

# LEGISLATIVE COUNCIL

Tuesday 6 September 2011

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**The President (The Hon. Donald Thomas Harwin)** took the chair at 2.30 p.m.

**The President** read the Prayers.

**The PRESIDENT:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## ASSENT TO BILLS

Assent to the following bills reported:

Australian Jockey and Sydney Turf Clubs Merger Amendment Bill 2011  
Gaming Machine Tax Amendment Bill 2011  
Restart NSW Fund Bill 2011

## OMBUDSMAN

### Reports

The President tabled the following reports of the Ombudsman:

- (1) Ombudsman Act 1974—Special report entitled "Keep Them Safe?", dated August 2011, received out of session and authorised to be made public on 30 August 2011; and
- (2) Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974—Report of the Ombudsman entitled "Report of Reviewable Deaths in 2008 & 2009—Volume 2: Deaths of people with disabilities in care", dated September 2011, received and authorised to be made public this day.

**Ordered to be printed on motion by the Hon. Michael Gallacher.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Investigation into corrupt conduct involving alleged fraud on two Sydney hospitals," dated August 2011, received out of session and authorised to be made public on 31 August 2011.

**Ordered to be printed on motion by the Hon. Michael Gallacher.**

## PARLIAMENTARY ETHICS ADVISER

### Correspondence

**The President** tabled, pursuant to clause 6 of the resolution of the House relating to the Parliamentary Ethics Adviser, correspondence from the Parliamentary Ethics Adviser enclosing advice provided to a former Minister, the Hon. John Hatzistergos, dated 30 August 2011.

## V8 SUPERCARS

**Motion by Dr John Kaye agreed to:**

1. That this House:
  - (a) welcomes comments made by Premier Barry O'Farrell during the State election campaign indicating his preference to move the V8 Supercars race from its present location at Homebush back to its original home at Eastern Creek,

- (b) notes the enormous community opposition to the staging of the V8 Supercars race at Homebush whose concerns included environmental impacts, noise, impacts on local businesses, loss of amenity for local residents, and the apparent lack of value for taxpayer money,
  - (c) notes that concerns were also raised by the local councils affected,
  - (d) notes that these concerns are ongoing for local residents and councils,
  - (e) congratulates the Coalition for voting against the 2008 legislation that facilitated the conduct of the race at Homebush, and
  - (f) notes that the community sentiments were echoed by the New South Wales Auditor General whose June 2010 report into the Government's handling of the negotiations and subsequent agreement was scathing in its criticism and in particular the fact that:
    - (i) estimates put to Cabinet to justify holding the event at Homebush overstated the economic benefits to New South Wales by at least 24 per cent,
    - (ii) potential conflicts of interest were not actively resolved with a negotiation strategy to ensure that appropriate controls were operating, and
    - (iii) direct negotiation with the proponent did not follow established procedures for investing public funds.
2. That this House calls on the Government to immediately begin negotiations with the organisers of the V8 Supercars to return the event to Eastern Creek in time for next year's race in December.

## **BUSINESS OF THE HOUSE**

### **Formal Business Notices of Motions**

**Private Members' Business item No. 230 outside the Order of Precedence objected to as being taken as formal business.**

## **TABLED PAPERS NOT ORDERED TO BE PRINTED**

**The Hon. Greg Pearce** tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**The Hon. Dr Peter Phelps**, as Chair, tabled the report entitled "Legislation Review Digest No. 3/55", dated 6 September 2011.

**Ordered to be printed on motion by the Hon. Dr Peter Phelps.**

## **PETITIONS**

### **Coal Seam Gas Moratorium**

Petition requesting that the House put communities ahead of the profits of gas companies, support a moratorium on coal seam gas exploration and extraction activities, and support an independent investigation into the environmental, social and economic impacts of coal seam gas development, received from the **Hon. Jeremy Buckingham**.

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Government Business Orders of the Day Nos 1 to 3 postponed on motion by the Hon. Duncan Gay.**

**BUDGET ESTIMATES AND RELATED PAPERS****Financial Year 2011-2012**

Copies of Budget Paper No. 1—Budget Speech, Budget Paper No. 2—Budget Statement, Budget Paper No. 3—Budget Estimates, Budget Paper No. 4—Infrastructure Statement, Budget Paper No. 6—Long-Term Fiscal Pressures Report and Budget Overview tabled.

**Ordered to be printed on motion by the Hon. Greg Pearce.**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [2.48 p.m.], by leave: I move:

That the House take note of the Budget Estimates and related papers for the financial year 2011-2012.

I seek leave to have the Treasurer's speech incorporated in *Hansard*.

**Leave granted.**

The people of this State voted for change on 26 March.

We are grateful for the trust they placed in us—and we respect their mandate.

We understand our obligation to them is to deliver our election commitments, and to do what is necessary to fix Labor's mess and make New South Wales number one again.

On 26 March the people of this State changed the Government because they know that after 16 years of Labor, New South Wales needs rebuilding.

We were elected to rebuild New South Wales, and that is exactly what we are going to do.

"Rebuilding New South Wales" means repairing what was left behind, improving services, and building the infrastructure we so desperately need.

Through the successful delivery of our 100 Day Plan, we have made early progress.

This budget is the next stage in rebuilding New South Wales, in making New South Wales number one again.

This budget delivers our election commitments for more teachers for our kids, more nurses for the sick, and more police to keep us safe.

This budget delivers our election commitments in infrastructure, with record spending to address the building backlog left by Labor—including over a billion dollars on hospitals across the State.

This budget regains control of the State's finances, delivering a turnaround in the budget balance of \$5.2 billion over the next four years, while funding our election commitments.

This returns the budget to modest surplus from 2012-13 and protects the triple-A credit rating.

Governments that lose control of their budgets lose control of their destiny.

Governments with debt and deficit problems are unable to deliver the services and infrastructure needed to keep pace with growing public demand.

They also have few options available when external shocks emerge.

To look around the world today is to see governments unable to do what they were elected to do, with their fate left in the hands of creditors, not voters.

Like many regional economies around the world, New South Wales is exposed to global events.

The 2008 global financial crisis demonstrated just how quickly global events can turn.

Labor's record of economic underperformance and rising debt left us exposed.

**Labor's Legacy—what we inherited**

Let us not forget what we inherited.

New South Wales should be the engine room of the national economy, but in the last 10 years under Labor we had the slowest economic growth of any major State, the lowest jobs growth of any mainland State and over the last five years the lowest business confidence in any State Government, and the lowest housing growth in the nation.

The "Incoming Government Briefing" provided to the O'Farrell Government by the NSW Treasury confirmed our worst fears.

Treasury advice was stark. There had been a progressive deterioration in the State's finances, worsening budget results, weak economic performance, and under Labor the budget projections were "not fiscally sustainable".

With expenses projected to grow faster than revenue over the forward estimates, budget deficits were expected to grow, reaching \$2.4 billion by 2014-15.

Had these circumstances continued, the triple-A credit rating was likely to have been lost within the current term of government.

This was the dark economic path ahead under New South Wales Labor, the path that was hidden from the people of New South Wales.

The O'Farrell Government also inherited an undisclosed \$5.2 billion hole in the budget forward estimates. This is confirmed again by Treasury in the budget today.

Irrespective of how it is described, this was the difference between the budget forecasts released by Labor days before the election, and the forecasts provided to the incoming Government by NSW Treasury just days later.

It is a reality that the O'Farrell Government did not create, but we will deal with it.

#### **Budget Result 2010-11**

The 2010-11 budget result is a \$1.3 billion surplus compared to last year's budget forecast of \$773 million.

This better-than-expected headline result has been driven by a range of factors including lower expenses, particularly during the most recent June quarter.

The budget papers outline how it has also been driven by timing differences, accounting adjustments and revaluations.

The surplus is welcome but proper analysis of any budget result, whether household, business or government, requires examination of the underlying position.

Such examination reveals the mirage of budget results under Labor.

Excluding the Federal Government's economic stimulus measures, the New South Wales budget has been in underlying deficit for two of the last three years.

Similarly, the \$1.3 billion surplus recorded for 2010-11 is built almost entirely on more than a billion dollars of Federal stimulus funding spent on capital works.

The result was further boosted by \$350 million in prepaid capital rail grants being shifted into 2009-10 at the direction of the former Government.

Including these rail grants in 2010-11 as intended under the capital program, and excluding the Federal stimulus used to fund capital works, the actual budget result for 2010-11 would have been a deficit of nearly \$200 million.

It is a reminder that increased transparency in reporting is required. We have made some progress this year but more needs to be done, and I commit today to fully review the structure and presentation of future budget papers to ensure they are presented in the public interest instead of political interest.

#### **Legacy Liabilities**

In preparing the budget the Government has also identified a number of contingent or potentially contingent liabilities that had not previously been disclosed.

In relation to the Gentrader sale, we have received advice that the coal sale contracts for Cobbora Coal Mine are at prices below the expected cost of production for currently contracted volumes, with an estimated negative value to the State of \$300 million.

Preliminary views also suggest that stranded costs for the distribution networks have blown out by more than \$400 million since the deal was completed.

This is not the limit of the Government's concern in relation to the electricity sale. Matters such as amounts received for the assets, process, and ongoing impacts for New South Wales are being considered by the Tamberlin inquiry.

In addition, a range of other issues could present financial risk, noting that Reliance Rail, T-Card litigation and university superannuation remain ongoing concerns for the Government.

#### **2011-12 Budget Result and Cyclical Deterioration**

The Government also faces the economic challenge of slowing growth.

Economic growth has slowed in 2011.

Sovereign debt concerns in the Eurozone and uncertainty over fiscal settings in the United States have intensified at the same time that the high Australian dollar has weakened conditions in some non-mining areas of the economy.

In recent months global uncertainty has continued to affect consumer confidence which has fallen sharply in recent months to levels not seen since the slowdown of 2009.

Treasury has revised down its GSP forecast for 2011-12 from 3½ per cent to 2½ per cent. This one percentage point reduction will significantly impact the underlying budget result.

Revenues have correspondingly been revised lower in the 2011-12 budget, largely reflecting a more subdued housing market and consumer spending.

Forecasts for GST revenue for 2011-12 have been revised down by \$395 million since the half yearly review.

The State's output is expected to recover from a period of below trend growth in 2011-12 to above trend growth in 2012-13 based on the strengthening of private sector spending.

Employment growth is expected to slow in the short term, but the unemployment rate is expected to remain relatively stable at 5¼ per cent over the medium term.

The \$260 million budget hit from Labor's Solar Bonus Scheme in this year alone is a reminder of Labor's failure, and of the need for all governments to place fiscal responsibility at the core of their decisions.

An operating deficit of \$718 million is therefore expected in 2011-12, reflecting the global economic outlook, the downward revision of growth forecasts, Solar Bonus Scheme costs, and restructuring costs.

### **Rebuilding the Finances**

The first priority in responding to the economic challenges we face is to rebuild State finances.

Unless we get our finances under control we hand the destiny of New South Wales to the whims of global financial markets.

That is why we have outlined a clear path to surplus.

### **Return to Surplus**

Following the deficit in 2011-12, the Government intends to return the budget to surplus in 2012-13 and beyond.

The budget is projected to return to an average surplus of \$200 million over the following three years, beginning with a surplus of \$292 million in 2012-13.

Taking into account the over \$900 million deterioration in revenues since March this year, the total turnaround delivered by this budget over the forward estimates is \$5.2 billion compared to the forecasts confronting us in March this year.

### **Structural Reforms**

To achieve this budget turnaround, approximately \$8 billion of savings are needed over the next four years. This requires tough decisions including a combination of long term structural reforms and additional savings measures.

The Commission of Audit is working to identify potential structural reform options that will deliver improvements to service and value for taxpayers.

The Government has already commenced long-term structural reform in several key areas to deliver better services and savings for the taxpayers.

The restructure of NSW Health involves the abolition of a whole layer of administrative bureaucracy, with about 8,000 staff to be devolved to the new local health districts. This will reduce administrative positions by around 300 and free up more than \$80 million for front-line health services.

A major restructure of the Transport portfolio is being undertaken, bringing RailCorp, Sydney Ferries, the Roads and Traffic Authority and other agencies together into an integrated transport authority, "Transport for New South Wales".

This will initially reduce administrative and back-office positions by around 350 and free up resources to improve front-line customer service. The next stage of reform will ensure that all transport agencies are run more efficiently and move towards local and global benchmarks.

### **Contestability**

The Government has moved quickly to introduce greater contestability in the provision of public services, for example, through the franchising of Sydney Ferries.

The example of the new fast ferry services to Manly shows that huge benefits can be achieved in patronage increases, customer service, reliability and efficiency. Indeed these vastly superior services save the Government close to \$8 million a year. Better services and greater value for money is exactly what we are seeking across the entire Sydney Ferry network.

Within the Transport cluster the Government is now examining the potential for greater contestability in the provision of road maintenance.

**Prisons**

The Government is also examining the potential for greater contestability in the provision of corrective services, as part of a prison reform process currently underway. We are also addressing the surplus capacity within our State's prisons.

To address this surplus capacity and align our State's prison system with community needs, the Berrima, Parramatta and Kirkconnell correctional centres will be closed and the inmates will be relocated to other facilities.

The prison reform process is expected to involve a reduction of around 350 positions across the Department of Corrective Services to be met through voluntary redundancies.

**Police Death and Disability Scheme**

The Government is committed to maintaining a Death and Disability Insurance Scheme that provides genuine financial support for our injured police officers. Police serving on the frontline deserve to know that if they get injured we will support them.

However, the current Police Death and Disability Scheme has been under financial strain for a number of years. The scheme was designed and established by the previous Government in 2005 but has never operated within its budget.

In its current form it is not sustainable. This is the view of the scheme's own actuaries, and it is also the opinion of the Auditor-General.

In response, the Government is considering reform to the current scheme, while supporting the commitment for government to contribute 3.6 per cent of eligible officers' salaries towards the scheme.

Discussions within a consultative group to date have been constructive, and we acknowledge the role of the Police Association in this process. The Government expects this reform to be completed by the end of the year.

**Delivering Savings**

These and other structural reforms will help improve the quality of public services. They will also help get our budget back onto a sustainable basis.

These reforms alone will not deliver the savings needed to turn around the finances, and they will need to be complemented by a range of additional savings measures.

**Procurement**

The Government is implementing its election commitment on procurement. Savings of more than a billion dollars are expected from procurement reform, including improved purchasing, whole-of-government contracts, and reduced expenditure on consultants, travel and advertising.

**Wages Policy**

The Government's wages policy and changes to managing excess employees are expected to avoid costs of around \$2 billion over the next four years.

The previous Government's wages policy, introduced in 2007, required any wage increases above 2.5 per cent to be offset by savings. Labor failed to adhere to this policy, resulting in a savings shortfall of around \$900 million over the last four years.

Our approach strikes a balance between maintaining the real value of wages for public servants and the ability of the taxpayers, through the budget, to fund wage increases.

The Government has also ended the 'no forced redundancies' policy that gave rise to the Labor Government's 'unattached' list.

**Efficiency Dividend and Program Savings**

Efficiency dividend and wage offset savings measures will deliver savings of around \$6 billion over the next four years.

Labor introduced an efficiency dividend in 2006 to deliver savings to the budget. While efficiency dividend savings targets were subsequently included in Labor's budget forecasts, many of the savings were not implemented.

The Government will maintain and deliver Labor's efficiency dividend savings over the forward estimates. An additional efficiency dividend savings target of \$150 million has also been included for 2014-15.

\$800 million in savings will also be delivered through a comprehensive assessment of programs against a range of criteria, including effectiveness and value. Over the next three years, programs no longer delivering for the taxpayers will be discontinued.

**Voluntary Redundancies**

To underpin delivery of these savings, the O'Farrell Government is prepared to offer around 5,000 voluntary redundancies over the next four years, primarily to reduce the number of head office and backroom positions in non-service delivery areas across the public sector.

This is a difficult but necessary decision. It also compares with similar approaches in other States.

Further reductions are also likely to occur through normal staff turnover and natural attrition.

These measures will be delivered in accordance with our election commitments to deliver improved frontline services.

#### **Solar Bonus—Climate Change Fund**

One of the first problems confronting the Government was the blowout in costs of Labor's Solar Bonus Scheme.

The cost of the scheme, initially thought to be \$355 million, has since blown out to \$1.75 billion, delivering a significant blow to the budget.

To minimise the impact on electricity users the Government has absorbed some of these costs, including an additional \$260 million hit in this year's budget.

However, recovering the costs of Labor's failure will require a further \$150 million increase in the Climate Change Fund contributions from 2013-14.

This is expected to increase annual average electricity bills by around ten to twelve dollars per household.

The Government regrets the impact this will have on electricity users, but Labor's failure has made this action necessary.

#### **Rebuild Services**

These hard decisions to restore the finances have been taken so we have the capacity to rebuild services for the community.

#### **Health and Hospitals**

Our first budget commits over \$17 billion to health—a record health budget.

The budget includes funding for the first 940 of more than 2,400 additional nurses to be delivered in our first term.

We are also funding the first 660 of nearly 1,400 more hospital beds to be maintained and delivered over the next four years.

Funding is also being provided for an extra 1,600 surgical procedures as part of our commitment to provide 13,000 more procedures over the next four years.

#### **Education**

Our first budget also delivers 200 more teachers as part of our Literacy and Numeracy Action Plan, which will deliver 900 more teachers over the next five years.

The budget also increases school maintenance funding to \$289 million this year, an increase of nearly 11 per cent on last year, to help address the backlog we inherited from Labor.

#### **Transport**

The budget takes strong action to deliver better transport services, with more express rail services, trains, 261 new buses, and an investment of over \$100 million to expand light rail services.

#### **Police**

We are also acting to deliver more police and improve community safety.

Over the next four years 550 additional police officers will be employed, including 150 more police this year.

The budget also delivers our commitment to for new police stations and station upgrades across the State, and boosts funding to the Police Citizens Youth Club funding for new clubs and club upgrades.

#### **Rebuild Infrastructure**

The Government was elected to rebuild the State's infrastructure and that is exactly what we are doing.

It is why our first budget delivers the biggest infrastructure commitment in the history of the State, totalling \$62.6 billion over the next four years.

Even including the \$5 billion of Federal stimulus, the O'Farrell Government will spend nearly

\$7 billion more on infrastructure in its first four years than the last four years of Labor— an increase of more than 12 per cent.

This is only possible when hard decisions are taken to get the finances in order.

#### **Hospitals**

Nowhere is Labor's infrastructure backlog felt more than in our hospitals, particularly in the regions. We campaigned on an ambitious building program for new hospitals and hospital upgrades across the State and that's what we are delivering.

It is why, at \$1.08 billion, the health capital works program in this budget is a record, including a record \$343 million for new works.

In fact, the value of major new health projects commencing this year is over \$1.3 billion, with around 45 per cent of this expenditure in rural and regional areas.

Total spending on health capital works over the next four years is expected to be around \$4.7 billion—a 50 per cent increase on the last four years of Labor.

From Blacktown to Wagga Wagga, from Campbelltown to Port Macquarie, from Dubbo to the northern beaches, hospital projects are being funded right across the State over the next four years.

### **Transport**

The budget invests \$6.3 billion in infrastructure investment in transport and roads, an increase of nearly 10 per cent on Labor's last budget.

We are also moving quickly to deliver our commitment for greater investment in roads.

\$3.2 billion has been committed for roads this year, including funds for our election commitments on road black spots and congestion, upgrading the Princes Highway, and a billion dollar commitment to the Pacific Highway.

### **North West Rail Link**

The budget invests more than \$600 million dollars for our election commitments on the North West and South West Rail links.

Since the election we have made good on our promise to fast-track the North West Rail Link. We have established a project team, community information centre, briefed the industry, and awarded tenders.

Today we have backed that up with real money—\$314 million this year to develop the line between Epping and Rouse Hill, including \$222 million for land acquisition.

This project is well and truly no longer just talk—it is underway.

### **South West Rail Link**

The Government has already overseen the laying of the first track for the South West Rail Link, and we are ready for major construction to forge ahead.

\$292 million is being provided this year to continue work on the South West Rail Link, including twin track between Glenfield and Leppington, two new stations at Edmondson Park and Leppington, car parking, and a train stabling facility at Rossmore.

### **Delivering Infrastructure**

Delivering this record investment in infrastructure requires a new approach and a robust funding program.

We have moved quickly to establish Infrastructure NSW to improve the way infrastructure is assessed and delivered. We are also delivering new options to help fund the backlog of essential infrastructure across the State.

The Government is providing \$70 million over five years to address the local government infrastructure backlog. This is expected to provide the capacity for up to a billion dollars in additional investment by local councils.

We are also providing \$350 million over four years to establish the Hunter Infrastructure and Investment Fund, and legislation has been passed to establish Restart NSW, the O'Farrell Government's key infrastructure fund.

Around one-third of all funding provided for infrastructure projects through Restart NSW will be quarantined to deliver infrastructure in the regions.

*Restart NSW* will be funded from a range of sources, including windfall revenues when in surplus, funds made available by the long-term lease of the Sydney desalination plant, and Waratah bonds.

### **Sydney Desalination Plant**

We are delivering on our commitment to refinance Sydney Water's desalination plant to free up funds for infrastructure.

Based on market estimates, up to \$1.5 billion or more could be raised through this transaction.

### **Port Botany**

However, the scale of Labor's infrastructure backlog requires more funding. We are making a record investment in infrastructure, but more needs to be done.

The recent funding offer from the Commonwealth in relation to Pacific Highway funding has placed added pressure on our infrastructure spending.



In its last budget, the Commonwealth allocated \$750 million for the Pacific Highway to 2014-15, but only on the condition that the New South Wales Government matched this amount.

Notwithstanding our differences with the Commonwealth on other matters, this offer provides an opportunity for an historic contribution to the upgrade. While falling short of previous Commonwealth commitments, we are determined to provide the funds needed to match the Commonwealth offer.

The Government has therefore decided to proceed to market with the long-term lease of Port Botany.

Funds released by the transaction will be used to match the Commonwealth's funding offer on the Pacific Highway and to deliver further improvements in the Princes Highway, as well as for other key infrastructure projects through Restart NSW.

Existing ownership arrangements for the port of Newcastle and Port Kembla will be retained, and the port facilities in Sydney Harbour will remain under State management.

The introduction of a private operator at Port Botany will increase contestability and help drive further efficiency on the waterfront, which will in turn help to further develop the New South Wales economy.

### **Rebuild Protection of the Vulnerable**

Despite the task left to us to repair the State's finances, this Government will, as much as any financial measure, be proud to be judged on how we deliver for the most vulnerable.

### **Disability Services**

That is why I am pleased that our first budget includes a record \$1.4 billion in new growth funding for disability services as part of the five year, \$2 billion, Stronger Together II program.

This is the largest funding commitment to disability services in New South Wales history and the largest yet made by any Government in Australia.

This new funding will boost disability services capacity by an estimated 47,000 new places and provides a foundation to transform disability services, with or without national reform.

### **Disability Employment Plan**

Today I am also pleased to announce a further initiative in the budget that will give those with a disability who are able to work a better chance of finding a job.

The Government will allocate \$8 million over the next four years to provide a payroll tax rebate to any employer providing a permanent job for someone with a disability coming through the Government's Transition to Work Program.

We will work with all stakeholders to finalise an appropriate model for commencement in January next year.

### **Social Benefit Bonds**

This Government is determined to deliver better outcomes for less fiscal risk.

That is why we are establishing a trial of two social benefit bonds to focus on improved social outcomes and reduced demand for future government services.

These bonds are financial instruments that pay a return to investors based on the achievement of agreed social outcomes.

This approach changes the culture of service delivery to outcomes, improving the effectiveness of every dollar spent.

Building on the work of a small trial in the United Kingdom, this initiative intends to target Out of Home Care and Justice programs.

### **Rebuild Confidence**

After sixteen years of Labor we need to rebuild confidence in New South Wales.

Recent global events have reinforced how confidence levels can influence activity.

We will rebuild confidence in the New South Wales economy by taking control of our Budget and protecting the triple-A credit rating.

Our Jobs Action Plan is helping build business confidence. We are delivering payroll tax relief to employers to provide a direct incentive to create jobs and economic activity.

Our record capital spending on health and transport infrastructure will also restore confidence. The economic activity generated by this investment will help underpin growth, particularly in the regions, at a time when confidence is needed.

### **Rebuilding the New Home Sector**

At the same time, the significant undersupply in the housing market is a major challenge.

We have already undertaken a number of reforms to increase housing supply, including the release of 10,000 new housing lots, a comprehensive review of the planning laws and extending concessions on State infrastructure levies.

