

# LEGISLATIVE ASSEMBLY

Tuesday 11 May 2010

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**The Speaker (The Hon. George Richard Torbay)** took the chair at 1.00 p.m.

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

*[During the giving of notices of motions.]*

**Mr Daryl Maguire:** Point of order: Mr Speaker, you have ruled previously on the length of notices of motions. As important as this notice of motion is, I draw your attention to its length and ask that you remind members to comply with your previous ruling.

**The SPEAKER:** Order! I ask the Clerks to amend the notice of motion to ensure that it conforms to the standing orders.

**Mr Paul Gibson:** Point of order: I draw attention to the length of the notices of motions and ask that they be reviewed.

**The SPEAKER:** Order! I uphold the point of order. I have ruled previously in relation to the length of notices of motions. Members should avail themselves of the advice of the Clerks in relation to their notices of motions. Lengthy notices of motions will be amended by the Clerks at my request.

## PRIVATE MEMBERS' STATEMENTS

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### ANZAC FIELD OF REMEMBRANCE, THE ENTRANCE

**Mr GRANT McBRIDE** (The Entrance) [1.10 p.m.]: The Entrance and Long Jetty War Widows Guild again invited me to attend the dedication service for the Anzac Field of Remembrance at The Entrance Memorial Park Cenotaph. As members are aware, Anzac Day marks the anniversary of the first major military action fought by Australian and New Zealand forces during the First World War; the soldiers were known as Anzacs. Anzac Day remains one of the most important national occasions for both Australia and New Zealand. This is a rare instance of not only two sovereign countries sharing the same remembrance day but also making reference to both countries in that day's name.

On 30 April 1915, when the first news of the landing reached New Zealand, a half-day holiday was declared and impromptu services were held. The following year a public holiday was gazetted on 5 April and commemoration services were organised by the returned servicemen. The date 25 April was officially named Anzac Day in 1916, and was marked by a wide variety of ceremonies and services in Australia and New Zealand. The first official dawn service was held at the Sydney Cenotaph in 1927. Dawn services were originally very simple and followed the operational ritual; in many cases they were restricted to veterans only. The daytime ceremony was for families and other wellwishers and the dawn service was for returned soldiers to remember and reflect among the comrades with whom they shared a special bond.

Today Australians young and old pay tribute to those who made sacrifices in the many conflicts over the past 100 years. The Entrance and Long Jetty War Widows Guild commemorates Anzac Day with its special dedication service. This year we were welcomed to the dedication service by Mrs Elsie Small, who introduced us to the Reverend Wilma Bond, who opened with the *Lords Prayer*. Mrs Shirley Johnson, President of The Entrance and Long Jetty War Widows Guild, gave a recitation of the *Ode*, and this was followed by the *Last Post* from bugler Kylie Walker. There was then a dedicatory prayer. I, accompanied by my mother, Elaine, was

honoured to be part of the cross-laying ceremony. This is a very special event for my mother, who is now some 83 years of age, as her father was an original Anzac and her three brothers served in World War II. Her youngest brother, William, was killed in the last days of World War II. So for my mother Anzac Day is a very special day, and I really appreciate having the opportunity to accompany her so that she has this opportunity to venerate those who gave their lives and the members of her family who have passed away.

The war widows planted crosses, then guests and the general public were invited to plant a cross in remembrance of relatives and friends who gave their lives in the service of their country. Again, it was a stirring ceremony, and the families and young people who were there were moved by this spiritual and solemn occasion. I want to thank Shirley Johnson and the War Widows Guild, The Entrance-Long Jetty RSL Sub-Branch President, Allan Fletcher, OAM, its secretary, Ray Toomey, and the 17th Infantry Battalion's Colin Wild, who led the singing. Everyone worked tirelessly to make the day truly one of remembrance.

Typical Anzac services follow a pattern that is now familiar to generations of Australians and contain the following features: an introduction, a hymn, a prayer, an address, the laying of wreaths, a recitation, the playing of the *Last Post*, and a minute of silence. I am sure everyone would agree with me that that minute of silence is the longest minute of silence one ever has. It is a very moving occasion, as we have all experienced. At The Entrance Memorial Park, following events such as the Anzac Day and Remembrance Day services, families often place artificial red poppies beside the names of relatives on the memorial's Roll of Honour and sprigs of rosemary are often worn on lapels to remember those who gave their lives. Again, I extend my thanks to the organisers of the dedication service. It reminds me of how proud I am to represent both my State and the electorate of The Entrance at such a worthy ceremony.

### ROTARY AWARDS

**Mr JONATHAN O'DEA** (Davidson) [1.14 p.m.]: Rotary award presentations focus on local achievements and people who have put great effort into their work, and who in turn assist in building our local communities. Like the many volunteers we honour during this National Volunteer Week, Rotary award recipients put exceptional effort into our community through their work in different spheres, striving towards a common goal of bettering our society and hopefully enjoying it in the process. As a service organisation, Rotary aims to improve the quality of life in our society through community service activities. One such activity is its conferral of local Community Service Awards, an event that recently took place in Rotary clubs at St Ives and Lindfield in my electorate of Davidson.

The awards recognise outstanding individuals such as the five volunteers recognised by the Rotary Club of St Ives at Pymble Golf Club on 28 April 2010. The awardees included Elsje Osborne from the St Ives Netball Club, for her 10 years service to her club in the role of umpire convenor. Due to Elsje's efforts the club now has a large number of accomplished and committed umpires. Jo Harris from the Historical Society of Ku-ring-gai was honoured for her eminent work as a wireless operator and radio historian. The diversity of Jo's participation in community service includes coordinating the communication centre for the 1991 "Big Storm" that hit Sydney. She was also the "mission control" for Dick Smith's epic hot air balloon flights from Western Australia to New South Wales and from New Zealand to New South Wales.

A husband and wife team, Rob and Pam Mayrick from Ku-ring-gai Meals on Wheels, were recognised for their stalwart service over 17 years in the delivery of meals to the elderly and infirmed in Ku-ring-gai. Harry Cramer from the State Emergency Service was awarded for more than 45 years service to the State Emergency Service. Harry has been involved in many of the natural disasters that have hit Sydney, including the firestorm of 1993-94, the eastern suburbs hailstorm of 1999, the Nyngan floods of 1990, and the tragedy that occurred in Thredbo. He was already the holder of several National Medals and the Volunteer Medal in 2001.

Meanwhile, at Lindfield Rotary club three people were also recently honoured with awards. A Pride of Workmanship Award went to Lisa Johnston for many years service to Lindfield Pharmacy, while Community Service Awards were conferred upon Tim Cox, AO, for service to the performing arts, including the Australian Ballet and Bell Shakespeare Company, and Namoi Dougall for her service to the refugee and migration tribunals and her work as the current chairman of Ku-ring-gai Youth Development Service. Rotary clubs such as those of St Ives and Lindfield are extremely active in our community, and I enjoy supporting their causes. As recently as last Saturday week I travelled from a graffiti clean-up activity that Lindfield and Turramurra Rotary clubs were involved in to the St Ives Village Green Fair, where St Ives Rotary Club was raising community awareness of important causes, including Rotary's Polio Plus campaign. I am sure all members appreciate and admire the voluntary work that Rotary performs and the way it inspires others to make further outstanding performances.

### SCENIC HILLS EXPANSION PROJECT

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [1.18 p.m.]: The southern part of the electorate of Macquarie Fields includes the rural suburb of Varroville, of which the Scenic Hills area is a part. Yet again, our much-loved Scenic Hills are under threat. This time it is about a proposal by AGL to extend the existing natural gas harvesting to this area, called the northern expansion of the Camden gas project. This expansion would consist of a network of wells connecting to a processing plant, which we recently found out would be constructed in Varroville. These wells use water to fracture a coal seam and then the methane gas is piped under low pressure to a processing plant. These processing plants have a pilot light, are able to vent excess methane, are about 100 metres square, and surround a smaller active area of about 20 metres square. Such a processing plant already exists at Rosalind Park, near Menangle. The plants have about a 15-year life span.

When I first met with AGL in February 2009 there was no indication that any processing plant would be constructed at the proposed site in Varroville. In fact, AGL representatives said at that stage that they did not know where the gas processing plant would be constructed. I expected that the community and I would be kept in the loop about future plans. In fact, the sheet they gave me at that time read:

The consultation program will initially involve landowners to assist in siting of the wells, plant and gas gathering lines along with Councils (Camden and Campbelltown), MPs and key government agencies.

Since then, things have changed. AGL has proposed, and has had approved, a plant at Leaf's Gully near Appin, despite community opposition. These developers have form, so imagine my surprise when I learned through the media of the latest plans for the northern expansion of the Camden gas project to go ahead. I understand from AGL's report that the environmental assessment study will be submitted to public exhibition during May 2010. It is now 11 May, and I am yet to hear when and for how long the study will be exhibited.

The processing plant is an inappropriate development because it will be so close to green space and an educational precinct. Already on the site is the wonderful Mount Carmel High School at Varroville. There is a well-advanced proposal for a Serbian Orthodox school, St Sava's, to be built nearby. The site also has a Carmelite retreat centre. This is a site of quiet and learning: it is not a mining area. If the science of mining is so precise, how did the enormous methane-induced explosion of an oilwell in the Gulf of Mexico happen? I have received many letters about this project. I cite one from Mr Greg Johnston of St Andrews, who wrote:

I wish to register my very strong opposition to the proposed development in this area, more specifically the AGL gas plant, truck stop and business park, in what was supposed to be a protected green corridor. If I wished to live next to these types of developments, I would have just moved to the city. All of my neighbours are of exactly the same opinion. We elect our government to hopefully look after the best interests of our country and our community, but it now seems our interests are being overruled by bodies such as AGL, the RTA and the Cornish Group. Believe me when I say our entire community is sick and tired of the constant assaults on this small strip of land that is so important to our area.

I could not agree more. Robert Skoczylas, who is a student at Mount Carmel High School, wrote:

Our local MP Andrew McDonald, it's important that you step up for what's right. You were elected to be the voice of local concerns like this gas plant.

I have received many emails and phone calls expressing similar sentiments from extremely diverse groups and individuals, not one of whom has been in favour of the plant. Unlike the previous assault on the scenic hills by the RTA, which is government owned, AGL is, and always has been, a private company with no more relation to government than has any other shareholder-owned company.

I understand that the project will be the subject of a part 3A application. Although the Campbelltown City Council has been removed from the approval process, it has objected to the proposal as it exists and has passed a motion opposing the project because of the proposal's significant potential to adversely impact upon the natural environmental, cultural and scenic values of the Scenic Hills district, the condition of the Georges and Nepean rivers catchments, the air quality of the subregion and the current and future council strategies and policies. Together with other members of Team Macarthur, I have met with officers of the Minister for Lands to express our united opposition to this development. I state for the record my complete opposition to the proposed northern expansion project. I urge the New South Wales Government not to approve it.

### ORANGE ELECTORATE MEDICAL RESCUE AND RETRIEVAL SERVICES

**Mr RUSSELL TURNER** (Orange) [1.22 p.m.]: I again highlight that the Central West does not have an adequate medical rescue and retrieval service and object to the Government's insistence that the current service is adequate. On 10 May the *Central Western Daily* stated:

An injured bushwalker who had to be carried out of a canyon by emergency services personnel has again highlighted the deficiencies of the Orange-based rescue helicopter.

A delicate rescue operation was launched on Saturday after a 30-year-old man fell 15 metres to the base of a waterfall at the Mullion Range State Conservation Area near Orange.

He broke his leg and ankle.

Police, the NSW Ambulance Service, NSW Fire Brigades, NSW Rural Fire Service and State Emergency Service attended the scene after the first triple-0 call was received shortly after midday.

However, the man did not arrive at the Orange Base Hospital until nearly 3 hours later.

Emergency services personnel have told the *Central Western Daily* the man should have been airlifted out of the rugged terrain but could not because the Orange-based rescue helicopter is not fitted with a winch.

Instead, the injured man was strapped on to a stretcher and carried for 20 minutes through rugged terrain to an awaiting ambulance.

After CHC Australia won the \$21 million contract in 2007, the company used second-hand helicopters that are inferior to the helicopters used when CareFlight held the contract for the previous 20 years. The EC145 that was finally supplied by CHC is smaller than the CareFlight helicopter. My understanding is that when the EC145 arrived in Australia it was fitted with a winch, but the Government had that removed because the helicopter was assigned to Orange. I do not know whether the previous Minister or someone else in the Government decided that Orange did not need a helicopter fitted with a winch for the reason that all the country west of the mountains is flat. I know that you, Mr Acting-Speaker, have visited the area and are aware that all the country west of the mountains is not flat—as evidenced last weekend by the injury that occurred in the Mullion Range, which is one of many areas of rugged terrain in the Central West.

I cannot understand why the Government will not support the Central West medical rescue and retrieval service by providing appropriate helicopters when the region has as many call-outs as do the Sydney and Wollongong services, which operate on a 24-hour basis. The Central West would receive far more call-outs than Wollongong if the Central West had an AW139 helicopter that is fitted with a winch, night-flying capacity and equipped for 24-hour operation. The Government provides AW139 helicopters for Sydney and Wollongong, but denies an equivalent level of service to the people who live in the Central West.

The circumstances I have outlined beg the questions: What if the man injured in the Mullion Range had had a brain injury instead of a leg and ankle injury? What if he were unable to be placed on a stretcher and taken to an ambulance? How would a person with a brain injury have been taken out of rugged terrain and to a hospital within an appropriate time frame? Fortunately, the man who was injured last weekend was able to be taken out of rugged terrain on a stretcher. However, he did not arrive at the Orange Base Hospital until three hours after the accident occurred. If the Central West had an appropriate helicopter available for the rescue—with winch facilities and paramedics who were trained to use the facilities—it would have taken well under an hour, not three hours, to transport the patient to Orange Base Hospital.

Typically, the Government repeatedly denies people who live in the Central West a medical rescue and retrieval service that is equivalent to the service received by people who live in Sydney and Wollongong. If an AW139 had been summoned from Sydney to attend the accident, apart from the cost, it would have added an hour to the time taken to transport a patient to the Orange Base Hospital, which is quite capable of treating a patient with a broken leg and a broken ankle. The injury did not require the patient to be transported to a Sydney hospital. The helicopter dispatched from Sydney would have had to travel to the Mullion Range and transport the patient a short distance to the Orange Base Hospital, which would take approximately 15 minutes by car, and then return to Sydney or Wollongong. That would have been a complete waste of resources, and all because the Government refuses to acknowledge that the Central West should have an AW139 helicopter, thus providing a level of service that is equivalent to the service provided in Sydney and Wollongong.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [1.27 p.m.]: I note the concerns expressed by the member for Orange relating to the availability of an adequate medical rescue and retrieval service from the Orange Base Hospital. But while I note, based on the facts he has outlined, that the concerns he has expressed seem to be quite legitimate, one thing was missing: I did not hear any reference to meetings being convened with appropriate Ministers.

Parliament will sit for the next two weeks. I know the member for Orange is very passionate about the issue, and rightly so: all members of Parliament like to know that when their constituents are in distress, appropriate services are available to provide aid and to airlift them to a hospital within an appropriate time frame so that appropriate medical attention can be given to them. However, I note that no reference was made

during the member's speech to any correspondence being sent to the appropriate Ministers or to any meetings being convened. I hope that during the next two weeks the member will take the time to highlight these issues to the appropriate Ministers in support of his constituents.

### **MALTESE WELFARE NEW SOUTH WALES INCORPORATED QUIET ACHIEVERS AWARDS**

**Mr PAUL GIBSON** (Blacktown) [1.28 p.m.]: I draw to the attention of the House that on 24 March this year I was pleased and honoured to be invited to attend as a guest and a guest speaker the Quiet Achievers Awards held by Maltese Welfare New South Wales Incorporated to confer recognition on worthy recipients. The function took place at St Dominics Hostel at Blacktown, which is a fantastic venue for social occasions. Present at the event were the Consul General for Malta, Mr Chris Mercieca, the Vice-President of Maltese Welfare New South Wales Incorporated, Nathalie Gatt, and the master of ceremonies for the evening, Rita Kassas. All those involved in making the evening a success did a wonderful job.

Also present that evening was Reverend Robert Galea, a spiritual and contemporary singer who is not too far off becoming a priest. If he is as good at his religious work as he is as a singer he will probably finish up Pope. Reverend Galea first came to recognition during the World Youth Day celebrations. It was an honour for me to formally recognise the work of so many selfless and generous individuals. I thank Maltese Welfare NSW for inviting for me to attend this function and for its tireless work in supporting the New South Wales Maltese community. It is a sign of commitment and deep involvement in this community that each year the vital work of so many elderly first- and second-generation Maltese people are honoured by this organisation.

Let us now look at a few facts. At the last census in 2006 there were about 61,500 people of Maltese ancestry in New South Wales. Of those people, around 15,500 were born in Malta and almost 11,000 of those people live in western Sydney. That means that almost 70 per cent of Maltese-born people in New South Wales have chosen to live and raise their families in western Sydney. They have brought to this nation and this region a strong regard for community, an ethic of hard work and, most of all, a tremendous sense of family. The recipients embody all of those qualities and are, indeed, quiet achievers—people whose deeds go largely unsung. Yet, for the people whose lives they touch they supply vital and often life changing acts of human generosity and kindness.

Since 2001 Maltese Welfare NSW has recognised the contribution of 164 members of this community. On that evening 12 new people were added to the honour roll: Esther Agius, Theresa Agius, Samuel Axiaq, Danny Borg, Connie Degabriele, Joseph Ebejer, George Ellul, Alex Exton, Carmen Exton, Mary Pace-Feraud, Bernadette Sammut and Edwin Zammit. It was great to see these dedicated, community-minded people honoured that evening. They are an example to us all. People such as Therea Agius, of Fairfield Heights, who visits older people in nursing homes; Samuel Aziaq of Greystanes, the chief executive officer of the Australian Genies charity, which raises money for kids who have a disability or are terminally ill; Connie Degabriele of South Coogee, 76 years old and still an active member of St Vincent de Paul, visits sick people, helps in the office and the church, and is a leader of a Daceyville Maltese group; Joseph Ebejer of Winston Hills, 80 years old, has not let age slow him down and visits older people at their homes, and has helped many Maltese people to settle in New South Wales; and Edwin Zammit of Fairfield Heights, also 80, still does maintenance work at church, visits older people in nursing homes, gives the Holy Eucharist to the sick, and remains an active member of the Maltese senior group in Fairfield.

All of those people are leaders and inspirations to us. It is to the credit of Maltese Welfare NSW that this night of recognition was established. The organisation is to be congratulated for its dedication to the Maltese community in our State and in Australia; it is doing tremendous things to enrich our great nation. Australia is probably the envy of most countries in the world because we live in peace and harmony. These people from the Maltese community have done so much to help us all live in peace under the great umbrella of multiculturalism.

### **HAWKESBURY ELECTORATE ROAD SAFETY**

**Mr RAY WILLIAMS** (Hawkesbury) [1.33 p.m.]: I would like to speak about a couple of road safety concerns in the electorate of Hawkesbury. I refer first to the Bells Line of Road, which links Richmond with the namesake suburb of Bell, close to Lithgow. This is possibly one of the most beautiful scenic routes through my electorate for those travelling across the Blue Mountains, but it hides a hidden peril—the consistent falling of branches from significant gum tree foliage along the road. Dead and decaying trees along the side of the road also add to this problem. One would think it would be rare to witness a tree branch fall on top of a vehicle but,

unfortunately, it happens regularly along this road. Mr Bill Shields, captain of the Bilpin Rural Fire Service, has raised this issue dozens of times with me. Over the past 10 years he has been a strong advocate for the removal of some of these trees and their branches because of the number of significant accidents that have occurred in the area.

Last year Jeff Allatt, who lives past Bilpin, wrote his car off when a tree branch fell onto the roadway. Since that time Geoff has been unable to fulfil his employment duties and is now seeking compensation for his accident from the Roads and Traffic Authority. I have written letters to the Minister and I have placed several questions on notice in this place. The Roads and Traffic Authority has advised that it is responsible for the foliage from five metres from the edge of the road inwards to the road reserve. The tree, and the branch that fell which caused the accident to Mr Allatt, was four metres from the edge of the road. Therefore the responsibility for his accident and subsequent compensation should be borne by the Roads and Traffic Authority.

We will continue to see serious accidents on the Bells Line of Road until these tree branches, which have been pointed out by Bill Shields to the Roads and Traffic Authority and marked—and arborists also have acknowledged serious concerns about them—are removed. We may even see a much more serious accident occur than Mr Allatt's, who will continue to pursue compensation from the Roads and Traffic Authority for the damage sustained both to his vehicle and himself.

Another area of road safety concern in my electorate is Old Northern Road at Maroota, specifically the 40 kilometres per hour speed zone in the area of Maroota Public School. I have written numerous letters and raised questions on notice in this place about that school zone. I acknowledge the need for flashing lights in all school zones across the State to alert drivers to the fact that they are approaching school zones. Between Glenorie and Wisemans Ferry there is a consistent speed limit of 90 kilometres per hour on the Old Northern Road.

The majority of drivers on that road largely do not recognise that there is a school zone at Maroota, even though the speed limit in that area decreases to 60 kilometres per hour, and then to 40 kilometres during school zone hours. That was borne out by a traffic report that I, with the help of Councillor Robyn Preston, recently requested The Hills Shire Council to undertake. It was acknowledged in that report that the traffic travelled at an average of 72 kilometres per hour at all times on that road, and on one afternoon a vehicle was recorded as travelling at over 100 kilometres per hour.

Channel 7 recently presented a story on this particular issue and whilst the story was being filmed a vehicle was clocked at 105 kilometres per hour in the school zone. I ask the Minister for Transport and Roads to get his house in order on both the Bells Line of Road and Old Northern Road at Maroota. The Minister should allow the removal of the dangerous trees overhanging the Bells Line of Road. We are not asking for any more vegetation to be removed than is necessary. Those overhanging branches must be removed and Mr Allatt should also be compensated. We also desperately need 40 kilometre zone flashing lights to denote Maroota Public School on the Old Northern Road.

## **BLACKTOWN**

**Mr PAUL GIBSON** (Blacktown) [1.38 p.m.]: I speak to an important issue close to my heart—the great city of Blacktown. Whilst we hear a lot of things about Blacktown we should acknowledge that it is the largest local government area in New South Wales and the second largest in this nation. Today there are over 300,000 people living in Blacktown and it is an area of great need. The Government has acknowledged that it is one of the fastest-growing areas in Australia and a fortnight ago today we were very honoured to have the Prime Minister, the Premier and the Deputy Premier visit Blacktown on the same day. It is the first time in history that those three office holders were in Blacktown at the same time and on the same day. It speaks volumes for Blacktown and for the people of Blacktown that they thought it was so important to visit this wonderful city.

The Prime Minister and the Premier signed the Council of Australian Governments [COAG] agreement at Blacktown Hospital on that day. It was the first signing of the COAG national health and hospitals agreement. I had an interest in this as the Prime Minister announced that Blacktown Hospital would get an additional 18 beds. Blacktown Hospital is the first recipient in all the States under the COAG agreement. Those extra 18 beds will mean that Blacktown Hospital will get another 16 nurses and it will be able to do at least 1,000 more operations each year. I had asked for 110 beds to look after the health needs of the area in years to come. Blacktown needs those 110 beds and I am certain that will happen. However, I never look a gift horse in the mouth, and the 18 beds will be appreciated by not only the people of Blacktown but also the clinicians working in the hospital.

Blacktown has a wonderful hospital. The Government built the new hospital in Blacktown only 10 years ago. We are looking after the area, which is one of the fastest growing areas in New South Wales. The population of Blacktown today is larger than the projected population of Penrith in 2036. That shows that we must look after the Blacktown area. On any given day some 33 per cent of all patients at Westmead Hospital are overflow from Blacktown Hospital. So the provision of extra beds and services at Blacktown Hospital will help take the pressure off Westmead Hospital.

Blacktown is a very diverse area. Virtually every country in the world is represented in the Blacktown's population. In the time remaining I want to mention the Sudanese population of about 3,000 in Blacktown. They are great people. They want to become totally involved in this nation and make it greater than it is today. The Federal Government under John Howard brought those Sudanese people to Blacktown, gave them a tax file number and put them on the dole. They were given six weeks to find accommodation, and if they did not find accommodation in that period they were left on their own. We have some major problems in that regard today. The Federal Government must look at providing more workshops for the Sudanese people in Blacktown.

The children of Sudanese extraction are put in regular schools in Blacktown although some of them have never seen or attended a school. A 10-year-old Sudanese child cannot cope in a class of 10-year-olds; many of them cannot speak English. For some time I have been asking the Federal Government to look at the possibility of a transitional school for these children; let them go to a transitional school for two years, then judge their academic ability and put them into the grade to which their academic ability entitles them. I am certain that if we do that we will have not only better educated Sudanese people but also a much greater and happier population in the years to come.

## **TWEED YOUTH VIOLENCE**

### **QUEENSLAND POLICE BRAVERY AWARDS**

**Mr GEOFF PROVEST** (Tweed) [1.43 p.m.]: I want to talk about Queensland police bravery awards and the ongoing issue of youth violence in the Tweed. I have just returned from a luncheon with the FOGs—former Origin greats—including Luke Ricketson, Bob Lee, Max Krilich, Garry Jack and Frank Stanton. They are not only giving back to the great game of rugby league. At today's luncheon they addressed us on youth issues and how they are visiting regional areas in particular to assist youths by using rugby league to improve their lives. I draw the attention of members to an event that occurred on Australia Day in 2008 at Snapper Rocks, which is just across the border in Queensland. The Tweed is joined at the hip with Queensland.

Two New South Wales police officers and two lifesavers who came to the aid of a bashed youth during the 2008 Australia Day riots on the Gold Coast have been honoured with Queensland bravery awards. Chris Damic, a Tweed resident and a policeman who was off duty on the day, was patrolling Rainbow Beach as a volunteer surf lifesaver on the afternoon of 26 January 2008. From his observation tower he noticed that a group of about 300 drunk youths had gathered in the car park of the surf club. He talked to the two New South Wales police officers at the scene, Senior Constable Trent Elliott and Senior Constable Troy Hamilton, as a fight broke out. A distressed young woman ran to inform the police officers that her boyfriend was being bashed. As the police moved into the crowd Mr Damic and another surf lifesaver, David Woodall, followed but they were held back by the crowd. Bottles, beer cans and other items were thrown at them.

As the officers attempted to rescue the heavily bleeding victim, Mr Damic yelled to one of the officers as a man prepared to strike the officer from behind. The aggressive man then ran at Mr Damic and Mr Woodall, who tackled the man and kept him there until he could be handcuffed. Senior Constable Elliott and Senior Constable Hamilton were repeatedly assaulted as a group of 30 men surrounded them and dragged the bleeding man away from them. They used capsicum spray and radioed for help before removing the bleeding man and his girlfriend to the safety of the police car. The crowd attempted to grab Senior Constable Hamilton and the victim again, but Senior Constable Elliott intervened with a baton and he and his colleague were able to shepherd the victims to safety. They held their ground until reinforcements arrived.

Mr Woodall and Mr Damic also received commendations for brave conduct, while the two police officers received bravery medals. That is a fine acknowledgement of young policemen who put their lives in danger to protect not only the people of New South Wales but also the many people on the Queensland side of the border. On many occasions in this House I have spoken about the significant youth problem and the under-resourcing of police officers, particularly in the Tweed. But what do I get told by the assistant commissioner? He says that it is a perception in everyone's mind. It is not a perception; it is the reality. We face this issue time and time again. We do not have enough police on the beat in the Tweed Heads area.

