dressing. The Premier has tasked me with developing a comprehensive clean energy policy. This bill, in introducing the most generous gross feed-in tariff in the country, is the first result of this new policy.

In creating a Solar Bonus Scheme the New South Wales Government has three objectives. It seeks to encourage and support those who want to generate renewable energy as a response to climate change. It seeks to develop jobs in the renewable energy sector by assisting renewable energy generation to compete with non-renewable energy generation. It also seeks to increase public exposure to renewable energy technology to encourage the whole community to respond to climate change. These objectives are clearly set out in the bill to

establish the Solar Bonus Scheme. The New South Wales Government has long been a leader in promoting the uptake of renewable and sustainable energy practices. We have the best mix of sustainable energy, consumer protection and competitive energy market policies.

The Solar Bonus Scheme places New South Wales in a prime position to make a meaningful and significant contribution to our clean energy future and the expanded national renewable energy target. The Solar Bonus Scheme will operate with a gross tariff. A gross tariff pays consumers for all the electricity that they generate and feed into the electricity grid. The scheme will be concentrated over seven years, giving customers greater certainty about scheme payments. Until now the Australian Capital Territory had been the only Australian jurisdiction offering a gross scheme. Our scheme has the most generous feed-in tariff rate in Australia, making New South Wales a great place to invest in renewable energy, boosting green jobs at home. It will pay a flat rate of 60¢ per kilowatt hour for all electricity that is fed back into the electricity grid from eligible solar photovoltaic systems up to 10 kilowatts in size. This is around three to four times the average price of electricity in New South Wales.

I am delighted to advise that the scheme also will include micro wind turbines up to 10 kilowatts in size. Including wind technology provides greater options for people thinking of installing renewable energy technology, particularly in rural areas. Our gross tariff scheme provides the right mix of incentives for people considering installing solar panels or wind turbines, and gives them an assurance on the rate of return on their investment. It has also been designed to complement the Australian Government's solar credits scheme, which multiplies the number of Renewable Energy Certificates that can be created for small-scale renewable energy generators and provides a discount on the purchase price of these systems.

Trends overseas are quite conclusive on the benefits of a gross tariff model. It is understood that when the German scheme moved to a gross tariff design, the amount of electricity generated from renewable energy sources doubled, allowing Germany to increase its renewable energy targets. In September this year an Access Economics report, commissioned by the Victorian Electrical Trades Union, found that a national gross feed-in tariff could create more than 22,000 jobs nationally in the next 10 years. Industry participants in New South Wales already have indicated their intention to dramatically expand their operations as a result of this bill. The gross scheme will give households and businesses planning to invest in solar PV or micro wind systems the benefit of being able to better plan for and understand what return they will get on their significant investment.

We expect the scheme will reward participants with a standard solar panel system of 1.5 kilowatts with about $1,500 annually. Customers with a standard installation can expect to receive more than $10,000 during the course of the scheme. The scheme will be concentrated over seven years. A 20-year scheme in today's rapidly changing environment is too long. It creates too many uncertainties for customers and places an unreasonable cost burden on electricity consumers, who will fund the costs of a longer scheme. It is also unnecessary, given that the price of renewable energy technology is widely anticipated to decrease in time. Small retail customers—including households, small businesses, community organisations and schools—that use less than 160 megawatt hours per year will be eligible to participate in the scheme.

Under the bill the tariff rate will be fixed at 60¢ per kilowatt hour for the term of the scheme. This reduces complexity for retailers and distributors administering the scheme, thereby keeping costs down for all energy consumers. In order to recognise the efforts of customers who have already chosen to install PV systems and connect these to the grid, existing PV systems that meet the scheme requirements will also be eligible to participate in the scheme from its commencement on 1 January 2010. Transition arrangements will be in place for those customers who have installed net metering. This will be welcome news for the early adopters of renewable energy technology. More than 8,000 customers in New South Wales are already feeding electricity into the grid from their own solar PV systems. The financial benefit to these customers will now be significantly increased over the seven-year life of the Solar Bonus Scheme.

The bill sets reporting obligations on electricity distributors to ensure that the scheme is stringently monitored. Two reports will be provided each year setting out the number of participants in the scheme, their location, generating capacity and the amount of electricity supplied to the network. The bill provides for a review of the scheme in 2012 or when scheme capacity reaches 50 megawatts, whichever occurs first. The Solar Bonus Scheme will be reviewed against its objectives. It is intended that the review will impact only on new entrants to the scheme. This will provide certainty to people who participate in the scheme prior to the review.

Customers who are eligible to participate in the scheme have the right to be connected to the electricity network, and this is provided for in the bill. Clause 15A of the bill provides that distribution network service providers are to authorise the connection of eligible generators to their network, provided the generator complies

with specified technical, metering and safety requirements. The bill places an initial liability on distribution network service providers to pay for the scheme. They will recover these costs from their broader customer base. Distribution network service providers are to record a credit against network charges payable by the small retail customer for all electricity produced by a complying or eligible generator.

Retail suppliers, who are responsible for billing customers, are to reduce the amount payable by the customer by an amount representing the amount of the credit. Subject to the regulations, cash payments may also be made. The obligations on distribution network service providers and retail suppliers to implement the Solar Bonus Scheme will be enforced through licence conditions. To ensure that the introduction of the scheme is as streamlined as possible for both consumers and businesses, the design of the Solar Bonus Scheme was developed following a rigorous consultation process. That process included a dialogue with the community and industry, including the appointment of a taskforce that considered public submissions, investigated a range of options and their impact on consumers and prepared a detailed public report.

This was also followed by a detailed eligibility review and public submission process that has led to the inclusion of small-scale wind turbines in the scheme. The Government has worked to ensure that any changes to businesses' existing operations are minimised. This keeps costs down for all energy customers. The Solar Bonus Scheme is a demonstration of the Government's commitment to supporting renewable energy. I urge members to support this worthy scheme. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

PUBLIC SECTOR RESTRUCTURE (MISCELLANEOUS ACTS AMENDMENTS) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Robertson.