We have also extended the Home Builder's Bonus for over-55s who buy a newly built home and abolished Labor's \$400 million homebuyer's tax.

With new housing construction at historically weak levels, and a weak fiscal position, we need to target our assistance to homebuyers to where it is most needed in the economy.

The Government has therefore decided that from 1 January next year, while all eligible first homebuyers will continue to receive the \$7,000 first home owner's grant, eligibility for additional stamp duty concessions will be limited to those purchasing newly constructed homes, including 'off the plan'.

We recognise this is a difficult decision, but we believe it is necessary to make buying a new home relatively more attractive than buying an existing dwelling for first homebuyers.

We will continue to closely monitor housing sector conditions and will work closely with the sector to develop further options to encourage growth.

#### **A Decision to Stand Up to Canberra**

The O'Farrell Government faces additional economic challenges brought about by the current federal Labor Government.

In this financial year New South Wales will receive around \$900 million less GST revenue than is estimated to be raised in this State. Each household in this State will be around \$300 worse off on GST.

In addition, the people of New South Wales who paid the most for the Flood Levy will be hit by federal Labor's means test of the Private Health Insurance Rebate. New South Wales has also regularly missed out on its fair share of federal infrastructure funding.

Federal Labor's proposed gambling measures, if implemented, will also hit State revenue.

#### **Federal Carbon Tax—Impacts on the NSW Budget**

New South Wales will also bear the brunt of federal Labor's carbon tax.

NSW Treasury analysis confirms that New South Wales will face a larger negative impact than most other states, and that some regions will face disproportionately adverse consequences. The Hunter and Illawarra will be particularly hard hit.

The carbon tax cost to the State Budget is also expected to cost up to \$900 million or more over the forward estimates, including reduced dividend income from state-owned electricity generators. The value of our generator assets is also expected to diminish by \$3.6 billion.

So far, the Commonwealth has refused to discuss the impact of the carbon tax on our budget, income and assets. This is unacceptable.

We cannot stand by while the federal Government proposes to pay up to \$800 million or more in compensation to the French Government through the ownership of generation assets in Victoria while New South Wales receives nothing.

We are not going to accept a multi-billion dollar hit without taking action to protect the budget on behalf of the people of New South Wales.

We are prepared to use all means within our power to recover the costs to the state of the Gillard Government's carbon tax.

The State of New South Wales has levied mining royalties since 1884. Mining royalties are a state responsibility, and like other states, we maintain our right to set mining royalty arrangements in accordance with the State's interests.

To offset the cost of the carbon tax on the NSW Budget, the Government plans to increase State mining royalties.

The offset increase will apply only to those companies subject to the Commonwealth's proposed Mining Resources Rent Tax.

Noting the commitment of the Commonwealth to reimburse these companies for their state royalty liabilities, the Commonwealth will bear the cost, not the mining companies.

This will deliver Commonwealth compensation to the taxpayers of New South Wales for the carbon tax cost to the State.

We will work with the mining sector on the implementation of the carbon tax offset increase, and will finalise details once the Commonwealth's Mining Resources Rent Tax legislation is finalised.

#### **Conclusion**

On the 26 March the people of New South Wales voted for change, and for the decisions needed to turn this State around.

They voted for change from a budgeting culture that saw deficits hidden, our triple-A credit rating at risk, and long-term challenges ignored—an approach that would in effect have left a mortgage for our kids but not a house.

Today we have taken further strong steps away from this perilous path.

This rebuilding Budget delivers for the people of New South Wales.

It takes control of the finances and puts New South Wales on a sustainable economic path.

It enables the O'Farrell Government to get on with the job of improving services, building infrastructure, and protecting the vulnerable.

It is a responsibility we take seriously, and we do not underestimate the scale of the task left by Labor.

Fixing the problems we inherited will take time. It will not be achieved in a single budget.

That is why work will begin immediately on the Government's next Budget—to be delivered in nine months, in June 2012.

We look forward to being judged on our record, not our words. It is what the community demands, and what we expect.

Let us get on with the job of rebuilding New South Wales.

I commend the Bills to the House.

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

#### **SELECT COMMITTEE ON THE KOORAGANG ISLAND ORICA CHEMICAL LEAK**

##### **Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Kooragang Island Orica Chemical Leak:

Government:      The Hon. Trevor Khan  
                         The Hon. Matthew Mason-Cox  
                         The Hon. Melinda Pavey

Opposition:        The Hon. Luke Foley  
                         The Hon. Adam Searle

Crossbench:        The Hon. Robert Borsak  
                         The Hon. Cate Faehrmann

#### **JOINT SELECT COMMITTEE ON THE PARLIAMENTARY BUDGET OFFICE**

##### **Membership**

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

That the following message be forwarded to the Legislative Assembly:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Friday 26 August 2011, it agreed to the following resolution:

That Ms Fazio be discharged from the Joint Select Committee on the Parliamentary Budget Office and Mr Secord be appointed as a member of the committee.

Legislative Council  
6 September 2011

DON HARWIN  
President

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

**RESIDENTIAL PARKS AMENDMENT (REGISTER) BILL 2011****Second Reading**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra)  
[2.52 p.m.]: I move:

That this bill be now read a second time.

Residential parks are an important part of the housing mix in New South Wales, particularly in regional and rural areas. The residential park industry has changed significantly since caravan parks first began to operate up and down the coast many years ago. As the name implied, caravan parks were originally designed for people who towed their own caravans to a particular spot, stayed for a weekend or a short while, and then moved on. However, some came to like the idea of park living so much they decided to stay and rigged up a flexible or rigid annex to the side of their van. This led to the law being changed in the mid 1980s to recognise permanent living arrangements.

Today the industry offers a broad range of options for tourists and holiday makers as well as those who want to live in what are now known as residential parks. Residential parks provide an attractive and affordable lifestyle choice, especially for many retirees. Residents are able to purchase a dwelling in a residential park for much less than it would cost them to buy an equivalent type of home in a retirement village or strata scheme. The dwellings that people are able to buy now in a residential park are very different from those available in the early caravan park days. They are more like an average suburban home, the main difference being that they are manufactured off-site.

The close living environment in residential parks provides a sense of community that many feel has been lost in the cities and suburbs. A lot of residents develop strong networks of support within their park that they value highly. It is important to recognise that some parks also rent out on-site dwellings under residential tenancy arrangements. Renting in a park is an affordable housing option for many itinerant workers, people who have been locked out of the rental market for various reasons and those who cannot afford to buy a home. In 1998 the previous Government introduced the Residential Parks Act to regulate living arrangements in residential parks. Yet for too many residential park operators and residents the current governance framework is confusing and cumbersome, and too often leads to conflict and disputes.

In the lead up to the March election the Liberals and Nationals gave a commitment to reform the legislation and to improve the governance of residential parks. This commitment included carrying out a thorough review of the Residential Parks Act, in particular, examining ways to license park operators, ensuring better education for new operators and providing options to improve the process for resolving excessive rent increase claims by residents. The Liberal-Nationals Government is committed to ensuring that the right balance is struck between park residents and operators so that residents can feel secure within a viable and vibrant industry. The aim is to provide greater certainty for residents and the industry by simplifying the legislation and ensuring that disputes are resolved more quickly and with less acrimony.

I thank the member for Albury in the other place, who laid the groundwork for this important policy plan when he was the shadow Minister. I also thank the member for Lane Cove, the Minister for Fair Trading, for moving so quickly to introduce this initiative. Part of the election commitment the Government gave made reference to establishing and maintaining a register of all residential parks in New South Wales. This bill brings forward that commitment as the first step towards improving the governance of residential parks.

I will now outline the elements of the bill. It is a relatively simple and straightforward bill, with only a handful of provisions. It proposes to insert into the Residential Parks Act 1998 a new part 13A, dealing with the establishment and maintenance of a register. Proposed section 142A will require park owners or park managers to provide certain information about their park for entry in the register. The obligation to provide this information will apply once the owner or manager receives a written request from the Commissioner for Fair Trading along with the approved registration form. Park owners and managers will be given at least 30 days in which to register the required details. This is more than enough time for such a simple and straightforward task.

The bill sets out the information that will be captured by the register. This includes the name, address and contact details of each park, as well as the names and contact details of park owners, managers and resident representatives. Information will be requested about the usage of sites within each park, such as how many sites

are being occupied by permanent residents, how many people live on those sites and whether they own or are renting the dwellings. Information gathered on the experience, training and qualifications of the park owner or manager will also be particularly useful in considering the issues of licensing and mandatory education.

The approved registration form will contain quite specific questions to ensure park owners and managers are clear on the details being sought. It is intended that the option of registering online be made available to make it even easier for owners and managers. Under proposed section 142 either the park owner or manager will need to notify the Department of Fair Trading if they open a new residential park or if there is a significant change to the information they have previously registered. This will apply to events such as a change of name of the park, a change of park owner or when a park closes. Such notice will need to be given within 30 days. This will help to ensure that the register is kept up to date. Proposed section 142C will make it an offence for any person to knowingly provide false or misleading information in relation to the register. This is an important deterrent to the handful of operators who may otherwise have been tempted to dishonestly complete the registration form. The offence and penalty is consistent with the existing offence under section 74A of the Act against any person who knowingly gives residents or prospective residents false or misleading information.

Finally, proposed section 142D will require the Commissioner for Fair Trading to establish and maintain a register of residential parks recording the information supplied by park owners and managers. The provision also enables a public register of the names, addresses and contact details of all registered residential parks to be made available. This will most likely be in a searchable format on the Department of Fair Trading website. The Minister for Fair Trading has met with key representatives from within the residential park industry. He has also visited a number of parks to see firsthand how they operate. I visited a number of parks before the last election because owners and residents in the parks were concerned. We were happy to talk to them to resolve their issues. Stakeholder groups representing both operators and residents have welcomed the initiative of a register. A draft of this bill was circulated to key stakeholders for feedback. Faye Urquhart from the Northern Alliance of Park Residents Association said:

I am very impressed those things are starting to happen and that changes are to be made. I have read the draft bill and I do not have any amendments.

Dr Gary Martin, President of the Affiliated Residential Park Residents Association, asserted that the bill is an excellent way forward. The Caravan and Camping Industry Association raised a small number of issues with the draft bill, most of which have been addressed in the final bill. Clearly, there is across-the-board support from representatives of both residents and industry for the creation of a register.

The introduction of a one-off, simple, low-cost registration system, as this bill proposes, will provide a range of benefits. For the first time, it will provide accurate statistical data on the size and scale of the residential park industry. We know that around 950 approved caravan parks and manufactured home estates are operating in New South Wales. Many, but not all, of these would be residential parks. We do not know which ones are residential parks, who runs them, where they are or how many people live in them. The creation of a register will provide these answers. More importantly, the register will provide a comprehensive mailing list of those covered by the Residential Parks Act. This will help to ensure that the Government consults as widely as possible on its residential parks policy and that park owners and residents directly affected by the proposals are given every opportunity to have their say during the review.

The register will play a vital role in disseminating information as part of the implementation of the reforms once the review has been completed. It will also play an ongoing role in assisting Fair Trading with its education and compliance programs well into the future. Public access to the names, locations and contact details of all residential parks will assist prospective residents compile a short list of those parks in which they are interested. Few bills will be introduced of which the benefits so clearly outweigh the costs. The proposal will result in a small, one-off administrative cost for park operators in terms of the time taken to fill out and lodge the registration form. The form is expected to be no more than a page in length. This should take most operators all of five minutes to complete.

The Government is mindful that many residential parks are run by small family businesses. The last thing they need in this difficult economic climate is a new fee to pay. Consequently, the bill does not provide for a registration fee to be levied. The small cost associated with setting up and maintaining the register will be met from the existing Fair Trading budget. This bill and the review that will follow are focused on issues involving permanent residents covered by the Residential Parks Act. While some of the issues may be similar, the review will not encompass the rights and responsibilities of long-term casuals covered by the separate Holiday Parks

(Long-term Casual Occupation) Act 2002. Having said this, one of the side benefits of establishing a register of residential parks is that it will also help to identify parks that are covered by the Holiday Parks Act without needing to replicate the registration provisions in that Act.

The definition of a "residential park" in section 3 of the Residential Parks Act encompasses all caravan parks and manufactured home estates. The registration form will ask operators to advise how many sites are occupied by permanent residents, how many are under long-term casual occupation arrangements and how many are used as short-term tourist sites. This will ensure that we get the full picture about the use of park sites. We plan to write to every known park in New South Wales and we anticipate finding that the majority of them have a mixture of usages. It is common for parks to include a combination of permanent residents and holiday makers, with their separate rights appropriately set out under different pieces of legislation.

A park owner will not be able simply to change its "residential park" to a "holiday park" and evict residents. It makes no difference what the park is called or whether sites are classified as short or long term. If a person has an agreement with the park owner to live in the park as his or her place of residence, that person is protected by the Residential Parks Act and has rights against termination. For example, if the park owner wants to change the use of the site to a non-residential purpose, the park owner, firstly, needs to have development approval or a Consumer, Trader and Tenancy Tribunal order. Residents who own their dwelling must be given a minimum of 12 months notice and are entitled to be paid compensation in advance for all their relocation costs. Having information on those covered by the Holiday Parks Act will be of tremendous assistance when the Act is next reviewed.

I place on record my thanks to the Hon. Jan Barham for her support of the bill and her strong interest in this area. Today, following discussions with the crossbench, the Government has decided to make minor amendments to the bill to reflect some of the concerns raised by the Hon. Jan Barham. These six amendments will help improve the bill, whilst not departing from the original intent of the bill to establish a register with as little red tape as possible. I will speak more about the amendments at the appropriate time during the Committee stage. Overall, this bill will help develop accurate demographic data on the industry and facilitate Government consultation with residents and operators on possible reforms to the laws. The establishment of a register is a simple and practical measure that will provide a range of other benefits, as I have outlined. This is a further demonstration that the Liberal-Nationals Government honours its election commitments and is willing to take action to fix the problems left behind by those opposite. I commend the bill to the House.

**The Hon. SOPHIE COTSIS** [3.04 p.m.]: I speak on the Residential Parks Amendment (Register) Bill 2011 on behalf of the Labor Opposition and shadow Minister Cherie Burton, who has carriage of this bill in the other place. The objects of the bill are to provide for the establishment of a register of residential parks, which is to contain certain information about residential parks, and to require park owners or park managers to provide information about residential parks for entry in the register. The Opposition does not oppose the bill, which will establish and maintain a register of all residential parks in New South Wales.

**The Hon. Melinda Pavey:** Shame you didn't do it.

**The Hon. SOPHIE COTSIS:** Much was done by the former Government to ensure that the rights of caravan park residents were not ignored. The shadow Minister has spoken to a few residential groups who welcome this bill and are positive about the establishment of a register.

**The Hon. Catherine Cusack:** Didn't they ask you for years and years and years to do this?

**The Hon. SOPHIE COTSIS:** If Government members have any comments, they can make them to the relevant people.

**The Hon. Catherine Cusack:** I can't believe you said that.

**The Hon. SOPHIE COTSIS:** We started the process. The residential groups believe the register will give them more certainty as permanent residents of caravan parks. However, we need to establish first that the residents are not tourists. Residential parks and caravans are home to many people in our community. A report prepared by the Legislative Council Standing Committee on Social Issues established three categories of people who live in caravan parks. The first category is usually retirees, people who live there by choice as a way of life; the second is itinerant workers who are working in an area for a short time; and the third is people waiting for social housing who are in desperate financial need and have to stay in residential park accommodation. The

shadow Minister, in her contribution to the agreement in principle debate in the other place, said that when she was three years old she and her family lived in a caravan park while they were waiting for social housing accommodation. For those reasons, residential parks are important for members of our community.

The Opposition supports the remarks made by the Minister that parks create their own communities and networks. Some people make a lifestyle decision to live in caravan parks for affordability reasons and others like the freedom that living in caravan parks offers them. The 2006 census established that 11,037 households were living in caravan accommodation in New South Wales and that one-quarter of those residents rented their caravans. All residents of caravan parks want greater security about the future of their homes. When the shadow Minister spoke to resident groups that represent permanent caravan park residents, they all said they wanted greater security about the future of their homes. They currently do not enjoy such security.

The Surfrider Caravan Park, which is located in the electorate of Shellharbour, is under threat of being turned into a tourist park. Many of the permanent residents are nervous about the possible outcome. The member for Shellharbour has taken up this issue on behalf of her community. The 2009 report of the Legislative Council Standing Committee on Social Issues found that the primary issue faced by long-term residents of residential parks—an issue also affecting residents at Surfrider Caravan Park—was the redevelopment of those parks. These people have fewer housing options. The number of caravan parks in New South Wales is decreasing at a rapid rate but the rents are increasing and are often in excess of \$200 a week. This means that many families have to rely on income assistance.

The Residential Parks Act 1998 outlines the rights and responsibilities of park owners and residents: the rights of residents to quiet enjoyment, the park owners' responsibility for cleanliness and repairs, and the duty of residents not to cause or permit nuisance. Some of these rights, which are covered in the standard form residential tenancy agreement, are set out in the Residential Parks Regulation 2006. Special provisions apply to the termination of residential site agreements, which means that a park owner can terminate a residential site agreement only in certain circumstances—for example, to change the use of the site. The park owner is required to pay the resident relocation compensation in an amount fixed by the Consumer, Trader and Tenancy Tribunal. It is important for this legislation to ensure that residents have the same rights as other tenants in houses and units.

It is important for all members to support the establishment of a register of residential parks, and the Opposition's objective is to ensure that we maintain a balance between the rights of owners and the rights of residents. We must also ensure that residents are looked after, that their rights are maintained and that they have accommodation certainty. Many residents have said that they support the legislative provisions. However, as the Minister in the other place said in his agreement in principle speech, this is only the start. It is the intention of the Government to meet with these groups and to visit the different caravan parks to talk about the sorts of issues with a view to implementing further legislative changes.

The Opposition will closely monitor the sorts of legislative changes that might be implemented as we do not want residents' rights to be removed. We will also assess whether the \$200 fine for non-compliance is enough of a financial deterrent for caravan owners to take seriously. Long-term residents support the non-compliance fine as they believe it will make owners accountable to NSW Fair Trading and reinforce the legislative frameworks that apply to caravan parks. Opposition members will continue to protect residents as much as possible and therefore we support the bill.

**The Hon. NATASHA MACLAREN-JONES** [3.10 p.m.]: I support the Residential Parks Amendment (Register) Bill 2011. The bill has already received bipartisan support in the other place and it is worthy of the same bipartisan support in this House. The bill is the first step in honouring the Government's commitment to improving the governance framework of residential parks in New South Wales. Residential parks are an important part of the housing market, particularly in regional and rural areas, offering an affordable housing choice for many people. For too long the residential parks sector has been calling out for attention. The calls from park residents and operators for a better system have now been answered by the Coalition Government. For too many years the previous Labor Government failed to focus on the need to address a confusing regulatory system.

The Minister for Fair Trading, the Hon. Anthony Roberts, MP, is to be commended for introducing this important initiative that will kickstart the review of laws regulating the residential parks sector. The residential park industry has changed significantly since caravan parks first began to operate. Currently, the residential parks industry offers a broad range of options for tourists and holidaymakers as well as for those who want to

live permanently in what are now known as residential parks. Like many members of this House, my local area has a tourist park with a number of permanent residents. Residential parks offer an attractive and affordable lifestyle choice, especially for many retirees. Residents are able to purchase a dwelling in a residential park for much less than it would cost them to buy an equivalent type of home in a retirement village.

The dwellings that people are able to buy now in a residential park are very different from those available in the early caravan days. They are more like an average suburban home, and the park environment provides a sense of community and strong networks of support. It is important to recognise that some parks also rent dwellings for people who have been locked out of the rental market for various reasons and for those who cannot afford to buy a home. As members heard during the second reading speech on the bill, the Government intends to undertake a comprehensive review of the Residential Parks Act. The Coalition Government is committed to ensuring the right balance is struck between park residents and operators so that residents can feel secure within a viable and vibrant industry. That will include looking at an appropriate form of licensing for the sector, better education of new park managers and ways to improve the process for resolving rent increase disputes.

These significant reforms will make a difference to the routine operations of park owners and managers and the day-to-day lives of park residents throughout the State. For this reason, it is essential that park residents, owners and managers have an opportunity to have their say on the issues that affect their lives and livelihoods. The establishment of a register of residential parks will help ensure that their voices are heard. Once established, the register will enable genuine consultation to be undertaken with a broad cross-section of park residents, owners and managers. The register will ensure the effective use of government resources, which will identify the important issues to be addressed during the review process.

In the lead-up to the March election Coalition members of Parliament made the effort to meet with residents and listen to their concerns. Through their commendable efforts the Government is already aware of the major concerns of park residents. It is troubling to hear suggestions that some park residents have experienced harassment and intimidation because they have sought to exercise their legal rights in the Consumer, Trader and Tenancy Tribunal and challenge what they consider to be excessive rent increases. I make it clear that this is not standard behaviour on the part of park owners, but it appears that some park owners and managers are less than fair and reasonable in their attitude towards park residents. Due to the complexity of the current legislative framework for residential parks, I imagine that many park owners and managers would not fully understand their rights and responsibilities or the rights and responsibilities of residents. I can also see why many residents feel uncertain about their rights and obligations and do not have the confidence to speak up.

The review of the legislation will restore clarity and certainty to residential park laws. The review will be informed by targeted consultation made possible by the establishment of the register of residential parks, as proposed by this bill. These are not the only benefits that will flow from the establishment of a residential parks register. While residential parks provide an important, affordable housing option at numerous locations throughout New South Wales, it is not clear how many parks are actually in operation or how many residents those parks have. Current estimates range from around 25,000 to 50,000 or 60,000 residents, but whichever end of that range is accurate it is still a significant number of people.

The bill proposes to insert into the Residential Parks Act 1998 a new section 13A, dealing with the establishment and maintenance of a register. New section 142A will require park owners or managers to provide certain information about their park for entry in the register, including the name, address and contact details of each park as well as the names and contact details of park owners, managers and resident representatives. Information will be requested regarding the usage of sites within each park, such as how many sites are being occupied by permanent residents, how many people live on those sites and whether they own or are renting the dwellings. Information on the experience, training and qualifications of the park owner or manager will also be particularly useful in considering the issues of licensing and mandatory education. Once established, the register will inform us how many residential parks are out there, where they are, who operates them and how many residents live in them.

The bill has not adopted a complicated or heavy-handed approach to this matter and park owners have no need to worry about being impacted by harsh or unfair burdens that will affect their business operations. As I am sure honourable members will agree, the provisions in the bill are fair, measured and reasonable. The registration process will be simple, straightforward and free. I understand that NSW Fair Trading will provide the registration forms and information about what details need to be included so the requirements will be made



quite clear and the administrative burden will be minimal. This bill is not about raising revenue; it is about providing key information that will help improve the governance of residential parks in this State. The information will be used by Fair Trading to support its educational and information programs, such as free information seminars and workshops, and to produce printed resources such as fact sheets, publications, manuals and guides.

In addition, the register will play a vital role in providing a comprehensive mailing list of those covered by the Residential Parks Act. This will help to ensure that the Government consults as widely as possible on its residential parks policy, that information is disseminated easily, and that park owners and residents directly affected by the proposals are given every opportunity to have their say during the review. Another key function of the register is that prospective residential park residents will have a comprehensive guide to the names, locations and contact details of all residential parks in the State. This will make it much easier for people to find out what parks operate in which areas and to compile a short list and compare different parks in which they are interested. The Minister for Fair Trading deserves commendation for his diligence and hard work in moving forward on implementation of the residential parks policy. The Minister has demonstrated that he is determined to address the problems left by the former Labor Government and to deliver for consumers in this State. I commend the bill to the House.

**The Hon. PAUL GREEN** [3.20 p.m.]: I lead for the Christian Democratic Party in debate on the Residential Parks Amendment (Register) Bill 2011. The objects of the bill are to provide for the establishment of a register of residential parks and to require park owners or park managers to provide information such as the name, address and contact details of each park, as well as the names and contact details of park owners, managers and resident representatives in the register. The Christian Democratic Party supports the bill. We believe it is a significant step towards striking a balance between the rights of residential park operators and the rights of residents, and encouraging the viability and growth of the residential parks industry.

With approximately 86 approved businesses, the City of Shoalhaven has the State's largest concentration of manufactured home estates, caravan and tourist parks, and camping grounds. Additionally, of the 1.1 million overnight visitors to the Shoalhaven each year, more than 211,000 stay in our caravan and tourist parks and commercial camping grounds. Residential living in tourist parks is becoming more and more popular due to the demand for affordable quality housing and because residential tourist park living offers a popular alternative lifestyle that provides security, peace of mind and a delightful living environment in a residential community atmosphere. The shadow Minister was down our way some time ago and we walked through one of those parks. It was great to show him how brilliant the residential parks were and the amenity they bring to the people living in them.