We get little cooperation from the Queensland police. I will be meeting with my counterpart across the border in an effort to resolve that issue. Towards the end of this month I will be going out on patrol on a Thursday night to witness firsthand how the men and women in blue protect our local community. The community has had enough of the continual violence. On the weekend Paul Tansley was defending his family after a gang of 20 youths used rocks to smash his ute windscreen and also damage four other vehicles in Darlington Drive at Banora Point. Following the assault, which occurred at 1.00 a.m. on Saturday, Mr Tansley spent many hours in hospital with severe injuries to his face and bruises. He is concerned that youth violence will continue and an innocent victim will be killed.

The ages of the gang range from early teens to early 20s. It took the police 20 minutes to attend the scene. We need more police resources in order to combat the rising youth gang violence. I have been campaigning for some time to have an emergency youth refuge in the Tweed; there is not one at present. Kids as young as eight and nine are out on the streets at 3.00 a.m. or 4.00 a.m. Although I continually raise this issue, this inept Labor Government does nothing. As the crime rate continues to rise, we will continue campaigning. Last month we held a rally that was attended by more than 1,000 concerned residents, who support their local police. It is time this Labor Government supported the police. Members can rest assured that once again I am 100 per cent for the Tweed.

### **BASS HILL LAND ACQUISITION**

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [1.48 p.m.]: Yesterday evening I met with representatives of the Georges Hall-Bass Hill Residents Action Group to discuss the New South Wales Government's decision to compulsorily acquire a site in my electorate, 98 Johnston Road, Bass Hill, for the construction of a special purpose school. The Georges Hall-Bass Hill Residents Action Group has been heavily involved in promoting community needs for the site. The group was very pleased about the decision by the Government to compulsorily acquire the site for special purpose education, which is vitally needed in the Bankstown electorate. Currently, there is no special purpose school in the electorate of Bankstown, although we have a vital need for one. The nearest special purpose schools are in the electorates of East Hills and Lakemba. I have been advocating for some time for a special purpose school in my electorate and I, together with the Georges Hall-Bass Hill Residents Action Group, am very pleased with the Government's decision.

Last week I spoke with the Minister for Education and Training, Verity Firth, who reaffirmed the Government's commitment to a special purpose school at 98 Johnston Road, Bass Hill. The site was previously intended for the construction of a private college school. As a result of the Government's decision the acquisition will take place by the end of this month. The Minister has advised me that the compulsory acquisition of the site must be gazetted by 28 May 2010. Once gazetted the site will be formally in the ownership of the New South Wales Department of Education and Training. This is a great win for the Georges Hall and Bass Hill communities. Our region will benefit greatly from the construction of this special purpose school. I now will work hard to ensure that the State Government gives priority to funding for the special purpose school on this site and that construction takes place expeditiously. I will hammer on the door of the Treasurer and the Minister for Education and Training to ensure that the money is placed on the table for the construction of this school.

I commend the Georges Hall-Bass Hill Residents Action Group for the work it has undertaken on this issue. It has been a long and tiring journey. The group's representatives have taken a constructive approach in dealing with this matter. I also commend Bankstown City Council, which took this matter to the Land and Environment Court. Unfortunately, the council lost the matter in court but the current plans for the site are in the best interests of the community of the Bankstown electorate. As a result, many young people with special needs, such as autistic children, will have better opportunities in the future. They deserve to have an educational facility that gives them a window of opportunity for tomorrow. With this decision, the Minister has provided that opportunity.

My local community is very pleased with this outcome. We look forward to the Minister for Education and Training moving forward on this decision and putting in place the funding that will enable commencement of the construction of this special purpose school. I also thank the Bass High School community. Bass High School, which is adjacent to the site, has long advocated for the need for a special purpose education centre. That has now come to fruition. Our community has been successful because we have worked together as a team. Our community spirit has given us a result that reflects our community's needs and values and offers opportunities for the future.



## PORT STEPHENS VOLUNTEERS

**Mr CRAIG BAUMANN** (Port Stephens) [1.53 p.m.]: It is appropriate in National Volunteer Week that I commend and thank the fantastic community of volunteers in Port Stephens, in particular, the 18 local volunteers who were nominated by their families, friends and colleagues for the second annual Port Stephens Volunteer of the Year Award. At the annual awards, which were held in Raymond Terrace last month, I was again amazed and humbled by the incredible dedication of volunteers in Port Stephens. Reading through the nomination forms that I received over the past couple of months, I was truly inspired by how much time and effort local people give to serving their community. They expect nothing in return. Selecting a winner was very difficult.

Such selflessness was no more evident than in the volunteer work of the winner of this year's award, Jenny Field. Jenny Field was awarded Port Stephens Volunteer of the Year for her decades of commitment to helping the less fortunate, as well as people with disabilities. More than 21 years ago Jenny saw the need for a neighbourhood centre on the Tomaree Peninsula and instigated the formation of the Tomaree Neighbourhood Centre. Since then she has been on the management committee in various roles, including president. Jenny has also been involved in the Tomaree Accommodating Service, a small group home for people with an intellectual disability, and Tomaree Links to the Community, which is a volunteer visiting program for clients with an intellectual disability living at Tomaree Lodge. Jenny is also the foster mother to two children with a disability, through Life Without Barriers. I believe this makes Jenny a very worthy recipient of the 2010 Port Stephens Volunteer of the Year award.

I also take this opportunity to recognise all the hardworking volunteers who were nominated this year. Stephen Alta has been a volunteer at Marine Rescue Port Stephens for several years and also serves faithfully in his local church as a deacon. Katie Baira and Theresa Blair were nominated for their outstanding volunteer work with the Thou Walla Centre, a Schools as Community centre project situated on the grounds of Irrawang Primary School for families with children from birth to eight years. Brian and Heather Baldwin are primary carers for the Hunter Koala Preservation Society. Heather has also been involved with the Delta Dog Society and visits the Salamander aged care facility to enable the elderly and sometimes lonely residents to access pet therapy.

Claire Bell is a volunteer at the Rivergum Grandparents as Parents group, which offers support for Port Stephens grandparents who are raising their grandchildren due to difficult family circumstances. Claire also is involved with her parish and the Samaritans. Shirley Bishop is a volunteer at the Thou-Walla Family Centre, attending community playgroups four mornings a week, assisting parents to play and read with their children. Shirley is also an active member of the Raymond Terrace Tidy Towns, Cancer Council and Word on the Street. Ross Debenham is a volunteer with Port Stephens Community Care, tirelessly working from the Taylors Beach outlet at least twice a week to pack meals for the elderly. Ross also volunteers for Marine Rescue Port Stephens.

Stephen Frith is a member of the Rotary Club of Raymond Terrace. He has organised Australia Day barbecues, been involved in the Citizen of the Year deliberations, organised theatre trips to Sydney to raise funds for local use, aided with club garage sales and driven veterans to Sydney to participate in Anzac Day and remembrance services. Josh Gover is a dedicated volunteer at Hunter Wetlands Australia, a wildlife sanctuary boasting 250 wildlife species on 45 hectares of internationally significant wetlands. Sue Latimer is a member of the Raymond Terrace Seniors. Sue has been instrumental in boosting the group's membership by one-third and is also a personal support person for Red Cross. Jeanne Mullaney is one of the foundation members of Rivergum Grandparents as Parents. Jeanne has been involved with Lions and regularly wraps Christmas gifts for charity. Peter Nielson is a volunteer at the Hunter Region Botanic Gardens. Peter oversees maintenance of the gardens' machinery and tools, and he played a lead role in developing the gardens' fire protection plan.

Leslee Shearer has been a volunteer at the Thou-Walla Family Centre since the beginning of 2008, caring for the children while their parents attend courses and programs at the centre and offering support for young parents who do not have extended family networks living locally. John Thompson became a member of the North Curl Curl surf club in 1947, a Justice of the Peace in 1961 and a Royal Volunteer Coastal Patrol volunteer in 1968. In 1981, after moving to Port Stephens, he assisted with developing the Royal Volunteer Coastal Patrol, Port Stephens. Keith and Patricia Weisman are dedicated to volunteering. Pat was one of the foundation organisers of Rivergum Grandparents as Parents group and also gives her time to Telecross. Keith has served as a Salvation Army pastor since he was 19 years old and is a regular worker and collector with the Red Shield Appeal. I commend and thank all the volunteers for the wonderful work they do for the Port Stephens community and for making our region an even better place in which to live.

## PORT MACQUARIE VOLUNTEERS

**Mr PETER BESSELING** (Port Macquarie) [1.58 p.m.]: Like many of my parliamentary colleagues and the broader community in general, I pay homage to the great value that the volunteers of Australia, New South Wales and particularly the Port Macquarie electorate give to our communities on a regular basis. In particular, I highlight the gratitude of all members of the New South Wales Parliament. Without a shadow of a doubt, the Port Macquarie electorate has the most dedicated, talented, empathetic volunteers in the State. This is representative of the strong community spirit of an area that stretches from Harrington in the south to Limeburners Creek Nature Reserve in the north and from Koppin Yarrat Creek in the west to Lord Howe Island in the east.

Through the ongoing great work of the Friends of Lord Howe Island weeding program, many past and current members of Parliament from across the political spectrum—including the current Leader of the Opposition and member for Ku-ring-gai, Barry O'Farrell, and former Premier Neville Wran—have been active volunteers in our beautiful region. This significant program, which relies heavily on volunteers, provides enormous benefit to the local population and the people of New South Wales. Further, as Lord Howe Island is a world heritage listed island, the program plays an important role in protecting the island's natural beauty and biodiversity for the entire human race. Given the attraction of the natural beauty of the mid North Coast, many of our area's volunteer organisations are based around protecting this natural beauty, such as the numerous Landcare groups, protection associations and conservation bodies, as well as the groups dedicated to the protection and care of animals that enjoy those surroundings, such as the Koala Hospital in Port Macquarie and FAWNA—For Australian Wildlife Needing Aid.

We have a great number of volunteer organisations that cater to the health and wellbeing of both locals and visitors alike and, given our location along the eastern seaboard of Australia, many are based on providing a safe environment in which to enjoy recreational water uses along our rivers, estuaries and beaches. The former sea rescue and coastal patrol organisations now known as Marine Rescue New South Wales plays an integral role in Port Macquarie, the Camden Haven and in Harrington. From other speeches given in this place it is obvious that this House is well aware of the benefits that these groups provide for our community. The same can be said for the enormous effort put in by our surf lifesavers each weekend during summer, for not only providing a safe swimming environment along our beaches, but also for providing vital support for those all-too-frequent occasions when swimmers get into trouble and need assistance.

The commitment can be seen in our local driver reviver volunteers who, over the Easter school holidays, served more than 5,000 visitors and provided more than 1,000 hours of volunteer service. It can also be seen in the support for the Port Macquarie Australian Ironman, when 2,000 volunteers performed a myriad of tasks from organising the event, handing out drinks and food, and marshalling traffic through to catching exhausted athletes as they collapse over the finish line. To have 2,000 volunteers is an enormous achievement, something about which Port Macquarie is very proud but it is also something that would be very difficult to match in many regional or metropolitan communities in Australia.

On Thursday 6 May, the volunteer expo was successfully held in Port Macquarie, supported by leading volunteer groups such as the local Lions clubs, Landcare Australia, Port Macquarie Neighbourhood Centre alongside both Port Macquarie Panthers and the Port Macquarie Hastings Council. The aim of the expo was to celebrate our volunteers, offer advice to those looking to volunteer and to provide a forum for volunteer groups to interact and build relationships for mutual benefit. It was also a great opportunity for our local community to officially recognise the fantastic work of the dedicated souls who give up the time and effort, for no reward other than the warm fuzzy feeling they get from helping other people.

In the Hastings local government area alone, nearly 12,000 people volunteer each year, making up 21 per cent of the community compared with the New South Wales average of 17 per cent. Based on the estimation by the Centre for Volunteering, Research and Policy Department of \$37.17 per volunteer hour, the value of this contribution to our community is a staggering \$60 million per year. There is no doubt that without the efforts and time of locals, which they give freely, our local and State economy would come to a standstill. I am pleased to announce that out of a field of 21 local residents nominated as the Port Macquarie-Hastings volunteer of the Year, the winner was the well-deserving Joan Sonter for her amazing 40-year support for Royal Far West. On behalf of the entire Port Macquarie electorate, I thank Joan for her fantastic work and dedication to not only our community but also the children of our community. I thank our countless volunteers for their marvellous contribution to our grateful community.

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [2.03 p.m.]: I commend the member for Port Macquarie for bringing to the attention of the House the work of volunteers in our society. This is National Volunteer Week and our society would not tick over without the work and tenacity of our volunteers. The member for Port Macquarie pointed out the work of volunteers in his electorate but I point out that he too is a significant volunteer in surf lifesaving. The work of all volunteers makes a difference, and the volunteer work of the member for Port Macquarie and those who volunteer in surf lifesaving could save a life. Having visited God's territory in Port Macquarie, I understand the importance of what the member for Port Macquarie has said. Port Macquarie has a beautiful pristine environment, and it would not be possible to have social networks that can connect and properly deal with life's challenges without the valuable contribution of volunteers.

### DALWOOD ASSESSMENT CENTRE AND PALM AVENUE SCHOOL

**Mr PETER DRAPER** (Tamworth) [2.04 p.m.]: The policy debacle surrounding Dalwood Assessment Centre and Palm Avenue School since September last year is a complete disgrace, so it is time now for this program that has dramatically improved the lives of rural and regional children and their families to be recognised, reinstated, resourced and replicated. Last week, parents and former students of the service from around the Tamworth region and beyond joined together to tell their stories. There were many tears, as mums and dads spoke of their struggles, frustration, worry and pain prior to being referred to Dalwood. There were remarkable stories of children returning to their home schools with confidence and new, positive attitudes about themselves and their learning. A 17-year-old Paul Holmes from Tamworth said:

Before I left I was an angry child. I hated tests, I was even suicidal and I credit my life today to Dalwood. I know that today I wouldn't be here; I would have lynched myself without, Dalwood. I want other kids to have the opportunities I have had, it has honestly saved my life!

Paul's mother, Ruth, who is a teacher, said:

It was torture to watch. I knew he was a bright boy, yet everything we tried didn't help him.

After four weeks at Dalwood, one mother described the thrill of her daughter picking up *Anne of Green Gables*, her first chapter book, after she previously struggled with simple school readers. She rushed out regularly to tell her mother about all that was going on in the story—it was the opening of a whole new world for her. Dominique Burke from Armidale said:

Everyday these kids go to school is like running an Olympic race for them, but we have seen remarkable improvements since our Son went to the residential school. His self esteem has sky rocketed and he can now use strategies to learn. Previously he had been very depressed and thought he was hopeless.

I received an email from 13-year-old Ben Knight from Loomberah. By even writing to me, it demonstrates the confidence that Ben gained from his Dalwood experience. He wrote:

The Dalwood centre was a godsend for others and me. I was always a boy in trouble because learning was difficult. I was 11 and in year 5, my learning was at a year 2/3 level. After Dalwood I was at a year 6 level. I am now in year 8. I am in A for English and I am achieving at this top level. The key was being treated as a normal boy, not someone with problems. We felt safe and well looked after. It was a home away from home. The essence of Dalwood is its location, its staff and its boarding. So why try and change something that worked so well.

Ben's parents, Rod and Isobel Knight, said:

Our son had struggled a lot at school, we had spent a lot of time taking him to tutoring, extra courses, we had him tested for different things. It was amazing the impact Dalwood had on him—it changed everything. If there could be a criticism of Dalwood it would be that it was completely under resourced, starved of funding by the very people who now claim to be "improving" it. The glib responses from the bureaucrats' present, that the "services were the same", showed they are incapable of understanding our frustration. This lack of empathy results in a failure to identify the essence of "what was" and highlights their incompetence in handling what should be. Yet, we find the "Dalwood experience" is allegedly being "improved" by, relocating it, then dividing it, removing it from its strong volunteer support base, and finally identifying the children as "ill". The very clear point that we agreed upon at the meeting was that it seemed to be the whole experience, the whole approach, the way in which the children were inspired, rewarded and encouraged, which of course is the true essence of holism.

Teachers at the forum also reported stories of extraordinary gains made by their students while in the Dalwood programs. A teacher who had supervised more than 20 students through the service said, "It wasn't broken, so don't fix it". The forum put forward five clear key messages. First, this service is essential to families, and it must be protected in its current form, with its staff retained and properly consulted. Second, the service must be expanded to eliminate all waiting lists. Third, the four-week residential program is vital, and highly valued by

parents, teachers and children who are recipients of the terrific outcomes. Fourth, parents do not want this service moved to a hospital; and, fifth, people associated with Dalwood believe that the service should be consolidated back at Seaforth.

These are real stories, about real children struggling to feel good about themselves. There are real families and real marriages being placed under enormous stress and strain. It is within the Government's power to secure this service, to build on the existing foundation, and to offer a lifeline to all of these families and kids from rural and regional New South Wales who desperately need it—please, do not let them down any longer.

*[The Acting-Speaker (Mr Frank Terenzini) left the chair at 2.09 p.m. The House resumed at 2.15 p.m.]*

### **LOUD SHIRT DAY**

**The SPEAKER:** I remind the House that the dress code for question time on Thursday 13 May 2010 will be relaxed to allow members to enter the spirit of Loud Shirt Day. Loud Shirt Day supports the work of the Shepherd Centre in teaching deaf and hearing-impaired children to speak and to enter mainstream schooling. I urge all members to support this worthy cause by wearing appropriately loud shirts on Thursday. If a member does not have a loud shirt, thanks to a donation of shirts by the Clerk—and if you have not seen the number of shirts that he has, you should—shirts can be hired for \$10, or purchased for \$15, with all proceeds going to the Shepherd Centre.

### **BIRTH OF AUSTIN MICHAEL PATRICK DALEY**

**The SPEAKER:** I announce that the Minister for Police, and Minister for Finance, the member for Maroubra, is the proud father of a baby boy. Austin Michael Patrick Daley was born last Friday, 7 May 2010, weighing a healthy 4.54 kilograms, or 10.2 pounds. I am delighted to inform the House that baby Austin and mother, Christina, are both doing well. I am sure the House joins with me in congratulating the Minister and his family on this very happy occasion.

### **ASSENT TO BILLS**

Assent to the following bills reported:

Crimes Amendment (Child Pornography and Abuse Material) Bill 2010  
Crown Lands Amendment (Special Purpose Leases) Bill 2010  
Parliamentary Electorates and Elections Amendment Bill 2010  
National Parks and Wildlife (Broken Head Nature Reserve) Bill 2010  
National Gas (New South Wales) Amendment (Short Term Trading Market) Bill 2010  
Road Transport Legislation Amendment (Unauthorised Vehicle Use) Bill 2010

### **ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

**The SPEAKER:** I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR  
Governor

Office of the Governor  
Sydney, 1 May 2010

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 1 May 2010.

### **ELECTORAL DISTRICT OF PENRITH**

#### **Resignation of Karyn Lesley Paluzzano**

**The SPEAKER:** I inform the House that on 7 May 2010 I received a letter from Karyn Lesley Paluzzano, resigning her seat as the member for the electoral district of Penrith.

#### **Motion by the Mr John Aquilina agreed to:**

That in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912, the seat of the member for Penrith be declared vacant, by reason of the resignation of Karyn Lesley Paluzzano.

**The SPEAKER:** The by-election has been set down for 19 June 2010.

**DEATH OF THE HONOURABLE JEFFERY WILLIAM SHAW, QC, A FORMER MEMBER OF THE  
LEGISLATIVE COUNCIL AND FORMER MINISTER OF THE CROWN**

**Ms KRISTINA KENEALLY** (Heffron—Premier, and Minister for Redfern Waterloo) [2.20 p.m.]: As members of this House, we should understand more than most the importance of great legal thinkers in our society. Preserving the democratic rule of law requires the balance between legislation and interpretation in which the legal profession and judiciary play a role just as critical as the Legislature itself. Today New South Wales lost one of its finest legal minds—former Supreme Court judge and New South Wales Attorney General, Jeff Shaw. Mr Shaw died late last evening, aged 60, from complications arising from pneumonia. He served as Attorney General between 1995 and 2000, and as a Supreme Court judge in 2003 and 2004.

Jeff Shaw was one of the great legal minds of his generation, and one of the greatest law reformers this State has ever seen. As a leading industrial barrister, he appeared in leading cases throughout Australia in courts and industrial tribunals, tirelessly working to improve the pay and conditions of working people. As the first law officer of this State, and Minister for Industrial Relations, he pursued a vigorous program of progressive but technically competent law reform in both the civil and criminal areas. His legal thinking and his legal work covered aspects of law that affect every New South Wales citizen: fair workplace laws, workplace safety laws, gender pay equity, anti-discrimination reform, anti-domestic violence laws and his best, compensation law.

Prior to his political career he was a respected barrister and a Queen's Counsel, arguing cases at all levels, including the High Court and even the Privy Council—unquestionably a mind of legal and technical brilliance and a great contributor to the rule of law, which underpins our very freedom. The State will miss this great contributor. His achievements are too many to list here but I will mention just a few. Long before Labor had to dismantle WorkChoices federally this Government had to dismantle the Greiner Government's experiment in labour market deregulation and protect workers in New South Wales from the encroaching power of the Howard Government. While John Howard and Peter Reith were training strike-breakers in Dubai and putting dogs on the waterfront—

**The SPEAKER:** Order! The House will come to order. Members will cease interjecting. The member for Wakehurst will cease interjecting. I call the member for Wakehurst to order. The Premier has the call.

**Ms KRISTINA KENEALLY:** —Jeff was quietly and diligently building a safe haven for working families under an Industrial Relations Act in our State that respected the rights of working people. After careful consideration and consultation with employers as well as with unions, Jeff created a simple, balanced and fair system for resolving industrial disputes and setting pay and conditions of employment. Workers in New South Wales—teachers, nurses and police—are now better paid than anywhere else in the country. Every worker in New South Wales is better off for Jeff Shaw's contribution. Other State governments then used his model as they removed the industrial relations models in their own jurisdictions. His reforms were groundbreaking but they passed without controversy, a tribute to his powers of advocacy as well as his capacity to craft a balanced and effective set of reforms.

Jeff also undertook reforms to occupational health and safety laws to make sure that work would be safer in New South Wales. Today, as a result of his efforts, New South Wales has the highest standards of workplace safety protection in the country. He also changed the law to ensure that asbestos and mesothelioma-related claims could survive the death of the victim. Previously insurers had dragged out proceedings until the death of the victim. These reforms ensured compensation to victims as well as to their families. Again, Jeff's powerful arguments in favour of the justice of this package of reforms ensured that they passed with overwhelming community as well as political support.

Jeff Shaw was also a warm and compassionate human being, generous with his time and support to his many friends and acquaintances. He had a great sense of humour, he loved literature and music, and he never took himself too seriously, something rare in both the law and politics. He was also a significant contributor to journals and thinking on the law, industrial relations and labour history. He was very highly regarded in the legal profession and in the industrial relations community. I also acknowledge that in the often combative world of politics Jeff was well liked and respected by all sides of politics. He pursued policies because he thought they were right and not because they were popular. He was prepared to make the case in support of his reforms to persuade people to his point of view, and in both the law and politics he did this to great effect. There is no doubt that his contribution to the law, politics and society has been of great significance and his legacy will live on. We mourn his passing and our thoughts are with his wife, Elizabeth, and his sons, James and Jonathan.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.27 p.m.]: I join with the Premier in expressing the condolences of everyone in this Chamber, including my colleagues in the Liberal Party and The Nationals and I am sure members on the Independent benches, at the passing of Jeff Shaw. Despite being a strong and effective advocate for the Labor Party throughout his time here he was respected across the Parliament. He was someone who enjoyed the collegiality of the whole institution but especially the upper House, where it seems to predominate, and as a result he had many friendships across all parties.

One of the reasons he was so well respected and that he had those friendships was that cheap debating points and playing to the crowd were not for him. Instead he preferred to concentrate on facts and delivering better outcomes. I was always impressed by Jeff Shaw's debating skills and indeed in the special adjournment in 2000 to note his departure from the upper House every speaker from both sides of that Chamber commented on his skill. I was speaking to a former Minister for Industrial Relations today who said that he debated Jeff on many occasions but found he always focused on the main issues and did not play the man—or woman—as some of our friends in the gallery might have done in past lives, and also ensured that he at all times behaved with that grace, generosity and courteousness that those of us who served in this place with him came to know.

Mr Speaker, he had another attribute that I think is found in you and a few other members in this Chamber, but which is pretty rare around this place—a self-deprecating sense of humour. Being able to laugh at yourself, particularly in this place, is a rare commodity and despite Jeff Shaw's undoubted legal skills and the achievements he gathered in his 10 years in this Parliament he had that capacity. Others, including my colleague the shadow Attorney General and former Deputy Director of Public Prosecutions, Greg Smith, can attest to Jeff Shaw's outstanding legal skills.

By any measure, Jeff Shaw was a reformist Attorney General, an undisputable fact despite the circumstance that so many of his reforms were opposed by the Liberal-Nationals Coalition. Jeff Shaw understood that they were vital to this democracy. Members of the public also owe Jeff Shaw a debt of gratitude. From all accounts, at the time and since, he was successful on occasions and not successful on other occasions and to some extent was a constraining hand on Bob Carr's law and order crusade—a crusade that he believed, and that the public has since seen, was all about politics and not about delivering better outcomes for communities.

Few members whose careers have been of a similar length in Parliament have achieved as much as Jeff Shaw achieved in such a little time. He spent 10 years in this place, five years of them in Opposition, which he absolutely hated. He said he was disappointed that he was not suited to it and that he was no good at it. Indeed, he said that if the Labor Party had not won in 1995 he would have quit the Parliament. He then spent five years as Attorney General and he left behind a magnificent Labor reformist agenda. I do not ascribe to every element of that agenda, but it stands as his tribute in this place and beyond.

Finally, on this day—the day on which we discovered that a former colleague and someone who was respected and admired on both sides of politics died—there have been some discordant notes. It speaks volumes about politics in New South Wales that on the day on which Jeff Shaw passed away people cannot hold their tongues before getting stuck into him. I refer to one of my favourite quotes from Shakespeare's play entitled *Measure for Measure*, which reads as follows:

No might nor greatness in mortality  
Can censure 'scape; back-wounding calumny  
The whitest virtue strikes

**The SPEAKER:** On behalf of all members, I join the Premier and the Leader of the Opposition in offering condolences to the Shaw family. I ask all members to rise as a mark of respect.

*Members and officers of the House stood in their places as a mark of respect.*

## TRIBUTE TO MICHELLE BEETS

### Ministerial Statement

**Ms CARMEL TEBBUTT** (Marrickville—Deputy Premier, and Minister for Health) [2.32 p.m.]: Today I pay tribute to Michelle Beets, Nurse Manager of the Royal North Shore Hospital emergency department. Words cannot express the horror, outrage and sadness that we all feel about the brutal murder of this wonderful woman who devoted her life to caring for others. On behalf of the New South Wales Parliament I extend our deepest sympathy to Michelle's partner, David Grant, her father, Robby Beets, and her family,

friends and colleagues. Michelle began her nursing career in New Zealand in 1970, training at Greenland Hospital in Auckland, and she had been a nurse at Royal North Shore Hospital for 25 years. Michelle was one of the most senior and most respected nurses in the State.