Second Reading

The Hon. JOHN ROBERTSON (Minister for Climate Change and the Environment, Minister for Energy, Minister for Corrective Services, Minister for Public Sector Reform, and Special Minister of State) [7.14 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Public Sector Restructure (Miscellaneous Acts Amendments) Bill 2009. In July 2009 the Government made major structural reforms to the New South Wales public sector, including the creation of the 13 super departments. The changes were achieved by an Administrative Changes Order under the Public Sector Employment and Management Act. The changes are the biggest structural reform to the New South Wales public sector in more than 30 years and are designed to ensure a greater focus on delivering services to the taxpayers of New South Wales, to better integrate public services and to cut internal Government red tape. The Government is determined to have the best public sector structure to deliver better services for the people of New South Wales. The reforms will put clients first, remove the silos and artificial barriers between agencies, and make it easier for services to be delivered in a seamless way.

The bill makes a number of consequential amendments to legislation following the public sector restructure. For example, under the Administrative Changes Order, the position of the Director General of the New South Wales Food Authority was abolished. The bill consequentially amends the Food Act to replace references to the "director general" with references to the "chief executive officer" of the authority, which is a public service position within the new Department of Industry and Investment. Another example of the consequential amendments made by the bill is the amendment to the Crimes (Administration of Sentences) Act. Under the Administrative Changes Order, the former Department of Corrective Services has been incorporated into the new Department of Justice and Attorney General.

The bill makes a minor amendment to the definition of the Commissioner of Corrective Services to make it clear that the position of commissioner is a position within the Department of Justice and Attorney General. I note, however, that the amendment does not affect the functions of the Commissioner of Corrective Services. The bill also rationalises responsibility for the exercise of functions under various Acts within the new department structures. For example, the statutory functions of the Aboriginal Housing Office are currently exercisable by the chief executive officer of the office. Under the Administrative Changes Order, the staff of the Aboriginal Housing Office have been transferred to the new Department of Human Services. The bill amends

the Aboriginal Housing Act so that the functions of the Aboriginal Housing Office will be exercisable by the Director General of the Department of Human Services, with the director general having the power to delegate those functions to appropriate members of staff.

The bill will dissolve the Wollongong Sportsground Trust and transfer its assets to a newly constituted Illawarra Region Sporting Venues Authority. The new authority will be constituted under the Sporting Venues Authorities Act, which provides a more contemporary corporate governance framework than the Wollongong Sportsground Act for the management of the trust assets. The bill also dissolves the State Sports Centre Trust and transfers its assets to the Sydney Olympic Park Authority. The bill amends the authority's functions to make it clear that its functions relate to the Sydney Olympic Park Sports Centre.

The bill also amends various Acts to appoint relevant directors general as members of boards of certain statutory bodies where staff of the director general's department are employed to assist the body to exercise its statutory functions. For example, the bill will appoint the Director General of the Department of Services, Technology and Administration to the Board of Management of the Internal Audit Bureau. The bill also amends the Police Act, the Fire Brigades Act and the State Emergency Service Act to allow members of the New South Wales Police Force, New South Wales Fire Brigades and the State Emergency Service to be temporarily assigned to the new Department of Police and Emergency Services New South Wales.

The member's employment as a member of the New South Wales Police Force, New South Wales Fire Brigades or the State Emergency Service will not be affected by the temporary assignment to the department. Importantly, the officers may continue to exercise their functions as members of the New South Wales Police Force, New South Wales Fire Brigades or the State Emergency Service during the period of assignment. This means, for example, that police officers may continue to act as police officers and retain their powers during the temporary assignment to the department. This also means that if an emergency requires the full resources of the Fire Brigades, for example, these members of the Fire Brigades can be dispatched to the front-line without delay.

This bill implements aspects of the public sector restructure that were not addressed by the Administrative Changes Order. The public sector restructure allows the new departments to get on with the job of improving service delivery to their clients, and formally undertake joint service delivery initiatives. For example, the new Department of Human Services is taking the impetus of the amalgamations to look at how it delivers services to clients who interact with all or many of its parts, such as young children with disabilities, or adolescents with complex needs, and those in rural and remote New South Wales. The Department of Environment, Climate Change and Water is supporting a sustainable future by creating jobs through authentic nature and cultural tourism and recreation opportunities. It is increasing training, improving regulation and providing incentives to facilitate new investment and stimulate demand for green technologies in areas such as renewable energy, water, waste and recycling.

The Government is committed to delivering better services for the people of New South Wales. It is this commitment that is driving these reforms, which are now solidly into the implementation stage. This bill is a necessary part of the Government's public sector restructure, and tightens the legislative framework to enable the new departments to continue to work towards delivering better services to the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 12 postponed on motion by the Hon. Penny Sharpe.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (AUTOMATIC ENROLMENT) BILL 2009

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Penny Sharpe, on behalf of the Hon. John Hatzistergos.

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [7.24 p.m.]: I move:

That this bill be now read a second time.

It is my privilege to introduce the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009. The time is ripe for legislative action to address the declining rate of electoral participation in Australia. Australia is one of the few democracies in which enrolment and voting are compulsory. Compulsory enrolment and voting encourages governments to take into account the full spectrum of social values when forming their policies. It recognises that civic participation is a responsibility as well as a right. Despite this, our system of compulsory enrolment and voting is being undermined by the fact the number of people on the electoral roll is declining. Nearly 10 per cent of eligible voters, or 1.2 million people, are not enrolled around Australia. The rate of electoral participation is even lower among young people, up to 18 per cent of whom are not enrolled.

These figures are consistent with research undertaken by the New South Wales Electoral Commission, which shows that of the approximately 67,000 17 to 18 year olds currently registered with the Board of Studies, only half will actually enrol to vote and exercise their democratic right. The New South Wales Electoral Commission estimates that only 90 per cent of the eligible voting population in New South Wales is enrolled—a decline of about 5 per cent over the last two election cycles. One of the most significant reasons for this decline is that our enrolment procedures have not kept pace with developments in technology.