Residential parks play an important role in areas like the Shoalhaven where there are growth pressures and it is hard to build up, out or subdivide and not cross the boundaries of national parks. Parks such as this are also important for an ageing population. At present there are more than 2.1 million people over the age of 65 years. By 2050 that number is predicted to rise to 7.1 million. Parks like this will play an important role in the supply of affordable housing. In the Shoalhaven people have taken up that offer, and it is an effective option. As the Minister said in the second reading debate, the bill will also help to disseminate information to stakeholders when the Government needs to consult them. As also mentioned in the second reading debate, this bill will for the first time provide accurate statistical data on the size and scale of the residential park industry. There are around 950 approved caravan parks and manufactured home estates operating in New South Wales. Many, but not all, of these are residential parks. We do not know which ones are residential parks, who runs them, where they are or how many people live in them. The creation of a register is extremely important and is a great move by the Government.

When I was 18 I lived in a caravan park for a time because of the small affordable rental market. I called a little one-bedroom caravan home for quite a few months of my life. It was helpful at that time. Residential parks will probably play a crucial part in the future of other youth who are starting off and who want to call somewhere home while trying to get a leg up in life by starting a job. As we know, rents are becoming unaffordable and this is another way to help alleviate that problem. The Christian Democratic Party commends the bill to the House.

**Mr DAVID SHOEBRIDGE** [3.23 p.m.]: The Greens support the Residential Parks Amendment (Register) Bill 2011. I acknowledge the hard work of my colleague Jan Barham in working with the Government on a series of amendments to make this bill better. I acknowledge that the Government has moved quickly on starting to do some work on residential parks.

**The Hon. Melinda Pavey:** Is that like a "well done" tick?

**Mr DAVID SHOEBRIDGE:** It is a "well done" tick; it really is. I acknowledge that the Government has moved quickly in dealing with residential parks. This bill is not earth shattering but it is an important start.

**The Hon. Melinda Pavey:** It's very important to a lot of people.

**Mr DAVID SHOEBRIDGE:** And I acknowledged that it is an important start. I will speak briefly on the structure of the bill. New section 142A will give the Director General of the Department of Finance and Services—who will no doubt be talking constantly to the Hon. Greg Pearce about these matters—the power to require a park owner or manager to provide the necessary information about the residential park within the specified period in which a notice is issued. I am glad that there has been constructive dialogue between The Greens and the Government about expanding the information that has to be provided to include details of the residential park owner. In this regard, all members of the House should acknowledge the enormously hard work that has been done by some of the residential parks associations.

I place on record my acknowledgment of the hard work of Dr Gary Martin, President of the Affiliated Residential Park Residents Association [ARPRA]. In the course of a long and hotly contested election campaign it was good to see Government representatives join me in the Tweed to attend a large forum for residential park owners and effectively agree that there was a need to take the kind of action that we are seeing in this bill and in the proposed review. I do not think either the Coalition or any other political party would be in a position to move so quickly on this issue if it were not for the hard work that Dr Gary Martin, Jock Plimmer and the association have done over years to ensure that the needs of residential park owners are recognised and properly acknowledged in law. The Residential Parks Act that was introduced in 1998 was a step forward, but it has now been in operation for some 13 years and contains some major holes that the Government is starting to plug with this amending bill. A key step is getting information about the parks. We must find out where the estimated 950 parks are located and how many sites they have for permanent owners.

We must also find out other relevant information, including key details about park owners. A number of disputes between park owners, park operators and long-term residents find their way to the Consumer, Trader and Tenancy Tribunal. It can be a couple of months down the track before the applicant resident realises they are dealing with the operator, not the owner, or they may issue a summons to the person they think is the owner but who is only the operator. There is certain information that can be provided only by the owner, so ensuring there is a publically available register that sets out the details of the park owner and the operator is a significant step forward. That is why I am glad the Government has worked constructively with my colleague the Hon. Jan Barham, and that they in turn have worked constructively with Dr Gary Martin to ensure through the amendments that all relevant details are included on the register.

New section 142B imposes an obligation on the park owner to give the director general notice of something called a "registrable event" within 30 days of the park owner becoming aware the event has occurred. Those events will be things such as changing the trading name of the park, changing the park owner or manager, the closure or opening of a park, or a significant change in the number of sites in a park. Those significant changes will have to be provided to keep the register up to date so that it can provide current and relevant information about the owner, the manager and the trading name of the park. When there is a dispute between a resident and the owner or the manager everyone will know the legal entities and the relevant legal names for the purpose of those proceedings. There is no point imposing an obligation if there is no penalty for non-compliance. New section 142C puts in place a prohibition on providing false or misleading information. It is a relatively modest penalty and one hopes it does not have to be used, but it is good to see that there is a penalty if a park owner gives false or misleading information.

New section 142D requires the director general to establish and maintain the register of residential parks. That puts the obligation on the director general—no doubt overseen closely by the Hon. Greg Pearce—to enter all information provided to the director general regarding parks. That includes the trading name, the address and contact details for residential parks, the details about the manager, and now—when the amendments are accepted—also details about the owner.

Hopefully, once that is in place, it will give a detailed statistical picture of the residential park industry in New South Wales. It is an expanding industry and an expanding part of the housing market in New South Wales. Long-term residents will require further protection in future and this register will establish the statistical basis to do a comprehensive review and provide residents with information so that when they are in dispute they

have the necessary information to properly constitute proceedings. Again, I commend the Government for committing to a review. The Minister said in the second reading speech that the Liberal Party and The Nationals have a strong commitment to improve the governance of residential parks. I look forward to them living up to that. This bill does not do that, but it is a modest step forward.

The Minister also said that this commitment from the Government included carrying out a thorough review of the Residential Parks Act, in particular, examining ways to license park operators, ensuring better education for new operators and providing options to improve the process for resolving excessive rent increase claims by residents. I have a number of questions about the review and I would appreciate it if the Minister addressed them when he replies. Can the Minister confirm the time frame for the review and whether the public can make submissions? What form will the review take? Will it be simply an internal departmental review or will it be referred to a parliamentary committee or the like? Will the Government commit to a timely formal response to the review? Those are matters The Greens would particularly like the Minister to answer in his speech in reply.

The factors the Government has committed to reviewing are important if we are to provide some security for long-term residents in residential parks; for example, examining ways to license park operators. Licensing park operators would be a significant step forward, but it is not contained in this legislation. The Greens understand that there needs to be some consultation with the industry and residents before a licensing scheme is put in place. However, there clearly is a need for a licensing scheme so the Government can ensure the quality of operators who have the relevant training and expertise and are basically competent in dealing with what can be quite a complicated enterprise, namely a residential park. It is not simply a matter of it being a complicated enterprise; residential parks are basically people's homes, often for hundreds of people. Therefore, ensuring the operator is licensed and competent is important so that those hundreds of residents—potentially hundreds of thousands of residents across the State—and the general public can have faith in the operators' competence and that they are behaving ethically and not in any way prejudicially to the interests of long-term residents of those parks.

Residents have many concerns: for example, their access to open public space; the size of the plots they are given initially, which can be reduced over time; and their contribution to asset upgrades around the park. Those are issues that residents raise regularly. Ensuring the operators are licensed will hopefully mean those concerns can be dealt with in an ethical and decent fashion in future. With that comes the obligation to educate any new operators. One hopes that that will also include the education of existing operators. I ask the Minister whether it is intended that the review include the education of existing operators, not just new operators.

Lastly, the review will look at the process of resolving excessive rent increase claims by residents. The Greens have a view about the best way of doing that, which is to reverse the onus. If the park owner wants an increase in rents greater than the consumer price index, he or she should be required to apply to the tribunal and justify that increase. Currently, the onus is the other way round. If a resident is concerned about an excessive rent increase he or she must take the case to the Consumer, Trader and Tenancy Tribunal and prove the claim. The person with the relevant information about the costs of running the park is either the owner or the manager and they are the people who should be the movers in justifying an excessive rent increase.

The law should be changed to reverse the onus from the current situation where a resident can be faced with a 10 per cent or 20 per cent increase in rent, often when they are living on a very restrained income, and then have to commence proceedings to challenge the excessive rent increase. Once they commence the proceedings they can often find it enormously difficult to get the relevant information from the park owner and operator that allows them to work out whether there is a justifiable basis for the owner to have the proposed increase. The Greens support the bill and the review. The Greens would like the Minister to answer the questions I raised about the review. We join with the Government in commending the bill to the House.

**The Hon. MELINDA PAVEY** (Parliamentary Secretary) [3.35 p.m.]: I join with my Coalition colleagues and The Greens in strongly supporting the measures contained in the Residential Parks Amendment (Register) Bill 2011. As the Minister in the other place pointed out, this bill is recognition of the amount of work put in over many years by the Hon. Catherine Cusack and Greg Aplin, the former shadow Minister for Fair Trading. They did a lot of work travelling around the State and going into residential parks to identify many of the concerns raised by residents of these parks. I too met people on many occasions in the Tweed over the past eight years, and particularly around the Port Macquarie region, to deal with these issues.

I also acknowledge the work of two very strong and formidable women on the North Coast: Faye Urquhart from the Northern Alliance of Park Residents Associations who has been a resident of Darlington

Park, which is just north of Coffs Harbour, and Lesley Wakeling, of Port Macquarie. I do not think Lesley lives in a park at the moment but is living with and helping her son at Port Macquarie. She certainly was a mover and shaker in this field and in getting rights for residents of parks. Lesley and Fay, along with the other people associated with the Residential Park Residents Association, spent many hours at home on the phone and using email and fax to put together correspondence and submissions to block excessive rent increases at the Consumer, Trader and Tenancy Tribunal. They have certainly done a very good job over many years to protect the lot of people in residential parks.

It is a credit to many people that this review is underway and we now have a bill that will establish a register of where the parks are and how many people reside in them permanently. It is a common sense measure that will have good outcomes for people living in parks. In many instances these parks provide an amazing quality of life, particularly when you see some of the locations. They are beautiful places to live but for some people it is a matter of what they can afford. I highlight in particular the many parks on the North Coast, the mid North Coast, the Central Coast and the South Coast of New South Wales.

Residential parks are an integral part of our community. Many are family-run businesses and I point out at the outset that many are run by decent families and decent small business operators. They provide a community atmosphere in which residents can live their chosen lifestyle. However, the law that currently governs residential parks in New South Wales is too complex. The Government has committed to a broad review that will examine the Residential Parks Act. With a better governance framework, park owners and residents will be on a fair and equitable playing field.

Having the correct information on their rights and responsibilities will enable both sides to resolve issues before they become a serious problem. This bill begins a process that will give them that information. The bill will provide information on where residential parks are located, who is running them and how many people live there on a permanent basis. Once the Government knows who and where the operators and residents are, it can get things moving on reform. This bill will not increase the costs of operating a residential park, and it will not place unreasonable burdens on the park operator. The bill is not about bureaucracy or needless red tape. The registration process will be quick and easy. Park operators will simply be required to lodge certain basic details of their residential park with the Commissioner for Fair Trading. New South Wales Fair Trading will provide the form and the registration process will be free. The information obtained through registration will then be used by Fair Trading to create a register of residential parks in New South Wales.

The Government gave an election commitment to conduct an extensive review of the Residential Parks Act. The register ensures that the review will be conducted in a balanced manner. With a current list of where the parks are located, who is running them, and how many people live in them, the Government can ensure that no-one misses out on having their say. The register will identify park operators, residents and their representatives, and they will be invited to bring their broad range of knowledge and experience from across the sector to the review process. It will ensure residents and owners know about options being considered by the Government and have an opportunity to provide feedback on those options. The register will also assist in providing a focus for services the Government provides to residential parks, as well as its education and information initiatives for operators and residents. Park operators can be kept up to date with information on the legislation and any requirements. Having better informed operators will certainly benefit residents.

Fair Trading will use the information to support its educational and information programs, including seminars, workshops, fact sheets, publications, manuals and guides. This bill marks the first step towards a comprehensive review of the system of regulation for residential parks. It is an important step forward for park residents and owners and I am honoured to lend my support to this bill. I congratulate the Minister for Fair Trading, the Hon. Anthony Roberts, on moving so swiftly on this reform of the O'Farrell-Stoner Government, which has made this one of its first initiatives in its 130th day in office. It is great to see this come forward in such a timely manner for those residents. I commend the bill to the House.

**The Hon. ADAM SEARLE** (Deputy Leader of the Opposition) [3.42 p.m.]: I will not take my full allotment of time to speak to the bill, but I noted some heckling and interjection when my colleague the Hon. Sophie Cotsis indicated that the previous Government had done some good work in this area. I would like to take a moment to identify the fact that the measure currently before the House is important because it will help permanent residents of residential parks gain greater security. Of course, in this State until the Residential Parks Act 1988 persons who lived in residential parks—or caravan parks as they were usually referred to at that time—had no tenancy rights at all.

**The Hon. Melinda Pavey:** Who introduced that Act?

**The Hon. ADAM SEARLE:** Jeff Shaw.

**The Hon. Melinda Pavey:** That is right.

**The Hon. ADAM SEARLE:** I would like to take this opportunity to pay tribute to the work of that honourable Minister in this place. It was a commitment of the Labor Party at the 1995 election. There was extensive consultation with park owners and operators and, importantly, residents of those parks. I accompanied the then Minister on trips to the Central Coast and the Far North Coast to take part in exhaustive consultation with both park owners and residents about the appropriate form of regulation in this area. Obviously, what resulted was less than perfect; but it was the first beachhead of legal rights for people who, either by choice or mainly out of necessity at that time, lived in residential parks rather than in their own homes of the more traditional variety, either home units or houses.

**The Hon. Catherine Cusack:** Some of them are lovely homes.

**The Hon. ADAM SEARLE:** This is not in any way to disparage residential parks or caravan parks. But it was the case that while many made a lifestyle choice to live in such settings, other persons were driven there out of economic necessity; that is, they could not afford a stand-alone house with a backyard or a unit of the kind that many persons aspire to and enjoy in this society. Caravan park residents were doubly disadvantaged because they had no tenancy rights and were largely at the whim of whatever contractual rights they had with park owners and operators. The Hon. Jan Barham indicated to me that some residents did not even have their own letterboxes. On many occasions when there were disputes about services or rental arrears, some—and I emphasise only some—less than scrupulous park owners or operators would use as a tactic the withholding of important correspondence as a sort of bargaining chip, to make sure that people resolved the dispute by acquiescence as opposed to proper resolution.

**The Hon. Catherine Cusack:** Changing their numbers was another one they used.

**The Hon. ADAM SEARLE:** I acknowledge the interjection of the Hon. Catherine Cusack regarding changing the numbers of allotments, which was of course another less than scrupulous tactic used by some. However, the worst practices were stamped out by the passage of the Residential Parks Act 1998, and I acknowledge that there were some further developments in the Residential Parks Regulation 2006 in relation to tenancy rights. Of course, we now have the measure that is currently before us, which is another step in the right direction. By providing registration of permanent park residents, the Government and all of us will have a much more accurate picture of how many persons are permanent residents in parks. This will be important, in a public policy sense, for the ongoing development and monitoring of public policy and regulation in this area. As the Hon. Sophie Cotsis indicated, the Opposition will move some amendments to the bill. But we will support the legislation as a whole in any event.

**The Hon. SARAH MITCHELL** [3.46 p.m.]: I add my support to the measures contained in the Residential Parks Amendment (Register) Bill 2011. As my colleague the Hon. Natasha Maclaren-Jones said in her contribution to the debate on this bill, the Minister for Fair Trading deserves to be praised for this initiative. The measures in this bill are the crucial first steps in implementing the Coalition Government's new approach to the regulation of residential parks. To help give a sense of the importance of the industry, I would like to focus briefly on the role that residential parks play in the provision of affordable housing. It is clear that residential parks provide accommodation for many thousands of people throughout New South Wales. The Coalition was well aware of this fact before the recent State election. We engaged with park residents and operators and we have given a firm commitment to look after the interests of these people by examining the laws governing the operation of residential parks.

Home ownership remains an iconic Australian dream, and while many people are fortunate enough to have achieved this dream, the harsh fact is that for many other people home ownership remains elusive. This is not due to any lack of effort or determination on their part. It has to be said that there are important and useful occupations and callings in our society that are not necessarily well paid. This means that there are many hardworking individuals in our community whose level of income does not make it easy to save enough money for a home deposit or to be able to afford a mortgage. For someone on a low income, especially retirees and young families with children, ordinary day-to-day living expenses can be quite significant. Add to that other major regular costs such as rent and bills and it is easy to understand that there may not be much money left over at the end of the week.

While government and non-government organisations can and do provide financial and other forms of assistance to the less affluent members of our society, affordable accommodation remains a key concern. It seems that most of the discussions and media reporting about the housing market focuses on possible changes to interest rates, capital gains and what will be the next up-and-coming suburb, with little attention being given to the people who have been literally priced out of the market. Regardless of what preconceptions people may have formed, residential parks provide an accessible and affordable form of accommodation in a safe community setting for literally thousands of people in New South Wales.

This is why the regulation and governance of residential parks is a priority policy issue for the Liberal-Nationals Government. We have listened to the people at the grassroots, we have heard their concerns, and we have made plans to address those concerns. When an individual, a couple or a family choose to move into a park with their own caravan, they can simply park on the rented site and hook up to the electricity and water supply. Others rent a dwelling from the park owner. For these people, moving into or out of the park can be comparatively easy. However, in many cases, residential park residents are spending a considerable amount of money to buy brand new manufactured homes that are built on-site, or to buy a manufactured home that has already been built in a residential park and previously occupied.

These residents can be pouring their life savings into what they believe is an established and secure arrangement for their retirement. Unfortunately, serious problems can arise if their relationship with the park operator or manager deteriorates. Residents can feel trapped in the park and powerless to do anything. This imbalance of power demands closer examination. Residential park residents often own their dwellings and rent only the site from the park owner. This makes them very different to other tenants. Residential parks are not set up as fly-by-night operations; they take time and planning to develop and can create functional, established and safe communities.

Residential parks offer an alternative form of housing that is attractive and affordable and fills a distinct and ongoing need within our community. Many residents find the residential park lifestyle to be ideal. They live in a safe and friendly community, in quiet and pleasant surroundings, and can have a fully independent, self-reliant life with a strong network of support from neighbours. Some residents find this to be a welcome change from the lack of community feeling they may have experienced when living in high-density areas. For many people a residential park lifestyle becomes the happiest time of their lives.

For all these reasons it is vitally important for the New South Wales residential park industry to have an appropriate and effective regulatory framework that recognises and deals with key elements and issues; that sets out a fair and balanced set of rights and responsibilities for park residents, operators and park managers; and that will enhance the industry's long-term viability and establish appropriate protections for park residents. The measures in this bill are the first step in this important process that will implement the Liberal-Nationals residential parks policy. The creation of the register will feed into the broader review of the Residential Parks Act and enable comprehensive consultation with residents, owners and park managers on the reform options. I commend the bill to the House.

**The Hon. JAN BARHAM** [3.51 p.m.]: I support the Residential Parks Amendment (Register) Bill 2011. As other members have done, I also congratulate the Government on its pre-election commitment to improve the governance of caravan parks and all other types of accommodation and residential facilities that fall within the Residential Parks Act. Manufactured home estates, parks identified as holiday parks, residential parks and camping grounds are all captured by this legislation and the important reforms and improvements to governance that was a Coalition pre-election commitment. I commend the Minister for taking swift action in introducing this bill. As other members have done, I acknowledge the important work of those organisations representing residents, such as Park and Village Service and the Affiliated Residential Park Residents Association. Dr Garry Martin may have been a source of annoyance at times by constantly harping on about the rights of park residents, but he has been clear about the associated responsibilities. The bill's objectives are to establish and maintain a register of residential parks and residents.

Other members have stated—as, indeed, has all the literature examining this issue—that the number of residential park residents is unknown. That information will be contained in this register and will assist government and the community to understand housing trends in different areas. I concur with some information in the parliamentary briefing paper about housing changes. The Hon. Melinda Pavey referred to Port Macquarie and Coffs Harbour, and the Hon. Catherine Cusack has done a lot of work on this issue in the Tweed region. Parks in those coastal areas have changed over time from providing residential accommodation for people

struggling to find permanent housing to properties redeveloped into tourism parks. Much energy has been directed into tourism as part of the sea change movement and park owners have transformed their parks for tourism to try to expand their return.

Some parks particularly on the North Coast do something quite unusual. They operate as residential parks for most of the year but operate as tourism parks in the peak tourism periods. Consideration must be given to the impact of such a change on park residents. Where do they go for the six weeks of the summer peak period when the park owner gets much higher rents and the park is booked out? That is why the Government's register proposal to document the number of long-term permanent sites has generated so much interest. The Greens will be interested in the results of the review to determine if some issues need further teasing. Concerns have been expressed about the disadvantages of parks changing from long-term usage to short-term usage and dislocating residents.

Housing affordability is one of the greatest issues facing people in New South Wales, particularly after the global financial crisis. We know there is limited housing at an affordable level for many people desperately in need of accommodation. Caravan parks provide a place of refuge for many people when they cannot afford high rents, particularly in coastal areas. As places have become more popular and more focussed on tourism, rents rise and caravan parks often become the places where housing affordability is attainable. The Deputy Leader of the Opposition and Mr David Shoebridge referred to these issues and I acknowledge the work of Mr David Shoebridge in this portfolio responsibility prior to me. He met with people and gathered much important information. Former Greens colleague Sylvia Hale also consulted many people about residential caravan parks and made submissions to previous reviews.

Some amazement has been expressed that a register of residential parks does not exist, despite the good work of the Labor Government in 1998. As the Deputy Leader of the Opposition mentioned, then Attorney General Jeff Shaw introduced the Residential Parks Act, which made a huge difference to how residential parks were managed. The Hon. Ian Cohen was instrumental in providing within that legislation for park residents to have individual mail boxes. Park residents can be disadvantaged living in unknown and untenable circumstances because it is easy, although rare, for park owners to dislike someone or experience difficulties in managing the different personalities of park residents. Having an individual letterbox became an important issue for privacy, self-respect and dignity when living in shared accommodation venues. These are just some features of the rights and responsibilities of residents and park managers in caravan parks.

The homelessness issue in New South Wales is urgent and we have seen some fantastic opportunities created to address homelessness. I do not think any of us realise—and we will not until we know the numbers in residential parks—how much this issue is impacting on the people of New South Wales. It no longer relates only to people with problems and those we put into the disadvantaged category; it can happen to anyone. As a result of the loss of a job or a partner—

**Pursuant to sessional orders business interrupted at 4.00 p.m. for questions.**

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

#### **DISTINGUISHED VISITORS**

**The PRESIDENT:** I welcome to the President's gallery the Hon. Jeremy Browne, MP, a Minister of State for the Foreign and Commonwealth Office in the United Kingdom; the British High Commissioner, Paul Madden; and the Minister's Private Secretary, Nathan Blunt; and the First Secretary (Political) of the High Commission, Alex Pinfield.

#### **QUESTIONS WITHOUT NOTICE**

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#### **STATE BUDGET**

**The Hon. LUKE FOLEY:** My question without notice is directed to the Minister for Finance and Services, representing the Treasurer. What does the Minister say to the more than 6,000 people about to join the unemployment queues because of his unfunded election commitments?

**The Hon. GREG PEARCE:** I thank the Leader of the Opposition for his question, which I am prepared to answer in my capacity as Minister for Finance and Services; I do not need to refer it to the

Treasurer. The Treasurer has done a fantastic job today. He has been working into the early mornings crafting a budget designed to bring New South Wales back from the brink at which this mob opposite left us after 16 years of mismanagement, waste and corruption.

**The Hon. Duncan Gay:** This is for Eric; we are talking about bumbling incompetence.

**The Hon. GREG PEARCE:** Indeed. We love Eric.

**The PRESIDENT:** Order! There is far too much interjection.

**The Hon. GREG PEARCE:** Because I was asked the first question I could not finish reading on my BlackBerry the AAP report of the New South Wales Teachers Federation welcoming our budget. The Teachers Federation knows that our budget places more and more people on the front line to deliver services. This budget will deliver 200 more teachers, 900 more nurses and 150 more police in the first year. That is part of the Government's first-term commitment for 900 more teachers, 2,475 more nurses and 550 more police. The Government is putting effort into providing front-line services for the people of New South Wales—the front-line services that were destroyed by the Opposition as they wasted half a million dollars on the Rozelle metro, which was designed to save one seat from the encroachment of The Greens. It did not even have that effect. Of the order of \$550 million went down the drain because Opposition members were more interested in their own seats and their own jobs than they were about the jobs of public servants and the jobs of people in the community.