The camaraderie between health professionals is special. Members of staff in any hospital, especially those like Michelle who have been there for a long time, have their "other family" at work. Every day nurses in our system confront sadness and tragedy; they confront joy and amazing survival stories; and they work extremely hard and for long hours. Often it is with colleagues that they seek support and share the tears and the laughter. The devastation of Michelle's colleagues is profound. Michelle was a talented nurse, a role model to staff but, above all, she was a much-loved person. Since her death I have heard many touching tributes—I am sure all members of this House have also heard these tributes—to Michelle's nursing skills and her high standards. She had great loyalty and affection from those who worked with her at Royal North Shore Hospital.

Most impressively, I have heard about Michelle's commitment to her patients—the sick and the injured who came to Royal North Shore Hospital for help. Michelle Beets never lost sight of what she was there to do, which was to care for patients. At a most moving and sad service, the shadow Minister for Health and member for North Shore, many others and I heard from Dr Robert Day, director of the emergency department and a long-time friend and colleague of Michelle. At her funeral he eloquently summed it up when he said:

For all us of us in the emergency department, Michelle was a leader, a respected colleague and a role model ... and when you needed it, a shoulder to cry on.

I am pleased that in honour of Michelle a trust fund has been established in her name. The aim of that trust fund is to educate nurses working in the emergency department at the Royal North Shore Hospital. For Michelle Beets, the key to quality care was ensuring educational opportunities for nurses. This fund, which will help nurses achieve the stellar position that Michelle achieved, is a fitting legacy to her, to her achievements and to her contribution.

I extend the deepest sympathy of the Parliament of New South Wales to Michelle's family, friends and colleagues. I commend the police who have the hard task of bringing to justice the person who took Michelle's life. I acknowledge the work and commitment of Michelle's colleagues at the Royal North Shore Hospital who, in the wake of this tragedy and in the most difficult circumstances, continue to provide care to the people who present to Royal North Shore Hospital. Michelle's devotion to the healing profession that she chose was deep and profound. We are much poorer for her loss.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [2.36 p.m.]: On behalf of the Coalition, I express sadness at the death of Michelle Beets. I knew Michelle and I had met her on many occasions, as had the Minister for Health. In 2007 she gave evidence to a parliamentary inquiry. Like the Minister, I attended Michelle's funeral last Friday. Many moving comments were made in the eulogies that were delivered about her, most notably by Dr Robert Day, head of the emergency department at Royal North Shore Hospital; Mary Separovich, a nursing colleague and longstanding friend; Robby Beets, her father; and Yvonne Cassel, Michelle's sister.

It is most fitting that the Michelle Beets Memorial Fund for Nursing has been established, as that will help to educate nurses working in the Royal North Shore Hospital emergency department. Michelle died on 27 April. I received a phone call first thing the next morning and was told about it. I was truly shocked. This woman had dedicated her life to caring for other people. Michelle set high standards and she followed them, something that has been noted by many of her colleagues. At her funeral I had the privilege of sitting among Michelle's nursing colleagues, many of whom were weeping quietly at the loss of such a wonderful woman.

I conclude by quoting some of Michelle's remarks to an inquiry that was conducted by the Joint Select Committee on the Royal North Shore Hospital. At that inquiry she was pleading for nurses. These are some of the things that she said:

The issues that we wish to discuss today are related to the nursing workforce, nursing education, overcrowding in the emergency department, lack of acute mental health beds and bullying and harassment. Basically I want to get the message over today that the nursing workforce we have today—which has been supplied at the back of my statement as a graph of our skill mix and our nursing base at the hospital—

members will be able to read her statement in *Hansard*—

has shifted over the years from an experienced R8 nurse down to a second year nurse who is virtually one year out of university. We have lost a lot of our senior skill cover due to some of the conditions that we have to work with in the emergency department, which is overcrowding and it is very stressful. A lot of our senior workforce has now gone part-time or has left the profession totally. It is a huge concern to all of us.

She talked about the need for more clinical nurse educators and about increasing levels of overcrowding in the emergency department. She talked about increasing adverse events and the pressure on nurses to do the right thing by patients. She ended her contribution to that inquiry by stating:

Nursing is fantastic, but the conditions that we have been meeting over the years are declining, and I think personally we are rock bottom at the moment.

I sincerely hope that the fund that has been established in Michelle's name will help nurses at the Royal North Shore Hospital emergency department to overcome some of those shortfalls. I know that they feel her loss terribly. That fund might go a small way towards making a contribution in her name.

**The SPEAKER:** On behalf of the House, I join the Deputy Premier, and Minister for Health and the shadow Minister for Health in offering condolences to the family of Michelle Beets.

*Members and officers of the House stood in their places as a mark of respect.*

## REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

**Ms KRISTINA KENEALLY:** I inform the House that during the absence this week of the Minister for Police, and Minister for Finance, the Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs will answer questions on his behalf.

## BUSINESS OF THE HOUSE

### Notices of Motions

**Government Business Notices of Motions (for Bills) given.**

### QUESTION TIME

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*[Question time commenced at 2.43 p.m.]*

## SUPERANNUATION PAYOUT TO THE FORMER MEMBER FOR PENRITH

**Mr BARRY O'FARRELL:** My question is directed to the Premier. When the Premier sought yesterday to claim that "existing laws would address the community's outrage" about Karyn Paluzzano's superannuation payout, was she unaware that Mrs Paluzzano's early resignation means she escapes the Orkopoulos provisions of those existing laws or was she trying to mislead the community?

**Ms KRISTINA KENEALLY:** My position on this matter has been clear since day one: Any member of this Parliament is entitled to the presumption of innocence until proven otherwise and any member—

**Mr Andrew Stoner:** But not the whistleblower.

**The SPEAKER:** Order! I call the Leader of The Nationals to order. The Leader of the Opposition has asked his question. Members will listen to the Premier in silence.

**Ms KRISTINA KENEALLY:** I will start again. My position on this matter has been clear since day one: Any member of this Parliament is entitled to due process. Any member of this Parliament is entitled to the presumption of innocence. My position has remained since the commencement of this matter. It is because of that position and because the Independent Commission Against Corruption [ICAC] has been able to conduct its investigation without political interference that the truth has come out.

**Mr Barry O'Farrell:** Point of order: I refer to Standing Order 29. I appreciate the Premier's comments thus far, but the question was about Mrs Paluzzano's superannuation payout. The question was about the Premier's claim yesterday that legislation would prevent it being paid. The question was whether the Premier knew that was wrong.

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. That is not a point of order.



**Ms KRISTINA KENEALLY:** I stand by that position and I would do so again for any member on this side of the Parliament or any member opposite. Unlike the Leader of the Opposition, I believe in the presumption of innocence. Unlike the Leader of the Opposition, I believe in due process. Unlike the Leader of the Opposition, I believe in the independence of the ICAC. It will be a slippery slope if, as members of this Parliament, we start substituting our judgement for that of the ICAC and the Office of the Director of Public Prosecutions. We are not going to do that.

**The SPEAKER:** Order! Members on both sides of the House will come to order. I call the member for Blacktown to order.

**Ms KRISTINA KENEALLY:** The community is angry about Mrs Paluzzano's betrayal. I understand that anger. I share that anger. At every step of the way she protested her innocence to me, to the media, to the public and to the ICAC. By her actions and admission she lied to me, to the Parliament, to the media, to the public and to the ICAC. She will have to face the consequences of those actions.

**The SPEAKER:** Order! Members on both sides of the House will come to order.

**Ms KRISTINA KENEALLY:** I share the community's anger and concern, but the laws exist in this State in black and white, passed with the support of the New South Wales Opposition. The ICAC investigation is ongoing. The ICAC has not even made its determination. The Director of Public Prosecutions [DPP] has yet to make any decision about what charges, if any, will arise from this case. I will not start interfering with the decisions that need to be taken by the ICAC and the DPP.

**The SPEAKER:** Order! The House will come to order. Members who continue to interject will be removed from the Chamber.

**Ms KRISTINA KENEALLY:** I will not pre-empt those decisions. I will not have a knee-jerk reaction to the situation. The ICAC has yet to make its determination. The DPP has yet to make any decisions. I will continue, as I have done since day one, to allow those processes, which are already underway, to continue without political interference.

### LITERACY AND NUMERACY

**Mr DAVID HARRIS:** My question is addressed to the Premier. Will the Premier update the House on the National Assessment Program—Literacy and Numeracy [NAPLAN] testing across the State?

**Ms KRISTINA KENEALLY:** I thank the member for Wyong for his question. I know of his longstanding interest in improving educational outcomes for children in this State. Today more than 330,000 students in New South Wales will sit the National Assessment Program—Literacy and Numeracy [NAPLAN] tests. The lifting of the Teachers Federation ban was a sensible outcome. I acknowledge the Minister for Education and Training in her joint leadership with the Federal Minister in achieving this outcome. It is a victory for common sense. The New South Wales Labor Government has always said that it was determined that these tests would go ahead. The fact that they will be delivered by teachers, who our students know and trust, is the best result for everyone.

Parents who have children in public schools now get the same information as do other parents. They will know how their children are progressing in literacy and numeracy. We know that this is information that parents want and that they strongly value. Parents have a right to clear and accurate information so that they can make informed decisions for their children. I note that it is as if the entire information revolution is something that has simply bypassed the New South Wales Opposition. This is the Coalition that sought to deny parents information about their children's school—information that is publicly available—and information that parents want. The Coalition made it illegal to publish the information.

With the MySchool website continuing to thrive, parents will be voting with their fingertips. We can see just how absurd is the Coalition's position on school data; however, that is not as absurd as the Coalition's spectrum of potential student trajectories, which was published by the *Daily Telegraph*. There has been some discussion about that paper-thin combination of motherhood statements and bizarre graphics, which represent Opposition thinking, masquerading as policy. As respected education writer Marilyn Parker noted in respect of the member for Murrumbidgee, "... at the Education Forum we discovered his learning curve is steep but policies still few". While I have previously praised the wordsmithing abilities of the member for Murrumbidgee, I must be more circumspect about his abilities with PowerPoint, or indeed education policy.

The much-publicised graph of trajectories needs no further discussion, but what about a few of the other flimsy pages? Do we get any policy? Do we get any direction? No, we get just glib one-liners such as, "Focusing on better education asset utilisation." Is that code for selling schools? Perhaps the Coalition could top the record of Jeff Kennett of 300 schools sold. What should we make of the statement, "Allowing parents to properly and constructively compare schools"? How is the Opposition going to do that—by banning information on school performance from being published? My favourite contribution from this little wafer of policy published by the Opposition is, "A public system which attracts and retains quality teachers and education professionals." Attracting and retaining quality teachers! The Coalition caused an exodus of teachers from New South Wales public schools.

**The SPEAKER:** Order! The member for Terrigal will contain himself. I call the member for Cessnock to order.

**Ms KRISTINA KENEALLY:** The Coalition parties so alienated New South Wales teachers that 100,000 of them gathered in The Domain just outside Parliament House to express outrage at their treatment by the previous Coalition Government. The New South Wales Labor Government has spent 15 years rebuilding teachers' confidence. The Government has spent 15 years rebuilding the New South Wales education system. The Government has restored New South Wales to having the finest education system in Australia, and indeed one of the most respected in the world.

**The SPEAKER:** Order! I call the member for South Coast to order.

**Ms KRISTINA KENEALLY:** The New South Wales Government has rebuilt the education system in New South Wales with considered, cogent and workable policy by hard work and with the support of teachers, parents and communities. That is what it takes to build a first-class education system. The member for Murrumbidgee needs to learn that some things cannot be done by PowerPoint.

#### WHISTLEBLOWER TREATMENT

**Mr ANDREW STONER:** I direct my question to the Premier. Given that Gillian Sneddon was sacked after blowing the whistle on paedophile Labor Minister, Milton Orkopoulos, that a former Premier's staff member, Mark Aarons, lost his job after making a protected disclosure involving domestic violence allegations, and that the Premier sought to discredit Tim Horan after he reported alleged corruption by the Premier's friend, Karyn Paluzzano, why have the Premier and her party continued to attack whistleblowers?

**Ms KRISTINA KENEALLY:** I quote a statement from the Independent Commission Against Corruption [ICAC] dated 16 February 2010:

The Commission does not consider that the comments made by the Premier in her news release or those attributed to her office can be properly regarded as being "detrimental to action against another person that is substantially in reprisal" for that person making a protected disclosure within the meaning of section 20 of the Protected Disclosures Act.

**The SPEAKER:** Order! Members will come to order. I call the member for Epping to order. I call the member for Cessnock to order for the second time.

**Ms KRISTINA KENEALLY:** I will continue to quote the statement made by the Independent Commission Against Corruption dated Tuesday 16 February 2010. I note the objections made by members of the Opposition. They do not want to hear me quoting from a statement made by the Independent Commission Against Corruption on Tuesday 16 February 2010 and reading it onto the record. ICAC stated:

The comments in the news release are made in defence of members of parliament and public servants in general and hence the Commission does not consider that they constitute a reprisal against a person making a protected disclosure. Nor does the Commission consider that the comment attributed to the Premier's office about a workplace misconduct allegation is reprisal action as contemplated by section 20 of the Protected Disclosures Act.

I think the ICAC statement speaks for itself.

#### CHRONIC DISEASE PATIENT SERVICES

**Mr ALAN ASHTON:** I address my question to the Minister for Health. How is the New South Wales Government improving services for patients with chronic disease?

**Ms CARMEL TEBBUTT:** I thank the member for East Hills for his question and for his longstanding interest in health issues in the State. It is the case that chronic disease is one of the most significant issues confronting our health system. More than a million people in New South Wales suffer from chronic disease, such as heart disease, hypertension, respiratory disease and diabetes, among others. Every year 170,000 patients are admitted to New South Wales hospitals as a result of chronic disease. With a growing and ageing population, we can expect that the burden of chronic disease on our health system will only become greater.

As I have stated on previous occasions, in Australia we already have very high hospitalisation rates. Australia has one of the highest hospitalisation rates in the Western World. The Australian Institute of Health and Welfare states that more than 730,000 preventable hospital admissions occurred in 2007-08. During recent discussions that were part of the national health reform agenda, chronic disease, high rates of hospitalisation and the need to improve health services for people who are chronically ill were among the key themes. We know that the key to reducing preventable hospital admissions is making sure that people are able to access the right care in the most appropriate setting when they need it. I am very proud that New South Wales is leading the way in doing just that.

The New South Wales Government is investing approximately \$22 million over four years to improve the management of patients who are suffering from severe chronic disease. That is one of the major commitments made by the Government, as part of its response to the Garling report, in "Caring Together: The Health Action Plan for NSW". The severe chronic disease management program will deliver more effective health care for elderly people over 65 years and Aboriginal people over 45 years who have chronic disease and who often present to health services later in the course of the disease, resulting in higher rates of complication and death.

Initially the program will enrol patients who have had three or more unplanned admissions to hospital related to a range of chronic diseases. More than 7,000 patients have been identified who meet this criterion and who could benefit from the program. It is expected that by the end of the fourth year there will be approximately 43,000 patients across New South Wales who are enrolled in the program. Currently expressions of interest are being sought to establish a statewide panel to work with health services. The panel will provide support to assist patients to self-manage, deliver health coaching over the telephone and improve clinical skills in supporting patients at home.

In greater western New South Wales, which is an area in which the program is being rolled out first and foremost, the life expectancy is one year less than the State average and the population profile is ageing. By 2026, the largest proportion of the greater western New South Wales population will be in the 60 to 64 years age group. As I said, the greater western area of New South Wales is a priority for new funding. I am pleased to advise that more than \$900,000 has been committed to that area to implement this important program, and funding will total \$3.4 million over four years.

The health service is working closely with general practitioner divisions in the greater west on this new partnership approach for primary care. The central division of general practitioners in Bathurst has been a real champion of the program. Funds will be allocated to the division to expand services to patients, including home visits, assistance with self-management and health coaching. These additional resources will boost community support for chronically ill patients in Bathurst and the surrounding communities. In particular, some of our smaller communities such as Oberon will benefit from greater access to community-based services such as home visits by nurses. A new secure messaging system will enable the two-way transfer of patient information between acute care services, specialists, general practitioners, and other primary and community health services.

This is about a more coordinated approach to care planning. It is about ensuring that general practitioners and other health professionals can work together, and ensuring that clinical providers receive clinical information such as outpatient reviews, discharge summaries, diabetes information and cardiac rehabilitation reports, which will substantially improve patient care. Most importantly, the patient care plan will be shared by a team of healthcare professionals. The severe chronic disease management program is a great example of general practice, allied health, community health and our hospitals working in partnership to achieve a major program of reform to improve patient care. It is totally in step with the recent Council of Australian Governments agreement and with the Prime Minister's announcement of a national program to improve care in the community for diabetics by establishing a system of voluntary enrolments with general practitioners. In fact, in many ways New South Wales has led the way with our program to support people who have chronic disease.

### WHISTLEBLOWER TREATMENT

**Mr ADRIAN PICCOLI:** My question is directed to the Premier. Before fronting the media on 11 February to defend Karyn Paluzzano and attack whistleblower Tim Horan, what discussions did the Premier have to satisfy herself that her support for Mrs Paluzzano was warranted, yet it was appropriate for her office to circulate a dirt file to try to undermine the whistleblower?

**Ms KRISTINA KENEALLY:** At every step of the way, in every discussion I had with Mrs Paluzzano and in every discussion Mrs Paluzzano had with my office, she asserted that the allegations against her were baseless; they had no content to them. She asserted this to the public, to the media and to the Independent Commission Against Corruption.

**Mr Adrian Piccoli:** What about the dirt file?

**The SPEAKER:** Order!

### FRONT-LINE FARMING JOBS

**Mr ALLAN SHEARAN:** My question is directed to the Minister for Primary Industries. What is the latest information on front-line farming jobs?

**Mr STEVE WHAN:** I acknowledge the member's interest in agriculture and the importance of the Sydney Basin agricultural community, much of which is in the electorate he represents.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr STEVE WHAN:** It is important that we service regional and rural communities; that is a key priority for this Government and for Industry and Investment NSW. Important front-line positions ensure that communities from Griffith in the south to Casino in the north remain prosperous and that local industries stay profitable and sustainable.

*[Interruption]*

I will not do an "I've been everywhere, man" and name all the towns in the country, for the benefit of the member for Coffs Harbour. While managing the challenges of the global economic crisis, climate change, the ongoing drought and floods, agriculture still contributes more than \$8 billion annually to the New South Wales economy. Our agricultural producers are the most significant land users in New South Wales, managing 75 per cent of the State's 80 million hectare land area. The New South Wales Government has a strong commitment to maintaining a well-trained and well-resourced team of professional and respected front-line Industry and Investment NSW staff.

**The SPEAKER:** Order! The member for Barwon will come to order. I call the member for Barwon to order.

**Mr STEVE WHAN:** That is why the department, which employs about 4,000 staff at 170 locations across the State, is filling key front-line positions. We have started recruiting to fill vacancies in agronomy, livestock and biosecurity at locations such as Armidale, Tumut, Orange and Condobolin. We already have new troops on the ground delivering important front-line services. I am pleased to inform the House that a new veterinary officer for Industry and Investment NSW, based at Wagga Wagga Agricultural Institute, has started work, a new district agronomist for Condobolin is on deck and working with farmers, Glen Innes has a beef livestock officer working hard, and sheep geneticists located at Orange Agricultural Institute are hard at work on improving the profitability of the State's sheep flock.

While the New South Wales Government has been filling these jobs, which are crucial to regional communities, what have we seen from the New South Wales Opposition in terms of its policy? The Leader of the Opposition has been spruiking his five sound-bite plan for New South Wales. Reading the plan takes about 15 seconds—that is about one second for every year he has been in Parliament. That is hardly a record of great achievement and hard work. Yet there he was with his masterpiece of policy and planning and the recycled slogan from the member for Vaucluse, "I'll make New South Wales No. 1 again". We have already seen how far the recycling goes with Coalition policies.

The people of New South Wales should not underestimate what that signifies. When they have as Leader of the Opposition a once Liberal Party director, a thrice Liberal Party advisor and a Liberal Party hack from way back, they will fall back to true New South Wales Liberal form. Did we not see that on display in Newcastle, when workers and communities in Newcastle rightly demanded that businesses respect the overwhelming voice of Australian families and communities in rejecting WorkChoices, as they rejected WorkChoices in 2007? The Premier rightly supported those communities when she refused to cross the picket line to attend this event, because Labor will never support WorkChoices.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr STEVE WHAN:** I understand that the shadow Minister, Duncan Gay, hesitated for a moment. I guess he was aware of the voices of the people and perhaps also—I will come back to this—the views of the people on the Liverpool Plains. He hesitated—should he cross the picket line? What did his leader do? Did he respect the families of New South Wales? No! Did he respect the rejection of WorkChoices? No!

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

**Mr STEVE WHAN:** The Leader of the Opposition and the shadow Minister, Duncan Gay, crossed the picket line to show the people of Newcastle and the people of New South Wales—

**Mr Barry O'Farrell:** Point of order: My point of order relates to Standing Order 129, usual facts. I was in Sydney on that day; I was not in Newcastle. The Minister should get his facts right.

**The SPEAKER:** Order! There is no point of order. The Minister has the call.

**Mr STEVE WHAN:** The Leader of the Opposition has reminded me that I owe him an apology, and I am happy to give that to the House. A few weeks ago in this place I raised speculation that the former Leader of the Opposition in Canberra was on his way to take Barry O'Farrell's position. I owe the Leader of the Opposition an apology; apparently the former Opposition leader in Canberra is not on his way to get the Leader of the Opposition in New South Wales. Apparently he saw the Leader of The Nationals with open arms welcoming him to the bench and turned and went back to Canberra as quickly as possible. I owe the Leader of the Opposition an apology for that. Now the former Leader of the Opposition in Canberra is not a threat to Barry's job.

**The SPEAKER:** Order! Members will either take a point of order or remain silent.

**Mr STEVE WHAN:** The former Leader of the Opposition in Canberra is not a threat to the Leader of the Opposition. The Leader of the Opposition is perfectly safe, unless one counts the member for Manly.

**Mr Adrian Piccoli:** Point of order: I refer to Standing Order 129. I do not remember what the question was about.

**The SPEAKER:** Order! I direct the Minister to the question before the House.

**Mr STEVE WHAN:** When I said that the Leader of the Opposition was perfectly safe I noted that the member for Lismore laughed. The Leader of the Opposition is perfectly safe unless we take into account the fact that he has not bothered to develop any policy and that he, like his Federal leader, is simply going to regurgitate WorkChoices—back to the future. True to form, he is committed to those draconian policies that hurt working families across New South Wales.

In relation to agriculture, I was interested to hear a caller to an ABC Newcastle radio program say that Duncan Gay crossed the picket line. The caller said that he was opening a coal loader that was designed to carry coal from the Liverpool Plains while at the same time he and his Nationals colleagues were protesting against coalmining on the Liverpool Plains. So often we hear The Nationals say one thing in the country and another thing in the city—no policy! Paul Bevan from ABC Newcastle summed it up quite well when he said, "Yeah, it is an interesting little squirmy position for Duncan Gay to be in".

*[Interruption]*

The Nationals opposite are calling for more. I would love to have a moment to go into more detail about their history.

**Mr Adrian Piccoli:** Point of order: The attack chihuahua is having a bit of fun. My point of order relates to Standing Order 129.

**The SPEAKER:** Order! I remind the member for Murrumbidgee to refer to members by their correct titles. The Minister will conclude his answer.

**Mr STEVE WHAN:** I will leave for another day the latest headline in the *Tweed Daily News*, "Ex-pollie Lees back after quitting" in which the House will be very interested. The House will remember that Mr Lees is the former chairman of The Nationals who resigned after his fourth drink-driving charge.

### NEPEAN HOSPITAL STAFFING

**Mrs JILLIAN SKINNER:** My question is directed to the Minister for Health. How many of the 421 unfilled nursing shifts in the neonatal intensive care unit, delivery suite, ante-natal and post-natal wards at Nepean Hospital's maternity unit remain unfilled, despite nurses publicly exposing the shortfall at protest rallies last March?

**Ms CARMEL TEBBUTT:** It is the case that the Nurses Association held rallies over staffing concerns in a number of wards/units within the Sydney West Area Health Service. The 2009-10 budget shows that the New South Wales Government is investing \$1.4 billion in Sydney West Area Health Service, an increase of \$63 million on the previous year's budget. The number of nursing positions across Sydney West Area Health Service has also increased substantially over the past five years. It is well known, and should be known to the Deputy Leader of the Opposition, that nursing workloads are set using the reasonable workloads calculation tool, and by benchmarking wards and hospitals with peer group wards and hospitals. Area health services are required to meet the obligations of the award and apply the reasonable workload tool in all general, surgical and medical wards.

I have been advised that the nursing profiles for wards across Sydney West Area Health Service have been set with the involvement of nurses and in consultation with the Nurses Association. Representatives from the Nurses Association also participate in reasonable workload committees at local hospitals to review staffing levels according to workloads. I am advised that senior officials of NSW Health met with the Nurses Association on 10 March to discuss their concerns and examine the specific issues that have been raised by the association. The protection for nurses is in the award; it is the reasonable workload tool. It is somewhat ironic that the shadow Minister for Health holds herself out as a friend of the Nurses Association and of the public health unions when we know that if those on that side of the House got their way, protections that exist in our awards for public servants across the State would be gone. It is incumbent on everyone to look carefully at the claims of the Deputy Leader of the Opposition to advocate on behalf of the interests of public servants.

**The SPEAKER:** Order! I call the member for North Shore to order.

**Ms CARMEL TEBBUTT:** We all know that the actions of the Coalition when it was in government were very, very different.

### SMOKING RATES

**Dr ANDREW McDONALD:** My question is addressed to the Minister Assisting the Minister for Health (Cancer). Will the Minister update the House on what the Government is doing to lower smoking rates in New South Wales?

**Mr FRANK SARTOR:** I thank the member for Macquarie Fields for his fantastic commitment to better health outcomes in this State. I will report some good news to the House. I advise that the new figures released in the New South Wales public health survey show that the rate of smoking in New South Wales in 2009 was the lowest rate ever recorded. The percentage of people aged 16 and over who smoke either daily or occasionally dropped to 17.2 per cent, down from 24 per cent in 1997—that is a reduction of 28 per cent. More than one in four people have given up smoking in that time. The reduction of smokers in the past 12 months of 1.2 per cent exceeds the State Plan target. But the standout result is that in one year smoking by women dropped by 3 per cent, down to 14 per cent.

These results have come about not just by bluster or rhetoric but by a potent mix of two Government strategies: education and regulation. This Government has legislated to ban indoor smoking in pubs and clubs,

and in cars carrying children, and it has removed tobacco displays in retail outlets. Also, the Government has run an extensive number of public campaigns on television and elsewhere to reduce smoking. Smoking causes one in five of all cancer deaths in New South Wales. More than 6,500 people die each year from smoking-related diseases—a factor of probably 10 times the number of deaths caused by motor vehicle accidents. Tobacco smoking costs the State community \$6.6 billion per year, which is why this Government supports the Rudd Government's recent decision to increase the tobacco excise and to introduce plain packaging of cigarettes by 2012.

If the Opposition cares about public health it will listen to me. The day after the price of cigarettes was increased, calls to the New South Wales Quitline increased by 57 per cent. It is clear that the Australian Labor Party and this Government take health seriously. The New South Wales Labor Government knows that health is about treatment and prevention. While the Deputy Leader of the Opposition bleats about the Rudd Government "not being serious about health reform" she remains committed to the party of tobacco. That is the party that in 2010—not 1910—gladly takes money from tobacco companies. That is six years after the Labor party ruled out any further donation from tobacco companies.