At present the Australian Electoral Commission [AEC] is responsible for maintaining electoral rolls for Commonwealth, State and Local Government elections under the Joint Roll Arrangement. Information from State agencies such as the Roads and Traffic Authority is already used by the Australian Electoral Commission to check the accuracy of the rolls. Based on this information, the Australian Electoral Commission can initiate a process to remove a person from the roll, for example, where the person has changed their address and no longer is entitled to be enrolled for a particular district.

What the Australian Electoral Commission cannot do is enrol that person at their new address—even when it possesses information in relation to a person's change of details—unless the person physically fills out a pen and paper form. Each year approximately 2 per cent of electors are removed from the roll entirely through this process. This is having a lopsided effect on enrolment levels. Electoral authorities are becoming very efficient at taking people off the roll, but not at keeping them on. The Australian Electoral Commissioner has acknowledged that traditional strategies to encourage people to enrol or update their enrolment details are simply not working, and the high costs of initiatives such as mail-outs, advertising and field work are unsustainable.

It is hardly surprising that modern citizens—whose lives are increasingly busy and complex—struggle to fulfil their civic duty to update their electoral enrolment. People have come to expect that government-held information will be used in new and innovative ways to improve service delivery and reduce red tape. The success of our democracy depends upon civic participation by all citizens. It is time we modernised our enrolment practices to reflect this important fact. Consistent with the recommendations of the Joint Standing Committee on Electoral Matters in its review of the 2007 State election, the Government is committed to introducing a system of automatic enrolment for the purposes of New South Wales elections. This legislation is central to that process.

It will assign responsibility for the preparation of rolls for State and local Government elections to the New South Wales Electoral Commissioner. It will allow the Electoral Commissioner to enrol eligible New South Wales voters and to update the details of voters who are already enrolled based on reliable data held by other government agencies. The bill ensures that electors will be notified by the Electoral Commissioner and will be given the opportunity to raise any objections before they are enrolled or their details are updated. Our current electoral laws prevent people from voting if they have not submitted an enrolment form before the close of the roll for an election—that is, by 6.00 p.m. on the day the writs are issued.

The Electoral Commissioner has advised that if automatic enrolment is implemented in New South Wales there is no practical reason why eligible electors cannot enrol or update their details after the writs are issued. Indeed, there is no practical reason why people cannot enrol for a district and cast a vote on polling day. Under the proposed legislation, New South Wales will be the first jurisdiction in Australia to give voters the opportunity to enrol or update their enrolment details on polling day. This will ensure that New South Wales elections are no longer affected by the changes made by the former Howard Government in 2006—changes that are estimated to have locked tens of thousands of people out of the electoral process through the closure of the rolls on the day an election is called. The introduction of more convenient enrolment services for voters need not weaken the integrity of the electoral roll. The bill contains a range of checks and balances to ensure that the New South Wales electoral roll is both up to date and accurate.

I now turn to the specific provisions of the bill. Schedule 1 to the bill contains the provisions that will facilitate the automatic enrolment of New South Wales electors. The bill makes clear that New South Wales will no longer rely on the Commonwealth to prepare and maintain rolls for New South Wales elections. Rather, the New South Wales Electoral Commissioner will use enrolment data supplied by the Australian Electoral Commission and information obtained from State Government agencies to create a comprehensive list of New South Wales electors from which electoral rolls will be generated for State and local government elections. Such information will be subject to enhanced privacy protections by creating a new offence for the misuse of personal information acquired under the Act. This offence will carry a maximum penalty of 50 penalty units, currently $5,500.

The bill provides for a new joint roll arrangement to accommodate the new enrolment procedures. New South Wales cannot proceed with automatic enrolment until such an arrangement has been negotiated. It is anticipated that the new arrangements will be modelled on those entered into by the Commonwealth and Victoria in 2004. It is also important to note that, until such time as the Commonwealth Electoral Act is amended to facilitate automatic enrolment for Federal elections, New South Wales voters will still have to fill out a form to be enrolled for the purposes of Commonwealth elections. The Commonwealth Government is currently considering the introduction of automatic enrolment as part of its electoral reform green paper process. In June, the Commonwealth Joint Standing Committee on Electoral Matters recommended that the Commonwealth Electoral Act be amended to allow the Australian Electoral Commission to use information provided by approved agencies for the purposes of directly updating the roll. New South Wales has written to the Commonwealth in support of a national system of automatic enrolment.

In the meantime, to minimise any inconsistencies between the Commonwealth and New South Wales electoral rolls, the Commonwealth will be made aware of the details of any person who is automatically enrolled in New South Wales or whose enrolment details have been updated. Commonwealth electoral authorities will then be able to make direct contact with those electors for the purposes of enrolling to vote at Commonwealth elections. It is important to remember that the New South Wales Electoral Commissioner already has the power to collect and use personal information held by government agencies for enrolment purposes. This bill simply enables the New South Wales Electoral Commission to use that information to directly update the roll.

The bill ensures that the Electoral Commissioner will not automatically enrol a person, or update their details, unless the person concerned is first contacted in writing—importantly, this includes either by email or SMS text message—and given a period of at least seven days to give reasons as to why the change should not be made. The current right of a person to lodge a formal objection, including the right to seek a review of the Electoral Commissioner's decision by a Local Court, will be maintained. The Electoral Commissioner will only send such notices to the elector's most recent address according to information received from other government agencies under the Act. Any person who is a silent elector under the Commonwealth Electoral Act will be taken to be silent elector under the New South Wales Act.

The provisions of the bill with respect to elector privacy are both fair and balanced in light of every person's obligation to be enrolled. Whilst automatic enrolment will in many cases help people fulfil their obligation to become enrolled, it is important to note that it will still be compulsory for New South Wales citizens to enrol within 21 days of becoming entitled to do so. At present, the maximum penalty for a person who fails to enrol and elects to have the matter dealt with by the Electoral Commissioner is $11. Otherwise, the penalty is $55. This is out of step with most other jurisdictions and sends the wrong message to the public about the importance of enrolment. It is important to note that automatic enrolment will reduce the number of people who would otherwise be fined for not enrolling. The bill ensures that a person is relieved of their obligation to enrol—and cannot be fined—if they have been automatically enrolled by the Electoral Commissioner.