The Opposition members all have their heads down. They are all going through their curriculum vitae and looking out for job opportunities. If they have the qualifications, talent or experience, I remind them we want 200 more teachers, 900 more nurses and 150 more police this year. I am prepared to intervene with my ministerial colleagues to try to help them get right to the top of the cue. I advise the Hon. Eric Roozendaal that there is even a job for him. The Government is able, through Finance and Services, to provide assistance in preparing curriculum vitae, and we are able to assist Opposition members with job applications as they continue to focus on what they did over the last 16 years—which was to destroy the New South Wales economy, the New South Wales budget, and the New South Wales public services.

#### STATE BUDGET AND NEW SOUTH WALES POLICE FORCE

**The Hon. TREVOR KHAN:** My question is directed to the Minister for Police and Emergency Services. Can the Minister provide the House with information on the record budget of the New South Wales Police Force?

**The Hon. MICHAEL GALLACHER:** I thank the member for his question and advise the House at the outset that over \$3.3 billion is going into policing in this State. This is hot off the press: another union has spoken about the New South Wales State Government. The Police Association of New South Wales commented, "Budget delivered on key police proposals." The union is speaking out. It stated, "The New South Wales Government has delivered on a number of key election promises including funding for 550 more police officers over four years, improved DNA forensic capabilities and replacing outdated bullet resistant vests. The Government is listening." But members opposite should not worry; the union did not miss the Opposition in its bipartisan press release. It took time to mention the Opposition. It referred to the "dodgy counting" of the previous Government, the dodgy Labor Government that was in power only a few short months ago. The fingers of the Hon. Walt Secord, who now sits on the back bench, were all over the dodgy counting. The Hon. Walt Secord is the spin of dodge. He is from Dodge City in fact.

It is an absolute honour to be able to show our support for police with a budget of over \$3.3 billion. I speak of a budget that starts to turn around 16 years of mismanagement and neglect and bad policy by those opposite. Members opposite will not admit it; they do not want to admit it, but they know it is true. That is why all of them are saying, "That was the previous Government. It is not us. We are new guys. We are cleanskins in all of this. We had nothing to do with it." But the Government knows the truth and, sadly for members opposite, the people of New South Wales know the truth too. They have seen it today. They have seen the difference between open, transparent and accountable Government and the previous Government. We have not yet finished our first year and we are well on the way to regaining the confidence of the New South Wales Police Force. The people of New South Wales also are regaining confidence in the Government.

The key to this year's Police budget is the commitment to ensure that the Police Force has the front-line resources it needs to drive down crime and protect the communities they serve. The Government is making good



on its election commitment to increase the authorised strength of police to a record number 16,356 officers by June 2014, by providing \$214.4 million in recurrent funding over the next four years to increase police numbers by an additional 550. An amount of \$1.1 million will be spent to fit out vehicles for the additional officers coming on line this year alone. As part of the Government's commitment to ensure officer safety, \$3.8 million over two years will be spent on the purchase of new ballistic protection vests, of which \$2.5 million will be spent in this year alone. That is something that Labor, when in government, chose to ignore, as it ignored so many areas of police safety and wellbeing. I will talk more about that in the not too distant future. Those opposite chose to ignore front-line police. The New South Wales Police Force will be given \$10 million—*[Time expired.]*

**The Hon. TREVOR KHAN:** I have a supplementary question. I ask the Minister to elucidate his answer on the record number of police.

**The Hon. MICHAEL GALLACHER:** Sadly, time limitations on Minister's answers to questions do not allow sufficient time to do justice to our achievements. There is so much good news. As I was saying, \$10 million has been allocated to carry out phase four of the radio communications upgrade, which will greatly improve safety for our police officers—an issue that members opposite were prepared to ignore. The budget also ensures that we will build additional stations. It includes a further \$4 million in this financial year to meet our \$69 million commitment to upgrade, replace and build police stations. As has been said previously, the Government will invest in automatic number plate recognition, which is a crucial requirement. We will invest in DNA testing—one of the positive measures that the Opposition has never acknowledged.

The Australian Labor Party has never acknowledged the positive measure the Government is taking in recognition of the need to invest in police and community youth clubs. This is a significant step in building a relationship between police and young people and stopping young people who become involved in a level of criminality at an early age from progressing to a life of crime. The Opposition has not acknowledged the success thus far of Project Eyewatch and the public interest in and take-up of the program. I will keep the House abreast of the results of the program in the not too distant future. As I said, we will build new police stations. Above and beyond all this, we are building confidence and a relationship with the community, and that has been sorely neglected for over 16 years.

#### YOUTH HOMELESSNESS

**The Hon. JAN BARHAM:** My question without notice is addressed to the Minister for Finance and Services, representing the Minister for Family and Community Services. How many young people in New South Wales who are identified as homeless have been in care and how many of those received a leaving care plan?

**The Hon. GREG PEARCE:** I thank the Hon. Jan Barham for her question and interest in this important area. I know that she has done a considerable amount of work in relation to these issues and I have taken particular note of her questions in order to answer them appropriately. The New South Wales Government acknowledges the complex challenges and barriers that young people face in accessing and sustaining appropriate accommodation. In 2010-11 the Commonwealth Government and the New South Wales Community Services jointly contributed \$134 million to fund approximately 350 Specialist Homelessness Services to provide accommodation and support to people who are homeless or at risk of homelessness. Approximately 39 per cent of the Specialist Homelessness Services in New South Wales are targeted at young people. This equates to approximately 138 youth-focused Specialist Homelessness Services in 2010-11, with funding of approximately \$48.3 million.

In relation to the honourable member's question, I am advised that supported accommodation services currently do not record whether or not clients have been in out-of-home care when they request accommodation and other homelessness services. The Children and Young Persons (Care and Protection) Act 1998 provides for assistance for young people who are transitioning from out-of-home care to independent living. Assistance can include help to find accommodation, to undertake education and training or to access income support and healthcare. It also may include referrals to counselling services. Transitioning to independence is a key priority area under the National Framework for Protecting Australia's Children, and New South Wales is working closely with the Commonwealth to improve outcomes for young care leavers.

New South Wales is contributing to the planning of a nationally consistent approach to leaving care and a review of the Transition to Independent Living Allowance. Community Services has implemented a case planning framework and electronic templates for case planning and review that will support consistent case

planning, including on leaving care. Objectives addressed in the eight measures of wellbeing in the case plan template focus on supporting the young person's successful transition to independent living. A key priority of the New South Wales Homelessness Action Plan is a "no exits into homelessness" policy to ensure that young people leaving out-of-home care have access to long-term supported housing. Community Services is working with non-government organisations to implement the Homelessness Action Plan. It leads 32 projects targeting specific client groups. This includes assisting Aboriginal young people leaving out-of-home care to successfully transition to independent living, preventing their homelessness.

### PENSIONERS AND CARERS

**The Hon. ADAM SEARLE:** My question without notice is directed to the Minister for Finance and Services, representing the Treasurer. Why should pensioners suffer rent increases and carers suffer cuts to their allowances because the Minister made unfunded promises during the election campaign?

**The Hon. GREG PEARCE:** I thank the Deputy Leader of the Opposition for his question, which, unfortunately, contains an erroneous assertion—that is, that we in opposition made unfunded promises. One of the features of the Government's budget, which was delivered today, is that all of our election promises are funded. We have produced a \$5.2 billion turnaround to tackle Labor's black hole and protect the State's triple-A credit rating. We have delivered a return-to-surplus budget, in contrast—

**The PRESIDENT:** Order! There is far too much interjection from both the Government and Opposition benches. I cannot hear the Minister.

**The Hon. GREG PEARCE:** We have delivered a return-to-surplus budget, in contrast to the growing deficits left by Labor, which were projected to rise to \$2.4 billion in 2014-15. Our budget will align revenue growth and expenses growth over the longer term. We have had to take some tough reforms and saving measures to deliver long-term benefits. We have applied the public service wages policy, which Labor in government refused to apply. Instead, they introduced the John Robertson solar bonus catastrophe. We were forced to attempt to clean up the Solar Bonus Scheme. The John Robertson tax is paying for the Solar Bonus Scheme failure. Every time the Opposition wants to talk about this issue, they should remember that the cause is John Robertson's Solar Bonus Scheme blowouts. That is where the extra costs have come from.

**The Hon. Adam Searle:** Point of order: My question was specifically directed to the plight of pensioners and carers. The Minister has not come close to answering that question.

**The PRESIDENT:** Order! The Minister's answer is generally relevant to the question asked.

**The Hon. GREG PEARCE:** The Deputy Leader of the Opposition does not know that the age pension is a Federal benefit. The John Robertson tax is a consequence of their mismanagement of their Solar Bonus Scheme. That is why the budget—

**The Hon. Eric Roozendaal:** Point of order: I have been listening carefully to the Minister. I understand that he is struggling to defend his pathetic budget produced by Mike Baird but—

**The PRESIDENT:** Order! That is not a point of order. The Hon. Eric Roozendaal will resume his seat.

**The Hon. GREG PEARCE:** I am not surprised that the Hon. Eric Roozendaal takes a point of order; he is so embarrassed that the lies that he perpetrated in his budget documents have now been exposed.

**The Hon. Eric Roozendaal:** Point of order: Clearly the Minister misheard me. I said he is embarrassed that he is not the Treasurer—

**The PRESIDENT:** Order! That is not a point of order. The Minister's time has expired.

### ROADS AND MARITIME SERVICES BUDGET FUNDING

**The Hon. JOHN AJAKA:** My question without notice is addressed to the Minister for Roads and Ports. Can the Minister inform the House about funding for roads and maritime services in the 2011-12 State budget?

**The Hon. DUNCAN GAY:** As many members know, I rate the Hon. John Ajaka as the best Parliamentary Secretary I have ever had. He will be busy opening new roads in New South Wales over the next few years. In the 2011-12 State budget the New South Wales Liberal-Nationals Government will invest a record \$5.4 billion to build and maintain critical road infrastructure across New South Wales. This is unprecedented investment in rural and regional communities, with major commitments to the Pacific Highway, the Princes Highway, the Hume Highway and the Great Western Highway. This funding equates to a \$700 million, or a 15 per cent, increase from the last financial year. Opposition members do not like to hear this—they are quiet now. The New South Wales Government has also committed \$200 million over the next four years for a package to tackle congestion and safety on key routes. The Government is delivering on another election promise.

Pacific Highway funding has also been increased. The New South Wales Government is committed to at least matching additional Federal funding for the Pacific Highway up to \$468 million to 2013-14—that is \$18 million beyond what the Federal Government has put in—when the current National Building Program agreement expires. Major investments in roads in the 2011-12 budget include \$2.4 billion for new roads, \$1.2 billion for maintenance of the State's existing roads, \$344 million in improvements for the traffic network and \$265 million for road safety. Following 16 years of neglect under Labor this is a massive investment in building and maintaining the State's 20,000 kilometre road network. For too long congestion, black spots and missing links have held back New South Wales. This is a significant investment to address those bottlenecks—

*[Interruption]*

If you're so good ask me a question, mate, because we want to hear from you. You have misled people all over New South Wales, and the people of Orange cannot wait to get hold of you. Steve Whan—the big fibber.

**The Hon. Eric Roozendaal:** Point of order: I find the comments by the Minister offensive. He has been asked a question about roads and he should not be launching personal attacks on another member—it demeans the House. The Minister has been in this House for 23 long years waiting to get to that side of the Chamber. Now he is there he should act with a bit of decorum.

**The PRESIDENT:** Order! I have the gist of the member's point of order. The Minister should be careful in his response not to reflect on other members.

**The Hon. DUNCAN GAY:** I am certainly not going to waste any one of my years as a Minister; I have waited too long. This budget is a cracker; \$5.4 billion is a cracking result from a Minister and a Government that are having a go.

**The Hon. JOHN AJAKA:** I ask the Minister for Roads a supplementary question. Will the Minister elucidate his answer?

**The Hon. DUNCAN GAY:** Key initiatives to improve New South Wales roads include more than \$80 million this year for major upgrades to the Princes Highway, including projects at Gerringong, South Nowra, Victoria Creek and Bega; \$1 billion this year to upgrade the Pacific Highway, including completing the Ballina bypass and Glenugie upgrade and progressing bypasses of Bulahdelah, Kempsey and Woolgoolga; \$246 million to duplicate the Hume Highway, including funding construction of the Holbrook, Woomargama and Tarcutta bypasses, which are key links in providing a four-lane divided highway between Sydney and Melbourne; \$570 million for continuing work on the \$1.7 billion Hunter Expressway—a new 40-kilometre four-lane freeway between Newcastle and the Hunter; and \$119 million towards upgrading the Great Western Highway across the Blue Mountains. As part of the 2011-12 budget we will also invest \$24 million in improving maritime infrastructure and safe navigation.

The New South Wales maritime budget will include a \$13.4 million investment to upgrade commuter wharves in Sydney Harbour. The New South Wales Liberal-Nationals Government is committed to fixing the mess this State was left by the former Labor Government, and today's budget will go a long way towards ensuring New South Wales becomes number one again.

*[Interruption]*

The people of New South Wales will benefit from a renewed focus on delivering vital infrastructure and services. In response to the interjection, I advise the member that is not the Queen of England; it is the Queen of Australia.

## WIND FARMS

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Has the Minister received a letter from the Boorowa District Landscape Guardians group in relation to wind farms? Is it true that at a Cullerin wind farm wedge-tailed eagle mortalities caused by turbine blades have exceeded the environmental impact statement that was accepted by the Department of Planning by 500 per cent? Will the Coalition Government stand by assurances given to its supporters before the March election that it will "protect constituents from inappropriately sited wind turbines in rural areas"?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question from the Boorowa District Landscape Guardians.

**The Hon. Mick Veitch:** You're probably related to half of them.

**The Hon. DUNCAN GAY:** The Hon. Mick Veitch says that I am related to half of them. I think that those who own the land on which the windmills will be constructed are indeed my relatives. Those who represent the Guardians are friends of mine and members of my family own the land. This highlights one of the problems I have mentioned on many occasions: Federal Government incentives that do not tempt people in rural communities in New South Wales. I share the concern of the Guardians, as anyone would who has listened to the debates on this subject in this House. We believe in renewable energy, but only proposals that do not create problems for people. It is interesting that people who live in the inner suburbs of Sydney will decide that they want wind farms and wind power—

**The Hon. Greg Pearce:** Somewhere else.

**The Hon. DUNCAN GAY:** Exactly—as long as they are put somewhere else. They do not have to live beside these structures. If I were to suggest that a wind farm should be placed in Glebe or Balmain, the local residents would be the last place to want one. Perhaps we could stop them drilling for gas there and have them build a wind farm instead. That would be a great alternative.

**The Hon. Luke Foley:** Do a dare. The Minister should apply for one next to his place in Redfern.

**The Hon. DUNCAN GAY:** I do not want one in Crookwell or in Redfern. Even though the question was directed to me as representing the Minister for Primary Industries, my understanding is that it is a planning issue and should be directed to the Minister for Planning and Infrastructure. I will refer the question to the appropriate Minister.

## STATE BUDGET AND ROADS

**The Hon. PENNY SHARPE:** My question is directed to the Minister for Roads and Ports. Why has the Government cut roads funding for western Sydney by \$200 million and for Central Coast roads by \$100 million?

**The Hon. Eric Roozendaal:** He can't find his notes.

**The Hon. DUNCAN GAY:** I am having trouble sorting through all the good news that is in my folder today. There are pages and pages of good news in my folder. The Opposition is trying to tell me that \$348 million for western Sydney roads and \$93 million for Central Coast roads in this year's budget is not good news. These are the people who just about destroyed New South Wales and they have now become the deniers of a \$5.2 billion black hole. Steve Whan—who went across rural New South Wales saying there would be a 25 per cent cut in jobs, particularly in Orange—told fibs across the State.

**The Hon. Steve Whan:** Point of order: Today the member for Orange has been claiming credit for saving the jobs, so obviously I was not the only one talking about this around the region. Mr President, I ask you to ask the Minister not to suggest that I tell fibs because I do not.

**The PRESIDENT:** Order! I did not hear the end of the Hon. Steve Whan's point of order because of the level of interjection in the Chamber.

**The Hon. Steve Whan:** Mr President, I was asking you to ask the Minister to stop reflecting on me. I do not tell fibs.

**The PRESIDENT:** Order! I ask the Minister not to reflect on members in his remarks.

**The Hon. DUNCAN GAY:** Mr President, I take your advice and I certainly will not use the word "fib" in relation to him again. The fact was what he said was not true. That may not be a fib under the rulings of the House, but what he spread across the State, scaremongering and frightening the people of central west New South Wales, was disgraceful. The Hon. Steve Whan and his little union mate stood out on—

**The Hon. Eric Roozendaal:** Point of order—

**The PRESIDENT:** Order! I call the Hon. Melinda Pavey to order for the first time.

**The Hon. Eric Roozendaal:** Mr President, you just made a ruling in relation to reflections on other members. The Minister is flouting your ruling by continuing to make reflections on members of this House. I ask you to remind him of your earlier ruling and to not make such reflections.

**The PRESIDENT:** Order! That is not a point of order. The Minister did not reflect on the Hon. Steve Whan.

**The Hon. DUNCAN GAY:** I know he is offended by the word "little", the word "mate" and the word "union". When one puts those three words together it describes their little union mates. The Hon. Steve Whan wandered across the State telling people that there was going to be a 25 per cent cut.

**The Hon. Penny Sharpe:** Point of order: The issue is relevance. My question was about cuts to Roads funding in western Sydney and the Central Coast. The Minister has not come close to answering it.

**The PRESIDENT:** Order! The Minister should resist the temptation to respond to interjections from Opposition members. I remind him of the need to be generally relevant in his response.

*[Time expired.]*

#### **PUBLIC SERVICE DELIVERY**

**The Hon. MATTHEW MASON-COX:** My question is addressed to the Minister for Finance and Services. What is the New South Wales Government doing to improve public service delivery?

**The Hon. GREG PEARCE:** That is another excellent question from the Parliamentary Secretary. I must say I have been remiss. My colleague the Minister for Roads and Ports always acknowledges his great Parliamentary Secretary. I do not often get the opportunity to acknowledge the great work of the Hon. Matthew Mason-Cox. He has done a great job.

**The Hon. Mick Veitch:** Point of order: The Minister has cast outrageous aspersions against the remainder of the Parliamentary Secretaries in this House. I ask him to desist.

**The PRESIDENT:** Order! That is not a point of order.

**The Hon. GREG PEARCE:** Improving the delivery of services to the community is a key focus of the Government's agenda. We believe New South Wales residents should be at the core of every decision made. One of my tasks as Minister for Finance and Services is to align the bureaucracy with this core objective and to give them the tools to ensure it happens. To this end, today's budget reflects the Liberals and Nationals commitment. The Finance and Services budget provides almost \$1.48 billion to reform the way government operates and provide better value to New South Wales taxpayers. This funding will support the delivery of whole of government reform initiatives across the vast spectrum of services that the Department of Finance and Services provides—including public works, government procurement, housing, information and communications technology, and water utilities.

I have previously announced some of these initiatives, such as reviewing New South Wales procurement, moving the responsibility of housing projects to Public Works, and changing the governance and

delivery of information and communications technologies. Improving the delivery of services in these areas will not only improve the way government functions but will also unlock resources for investment in frontline services. It is in stark contrast to the past 16 years under Labor, which saw hundreds of millions of taxpayers' dollars blown on white elephants such as the Rozelle metro or used to fatten an already ballooning bureaucracy of head offices.

In 2011-12 some key budget initiatives include \$414 million to improve and enhance services to government agencies, including \$12 million to expand the Government Licensing Service to streamline 24/7 licensing transactions. There is \$197 million for New South Wales Public Works to manage the planning, procurement, design and construction of building engineering and projects, including school facilities, TAFE colleges and hospitals. There is \$194 million for Office of State Revenue operations, including a review of overdue fines and debt management processes. There is also \$184 million to Land and Property Information, including redeveloping the spatial information exchange, developing a comprehensive property addressing system and digitising records.

Central to the investment and reform program is making services better for New South Wales residents. To this end we are enhancing online applications for customers and suppliers, and simplifying processes for dealing with government. We will increase the volume of recycled water by encouraging innovation, investment and competition in the water industry. We are also establishing an Office of Finance to advise government on financial policy and to deliver key reforms in areas such as procurement and asset use. For too long these areas have been managed with little direction, which has led to problems such as the perception of corruption within procurement in New South Wales under the previous Government. The 2011-12 budget reflects the New South Wales Government's key priorities of improving services and providing better value for money for taxpayers. I am sure all honourable members join with me in congratulating the Treasurer on his first budget.

#### **BUSHFIRE HAZARD REDUCTION**

**The Hon. ROBERT BROWN:** My question without notice is addressed to the Minister for Finance and Services, representing the Minister for the Environment.

**The Hon. Trevor Khan:** Good haircut!

**The Hon. ROBERT BROWN:** Thanks. I go to the same barber as the President. Is the Minister aware that the Rural Fire Service chiefs are expressing concern that high fuel loads are catching landholders and public land managers off guard? Will the Minister inform the House how many hazard reduction burns have been conducted on National Park Estate since the end of March 2011 and the total area treated in that period?

**The Hon. GREG PEARCE:** I thank the member for his detailed question. I will take it on notice and provide the member with an answer in due course.

#### **STATE BUDGET AND RURAL FIRE SERVICE**

**The Hon. STEVE WHAN:** My question is directed to the Minister for Police and Emergency Services.

**The Hon. Duncan Gay:** What about me? What about DPI?

**The Hon. STEVE WHAN:** You'll keep. How many new or refurbished tankers will the Rural Fire Service be providing to brigades as a result of the allocations in the New South Wales 2011-12 budget?

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for his question. It will give me an opportunity to talk exhaustively about the commitment that we have given to the Rural Fire Service and other areas of the emergency services. It is important that the House understands that this, like the Police budget, is a significant contribution from a State Government that actually cares, as opposed to those opposite. I ask members to take, for example, the \$34.4 million in funding for fire mitigation works, crews and programs in New South Wales.

Those opposite have not congratulated us on recognising the need to invest in preventing the risk we see. They do not want to talk about that. They do not want to thank us and congratulate us for recognising the need at Bathurst and Nowra and ensuring that those communities got the \$3.9 million that they needed to

provide more full-time firefighters based in those communities. We have heard absolutely nothing from them. It is silent on the other side. We do not hear a word from them because they know they have been caught out yet again. We do not hear anything from the Opposition about what we are doing in Brewarrina, an area that not many members opposite—I suggest no member opposite—have ever been to.

**The Hon. Mick Veitch:** I sure have.

**The Hon. MICHAEL GALLACHER:** Maybe one has. You should get a bus one day, Mick, and take the others through Brewarrina. I guarantee none of them will want to stop there. There are good people there and I think you would be doing the people of Brewarrina wrong if the bus stopped there and members opposite were introduced to the good people of that town. Those people needed a significant commitment of resources in that area and we have provided \$1.5 million for a new fire station in Brewarrina and to replace the station at Jerilderie. Again, they are areas of country New South Wales that for far too long have been calling out for assistance.

**The Hon. Dr Peter Phelps:** Forgotten.

**The Hon. MICHAEL GALLACHER:** They have been forgotten, as the Government Whip rightly points out. We have made a significant contribution. Of course, \$16.6 million has been allocated for upgrading the private mobile radio network to assist volunteer firefighters with the latest and most reliable communication capabilities. Again, we have heard absolutely nothing from those opposite because they have nothing to say about this.

**The Hon. Steve Whan:** Point of order: I asked a very specific question about Rural Fire Service tankers. The Minister is now re-announcing things that were announced in December last year, such as the radio upgrades. I want to know whether the Government is continuing the tanker replacement program at the same rate as last year.

**The PRESIDENT:** Order! The member's point of order related to relevance. The Minister was being generally relevant. There is no point of order.