**Mrs Jillian Skinner:** I have never taken money from tobacco companies.

**Mr FRANK SARTOR:** The member will need to tell her leaders about that. If she listens I will tell her more.

**The SPEAKER:** Order! Members on both sides of the House will cease interjecting.

**Mr FRANK SARTOR:** This was confirmed, not by the Deputy Leader of the Opposition, but by the highest source within the Liberal Party, the Federal Leader, Tony Abbott. On 30 April 2010 on the *Today Show* he said that the Liberal Party was happy to keep taking donations from tobacco companies, because, in his words, "it is legal to smoke ... so I don't see why we shouldn't accept [donations]". But that was not all; his mentor, the person who steered him into the leadership and is holding his hand all the way through, Nick Minchin, had more to say. Members may have seen the ABC program on 3 May. Any time I hear Nick Minchin is going to be on television I rush home to watch the show. Nick Minchin was promoting the Liberal Party's pro-smoking philosophy. He said:

If people choose to die from smoking ... I think, as a Liberal ...

But that was not the end of it. Referring to the Liberal's health policy, he went on to say:

They die early, they actually save us money.

That is the Liberal Party's credibility on health, which I find extraordinary. Members of the Liberal Party have no commitment to education on health matters, no commitment to prevention, and no understanding whatsoever of the role that addictive behaviour plays in tobacco smoking. They say we should let people smoke, because who cares; they will die early and save money. Isn't that fabulous? That could be the Liberal Party's election slogan. However, I would like to know what the Leader of the Opposition thinks about this. Will he keep taking money?

**The SPEAKER:** Order! Members on both sides of the House will cease interjecting.

**Mr FRANK SARTOR:** What will the Leader of the Opposition and the Deputy Leader of the Opposition do about this? The Liberal Party is still taking money from tobacco companies, six years after the Government outlawed it. We are at least six years ahead of Liberal Party policy, or probably 100 years ahead. While the Government will fight tobacco use on every front in every possible way to reduce this scourge, this terrible habit that kills people—it is a pretty horrible death—the Liberal Party feeds it, protects it and promotes it. And its members want credibility on health policy! They are a disgrace.

## MOTORIST TAXATION

**Mr ANDREW STONER:** My question is directed to the Minister for Transport and Roads. Why should a typical hardworking family with three kids, such as the Pettitts of South Penrith, be slugged by the Government's unfair \$500 million monstrous tax on motorists, which will barely cover the cost of its infamous and failed inner-city metro?

**Mr DAVID CAMPBELL:** It seems everything old is new again. How many times has the Opposition asked this question? It has been asked several times, and the answer remains the same. The Nationals, the party that supposedly represents country New South Wales, asks questions about suburban Sydney, albeit western Sydney, which is a very valuable and important part of Sydney. Earlier today, when I gave notice of legislation to be introduced, I said as an aside that the pressure is on the Liberal Party about budget honesty. As always, its members fail to recognise that there are two sides to a budget: income and expenditure. If there is no income, there can be no expenditure.

### DISABILITY SERVICES AND JOBS

**Mr MATTHEW MORRIS:** My question is addressed to the Minister for Disability Services. How is the Government supporting jobs in the disability sector?

**Mr PAUL LYNCH:** I thank the member for Charlestown for that important question on this important topic. In recent years the disability sector has had a massive injection of funds. Stronger Together has added an extra \$1.3 billion over the first five years. For the year ended June 2010, the annual budget of the Department of Ageing, Disability and Home Care was \$2.3 billion, an increase of \$238 million over the previous year. The recurrent budget of my agency has increased by 45 per cent over the past five years. One would be hard-pressed to find a comparable jurisdiction anywhere in the world with a similar increase in funding. Many things flow from this. One is a significant increase in the number of jobs in disability services, in both the government and non-government sectors.

Over the next five years, it is predicted that this sector will have 38,000 job vacancies. Of those, 10,000 will be new jobs. It follows logically that if the Government increases funding and significantly increase the number of jobs in the sector, a work force recruitment strategy will have to be pursued. The strategy that the Government is adopting is called Carecareers. The Government has invested \$4.3 million in that strategy and is delivering it in partnership with the National Disability Services New South Wales Branch. Carecareers was launched by the Premier in January this year and subsequent regional launches were held in Newcastle, Wollongong and Orange. A series of television advertisements have had significant exposure and the campaign aims to raise awareness of the potential for people to work in this sector.

The campaign also aims to show that one does not have to be a saint or a hero to be a worker in disability services, although plenty of people in that sector are indeed saints or heroes. The campaign involves an Internet-based recruitment strategy with an effective and easy portal for people interested in a career in the industry and for organisations seeking candidates for job vacancies. Some promising results have been yielded. Since the campaign commenced, between 100 and 150 job vacancies have been promoted at any given time, with about 22 currently live on the website. Last week alone 125 job applications were received, and more than 3,300 have been received since November 2009.

In the Hunter, in response to the question asked by the member for Charlestown, 277 applications have been received since March. This workforce recruitment strategy is a sensible and rational way to increase services to the disability sector and to increase jobs and employment in the sector. That, of course, is in stark contrast to the Max the Axe approach exemplified by members opposite. The member for Bega told a meeting in Bathurst that the Opposition's policy is for 90 per cent of the services in this sector to be delivered by non-government organisations. That means massive job losses in the Department of Ageing, Disability and Home Care. I ask the member for Bega exactly how many employees of my agency he proposes to sack. Although it is a pleasant change to have an Opposition policy, that is one that the people of New South Wales can do without. Of equal concern are the reservations of the Leader of the Opposition for continued employment in this sector. On 11 March 2010, the *Sydney Morning Herald* reported the Leader of the Opposition as stating:

If you're the Minister for Community Services or Disabilities, it is important that you understand that without economic growth, the budget for your department will be constrained.

There you have it! When the going gets tough the first to get thrown overboard by the Opposition are the weak, the powerless and the disenfranchised, those most in need of support. Scratch the surface of the State Opposition and you will see it is what it has always been—

**The SPEAKER:** Order! Members will cease interjecting.

**Mr PAUL LYNCH:** —hard of heart, and unable to change. Members on this side of the House understand that people will continue to be sick, injured or vulnerable, no matter what the level of a financial



index on Wall Street may say. The Government does not see the community and disability sectors as the first places to start to cut. What are the precise plans of the Leader of the Opposition? Will he do what Greiner said, "Don't reveal your plans until you get elected"? Will he then do a Kennett? Three hundred and fifty schools, 9,000 teachers, 17 hospitals, 10,000 hospital workers—all gone. Carecareers is a good example of a clear policy contrast. On this side we support increased investment, increased services and increased jobs. On that side, there is Max the Axe, slash-and-burn conservatives, showing that they cannot overcome what is in their DNA.

**Question time concluded at 3.28 p.m.**

## **SMOKING RATES**

### **Personal Explanation**

**Mrs JILLIAN SKINNER**, by leave: As a person who is very proud of the work that I have done as Shadow Minister for Health, I believe that the assertions made in this place today by the Minister Assisting the Minister for Health (Cancer) were designed to do nothing more than discredit my reputation. I absolutely deny ever receiving any donations in kind, or of any kind, from the tobacco industry.

## **WATERFALL ACCIDENT**

**Mr David Campbell** tabled, pursuant to section 74 of the Rail Safety Act 2008, the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the New South Wales Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident for the period January-March 2010".

## **UNPROCLAIMED LEGISLATION**

**The SPEAKER:** Pursuant to Standing Order 117, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 11 May 2010.

## **AUDITOR-GENERAL'S REPORT**

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Performance Audit Report of the Auditor-General entitled "Access to Overnight Centre-based Disability Respite: Department of Human Services—Ageing, Disability and Home Care", dated May 2010.

## **LEGISLATION REVIEW COMMITTEE**

### **Report**

**The Clerk** announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No. 5 of 2010", dated 10 May 2010.

## **COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

### **Report**

**Mr Frank Terenzini**, as Chair, tabled the report entitled "Review of the 2007-2008 Annual Report of the Independent Commission Against Corruption", dated May 2010.

**Ordered to be printed on motion by Mr Frank Terenzini.**

## **LEGISLATION REVIEW COMMITTEE**

### **Discussion Paper**

**Mr Allan Shearan**, as Chair, tabled a discussion paper of the Legislation Review Committee entitled "Public Interest and the Rule of Law: Discussion Paper", dated 10 May 2010.

**Ordered to be printed on motion by Mr Allan Shearan.**

## PETITIONS

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

### **Hornsby Ku-ring-Gai Hospital**

Petition requesting the rebuilding of the Hornsby Ku-ring-Gai Hospital, received from **Mrs Judy Hopwood**.

### **Wagga Wagga Base Hospital**

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

### **Tumut Renal Dialysis Service**

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

### **Tumut Hospital and Batlow Multiple Purpose Service**

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

### **Wagga Wagga Respite Services**

Petition requesting funding for a second respite house and the provision of accessible access to the existing respite premises in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

### **Crown Land Reserve Sale**

Petition opposing the sale of any part of the Crown Land Reserve R 27986 and requesting that the land remain reserved for a public hospital, received from **Mr Daryl Maguire**.

### **Mobile Breast Screening Units**

Petition requesting that mobile breast screen units be reinstated in areas within the North Coast Area Health Service, received from **Mr Donald Page**.

### **Carramar (Leeton Hospital Aged Care Unit)**

Petition opposing the sale of Carramar (Leeton Hospital Aged Care Unit), received from **Mr Adrian Piccoli**.

### **South Coast Rail Services**

Petition opposing any reduction in rail services on the South Coast, received from **Mrs Shelley Hancock**.

### **South Coast Rail Line Facilities**

Petition requesting that train carriages be fitted with toilet and luggage facilities on the South Coast rail line, received from **Mrs Shelley Hancock**.

### **South Coast Rail Line Staffing**

Petition opposing the reallocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

### **Princes Highway Rest Areas**

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

### **Milton Road Safety**

Petition requesting funding for safety improvements on the Little Forest Road and the Princes Highway at Milton, received from **Mrs Shelley Hancock**.

### **Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

### **Bus Service 311**

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

### **Religious Education and School Ethics Classes**

Petition opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Andrew Constance**.

### **TAFE Employee Negotiations**

Petition requesting fair negotiations with TAFE teachers, received from **Mrs Judy Hopwood**.

### **Protection of Crown Reserves**

Petition requesting an expansion of the draft local environmental plan template to enable Crown reserves that need protection from development, but that are not national parks or nature reserves, to be protected, received from **Mr Donald Page**.

### **Tuckurimba Quarry Expansion**

Petition opposing the proposed expansion of sandstone quarry operations at Champions Quarry in Tuckurimba northern New South Wales, received from **Mr Thomas George**.

### **National Parks Tourism Developments**

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

### **Shoalhaven Police Station**

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

### **Retail Electricity Pricing**

Petition opposing the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices from between 44 per cent and 62 per cent, received from **Mrs Shelley Hancock**.

### **Pet Shops**

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

### **Mental Health Services**

Petition requesting increased funding for mental health services, received from **Ms Clover Moore**.

**Burrill Lake**

Petition requesting the water level be reduced from 1.25 metres to 0.9 metres to allow the manual opening of Burrill Lake to alleviate community concerns and reduce the negative environment effects of the lake closure, received from **Mrs Shelley Hancock**.

**Young Offenders**

Petition requesting an increase in the number of juvenile detention centres and the abolition of the Young Offenders Act 1997, received from **Mr Craig Baumann**.

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

**Macquarie Area Rehabilitation Services**

Petition opposing the closure of the Macquarie Area Rehabilitation Services Cornucopia Café and Nursery, received from **Mr Victor Dominello**.

**Coogee Bay Hotel Site**

Petition opposing any redevelopment of the site bounded by Coogee Bay Road and Arden and Vicar Streets under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Paul Pearce**.

**Coffs-Clarence Local Area Command**

Petition requesting increased police numbers in the Coffs-Clarence local area command and provision of a 24-hour-a-day police presence in Yamba without cutting police services to other areas of command, received from **Mr Steve Cansdell**.

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Carmel Tebbutt—Carramar (Leeton Hospital Aged Care Unit)—lodged 17 March 2010 (Mr Gerard Martin)

The Hon. Carmel Tebbutt—Mobile Breast Screening Units—lodged 21 April 2010 (Mr Don Page)

The Hon. Tony Kelly—Coogee Bay Hotel Site—lodged 20 and 22 April 2010 (Mr Paul Pearce)

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Notices of Motions (General Notices) Nos 733 to 782 lapsed pursuant to Standing Order 105 (3).**

**BUSINESS OF THE HOUSE****Notices of Motions Removed**

**The SPEAKER:** In view of the resignation of the member for Penrith and in accordance with past practice, I have ordered the removal from the Business Paper of General Business Notices of Motions (General Notices) Nos 837, 878, 917, 947, 969, 976, 1100, 1138 and 1211.

**DISABILITY SERVICES AND JOBS****Personal Explanation**

**Mr ANDREW CONSTANCE**, by leave: During question time the Minister for Disability Services sought to impugn my reputation and that of my Liberal and Nationals colleagues in relation to job cuts in the

disability sector. I wish to have it clearly stated on the record that we have no plans to cut jobs in the disability sector, and I urge the Minister to stop denigrating the non-government sector in the way that he does continually in the House.

## MEMBER FOR THE ENTRANCE

### Personal Explanation

**Mr GRANT McBRIDE**, by leave: The unsourced alleged comments made by the member for Terrigal in this House on 10 March and attributed to me at the Liberal Party rally at The Entrance on 3 March that were supposedly directed at the teaching staff of The Entrance Public School are wrong, selectively quoted and totally misleading. The teaching staff at The Entrance Public School have my total respect and support.

**The SPEAKER:** Order! The member for The Entrance will resume his seat.

**Mr Chris Hartcher:** Point of order: This motion was before the House and the member for The Entrance had the opportunity to debate it at the time. He chose not to speak in that debate. He now seeks to reopen the debate. That cannot be done under standing orders except by way of a substantive motion. It is not a personal explanation.

**The SPEAKER:** Order! Unfortunately, I barely heard the comments of the member for The Entrance given the volume of conversation in the Chamber. The member for Bega made a personal explanation about Opposition policy. The Clerk has advised that members must indicate clearly how their reputation has been impugned. I will hear further from the member for The Entrance.

**Mr GRANT McBRIDE:** The comments attributed to me, supposedly directed at the teaching staff of The Entrance Public School, are wrong, selectively quoted and totally misleading. These were the allegations made by the member for Terrigal.

**The SPEAKER:** Order! The member for The Entrance will resume his seat. I have heard enough. Members cannot use a personal explanation to debate a matter. This ruling applies to members on both sides of the Chamber.

## BUSINESS OF THE HOUSE

### Suspension of Standing Orders: Routine of Business

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.37 p.m.]: I move:

That standing orders be suspended at this sitting to permit:

- (1) the consideration of the matter of public importance at 6.00 p.m.;
- (2) the Speaker to leave the Chair at the conclusion of the matter of public importance;
- (3) the Speaker to resume the Chair at 7.30 p.m. for the consideration of Government business; and
- (4) the House to adjourn on motion.

It will be noted from today's program that there are 10 substantial pieces of legislation—some of them quite contentious—on the business paper. The Government wishes to give members the opportunity to speak on those issues because it is well known that many members on both sides of the Chamber have strong feelings in relation to them. For that reason I am moving to allow extensive debate on those issues. It will also be noted that today Ministers gave notice of a number of matters for debate. Consequently, the legislative program is filling quite substantially. Rather than have a situation in subsequent weeks of debating a substantial number of matters, as it is about the middle of the budget session it is better to consider legislation and proceed with it as expeditiously as possible. That is why I am moving to extend the period for debate beyond the dinner break, from 7.30 p.m., until I move the adjournment of the House at an appropriate time.

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [3.38 p.m.]: That is some of the best spin I have heard for a long time. The Government wants to extend tonight's sitting because the House will be debating the Relationships Register Bill 2010. I believe there are significant problems on the Government side because there is not complete uniformity about how its members will vote on the bill so the

Government wants to deal with it on the night that the Federal Budget is delivered. That is what this motion is about. It is about a government on the run and trying to duck and cover on every issue, including the Relationships Register Bill 2010. Government members are unhappy about the bill, which has caused significant divisions within the Labor Party. The Government wants to bury the bill tonight and avoid yet another controversy for Labor. It shows the disarray of this Government. There is to be a by-election in the next few weeks as a result of the antics of the Labor Party.

This Government, which knows no bounds and which is all about family friendly hours, is prepared to shove that issue into a corner to suit its grubby, political ends—to debate and complete this legislation tonight and to try to remove another rotting sore from the Labor Party in the lead-up to next year's election, which is typical gutter politics. The Rudd Government found itself in a great deal of trouble over a similar issue—burying bad news on a day on which it knew it would be overshadowed by other news. The New South Wales Labor Government is also attempting to bury bad news but nobody will believe its spin. The Liberal-Nationals Coalition does not oppose this motion because it realises the importance of debating this legislation. However, it is appropriate to bring to the attention of the public the reason why the Government is moving this motion.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.40 p.m.], in reply: As usual, the arguments of the member for Murrumbidgee relating to the suspension of standing orders are irrelevant and are not based on fact. The Government is seeking to suspend standing orders to give members an opportunity to debate several pieces of legislation. The member for Murrumbidgee cannot have his cake and eat it too. On one hand, he comes into the Chamber and states that the Government is slack because it is rushing legislation through the House and denying members an opportunity to debate it. On the other hand, when the Government proposes to extend the time to debate legislation, the member for Murrumbidgee criticises it. Whenever the Government moves a motion to suspend standing orders there is a great deal of inconsistency in the Opposition's arguments, which only emphasises the Opposition's lack of credibility.

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

**Motion agreed to.**

## **CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

### **WorkChoices**

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [3.42 p.m.]: My motion should be accorded priority—

**Mr Adrian Piccoli:** Point of order—

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

**Mr Adrian Piccoli:** The substantive paragraph in this motion is incorrect as it refers to the Leader of the Opposition crossing a picket line at the opening of the coal loader in Newcastle. Clearly, the Leader of the Opposition was in Sydney and not in Newcastle. As the substance of the motion is incorrect I ask you to rule the motion out of order.

**Mr John Aquilina:** To the point of order: The motion does not state that the Leader of the Opposition crossed a picket line; it condemns the Leader of the Opposition and the Opposition spokesman for Primary Industries for supporting WorkChoices and the crossing of the picket line.

**The DEPUTY-SPEAKER:** Order! Opposition members will come to order. I will hear further from the Leader of the House.

**Mr John Aquilina:** Clearly, Opposition members need a lesson in English grammar. The motion, which refers to the Leader of the Opposition and to the Opposition spokesman for Primary Industries supporting WorkChoices, implies that they supported those who crossed the picket line—which of course is what occurred. That is the clear imputation in this motion.

**Mr Barry O'Farrell:** To the point of order: Today my 10-year-old son sits the National Assessment Program—Literacy and Numeracy [NAPLAN] test. One of the things on which he will be tested relates to

conventions—what words actually mean. Paragraph (1) of the motion is an attempt, in some fictitious way, to criticise a member in another place and me for allegedly crossing a picket line. It did not occur. Even my 10-year-old son understands that language. I expect that he will do well—I certainly hope he does—in today's NAPLAN test. However, the former Minister for Education and Training gets a big, fat "F" for fail. He failed because he cannot read and he failed because he could not put forward an argument as to why debate on legislation should be extended.

**The DEPUTY-SPEAKER:** Order! The Leader of the Opposition will resume his seat. The member for Wollongong is establishing why her motion should be accorded priority. I will hear further from the member for Wollongong.

**Ms NOREEN HAY:** I am happy to amend the motion.

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

**Ms NOREEN HAY:** Opposition members are making much of this issue because they do not want exposed their treatment of workers in New South Wales. They do not want working families in New South Wales to know what lies ahead for them if those opposite are ever elected to office. Opposition members should sit down and be quiet.

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

**Ms NOREEN HAY:** My motion deserves to be accorded priority because we must protect working families in New South Wales from the Liberal-Nationals Coalition.

**The DEPUTY-SPEAKER:** Order! I call the member for Hawkesbury to order.

**Ms NOREEN HAY:** We must protect workers in New South Wales from the attempts by the Liberal-Nationals Coalition to reinstate WorkCover. It is supporting its colleagues in Canberra to reinstate WorkChoices. Opposition members should get used to the fact that the people voted against WorkChoices. *[Time expired.]*

### Whistleblower Treatment

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.47 p.m.]: I am pleased to be dealing in facts, not fiction. Clearly, that is not the table of knowledge opposite. The motion that we will be opposing is based on fiction.

**Ms Noreen Hay:** Point of order: If Opposition members are to get serious—

**Mr Brad Hazzard:** I want a kebab!

**Ms Noreen Hay:** You look like a kebab!

**The DEPUTY-SPEAKER:** Order! The member for Wollongong will resume her seat. I will hear further from the Leader of the Opposition.

**Mr BARRY O'FARRELL:** Members should support my motion because, unlike the fictions with which those opposite want to deal today, it concerns real events. In fact, 380,000 public servants across the State and thousands more who are employed in local government are allegedly covered and protected by the Protected Disclosures Act, an Act that is meant to be one of the bulwarks of honesty and integrity—words not known to the member for Cessnock—in public administration in this State. In February, when allegations were first raised about the former member for Penrith, the defence from the Premier may or may not have been appropriate—an issue with which I will deal later.

On the same day the Premier sought to impugn the motives of a whistleblower. I do not know Tim Horan—he is not a member of my party, but apparently is a member of the Labor Party—but he was a whistleblower. As events have subsequently shown, he pointed to maladministration at least, and probably corruption at worst—but let us wait for the Independent Commission Against Corruption [ICAC] to report. In February the Premier sought to impugn his motives, and more. The Premier gave her office—

**Mr Gerard Martin:** Point of order: My point of order relates to relevance. As was pointed out earlier today, the Independent Commission Against Corruption has already ruled on this matter. It said that what Opposition members have been saying is a lie. The ICAC has already ruled on this issue. Opposition members referred this matter to ICAC—the doblers that they are—and they received an answer. The motion of the Leader of the Opposition is irrelevant.

**The DEPUTY-SPEAKER:** Order! The Leader of the Opposition has the call.

**Mr BARRY O'FARRELL:** Thank you for ruling on that fictitious point of order. On the same day, the Premier gave the green light to her staff to produce a dirt file seeking to undermine that whistleblower in relation to the meeting. This is Labor form, and the former Minister for Education and Training knows Walt Secord's tactics well: it is about inventing things that do not occur; it is about casting aspersions if it is going to get the Minister, the Premier or the particular Labor Party person for whom he is working at that moment through the heat. The problem is that yesterday we saw the same sort of dissembling and deception. When faced with public concern that Karyn Paluzzano will leave this place with a \$1.9 million superannuation payout after having confessed that she misled the Independent Commission Against Corruption, what did the Premier say? She said, "Look, I share that outrage but existing laws will take care of the matter and ICAC should run its course."

**Mr Gerard Martin:** Exactly—laws that you voted for.

**Mr BARRY O'FARRELL:** The clearly fictitious member for Bathurst says, "Exactly". The fact is that the Orkopoulos provisions, which were put in place to protect the public purse from convicted paedophile and former Labor Minister Milton Orkopoulos, apply only when charges are laid.

**The DEPUTY-SPEAKER:** Order! Government members will come to order.

**Mr BARRY O'FARRELL:** So the Paluzzano loophole is to resign before charges are laid. Now that Karyn Paluzzano has resigned, nothing the Premier said yesterday and nothing she repeated in this House today will change Karyn Paluzzano's superannuation entitlements. Karyn Paluzzano has escaped, first, because of the tactics that Walt Secord runs out of the Premier's office; and, secondly, because of the Premier's poor judgement in not addressing community concern, attacking whistleblowers and giving her office the green light to undermine a whistleblower. It will come home to roost because that is not the only corruption on that side of the House. Whistleblowers will not be cowed by those tactics because the truth will out.

**Question—That the motion of the member for Wollongong be accorded priority—put.**

**The House divided.**

**Ayes, 48**

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Ms Hay	Mr Rees
Mr Borger	Mr Hickey	Mr Sartor
Mr Brown	Ms Hornery	Mr Shearan
Ms Burney	Ms Judge	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lalich	Mr Tripodi
Mr Coombs	Mr Lynch	Mr West
Mr Corrigan	Mr McBride	Mr Whan
Mr Costa	Dr McDonald	
Ms D'Amore	Ms McKay	
Ms Firth	Mr McLeay	<i>Tellers,</i>
Mr Furolo	Ms McMahan	Mr Ashton
Ms Gadiel	Ms Megarrity	Mr Martin



**Noes, 40**

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejikian	Mr Humphries	Mr Souris
Mr Besseling	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr O'Dea	Mr R. W. Turner
Mr Dominello	Mr O'Farrell	Mr J. D. Williams
Mr Draper	Mr Page	Mr R. C. Williams
Mrs Fardell	Mr Piccoli	
Mr Fraser	Mr Piper	<i>Tellers,</i>
Ms Goward	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

**Pair**

Mr Daley

Mrs Hopwood

**Question resolved in the affirmative.**

**The SPEAKER:** Order! The member for Wollongong has submitted an amended motion that takes into account the point of order taken by the member for Murrumbidgee. The amended motion is in order pursuant to Standing Order 139.

**WORKCHOICES****Motion Accorded Priority**

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [3.59 p.m.]: I move:

That this House:

- (1) condemns the Leader of the Opposition for supporting WorkChoices and the shadow Minister for Primary Industries for crossing a picket line at the opening of the NCIG coal loader last week; and
- (2) notes the Australian community voted against WorkChoices at the 2007 Federal election.

In 2006 the former Howard Government forced draconian industrial relations laws upon the workers of Australia. The name of the scheme was WorkChoices and the irony of the term cannot be ignored. The scheme not only removed choice but also used force to tell workers what to do. There was no choice for workers. Unfair dismissal protections were scrapped. Australian workplace agreements [AWAs] were introduced and stripped away award entitlements. Work on Saturdays, Sundays and late at night became ordinary hours of work. The WorkChoices scheme was designed to tip the balance in favour of big business at the expense of Australian working families.

In the 2007 Federal election, the Australian people voted on WorkChoices and threw out the Howard Government. The Australian public spoke and the Howard Government was punished for inflicting such appalling laws onto working families. Alarming, however, we know that the Federal Opposition is planning to bring back WorkChoices. Earlier this year Tony Abbott stated:

... we had a mandate to introduce statutory non-union contracts and we will seek to renew that mandate.

At four elections running we had a mandate to take the unfair dismissal monkey off the back of small business and we will once more seek that mandate. Tony Abbott did not listen to the Australian public. His industrial relations plan is to strip away penalty rates, scrap unfair dismissal laws and bring back Australian workplace agreements. But what does the New South Wales Opposition say on the matter? As the axe of WorkChoices again hangs over the heads of New South Wales families, the New South Wales Opposition has remained quiet.

On the previous occasion when this issue was debated in the House, the Opposition was pathetic. Only one member spoke on behalf of the Opposition, and that was the member for Terrigal, who will probably speak

today. On the previous occasion not once did the member for Terrigal address the issue, which is not unusual for him. He said that industrial relations is a matter for the Federal Parliament and is not relevant to New South Wales workers. What a disgrace! The New South Wales Opposition did not say a word about where it stands on Tony Abbott's plan to reintroduce WorksChoices under another name.