The bill also ensures that the Electoral Commissioner cannot bring proceedings against a person for failing to enrol if that person has submitted a claim for enrolment. There will be cases where, despite the best efforts of the Electoral Commissioner, people deliberately try to avoid being enrolled. Therefore, the bill increases the maximum penalties for persons who deliberately ignore their enrolment obligations. A maximum penalty of $55, instead of $11, will apply if a person elects to have the matter dealt with by the Electoral Commissioner rather than by a Local Court. Otherwise, the maximum penalty for failing to enrol or transfer enrolment will be one penalty unit, currently $110.

The bill amends section 106 of the Act to enable people with photo identification to enrol at any time after the writs for an election are issued, including on polling day. Evidence presented recently to the Commonwealth Joint Standing Committee on Electoral Matters indicates that tens of thousands of electors were

unable to exercise the franchise correctly at the 2007 Federal election either because they were not on the roll or because their details were incomplete or incorrect. There is no practical reason why people should be deprived of their right to vote simply because they failed to fill in a form before the writs for the election were issued. Therefore, the bill provides that persons with photo identification may enrol and vote up to and including polling day. Such persons will still be required to fill out an enrolment form supported by evidence of their identity in accordance with the regulations. They will also be required to make a declaration in the approved form before an election official. The Government is confident that these changes will not compromise the smooth running of election day. The introduction of automatic enrolment will minimise the number of people that would otherwise wish to enrol or update their details on polling day.

Schedules 2 to 4 to the bill amend the Act to modernise and improve provisions relating to postal voting, pre-poll voting and voting in declared institutions. These amendments implement certain recommendations of the New South Wales Joint Standing Committee on Electoral Matters and the New South Wales Electoral Commissioner, including centralised processing of postal votes by the Electoral Commissioner, which will help to ensure that all postal vote applications are processed in time for people to cast their vote. The bill will also offer voters the option of applying for a postal vote via the New South Wales Electoral Commission's website. It will extend the right to apply for a postal vote and pre-poll vote to persons with a disability, and persons who believe that attending a polling place on polling day will place their personal safety at risk. Persons with a disability and persons in declared institutions, such as nursing home residents, will be eligible to become general postal voters.

The bill will also enable voting at declared institutions to be undertaken on any day during the seven days before polling day. It will allow the Electoral Commissioner to appoint interstate and overseas places as pre-poll voting places. Pre-poll voters will also be permitted to cast an ordinary vote into a ballot box if they make an application to a pre-poll voting officer in their home district, consistent with the recommendations of the Commonwealth Joint Standing Committee on Electoral Matters in its report on the 2007 Federal election. Schedule 5 to the bill makes miscellaneous amendments to implement the recommendations made by the New South Wales Joint Standing Committee on Electoral Matters in its report on the 2007 State election and requests made by the New South Wales Electoral Commissioner.

Consistent with the committee's recommendations, the bill makes clear that the display of posters within six metres of the entrance to a building appointed as a polling place is prohibited. The bill will also ensure that the relevant size restrictions on posters apply from the six-metre mark up to and including the outer wall, fence or other boundary of the building. This will ensure that the relevant size limits apply not only within the immediate vicinity of a building appointed as a polling place, but within the remainder of the grounds in which a polling place is situated.

The bill also provides that the Electoral Commissioner may arrange for mobile polling booths to visit remote districts for pre-poll voting. It seeks to address the committee's concerns about the display of electoral material on electronic billboards and digital road signs by providing that it is an offence, carrying a maximum penalty of five penalty units—currently $550—or imprisonment for six months, to display certain electoral advertisements on an electronic billboard, digital road sign or other similar device without the name and address of the person on whose instructions the matter was displayed. A number of amendments set out in schedule 5 respond to practical concerns raised by the Electoral Commissioner. Most of these concerns arise because many of the Act's provisions are outdated. For example, to reflect changes in communication technology, the bill allows the Electoral Commissioner to determine the best manner in which to comply with his obligation to publicly advertise notices and information, rather than prescribing that all notices must be published by newspaper.

In line with the changes to the penalty for failing to enrol, schedule 5 increases the maximum penalty payable under a penalty notice for failing to vote to 0.5 penalty units, or $55, and increases the maximum penalty payable on conviction in a court for failing to vote to one penalty unit, or $110. This will make New South Wales penalties for failing to vote comparable with other jurisdictions, including the Commonwealth and Victoria. The changes serve to acknowledge that penalties for failing to vote serve a dual purpose. They encourage people to participate in the electoral process and discourage them from neglecting their civic duties. This bill makes a positive change in the history of the franchise in New South Wales.

The Government has consulted extensively with the New South Wales Electoral Commission in relation to all aspects of the bill. I place on the record the thanks of the Government to the New South Wales Electoral Commissioner and his staff for their invaluable contribution to the preparation of this bill. One thing is

clear: If the Government does not take action now, the number of people on the roll will continue to decline. Our system of compulsory voting, which is a hallmark of Australian democratic and political culture, will be rendered a fiction. A number of groups in our society, such as young people, indigenous Australians, people with disabilities and people from non-English-speaking backgrounds, will continue to be under-represented on the electoral roll. Their voices simply will not be heard in our electoral process. This bill strikes the right balance between the need to safeguard the integrity of the roll and the need to ensure that it is accurate so that the franchise is accessible to every citizen who is entitled to exercise it. I commend bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

ADJOURNMENT

The Hon. PENNY SHARPE (Parliamentary Secretary) [7.42 p.m.]: I move:

That this House do now adjourn.