**The Hon. MICHAEL GALLACHER:** This Government and the Rural Fire Service place a high priority on the safety and wellbeing of our volunteer firefighters. Indeed, we are committed to providing the highest standard of equipment and other resources to our firefighters, including modern, safe and efficient bushfire tankers. The New South Wales Rural Fire Service currently has a fleet of more than 4,000 firefighting vehicles at its disposal, including 3,569 heavy, medium and light tankers, plus command and communication vehicles. In addition, there are more than 2,000 tanker trailers and slip-on units. The New South Wales Rural Fire Service firefighting fleet will soon be supplemented with 46—*[Time expired.]*

**The Hon. STEVE WHAN:** I ask a supplementary question. After three minutes of not answering the question the Minister was about to get to it—

**The PRESIDENT:** Order! The Hon. Steve Whan will resume his seat. His supplementary question contained argument. Therefore, it is out of order.

#### PORT BOTANY LEASE

**The Hon. MARIE FICARRA:** My question is directed to the Minister for Roads and Ports. Will the Minister inform the House of the Government's decision to proceed to market with the long-term lease of Port Botany to help fund investment in critical State infrastructure?

**The Hon. DUNCAN GAY:** I thank the Hon. Marie Ficarra for that question; it was one I was expecting from the Opposition. In the first six months of office the New South Wales Liberal-Nationals Government has inherited many problems from the former State Labor Government, none more serious than a budget black hole of \$5.2 billion. In order for us to start clawing back this debt and to get New South Wales to number one again we need to free up funds to address the critical infrastructure backlog created by Labor.

Although Labor enjoyed over a decade of solid revenue from a once-in-a-lifetime housing and property boom that delivered rivers of gold in the form of land taxes and stamp duties, it neglected the funding of crucial infrastructure. Worse still, over 16 years it wasted billions of dollars of taxpayers' hard-earned money on

blowouts, delays and debacles. Who will ever forget the \$500 million wasted on the CBD metro rail line? Not a metre of track was ever laid. Who will ever forget the axing of the failed T-card program at a cost to taxpayers of \$95 million? Who will ever forget the \$75 million cost blowout for the duplication of the Iron Cove Bridge? The list goes on and on.

As explained by the Treasurer in his speech today, the recent offer from the Commonwealth Government in relation to the funding of Pacific Highway upgrades has placed added pressure on the State's infrastructure spending. In its last budget the Commonwealth Government allocated \$750 million for the Pacific Highway to 2014-15 but only on the condition that the New South Wales Government matched this amount. Notwithstanding our differences with the Commonwealth Government on other matters—

**The Hon. Mick Veitch:** You love Albo.

**The Hon. DUNCAN GAY:** I do love Albo, unlike some of his colleagues in this House. This offer provides an opportunity for a historic contribution to the upgrade. Frankly, the people of this State are over bickering between the State and the Commonwealth. We have taken this opportunity to not only match but go beyond the Commonwealth's offer. While it falls short of previous Commonwealth commitments we are determined to provide the funds needed to match the Commonwealth offer. Therefore, the Government has decided to proceed to market with the long-term lease of Port Botany. Funds made available by the transaction will be used to match the Commonwealth's funding offer on the Pacific Highway. Funds made available will also deliver further improvements to the Princes Highway as well as other key infrastructure projects through Restart NSW.

Existing ownership arrangements for the Port of Newcastle and Port Kembla will be retained while the port facilities in Sydney Harbour will remain under State management. Let me be crystal clear: this decision relates only to the facilities at Port Botany. It does not include the Walsh Bay, Glebe Island, White Bay and Circular Quay facilities in Sydney Harbour. The introduction of a private operator at Port Botany will increase contestability and help to drive further efficiency on the waterfront, which will in turn help to further develop the New South Wales economy. This reform is in line with other States. For example, in 2010 the Bligh Labor Government in Queensland sold the Port of Brisbane for \$2.1 billion. Like Brisbane, a number of other ports, including Adelaide— [*Time expired.*]

#### UPPER HUNTER REGIONAL LAND USE

**The Hon. JEREMY BUCKINGHAM:** My question without notice is directed to the Minister for Finance and Services, representing the Minister for Planning. What confidence can the public have in the Government's Upper Hunter regional land use planning process given the recommendation of the department to the Planning Assessment Commission to approve the Ashton Coal south-east open cut project despite the fact it would significantly impact on the already besieged Camberwell community, close existing dairy farming in the area and impact on lucerne growers and vigneron that rely on the Hunter River downstream from the impacted Glennies Creek?

**The Hon. GREG PEARCE:** The member's question was full of argument and is out of order. If the member puts the question on notice I will get an answer for him.

#### STATE BUDGET

**The Hon. MICK VEITCH:** My question is directed to the Minister for Finance and Services, representing the Treasurer. How can the people of New South Wales trust the Minister's commitment to maintain the triple-A credit rating when he has consistently promised a budget surplus and instead today delivered a budget deficit?

**The Hon. Marie Ficarra:** This is a dorothy dixer.

**The Hon. GREG PEARCE:** It is a dorothy dixer. The 2010-11 budget result is a \$1.3 billion surplus compared to last year's forecast of \$773 million. The surplus result is welcome, but proper analysis reveals the mirage of budget results under Labor. This better than expected headline result has been driven by a range of factors, including lower expenses under this Government—in our first three months we significantly lowered expenses—and by Labor shifting rail capital grants to 2009-10, a dodgy con job.



Of course, the other reason we have a surplus is that the Federal Government provided Federal stimulus spending of approximately \$1.1 billion. Including the rail grants in the 2010-11 year, as contended under the capital program, and excluding the Federal stimulus, the actual result for 2010-11 would have been a deficit of nearly \$200 million. So, if Labor had told the truth, if it had not engaged in its trickery and dodgy practices, the deficit would have been nearly \$200 million. Total expenses were down around \$1 billion over the year—particularly since March, after the new Government came to office. Measures introduced by the new Government to curb spending include new reporting requirements for year-end spending, reviews of sponsorships, extension of car fleet lease terms, and reductions in advertising, consultants and travel.

As I mentioned, the 2010-11 result is also boosted by \$350 million in prepaid capital rail grants shifted in the 2009-10 budget year by the former Government. This was one of the practices used by Labor to hide deficits. This year, 2011-12, an operating deficit of \$718 million is expected. The outcome reflects the global economic outlook, the downward revisions of growth forecasts, the solar bonus costs—which the mob opposite left us—and restructuring costs. Without the impact of Federal stimulus spending the New South Wales budget would have been in deficit for two of the last three years. Sovereign debt concerns in the Euro zone and uncertainty over fiscal settings in the United State of America have intensified. The high Australian dollar has weakened conditions in some non-mining areas of the economy. Global uncertainty has continued to affect consumer confidence, which has fallen sharply in recent months to levels not seen since the slow-down of 2009.

Honourable members who have read the budget papers would realise that Treasury has revised down its growth forecasts for 2011-12 from 3.5 per cent to 2.5 per cent. This reduction has a \$414 million impact to the budget this year. Forecasts for GST revenue for 2011-12 have also been revised down, by \$395 million, since the last half-yearly review under the mob opposite. This year's budget has suffered a \$260 million hit due to the cost blowouts from Labor's solar bonus scheme. The cost of the scheme, initially estimated at \$355 million, has since blown out to an estimated \$1.75 billion, including \$260 million in this year alone. This year's budget is also meeting restructuring and transitional costs associated with the change in government. But we will then bring the budget back into sustainable surpluses—unlike the unsustainable trend of ever-increasing deficits which would have occurred under the mob opposite. [*Time expired.*]

#### FIRE AND RESCUE NSW FACILITIES

**The Hon. NIALL BLAIR:** My question is directed to the Minister for Police and Emergency Services. Will the Minister inform the House about the Government's investment in new fire stations and upgrades to other Fire and Rescue facilities?

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for his question and commend his interest in Fire and Rescue NSW. This Government believes in providing a world-class fire service—as I was trying to educate the Hon. Steve Whan on a short while ago, but with no success. That is why in its first budget this Government has invested more than \$17 million in new and upgraded Fire and Rescue NSW property around the State. Over the next 18 months work will begin on brand-new stations at Banora Point in the Tweed and at Brewarrina in the State's north-west. These brand-new stations symbolise an investment of more than \$1.5 million in capital works for our frontline firefighters. The new fire stations will feature state-of-the-art facilities, including large training rooms—which can be used for on-site firefighter training or community safety forums—and rainwater tanks. The fire engine bays in each station will be designed and built to accommodate Fire and Rescue NSW's modern fleet of fire engines, and to provide firefighters with easy access to protective uniforms when they are responding to emergency calls.

The budget also includes more than \$7 million for major upgrades and renovations for 10 existing stations. The list of stations being upgraded includes Bankstown, Bundeena, Cardiff, Fairfield, Grenfell, Hornsby, Huntingwood, Jerilderie, Parkes, Tea Gardens and Unanderra. The Government's investment does not stop there. We are also investing in important training and operation support facilities. I am pleased to inform the House that our \$17 million commitment also includes \$1.4 million for a state-of-the-art hazardous materials training facility at Chester Hill, in Sydney's west. This critical facility will help to ensure that our firefighters are trained and ready to respond to incidents involving dangerous chemicals and other hazardous substances.

The Government will also deliver major renovations to the training and administration facilities at Lismore, Dubbo and Wellington, as well as minor upgrades on other regional training facilities. The final significant item in the Government's ambitious Fire and Rescue NSW capital program is more than \$2.8 million to provide for a brand-new state-of-the-art 000 call centre at Newcastle, which will also include an upgrade to the computer-aided dispatch system used to deploy our firefighters. I called in, unannounced, on Friday to meet the firefighters in Newcastle. We had a great meeting. We had morning tea.

**The Hon. Duncan Gay:** Probably the first Minister they had seen.

**The Hon. MICHAEL GALLACHER:** They had never seen one, I suspect. They were absolutely thrilled to have someone show some interest, to come in and see firsthand the facilities there. But that visit also gave me an opportunity, on behalf of the entire community, to thank the Hazmat people for the work that they have done in that area in recent times. These are outstanding individuals. Quite simply, it has been this new Government which has gone there to meet with them, shake their hands and thank them for the work that they are doing. I can assure the House that the members of Fire and Rescue NSW in Newcastle will be very happy indeed when they see the announcements made in the budget.

#### ASIAN CRIME SQUAD AND MIDDLE EASTERN CRIME SQUAD

**The Hon. CATE FAEHRMANN:** My question without notice is directed to the Minister for Police and Emergency Services. The Minister is aware that within the Organised Crime Directorate of the New South Wales Police Force there is an Asian Crime Squad and a Middle Eastern Crime Squad. Considering that the Ethnic Communities Council has requested that those squads be renamed, and that the Victoria Police abolished its last ethnic unit in 2006, will the Minister advocate for the renaming of those squads and for a policy of not identifying crime by ethnicity in New South Wales?

**The Hon. MICHAEL GALLACHER:** In my view, the way in which police formulate their crime squads and the terminology that they use for those squads are operational matters that are the domain of the New South Wales Police Force. While I am the Minister for Police, I will take their advice on that and support measures that they take to form their crime squads or task forces and the descriptions that they use in connection with those organisations.

#### OFFICE OF INDUSTRIAL RELATIONS

**The Hon. SOPHIE COTSIS:** My question is directed to the Minister for Finance and Services. Why do the budget papers report that the Minister has effectively abolished the Office of Industrial Relations by subsuming it into the Finance, Policy and Strategy Service Group?

**The Hon. GREG PEARCE:** What we have tried to do—unlike the mob opposite when they were in government—is spend our time on delivering the services that the people of New South Wales want, and were deprived of by that mob, and on responsible financial management. We do not spend our time walking around worrying about the labels and names that we give ourselves, worrying about the jobs that we give ourselves, worrying about what we call ourselves. Since the Coalition Government was elected, question times have been dominated by questions about their jobs, about what they called themselves, and they have asked me whether I am the housing Minister, or whether I am the Minister for this or Minister for that. That is what they are most concerned about.

Now they are worrying about the name of an office. I tell you what I can do for the Hon. Sophie Cotsis. When she goes on that camping trip down to Killalea, I will get the plaque that says "Office of Industrial Relations"—if one is still there—and she and I will both sign it. I will give it to her to use for a fundraiser. She can auction off the plaque, if she chooses. That is an excellent way to proceed. I am sure it will come in handy.

**The Hon. MICHAEL GALLACHER:** If members have further questions I suggest that they place them on notice.

#### DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

##### IDENTITY CONCEALMENT

On 2 August 2011 Mr David Shoebridge asked the Leader of the Government, representing the Attorney General, a question without notice regarding identity concealment. The Attorney General provided the following response:

I am advised:

The Government has decided to introduce a bill to amend the Law Enforcement (Powers and Responsibilities) Act 2002, to empower police to demand the removal of any face covering including a helmet, burqa, niqab, mask or any item of clothing when requiring people to prove their identification. The bill will:

- provide that in most cases the penalty for refusing to remove a face covering would be \$220. However, in cases involving motorists the penalties are as high as 12 months jail and fine up to \$5,500;

- provide that strong safeguards to ensure the new powers are used sensibly. People will only be required to remove a face covering for as long as it takes to identify them. Those who want to be identified privately for cultural and religious reasons can request to go to a police station; and
- allow government officials to require the removal of face coverings in courts, juvenile detention centres and prisons. Court officers will be able to require face coverings be removed for identification purposes and those refusing to comply will be asked to leave the premises or face fines of up to \$550. Visitors refusing to remove face coverings at prisons and juvenile detention centres will be refused entry.

The Ombudsman will be asked to conduct a review of the new laws after 12 months to determine if they need any modifications.

#### **FOREIGN OWNERSHIP OF RURAL LAND**

On 2 August 2011 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice regarding foreign ownership of rural land. The Minister for Primary Industries provided the following response:

Acquisition of Australian agricultural land by foreign interests is a Federal issue.

Land title registers do not record the extent of companies with an interest in agricultural lands.

#### **ELECTROCONVULSIVE THERAPY**

On 2 August 2011 the Hon. Paul Green asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice regarding electroconvulsive therapy. The Minister for Health provided the following response:

I am advised that:

- Electroconvulsive therapy [ECT] is a medical procedure in which an electric current is passed through the brain to produce controlled seizures. It is a safe and effective procedure that has been used for more than 70 years in the treatment of psychiatric disorders, most commonly major depression. ECT has a high rate of success, with remission rates as high as 83% for patients with major depression with psychotic features, and is particularly appropriate when a rapid response to treatment is required (for example, when there is a high risk of suicide or inadequate oral intake by the patient) or where medication cannot be tolerated.
- Prolonged sedation is used on rare occasions with the administration of ECT where there has been a clinical indication to combine the two procedures, such as in complex cases when the risk to the patient and others from severe mental illness is extreme and other treatments have been unable to safely contain this risk. The primary purpose of the sedation is to keep the patient and staff safe from the patient's severe aggression and to control agitation. The primary purpose of the ECT is to treat the underlying mental illness.
- To formalise the review process for cases such as these, a panel chaired by the NSW Chief Psychiatrist will be established to "review treatment plans in relation to currently available treatment within the clinical setting, where the treatment is clinically indicated and to prevent injury to or prolonged suffering of the consumer."
- The NSW Health ECT Minimum Standards were also released earlier this year, which provide clear guidance on the administration of ECT in NSW. This policy directive applies to all facets of care, including the indications for treatment, potential risks and strategies to minimise them, issues of consent, facilities, anaesthesia, application of the procedures, and the required quality improvement framework.
- Additionally, the Mental Health Act 2007 (Part 2, Division 3) governs the use of ECT and provides many checks and balances to safeguard individuals with a mental health condition, particularly when involuntarily detained.
- The Department of Health has advised me that they are only aware of three cases over the past three years that have involved the use of a prolonged period of sedation during the administration of ECT. The outcomes for the patients in these cases were very positive and accepted procedures and clinical governance processes available at the time were followed. None of these cases involved patients that were pregnant, children or elderly.

#### **RELIGIOUS EDUCATION AND SCHOOL ETHICS CLASSES**

On 3 August 2011 Reverend the Hon. Fred Nile asked the Minister for Roads and Ports, representing the Minister for Education, a question without notice regarding religious education and school ethics classes. The Minister for Education provided the following response:

There are currently 128 schools providing special education in ethics classes. Primary Ethics has appointed 148 volunteer coordinators and trained 192 volunteer teachers. Approximately 2,700 year 5 and 6 students attend special education in ethics classes in New South Wales public schools. Primary Ethics is reporting a strong demand for volunteer training and this equates with strong interest from some school communities.

The course content provided in ethics classes has been developed by the St James Ethics Centre. The course is based on philosophical ethics. The St James Ethics Centre worked with academics that specialise in teaching philosophy for children to create an interconnected curriculum framework.

There are currently no plans for a review of ethics classes in 2012.

The NSW Government supports the legislation that guarantees students will have access to special religious education for a maximum of 1 hour per school week. The New South Wales Government also supports the right of parents and or carers to seek exemption for their children from special religious education classes.

#### **FOREST PROTESTS**

On 3 August 2011 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice regarding forest protests. The Minister for Primary Industries provided the following response:

I am well aware that protests directed at Australian timber harvesting occur from time to time and that the majority of these protests take place peacefully and without incident even when they occur near to forest harvesting sites. However, a number of protests over the years have intimidated affected forest workers and also have become cause for strong workplace safety concerns.

The Government will continue to support forest workers and contractors in carrying out their legitimate business activities in a safe manner.

#### **REGIONAL SALEYARDS**

On 4 August 2011 the Hon. Steve Whan asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice regarding regional saleyards. The Minister for Primary Industries provided the following response:

The New South Wales Government has in place a series of strategies to build the financial viability and sustainability of livestock producers including saleyards and abattoirs.

Department of Primary Industries staff work closely with both beef and sheep producers to increase the State's livestock numbers. A priority for the Department is to improve both beef and sheep reproductive and weaner performance and survival.

#### **COAL AND COAL SEAM GAS EXPLORATION**

On 4 August 2011 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding coal and coal seam gas exploration. The Minister for Resources and Energy provided the following response:

As per the Government's announcement of 21 July 2011, the moratorium on the issuing of new fracking approvals for coal seam gas wells has been extended until 31 December 2011.

#### **EDUCATION QUALIFICATIONS**

On 4 August 2011 Reverend the Hon. Fred Nile asked the Minister for Roads and Ports, representing the Minister for Education, a question without notice regarding education qualifications. The Minister for Education provided the following response:

Yes. Students will receive a comprehensive and cumulative record of their achievements at the point at which they leave school, from the end of Year 10 onwards. The Board of Studies will be consulting widely over the coming months to ensure that the new credential meets the needs of students, teachers, parents, employers and the general community.

#### **KINGS CROSS INJECTING ROOM**

On 5 August 2011 the Hon. Luke Foley asked the Leader of the Government, representing the Premier, a question without notice regarding the Kings Cross injecting room. The Premier provided the following response:

I am advised the New South Wales Government has no plans to close the Medically Supervised Injecting Centre. Any proposal to close the Centre would be subject to a conscience vote.

#### **CARBON TAX AND POWER STATIONS**

On 5 August 2011 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding the carbon tax and power stations. The Minister for Resources and Energy provided the following response:

New South Wales remains particularly vulnerable to the devastating impacts of the Commonwealth's proposed carbon tax arrangements.

Neither power station is eligible for assistance or compensation.

#### **TOORALE NATIONAL PARK**

On 5 August 2011 the Hon. Robert Brown asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding Toorale National Park. The Minister for the Environment provided the following response:

1. \$31,010 has been spent at Toorale on signage to assist guide visitors to discover the park, since acquiring the property in late 2008.

2. These are entry, safety and park management signs.
3. Representatives of the Commonwealth Department of Sustainability, Environment, Water, Population and Communities, and the New South Wales Office of Environment and Heritage have reached agreement on the preferred outcomes for each of Toorale's Warrego River infrastructure works. This agreement follows the completion of a consultant's report which analysed options in relation to Toorale's water infrastructure.

#### **DOYLES CREEK TRAINING MINE**

On 5 August 2011 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding Doyles Creek training mine. The Minister for Resources and Energy provided the following response:

The audit of Exploration Licence 7270 held by Doyles Creek Mining Pty Limited is part of the State wide audit of coal and petroleum titles which is being carried out by the NSW Government.

The arbitration process you refer to in relation to Mr Ian Moore is a separate matter completely unrelated to the audit. During the period Exploration Licence 7270 is in force, Doyles Creek Mining Pty Limited is entitled to actively pursue access to land.

#### **BARANGAROO DEVELOPMENT**

On 9 August 2011 Reverend the Hon. Fred Nile asked the Minister for Roads and Ports, representing the Premier, a question without notice regarding the Barangaroo development. The Premier provided the following response:

I am advised the Government is undertaking negotiations with Lend Lease about the location of the hotel and has appointed Peter Mould, head of the NSW Government Architects Office, and Shelly Penn, one of the authors of the recent review, to a specially formed Design Review Panel. The Panel will conduct a merit based review of key design aspects of the project, including the suitability of the hotel's current location.

#### **PREMIER CHINA VISIT**

On 10 August 2011 the Hon. Jeremy Buckingham asked the Minister for Police and Emergency Services, representing the Premier, a question without notice regarding the Premier China visit. The Premier provided the following response:

I am advised during the recent visit to China the Premier met with Guangdong Rising Assets Management, Guangdong Yudean Group, Poly Group and Yancoal Group. At a large corporate luncheon organised and hosted by Ernst & Young in Beijing on Monday 18 July, the Premier was briefly introduced to Mr Ling Wen, Chief Executive Officer of China Shenhua Energy Company Limited, a subsidiary of Shenhua Group. This five minute meeting was unplanned and introductions were made on the day by Ernst & Young (Beijing). The Premier, his Adviser, the Director NSW Government Business Office (Shanghai) and the Director General of the Department of Premier and Cabinet attended this meeting with Mr Ling and his staff. No arrangements were made during the mission program to introduce any of the New South Wales delegation to representatives of the Shenhua Group.

#### **BOOLIGAL STATION**

On 10 August 2011 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding Booligal Station. The Minister for the Environment provided the following response:

I am advised as follows:

1. Yes.
2. No.

#### **COAL INDUSTRY PROFILE 2010**

On 10 August 2011 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding the Coal Industry Profile 2010. The Minister for Resources and Energy provided the following response:

The New South Wales Coal Industry Profile is normally released on an annual basis. There is no firm scheduling date set for the publication.

The 2010 edition is currently being prepared for printing. I am advised there have been some scheduling issues with the publisher that have delayed publication.

#### **HUNTER STRATEGIC REGIONAL LAND USE PLAN**

On 11 August 2011 the Hon. Jeremy Buckingham asked the Minister for Finance and Services, representing the Minister for Planning and Infrastructure, a question without notice regarding the Hunter strategic regional land use plan. The Minister for Planning and Infrastructure provided the following response:

The Government is currently preparing regional land use plans for the Upper Hunter and New England North West.

The preparation of Strategic Regional Land Use Plans is a key component of the Government's Strategic Regional Land Use Policy.

One of the primary aims of our Strategic Regional Land Use Policy is to resolve conflict and issues which are occurring between mining and agriculture.

The Bylong Valley and Bylong-Wollar-Ulan corridor will be addressed as part of the Central West Regional Land Use Plan to ensure that all issues associated with the potential growth of coal and gas resources in the region are fully considered. However, linkages to the Upper Hunter will be carefully considered and addressed where relevant during the preparation of the Upper Hunter Regional Land Use Plan.

The Central West Plan will be one of two plans prepared as part of the next stage of plans, scheduled to be undertaken in 2012.

#### **WESTERN RIVERINA NATIONAL PARKS**

On 11 August 2011 the Hon. Robert Brown asked the Minister for Finance and Services, representing the Minister for Local Government, a question without notice regarding western Riverina national parks. The Minister for Local Government provided the following response:

I am advised that the Riverina and the Murray Regional Organisation of Councils have not lost any rateable income as a result of the creation of national parks in the region.

Councils are limited to an overall income derived each year from rates and charges. This amount is not affected when a national park is created. A council can amend its rating structure to ensure its overall rate income, levied on remaining ratepayers, remains the same.

In regard to benefits, the member may wish to review a study undertaken in 2006 for the then Department of Environment, Climate Change and Water regarding the Economic benefits of national parks and other reserves in New South Wales, which is available on the website of the Office of the Environment and Heritage.

#### **WESTERN RIVERINA NATIONAL PARKS**

On 12 August 2011 the Hon. Robert Brown asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding western Riverina national parks. The Minister for the Environment provided the following response:

I am advised as follows:

1. Yes.
2. Three other property acquisitions have occurred in the western Riverina;
  - a. Part of Geramy was purchased in 2009 as an addition of the existing Lachlan Valley State Conservation Area.
  - b. Part of Kieeta was purchased in 2010 as an addition to Yanga National Park, and
  - c. Hunthawang was purchased in 2010 as an addition to the Lachlan Valley State Conservation Area.
3. Acquisition costs for the nine properties total \$35.18 million (net i.e. purchase price less on-sold component) and the size of the purchased properties retained by National Parks and Wildlife Service totals 136,845 hectares.