But actions speak louder than words. Last week the Leader of the Opposition, Mr O'Farrell, gave permission to an Opposition shadow Minister to cross a picket line in support of WorkChoices. The Leader of the Opposition gave the green light to the shadow Minister for Primary Industries and senior member of The Nationals, the Hon. Duncan Gay, to attend the ceremonial opening of the new coal export terminal in Newcastle. The Opposition has backed the operations of a coal loader that, in the dying days of the WorkChoices laws, placed its workers on WorkChoices agreements. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

The workers will receive reduced superannuation contributions and will have no recourse to Fair Work Australia to arbitrate disputes. In contrast to the Opposition, members of the Government made a stand. The Premier expressed her disappointment in the operators for registering and using a WorkChoices contract in the dying days of the industrial relations system. The Premier said, "I have never supported WorkChoices and I never will." The Premier chose not to attend the opening. The Premier has reinforced the Government's position on WorkChoices—that we will never again tolerate an industrial relations system that inflicted so much pain on working people in this country.

**Mr CHRIS HARTCHER** (Terrigal) [4.06 p.m.]: I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

this House:

- (1) notes that the majority of the Labor caucus under police escort forced their way into Parliament in 2001 through a massed trade union picket;
- (2) notes that the then Premier stood on the steps of Parliament House and made an insulting gesture to over 2,000 unionists as their picket line was forcibly breached; and
- (3) notes that the Leader of the Opposition was not even in Newcastle on the day in question.

In June the soccer World Cup will be played. If there is one phrase known to everyone involved with soccer, it is "own goal". If ever a political party scored an own goal, it is Labor through the member for Wollongong and the member for Monaro, when formulating the original motion, not even knowing the date when the Leader of the Opposition was in Newcastle. That shows sloppy, ill-researched work, and that the Government has run out of ideas, is stale and does not even know what day of the week it is.

**Ms Noreen Hay:** Point of order: The member for Terrigal is clearly misleading the House.

**Mr Andrew Fraser:** You sleep in the House!

**Ms Noreen Hay:** I ask you to direct him to speak to the amendment he has moved.

**The DEPUTY-SPEAKER:** Order! That is not a point of order. I will hear further from the member for Terrigal.

**Ms Noreen Hay:** Madam Deputy-Speaker, I ask you to direct the member for Coffs Harbour to withdraw the comment he made in relation to me a moment ago. He should withdraw the comment right now!

**The SPEAKER:** Order! Is the member for Coffs Harbour prepared to withdraw his comment?

**Mr Andrew Fraser:** I withdraw it.

**Mr CHRIS HARTCHER:** The member for Wollongong is so inept, so incompetent and so poorly advised that she does not even know what motion she has moved. The member for Wollongong was not a member of the Labor Government in 2001; her predecessor of happy memory, Col Markham—whom we all loved and admired—was the member for Wollongong at that time. She knocked him off in a preselection ballot

and everybody knew how she had stacked the branches to win. However, we will not go into that now. In 2001 the then Premier of New South Wales and leader of the Labor Party, Bob Carr, stood on the steps of Parliament House to give a two-finger gesture to 2,000 trade unionists.

**Mr Kerry Hickey:** Point of order: Earlier today the Opposition stated in a point of order that the Government was misleading the House. No-one could be more misleading of the House than the member for Terrigal is right now. The Opposition is adamant that the former Premier did something wrong while standing on the steps of Parliament House. He did not.

**The DEPUTY-SPEAKER:** Order! I have heard enough on the point of order. That is not a point of order. The member for Terrigal has the call.

**Mr CHRIS HARTCHER:** The member for Cessnock and the member for Wollongong are unable to get the identity of Opposition members or their points of order right. The crucial fact is that 2,000 trade unionists were insulted by the Premier, and police forced their way through the mass trade union picket outside this building. Two thousand trade unionists were breached by a police line led by the then Minister for Police, Paul Whelan, and the majority of the Labor caucus. So much for the Labor Party and the union movement!

**Ms Noreen Hay:** Point of order: The member for Terrigal is determined to mislead and bore to death everyone in this place. Obviously he has nothing to say on any subject. He has not dealt with anything of substance. He is talking about unionists outside Parliament House. We are talking about the Coalition and security guards wearing balaclavas and dogs attacking workers on the waterfront.

**The DEPUTY-SPEAKER:** Order! That is not a point of order. I will hear further from the member for Terrigal.

**Mr CHRIS HARTCHER:** So we have this desperate situation. On a day when the issue is the former member for Penrith and the Independent Commission Against Corruption, the member for Wollongong is trying to set up a smokescreen about what may or may not have happened in Newcastle last week. The picket line principle, which the member for Wollongong claims to uphold, was flagrantly breached in Macquarie Street outside this very building by her own political party, her Premier, her Ministers back in 2001.

**Mr Kerry Hickey:** Point of order: The member for Terrigal is misleading the House. I was a member of the Government during that period and I never crossed the picket line. However, Duncan Gay clearly crossed a picket line at the Port of Newcastle. Frankly, the member for Terrigal is wrong to say that Government members crossed a picket line when Coalition members, including the shadow Minister, crossed a picket line. I ask you to draw him back to the motion before the House.

**The DEPUTY-SPEAKER:** Order! That is not a point of order. The member for Terrigal has the call.

**Mr CHRIS HARTCHER:** All of those points of order are simply points of debate. Government members are simply trying to mask today's results. That is understandable. A list of Labor Party members has fronted the Independent Commission Against Corruption, including the member for Wollongong.

**Ms Noreen Hay:** Point of order—

**The DEPUTY-SPEAKER:** Order! The member for Terrigal will resume his seat.

**Ms Noreen Hay:** The member for Terrigal continues to mislead the House and it is unacceptable parliamentary behaviour. I simply reaffirm what I said earlier: The member is wasting our time because he has nothing of substance to say.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Terrigal has the call.

**Mr CHRIS HARTCHER:** There we have it! The member for Wollongong, fresh from her latest appearance before the Independent Commission Against Corruption —

**Ms Noreen Hay:** Point of order: That is completely unacceptable. The member for Terrigal needs to withdraw that remark. It is an absolute lie. The member has lied again.

**The DEPUTY-SPEAKER:** Order! The member for Wollongong has asked the member for Terrigal to withdraw his comment.

**Mr CHRIS HARTCHER:** No.

**The DEPUTY-SPEAKER:** The member for Terrigal has indicated that he is not prepared to withdraw his comment.

**Ms CHERIE BURTON** (Kogarah) [4.13 p.m.]: What a classic contribution from the member for Terrigal! We can always rely on a great and stimulating performance from him. Opposition members can run but they cannot hide. No wonder they moved a motion relating to 2001, drivelling on, fantasising about events that never happened. The reality is that the Coalition's real plan for New South Wales has been exposed, and members opposite are embarrassed. Members opposite have been sloppy; they must not have done their own research. I join the member for Wollongong in condemning the Opposition's secret plan to bring back WorkChoices. That is what this is all about.

We all remember the dark days when the Howard Government introduced laws that ripped away the rights of ordinary working Australians. They told us that these new laws were about flexibility and choice. They showed us pictures of workers smiling and laughing while employers cut their pay, stole their penalty rates and extended their hours of work. However, it was not long before Australian workers began to see through this façade to the rotten core of WorkChoices and the Howard Government. Stories began to emerge of teenage workers being exploited in their first jobs, workers told they had to sign an Australia workplace agreement with no penalty rates and below award pay and conditions or go without a job. That is the Coalition's work flexibility.

Workers who had been with their employer for 10, 15 or 20 years were sacked. They were told they no longer had any protection from unfair dismissal. John Howard took away collective bargaining rights for workers and introduced Australia workplace agreements that encouraged bosses to divide and conquer the workforce. Those most vulnerable in the workplace became easy targets for unscrupulous bosses. These workers could do little but watch while their rates of pay were reduced and basic conditions of work were stripped away. While the member for Coffs Harbour may look disinterested and moan and groan, WorkChoices affected people's lives. They either lost their jobs or lost wages or penalty rates. To them, this issue is of great importance. This issue is being debated in the House today because the people of New South Wales need to know the Coalition's policy.

In November 2007 the Australian people fought back. They said no to John Howard, no to the Liberal-Nationals Coalition and no to WorkChoices. Unfortunately some members of the House choose not to acknowledge that decision of the Australian people to reject WorkChoices. In fact, many members opposite are doing all they can to bring it back, and that is what this motion is highlighting. The shadow Minister for Primary Industries, Duncan Gay, was so eager to throw his support behind WorkChoices that he was willing to walk away from workers in Newcastle last week. That is a fact. Despite the tough and principled stand taken by the Premier and Newcastle Labor members not to attend the opening of the coal loader in Newcastle, the Leader of the Opposition encouraged his representative not only to attend but also to speak in support of the employer.

The Leader of the Opposition may shy away from stating his support for WorkChoices publicly, but behind the scenes his intentions are clear. The people of New South Wales, the workers of New South Wales, need to be aware of this. I draw the attention of members to the humble seat of Monaro in southern New South Wales, where steadfast representative, the Hon. Steve Whan, fought to protect his constituents from the Howard Government's draconian WorkChoices legislation. His electorate was hit hard when employers such as teak wood dealer John Barilaro tried to put his workers on Australian workplace agreements. But the real question is: Where is Mr Barilaro today? He is The Nationals' candidate for Monaro. The big supporter of WorkChoices was seen skulking around behind John Howard with his "I support WorkChoices" placards. Now The Nationals have endorsed this man as their candidate to run against Steve Whan in Monaro. In 2007 Mr Barilaro said:

We have operated this business here for nine years, and our workforce has grown sevenfold since then with no need for unions or collective agreements.

Even more chilling, he said of WorkChoices:

It's helped—

**Mr Thomas George:** Is that a bad choice?

**Ms CHERIE BURTON:** It depends on what they are being paid. People can have a job but what are they being paid? What are their penalty rates? What are their rights at that job? People might be working, but what if it is slave labour? It is not about simply having the job; it is the quality of that job and whether it is bringing home enough money to pay the rent and feed the family. [*Time expired.*]

**Mr ANDREW FRASER** (Coffs Harbour) [4.18 p.m.]: The diatribe that we hear from Government members is exactly that! I did not hear members opposite telling us about workers in the aged care industry who, under Kevin Rudd, have lost \$3 an hour. One young man came to me and said, "I used to be a shift manager at McDonald's. Kevin Rudd has come in under a Federal award with aged care workers, taken away the rates of pay I have"—workers in the aged care industry are fairly lowly paid—"and he's taken away \$3 an hour from me. I'm now leaving the aged care industry and going back to McDonald's." This is a young man with a family. Government members should tell us how Kevin Rudd has affected those lowly paid workers in that industry and who knows what other industries.

The dispute in Newcastle was about an unfair call for a 17 per cent wage increase from people operating a coal loader. Is that fair? Kevin Rudd wants to take millions of dollars from the mining industry and cut back wages. The first thing that will happen when Kevin Rudd's great big new tax on mining comes into play is that the wages of basic skilled people who drive trucks, and earn \$100,000 out of the mining industry, will be cut back. When the so-called super profits disappear, the end result will be a lack of exploration and a lack of wages for those semi-skilled workers. When the Government is trying to hide from the Paluzzano affair it pulls out its bag of dirty tricks and says, "Let's run WorkChoices."

The Minister for Primary Industries also tried to establish that the Leader of the Opposition was in Newcastle, but he was in Sydney. This behaviour is all about Monaro, a marginal seat, and Barilaro. The Government wants to sully The Nationals candidate for Monaro, John Barilaro. He will kick Steve Whan's backside, as 2,000 unionists wanted to do in 2001 to the Premier of New South Wales. At that time the Opposition was led through the picket line and was congratulated by members of the Construction, Forestry, Mining and Energy Union on supporting them. The Opposition supported those unionists against a Labor piece of legislation that would take away their legal representation. Bob Carr came into Parliament House through a back passage—

**Mr Thomas George:** Back door Bob.

**Mr ANDREW FRASER:** Back door Bob, back passage Bob, back gate Bob—he did that three times within a couple of months. He came through the back door of Coffs Harbour Ex-Services Club, the back gate of Coffs Harbour aerodrome and the back passage of Parliament. He was known as back door, back passage, back gate Bob. He would not face them but when he did, on the verandah of Parliament House, he gloated at those hardworking unionists and gave them a two-fingered salute. Government members can deny that, but photographic evidence went right across the newspapers of New South Wales. That is how the Labor Party pretends to support hardworking families.

As I listen to tonight's Federal budget I will be interested to hear what Mr Rudd will provide working families of this State. He has jacked up their mortgages five times. He is purportedly giving them money back, but I guarantee he will put up the price of beer and cigarettes. Working families that have the highest level of tobacco use and cigarettes will be punished severely by Kevin Rudd. Members of the Government are trying to put the fear of God into people about WorkChoices. Why do they not defend those hardworking people who look after aged people in nursing homes and aged care facilities who have had their pay docked by \$3 an hour—that is, more than \$100 per week? They have not said boo about it. The amended motion shows how Labor supports the people of New South Wales. This motion has been moved to try to defend the defenceless position of a former member of this Government who was referred to the Independent Commission Against Corruption and has now resigned from this Parliament.

[*Interruption*]

**The DEPUTY-SPEAKER:** Order! I call the member for Coffs Harbour to order.

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [4.23 p.m.], in reply: As usual, the member for Terrigal spoke absolute garbage. If one listened to members of the Coalition one would think that the trade union movement would applaud them and want them in government, but for their support of WorkChoices, when they threatened workers at the waterfront. The Coalition did not even use security guards—

**The DEPUTY-SPEAKER:** Order! The member for Coffs Harbour will resume his seat.

**Ms NOREEN HAY:** He is trying to intimidate me; I will not be intimidated by him. They used security guards with balaclavas and attack guard dogs, which is their method of industrial relations. Under WorkChoices members of the Coalition went after every single individual working in a family. They went after the penalty rates of kids. All because you could not get around and punch them out, wasn't it, Mr Hartcher? The Leader of the Opposition has a lot to answer for. He has shown that he still supports WorkChoices. He has thrown his party support behind WorkChoices. He has shown that he supports a scheme that is designed to slash and burn workers' rights. Duncan Gay was the only State parliamentarian to attend the ceremonial opening of the coal loader in Newcastle. Can it be that only Duncan Gay was supported by the union movement? Really! The garbage I have heard from members of the Opposition is disturbing. In an interview with ABC Newcastle Mr Gay confirmed that he sought the permission of the New South Wales Opposition Leader of the Opposition to attend—

**Mr Chris Hartcher:** Point of order: Standing orders allow the member for Wollongong to speak in reply to matters raised in debate. She is now introducing fresh material and is reading a transcript of an interview to which she did not refer earlier in her contribution.

**The DEPUTY-SPEAKER:** Order! I will hear further from the member for Wollongong.

**Ms NOREEN HAY:** That is a tactic that we are quite used to. I refer to the interview with Mr Gay because I referred to his crossing of a picket line in my motion. Mr Gay confirmed that he sought the permission of the New South Wales Leader of the Opposition to attend the event and cross a picket line by Newcastle union members. How much would they support the Opposition? Mr Gay said, "I spoke with my Leader Barry O'Farrell and frankly he couldn't see any trouble with me attending"—of course, he could not; he does not see much. "I indicated that he'd have to bow to pretty good argument to stop me attending," Good on him. "I'm disappointed, I've got to say, that the Government, that the Premier and her Ministers, decided not to come". Of course he is. The Opposition leader's disregard for workers' rights is a disgrace.

**Mr Chris Hartcher:** Point of order: Madam Acting-Speaker, you rightly said you would like to hear further and you are now hearing further. The member for Wollongong is reading a transcript of an interview. She is introducing new material on which she is making comment.

**Ms NOREEN HAY:** I am not reading a transcript.

**The DEPUTY-SPEAKER:** Order! The member for Wollongong is referring to copious notes. I will hear further from the member. There is no point of order.

**Ms NOREEN HAY:** The Opposition leader does not have any difficulties with the Newcastle Coal Infrastructure Group signing up to a WorkChoices agreement in the dying days of the Howard Government. WorkChoices was declared dead and buried by the Australian people, but Barry O'Farrell has picked up a shovel and joined Tony Abbott in digging up the carcass.

**Mr Thomas George:** Point of order: It has been well and truly documented in this place that a member should refer to another member by his or her electorate.

**Ms NOREEN HAY:** What is his point of order?

**Mr Thomas George:** Do you want me to repeat it? It is well and truly documented in this House that members refer to other members by their electorate.

**The DEPUTY-SPEAKER:** Order! I am sure the member for Wollongong will refer to members by their correct title.

**Ms NOREEN HAY:** Unlike the Premier who made a stand for the people of New South Wales, the Opposition leader has made a stand for the return of WorkChoices. His small target strategy is failing. He cannot hide his support for laws that tip the balance in favour of big business.

**Mr Chris Hartcher:** Point of order: The member for Wollongong is not referring to copious notes; she is reading a prepared textual speech. She is supposed to be addressing matters in reply. She has not raised matters in reply. She is reading a prepared speech.

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

**Ms NOREEN HAY:** The Leader of the Opposition has finally shown his hand. [*Time expired.*]

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 49**

Mr Amery	Ms Gadiel	Mr Morris
Ms Andrews	Mr Gibson	Mr Pearce
Mr Aquilina	Mr Greene	Mrs Perry
Ms Beamer	Mr Harris	Mr Piper
Mr Besseling	Ms Hay	Mr Rees
Mr Borger	Mr Hickey	Mr Sartor
Mr Brown	Ms Horner	Mr Shearan
Ms Burney	Mr Khoshaba	Mr Stewart
Ms Burton	Mr Koperberg	Ms Tebbutt
Mr Campbell	Mr Lynch	Mr Terenzini
Mr Collier	Mr McBride	Mr Tripodi
Mr Coombs	Dr McDonald	Mr West
Mr Corrigan	Ms McKay	Mr Whan
Mr Costa	Mr McLeay	
Ms D'Amore	Ms McMahon	<i>Tellers,</i>
Ms Firth	Ms Megarrity	Mr Ashton
Mr Furolo	Ms Moore	Mr Martin

**Noes, 35**

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Baird	Mr Hartcher	Mr Roberts
Mr Baumann	Mr Hazzard	Mrs Skinner
Ms Berejiklian	Ms Hodgkinson	Mr Smith
Mr Cansdell	Mr Humphries	Mr Souris
Mr Constance	Mr Kerr	Mr Stokes
Mr Debnam	Mr Merton	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	<i>Tellers,</i>
Mr Fraser	Mr Piccoli	Mr George
Ms Goward	Mr Provest	Mr Maguire

**Pair**

Mr Daley

Mrs Hopwood

**Question resolved in the affirmative.**

**Amendment negatived.**

**Motion agreed to.**

**WORKCHOICES**

**Personal Explanation**

**Ms NOREEN HAY,** by leave: Earlier today the member for Terrigal once again suggested in this place that I had been called to appear before the Independent Commission Against Corruption and that I had attended a place called the table of knowledge. Neither of those suggestions are factual nor true.

**The SPEAKER:** Debate on the motion accorded priority having concluded, the House will now proceed to Government business.

## **CARERS (RECOGNITION) BILL 2010**

### **Agreement in Principle**

#### **Debate resumed from 21 April 2010.**

**Mr ANDREW CONSTANCE** (Bega) [4.38 p.m.]: I speak on behalf of the Liberal-Nationals on the Carers (Recognition) Bill 2010. I acknowledge Laraine Toms from Carers New South Wales, who is present in the gallery this afternoon. I acknowledge that Laraine has been instrumental in advocating on behalf of carers to both the Labor Government and the Liberal-Nationals Opposition for the passage of such legislation. The bill was introduced by the Government because on 12 March 2010 the Liberal-Nationals introduced their Carers Recognition Bill 2010 and although I recognise that they are two different bills, in essence they achieve exactly the same result.

When I introduced my bill on 12 March I made reference to the difficulties and challenges that carers around the State face. There is no doubt that we test the heart of our community with the response by Government to community needs and the recognition of carers. For too long in New South Wales both sides of politics could have done better in recognising the enormous contribution that carers make. In this spirit of bipartisanship we will not oppose the legislation introduced by the Government in response to the Liberal-Nationals' bill. I hope that in the same spirit of bipartisanship all members of Parliament will get behind legislation that better supports and recognises the role of carers in New South Wales.

Every day some 750,000 carers across the State provide care, love and support to a vulnerable member of the community. I also note that carers provide support and care not just to loved ones but also to the wider community, and also support to Government. The economic contribution of carers in this State has been recognised by Carers New South Wales as amounting to \$10 billion in unpaid care. It amounts to about \$30.5 billion nationally. This is an enormous contribution and yet as a society we are not giving enough back in return for the care that is being provided.

On 12 March I said that I had hoped the Government would in a bipartisan way support the legislation that we introduced. Unfortunately that was not the case. The Government indicated in recent weeks that it would oppose the bill, but having said that the Government has brought forward its own legislation. In that regard it is very pleasing to see a carers charter in the Government's legislation that sets out a number of key provisions that I will refer to shortly. It also establishes an advisory council to Government, which one would hope would provide direct input into government decision-making and bring about better accountability in the way in which government agencies treat carers in New South Wales. As I indicated earlier, I will seek to amend that advisory council process and strengthen it so that there is direct input from primary carers. In doing so I recognise that the Government has put an advisory council in place similar to that which was contained in the legislation we brought forward on 12 March 2010.

When I introduced the Carers Recognition Bill 2010 in March I made specific references to a number of individual circumstances involving carers in New South Wales. It is important to recognise the enormous challenges that beset carers in their everyday lives. All too often as we went around the State conducting carers forums over the past two months—in my capacity as shadow Minister for Disability Services, and Ageing, and Kevin Humphries in his capacity as shadow Minister for Mental Health, and Aboriginal Affairs—carers everywhere spoke of the challenges they face in trying to enjoy the same quality of life as the majority of people in society. All too often we heard of instances of social isolation and financial hardship, and all too often we heard of the difficulties associated with carers who are ageing. Too often carers have to fight the system of service provision that is designed to assist the vulnerable person they are caring for. All too often we saw and heard about the challenges and frustration people have in dealing with service providers, particularly government service providers. We have plans to improve on that beyond the carers recognition legislation. The bill is a first step. This is an evolutionary process: the legislation can be built on into the future.

We need to make the service system more responsive and more in tune with the mindset of carers around the State. We met one carers group at Gunnedah that had some wonderful ideas and initiatives that they wanted to bring forward, but they were getting no response from Government about how they could improve services for carers in Gunnedah. There has to be a way forward by allowing carers to have input into the



decision-making of Government so that rather than have a blanket policy approach around the State we can look at individual communities and get local decision-making back into the process. We have to devolve decision-making back into local communities so that carers can respond to the unique circumstances they might find in their country town or suburban community and be able to better care for the person for whom they have responsibility, and also improve their own quality of life.

We heard from carers in towns such as Dubbo, Maitland, Kiama and Queanbeyan. It was great to be able to work closely with a number of key people on the ground in organising those forums. I again acknowledge the work done by Carers New South Wales to promote consultation on the legislation. Whilst that consultation was designed around the Liberal-Nationals' bill it will ultimately benefit the Government's bill. During the past couple of months since the introduction of the bill the Federal Government has also introduced carers recognition legislation. I hope that out of that process we will see much better outcomes in relation to the financial welfare of carers.

All too often we heard of the many financial challenges that carers are facing. I am alarmed at the number of instances of carers being so financially stricken that Government will be required to step in to deal with some of their hardship. In particular we heard of an instance of people's great concern about an increase in electricity prices. I do not want to hear more stories such as those I heard at Bathurst recently where carers are doing it so tough that they are unable to turn on the heating in their homes because of the increase in electricity prices. I flag that because it is vital that both the State and the Commonwealth look closely at the costs of providing care and, importantly, that they look at the impact of some utility price rises on carers.

As I said when introducing the Liberal-Nationals' bill, it is worth noting some figures produced by the Australian Bureau of Statistics. Forty-four per cent of all carers are of workforce age and not in the labour force, compared with 34 per cent of the total population. The gross household weekly income of 41 per cent of all carers is less than \$453, compared with 28 per cent of the general population. It is also important to acknowledge the additional costs associated with caring—everything from medical costs to transport costs. Kevin Humphries and I heard firsthand about those costs. Those things impact financially on carers. The average income for carers is more than 25 per cent lower than it is for non-carers, and it is estimated that carers lose earnings in excess of \$4.9 billion a year.

Through the introduction of national and State legislation we will establish better ways to support carers financially in their role. That is against a backdrop in which carers in New South Wales alone are providing more than \$10 billion worth of unpaid care. State and Federal governments must address some of these financial hardship issues. I place on the record the concerns of members of the Liberal-Nationals Coalition relating to ageing carers. Many carers in our community who are aged 70, 80 or 90 are caring for adult children with mental illnesses or disabilities. They are concerned as there is no future security for those for whom they are caring. We must put better structures in place to support ageing carers.

Some ageing carers are happy to continue caring for their loved ones for the next five or 10 years, but they want to know whether they will receive support in the future and whether their loved ones will receive guaranteed support services, for example, State management, guardianship, finances, and the like. The right structures must be put in place to support ageing carers. This legislation will implement an important assessment process. Carers should not reach crisis situations before they receive support for themselves and their loved ones; they must receive adequate responses from the Government.

I refer, next, to disability services. It is inhumane and unacceptable to think that all too often in New South Wales one has to declare one's child homeless in order to get the Government to provide the necessary services. Carers go through an enormously heartbreaking and inhumane process when they make the difficult decision to relinquish to the State responsibility for caring for their loved ones. We must address that issue and tackle it head on when we are making changes to our support system. When dealing with these support systems carers often are frustrated, as they have to go through different people to gain entry to and support from the Government. Carers fight hard over a long period in order to gain such support.

In our travels around the State many carers raised concerns about the lack of supported accommodation for people with disabilities or mental health issues. Carers are worried about the lack of supported accommodation throughout the community. According to the Australian Institute of Health and Welfare, about 8,000 disabled people in this State require supported accommodation. In 2008-09 the Government's register of disabled people in this State revealed that 1,771 people applied for supported accommodation, but only

64 people, or fewer than 4 per cent, were given a place. Carers in particular are worried about what the future holds for them and their loved ones. We must ensure that the right processes are put in place to better support people through the service system.

Over the next 10 months the Liberal-Nationals Coalition will announce some of its proposals in the lead-up to the next State election, which hopefully will assist carers and those for whom they have responsibility and improve their quality of life. This type of legislation will ensure that the health and wellbeing of carers receive greater attention from government. Carers New South Wales provided me with information relating to the Deakin University national survey of carers health and wellbeing. It is important to note the findings of that survey, which showed carers have the lowest levels of wellbeing of any Australian group. More than half reported some level of depression, and one-third were found to be severely or extremely depressed. More than one-third are experiencing severe or extreme stress. Caring does not get any easier with time, and caring compounds the effects of other factors that lead to reduced wellbeing. The survey also found any level of consistent, daily, immediate caring responsibility is sufficient to severely damage wellbeing. Wellbeing decreases the number of hours spent caring increases. The presence of a person in the household who requires care severely compromises the wellbeing of other family members, whether they have primary carer responsibility or not.

That research is incredibly telling. Once an advisory council is in place that issue will require specific attention to detail. I urge the Government to do more in the provision of better support services and, in particular, to address issues of wellbeing and meet the needs of carers. Over a long period Carers New South Wales tried to impress upon the Government a number of key issues relating to social isolation. Carers do not enjoy the same quality of life that we enjoy. Most of us are able to go out on Friday or Saturday nights. There have been a great many marriage breakdowns, high levels of depression, and financial hardship among carers.

I hope that, as a result of this process, we see significant changes that better support, recognise and maximise carers opportunities in this community. We must ensure that carers do not get into crisis situations—an important principle that must be spelt out and acknowledged. This bill was introduced in this House to get us onto a proactive footing in meeting the needs of carers across this State. There are a lot of similarities between the Government's bill and the legislation introduced by the Liberal-Nationals Coalition. One observation that I wish to make relates to the advisory council. As I indicated earlier, I will amend the Government's legislation to ensure that the majority of members on that council are primary carers.