SCHOOL ASSESSMENT INFORMATION

Dr JOHN KAYE [7.42 p.m.]: Today's *Sydney Morning Herald* front-page story under the headline, "Breaking the law: the exam results they don't want you to see", issued a childish "There, I've done it. I dare you to prosecute us" challenge to the Greens, the Teachers Federation and to anyone else who cares about the future of public education. This is a dare that I doubt anyone would be silly enough to take up. We would not want to waste our time nor allow an important issue such as the protection of schools from the damage done by league tables to be trivialised in that fashion. However, the article serves the very useful purpose of illustrating some of the very reasons why the Greens oppose league tables and moved an amendment that was passed by this House and the other House, and why it is important for Australia to continue to resist the American disease: obsession with the publication of school data and school results.

First, the table shown in the article relied on National Assessment Program—Literacy and Numeracy [NAPLAN] results to compare schools. An academic from the University of Melbourne, Associate Professor Margaret Wu, has published a comprehensive statistical analysis of the use of the National Assessment Program—Literacy and Numeracy. She points out that the NAPLAN results are snapshots based on just 40 items. By sophisticated statistical analysis, she examined the equation error, which is the error that arises because test results are adjusted in an attempt to make the results comparable from one year to another. Her analysis shows a massive error. Up to 16 per cent of students may go backwards in a test when in fact they have made a whole year's advance in real learning. That shows that the NAPLAN results are simply not a reliable measure of students, let alone of entire classes. Of course, that statistical error was not mentioned in the article.

The second major problem is that while all three schools that were compared were high schools, the comparison was based on year 7 test results that are measured shortly after students join a school. The results bear no imprint of the teacher's teaching ability or the school's transformational capacity. In fact, it is a major flaw in the National Assessment Program—Literacy and Numeracy that the test is done early in the year and that results are not seen until almost the end of the year. The NAPLAN is worthless on a year-by-year basis. Of course, that was not mentioned in the article.

The third aspect of the article was that it compared three schools, two of which were selective girls schools and one of which was a comprehensive girls school. While buried deep in the text there was identification of the types of the two schools, nowhere was it clearly mentioned in the table. The data that made one of the schools look relatively weak by comparison was completely misleading. It is an example on a small scale of things to come. Julia Gillard and Verity Firth talk about rich contextualised data as if it were the sole cure for ameliorating all the damage that might be done by simplistic league tables. The *Sydney Morning Herald* has very neatly proved that rich contextualised data and the numbers are very easily separated. In fact, it is the numbers that will dominate, not the rich contextualised data, when it comes to the media. We now have evidence that is proof positive that there is a need for restrictions on the use of data on Julia Gillard's website.

This debate all started when the Federal Minister for Education allowed her fixation with publication of name-and-shame data to become reality. On Tuesday this week when Ms Gillard was interviewed by Tony Jones on *Lateline*, she demonstrated that her missionary zeal for education measurement and publication—in other words, name and shame—has been imported from her American hero, Joel Klein. She commenced the interview by stating, "Well, the very website design is there to provide comprehensive information that can't be

sorted into simplistic league tables, and, Tony, we've really been careful about that because simplistic league tables don't tell you anything you need to know." They are nice words, but the reality is that it would not be a difficult task for even a second-year computer science student at one of our universities to develop the software and harvest the data from the website and create simplistic league tables.

In response to Mr Jones saying, "You'll be able to create a simplistic league table", Ms Gillard said, "And then you'll be able to compare that school with similar schools around the country, schools teaching similar populations. You will of course be able to go to the page that will bring up your local school and you'll then be able to look in at each of the local schools." That is absolutely fine, but of course those schools will not be available to the 40 per cent of people in Australia who do not have access to the Internet. [*Time expired.*]

ABORIGINAL EMPLOYMENT

The Hon. LYNDA VOLTZ [7.47 p.m.]: I draw to the attention of the House recurring reports and statistics that apply to Aboriginal employment in New South Wales. Recent reports and events have highlighted some of the positive actions of government and the private sector. In the main, these reports focus on the importance of working in partnership and applying innovative strategies to break the cycle of unemployment. While the rhetoric, philosophy and intention are sound, the need for sensitivity and cultural awareness remains, as does the community need. The onus on us all to provide sound education, housing and lifestyle that accords with First World living standards also remains.

The Business Council of Australia recently released a report that analyses an online survey of its members. Although only one-third of its members responded, it is a welcome start. All the respondents are large employers and are listed among the top 100 Australian companies. It is interesting to note that only 60 per cent of those who responded have a formal Aboriginal employment strategy. Only 26 per cent have a reconciliation plan, although a further 14 members plan to develop one over the next few years. Only 26 per cent are signatories to the Australian Employment Covenant. But it is time for the 70 per cent of members who did not respond to the survey to take heed of their colleagues' initiatives.

These initiatives, while positive, failed to address the problem directly. The report highlights the fact that a leading mining company is the biggest employer of Aboriginal people in private business. This comes as no surprise, given that the employer works primarily on traditional lands and is subject to the requirements of the Commonwealth Native Title Act and the New South Wales Aboriginal Land Rights Act. The survey shows us that so much more needs to be done. It is important to note that companies that take initiatives are recognised and congratulated on their efforts. Furthermore, it needs to be recognised that companies operating in metropolitan and major regional centres need to move forward and understand that the future lies in engagement. It is not only the resource and finance sectors that need to provide support; other industries need to act as well.

The underlying factors of Aboriginal disadvantage need to be recognised for what they are—a shame on our nation, not a line on a budget paper. A perusal of the Australia Bureau of Statistics 2006 census quantifies the extent of the problems that confront us. Western and south-western Sydney—an area which, incidentally, is home to the largest population of Aboriginal people in our State—have an employment rate of 50 per cent for Aboriginal males aged 15 to 64 whereas there is 74 per cent employment among non-Aboriginal people in the same demographic.

[*Interruption*]

I would have thought that, given Aboriginal employment is such an important topic, members would want to listen. In the Blacktown local government area, the western and south-western Sydney areas, the unemployment rate for Aboriginal people was 22 per cent compared with 6.5 per cent for the rest of the community. The Lake Macquarie local government area shows similar signs of disadvantage, with unemployment among Aboriginal people aged 15 years and over tracking at 21 per cent compared with 6.5 per cent for the rest of the community.