Many of these properties were purchased utilising funding arrangements associated with the Commonwealth Government's Caring for our Country National Reserve System fund and the Riverine Environment Restoration program. In all, the Commonwealth paid \$9.31 million towards the properties listed above.

Operational expenses including capital outlays for the purchased properties from 2001 to date is \$18.479 million.

#### **NATIONAL PARK VISITOR PASSES**

On 12 August 2011 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding national park visitor passes. The Minister for the Environment provided the following response:

I am advised as follows:

1. The estimated number of Annual Passes sold by year were:
 

Financial Year	Estimated number of Annual Passes sold
2006-07	66,767
2007-08	89,604
2008-09	92,294
2009-10	95,810
2010-11	91,748

2. The estimated number of day passes sold by year were:

Financial Year	Estimated number of day tickets sold
2006-07	657,936
2007-08	693,169
2008-09	749,186
2009-10	904,432
2010-11	802,233

#### DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE STAFFING ARRANGEMENTS

On 23 August 2011 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding the Department of Environment and Climate Change staffing arrangements. The Minister for the Environment provided the following response:

I am advised as follows:

As at 30 June 2010 the former Department of Environment, Climate Change and Water employed 4,321 full time equivalent [FTE] staff. 392 full time equivalent staff held positions with 'manager' in the title and they had between 0 and 20 full time equivalent staff, with a median of 5 full time equivalent staff, reporting to them.

#### Questions without notice concluded.

### PARRAMATTA SIEGE

#### Personal Explanation

**The Hon. JEREMY BUCKINGHAM**, by leave: I wish to make a personal explanation. Yesterday a man arrived unannounced at Parliament House with a young female. The Legislative Council attendants rang my office saying that this man and young female, who I thought was his daughter, and who were from Orange, were requesting to see me. I believe this man knows of me through my role as an Orange city councillor and as a State member of Parliament. I had met him briefly once in Orange several years ago. Through my community work I knew this man, and his family are known to me. This man and a girl came to my office at around 2.30 p.m. yesterday. The man spoke to me for about five minutes about legal issues. He said that he had information he wanted to show the Attorney General. He did not clearly articulate his issues and I told him to seek professional legal advice. He then left my office to exit Parliament House. This morning one of my staff members was looking at the *Sydney Morning Herald* website. He and I saw a photo relating to an incident in Parramatta and I thought the person in the photograph may be the man who visited me yesterday. I immediately telephoned Parramatta police and passed on information about these matters.

### RESIDENTIAL PARKS AMENDMENT (REGISTER) BILL 2011

#### Second Reading

#### Debate resumed from an earlier hour.

**The Hon. JAN BARHAM** [5.02 p.m.]: For some people, caravan parks, residential parks, manufactured home estates and camping grounds are their only opportunity to find shelter. Just last week *Radio National Background Briefing* talked about the impact of the housing crisis, particularly in regional areas where people often turn to caravan parks and other temporary residential living for protection and comfort, especially during winter. The Government has identified the need to review the affordability of such accommodation. Rents of up to \$350 a week for a caravan might be affordable for some people, but not for anyone on a pension, receiving income support or in part-time work. Regional areas are suffering increased housing crises because people are moving from our cities. Demand for housing is intense and caravan parks are often filled with people who should be in social housing, but that demand is also not being met. The recent change in some residential parks to upmarket tourism facilities has resulted in dislocating people who desperately need permanent accommodation.

By having a register of all parks in the State, for the first time we will know how many parks there are, whether they are residential or tourist parks and whether they provide long-term sites. However, organisations dealing with this area have advised that more information is needed. I foreshadow that I will move amendments in Committee to address that anomaly. In recent years the Standing Committee on Social Issues and work undertaken by the St Vincent de Paul Society have documented the drastic decline in caravan parks offering cheaper rent for those in desperate need of accommodation. Park redevelopment and upgrading facilities to meet

tourism demands affect the number of places available as permanent affordable residential accommodation. We know that approximately 950 places operate under the guidelines, but the number of residential parks with more than 40 sites has halved in the past decade. This is an important type of affordable accommodation and the people who need it are in dire straits. Hopefully, the review will address that matter as well as examining the broader issues, and will be advantaged by the development and establishment of the register.

When tenants are in dispute with park management they find they need to take the matter to the appropriate tribunal for resolution. After months of waiting and undergoing emotional upheaval, park residents often discover at the tribunal hearing that the wrong person is present. The park manager is not the appropriate person because they may not be the owner of the property or business. This means that the hearing cannot proceed to resolution. The register should identify the different categories of persons able to negotiate in tribunal matters so that residents are not disadvantaged. The Hon. Paul Green spoke of the abundance of caravan parks and manufactured home estates on the South Coast. He and I come from beautiful areas and know that those parks are an important part of the tourism mix. However, the North Coast has undergone a transition, with some permanent residential parks being redeveloped into tourist parks. Previously available affordable housing has disappeared, resulting in an increased demand for housing in an area that already lacked sufficient accommodation.

I raised with the Minister for Local Government the opportunity for local government to deliver affordable housing under a caravan residential park type of model for local people on community land. Currently, that is not permissible under the Local Government Act. We hope the Minister will support a minor change to the Act to enable that housing to become available. At local government level, councils own land that they want to keep in perpetuity and the community wants to see land managed in that way. If it is the wish of the community and the council to allow land to be retained for permanent residential purposes for up to five years at a time, that should happen after proper process is followed. The bill is about transparency, which is what this register will deliver for the whole community. The register will assist in dealing with long-term issues regarding need and the opportunity to deliver affordable housing and provide tourism opportunities. For the first time, the Government will know what parks exist and how they are operating. As other members have said, this is an important issue in relation to the process going forward.

I congratulate the Government and thank it for the cooperation it displayed in teasing out and resolving issues in consultation with various organisations. That is greatly appreciated. It shows that we can work together to resolve important issues. I know that members on both sides of the House care about the quality of life and dignity of park residents. The Hon. Paul Green mentioned that sometimes people make a lifestyle choice. The Parliamentary Library research paper states that one of the reasons people choose this living arrangement is that parks are often in desirable, attractive locations, particularly on the coast. Single people or those who are a little older are choosing a collective, communal style of living. Living in a caravan or a cabin, their environmental footprint is much smaller. They have less personal space but share a larger area with others.

Group housing offers a sustainable way of living. People live closer together, support each other and maintain connections. This is particularly beneficial as people age or for young people who are out of home and on their own. This bill addresses the issue of residents' rights and provides an opportunity to recognise those rights. It will make information publically available on a register. Owners, managers and operators will submit their information and thus perhaps avoid legal complications further down the path. They will know that they must conform with the registration process and that there is a penalty if they fail to do so. The register is an important step forward for the people of New South Wales.

The review that has been announced is an important undertaking by the Government. I understand that consultations are to occur in November. I pointed out to the Minister's staff that November might not be the best time of year for local government as it is when the tourism industry is gearing up for its busiest period. Businesses might be a little annoyed as they will be hard-pressed to find time to engage actively—and some people may even be suspicious about the timing. I ask the Minister to take that point on board. The Hon. Catherine Cusack will know that that is a very busy time on the North Coast, and people might feel a bit left out if they cannot engage fully in this important review.

**The Hon. Catherine Cusack:** I think it's just a discussion paper that is coming out.

**The Hon. JAN BARHAM:** I know there is a discussion paper, but I think there should be a commitment to enter into meaningful consultation with people so that they can understand not only the everyday issues but the regional variances. [*Time expired.*]



**The Hon. CATHERINE CUSACK** [5.13 p.m.]: I join other members in congratulating the Minister for Fair Trading, the Hon. Anthony Roberts, on introducing the Residential Parks Amendment (Register) Bill 2011. It is an important first step in the process of reforming our laws governing residential parks. I also acknowledge the work of former shadow Minister Greg Aplin, who released a policy paper entitled "Improving Governance of Residential Parks—Strengthening the residential park industry" during the State election campaign. It was the most acclaimed policy ever produced by a party in this extremely specialised area of legislation. I think his work and the solutions he came up with need to be acknowledged. I congratulate the new Minister on continuing that hard work. The essence of our policy in relation to residential parks is that residential park operators should be licensed, and the Government is particularly interested in educating residential park operators.

As other members have said, the constituency of residential parks is diverse. Many residents are elderly and do not have as much capital as others but would like to have the security of owning their own property. Purchasing on a fixed income at that stage of life is not an option. However, moving to a moderate climate, such as the North Coast offers, and into a residential park is a good option for them. There is a wide array of park residents, including separated families, but all share a common desire to provide security for themselves and for their families. They want to live in a community situation and they need low-cost housing options—which is what residential parks offer. Parks often have play facilities for children, they offer rich community life and they can be happy places. However, the lack of legislative security and certainty means that when disputes arise residents are unaware of their rights and entitlements. The tribunals have difficulty managing such disputes. The report entitled "Home Among the Gum Trees" states:

The manager of a residential park has considerable power over virtually every aspect of a resident's life ... The quality of the management of the park and the respect shown by the manager for residents can affect the whole of an older resident's life.

Indeed, they can affect any resident. The education and training of residential park managers is clearly a priority. Improving the process for resolving excessive rent increase applications is another issue that we need to address by altering the governance framework. As has been discussed at length, the Residential Parks Act requires comprehensive review. It may surprise the community to realise that the New South Wales Government does not even know how many residential parks there are, let alone where they are. That is why it is necessary to take the first step of establishing a register and introducing penalties for people who ignore registration requests. The register is the basis for the rest of our policy, and the next step is consultation. It will enable the Department of Fair Trading to contact the people who are affected by the bill. I note that constituents, the residents, are represented by an association but it is small, and it is a very difficult task, given the range and diversity of parks, for any organisation to hope to be fully representative. I applaud the Government for wanting to deal with residents directly and to contact and communicate with them. Establishing the register will allow all these things to occur.

I would like to reflect on an incident that occurred in a park on the far North Coast, Banora Point residential park, which I visited during my time as shadow Minister for Fair Trading. It highlights some of the problems that can arise. It was frustrating to be unable to help those residents. The park is in a beautiful location, right on the banks of the river. As has happened with many other parks, what was once a backwater turned into a valuable piece of real estate. The owner of the property clearly wanted to get rid of all the residents in order to develop the land and make a lot more money. However, the problem was that scores of residents were living there. They had invested in their blocks and their homes; this was their nest egg. They had done so on the basis of security of tenure, which they had.

So the only option the owner had in seeking to implement his development plans was to harass the residents to the point of leaving voluntarily. He put his hand up and got involved in prisoner release programs, and suddenly the park was full of ex-convicts. There were allegations that he was paying them to firebomb and destroy the property of other residents. All the post office box numbers were changed so that residents were unable to access their mail. When the residents were successful in having that decision reversed, the post office box was thrown into the river and no mail was able to be delivered. The grass was not mown—some of it was as tall as I am—and the toilet blocks were a disgrace. It was obviously gross harassment.

Council officers were too frightened to go onto the site to undertake inspections and were not permitted to enter the caravan park because of occupational health and safety issues. The value of residents' properties collapsed and the residents appealed to Fair Trading. This is when my criticism of previous Ministers began, starting with Diane Beamer and following through to other Ministers. Clearly, our laws were not designed to cope with such a situation. These poor residents were being treated most inequitably. As I said, caravans were

being firebombed and not removed. When I walked into this jungle I saw burnt-out caravans all over the place. This tourist facility was once voted the number one residential park in New South Wales. It had been the place of choice and the most expensive park in which to invest, and I saw a disaster.

I have no doubt that the laws require strengthening. This industry cannot be left to operate on good faith, particularly given the number of residential parks in New South Wales. Further, it will be in the interests of all residential park operators to have a framework for the mediation of disputes. Residents may sometimes demand services that they are not entitled to. A strong resolution framework is highly desirable. On the North Coast, where some residential park locations have become stunningly valuable, everyone needs to be able to find a way forward, particularly in relation to changes in the use of sites. In relation to ongoing maintenance and the rights of residential park residents—who are often vulnerable members of our community—I applaud the O'Farrell Government, in particular, Minister Roberts, for the important steps that have been taken to guarantee quality of life for all people in our State.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.22 p.m.], in reply: I thank honourable members for their contributions to debate on the Residential Parks Amendment (Register) Bill 2011, an important first step in implementing the Government's election commitment to improve the governance of residential parks. The primary aim of the bill is to amend the Residential Parks Act 1998 in order to establish a register of residential parks in New South Wales. The establishment of such a register has broad support from industry and consumer groups.

A register will provide important statistical data on the location of residential parks, who is operating them and how many residents live in them. A register will also improve consultation on the comprehensive review of the Act, which is to follow later this year. A number of members have asked for further information on the review. I am advised that the Government intends to commence the review in early November. However, I understand that discussions have taken place with the Hon. Jan Barham and that further discussions may occur with other members in relation to the impact of the peak summer holiday season. In that case, the review may be deferred until February in order to facilitate a more effective consultation process.

The public will have an opportunity to make submissions in response to a discussion paper that is to be released. The review will be conducted by the department. The community can be confident in their capacity to make public submissions and that following the outcome of the review we will implement reform legislation in the latter part of 2012. I can also inform the House that we will report to Parliament as the review procedure proceeds. The road to reform of the residential parks legislation in New South Wales will be made easier and more effective with the passing of this bill. As I indicated earlier, the Government and The Greens have amendments to be dealt with in Committee. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

#### **In Committee**

**Clauses 1 and 2 agreed to.**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.27 p.m.]: I move Government amendment No. 1 on sheet C2011-081:

No. 1 Page 3, schedule 1. Insert after line 11:

[2] **Section 3 (1)**

Insert in alphabetical order:

*park land owner*, in relation to a residential park, means any person who jointly or severally, whether at law or in equity, is entitled to the land comprising the residential park for any estate of freehold in possession.

At the outset, I note that the six Government amendments are identical to the six amendments to be moved by The Greens. Although we will deal with the amendments individually, I will speak now to all the Government amendments. The amendments essentially address three issues. They add to proposals in the bill to make it clear

that details of park owners will need to be registered, to clarify the requirements for updating registered information and to ensure the register of parks will be made publicly available. In relation to the first of these three issues, the Government recognises that some parks may have more than one owner—for example, where a park is owned by one person and operated by another.

It is important to know who owns the land, not just who operates the residential park. Government amendments Nos 1, 2 and 3 make it abundantly clear that the names and details of park landowners will need to be registered together with the owner who operates the park if they are not the same person. Often the park landowner may be the local council. The council may elect to contract to another party to operate the park on its behalf. Park landowners are important stakeholders who should also have the opportunity to have their say during the review. The proposed amendments are designed to ensure that the register captures the names and contact details.

Government amendments Nos 4 and 5 are designed to ensure that the information in the register remains up to date. The proposed amendment to section 142B (5) (c) would require any changes to the contact details of the park manager to be notified to the Commissioner for Fair Trading. The present wording of the bill would only require notification of a change of park manager. It is equally important that their contact details be kept up to date. Proposed section 142B (7) would require notification of any significant change in the number of permanent occupancy sites in a residential park, and I will return to that in due course. I commend Government amendment No. 1 to the Committee.

**The Hon. SOPHIE COTSIS** [5.30 p.m.]: The Opposition does not oppose Government amendment No. 1.

**The Hon. JAN BARHAM** [5.30 p.m.]: The Greens support Government amendment No. 1 because of the importance of identifying the park owner. In some circumstances the rights and responsibilities of the park owner are different from those of the manager and the residents of the park. The Affiliated Residential Park Residents Association has supported all The Greens' amendments because it sees that the amendments allow for greater transparency and accountability and will give residents of the parks an assurance that if there is a need to take action or enter into negotiations with either the park manager or the council, where local government still has a role to play in the licensing and approval of the operations of parks, they will know who to deal with.

The Affiliated Residential Park Residents Association wrote in support of The Greens' amendments and referred to the importance of the identification of the landowner when issues arise. One issue could be something as simple as seeking the removal of trees, which would involve a local council. A landowner is the important person to be notified in that regard. If the park operator is not the landowner the council will not be able to address the issue unless it can be determined who the landowner is. In the spirit of good governance, when an outcome on an issue is sought there would not be time delays or an impact on a council or a resident if the landowner can be identified through the register. It is an important step forward and I am certainly supportive of the Government moving this amendment.

**Question—That Government amendment No. 1 [C2011-081] be agreed to—put and resolved in the affirmative.**

**Government amendment No. 1 [C2011-081] agreed to.**

**The Hon. JAN BARHAM** [5.33 p.m.]: I move The Greens amendment No. 2 on sheet C2011-079B:

No. 2 Page 3, schedule 1 [2], proposed section 142A. Insert after line 22:

- (3) The park owner or park manager of a residential park is required to provide to the Director-General registrable information about the residential park:
  - (a) within 6 months after the commencement of this Part, or
  - (b) if the residential park concerned commenced operating after the commencement of this Part, within 6 months after the park's operations commenced.
- (4) A park owner or park manager is not required to provide registrable information under subsection (3) if the park owner or park manager has provided the registrable information to the Director-General under subsection (1).

This amendment seeks to place the onus on all park owners or managers to ensure that their park is registered, rather than relying on the Director General of the Department of Fair Trading identifying all parks and

requesting their registration. It is appreciated that the Government will write to all known park owners but part of the reason for this amendment is that it has been brought to the attention of government, committees, local government and organisations that represent residents in the parks that some parks are operating without proper approval. If they are not known to government it is a bit hard to write to them. Therefore, we seek that responsibility be put on the landowner or the manager, if they do not receive the letter from the Government and the registration form, to take the initiative and fulfil their obligation to fill out the registration form and get that information on the public record.

The Affiliated Residential Park Residents Association has supported this amendment, regarding this as another piece of accountability in making sure that the register is a complete register and that people have to comply. As I have mentioned to the Minister's staff, and there has been agreement on this, this important piece of legislation will be made known to local councils and people will know that there is a register. So if someone is operating without approval or is unknown, anyone can notify that they are operating without approval and are not on a register. The amendment is important because it ensures that within six months of the commencement of this legislation the park owner or manager is required to provide the registrable information.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.36 p.m.]: The Government does not support The Greens amendment No. 2. The entire purpose of the bill is to have a very simple scheme which gives us as much information as we believe is required without imposing unnecessary and additional red tape, particularly taking into account that many of the owners and operators of these parks are small businesses.

**The Hon. SOPHIE COTSIS** [5.36 p.m.]: The Opposition supports The Greens amendment No. 2.

**Question—That The Greens amendment No. 2 [C2011-079B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 2 [C2011-079B] negatived.**

**The Hon. JAN BARHAM** [5.37 p.m.]: I move The Greens amendment No. 3 on sheet C2011-079B:

No. 3 Page 3, schedule 1 [2], proposed section 142A (6) (b), line 34. Insert "and, if not the same person or persons, the name and contact details of the park land owner or owners" after "owners".

This amendment seeks to insert additional requirements into section 142A to ensure that details about the landowner are also included on the register. Often the party that owns the land is different from the party who owns the business. This is an important distinction, particularly when residents need to go to the Consumer, Trader and Tenancy Tribunal. Many of us have heard stories about someone going through the difficult and emotional situation of taking the big step to go to the tribunal only to find that the wrong person has been called in for negotiation. It is important to ensure accountability and the right outcomes. Therefore, it should be a requirement that the right party to respond to an issue is identified. Governance is improved by this amendment.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.38 p.m.]: The Government accepts The Greens amendment No. 3.

**The Hon. SOPHIE COTSIS** [5.38 p.m.]: The Opposition accepts The Greens amendment No. 3.

**Question—That The Greens amendment No. 3 [C2011-079B] be agreed to—put and resolved in the affirmative.**

**The Greens amendment No. 3 [C2011-079B] agreed to.**

**The Hon. JAN BARHAM** [5.38 p.m.], by leave: I move The Greens amendments Nos 4 to 8 on sheet C2011-079B in globo:

No. 4 Page 4, schedule 1 [2], proposed section 142A (6) (e), line 6. Omit "name and site number of at least one member". Insert instead "names of all the members".

No. 5 Page 4, schedule 1 [2], proposed section 142A (6) (f), lines 9 and 10. Omit "name and site number of at least one resident member". Insert instead "names of all the resident members".

No. 6 Page 4, schedule 1 [2], proposed section 142A (6) (g), line 12. Insert the following after "residential park":

including the following information:

- (i) the number of long-term sites, short-term sites and camp sites located on the residential park and the number of any such short term sites that are occupied by long-term casual occupants (within the meaning of the Holiday Parks (Long-term Casual Occupation) Act 2002),
- (ii) details of the relevant approval to operate the residential park under Chapter 7 of the Local Government Act 1993, including the date that the approval lapses and whether the park is approved to operate as a caravan park, camping ground or manufactured home estate (or one or more of those),
- (iii) a copy of the residential park's community map,
- (iv) whether any development application has been lodged in relation to the residential park and, if so, details of that application,
- (v) whether any proceedings are being taken by a mortgagee under a mortgage for an order for foreclosure or to take possession of the residential park.

No. 7 Page 4, schedule 1 [2], proposed section 142A. Insert after line 19:

- (7) The Director-General must send notices under subsection (1) to the park owner or park manager of each residential park within 6 months of the commencement of this Part.

No. 8 Page 4, schedule 1 [2], proposed section 142A. Insert after line 19:

- (7) In this section, camp site, community map, long-term site and short-term site have the same meanings as those terms have in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

These amendments seek to amend section 142A in relation to when a park owner or manager is required to nominate the resident committees or liaison committees. The bill provides that one person is to be registered. This could cause problems to arise. Having one person nominated to represent all residents of a park has been known to be problematic, especially if that person enters into a somewhat cosy relationship with the manager. This has happened and has been the subject of concern for many park residents. These committees are intended to provide feedback and information for the park manager to ensure the better management of the park and an open and respectful relationship between residents and the manager. Rather than having one spokesperson for the whole park and needing to be notified—whether from the park liaison committee or the residents committee—it would be far more accountable and representational to have more people so it is known to be a truly representative committee.

Amendments Nos 6, 7 and 8 seek to expand the word "information" and specify the sort of information that is required to be listed in the register. It is not onerous because this information is currently required to be submitted for licensing. Examples include a community map and information that relates to the number of long-term and short-term sites. As I stated previously, the change in the type of use associated with some of these sites could make a big difference to the rights and responsibilities of those who reside in these parks and the availability of what we have all recognised is very important affordable housing stock. Without those distinctions being on the register we would be unable to see the trends or shifts in the pattern of use of these parks. In my local area we have seen them change from places of long-term residential status to short-term tourism. That is having an impact. These amendments will not change that but they will create openness and transparency. The trends could be seen by all and, therefore, it would be possible to take action if necessary. I commend these amendments to the Committee.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.42 p.m.]: The Government does not support these amendments, which is not to say that they may or may not have merit, but the bill is designed to produce a simple set of information that we need at this stage. There is a further review, as we have discussed earlier, and the appropriate time to put forward these sorts of proposals is in that review.

**The Hon. SOPHIE COTSIS** [5.42 p.m.]: The Opposition supports The Greens amendments Nos 4 to 8.

**Question—That The Greens amendments Nos 4 to 8 [C2011-079B] be agreed to—put and resolved in the negative.**

**The Greens amendments Nos 4 to 8 [C2011-079B] negatived.**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.43 p.m.]: I move Government amendment No. 3 on sheet C2011-081:

No. 3 Page 4, schedule 1 [2], proposed section 142B (5) (b), line 35. Insert "or park land owner or owners" after "owners".

I commend this amendment to the Committee for the reasons given earlier.

**The Hon. SOPHIE COTSIS** [5.43 p.m.]: The Opposition supports this amendment.

**Mr DAVID SHOEBRIDGE** [5.43 p.m.]: The Greens support this amendment.

**Question—That Government amendment No. 3 [C2011-081] be agreed to—put and resolved in the affirmative.**

**Government amendment No. 3 [C2011-081] agreed to.**

**The Hon. JAN BARHAM** [5.44 p.m.]: I move The Greens amendment No. 10 on sheet C2011-079B:

No. 10 Page 4, schedule 1 [2], proposed section 142B (5) (c), line 36. Insert "or the contact details of the park manager" after "park manager".

This amendment seeks to include any changes in the contact details for the park manager in the list of registrable events.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.44 p.m.]: The Government supports the amendment.