I pointed out earlier that the charter in this bill is pretty much the same as the charter in the legislation introduced by the Liberal-Nationals Coalition. However, a couple of issues are worth noting. When I introduced the Liberal-Nationals bill I said that assessments formed part of the charter. I am glad that the assessment process is referred to in paragraph (d) of the Government's charter. In my introductory speech I said that the assessment process should involve carers establishing guiding principles around the assessment process, and looking closely at how such an assessment process might be managed and worked through. Following the introduction of the bill I received emails from people who expressed concern about the assessment process and about how information might be used throughout that process.

It is important to have well-established guiding principles particularly for the protection of privacy and to ensure no unintended consequences result from the assessment process. Carers aged in their eighties or nineties often refuse to relinquish responsibility of their loved one to someone else. The benefit of an assessment process is to ensure protection for the vulnerable person and the carer. It also enables voluntary carers to request an assessment of issues with which they are struggling. At this stage it is unknown how the assessment process will work. I ask the Minister in reply to outline what consultation process will take place and how the assessment process will be administered. An assessment process will reduce the crisis cost in this State. It is important to note that the proposed New South Wales Carers Charter recognises the valuable social and economic contribution of carers, that the health and wellbeing of carers should be given due consideration and that their views and needs as well as those of the persons for whom they care must be taken into account in the assessment, planning, delivery and review of services. In my experience, particularly in the non-government sector, many service providers proactively engage carers. Obviously, this important aspect of the charter will ensure that government agencies do the right thing.

The charter refers to children and young people as carers and acknowledges that they have the same rights as other children and young people. Specific attention must be paid to reducing the number of children and young people in caring roles. It is important to note also that the charter recognises the individual needs of carers within and beyond their caring role. Over a long period the Government has often considered carers as

being nothing more than an extension of service provision to vulnerable people. Carers are individuals who want to enjoy the same quality of life as the rest of the community and to maximise their opportunities. It is important to include those aspects in the charter in order to achieve those goals. Schedule 1 to the bill sets out the particulars of the New South Wales Carers Charter, and the Opposition notes the important wording of paragraph (f), which states:

- (f) Carers are to be acknowledged and recognised as having their own individual needs within and beyond their caring role. This acknowledgement and recognition is to take into consideration Aboriginal or Torres Strait Islander culture, age, disability, religion, socio-economic status, cultural differences, gender identification and place of residence.

The Opposition will seek to amend the bill relating to the establishment of the Carers Advisory Council and asks for the Government's support in that endeavour. If we achieve that support, the Liberals-Nationals bill and the Government's bill will be almost exactly the same. The Opposition foreshadows that it will move the following amendment:

Page 5, clause 11, lines 5 to 19, omit all words on those lines and insert instead:

1. Carers Advisory Council is to consist of the following members:
  - (a) the Minister administering this Act;
  - (b) such other Ministers who in the opinion of the Minister administering this Act are responsible for the provision of key support services to carers;
  - (c) persons appointed as members by the Minister administering this Act who in the opinion of the Minister have relevant knowledge of and experience in matters relevant to carers;
2. The Minister is to ensure when appointing members to the Carers Advisory Council that the majority of members on the council are persons who the Minister considers are primary carers;
3. Meetings of the Carers Advisory Council are to be co-chaired by the members of the council who are Ministers; and
4. Subject to this section, the Minister may determine the term of office and remuneration of members in the procedure of the Carers Advisory Council, including the procedure for the appointment of deputies of members.

It is important that carers are involved directly. This in no way reflects on peak organisations or academics who might be involved in the advisory process. It is important for primary carers to be involved in consulting Ministers directly about the challenges they may face. It is important that carers from across the State are engaged. We have heard of differing views about caring in communities with different circumstances. For instance, a carer in Gunnedah and a carer in Coojee have different experiences. The advisory process must be consultative and far reaching. For that reason, the Opposition will move the amendment I have foreshadowed and hopes that the Government will support it in the same spirit of bipartisanship with which we approach this legislation.

I acknowledge all carers, Carers New South Wales and the Parliamentary Counsel, who has drafted the two bills—albeit that they are almost the same. This critical legislation has been a long time coming, but it is the first step. Laraine Toms from Carers New South Wales, who is in the public gallery, is shaking her head. I am pleased that the Liberals-Nationals introduced this legislation and the Government then replicated it in its bill. Ultimately, we are here to serve the community holistically. From this process, it is anticipated that the social and economic wellbeing of carers in this State will improve. International experience, particularly in the United Kingdom, has been evolutionary. I trust this legislation will be the first of many to improve the plight of carers in New South Wales. I believe there is not a member in this House, regardless of political persuasion, who has not seen first hand in the communities in which they live and represent the many challenges that carers face. I hope that through this process carers in New South Wales will be treated with the respect and the dignity they deserve.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.08 p.m.]: I am pleased to support the Carers (Recognition) Bill 2010. I am pleased also that the bill has bipartisan support, notwithstanding the Opposition's foreshadowed amendment. This is one of the most important pieces of legislation introduced in this Parliament. Very few pieces of legislation directly involve the lives of 750,000 citizens of this State. In supporting this bill each of us in this Parliament will be committing to recognising that the 750,000 carers in New South Wales make valuable and vital social and economic contributions to the community and to the people for whom they care.

Carers most commonly are a spouse or another family member who provides assistance and support to a loved one because of their loved one's need for care. That need may be due to disability, such as mental

illness, a developmental disability, substance dependency or other chronic conditions and sometimes just general frailty. I have spent much of my life speaking to carers. My wife was the chair of Mater Dei, which is a school for children with developmental disability. Modern paediatrics is the care and treatment of disability. Children with disability survive at a much greater rate now than at any previous time. At one of the meetings of Mater Dei I attended, a speech was made by a professor of developmental disability who said that the systems in which disability care works best are those in which society recognises disability as being everyone's problem.

It is likely that many in this place will be carers at some stage during their lives. One in three people over the age of 85 has dementia, but one in three people over the age of 85 will be a carer for someone who has dementia. Disability is everyone's problem, and that is why this bill is so vital. The need for care of people with a disability varies from time to time and their needs increase with advancing age. Some people who may require care may be fairly independent and require assistance only with managing their finances or with transport. But others may need constant supervision or support with a range of daily living tasks. Last week in my office I saw a person aged 17 who required two full-time carers to manage her behaviour.

The New South Wales Government delivers a broad range of programs and services to recognise and support carers and the contribution they make to our community. The programs and services are detailed in the New South Wales Carers Action Plan, which was released in 2007. Caring has never been more complex. People with disabilities are surviving longer and often need increased support because of changes in technology. The role of carer often requires very sophisticated knowledge of highly technical equipment that is difficult to use. The bill addresses those issues, which is why it is so important for it to be passed.

The Government's introduction of the Carers (Recognition) Bill 2010 is the next step in ensuring that carers have the support and recognition they require to enable them to continue with their caring role. The bill recognises and supports the valuable social and economic contribution that carers make to the community and to the person for whom they care. It will raise awareness of the role that carers play in our community, ensure that the interests of carers are protected in relation to their caring role and as individuals, and guide government agencies on issues to be taken into consideration in ensuring that the interests of carers are respected when decisions are made and policies are formulated that will affect carers.

The bill's objectives will be achieved through the introduction of a New South Wales Carers Charter and the establishment of the Carers Advisory Council. The New South Wales Carers Charter sets out 13 principles with which human services agencies will be expected to comply. These important principles include recognition of the role and contribution of carers; taking into consideration carers' health and wellbeing; referring carers to appropriate services; taking into account in the planning and delivery of services the views and needs of carers, together with the views, needs and best interests of the person being cared for; and recognition of the additional burden that certain carers face, including young persons and carers in rural and remote areas. The charter referred to in the bill will be a strong and comprehensive instrument that will increase awareness of the role that carers play in the community. It will guide government agencies in the delivery of services and support to carers.

The charter is particularly strong in relation to children and young people who are carers. The charter acknowledges that children and young people who are carers have the same rights as other children and young people. Carers who are children and young people are a hidden category of carers and, importantly, the charter recognises their rights. The charter also states that these carers should be supported in overcoming the additional difficulties and burdens they face. Other important aspects of the charter include its recognition of the diverse needs of carers, which may be influenced by factors such as their culture, place of residence or age. Another important aspect of the charter is that it articulates the importance of ensuring that carers will be able to access the services they require, and it recognises the importance of carers being able to make choices in their caring role.

The bill has been drafted so that the charter will have broad application to all agencies within the New South Wales public sector. This includes statutory bodies that do not represent the Crown, such as the area health services, which provide a range of important services to carers and those in their care. The bill provides that all public sector agencies will be required to take reasonable steps to ensure that their staff and agents have an awareness and understanding of the charter, to consult with bodies representing carers when developing policies that impact significantly on carers, and to ensure that their internal human resource policies are developed having regard to the Carers Charter. Additional obligations will apply to a subset of public sector agencies that provide services directed at carers or persons for whom they provide care. The additional obligations are that the agencies must ensure that they take action to reflect the principles of the charter and report annually, through annual reports, on their compliance with the legislation.

The second important part of the bill is that it establishes a new Carers Advisory Council to give carers a voice on major legislative or policy proposals that impact on carers. The advisory council will be tasked with reviewing, and making recommendations to the Minister about, any legislative or policy proposals, or other matters having a significant effect on carers that have been referred to it. Members of the Carers Advisory Council will be appointed by the Minister and will include representatives from key carer groups and other representatives of carer interests who have recognised expertise on issues affecting carers, such as academics. The functions and composition of the Carers Advisory Council have been modelled on other councils that provide advice to Ministers and are intended to provide a structure that enables the council to operate effectively and efficiently in the formulation of independent advice and recommendations to the Minister.

The New South Wales Government has a strong record of investment in services to support carers and those for whom they provide care. I was involved in the work on developmental disability in 1989 when the major support given to carers was developmental disability teams that were removed from Health to the Department of Community Services. The Department of Ageing, Disability and Home Care is a creation of the Labor Government. The New South Wales Government's recent investments to improve services for carers include an additional allocation of \$1.3 billion over five years under Stronger Together, which is the Government's plan for disability services in New South Wales. The allocation will strengthen support provided to families, carers and people with a disability and includes more than \$69 million in additional funds for vital respite services to give carers a break from their caring role when they need it.

For carers of people with a disability, this support includes more flexible respite places and additional centre-based respite. As recently as last week I was speaking to Anna-Maria Wood of the Macarthur District Temporary Family Care centre at Minto about precisely those services for people with a disability. Anna-Maria has been working with me in the field of disability in Macarthur for more than 20 years. She is well qualified to say that services for carers have improved significantly over that time, notwithstanding the substantial increase in the demand for support of carers who provide care for people who have a disability. It also includes the introduction of Teen Time services, which provide after-school and vacation care services for parents of secondary school students with a disability. The Teen Time services are vital because they are designed to support carers in their pursuit of employment and study.

The New South Wales Government currently invests more than \$260 million annually in services that provide respite for older people and people with a disability. This allocation includes more than \$125 million in disability respite services and more than \$140 million in respite centre-based day care and social support services through the Home and Community Care Program. In 2009-10 the New South Wales Government will spend more than \$7 million on the New South Wales Family and Carer Mental Health Program. The program will provide a comprehensive range of supports and services for families and carers of people with a mental illness. That will be achieved through strengthening existing partnerships between families and carers, non-government organisations and mental health services. This is a significant and genuine investment that supports families and carers of people with a mental illness by responding to their needs.

The Government Carers (Recognition) Bill 2010 builds on this investment as well as the broad range of other programs and services being delivered through the carers action plan to support and recognise carers. This bill is a comprehensive legislative response to the needs of carers. It includes a strong Carers Charter and an effective Carers Advisory Council. It applies broadly to all relevant public sector agencies, including those that do not represent the Crown, such as area health services, and it applies more stringent requirements to agencies that have a direct involvement with carers and the people they care for. This is an important bill for the people of New South Wales. I am proud to commend the bill to the House.

**Mr KEVIN HUMPHRIES** (Barwon) [5.20 p.m.]: I thank the Parliamentary Secretary for his bipartisan support for the Carers (Recognition) Bill 2010. It seems like we have been here before. It is great to have Carers New South Wales represented in the gallery today. Members might think that Laraine lives here, but I welcome her back. At the end of last year we gave the Government notice that we intended to introduce the Carers Recognition Bill. Since then, as the shadow Minister indicated, the Government has introduced its own bill. The aim was always to elevate the position of carers in New South Wales in terms of their status, recognition and, most importantly, wellbeing. Groups that were consulted and played a key role in putting this bill together included the Mental Health Association, the Association of Relatives and Friends of the Mentally Ill [ARAFMI] and the Schizophrenia Association. I will put some comments on the record on behalf of ARAFMI, which comprises friends and relatives of those living with mental health issues, because we still need to deal with some issues.

While the bill aimed to target carers and elevate their position, it would also lay a framework that could be built on in the future for carers, people living with disabilities and those living with mental illness in New South Wales. Those people are some of the most vulnerable in our community. We welcome the Government's support and the comments made to date. As we moved around the State, the shadow Minister, the member for Bega, colleagues and I always said that we welcomed bipartisan support for the introduction of a Carers (Recognition) Bill and, most importantly, a carers charter because New South Wales was lagging behind on that front. I will not repeat the statistics mentioned by the member for Bega, but some key points came out in our discussions. One point was that carers in the community want to be front and centre in any decision-making that affects not only their lives but also the lives of the people they care for. Literally hundreds of thousands of people are caring for people living with disabilities in New South Wales but their voice is not always heard, or is not always encouraged to be heard. That was the idea behind developing a charter.

We know that if people are more involved in the decision-making process at a community or grassroots level the results of that decision-making usually, and most likely, lead to a much better outcome. The days of governments telling people what they will get, and that is the end of the discussion and their expectations, are gone. The idea for introducing the bill and the New South Wales Carers Charter was to put the people who are delivering services or who are intricately involved in service provision at the front of the decision-making process to ensure that the vulnerable people are not taken for granted by governments and large institutions, which often happens. The fact that we have got to this point is a success. This legislation will lay a foundation for the future for carers in New South Wales. Another point that was made during the consultation process was not only the involvement of the community and volunteers but also the issue of ageing carers, which the shadow Minister alluded to.

A considerable percentage of carers are older people. Without doubt, the number one issue for ageing carers is the lack of accommodation options for their loved ones. We believe that this legislation will lay the framework for this issue to be dealt with much more seriously in the future. Some community groups support pooled funding to provide assisted accommodation for people living with disabilities and mental health. The Government is not exploring all the options. Whether care is provided by a family member, a loved one, a non-government organisation or a government agency, everyone agreed unanimously that they want more innovation and flexibility in the delivery of services. They want to be more innovative and flexible in terms of looking at community-based accommodation options, supported by the Government, for people living with disabilities and mental health. I believe we can derive something from this legislation.

I believe we are only at first base in a 10-step process; accommodation must be a driving issue in the next step, particularly to support ageing carers. In terms of mental health, it was clear that many carers of people living with mental health issues have basically reached the end of their capacity to care and are very frustrated. I believe that is reflected in a higher level of homelessness, the number of people living with co-morbidity issues, and increasing dysfunction that has resulted in some people ending up in jail. Too many people living with mental illness are either homeless or incarcerated. That is based on the premise that many of their carers are worn out and no longer have the capacity to look after their loved ones. Another issue relates to communication, particularly when people living with mental illness are discharged from hospital. The protocols relating to primary carers and carers generally are still not tight enough—I have a letter from ARAFMI to illustrate this point.

Many people are being discharged back into the community with little consultation or communication with their carers. That leads to safety issues and dysfunction. People have entered the system in good faith, knowing that they would be looked after and will potentially get back on track. However, the system falls down because the level of consultation and communication with carers that is required is not maintained. We wanted to establish a ministerial council to protect people's rights and to encourage them to speak up and make a contribution. I note that the Government has taken that on board. Any advisory group—a Coalition government would still put a ministerial council in place for other reasons—must be largely made up of carers. It would be dominated not necessarily by agencies or non-government peak bodies but by carers.

The point is that government-funded agencies or groups are often at the behest of the Government and are not necessarily able to speak freely, although they do fantastic work. There must be representation front and centre from those who actually deliver the services on the ground. I note that the Government has also taken that on board. ARAFMI, which is the mental health carers group in New South Wales, wrote a letter to Coalition members, including the shadow Minister, about this bill. The letter stated:

In the first place ARAFMI notes that the Charter does not specifically take account of the episodic nature of much mental health caring and the unpredictability of the needs to the mental health carers loved ones from day to day. This has a very significant impact upon the carer's capacity to plan their life or attend to routine activities such as work from time to time. It can also be very traumatic personally for the carer.

Worse for the mental health carer is the fact that their loved ones may sometimes lack insight into their illness and so be resistant to anyone attempting to help get them treatment. If the carer wants them to have treatment which they do not believe they require the consumer will sometimes attempt to exclude their carers from information about the treatment process in order to help frustrate this treatment.

So what are we asking the Government to do? The Mental Health Act has recently been amended to try to remedy this situation by creating the role of the primary carer, which has the potential to resolve some of these issues. It allows a nominated carer to receive otherwise confidential information about the treatment of the person they are caring for and prevents the patient from excluding a carer if the authorised medical officer or director of community treatment believes they lack the capacity to make such decisions or their action would expose any person to unnecessary risks. However, some of this legislation is unclear about the extent of the carer's rights and a more explicit description of the primary carer's rights would be welcome.

In addition, ARAFMI would also be very keen to see the Charter mention the right of carers of all kinds to retire from the caring role when they become too aged and infirm to continue.

In practical terms this requires the State and/or Commonwealth governments to step in before their situation becomes unsustainable and transition their loved ones into appropriate, supported accommodation in the community, funded partly or entirely by the State and/or Commonwealth governments.

I note that many carers are prepared to pay themselves. The letter continues:

There would be some budgetary implications with the adoption of such a law, however, the alternative is inhumane and inequitable. All too often carers are condemned by lack of facilities to keep caring for their loved ones until they are physically incapable, at which point their unfortunate loved ones may be transferred into inappropriate acute hospital beds or aged care facilities, (in spite of their actual age or support needs) causing unnecessary suffering to the people in need of care and placing an unnecessary burden on these facilities.

As I said earlier, they end up on the streets or in jail. The letter continues:

In the case of people living with severe and persistent mental illness, support such as that offered by the Housing and Accommodation Support Initiative (HASI), to help people with a severe psychiatric disability maintain independent or semi-independent living arrangements also needs to be greatly expanded to meet the needs of those whose carers cannot continue their supporting role (or who have no carers at all). Homelessness is too often the alternative and with it much poorer physical and mental health outcomes.

The lack of appropriate support and ultimately residential alternatives for many people being cared for by their families in private homes is unacceptable from a humanitarian perspective, making the expansion of arrangements to help support people in the community a priority for reform in this sector. Appropriate support in the community can greatly reduce pressure on expensive acute facilities and provide much better outcomes for the people needing long term care. NSW should not be prepared to accept a shortfall in the necessary facilities or large numbers of people with unmet needs in this area.

ARAFMI would therefore warmly support the addition of such a principle to the Charter and would greatly value any opportunity to provide input into policies to ensure that appropriate services and facilities are made available to allow carers to end their caring role before death or age related incapacity obliges them to do so.

The provision of such alternatives would also greatly reduce the mental suffering of many carers who are approaching this time in their lives with no apparent alternatives available to them or their loved ones.

I would be happy to discuss the issues in this letter further with you, should you wish to do so.

**Ms CLOVER MOORE** (Sydney) [5.32 p.m.]: I strongly support the Carers (Recognition) Bill 2010, which recognises in legislation the vital and often challenging work of carers. The bill will improve support for carers and ensure that they are involved in decisions that affect them. Similar legislation exists in Queensland, South Australia, Western Australia, the Northern Territory, the Australian Capital Territory and the Commonwealth. The bill defines a carer as someone who provides ongoing care to a person with a disability, mental illness, terminal or chronic illness, or who is frail. The bill introduces a Carers Charter of Principles with which certain government agencies must comply. This includes considering carers' health and wellbeing; that carers should have the same rights, choices and responsibilities as others; the need for timely, responsive, appropriate and accessible support; and the need to acknowledge and recognise their individual needs within and beyond their caring role.

The bill creates a Carers Advisory Council, made up of carers and their representatives, to provide recommendations to government and work to advance carers' interests. Carers' contributions go beyond the assistance they give to the person they care for, be it helping someone feed, bathe, dress or administer medication, or the emotional support they provide to vulnerable and often isolated people in our community. Carers also contribute to the wider community by reducing the burden that would otherwise be placed on our already stretched health system. In fact, the annual saving to New South Wales taxpayers has been estimated at

\$10 billion. This contribution is often at the expense of a carer's own health and economic wellbeing. Carers in the inner city understandably share widespread support for legislative recognition of their vital role, as a few examples will show.

One woman who facilitates meetings with carers of people with a mental illness said that carers always feel they have to be superhumanly patient, and have to sacrifice everything, including their rights, to ensure the needs of the person they care for are met. She said that while their lives are deeply affected, she is always amazed by their ongoing resilience and patience for their loved ones. A carer support worker in aged care who is one of my constituents pointed out that legislative recognition could help protect carers who sometimes have to make quick decisions about the care of their loved ones that could have legal implications. A woman who has been dealing with breast cancer herself is also the mother of a child with autism, and she has devoted time and effort to getting the best possible educational support for him because she knows that this will make the difference to his need for care in future. Amazingly, on top of this, she also campaigns to get better disability services.

I also think of a 76-year-old woman who has been coming into my electorate office since 2002, seeking help with respite care for her adult son, who she alone cares for 24 hours a day, six days a week—she is able to get respite care for him on the seventh day. She has had to fight each six months or year to get this one day of respite care, and understandably remains very concerned about her son's future when she is no longer here to help him. Another constituent has watched his partner of many years deteriorate mentally, with the loss of continence and the associated embarrassment, caring for her at home until it became too much and he was able to find her a place in an aged care facility where at least he could visit and see her.

The Carers New South Wales president notes in "Carers News" that carers have no grounds to challenge their neglect from public authorities, or to demand basic human rights because Australia has no Bill of Rights. Legislative recognition will help ensure carers are not treated as just a resource but that they will get opportunities for education, social life, work and community participation. Carers New South Wales has proposed establishing a parliamentary friend of carers group to inform members and encourage action to value and support carers, and I support this approach. I acknowledge the courage and devotion of so many carers, and I support this legislation to help improve their quality of life. I commend this bill and I commend the initial bill introduced by the shadow Minister.

**Mr JONATHAN O'DEA** (Davidson) [5.37 p.m.]: Having supported the Carers Recognition Bill 2010, introduced by the Opposition, I do not oppose this recently introduced Carers (Recognition) Bill 2010. This is an important bill that acknowledges carers who work tirelessly for others without the recognition they deserve. Caring for an ill, disabled or elderly person is one of the most difficult jobs one can perform. Carers sacrifice their own desires in order to devote themselves to helping another get through the basic everyday tasks able bodied people take for granted. This bill is a welcome and important initiative and has been the subject of numerous recent correspondence from my constituents. However, governments at all levels must back words with actions to ensure carers receive the financial and emotional support they need.

In May 2009 the Commonwealth Standing Committee on Family, Community, Housing and Youth released a report entitled "Who Cares ...?" which examined how carers could be better supported. It recommended that the Federal Government develop a nationally consistent carer recognition framework, comprising national carer recognition legislation, which complements State and Territory carer legislation, and a national carer strategy which builds on and complements State and Territory carer policies. The bill ensures that New South Wales forms part of this national framework. It has been welcomed by Carers New South Wales, which stated, "This is very exciting news for carers in New South Wales! It has been a long time coming".

Australian Bureau of Statistics data from 2004 indicates that New South Wales has approximately 748,000 carers, 149,700 of whom are the primary carer of an individual. Most of these carers are women and most care for their partners. Not only do carers enhance the lives of those for whom they care, they also make an enormous contribution to the economy. Access Economics estimated that in 2005 informal carers provided a total of 1.2 billion hours of care Australia-wide. If unpaid carers were replaced with paid carers it was estimated by Access Economics in 2005 that it would cost \$30.5 billion, with the income foregone due to caring estimated to be \$4.9 billion.

A carer's role has a substantial impact upon his or her physical and mental health. Carers Australia, Australian Unity and the Australian Centre on Quality of Life at Deakin University investigated the wellbeing of carers and found that carers have the lowest collective wellbeing of any group they have discovered. The



research found that "far more carers, approximately double the proportion found in the general population, have high levels of pain" and that "carers are highly likely to be carrying an injury". More than one-third of carers were found to be severely or extremely severely depressed. More than one-third of carers were found to be experiencing severe or extreme stress. The research also found that caring could be one of the leading causes of depression in Australia. Carers often experience financial difficulties. Following the release of the "Who Cares...?" report, the Chair of the Federal Standing Committee on Family, Community, Housing and Youth, Ms Annette Ellis, MP, stated:

Carers have told us they desperately need more financial assistance to cope with the additional costs of disability and caring, as well as greater access to respite for time out of the caring role.

The aforementioned research on the wellbeing of carers found that "carers are almost twice as likely as is normal to worry that their income will be sufficient to meet their expenses". Good intentions must be backed by action. A pat on the back does not put food on the table. Both the Federal and State governments must take seriously the concerns of carers and provide increased support where needed.

Last year I spoke about motor neurone disease in a private member's statement. Motor neurone disease is an extremely cruel disease. What may start as weakness in the hands or feet, a swallowing difficulty, slurred speech or muscle twitching and cramps, eventually develops into paralysis. Patients eventually become completely immobilised and are able to move only their eyes on their own. I mentioned a constituent and sufferer of motor neurone disease, Mr Phil Brady, and his wife, Trish, who provides him with constant care, with support from their children. It is these people, along with many others, who are recognised by the bill. I could mention many other wonderful carers from my electorate of Davidson who likewise are to be greatly admired. I also acknowledge the selfless broader sector leadership demonstrated by various carers in my electorate, including Katrina Clark and Vanessa Browne. "Thank you" to them and others like them.

The objects of the bill are to enact a New South Wales Carers Charter to recognise the role and contribution to our community of persons who care for other persons who have a disability or medical condition, a mental illness or are frail and aged, and to require certain public sector agencies to take action to reflect the principles of the New South Wales Carers Charter when providing services that affect carers. The bill also establishes a Carers Advisory Council, which has been spoken of previously so I will not go into its details. I note that the Government, in the same way as the Opposition's foreshadowed amendment to that council, could have amended the earlier bill introduced by the Liberals-Nationals if it had concerns or suggested changes.

In closing, I commend and congratulate the shadow Minister for Ageing and Disability Services, the member for Bega, and those he acknowledged in his speech, as well as the Government for belatedly coming to the party. I hope the Government accepts the foreshadowed amendment in the spirit that the Coalition supports the bill. The bill provides overdue recognition to people who sacrifice their own wellbeing to support the most vulnerable people in our society. However, Federal and State governments must now back up in their words with concrete action by providing carers the material support they deserve.

**Mr GEOFF PROVEST** (Tweed) [5.43 p.m.]: I contribute to debate on the important subject of carers recognition, as contained in the Carers (Recognition) Bill 2010. As members know, I am 100 per cent for the Tweed, which has a large number of elderly people. In fact, we rank second in the State, behind Port Macquarie, for residents aged over 65 years. I acknowledge that the member for Port Macquarie is present in the Chamber. Recently I attended the Tweed Valley kin care, a support group of carers consisting mainly of grandparents who look after children. They do a fabulous job. I am always impressed with their care and dedication, which at times lacks recognition within the local community.