Governments, local, State and Federal, are reacting to this as one of our greatest challenges. Incremental changes could be of great benefit to Aboriginal communities. Every member of this House would acknowledge the unacceptable rate of incarceration of Aboriginal people in New South Wales. The statistics confront us almost daily. It is also a fact that the payment of fines for traffic offences, while legitimate, are a

great barrier to employment in the Aboriginal community. For many, incurring a speeding or other infringement will be simply an acknowledgement of a transgression of law. For others it can mean loss of licence due to non-payment. This loss of licence can alter a person's status and hopes of employment.

One scenario can be, "For example, if I can get to this place I am assured of work but I have no resources to travel. Do I risk further transgression or do I forgo wages that not only benefit me but also my family?" This question confronts many people daily. The Government's work and development order is an initiative that currently allows people with certain illnesses or disabilities, and those who are homeless or experience acute economic hardship to pay their fine or debt by undertaking unpaid work with an approved organisation. It enables people to attend rehabilitation, medical treatment, vocational or life skills courses and counselling. If this initiative were to be extended to include the most disadvantaged in our community, I believe it may also assist to reduce the statistics I have outlined.

ASSYRIAN-AUSTRALIAN MEMORIAL

The Hon. DAVID CLARKE [7.52 p.m.]: It is a great honour for me to bring to the attention of the House a unique event that occurred only a few days ago in Sydney, and more specifically in the city of Fairfield: the unveiling of a public memorial—the very first of its type in the world I am reliably informed—which is dedicated to the part played by the Assyrian people, who, in World War I and World War II, fought side by side with Australia, Britain and other allied nations in the defence of freedom, liberty and democracy. More specifically, the memorial records the genocide perpetrated against the Assyrian people in the Ottoman Empire by Turkish forces during World War I and the heroic efforts of Assyrian forces that fought with Australia and her allies during both world wars.

It records particularly the efforts of Assyrian military personnel, known as the Assyrian Levies, who fought with great distinction in various theatres of war during World War II. The memorial pays special tribute to the late Lieutenant-General Sir Stanley George Savige of the Australian Imperial Forces and the late Captain Kenneth Nicol, a New Zealander, who, together with Australian military forces, were responsible for the rescue of some 50,000 Assyrian civilians who otherwise would have faced certain death at the hands of enemy forces.

On previous occasions I have spoken in this House on the illustrious history of the Assyrian people—a history and heritage that reaches back almost 7,000 years—a people who created one of the greatest empires of the ancient world, a nation whose deeds and achievement are forever recorded in the *Old Testament*; a people who have brought benefits to mankind in astronomy, science and medicine. I have previously spoken in this House of the uniqueness of the Assyrians in being the very first people in all of history to convert in their entirety to Christianity and who, for 2000 years, have remained steadfast in that faith despite, over the centuries, suffering persecution and genocide because of it.

I recall also having spoken in this House on the common heritage that Australians and Assyrians share in having fought together as allies in both world wars and how military history records the heroism and deeds of the Assyrian Levies, those special Assyrian military formations founded in the 1920s, who saw active service in World War II in Italy, Albania, Greece, Cyprus and throughout the Middle East. I remember also having had the opportunity on a previous occasion to acknowledge the wonderful and continuing contribution of the Assyrian-Australian community to our nation.

Tonight I am honoured to be able to inform the House of the bond forged between Australians and Assyrians in time of war and common danger, the contribution to the cause of freedom provided by the Assyrian Levies, and the part played by Australian military forces in helping to save the Assyrian people from annihilation and destruction. I am happy to inform the House that these things are now immortalised in a monument in the grounds of Fairfield Park right in the heart of the city of Fairfield. The unveiling occurred only a few days ago and is a lasting testament to the valour and heroism of Australians and Assyrians serving together.

When the history of the Assyrian-Australian community is written, it will be recorded that this vision was inspired from the heart of Mr Gaby Kiwarkis, President of the Assyrian Levies Association, a man of integrity and decency; a man of perseverance; a man who inspires those around him through his goodness and leadership. The historic record will also show that the vision of Gaby Kiwakis was made a reality through the work of Mr Zaya Toma, himself of Assyrian heritage and a councillor on Fairfield City Council. He moved the motion that resulted in Fairfield City Council proceeding with the project. Councillor Andrew Rohan, also of Assyrian background, seconded the motion and, with his experience gained through years of community service,

assisted in the project moving closer to reality. Fairfield City Council and each and every councillor joined to give this project unanimous backing. His beatitude Archbishop Mar Meelis Zaia, AM, who leads the Assyrian Church of the East and who provides leadership to the entire community, provided moral and spiritual backing.

The unveiling ceremony was a memorable occasion and it was an honour to be there, together with my parliamentary colleagues the Hon. Marie Ficarra and the Hon. Charlie Lynn, who spoke on the occasion not only in his capacity as a parliamentarian but also as an ex-servicemen. Hundreds of members of the Assyrian community were there, some of whom were ex-servicemen who saw service in the Assyrian Levies more than 60 years ago. The entire Assyrian community, including the Assyrian Levies Association, the Assyrian-Australian Association, the Assyrian Barwar Association, the Australian Assyrian Sports and Cultural Club and local returned service organisations provided support. Also present were members of the Assyrian scouting community, representatives of the Australian armed services and Mr John Grigg, descendant of General Savige, and Dr Lindsay Grigg, a descendant of Captain Nicol. The opening of the memorial on Saturday 31 October 2009 was a landmark event in the history of the Assyrian-Australian community and the Assyrian community worldwide.