**The Hon. SOPHIE COTSIS** [5.44 p.m.]: The New South Wales Labor Opposition supports the amendment.

**Question—That The Greens amendment No. 10 [C2011-079B] be agreed to—put and resolved in the affirmative.**

**The Greens amendment No. 10 [C2011-079B] agreed to.**

**The Hon. JAN BARHAM** [5.45 p.m.]: I move The Greens amendment No. 11 on sheet C2011-079B:

No. 11 Page 5, schedule 1 [2], proposed section 142B (5). Insert after line 4:

- (g) the initial convening of a Park Liaison Committee for the residential park or the expiry of a period of 6 months during which such a committee has failed to meet,
- (h) the establishment of a residents committee for the residential park or the expiry of a period of 6 months during which such a committee has failed to meet,
- (i) a change in the membership of any residents committee or Park Liaison Committee for the residential park,
- (j) any amendment of the relevant approval to operate the residential park under Chapter 7 of the Local Government Act 1993,
- (k) a change to the residential park's community map (within the meaning of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005),
- (l) the lodgement of any development application in relation to the residential park,
- (m) the commencement of any proceedings by a mortgagee under a mortgage for an order for foreclosure or to take possession of the residential park or the making of any such order.

This amendment seeks to expand the list of registrable events by adding to proposed section 142B (5) additional events that would require the park manager or owner to notify a change on the register. This includes, as I stated previously, important factors relating to the park liaison committee, such as whether it had expired, which is important for the operation of the park. The right of the residents to know that that committee is operative is an important thing. This amendment puts the responsibility on the manager to notify the register. Another such

event is the establishment of a residents committee. Both types of committee are being included in this amendment. As my previous amendment did not pass, the change in the membership of the committee would now become the change in the member who represents that committee.

Another important amendment to the registrable events would be any amendment to the relevant council approval to operate the residential park. Chapter 7 of the Local Government Act provides that approvals sit with council. The occupational health and safety requirements and other requirements for the proper operations of a park are still with local government. That is why it is important that there is notification to councils that this important bill has gone through.

Paragraph (k) in the amendment relates to a community map. As part of the local government approval process a map is required so everyone can see not only the sites that are allocated for short or long term, but also the identification and notification of an evacuation area in case of an emergency and notification of fire hydrant locations. All of these things are required to be listed on a map for the licensing approval of a park. So it is not an onerous requirement for them to be part of the registration. Paragraph (l) refers to the lodgement of any development application. That is the trigger notifying that a change in the operation of the park is happening.

The final part of the amendment is the commencement of any proceedings by a mortgagee under a mortgage for an order for foreclosure or to take possession of a residential park. Residents need to be notified if there is to be a change, rather than one day reading about it in the paper or receiving notice without having time to cope with what could be a dramatic change in their lifestyle. This amendment is about including additional parts to proposed section 142B (5) to make sure that the registration of the parks is as full as possible and gives everyone the information needed to have respectful relationships.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.49 p.m.]: The Government does not support this amendment for the same reasons given in relation to The Greens amendments Nos 4 to 8. This amendment would go far beyond what the Government intends in relation to this legislation given the information-gathering that would be required. It would be more appropriate if the amendment were considered in the consultation and review process.

**The Hon. SOPHIE COTSIS** [5.50 p.m.]: The Labor Opposition supports the amendment.

**Mr DAVID SHOEBRIDGE** [5.50 p.m.]: It is comforting to get that rock solid commitment from the Government that these matters will be picked up in the review. I take it from the Minister's statement that we have that rock solid commitment, particularly in relation to paragraph (l) in proposed section 142B (5). If the owner of the property puts in an application to subdivide—the Chair would know this happens not infrequently with these quite valuable often coastal properties—sometimes the first notice a resident has is if they are lucky enough to read about it in the local paper or they get notification that the local council has made a decision. Most local councils' notification policies require notification only of owners and not tenants and definitely not residential occupants of these parks. Perhaps that could be resolved either through changes in councils' notification processes or, the neater way, through the change proposed by the Hon. Jan Barham. I look forward to that matter being picked up in the review.

**Question—That The Greens amendment No. 11 [C2011-079B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 11 [C2011-079B] negatived.**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.51 p.m.]: I move Government amendment No. 5 on sheet C2011-081:

No. 5 Page 5, schedule 1 [2], proposed section 142B (7), line 11. Insert "during any calendar year" after "10% or 10".

Proposed section 142B (7) would require notification of any significant change in the number of permanent occupancy sites in a residential park. A significant change was to be defined as 10 per cent or 10, whichever is the greater, but there appears to be some uncertainty as to the parameters for calculating such a change. The amendment is to clarify that the 10 per cent or 10 sites is to be calculated based on movements in any calendar year.

**The Hon. SOPHIE COTSIS** [5.52 p.m.]: The Opposition supports the Government's amendment.

**The Hon. JAN BARHAM** [5.52 p.m.]: The Greens support this amendment.

**Question—That Government amendment No. 5 [C2011-081] be agreed to—put and resolved in the affirmative.**

**Government amendment No. 5 [C2011-081] agreed to.**

**The Hon. JAN BARHAM** [5.52 p.m.]: I move The Greens amendment No. 13 on sheet C2011-079B:

No. 13 Page 5, schedule 1 [2], proposed section 142D (3), line 30. Omit "may". Insert instead "is to".

This amendment creates a "must" provision in this proposed section, which relates to the register of residential parks and the information that must be made available to the public, which is the trading name, address and contact details of a residential park. It is an important provision that clarifies the information that is to be made available. I trust members will be happy to support this amendment.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.53 p.m.]: The Government supports this amendment, which proposes to make a minor change to proposed section 142D (3) to provide for the name, address and contact details for each residential park to be made publicly available. This will be an important element of the register and particularly useful for prospective tenants, as the Minister for Fair Trading said in the other place.

**The Hon. SOPHIE COTSIS** [5.53 p.m.]: The Opposition supports this amendment.

**Question—That The Greens amendment No. 13 [C2011-079B] be agreed to—put and resolved in the affirmative.**

**The Greens amendment No. 13 [C2011-079B] agreed to.**

**The Hon. JAN BARHAM** [5.54 p.m.]: I move The Greens amendment No. 14 on sheet C2011-079B.

No. 14 Page 5, schedule 1 [2], proposed section 142D (3). Insert after line 34:

- (d) information about the residential park's approval to operate the residential park under Chapter 7 of the Local Government Act 1993, including the approval's date of issue and date of lapse,
- (e) the residential park's community map (within the meaning of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005),
- (f) whether the residential park is located in a Crown reserve,
- (g) whether any development application has been lodged in relation to the residential park and, if so, details of that application,
- (h) whether any proceedings are being taken by a mortgagee under a mortgage for an order for foreclosure or to take possession of the residential park.

This amendment inserts additional information in proposed section 142D (3) about a residential park's approval. Again, it is about enhancing information made available to the public and mirrors in some ways the previous amendment, which was not successful. However, I appreciate that all these matters will be considered in the review, which will be a very important process for looking at a whole range of matters that affect these parks, manufactured home estates and camping grounds, both short and long term. I acknowledge that the Government has moved on this and given a commitment to look thoroughly at all these issues in the review. I also appreciate very much having my first opportunity to present amendments to the Chamber and I am very excited that some of them have been supported. I thank all members.

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.55 p.m.]: I do not want to rain on the member's parade as she has done very well. Unfortunately the Government cannot support this amendment for the reasons mentioned earlier. I encourage the member to ensure these proposed amendments are put forward in her submissions to the review.

**The Hon. SOPHIE COTSIS** [5.55 p.m.]: We support The Greens amendment. I advise that we have also supported The Greens amendments on the basis that the Affiliated Residential Parks Residents Association has been very supportive and has been in contact with us.



**Question—That The Greens amendment No. 14 [C2011-079B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 14 [C2011-079B] negatived.**

**Schedule 1 as amended agreed to.**

**Schedule 2 agreed to.**

**Title agreed to.**

**Bill reported from Committee with amendments.**

### **Adoption of Report**

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

That the report be adopted.

**Report adopted.**

### **Third Reading**

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

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendments.**

## **FINES AMENDMENT (WORK AND DEVELOPMENT ORDERS) BILL 2011**

### **Second Reading**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [5.59 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Fines Amendment (Work and Development Orders) Bill 2011. Fine debt is a significant problem for vulnerable people in our community. The Work and Development Orders program, or WDO program, helps to address this problem. It gives people who are very poor, homeless, mentally ill or intellectually disabled the chance to work off their fines through activities such as education, mental health treatment and voluntary work with charities. The scheme operates in partnership with a range of organisations and health practitioners, including Mission Australia, Youth Off The Streets and the Schizophrenia Fellowship, as well as doctors and nurses in our community. These partners support and supervise people who are carrying out work and development orders.

The work and development orders scheme was initially established as a two-year pilot. The evaluation of the pilot was very positive. The evaluation found that the work and development orders scheme helps to reduce reoffending. Over 80 per cent of people who were given a work and development order had not had another fine or penalty notice enforced against them. The evaluation also found that the scheme provides a strong incentive for fine recipients to engage in activities such as vocational courses, and mental health and drug and alcohol treatment. The mental health of many work and development order participants improved.

Furthermore, through participating in the scheme, many participants developed new skills, and increased their employment opportunities. In response to this evaluation, the Government has made the work and development orders scheme permanent. With this bill, the Government is also proposing to amend the Fines Act to implement two of the other recommendations made in the evaluation report. First, the bill opens the scheme up to people who have serious addictions to drugs, alcohol or volatile substances. Secondly, the bill streamlines the work and development order application process, so as to cut red tape and reduce processing times.

I will first address the amendments that introduce additional eligibility criteria for the scheme. Currently the work and development order scheme is open to people who are in acute economic hardship, people who are homeless, people who have an intellectual disability or cognitive impairment, and people who have a mental illness. A person can undertake drug and alcohol treatment as part of their work and development order. However, having an addiction to drugs or alcohol does not, in itself, make a person eligible for the scheme.

To implement a recommendation made in the evaluation report, the bill introduces "serious addiction to drugs, alcohol or volatile substances" as a new ground of eligibility for the work and development order scheme. The term "volatile substances" is intended to refer to substances such as glue, paint and aerosols. If a serious addiction to drugs, alcohol or volatile substances is a person's only ground of eligibility for the scheme—for instance, he or she does not also have a mental illness—the person must undertake either drug and alcohol treatment or counselling as his or her work and development order activity. This will ensure that the person starts to address his or her addiction through the work and development order.

The Government believes that considerable benefits will flow from these amendments. Drug and alcohol abuse comes at a significant cost to the community, and also has a strong association with crime. During the pilot phase of the work and development order scheme, more than 250 fine defaulters undertook drug and alcohol treatment. By making serious drug and alcohol addiction a specific ground of eligibility, other fine defaulters with drug and alcohol issues will also be encouraged to undertake treatment. This has the potential to reduce reoffending and bring about rehabilitation at an early point of contact with the criminal justice system.

The bill also makes amendments to streamline the work and development order application process. Currently an organisation or health practitioner who is supporting a person to apply for a work and development order must compile the documentation to prove their client is eligible, set out the activities that the client will undertake and send the application in to the State Debt Recovery Office. The State Debt Recovery Office must then review all the documentation provided, and ultimately make the work and development order, if appropriate. The bill changes this application process, to enable approved organisations and health practitioners to determine whether or not their client is eligible for the scheme.

The approved organisation or health practitioner will still have to collect documentation to prove their client's eligibility and keep that documentation on file, but the documentation will not have to be reviewed by the State Debt Recovery Office as well. The State Debt Recovery Office can rely on the judgement of approved organisations and health practitioners. The State Debt Recovery Office will remain responsible for ensuring that the proposed work and development order activities come within the scope of the scheme, verifying that the supporting organisation or health practitioner has approval to supervise those activities, and ultimately making the work and development order.

This change will significantly reduce application processing times, which were a concern in the evaluation. This change also makes sense, as it leaves decisions about eligibility to those with the most expertise in this area—organisations and health practitioners who work with vulnerable people. Most approved organisations and health practitioners already have thorough intake and assessment procedures, which cover the same or very similar issues that determine eligibility for the work and development order scheme.

Safeguards will be put in place to ensure that this change is workable and that the work and development order scheme retains its integrity. First, the work and development order guidelines will set out a clear and specific list of documentation that the supporting organisation or health practitioner will have to keep on file to establish eligibility. Secondly, there will be independent audits of approved organisations and health practitioners, to ensure that they are complying with the eligibility and record-keeping requirements of the scheme.

Thirdly, the bill gives the State Debt Recovery Office the power to revoke a work and development order in certain circumstances. The State Debt Recovery Office will have the power to revoke a work and development order if it is of the opinion that an application for a work and development order, or a report on a work and development order, has contained false or misleading information. The State Debt Recovery Office will also have the power to revoke a work and development order if it is of the view that a person does not meet, or no longer meets, the eligibility criteria for the scheme.

This bill makes amendments to expand and improve the work and development order scheme to build on its success. It has come about through cooperation between various groups, including those that I have

mentioned as well as other non-government organisations, the Department of Finance and Services and the Attorney General. The scheme, in part, has its genesis in some work done by the Standing Committee on Law and Justice of this Chamber some years ago. I was fortunate enough to participate in the early part of that committee's work.

**Mr David Shoebridge:** And the Public Interest Advocacy Centre.

**The Hon. GREG PEARCE:** Yes, and the Public Interest Advocacy Centre. I think it appropriate to recognise the roles that those organisations played. I recall the Hon. Christine Robertson, who was then chairing the Standing Committee on Law and Justice, being very keen to see this type of scheme introduced. I commend the bill to the House.

**The Hon. ADAM SEARLE** (Deputy Leader of the Opposition) [6.08 p.m.]: I lead for the Opposition on the Fines Amendment (Work and Development Orders) Bill 2011. The Opposition supports the bill. In short, the bill continues and streamlines a scheme introduced on a trial basis by the previous Government. The objectives of the bill are to broaden the categories of people who can be subject to a work and development order, to include those who have a serious addiction to drugs, alcohol or volatile substances, and to streamline the process of applying and administering work and development orders.

The work and development order scheme was introduced by the Fines Further Amendment Bill 2008, introduced by then Attorney General John Hatzistergos. That legislation followed a number of reviews and reports, including a Sentencing Council report in October 2006, a report by the Homeless Person's Legal Centre and the Public Interest Advocacy Centre—mentioned by Mr David Shoebridge—in April 2006 and the Standing Committee on Law and Justice in March 2006, as was mentioned by the Minister. Those reports highlighted that fines and penalty notices have a disproportionately severe impact upon some of the most vulnerable persons in our society.

The homeless, people with mental illness, people in acute economic hardship and people with an intellectual disability find it harder to deal with the fine system than do many others. They are less likely to be able to navigate the process of asking for an extension of time to pay, or deal with the automatic processes operating on people who do not pay fines. One of the other aspects flowing from these reports was the problem of secondary offending. Fine default can lead to licence or registration cancellation or suspension. This can happen easily for someone without the organisational skills or means to pay a fine, and is itself a serious criminal issue with even more severe sanctions and penalties. They also have a disproportionate impact upon people living in rural and remote areas. Fines and penalty notices can lead to an extensive interaction of already disadvantaged persons with the legal system.

Following the 2006 reports the Government in 2007 asked an interagency working group to consider improvements to the Fines Act 1996. Following wide consultation, the result was the 2008 legislation which introduced a work and development order regime, to be run for two years, followed by an evaluation. That evaluation has resulted in the bill before the House. Last year forums were held to promote the scheme in the Central Coast, Dubbo, the Far North Coast, Newcastle, Sydney and Wollongong. At that stage more than 70 organisations had been approved to participate in the work and development order system. The range of organisations is very broad. It includes the Salvation Army, Mission Australia, St Vincent de Paul, Access Community Group, Bankstown Multicultural Youth Scheme, Boys Town Engadine, Canterbury Youth Services, Come In Youth Resource Centre, Community Restorative Centre, Greek Welfare Centre, Marist Youth Centre, Parramatta Mission Uniting Church, Schizophrenia Fellowship of New South Wales, Shire Wide Youth Services, Summit Employment and Training, and the Allen Drug and Alcohol Rehabilitation Centre.

As at 14 April 2011 there were 143 organisations and 77 health practitioners enrolled in the scheme. As at June last year, work completed by applicants had accounted for approximately \$29,250 in repaid fines—of course, that has increased. The May 2011 evaluation of the scheme by the Department of Attorney General and Justice reported that as at 31 March this year 645 people had been issued with work and development orders and reduced \$205,400 worth of fine debt. An additional more than \$1.8 million of fine debt was under management under work and development orders. Media reports now suggest 700 people have reduced their debt by a collective \$294,000, with a further more than \$1.9 million under management under the scheme.

The original scheme provided for specified groups of people to be able to pay off fines they had incurred through voluntary work with approved charities, undertaking an educational vocational or life skills course, undergoing financial or other counselling, undergoing medical or mental health programs or undergoing

drug and alcohol treatment. For a person under 25 years of age, it could also include undertaking a mentoring program. The order was able to be made by the State Debt Recovery Office if a fine enforcement order had been made and a community service order was not in force regarding the fine. An application for an order had to be made to the State Debt Recovery Office by or on behalf of the person concerned. Those persons in relation to whom an order could be made were a person with an intellectual disability, a mental illness or a cognitive impairment, or a person who is homeless or experiencing acute economic hardship.

Having initially been established as a two-year pilot, the scheme has now been evaluated. The evaluation certainly has been positive and this legislation flows from its recommendations. The May 2011 evaluation found that the work and development orders scheme has helped to reduce reoffending in the fine enforcement system and secondary offending in the broader criminal justice system. In particular, preliminary statistics indicate that 82.5 per cent of work and development order clients have not received another fine or penalty notice enforcement order since their work and development order was approved.

The evaluation found further that work and development orders engage clients in appropriate treatment or activities that they may not otherwise have engaged in, including, in particular, mental health, drug and alcohol treatment; reduce client stress, anxiety and feelings of hopelessness and despair; promote client self-esteem and self-efficacy; build client skills, providing an incentive to work, and may lead to employment or more employment opportunities; and reduce costs to government associated with fine enforcement, ongoing offending behaviour, welfare dependency, mental health problems, and drug and alcohol addiction.

The major change introduced by this bill is to expand the classes of persons to whom an order may be given by including those who have serious addiction to drugs, alcohol or addictive substances, which is important. Granted the other categories already stated in the 2008 legislation, this seems a logical and sensible incremental change in the positive sense. Currently an order can include undertaking drug and alcohol treatment and the Attorney General in the other place reported that 250 persons took this opportunity. The bill also provides that the only activities a person in this added category can be required by the order to participate in are counselling and drug or alcohol treatment.

Other changed aspects contained in this legislation also flow from the evaluation report and aim to streamline the process of applying for an order with practitioners and approved organisations now being able to decide whether a client is eligible under the scheme rather than waiting for a determination by the State Debt Recovery Office. This means that the process can be speeded up, which certainly seems logical. Appropriate safeguards are in place to ensure that this change does not attract unwelcome activities. The Opposition will support the bill wholeheartedly.

**Mr DAVID SHOEBRIDGE** [6.13 p.m.]: On behalf of The Greens I again, for the second time in less than three hours, wholeheartedly support a bill introduced by the Government. Indeed, I believe it is the second time I have supported a bill introduced by the Minister for Finance and Services. The Fines Amendment (Work and Development Orders) Bill 2011 is a good piece of legislation. The bill opens up the work and development order scheme to people with serious addictions to drugs, alcohol or volatile substances, and can require them to undertake treatment or counselling as their work and development order activity if that is their only grounds for eligibility. As the Minister stated, perhaps in slightly different terms, "volatile substances" refers to things such as petrol, thinners and solvents. The bill also changes who determines eligibility for the scheme from the State Debt Recovery Office to approved organisations and health practitioners. The Deputy Leader of the Opposition mentioned a small number of the 70-odd organisations that now are approved, together with the much-larger number of health practitioners.

Of course, the State Debt Recovery Office will retain powers to require supporting evidence, if required, and to revoke work and development orders if the information provided is found to be either false or misleading. This positive reform is fully supported by The Greens. Of course, the bill follows on from a two-year pilot work and development order scheme. Work and development orders allow those who are the subject of an order to satisfy their court fine or penalty notice debt by undertaking courses, treatment or unpaid work with certain approved organisations and health practitioners. Those organisations include Mission Australia, Youth Off The Streets and others.

The Fines Amendment (Work and Development Orders) Regulation also was published on 8 July 2011 and with the bill makes the trial scheme permanent. Organisations such as the National Council of Social Service [NCOSS] have supported the scheme and are pleased that it has been made permanent and opened up to a wider group of people. Feedback generally from the community and from those organisations engaged in youth

programs and dealing with some of society's underprivileged has been positive. It is important to note the role the Public Interest Advocacy Centre played in advocating the scheme in the first place. The scheme is testament to a lot of hard work by many people in the Public Interest Advocacy Centre, supporters of the scheme.

**The Hon. Duncan Gay:** They're a good mob.

**Mr DAVID SHOEBRIDGE:** It is a good mob; it got the scheme up and running by pestering and cajoling the previous Government. It supported and engaged in the review. The scheme is a testament to many people in that organisation that it will become permanent. Of course, a detailed review was undertaken after two years and concluded in the first half of this year. The review examined the two-year pilot fine mitigation scheme established under the 2008 Fines Further Amendment Act and found that work and development orders allowed certain disadvantaged people to clear their fine debt by undertaking a range of unpaid work, courses or treatment with the support of an approved organisation or registered health practitioner. The review found that as at 31 March 2011 some 645 people had been issued with work and development orders. Those 645 people had reduced their level of fine debt by some \$205,400. A further \$1,826,440 worth of fine debt was under active management through work and development orders.

As at 14 April 2011 the review found that 143 organisations and 77 health practitioners were involved in the scheme. The review found that work and development order clients and their supporting organisations and health practitioners were overall emphatically supportive of the scheme. The participants are responding to the review that they support the scheme. The review also found near unanimous support from stakeholders for the scheme to be made permanent. That was a ringing endorsement of the scheme. I refer to participants in the scheme, particularly those from disadvantaged groups and those who are addicted to volatile substances. Often young Aboriginal people face such addictions. There is near unanimous support not only from them but also from their health practitioners and supportive organisations in the community to make this scheme permanent. That is a ringing endorsement of the scheme.

Other figures from the review show that alternatives to incarceration, a knee-jerk reaction to further imprisonment or further engagement in the criminal justice system can produce positive results in the criminal justice system. The review also found that the scheme reduced reoffending in the fine enforcement system and secondary offending in the broader criminal justice system. When people are given an opportunity to step outside the criminal justice system, to deal with their legal difficulties and to engage in the criminal justice system in a different way—such as through work and development orders—they greatly reduce their reoffending through defaults on fines and getting caught up in further criminal processes because of defaults on fines. The scheme also led to a significant reduction of secondary offending by participants. On the preliminary statistics, the review found that 82.5 per cent of work and development order clients have not received another fine or penalty notice enforcement order since having their work and development order approved. Therefore, there are long-term benefits for more than eight out of 10 participants in this process.

The review found that the scheme engaged clients in appropriate treatment or activities that they may not otherwise have engaged in—in particular, mental health and drug and alcohol treatment. These are vulnerable people, often with a mental health problem. That is why they find themselves in the criminal justice system in the first place. The work and development order scheme is sending them off to mental health treatment, treatment they would not have otherwise received. Such treatment not only benefits the individual, but it also benefits their family, support networks and the broader community. Likewise, the review found that people were participating in drug and alcohol treatment that they otherwise would not have received. Instead, they would have been dealt with as serial fine defaulters, which may have escalated to incarceration. These people have been given the opportunity to get treatment, they have taken it and it has been of advantage to them.

While not a statistical finding, the review found that the scheme reduced client stress, anxiety and feelings of hopelessness and despair amongst the 645 people who participated in it. That finding should not be minimised. Having 645 people feeling less anxious and stressed, and having their feeling of hopelessness and despair reduced because of this lifeline, is a compelling reason to expand the scheme. It should be made permanent; it should be a growing part of the criminal justice system. One of the other findings of the review was that the scheme promoted client agency, self-esteem and self-efficacy. That is buzzword language: promoting client agency. When one unpacks that, it means giving people control over their lives; it means making them feel like they can get out of an otherwise desperate situation where they can never meet their fines, where they find themselves going back to court again and again. The scheme gives them a break in what can often be a spiral of despair, despondency and hopelessness; it gives them back control of their lives. That finding should not be minimised.