The bill recognises and supports the vital role that carers play in providing selfless support to the persons for whom they care by acknowledging that they are individuals in their own right, with separate needs and rights. As a number of members have spoken in support of the bill I will not reiterate their fine contributions. However, I make particular note that the member for Bega, the shadow Minister, foreshadowed an amendment so that the majority of the membership of the Carers Advisory Council would be primary carers. Carers need that consideration and support. In the Tweed all carers are fairly senior, and they are very concerned about the future.

I know from the Tweed Valley kin carers that a lot of children have issues—either a learning disability, emotional issues or drug dependency. Previously I have spoken about the young kids on the streets of the Tweed, and this is a major concern for them. As they mature, adequate arrangements will have to be made for them. Fortunately, I have been able to assist a number of them, but one matter that should be addressed in

the bill is the cross-border issue. I ask the Minister to provide some feedback on this matter. It is significant that a number of kin carers have pointed out that they often take their children—their wards of the State, et cetera—over the border.

If the child is only 20 metres over the border into Queensland and is involved in an incident or an accident that requires transportation by the Ambulance Service of New South Wales to the Tweed Hospital, a distance of 400 metres, a bill for \$800 will be incurred. That happens time and time again, even when a person is just on the other side of the street. Another concern is legal recognition of those carers; perhaps the New South Wales Carers Charter will address that. Many carers are grandparents who have taken over responsibility for the child, and some have been awarded that responsibility by the State and the child becomes a ward of the State. Others have assumed that responsibility. In a number of cases the natural parents have appeared out of nowhere many years later, and often that results in a fair amount of legal tussle. The carers need legal protection and certainty, particularly the senior carers. This bill has been a long time coming. Along with those who have contributed to the debate, I support the bill.

**Mr PETER BESSELING** (Port Macquarie) [5.48 p.m.]: I welcome and support the Carers (Recognition) Bill 2010. It is extremely important to recognise the role and contribution in our communities of persons who care for other persons who have a disability, a medical condition such as a terminal or chronic illness, a mental illness, or are frail and aged. I acknowledge the Opposition for bringing forward this debate, particularly the member for Bega. It is great that all parties of this Parliament are working together, for once, to try to bring forward some substantial changes to legislation that will be of benefit across the community. As is said, the rising tide lifts all ships. This bill is a great example of that. Both the Government and the Opposition are to be commended for their efforts.

I am sure every member of this Parliament recognises the unique situation in which carers find themselves. Often carers have to look after someone 24 hours a day. It is difficult enough to look after someone for a limited time. As a father and having raised children I know how difficult that is, but having to care for someone 24/7 is especially difficult. Carers need all the support they can get. It is important that we look at respite options and, in particular, the need for short-term respite. I notice that there are a number of recommendations in the New South Wales Auditor-General's performance audit report entitled "Access to Overnight Centre-based Disability Respite". I draw the attention of the House to the second recommendation, which states:

To ensure people with the greatest need receive respite we recommend that ADHC should expedite its current efforts to:

- a. direct growth funding to the areas that need it most

Certainly that funding should be directed within regional areas, such as Port Macquarie. I note that \$1.6 million has been provided for the Home and Community Care centre at Port Macquarie. That is a combination of Federal and State funding and it has been provided after consultation with the local council. Governments are working together for the benefit of the community. That is much appreciated but more needs to be done to provide respite for carers rights across the State, particularly in regional areas. The Auditor-General's report continues:

- b. establish consistent criteria and implement a common approach for prioritising and allocating respite according to need

A lot of long-term respite is offered—one-week or two-week periods—but sometimes all carers need is respite for a day or only an evening, just to get a break from the constant 24-hour care they have to provide. That will enable them to provide a better level of care to the people they are looking after. The report continues:

- c. work collaboratively with NGOs to coordinate ADHC and NGO services.

Again, it is important that we keep working together for the benefit of the community. As the member for Tweed recognised, Port Macquarie has the greatest number of people aged over 65 of any electorate in New South Wales. Ageing of carers in our community is a real concern. A number of people have come to my office to express their concerns and the stress and anxiety they feel about the future of caring. Often they provide care for younger males. It is often a son who is being cared for and the mother is getting older and more frail. Often the sons are physically strong and the carer faces a physical challenge in dealing with loved ones. It is hard enough looking after someone 24/7, but to also face physical challenges as well as uncertainty about how they will look after their loved ones as they age is a major problem.

I have a letter from one of my constituents regarding the difficulties she is having. This woman cares for a frail husband aged 83 and her ageing parents. She has not been able to leave her husband on his own for the last six months unless respite care was available. It has been difficult to access services and she is unable to wait on the phone for periods of time or visit government offices. She says it has been difficult to find information about what services are available, although she is very positive about the support received through Carers NSW and the local carer support group. They have no other family to support them. We see that time and again. The report says:

Ageing carers present a growing challenge for government as their capacity to provide care diminishes over time. At least 13 per cent of carers in NSW... are over 65 years old. ADHC's ability to plan for ageing is reduced because it doesn't know how old 25 per cent of carers are.

The trauma, strain and financial hardship for carers are evident. I have received a letter from Gillian Devine, which states:

In reference to the Carers Recognition Act being introduced to NSW Parliament.

My son had a car accident in 1988 at the age of 17, leaving him with severe brain injury.

He was in a coma for 3 months and when he came out of the coma he was discharged from the hospital to come home with me and his step-father.

The trauma for myself and his step-father cannot be explained, watching your son fight for his life in hospital and then when at home, watching his life change forever.

My son never received a payout and is in a wheelchair permanently with the use of only two fingers.

This had a big strain on us financially, having to purchase wheelchairs, equipment, drinking cups plus eating utensils and over the years we lost contact with our family and friends and you feel very isolated, because people do not know how to cope when something like this happens. As time went on my husband had to retire from work with illness, trauma related, being part of his sickness and as the years pass, my health is suffering also. We are both in our sixties. I have also had to look after my foster mother for the past 5 years as she has chronic illness and is 84 years old. Just recently she has gone into an aged care facility. For all the carers which is 750,000 approx this bill is an important step forward in better supporting their needs.

Carers provide a vital service. They save millions of dollars for our community and it is appropriate that we recognise this during National Volunteer Week. They are truly the most giving of the volunteers in our community. When Parliament last sat we heard stories about carers from Alzheimer's Australia (New South Wales) Inc.—Margaret Allen does a terrific job at Port Macquarie; the Schizophrenia Fellowship, with Sheila Openshaw; and Hastings Headway, where Belinda and Andrea do a terrific job. I was there yesterday chatting with them. They are terrific people who give freely of their time. Grandparents as Parents Again was recognised, and I commend Paul Bickford and his crew. This is an important bill and it should be supported.

**Mr BRAD HAZZARD** (Wakehurst) [5.56 p.m.]: Obviously as a member of the Liberals-Nationals Opposition I strongly support the Carers (Recognition) Bill 2010. In my period of service as a member of Parliament I have also served as the shadow Minister for Disability Services. During that period I had many opportunities to visit families who were caring for people with disabilities—young people and older people, and those with various health issues. There is no question that carers in New South Wales provide an invaluable service for their family members, friends they support and those that are in need. What I find disturbing is that it has taken so long for the State Government to wake up to the need for some formal recognition of carers.

I well recollect visiting Carers NSW in Sydney and seeing the various activities that are undertaken there. I have to say it is a standout service, but it is also a critical service because so many people who care for those with disabilities feel right from the word go, as soon as they have a child with a disability, that life becomes a massive struggle. They are constantly trying to access services and support. A number of members have spoken about the difficulty of accessing services. Even today, and despite the charter contained in the bill and the fact that the bill is before the House, I dread the fact that the State Government, currently the Labor Government, has yet to connect with the real needs of those tens of thousands of people who are caring for those in need of care.

One of the issues that disturbs me a little is that I often hear numbers being tossed around in this place. We are all very good at numbers in Parliament, but the reality is there are massive numbers, thousands more, who do not register for services because they have given up any hope of getting them. I well remember a visit to a particular family in the Lismore electorate with the member for Lismore, Thomas George. We drove quite a way to an isolated farmhouse where there lived a man, who was in a wheelchair, and his wife. She had been the

victim of a late onset disability and was quite incapable of looking after herself. I remember very well the sense of despair in that household and I recollect wondering as we drove away how this couple would ever get the services they needed. They had not even bothered to put their names down because they knew there was almost no chance of getting the support services they needed.

This legislation is a good start and the charter is a good start. I congratulate the member for Bega on introducing his bill, the Carers Recognition Bill 2010. However, unless the Carers (Recognition) Bill is backed up with services it will be nothing more than an empirical statement that—gee whiz—the Government has woken up. It needs to be far more than that. There are differences between the Government's proposed advisory council and that proposed by the member for Bega. I hope that the Government listens seriously to the advisory council, notwithstanding the fact that there are membership issues. The Government must provide the advisory council with new resources and not take resources from services in the disability area that are already stretched.

The Government must ensure that additional money comes through to support this advisory council. Fair dinkum resources must be provided to back up its efforts. There must be accountability and transparency in the Government's response to the advisory council's recommendations. If the council makes recommendations, they disappear into cyber space and there is no response from the Government as to what it is doing, it will be a pyrrhic victory. I understand the problem. It might not be possible for the Government to meet this need for resources, but we need honesty and transparency in the process. People want to know that the Government will be fair dinkum in its delivery of those services.

**Pursuant to resolution business interrupted and set down as an order of the day for a later hour.**

## **NEPEAN HOSPITAL**

### **Matter of Public Importance**

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [6.00 p.m.]: Nepean Hospital, one of this State's busiest hospitals, serves a large and growing population in the Penrith and lower Blue Mountains area. Nepean Hospital has extremely dedicated staff, doctors, nurses and allied health professionals, and people who support them in their work. Nepean Hospital also has a demoralised nursing workforce and demoralised doctors. I have visited that hospital on many occasions, met with the medical staff council and with representatives from the New South Wales Nurses Association, and in days to come I will meet with them again.

Much publicity has been given to the nurses' rallies that were held in March and April this year when nurses protested about staff cuts. It is ironic that today the Minister for Health told the Parliament that in 2009 more nurses were employed at Nepean Hospital than were employed in 2008. She should go back a few years to find out when that hospital was properly staffed. She insulted nursing staff, who are pleading with the Government to take note of their concerns. In July 2009 nurses were told by the Sydney West Area Health Service that 155 positions would be lost as part of the nurse cutback that followed the mini-budget.

In September 2009 Dee Wickham, who had spent 45 years in the nursing profession, accepted a redundancy at Nepean Hospital because she could not face another year battling bureaucrats for more staff. I will refer later to some of the things that Ms Wickham said. On 18 March 2010 more than 170 nurses rallied at Nepean Hospital. More than 850 nurses from the Sydney West Area Health Service rallied across the region, from the Blue Mountains to Westmead, Blacktown and Mount Druitt, to protest the freeze on vacant positions. On 23 March one nurse with 30 years nursing experience who did not want to be identified spoke to the Penrith press and said:

I have been a supporter of the Labor Party for a long time and never thought I would protest against them.

On 19 April 2010 Brett Holmes said:

Nepean Hospital is almost on life support itself.

Brett is Secretary of the New South Wales Nurses Association. On 9 April he said:

Nurses and midwives can no longer carry the health system on their backs, nor can they remain silent on the reduction of services in their communities. Patient care is being compromised. Nurses and midwives who previously provided quality patient care, are now simply asking for the ability to provide safe patient care.

On 25 March Peter Mason said:

Nurses are doing overtime to cover shifts; we are fed up, we are tired, we are fatigued and every time we ask for more workers the request is refused.

Peter is the Nepean Secretary of the New South Wales Nurses Association. On 25 March he also said:

There was one weekend where one nurse had to clean three wards in eight hours, that's 24 hours of work that had to be done in eight hours ... Bins were left unemptied, toilets were left uncleaned and we are left to care for our patients in this kind of environment.

The Government said that it values nurses but, clearly, nurses are taking away a different message. They believe that they are not being heard. Every time the Minister states, "Don't worry, there are more nurses now than there were previously" they believe that they are not being heard. I referred earlier to Dee Wickham who took a redundancy in September last year. She gave evidence to the Garling inquiry and said that she believed the system had gone backwards since that time. She had worked in the hospital and healthcare system for more than 40 years, 30 of which had been spent at Nepean. She took the redundancy package and said that she was sick of fighting a never-ending battle against bureaucrats for more staff. She said:

... the nursing staff at the hospital were fed up that nothing had happened since Peter Garling handed down his report.

She also said:

I was interviewed for the Garling report and told them it had been months since we had done any recruitment at the hospital and that things were just so hectic.

My frustration was that I was spending all my time in the office and couldn't do a whole lot for the nurses, we were just stretched to the limit.

The hospital wasn't running too badly for a while and then they decided to reduce staff numbers and I thought this is just ridiculous. I took my redundancy in September because I just wasn't in the mood to fight another losing battle.

The newspaper article continues:

Still in close contact with staff at the hospital, Ms Wickham said the state of the hospital was worse than ever.

The nurses themselves just don't feel that they are achieving what they should be and they basically just have to run from one crisis to another.

When you have a hospital with limited staff, you are running the risk of more things going wrong because if you happen to have half a dozen critical things go wrong, you're stretched so thin that there is just not enough people to go around.

They're worried that someone might die on their watch. It's the financial state [of the hospital] that's done this.

That is not helped by the Government pushing this matter under the carpet, pretending that the hospital is fine and saying that it has a sufficient number of nurses and doctors. There are stories about beds being closed and bed numbers being cut. There are stories about an insufficient number of doctors in that hospital, in particular, in specialist areas. Nepean Hospital, which is a 420-bed referral hospital, has the third-longest waiting list in the State, with nearly 2,500 patients. The emergency department is struggling to see patients on time. Recently, doctors in the emergency department protested about the flawed monitoring system and reverted to paper records. This hospital is truly struggling to cope. [*Time expired.*]

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [6.07 p.m.]: I am pleased to speak on this matter of public importance on Nepean Hospital. The Government has a proud record of support for that hospital. Over the years I have had a lot to do with Nepean Hospital, which is a very good hospital. I note that last Wednesday William Hine, the first grandchild of Acting-Speaker Beamer, was born at Nepean Hospital. It has been reported that he received excellent care and that the mother and baby are doing well. It is not surprising that it has been reported that that mother and child received excellent care. When we ask those who received care—such as the 70,000 people we asked in February 2009—whether that care was satisfactory, 90 per cent of them say that it is good, very good or excellent. These are the facts. When asked about the standard of care, 90 per cent of patients stated that they had received good, very good or excellent care.

Nepean Hospital is the principal referral and teaching hospital for the University of Sydney. Only last month I spoke to Professor Michael Peek, the excellent dean of the clinical school. Nepean Hospital, which has the fifth-busiest emergency department in New South Wales, receives an annual recurrent budget of

\$244 million—about one-quarter of a billion dollars. This hospital has been built and developed largely by the New South Wales Labor Government. In June 2009 on average it had 516 beds and 2,596 staff, including 1,227 nursing staff.

Health work is hard and health workers have never faced a greater challenge, yet those opposite have no health policy to employ one extra doctor or one extra nurse. Opposition members supported WorkChoices. Very few clinicians who worked in western Sydney under a Coalition Government would be pleased to see it return. Make no mistake, Nepean Hospital is a busy hospital. In 2008-09 it had 164,000 bed days, 51,000 hospital separations and 51,292 emergency department attendances. I know it is a good hospital because I organised the College of Physicians exam at Nepean Hospital in 2006 and 2007. During the eight-hour exam at the hospital I spent time with all clinicians, saw patients receiving high-quality care and interviewed students. Nepean Hospital plays in the first division of Australian hospitals. It is a very good hospital and it practices a very high standard of care.

I have watched the Nepean Hospital grow from the late 1980s—during that time I was involved in emergency transport—when very little was there. We now have a magnificent newborn intensive care unit that the New South Wales Labor Government built. Recent enhancements include \$8.6 million in 2004 for the emergency department, \$2.39 million in November 2007 for the psychiatric emergency care centre, \$2.36 million in September 2008 for the medical assessment unit, and an 18-bed unit designed as a short-stay ward for up to 48 hours. This ward operates at world's best practice and provides individual assessment and treatment of the aged and those with chronic disease. In 2008 a new special imaging suite was completed at a cost of \$1.80 million. This enabled an increase in the number of minimally invasive surgeries and improvement in the Picture Archiving and Communications System that enables X-rays to be shared across wards at Nepean Hospital and other hospitals within the Sydney West Area Health Service.

Last year the New South Wales Government opened an \$11 million redevelopment of the north block at Nepean Hospital, which has not been mentioned once by those opposite. This redevelopment included a 20-bed rehabilitation ward, a 26-bed acute aged care unit, a 23-bed ward for stroke and older persons evaluation review and assessment, and a multidisciplinary aged care rehabilitation unit. The redevelopment continues because a further \$138 million joint investment by the New South Wales and Commonwealth governments will deliver an extra six operating theatres, pre- and post-operative areas, extra day-only and extended day-only beds, two new purpose-built 30-bed surgical wards to replace older wards and a new 12-bed intensive care pod, including six additional intensive care unit beds. Not one of these enhancements has been mentioned by those opposite.

The Government has a proud record in supporting health services at Nepean Hospital and this support will continue. Emergency department attendances continue to increase, and over the past 12 months the department treated on average 141 patients each day. From October to December 2009 emergency department presentations increased by 11 per cent compared with previous years. Of the 13,000 patients seeking emergency department care, 30 per cent require hospital admission. Despite all this, the emergency department continues to function well, treating triage categories one, two and five within benchmark times. However, the large number of triage category three and four patients has impacted on performance in these categories and the hospital is currently addressing that anomaly.

As I mentioned earlier, Nepean Hospital budget is \$244 million, an increase of 5.3 per cent on last year's budget. Funding of \$117 million statewide is available for Caring Together: The Health Action Plan for New South Wales. Last year I spent six hours at Nepean Hospital during one of the Garling forums, and rarely have I met a more impressive bunch of clinicians who are matter-of-fact, sensible, motivated and very committed to the people with whom they share their lives. The area health service will also benefit from an information technology upgrade but, most importantly, we are able to work with the Federal Government. An additional \$1.7 billion secured by the New South Wales Government at the recent Council of Australian Governments negotiations will flow directly into New South Wales Health.

Yet again I note that the Opposition had no position on what to do prior to our entering the agreement. The Council of Australian Governments agreement will mean more acute beds, improved access to emergency departments and shorter waiting times for elective surgery. The Opposition continues to talk down our health system, yet 90 per cent of patients are happy with the care they receive. The Opposition policy is sponsored by British American Tobacco. Opposition members believe they are fellow travellers of the Nurses Association, but they introduced WorkChoices.

**Mrs Jillian Skinner:** Point of order: The assertion made by the member for Macquarie Fields is totally offensive. Today I made a statement in this House about never having accepted any donations from tobacco companies. The member knows that; he was in the Chamber. I ask him to withdraw the remark. It is totally incorrect.

**Dr ANDREW McDONALD:** To the point of order: I am happy to withdraw any comment that the Deputy Leader of the Opposition has accepted any money from British American Tobacco. I acknowledge that she has in fact received none. However, the Liberal Party has received more than \$1 million from British American Tobacco over the past six years.

**Mrs Jillian Skinner:** Further to the point of order—

**ACTING-SPEAKER (Ms Diane Beamer):** Order! The member for Macquarie Fields withdrew the remark at which the member for North Shore took offence.

**Mrs Jillian Skinner:** He suggested that the Opposition's health policy is based on tobacco funding. That is not correct.

**Mr MICHAEL RICHARDSON** (Castle Hill) [6.14 p.m.]: I have never taken any money from British American Tobacco either and I do not smoke. As the member for Macquarie Fields knows, I have been a patient at Nepean Hospital. I will talk about the wonderful work the doctors and nurses at that hospital did in March last year in saving my life. I will also talk about some of the problems the hospital is unquestionably experiencing under this Government. On 28 March last year, as members would be aware, I had a serious motorcycle accident and was taken by ambulance to Nepean Hospital where Dr Alan Garner and his team descended on me—that is the best way to describe it. They X-rayed me, put me through a CAT scan and gave me the treatment I desperately needed. He and his team did an absolutely fabulous job of saving my life. I pay tribute also to cardiothoracic specialist Peter Flynn for his work in looking after me at that time. Nineteen per cent of triage 2 patients, those in life-threatening situations—of which I guess I was one—are not seen within 10 minutes.

**Dr Andrew McDonald:** You would have been category one.

**Mr MICHAEL RICHARDSON:** The member for Macquarie Fields says I would have been in category one. I do not know. However, those figures are within benchmarks. Fifty-two per cent of triage 3 patients, that is, those in potentially life-threatening situations, are not seen within 30 minutes, which most certainly is not within benchmarks. Thirty-eight per cent of triage 4 patients, those in potentially serious situations, are not seen within an hour. Thirty per cent of patients who need to be admitted for further treatment waited for longer than the eight-hour benchmark, which is completely unacceptable for a modern hospital in the twenty-first century. Of course, Penrith is a growth area and Nepean Hospital does not look after people just in the Penrith area. It covers a broad range of patients, particularly from the Blue Mountains because we know that for much of the time Katoomba hospital is closed, particularly its maternity unit, and patients travel from as far as Katoomba to Nepean Hospital. Driving from Katoomba for an hour or an hour and a half and then having to wait for hours before being seen is simply unacceptable.

Nurses have protested about the maternity ward. The excellent Deputy Leader of the Opposition has also commented about it. Nepean Hospital had 20 full-time equivalent positions unfilled in the maternity unit, which amounted to 421 unfilled nursing shifts. One can understand why the nurses are upset. The member for Macquarie Fields spoke about patient surveys. The Coalition has said consistently that patients thought the doctors and nurses at Nepean Hospital did wonderful work and that it is a very good hospital. The Opposition does not argue with that. However, the concern felt by members of the Opposition relates to the statistics that show the hospital is failing. It is not failing because of the wonderful work that the doctors and nurses do but despite that wonderful work, and because the Government claims it has built new wards, buildings and aged care rehabilitation units yet it has not provided the level of staff required to look after patients.

What is the point of building the most wonderful and glitzy new hospital in existence but not staffing it adequately? It reminds me of St Edward's Hospital in *Yes Minister*, which was the most efficient hospital in Britain's national health service, but it did not have any patients. The issue confronting New South Wales Health is similar. In the period between March to 4 April, the Nepean Hospital had 421 unfilled shifts. The neonatal intensive care unit went short of 166 shifts. The antenatal department was short of 51 shifts. The post-natal department was short of 121 shifts. The delivery suite was short of 83 shifts. I am sure I do not have to tell the

member for Macquarie Fields that many young mothers are in the hospital's service area. A young mother with a new baby will have a good deal of trouble having the child looked after, particularly if the child is born prematurely.

My son was born 12 weeks prematurely and had just a 10 per cent chance of surviving. He was born at North Shore Hospital and was a miracle baby. I remember the wonderful work that the doctors and nurses did for my son in the 1970s and I ask myself whether other parents would receive the same level of care at Nepean Hospital currently. The Government simply has refused to provide nurses and doctors in sufficient numbers to be able to do their job.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [6.19 p.m.], in reply: I thank members who contributed to the matter of public importance on Nepean Hospital at Penrith, particularly the member for Castle Hill. I am disappointed that the member for Macquarie Fields seriously misled the Parliament in relation to policy development I have been involved in. The policy released by the Opposition in March 2009 was designed to improve the health system and to allocate more resources to the support of front-line doctors, nurses and other health staff.

It was also designed to get rid of huge area health services, and replace them with a flatter district structure and district health boards comprising local representatives, doctors and nurses. In spite of the Government being super critical of the Opposition's health policy for more than a year, it has done an about-face and adopted it. Of course, the Government had no other choice because the Prime Minister proposed that type of structure as part of the Council of Australian Governments reforms. Contrary to what has been stated by the member for Macquarie Fields, right from the word go the Opposition has supported a policy of local management of hospitals and health services.

The Opposition supports the Prime Minister in his view that localism should again prevail and that management of the local hospital services should receive input from local nurses and doctors, with committee members having a greater say in the administration of the State's health system. Conversely the Government resisted the localised administration of health services and had to be dragged, kicking and screaming, to accept that structure as part of the Commonwealth-State healthcare agreement. I am very pleased that the Government has adopted the Opposition's healthcare policy and will implement a flatter district structure that includes the appointment of local boards. However, my information from the department is that the Government is implementing the policy in a very half-hearted manner and that it is merely a matter of the North Sydney head office drawing lines on a map without giving boards and councils any real say.

As my colleague the member for Castle Hill has stated, bricks and mortar are one thing but it is quite another thing to adequately staff a hospital, and that is the critical issue. I agree that doctors and nurses in hospitals are absolutely wonderful. I spoke to the two doctors mentioned by the member for Castle Hill in the last couple of days. They confirmed that there is a shortage of beds as well as a shortage of nursing staff and that generally Nepean Hospital is operating on a shoestring. No matter how much the Minister for Health tries to suggest that more nurses will be provided, staff at the hospital are not convinced. The Minister for Health thinks she can claim that there are more nurses now than they were a year ago, without substantiating that claim with documentation. Where is the data? Perhaps the Minister should publish the data on the health information website. Months ago that website was supposed to be made the repository of the Garling report's recommendations, which the Government claimed to support. There is no such information on the website. The Government makes claims that are an insult to the very hardworking doctors and nurses throughout our State's health system.

Westmead Hospital has had its fair share of concerns. Today during question time I referred to unfilled shifts to which nurses have drawn my attention. The data, which is available on the website of the New South Wales nurses union, refers to critical areas such as the maternity department where shifts are not staffed. It is not difficult to imagine the impact of that on medical staff who are trying to do the right thing by mothers and babies. It is no wonder that staff are demoralised and have resorted to marching in the streets. More than 380 nurses protested against the Government's cuts to nursing staff during rallies held in March and April, and we have not heard the end of that. In the past couple of days I have received information about the Government's intention to make further cuts to staff positions. That matter will be discussed in greater detail at a later stage.

Stuart Ayres, who is the Liberal Party candidate for Penrith, is doorknocking in the Penrith electorate and informs me that medical staff and patients are telling him about the impact on their families and loved ones



of cuts to staff positions at Nepean Hospital. Stuart will campaign widely in places like shopping centres, railway stations and residential areas to speak to people throughout the Penrith electorate and discuss the impact of staff cuts imposed by the Government. Incidentally I note for the record that Nepean Hospital was made a referral hospital when the Coalition was in government.

**Discussion concluded.**

*[The Acting-Speaker (Ms Diane Beamer) left the chair at 6.24 p.m. The House resumed at 7.30 p.m.]*

**WORKERS COMPENSATION AMENDMENT (COMMISSION MEMBERS) BILL 2010**

**Message received from the Legislative Council returning the bill without amendment.**

**CARERS (RECOGNITION) BILL 2010**

**Agreement in Principle**

**Debate resumed from an earlier hour.**

**Ms LYLEA McMAHON** (Shellharbour—Parliamentary Secretary) [7.30 p.m.]: I speak in support of the Carers (Recognition) Bill 2010, which articulates and expands the Government's undertakings to recognise, value and support carers in their caring role and as an individual. This undertaking is currently being delivered through the whole-of-government Carers Action Plan, which includes a comprehensive range of actions to increase the respect and recognition of carers, to reach out to family members who may not see themselves as carers, to improve services for carers and the people for whom they care, to encourage agencies to view carers as partners in care and to support carers to combine work and caring. Significant achievements have been made over the past 3½ years since the Carers Action Plan was launched. Since this time there has been a significant change in the way government agencies interact with carers and respond to their specific needs.