GAZA FREEDOM MARCH

RETAIL CENTRES POLICY

Ms SYLVIA HALE [7.57 p.m.]: In December citizens from New South Wales will join the Gaza Freedom March. Its purpose is to lift the siege of Gaza, to force the Israeli Government to end the blockade and to pressure Egypt to open Gaza's Rafah border. Monday 27 December marks the first year anniversary of the horrendous Israeli bombardment of the people of Gaza when 1,400 people were killed. On that day a contingent from this State will join representatives from 32 countries in Cairo. On 29 December they will cross into Gaza, and on 31 December they will march alongside the Palestinian people in a non-violent demonstration that will breach the illegal blockade. The Rafah crossing is on the border of Gaza and Egypt. The crossing was opened in 2005-06 but then it was closed more and more frequently.

In June 2007 it was closed permanently after Hamas was victorious in elections for the Palestinian Authority in Gaza. Before that, the authority, Egypt and the European Union, had monitored the crossing under the Agreement on Movement and Access. Egypt has now closed the crossing, which means that entry to and exit from Gaza has become impossible. One of the people going from New South Wales joining the march is Vivienne Porzsolt, a spokesperson for the Sydney group, Jews Against the Occupation. Others include veteran peace activist Donna Mulhearn, Marlene Obeid of the Sydney Stop the War Coalition and Bashir Sawalha of the Coalition for Justice and Peace in Palestine. They will all defy the Israeli blockade of Gaza. One of those participating to the Gaza Freedom March said:

> Those of us going on the March are people of different backgrounds who want to bring attention to this great injustice and show our solidarity to the people of Gaza, and tell them we have not forgotten them.

The Greens do not pretend to have the answers on what will create the conditions to end the Palestinian-Israeli conflict. I suspect that, given the increasing encroachment of illegal Israeli settlements, a two-state solution may not be feasible, if it ever was. But that does not mean that we should ever give up working towards a just solution that will allow both sides to live in peace and a solution that recognises the legitimacy of Palestinian demands. The Gaza Freedom March is seeking endorsements and/or sponsorship. Its website is *www.gazafreedommarch.org*. I refer now to the State's centres policy. In October 2005 lobbyist Milton Cockburn talked about what lay at the centre of a centres policy. He said:

> The crux of any centres policy is the restriction of major out-of-centre retail development. Without such a restriction, retail development will invariably locate on less expensive land outside town centres—to the obvious detriment of these centres and sustainable development more generally. Retail developments that are permitted to locate outside centres generate their own demand for road and transport infrastructure and, in a constant climate of scarce public resources, this will inevitably be at the expense of continuing public investment in designated town centres.

He wrote that in October 2005. In 2001 this State developed a draft centres policy, which was draft State environmental planning policy 66, integration of land use and transport. That policy was prepared but has never been gazetted. It identified the mix of land uses that would help to maximise single, multipurpose trips and also optimise accessibility. It stated that things such as retail, cinemas, major office development and smaller office developments were critical. The policy states:

> Matching trade areas or service catchments to the public transport network is the key to maximising accessibility.

However, in April 2009 the Department of Planning exhibited a new draft centres policy. Its rationale is fundamentally different to that of the 2001 policy. Among its key principles are:

> The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.
>
> The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.

We all know the disastrous impact that the large supermarkets have had on shopping strips. What were once prosperous areas are now largely taken over by $2 discount stores. This is not a recent development; we have seen this development take place over many years. [*Time expired.*]

NATIONAL WEEK OF DEAF PEOPLE

The Hon. HELEN WESTWOOD [8.02 p.m.]: I am compelled to place on record some facts that will correct a number of inaccuracies presented in this place last Tuesday during the adjournment debate. I initiated and hosted the National Week of Deaf People here at Parliament last month as a member of Parliament representing a constituency with which I have a strong and long relationship. I did so to provide an opportunity for the deaf community to come together to celebrate their language, culture and achievements. I approached the Deaf Society of New South Wales with my idea, and it was enthusiastic about working in partnership with me and brought Deaf Australia and the New South Wales Parent Council of Deaf Education on board. It was not a partisan event. It was not a Government event. In fact, all members of Parliament were invited to participate in all events. As well, I invited Opposition spokespeople to be part of the discussion panel on early intervention and education choices for the deaf. While initially those Opposition spokespeople agreed to be on the panel, they later apologised due to other commitments.

I was very disappointed that a member in this place attempted to politicise an event that was not about politics but about community—a community that is small in number but large in need and rich in its unique culture and language. The attempt to link Auslan to the issue of the early intervention program at St Gabriel's is totally inappropriate at best and crass politics at worse. St Gabriel's Auditory Verbal Early Intervention Centre, Hear the Children, provides individual weekly auditory-verbal therapy sessions for babies and children from birth to six years who have a hearing impairment and are fitted with hearing aids and/or a cochlear implant. The program assists children to learn to listen and speak so that upon starting kindergarten they are able to integrate into a regular school alongside their hearing peers.

In auditory-verbal therapy children with hearing impairment are assisted to use hearing as the primary sensory modality in developing spoken language without the use of sign language or emphasis on lip-reading. Auditory-verbal practice recognises the parents as the primary facilitators of their child's speech and language development; therefore, parents are actively involved in therapy sessions and in developing short-term and long-term goals for their child. Education choices and, directly linked to that, modes of communication for deaf children generated the most discussion at the panel discussion held in this place during the National Week of Deaf People. It was pleasing to note that a number of members, both Government and Opposition, attended both the panel discussion and the briefing. I am sure that they learned the complexity of the issue and the range of views strongly held by adult deaf, parents of deaf children, teachers and other hearing health professionals.

The debate around what will result in the best education and life outcomes for deaf children continues. There are a number of schools of thought but basically the question remains: Is a bi-lingual education approach using Auslan for Australian deaf children the best approach or is it the auditory-verbal therapy approach? That debate aside, it is important that the circumstances surrounding the early intervention program at St Gabriel's School for Hearing Impaired Children be put on the record accurately. Hear the Children is an early intervention centre at St Gabriel's. It is an independent Catholic school administered by the Christian Brothers through Edmund Rice Education Australia—a national governance body for all Christian Brothers schools across Australia. I understand that the school board recently made the decision to discontinue its funding to the early intervention service. This is a decision taken by the school board. This decision had nothing to do with any government at any level. To attempt to blame the Rees Government for this decision through an adjournment speech is simply playing politics. It is not about assisting the concerned and dedicated parents.