The review found that the scheme built client skills, provided them with an incentive to work and may well lead to employment or more employment opportunities. Giving people the opportunity to get a job is one of the ladders that can get people out of long-term involvement in the criminal justice system, out of long-term engagement in the default processes for fines. Once people get a job it increases their sense of self-worth and it gives them other opportunities in their life. Often their family and their kids are opportunities in their life. The scheme gives them an opportunity to get employment and to get on with their life. Perhaps from a narrow government budget point of view, the scheme reduces the cost to government associated with fine enforcement and reduces the costs associated with ongoing offending behaviour, including welfare dependency, mental health problems, and drug and alcohol addiction. This bill produces good outcomes; the scheme should be expanded and made permanent. The Greens support the bill.

**The Hon. JAN BARHAM** [6.26 p.m.]: I support the Fines Amendment (Work and Development Orders) Bill 2011. I acknowledge and support the comments made by my colleague Mr David Shoebridge. This bill extends the category of persons who are able to undertake work and development orders. As Mr David Shoebridge said, this system works well. I hope to see more of it. The scheme provides compassion and proven opportunities to support people in a respectful way to transition out of difficult times. It recognises that serious addiction to drugs, alcohol and other substances needs to be dealt with differently. This scheme has been proven to be the way to do it. I congratulate the Government on introducing the bill. This is a very good move. Perhaps the same approach would have been better in relation to graffiti.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [6.27 p.m.], in reply: I thank honourable members for their contributions to this debate, for their support, and for their questions and comments. The provisions of the Fines Amendment (Work and Development Orders) Bill 2011 expand and improve the work and development orders scheme, a highly successful program that gives vulnerable people the chance to work off their fines. Under the amendments people will be able to apply for a work and development order on the ground that they have a serious addiction to drugs, alcohol or volatile substances. The application process in the work and development order scheme will be streamlined because the State Debt Recovery Office will be able to rely on the eligibility assessment undertaken by approved organisations and health practitioners. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

**Leave granted to proceed to the third reading of the bill forthwith.**

### **Third Reading**

**Motion by the Hon. Duncan Gay agreed to:**

That this bill now read a third time.

**Bill read a third time and returned to the Legislative Assembly without amendment.**

### **ADJOURNMENT**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [6.28 p.m.]: I move:

That this House do now adjourn.

### **TRIBUTE TO ALFRED JOHN FULTON**

**The Hon. NIAL BLAIR** [6.28 p.m.]: Vale Alfred John Fulton. John Fulton died in Wagga Wagga on Sunday 28 August 2011 aged 79 years. John was a prominent businessman in Leeton, a qualified property valuer, a former Leeton shire councillor and a National Party stalwart. Mr Fulton only recently stood down as chairman of The Nationals Murrumbidgee electorate council after six years at the helm, citing health issues as the reason. Last year he was recognised for 53 years of service to The Nationals and was presented a certificate by the member for Riverina, Michael McCormack. The son of William and Eliza, John Fulton was born into a political family. In 1957 he joined the Colinroobie Country Party before joining the Leeton branch of the National Party.

He was chairman of The Nationals Leeton branch from March 2004 to July 2011 and a trustee of the Riverina Electorate Council from March 2001 to March 2007. He was awarded a long service medal in 1999 for his service to the party. Mr Fulton had a hand in electing Tim Fischer as the member for Farrer in 1984. Mr Fischer went on to become Deputy Prime Minister in 1996 under John Howard. Mr Fulton was also a great supporter of the former Federal member for Riverina, Kay Hull, the current Federal member for Riverina, Michael McCormack, and the current member for Murrumbidgee, Adrian Piccoli.

**The Hon. Duncan Gay:** And a great supporter of Noel Hicks.

**The Hon. NIALL BLAIR:** That was a bit before my time, but he certainly was a great supporter of Noel Hicks. Mr Fulton was branch chairman—my first—when I joined The Nationals Leeton branch some time ago. Through his party commitments, and with the great support of his wife, Margaret, he attended many functions throughout the area. In Leeton Mr Fulton was well known for being an active councillor who always pushed the issues of the town to the forefront. He was twice elected as a councillor, with his first term extending from September 1977 to September 1980 and his second term from September 1999 to March 2004. His second term coincided with my first five years in the Leeton shire as manager for parks and recreation. John played an instrumental role in the main street upgrade and the library development and on the tree committee.

Mr Fulton was deputy shire president from 1977 to 1980 and chairman of the Leeton Heritage Committee. He was also president of the United Farmers at Narrandera, secretary of a fire fighting brigade and former chairman of the Leeton Chamber of Commerce. John is survived by his wife of 57 years, Margaret, his children, Marion Ceccato, Alastair Fulton and Helen Files, and his grandchildren, Cushla, Shonade, Tara, Tucker and Ainsley. Mr Fulton's funeral was held on Friday 2 September 2011 at St Peter's Anglican Church in Leeton. Unfortunately, I was unable to attend due to my attendance at another function. The Nationals were well represented at his funeral. I came in contact with John on a number of occasions. As members of The Nationals in this place would attest, you knew where he stood and what his views were on issues.

**The Hon. Duncan Gay:** He never left you in doubt.

**The Hon. NIALL BLAIR:** He never left you in doubt.

**The Hon. Duncan Gay:** But he was always nice about it.

**The Hon. NIALL BLAIR:** He was. When I decided to stand for preselection for the upper House, John was one of the first people I spoke to about it. I sat in his living room with him and his wife, Margaret, and he told me that I was too young and it was not a good idea but that he wished me luck. That was how John operated: he was honest and upfront, and kind in the way that he did it. His health problems began a few years ago when on his way back from one of our State conferences his vehicle, which was stopped at traffic lights, was hit by a truck. From then on his health deteriorated. He dedicated his life to our party, and Leeton is the poorer for his passing. He will be long remembered within The Nationals and the community of Leeton. Rest in peace John Fulton.

## GREENWAY PROJECT

**The Hon. PENNY SHARPE** [6.33 p.m.]: Tonight I speak about the failure of the Government to listen to the community and fund a grassroots community initiative that would have provided health and environmental benefits for the community of Sydney's inner west. Last weekend about 200 people turned out to support a community protest in aid of the GreenWay corridor extension from Lilyfield to Dulwich Hill. GreenWays are linear parks or corridors of protected open space. The inner west GreenWay corridor would provide a safe cycling route connecting Cooks River in Dulwich Hill with Sydney Harbour at Iron Cove in Leichhardt. It would include the disused Rozelle-Dulwich Hill goods railway corridor and the Hawthorne Canal valley. Following the announcement by Labor that light rail would be extended from Lilyfield to Dulwich Hill, local residents, community group Friends of the GreenWay and local councils worked together to lobby for the GreenWay—a walking and cycling path together with a number of bushcare sites—to be included in the scope of the light rail project.

In July last year the Labor Government announced that the GreenWay would be included in the light rail extension project. It was a win for the community and a win for Sydney, with the first environmentally sustainable, integrated transport corridor providing an active transport alternative for the community. But the new transport Minister, Gladys Berejiklian, has now deferred the GreenWay without a single mention on a

single line of the budget papers. The Government is all talk and no action on light rail. It has made much of its light rail revolution and has spent plenty of time talking about feasibility studies but it has committed only \$103 million to expand light rail, with the funding going to the inner west light rail. What about the GreenWay? It has been deferred. Work on the light rail extension has begun already, including replacing the ballast, sleepers and rail track to ensure a reliable, safe and comfortable light rail passenger service. The proposed GreenWay corridor is integrated with the light rail. Surely it makes more sense to build both those projects together.

The inner west GreenWay is a grassroots community vision to provide a tree-lined cycling and walking trail and wildlife corridor linking the sub-catchments of two of Sydney's most important waterways. The proposed GreenWay could provide safe and pleasant walking and cycling to schools, shops and parks in the area; access to popular pathways and open space at Cooks River and the Bay Run; a ribbon of native vegetation between the two waterways with fewer weeds; safe crossings under busy roads such as Parramatta and New Canterbury roads; and a model for better coordination of environmental initiatives in the catchment areas surrounding the corridor. This GreenWay corridor is unique and includes five kilometres of waterways, two kilometres of harbour foreshore and three kilometres of riverbank. It also includes six established bushcare sites, with six more starting soon and another 20 on the way. It has 25,000 mature trees, 20,000 square metres of recreated turpentine-ironbark bush habitat and roughly 500 hectares of urban habitat. Further, 25 schools and educational centres, including three high schools, are located along the route, as well as 20 large parks and numerous pocket parks, two swimming centres, three bowls clubs and a golf course.

The GreenWay would connect the community to all these resources in an environmentally sustainable way and provide a safe route to schools, parks and community facilities. The GreenWay is a blueprint for active transport integrated with public transport. It would also provide urban bushland regeneration and preservation zones, allow for natural habitats in a densely populated suburban location and provide a green corridor for animals to migrate between isolated pockets of natural habitat within the city. Yet this Government has chosen to defer the GreenWay. We do not know whether it will ever be built. This Government makes extraordinary claims that public transport fares will be forced to rise because of the carbon tax, yet it shows no vision in supporting an eco-friendly addition to public transport.

The GreenWay Project has been worked on for more than 10 years. It has the support of local residents, councils, environmental groups and campaigners to incorporate it into the development of the light rail network corridor. It also is supported by the New South Wales Environmental Trust and Sydney Water and previously Transport New South Wales and RailCorp. That support has obviously been pulled by the incoming Government, which has decided that the GreenWay Project is not worth it. I ask the Government: Why will it not fund this initiative now? Why will it not give the community an answer? Deferring the project is not an answer. The Government must commit to the GreenWay and build it now.

### NATIVE VEGETATION LEGISLATION

**The Hon. ROBERT BROWN** [6.37 p.m.]: Tonight I speak about the urgent need to reform native vegetation legislation in New South Wales. Property owners who fall foul of this legislation feel put upon because they consider it to contain unfair and/or unjust provisions about what they can and cannot do on their own land—I emphasise "on their own land". The NSW Farmers Association has been working hard to find the right balance of legislative amendments, and the member for Northern Tablelands in the other place has also been proactive in this area. For nearly 20 years this State has had a seemingly endless process of implementing native vegetation controls on private land. To say the least, this has been an expensive and divisive process. We have seen situations where restructured environmental and natural resource agencies have taken different approaches to the same issues over time.

At the same time, planning departments, shires and various councils have developed their own clearing controls—for example, wildlife corridor zones and ordinances—which override the Native Vegetation Act exemptions. Put simply, for nearly two decades there has been a lack of coordination between the various bureaucracies on how to implement aspects of biodiversity policy on farmland or, even worse, no genuine attempt to sort out the mess. It is time that this changed. The O'Farrell Government swept to power on a promise to get this State going again. Let it start with reforming the native vegetation legislation, and let us get it right once and for all. The Government will have the support of the Shooters and Fishers Party in this Chamber if it brings forward comprehensive reforming legislation of its own or if it supports such legislation put forward by the member for Northern Tablelands in the other place.

As an example of the difficulties with this legislation, I refer to a letter from a constituent in the Tamworth area whose problems are apparently not unique. He claims that he is being unfairly and unjustly



prosecuted by the now Department of Environment and Heritage in relation to the clearing of native vegetation between 2004 and 2006. When he bought the property in 2003 it was overrun with noxious weeds—blackberry and nodding thistle, regrowth timber and old windrows from clearing over the previous 50 years. In 2008 departmental officials demanded access to the property, apparently suggesting they could "make things difficult" if they were not allowed onto his land.

In March 2010 the owner was advised by the Regional Manager of the Department of Environment, Climate Change and Water in Armidale that "alleged offences under the Native Vegetation Act prior to December 2006 were not being enforced because satellite imagery of vegetation removed was not conclusive". However, despite that advice, the department has since been pursuing the family and placed a remediation order on the property in May this year. The order prevents the use of 31 hectares of land for a minimum of 10 years. The land has had to be fenced to control noxious weeds and feral animals and it has to be maintained for an unlimited time without vehicular or machinery access. What an absolute joke! While unable to use the land, the owner still has to pay the council and Livestock Health and Pest Authority rates.

I am told that the land in question was selectively cleared, leaving areas of remnant vegetation and shade and shelter belts, and that it did not interfere with the riparian zones. Apparently, aerial photos dating back to 1953 show that the property has been continually cleared and improved in a manner sympathetic to normal conservation practices—which is what most farmers do. The current owners believe they should be exempt from prosecution under the routine agricultural management practice policy, which they say they followed. Furthermore, catchment management staff who visited the property observed no environmental damage due to the farmer's management practices. It is cases such as this that show the urgent need for native vegetation legislation reform.

### **NOT-FOR-PROFIT SECTOR**

**The Hon. MICK VEITCH** [6.41 p.m.]: I have spoken previously in this place about the Productivity Commission's research report "Contribution of the Not-for-Profit Sector". Last week I had the opportunity to read the Australian Government's document "Final Report—Scoping Study for a National Not-for-Profit Regulator". The final report follows on from a consultation paper that was released in January 2011 and generated 161 submissions. My interest in this final report arises from my long association with the not-for-profit sector. There has been continual reform of the sector for a long period, and certainly since the 1995 Industry Commission report "Charitable Organisations in Australia". Indeed, the sector is clearly in a constant state of reform.

Reform of the sector has undoubtedly created pressures for the volunteers and workers across a range of not-for-profit service providers. One of the constant complaints I hear from the sector is how difficult it is to comply with myriad State and Federal legislation. The constant governance, disclosure and compliance requirements can be quite burdensome—in respect of finance and time—for the not-for-profit sector, particularly those heavily reliant upon volunteers to survive. It is a regular complaint that governments of all persuasions and at all levels require the same level of governance, compliance and reporting regardless of the size of the organisation. Again, if a not-for-profit organisation has a broad range of funding sources it will also have to develop and comply with numerous complex and often bureaucratic reporting regimes. Reporting mechanisms can be duplicated across all levels of government and simply increase the costs associated with operating a genuine not-for-profit organisation.

I have had the view for quite some time that the most important reform to be undertaken in the not-for-profit sector is the adoption of a national charity commissioner based on a model similar to that in operation in England. In England the Charity Commission is the independent regulator of charities in England and Wales. Its role is to provide advice and guidance to registered charities. The Charity Commission also ensures that charities are accountable and meet their legal obligations. It is a one-stop shop model that I believe can only enhance the operation of not-for-profit organisations in Australia. It would simplify information dissemination and encourage volunteers of smaller not-for-profit organisations to undertake or participate in the governance of their organisation.

The report also provides information on other models of not-for-profit organisations or charity commissions in other jurisdictions—for instance, the Charity Commission of Northern Ireland, the Office of the Scottish Charity Regulator, and the Charities Directorate of Canada, as well as arrangements in the United States of America, New Zealand and Ireland. This report has confirmed my long-held view of the need in Australia for a national not-for-profit regulator. It will be a long process and, as the report indicates,

constitutionally it is not solely the responsibility of the Commonwealth. The States will also need to support the implementation of a single national regulator for the not-for-profit sector in this country. To this end, I urge the New South Wales Government to commence work—if it has not yet done so—on this very important issue.

It will not be easy. Indeed, I suggest the concept will prove very complex and difficult to bring to fruition. There will be many in the not-for-profit sector who will fight the need for such a reform. However, I am certain that the efficiencies a single national regulator for the not-for-profit sector will create, the confidence and certainty it has the potential to engender across the sector, and improvements in governance and accountability it will bring will—indeed must—ensure the long-term sustainability of a most important sector in this country. I urge all honourable members to read the document "Final Report—Scoping Study for a National Not-for-Profit Regulator". The report asks many questions but it has charted a way towards a national not-for-profit regulator in Australia.

## FOSTER CARE

**The Hon. JAN BARHAM** [6.45 p.m.]: This evening I speak about foster care. For the majority of young people today, their journey to adulthood often extends into their mid-twenties. It is a journey from restricted to full citizenship, from a childhood status characterised by dependency to an adult status derived, in part, from choices. Such life-course choices from which adult rights and responsibilities flow are mediated by the impact of a person's socioeconomic background, their ethnicity, their gender and any disability they may have. In contrast to the extended transitions made by most young people, the journey to adulthood for many young care leavers is shorter, steeper and often more hazardous. Yet, against many odds, some of these young people have succeeded. They have found fulfilment in their careers and personal lives. What has contributed to the resilience of these young people? How have they been prepared for and assisted during their journey?

Foster carers are people who voluntarily care for children and young people in our community who are unable to live in their own home, irrespective of whether that may be for a few days or until a child becomes an adult. Foster carers stretch their family circle to give children and young people the necessary care, safety and support they require during a very difficult time in their lives. The new Fostering NSW foster care recruitment drive has been a great success and shows how working together with non-government organisations can really make a difference. Around 60 per cent of all new inquiries about foster care during the campaign were prompted by television, magazine, newspaper or online advertising, demonstrating that these advertisements really made an impact on the intended audience.

People become carers for a variety of reasons, but the main motivation is that they love and enjoy the company of children and have the time and energy to provide a caring home for them. More than 9,000 Australians have taken up the challenge of foster care. Although many children are in care there is not much information about how these children view their circumstances. The Child Guardian Report 2006 followed a survey on the outcomes experienced by children and young people in child safety systems in Queensland. The survey represented the views of around 31 per cent of all children living in Queensland foster care and residential facilities.

At the time it was a landmark survey because it provided the first large-scale, balanced view of out-of-home care through the eyes of those experiencing it. No other Australian jurisdiction has undertaken such a survey, and indeed such information is lacking internationally. The survey revealed that the majority of children and young people felt their lives had improved since coming into care, with around 90 per cent of them indicating they felt they were better off since entering care. Ninety-eight per cent of children and young people who responded to the survey indicated that they felt safe in out-of-home care. Some of the comments about why children and young people felt safe included:

No one harasses me here. No one annoys me here. I don't get bullied, don't get pushed and shoved.

This family is a very caring home.

Other positive responses were that 98.9 per cent of young people surveyed stated that they felt their foster carer treated them well, and 84.5 per cent of young people surveyed stated that things had improved for them in the past 12 months, saying things like:

They have improved because I am placed with my current carer.

I am treated with more respect. I am happy most of the time.

In addition, around 95 per cent of young people and 93 per cent of children said the rules and discipline at their placement were reasonable, and 94 per cent of young people and 93 per cent of children said their possessions were treated with respect at their placement. Of those surveyed, nearly 23 per cent of young people and around 29 per cent of children identified as being Aboriginal and/or Torres Strait Islander. This reinforces the need for us to stay focused on improving outcomes for Indigenous children and young people. The cultural appropriateness of placements for Indigenous children and young people is a particular concern.

I encourage us all to remember the real and positive change that can occur in a child's life because of good foster care. This is best summarised by one of the young people who responded to the survey. She said the best thing about her foster carer was, "I am not afraid to come home. She respects me with love. It feels like home and I am so happy here." This kind of outcome that thousands of foster carers around Australia deliver is priceless.

### **TRIBUTE TO PHILL BATES, AM**

**The Hon. MARIE FICARRA** (Parliamentary Secretary) [6.50 p.m.]: Phill Bates, AM, has been married for 34 years to his lovely wife, Barbara. He has lived most of his life at Gympsea Bay. He has four children, Kareen, Gavin, Mitchell and Cameron, and now four grandchildren. A successful businessman in Hurstville as proprietor of Bates Bikes, Phill has built a magnificent reputation in all aspects of cycling, sports promotion and community activities. This year he celebrates his forty-fifth year on the St George Cycling Club's executive committee. For the past 18 years he has been president of that club, which is recognised as one of the most successful sporting clubs in Australia. A former State representative, Phill sacrificed his own cycle racing career to coach, administer and promote the sport. His career included coaching cyclists who went on to win world, Olympic and Commonwealth Games gold medals, and he remains a mentor for them today.

At 23 years of age, he was secretary of New South Wales Cycling and remains a life member, having served 19 years on the New South Wales Cycling executive. Phill was a board member of Cycling Australia through the 1990s until 2005, and he was part of the world federation, the Union Cycliste Internationale, from 1993 to 2001. In 1995 and 1997 Phill staged track world cups in Adelaide and was chairman of the World Track Cycling Championships in Perth. Phill staged the first world cup road cycling events for women at Centennial Park, attracting the greatest women's field ever assembled in the world. He also organised the Tour de Snowy for five years, which was an event staged to promote Thredbo as a safe destination following the Thredbo landslide in 1997. The event became the biggest international race for women's cycling. Phill joined parliamentary figures Gough Whitlam, Don Chip and Sir James Killen as an ambassador of the Snowy's fiftieth anniversary celebrations, raising considerable funds and promoting the year-long celebration.

However, Phill's main focus of attention was staging the successful Commonwealth Bank Cycle Classic from 1982 to 2000. This was initially an amateur race but became the highest-profile amateur event in the world—attracting a total of 370 Olympians, including more than 70 world and Olympic champions. Many cycling aficionados say that it was the event that contributed to the rise of Australian road cycling. We recently saw Cadel Evans win the Tour de France and there have been many other great performances. Phill staged the famous Goulburn to Sydney race for more than 25 years, World Series Cycling and the national championships as far back as 1971. He worked with the Sydney Olympic Games Organising Committee to deliver the facilities required for all road events at the Sydney Olympics.

Phill's time and efforts have not only been restricted to Australia; he also successfully staged the Tour of Hawaii for several years. In 1993 Phill Bates was the founding chairman of the New South Wales Sports Federation, and he still assists it today. Throughout the 1990s he staged the Council Youth Games to foster athletics and swimming. Phill helped stage the Australian Open, World 10 Dance Championships and World Cup Show Jumping. In 1995 he conducted the Fred Hollows 500 kilometres International Teams Relay Race, which was an event staged from Bourke to Sydney that raised much-needed funds for that worthwhile organisation. Many of Phill's initiatives have raised millions of dollars. He has supported the Starlight Foundation, the Rotary Wing of the Children's Hospital at Westmead and the Victor Chang Cardiac Research Institute. From 1995 to 1998 Phill was a driving force behind the construction of Bezzina House, a 15-room cancer care lodge attached to the St George Cancer Centre that was opened by then Governor Gordon Samuels in June 1998. It has provided more than 55,000 nights of accommodation for many country people of New South Wales.

Since 2002 Phill has played a leading role in raising close to \$4 million to construct the first Prostate Cancer Institute, opened by the Hon. Jillian Skinner in August this year, as a one-stop shop for prostate cancer

sufferers. He has raised the funds by staging numerous events over the past eight years, including charity balls, sports dinners and golf days. Over the past eight years he has also been instrumental in raising substantial funds through the Ride for Life, an organisation that has joined with the Lifestyle Clinic, Prince of Wales Oncology and the University of New South Wales to develop the very first Cancer Survivors Centre in this State. Close to home for me, when Cronulla needed positive promotion following the riots in 2005, Phill staged a major national cycling event. The one-day event developed into a major five-race series with the support of Events NSW, attracting many of the world's best athletes, including 40 international stars. The event gained national Channel 9 coverage for Bathurst, Parramatta, Gosford, Coogee and Cronulla. This year's Grand Prix Series will again have national Channel 9 coverage over the five days through Bathurst, Parramatta, Gosford and Wollongong, culminating in Cronulla for the big finish. It is a tribute to Phill Bates, a truly remarkable Australian.

### **TRIBUTE TO CHRISTINE HARCOURT**

**The Hon. LUKE FOLEY** (Leader of the Opposition) [6.55 p.m.]: I pay tribute to the late Christine Harcourt. Christine Harcourt was a prominent figure in the life of the Surry Hills, inner-city and South Sydney communities. She passed away on Sunday. Christine served for 13 years as a councillor on South Sydney Council, as it then was, including a period as deputy mayor of South Sydney. She was a mainstay of the Surry Hills community. She was the backbone of the Surry Hills branch of the Labor Party. She served in that branch for more than 30 years and for as long as I knew her she was a member of the executive of the Surry Hills branch of the Labor Party.

Christine worked with local residents to respond to the development of a sex industry in the local Surry Hills area and attempted to ensure that council put in place policies that looked after the long-term residents, particularly of the Surry Hills suburb. She worked with the local police and community and youth organisations to help disadvantaged people in Surry Hills. Christine was old Labor. She was the sort of person who I am sad to say is passing from the ranks of today's Labor Party. I am glad to have been able to count her as a friend. I mourn her passing and I extend my condolences to her family and loved ones.

*[Time for debate expired.]*

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

**Motion agreed to.**

**The House adjourned at 6.58 p.m. until Wednesday 7 September 2011 at 11.00 a.m.**

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