I am aware that parents of Hear the Children have met with officers from the Department of Ageing, Disability and Home Care, the school and the Hear the Mums group to discuss the options available to these students. Officers from the Department of Education and Training have also been in contact and have made

themselves available to assist. Importantly, the Royal Institute for Deaf and Blind Children, also located in the Hills shire at North Rocks, has offered to cater to all Hear the Children students. The royal institute is a first-class provider of therapy services, alternative format productions, early childhood intervention outreach, the host family project, and regional resource and support teams, and is supported by nearly $3.5 million in DADHC funding.

I know that the Royal Deaf and Blind Institute offers auditory-verbal therapy—90 per cent of its clients receive this therapy—and it has the biggest body of trained staff in Australia. Further, the Royal Deaf and Blind Institute will provide individualised programs for students and the support networks. There has been no reduction in New South Wales Government funding to Hear the Children and there will not be. The Department of Education and Training has provided more than $280,000 to supplement programs for children with hearing loss at St Gabriel's over 10 years through the department's intervention support plan in 2009. This Government is working with all parties to provide a solution to this issue and to ensure that these families continue to receive support. As a parent of deaf children I understand their concerns, and I am happy to work with them. However, I believe they value our action more than being used as a cheap political grenade.

FAIRFIELD CITY FARM

The Hon. CHARLIE LYNN [8.07 p.m.]: Fairfield City Farm is a farm-based attraction close to the heart of Sydney where children and adults can enjoy a variety of exciting shows and exhibits and get up close to a range of native and farmyard animals. The farm is a family favourite attraction and one of the rare places families can go in western Sydney. The farm is owned and run by Fairfield City Council on land leased and run by the council from the Western Sydney Parklands Trust. Fairfield City Farm has been operating for 20 years, but unfortunately it is on the verge of closure, with the lease due to expire at the end of February. The closure of the farm has inspired Vicky Mycio to start a Facebook group called Save Fairfield City Farm, which has now reached some 4,000 members. According to an article entitled "Lalich snubs Farm friends", published in the *Fairfield Advance* on 11 November 2009, this is not enough to impress the mayor of Fairfield and State member for Cabramatta. The article states:

> The Save Fairfield City Farm Facebook group is fast approaching 4000 members, but Fairfield mayor Nick Lalich refuses to respond to their concerns, according to the group's founder, Vicky Mycio.
>
> "Mr Lalich won't return my calls," Ms Mycio said. "I've emailed him and I rang his office, I've left messages with his PA and so far we haven't got anything back.
>
> "He says he wants to support the farm and keep it open, but you don't really see him taking any action to keep it open."

The mayor of Fairfield and State member for Cabramatta does not seem to understand that this is a great demonstration of the strong support for Fairfield City Farm in the local community. The Government acknowledged this in question time yesterday. Unfortunately, the Government's response to my question does not give me much confidence about the future of Fairfield City Farm. Members will recall that I asked the Minister for Lands, the Hon. Tony Kelly, if he was aware that Fairfield City Council will not renew its lease with the Western Sydney Parklands Trust to keep the farm open and running for the benefit of the community. I also asked whether Fairfield City Council had approached him or his department to request the funds necessary to keep Fairfield City Farm open.

In his response the Minister praised the member for Cabramatta and the member for Smithfield. He also told me that he would pass my inquiry to the relevant Minister, David Borger, the Minister for Western Sydney. I do not believe that the Minister for Western Sydney is the relevant Minister. The Minister for Western Sydney is more of a token appointment and is more concerned with the running of the Western Sydney business awards, which are a great awards program. Nevertheless, they do not have any executive authority in this area. Far from being strong advocates for keeping Fairfield City Farm open, the members of Parliament mentioned by the Hon. Tony Kelly, Ninos Khoshaba and Nick Lalich, have done little to help keep the farm open.

Fairfield Liberal Councillor Andrew Rohan, who audited the questions asked by Ninos Khoshaba, exposed this. He found that while Ninos had asked 23 Dorothy Dixers in the time he has been in Parliament, ranging from questions about the Sydney Opera House and Manly jetcats to the Northern Rivers floods, he has not asked a single question about his electorate of Smithfield. Ninos should be asking his Government to keep the Fairfield City Farm, which is in his electorate, open.

The Hon. Greg Donnelly: Point of order: I have been patient. The honourable member is well aware of the standing orders in terms of imputations about members of this House as well as members of the other

House. His presentation to this point has been riddled with imputations involving a handful of members in the other place. Indeed, I think it could be argued that he made an imputation in terms of the answer given by the Minister yesterday in question time. He should be reminded that imputations are disorderly and he should be drawn back to delivering an adjournment speech.

The Hon. CHARLIE LYNN: To the point of order: I have referred to the voting record of a member, which is a matter of record.

DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I uphold the point of order of the Hon. Greg Donnelly. If members wish to attack members of this place or the other place, they must do so by way of substantive motion. President Willis ruled:

> There is a difference between a member relating a statement of fact and a member reflecting upon or imputing improper motives to a member of either this House or the other place. The member should simply state the facts without opinion or reflection on those actions, otherwise the member will be out of order.

The Hon. Charlie Lynn will confine his remarks to the relevant facts regarding the farm and not make comments about other members.

The Hon. CHARLIE LYNN: It is not only about the farm; it is about the neglect of south-western Sydney. The Government has just cancelled the south-western Sydney rail link and there is a lot of angst out there with the Government spending so much money on the metro link to pander to inner city residents and totally ignoring south-western Sydney. Now Fairfield City Farm is obviously going to be closed. It is of great concern to us in south-western Sydney. [*Time expired.*]

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

Motion agreed to.

The House adjourned at 8.12 p.m. until Tuesday 24 November 2009 at 2.30 p.m.