The Carers (Recognition) Bill will take the recognition of carers one step further by formally recognising the valuable social and economic contribution carers make to the New South Wales community. It will also give carers a voice through the advisory council that will be established to review and make recommendations to the Minister on legislative or policy proposals, or other relevant matters that affect carers. The bill also ensures that bodies representing carers are consulted when policies that affect carers are developed. It provides that carers who are employees of government agencies are considered in the development of human resources policies. The core of the bill is the New South Wales Carers Charter, which will set out in legislation a comprehensive set of principles to guide how government agencies interact with carers. One of the important principles in the charter is principle (f), which states:

Carers are to be acknowledged and recognised as having their own individual needs within and beyond their caring role. This acknowledgement and recognition is to take into consideration Aboriginal or Torres Strait Islander culture, age, disability, religion, socio-economic status, cultural differences, gender identification and place of residence.

This principle recognises the diversity of carers as a group. This diversity strongly influences carers' needs and the Government's response. Older parent carers are one group of carers that we acknowledge as having particular needs. The New South Wales Government has invested \$18.5 million in recurrent funding to services for older parent carers. This includes flexible respite, centre-based respite, day program and case management services. The New South Wales Government also acknowledges the specific needs of Aboriginal carers. In 2008 the Aboriginal Carers Support Guide was developed and distributed across the State. The guide provides Aboriginal carers with information on improving their physical and emotional wellbeing. It also provides Aboriginal carers with tips on how to get information about respite services and carer support groups. Over the next three years, five non-government organisations will receive funds to support carers in communities that historically have been difficult to reach.

Another important group of carers are hidden and isolated carers. This group includes carers who may not identify with the term "carer", who may be unaware of supports available or who cannot access a service appropriate to their needs. The hidden carers outreach project has developed a profile of hidden or isolated carers and their needs. Two partnership projects are currently being planned to provide outreach services for hidden or isolated carers and to link these carers to services in their local area.

Children and young people who are carers are another group of carers with particular needs. This group is specifically recognised in principles (g) and (h) of the Carers Charter, which state respectively, "Children and

young people who are carers have the same rights as all children and young people" and "Children and young people who are carers face additional difficulties and burdens and should be supported in overcoming these difficulties." These principles in the Carers Charter will complement and build on the Young Carers Action Plan 2009-2012, which outlines strategies for key agencies to work together to identify and support families where children or young people have caring responsibilities.

As an initial strategy to improve young carer identification and referral, New South Wales Health and the Department of Ageing, Disability and Home Care are currently piloting young carer tools and assessment questions. A young carer pilot project recently commenced at Maitland Hospital and Royal North Shore Hospital. The project will deliver focussed resources and training to healthcare professionals who interact with young carers. The project aims to ensure that front-line staff are better able to identify young carers, provide them with relevant information, and refer them to appropriate support services. A similar pilot is underway in Ageing, Disability and Home Care, with tools being piloted by front-line staff at a number of intake points for home care and disability services.

The New South Wales Government is also contributing funding to a major national research project on young carers, a project being led by Professor Bettina Cass at the University of New South Wales. This research, to be completed this year, aims to identify appropriate, accessible and supportive policies for children and young people who provide care for family members and friends. As I have stated, the Carers (Recognition) Bill, through the New South Wales Carers Charter, will guide how government agencies interact with carers.

The Carers Charter will complement action taken by this Government to ensure that staff of public sector agencies are well equipped to work with carers. For example, in 2008-09 and 2009-10 Carers New South Wales was funded to deliver a series of half-day orientation workshops on the Working with Carers Training Package to Government and community care staff and healthcare professionals. The Working with Carers Training Package is designed to enhance the skills of front-line staff in working with carers. The training highlights the value of working in partnership with carers, including ageing carers, Aboriginal carers, young carers, and parents of a child with a disability. These workshops were so popular and effective that over 30 additional workshops were offered across the State in response to demand. The Government's Carers (Recognition) Bill is an important piece of legislation that signals and expands on the Government's commitment to recognising and supporting carers.

**Ms PRU GOWARD** (Goulburn) [7.42 p.m.]: It is a pleasure to speak in support of the Carers (Recognition) Bill 2010 and to acknowledge the tremendous efforts of my colleague the member for Bega in developing the original legislation that the Government has so impressively lifted and adapted, with the addition of brackets around the word "Recognition". I hope that makes all the difference. It is a very important piece of legislation. As the Australian population ages, it will become increasingly important that we recognise not only the role that carers play—and certainly a great deal of effort is now put into supporting carers, given the allowances that are provided—but also the fact that the majority of carers remain women. The bill is one way in which the role of women in society can, and should, be recognised. As the House would be aware, many women do not have the working lives of men, often because they are the principal carers for family members with disabilities or the aged in their families. The bill recognises the role of women as carers and gives it some status.

As the country's population ages it will become increasingly important that we do more for carers. The alternative to having carers would be to pay full market price for such care, or to have to rethink our whole approach to people with disabilities, those in aged care facilities, and those who are of an age that they need significant assistance. This is not about whether one believes in human rights or about whether one is an economic rationalist. An economic rationalist who does not believe in supporting the role of carers has to accept the fact that if we do not have carers his or her taxes will be increased and the Government's role in supporting the frail elderly and those with disabilities will be expanded. At the same time, this will deny the beauty and wonder of voluntary care and the love and affection that is part of a voluntary caring relationship.

Regardless of whether people believe in the rights of those with disabilities and those who are in need of aged care, and regardless of whether people believe in the importance of recognising those who engage in that caring and who contribute so much social capital to Australian society, there are good economic reasons for supporting this bill and acknowledging that it is the beginning of an evolution in the way we view carers. I believe the bill inevitably will lead to greater financial assistance for carers and greater engagement of them as part-time and casual workers. We are so grateful to carers for the work they are doing, not just because it saves the State from doing so but because it also gives the people they care for that wonderful sense of being cared

for, with a small "c", and of being loved and tended by people who do it voluntarily. I do not suggest that people who are paid to care for others do not care—of course, they do care—but it is quite a different relationship, I think we would all agree, and such care is of great benefit to the fragile members in our society.

Of course, there is a great return for carers. I have known many carers who get enormous personal satisfaction from what they do. They genuinely—quite rightly—believe they are making a significant contribution not only to the person or people for whom they care but to the broader community in which they live. I am thinking of a wonderful carer in my community called Heather who had a husband and three children who were all born with a terrible genetic disease that eventually killed all three children. The last child died in terrible circumstances in Goulburn after the community fought very hard—and I was very involved in that—to have him brought back to Goulburn to be allowed to die near his mother.

Heather had been going back and forth to hospital in western Sydney to visit him as often as she could, but that was becoming very difficult for her and she believed that she could do a much better job for him if he were brought back to Goulburn. In the end, that is what happened, and that was a very important thing for Heather and for her son. Extraordinarily—this is really the point of the story—when he died Heather did not stop caring. She then picked up with her foster child, with whom she had a wonderful relationship. I met him on the morning of the funeral—a lovely young man who obviously blossomed under her care. I see Heather occasionally at the cathedral, where we both attend church, and she is always busily involved in community activities. That is the nature of that woman.

It is wonderful that Heather, along with the 750,000 other carers, can be recognised under this bill. The bill will be an important step in getting the broader community to focus on the role of carers. As the public policy debate on this issue develops and matures, particularly given the demographic changes Australia is now experiencing, we will have to face a whole lot of other issues regarding caring. I turn to one in particular, that referred to in part 2 of the bill, which deals with the additional obligations of human service agencies, and that is carers as employees. We have long focused on the rights and needs of mothers to have access to family-friendly working arrangements, including part-time work, working from home, and so on.

That has been possible because we have had international treaty powers under the Convention on the Elimination of All Forms of Discrimination against Women, and this has given the Federal Government authority in that area. With the increasing role of the Federal Government in industrial relations, that has been a very necessary linkage. There is nothing quite like that for carers, who perform a similar role. It is just that they are not necessarily mothers of underage children. They may be mothers of children under 18 with disabilities, but they might be family members, extended family members and sometimes their own partners who require that sort of help.

The Carers Charter and the obligations of human service agencies mirror the sorts of arrangements we now make available for mothers in particular and parents generally. We need to recognise that such arrangements should be extended to carers for the same rational reason that we extend them to women, that is, it is better to do this than to lose women, with all their skills, gifts, training and experience, from the workforce. It is better to keep them engaged in the workforce and contributing to the richness of family life and the upbringing of their children. It is better to do this than to see women either leave the workforce or leave children not always in desirable circumstances. The same thing applies to carers. We need to recognise that it is all on a continuum—interestingly, it mostly involves women, although I understand that carers in older age are about 50/50 male/female. Certainly, at younger ages it is predominantly a female role to be both carer and a mother seeking family friendly arrangements. Obviously the same must and should apply to carers.

The difficulty for carers is that they do not have the same legislative backup as mothers in the workforce. This legislation makes some reference to it, but members would agree that the reference is fairly vague. The rights of carers to negotiate working arrangements that suit their caring responsibilities are far from clearly spelt out or established in the legislation. I suspect that is probably where this State will have to go over the next few years, given the emerging role of carers and the extension of that role as Australia ages. Again, I commend the legislation. I commend the member for Bega, Andrew Constance, for his tremendous role in consulting carers throughout New South Wales, for the great heart he showed in the many meetings he held and for his personal engagement with and commitment to carers. That sort of passion and belief should drive the very best of legislation in New South Wales, and they should be part and parcel of being a member of this House. We are all the better for the efforts of the member for Bega in this area. I commend the New South Wales Government for so adroitly adopting his legislation.

**Mr TONY STEWART** (Bankstown—Parliamentary Secretary) [7.52 p.m.]: I strongly support this Carers (Recognition) Bill. I recognise that the consensus approach being taken is important. The bill is beyond politics, and I commend and thank the Minister for Health for bringing this much-needed bill to the House in a timely fashion. The Government's Carers (Recognition) Bill is a significant advance for New South Wales and signals the Government's increased commitment to recognising and supporting carers. This bill will provide protection for the interests of carers by establishing, firstly, a Carers Charter, which will increase awareness of carers and guide government agencies in the delivery of services and support to carers; and, importantly, a Carers Advisory Council, which will provide carers with a voice on major legislative or policy proposals that impact on carers and their needs.

The Carers (Recognition) Bill is modelled on similar legislation in place in other States and Territories. Importantly, the bill also aligns closely with the Commonwealth Government's Carers Recognition Bill, which was introduced by the Federal Government in March this year. The Commonwealth bill was introduced as the first step in the development of a national carers recognition framework. In light of this, it is timely that the Government introduces carers recognition legislation in New South Wales as part of our contribution to the development of this national framework. I am sure members will agree that it is appropriate to develop nationally consistent legislation as far as it is practical and relevant.

The New South Wales Government's Carers (Recognition) Bill is consistent with the broader principles and provisions of the Commonwealth bill, as well as a number of important details. For example, both bills contain the same definition of "carer", both require Government agencies to give regard to the Carers Charter when developing human resources policies, and both establish a distinction between agencies that are closely involved in the provision of services to carers and the people they care for and agencies that have little to do with carers. This distinction is important because it ensures that stronger requirements will be imposed on relevant agencies, and it avoids creating an unnecessary and irrelevant burden on agencies that do not have an interface with carers or people being cared for.

Under both bills, all public sector agencies are required to take reasonable steps to ensure that their staff and agents have an awareness and understanding of the Carers Charter, to consult with bodies representing carers when developing policies that impact on carers and to ensure that their internal human resource policies are developed having due regard to the Carers Charter. Both bills also impose additional obligations on human service agencies. Human service agencies are defined as those public sector agencies that provide services directed at carers or persons they care for. This will include, for example, the Department of Human Services—including Ageing, Disability and Home Care, and Housing New South Wales—and public health organisations, such as area health services. These agencies will also be required to ensure that the agency and its employees and agents take action to reflect the principles of the Carers Charter and to report annually, via their annual report, on their compliance with the legislation.

The requirement that compliance reports be included in agencies' annual reports is also included in the Commonwealth bill. This approach was considered more appropriate than an alternative mechanism, such as the creation of a separate standalone compliance report, as it avoids creating an unnecessary administrative and cost burden but achieves the same outcome. One way in which the Government's Carers (Recognition) Bill goes further than Commonwealth bill relates to carers' needs for government services to assist them in their caring role. The Carers Charter in the Government's bill includes a principle that carers should be referred to, and made aware of, appropriate services to assist them in their caring role. Such referrals should be made after an assessment of the needs of carers or as part of the assessment or provision of services to the person being cared for. This principle is important as it recognises the need to ensure that carers are referred to, and receive, available support services that they may require.

The principle also recognises that this referral might result from an assessment of the carer undertaken as part of a holistic assessment of the needs of the person for whom they are caring or, in some instances, as a separate carer assessment. If the assessment identifies that carers themselves need support, information will be provided to them about available support services and referrals made where appropriate. This principle clearly articulates the outcome that carers have stated that they want delivered by this principle. It is also tailored to the different ways in which different agencies can ensure that carers' needs are met. This is obviously preferable to a blanket requirement that any agency should conduct an assessment of carers' needs. This principle is consistent with work that is already underway to ensure that we better meet the needs of carers.

For example, Health and Human Services agencies are currently piloting resources to assist front-line staff to identify and assist young carers. These pilots are training front-line staff so that they are better able to

identify young carers, provide them with relevant information and refer them to available support services. The Department of Human Services also funds support coordination services that provide support for older parent carers of people with a disability. Those services help older carers to develop and implement transition plans for the ongoing care of the person for whom they are caring, which is very important.

The Government's bill also differs from the Commonwealth bill in relation to non-government agencies aimed at carers or persons they care for. The Commonwealth bill includes a requirement for non-government organisations funded by Commonwealth agencies to comply with the bill's Carers Charter. Many of these non-government organisations are also funded by New South Wales agencies. Application of the New South Wales charter to all non-government organisations would mean a duplication of obligations at both State and Commonwealth levels imposed on these bodies. As a consequence, New South Wales will implement a more targeted approach so that when a non-government organisation funded by a New South Wales agency is not covered by the Commonwealth bill the New South Wales agency will negotiate with that non-government organisation to include an obligation to comply with the charter under specific funding agreements.

The Government recognises, and applauds, the important role that carers play in our community. I know the trauma carers go through from firsthand experience with my sister Carol-Anne Stewart, who is a carer for my niece Jessica who is partially blind, unable to walk and intellectually impaired as a result of a car accident. This bill will make it a lot easier for people like Carol-Anne Stewart and many other carers who need assistance and recognition through such legislation so that they can achieve their goals and, most importantly, look after those in their care adequately and properly and with love. This bill formally recognises their role and will ensure that carers' needs and voices are carefully considered when agencies make decisions that impact on carers. I strongly support the bill and commend it to the House.

**Mr ROB STOKES** (Pittwater) [8.01 p.m.]: I speak to the Carers (Recognition) Bill 2010, which the Opposition does not oppose, frankly, because imitation is the greatest form of flattery. Indeed, as other members have reflected, this bill bears an uncanny resemblance to the Carers Recognition Bill 2010. In my previous life when I taught law I had access to an academic plagiarism detection program called Turnitin. So I ran both bills through the program. It was horrible—and I will have to pass this on to the academic senate—because I found that 55 per cent of the Carers (Recognition) Bill 2010 is a direct copy of the Carers Recognition Bill 2010. I advise the Deputy Premier, and Minister for Health of the warning that flashed on my computer screen when I input the two bills. It said, "Warning: a significant amount of this paper is unoriginal. You may need to check your sources and perhaps revise or rewrite your paper." I understand why the Minister for Health is a little agitated, but the computer does not lie.

I commend Parliamentary Counsel, which must have given the thesaurus a good workout when drafting this bill by looking for phrases similar to those in the earlier legislation. But I remember that when I was a lawyer it was very useful to have a template from which to work. Clearly, Parliamentary Counsel's job was made a little easier because what had been prepared by the member for Bega could be copied. I thank the Minister for Health because much of my analysis of the first bill is also relevant to the second bill. The last thing I noticed from the Turnitin program is that 86 sections of text in the bills are an exact match. That is a lot, considering that the substantive section is only three pages long!

**Mr Alan Ashton:** I'm going to check out his doctorate.

**Mr ROB STOKES:** I got that off the Internet too. As I said, imitation is the greatest form of flattery. The Minister has agreed with the member for Bega that the recognition of carers is fundamentally important and that their recognition in New South Wales legislation is long overdue. For far too long the 750,000 carers in New South Wales have been without the recognition, assistance and support they deserve, which makes this legislation a real opportunity to set things right. As many members have already reflected, we, as a society, can no longer continue to take for granted the invaluable and selfless contribution that carers make to our communities. We must recognise the magnitude and significance of their roles and ensure that their voices are heard. And we must ensure that New South Wales does not fall behind on yet another important social indicator.

Like other Opposition members, I acknowledge the contributions of the member for Bega and the member for Barwon, who have worked tirelessly alongside the State's carers to ensure that this legislation is debated today—albeit it is the second bill introduced by the Minister for Health that is the subject of debate. Both the member for Bega and the member for Barwon are legislators dedicated to improving the lives of those with severe illnesses and disabilities and those who care for them. We have already heard much debate about the

New South Wales Carers Charter, which is an important, effective and well-devised initiative that will help to ensure that carers are treated with dignity and respect and that their individual needs and wellbeing are regularly assessed.

I notice that there is an area of difference between the bill introduced by the member for Bega and that of the Minister in that sections of the charter use the word "should" rather than "must". Its principles are expressed much more strongly in the bill introduced by the member for Bega. But having a charter and also an advisory panel will ensure that the knowledge and views of carers are considered and valued in the planning, review and delivery of programs and services impacting on those under their care. The legislation will also make it a legal requirement for the first time that all government agencies have an understanding of the charter and take action to reflect its principles when providing services affecting carers.

This will help to ensure that all programs and services provided to carers in New South Wales are responsive, coordinated, flexible and appropriate—which is a huge step forward for our State and for the support of carers within our communities. There is no doubt that the changes enshrined in the bill are wanted in communities throughout New South Wales, and that they are needed. We need to ensure that the aspirations expressed in this bill are subsequently expressed in the delivery of services by government agencies. I know certainly that residents in my community of Pittwater, which I am proud to represent in this place, are particularly reliant upon the contribution of carers. With more than 20 per cent of Pittwater's residents over the age of 60—and this number is expected to soar in coming years—there is an increasing need to ensure that our ageing population is cared for.

Currently, more than 6,000 residents in the Pittwater and Warringah local government areas, which make up the Pittwater electorate, receive assistance under the Home and Community Care Program. However, this figure of course includes only those residents who have put up their hands and asked for assistance. So there is no doubt that many more people in our community are in need, and there is no doubt that this number will increase. In fact, an article that appeared in the *Sydney Morning Herald* in February this year reported that 282,000 people are receiving home, community care or disability support services in New South Wales, with evidence suggesting that this number will soar by approximately 26 per cent, to 356,500, by 2014.

In light of that prediction and the increasing shortfall in the number of disability services and community care workers in New South Wales, there is little wonder that enormous concern exists that more and more people across the State will be thrust into the role of carers. Furthermore, an Alzheimer's Australia report released in September 2009 revealed that New South Wales is likely to see a massive increase in the number of dementia sufferers over the next 40 years, which will also impact on the role of carers. New South Wales already has about 88,000 people suffering from dementia, with that number expected to reach 341,000 by 2050. My community of Pittwater, like many other areas with an ageing population, is expected to be particularly hard hit, with a projected 277 per cent increase in the number of dementia sufferers over the next 40 years—no doubt presenting enormous challenges to our community and the carers within it.

That is another reason why—and I put in this plug while the Minister for Health is at the table—we need delivery of health services in Pittwater, particularly the new hospital at Frenchs Forest and the required upgrades and maintenance to Mona Vale Hospital. Pittwater is exceptionally fortunate to have a number of local groups, including churches, community organisations and councils, willing to assist in the challenge confronting carers by providing them with advice, assistance and respite opportunities. However, the State Government must step up to the plate with proper legislative recognition of the role of carers. Two specific instances in my community deserve to be commended in this place. First, the Chesalon Day Centre at St John the Baptist Anglican Church, Mona Vale—my local church—provides a respite program for elderly residents with dementia. It has recently relocated from Avalon to Mona Vale. The Rector of St Johns, Reverend John Reid, is very excited about the partnership. Recently Anglicare's website stated:

We hope not only to provide access to church property, but also care for the carers and their aged relatives.

Being Christian is about caring in practical ways, says Mr Reid.

"This is where we put theology into practice—where the rubber hits the road," he explains.

"We're here to serve, even if it may cost us ... "

That is my point in talking about the role of carers. They serve us and they serve our community, even though it costs them. I note also the contribution by Brian Robinson, who is holding a dinner at Miramare Gardens, Terrey Hills, on Saturday 7 August 2010 to raise awareness of the plight of young people in nursing homes and

to raise money for Lifehouse at Royal Prince Alfred Hospital, the Chris O'Brien Cancer Centre. Brian's lovely wife, Tina, passed away after being well housed at a nursing home in Terrey Hills through the latter part of her illness. Brian and their daughter cared for Tina during an extraordinarily difficult time. Tina was only 36 years old when she was afflicted by a series of strokes. Brian and their daughter went through a great deal to provide Tina with the quality of life she deserved. That is an example of why carers are so important and why they deserve the recognition that this bill provides, albeit belatedly.

**Mr GRANT McBRIDE** (The Entrance) [8.13 p.m.]: I support the Carers (Recognition) Bill 2010. I congratulate the member for Bega on his interest, and, dare I say, on his hound-dog pursuit of this issue. It is good that members on both sides of the House are absolutely committed to doing the right thing by the community rather than playing the banal partisan politics that we often witness in this Chamber. An object of the bill is to recognise the valuable contribution of carers, which is an important issue. That is what all members want, and later I will outline my personal experiences. The NSW Carers Charter recognises the benefits of carers, including social and economic benefits. I do not like reducing their contribution to an economic benefit because there is also a social, or community, benefit. It is about building a stronger community that has the structures available to improve everyone's quality of life. That should be our objective in designing any policy.

Unfortunately, in our economic system the economic parameters often override social parameters in decision-making. Later in my contribution I will address the provision of necessary services in the context of my experiences on the Central Coast. Through carers' assessments the bill will provide for the interests, needs and choices of carers to be considered in decisions about service provision. It is interesting to note that very sensitive relationships develop between carers and those being cared for. If carers do not know the needs of the people for whom they are caring, they are not in touch with the job. That is a critical aspect. Too often in the medical system the hierarchy dictates what should happen and does not listen closely to the people at the coalface.

The most complicated aspect of being a member of Parliament is dealing with people. People are not straight up and down; they do not adhere to a formula. Members must listen to people. When I became a member of Parliament I realised that people came to their local members only after they had tried to resolve their problems themselves. I am sure all members would agree with that. When a problem got out of control, they tried to solve it and in the process moved further away from achieving an outcome. So they eventually came to me to solve it. It is my experience that people want to tell their story. Even if you realise immediately the solution to their problem, you cannot advise them of it; you have to listen to them. I am not a doctor; I cannot write a prescription. Instead, I have to act as a counsellor. It is possible that we are the first people to listen attentively to some constituents.

Carers play an important role, and they should be respected for the knowledge that they have gained. Carers might not have the same academic qualifications as others in the field, but they have a special attachment to the people they are looking after. They actually give them love while treating them. It is not just a process—"How many do we knock out today?"—but about improving the quality of people's lives. Every member who has a retirement area in his electorate or who, like me, has been confronted by the need for recognition and support of carers has had first-hand experience of the issues at the coalface.

The member for Bankstown spoke of his sister looking after his niece. I have had similar experiences. Last year a community award was given to a grandfather who was looking after seven children. The guy was the most welcoming, open, spirited and joyful person I have ever met. He was not what one would expect: he was a rough and tough grandfather with a heart of gold, looking after his seven young grandchildren. It was wonderful to talk to him and appreciate the contribution he is making to our community. More importantly, he is making a wonderful contribution to the lives of the young people he is looking after. He is aged over 70 years, but is prepared to give his life to those young people. We should acknowledge also that carers are ageing. Other members have mentioned cases involving an adult child who, for whatever reason, goes home to live with his parents.

Often the parents are not capable of dealing with this, especially when the adult child has mental health issues and related issues. Many a time parents have come to me asking, "How can I deal with this situation?" Unfortunately in some ways, if a person is using their medication and doing the right thing they can remain at home and do not have to go into an institution for observation. However, the parents are often in fear of that person in their house because they know that the person's level of medication may be lowered gradually. The person being cared for gets the idea that can be expressed as: "I'm in society now and capable of looking after myself. I don't need the assistance of other people; look how well I am behaving." Then they get the notion that

they are well, their condition gets out of control and there is an incident at home. That is a very difficult situation for elderly parents to deal with. First, they love their child; and, secondly, they feel threatened by their child. Those are the sorts of complex relationships I referred to in my earlier comments.

I also had the wonderful experience of visiting a man who was a quadriplegic. He was living at home with his wife and two of his children in a house that had been redesigned and reconstructed to accommodate him. There was also a caring arrangement although I cannot remember the number of hours involved. As members of Parliament we have fantastic opportunities that are not afforded the rest of the community. We can go into a person's home, in the circumstances I have just outlined, and have them show us around and tell us about their situation and the commitment they make to looking after their partner, father, or whatever the relationship may be, 24 hours a day, seven days a week. One aspect that I was unaware of is that breathing becomes a huge issue for people with some types of health problems. There is a whole range of activities that they have to do, such as exercises in a hospital-style gym where there are pulleys and ropes everywhere. The carers have to move that person around to enable them to do the exercise. Some of the people being cared for are able and some are disabled. The man I am referring to had physical disabilities, not mental disabilities. Then there are categories of people with mental disabilities.

Another case I want to refer to involved an indigenous grandfather who came to see me. He wanted to keep his grandchildren within the indigenous culture—that is, he wanted them raised with indigenous people. It was a very tricky situation and reaching a decision required a sensitive approach. These are the skills that carers must have in order to deal with these types of issues. That is why those skills should be recognised. Another type of case that I am sure all members have experienced is one that goes to litigation. A person I knew was in a difficult situation because his granddaughter's parents were under the influence of drugs. They went to rehabilitation and then came out and resumed taking care of their child. He had to go to court to get custody of the child. This man had recently retired, he was 65 years old, and now he has had to become a father again. Again, people in those situations make a contribution to our society.

When the Department of Ageing, Disability and Home Care moved to the Central Coast it expanded its office and the number of services enormously. All the different services were co-located, as other members have said, in the same building but on different floors. This is a very good illustration of the Labor Government's priority over the past 15 years of improving the situation for disabled people. I went around that facility and met the service managers and a number of the service providers. It was inspiring to meet them and to see that their organisation was working like a military unit. It was totally coordinated and there were not the usual barriers between different sectors. One of their commitments was to provide better services for people on the Central Coast. Other speakers have mentioned the fact that the population is ageing. One of the ways of dealing with an ageing population is to make people fitter and healthier. I am sure the member for Dubbo agrees with me. This is really important legislation. For people who are carers and for those who work in the industry this is a breakthrough. They will get the recognition and esteem that is given to people who work in other areas of service provision to society. I commend the bill to the House.

**Mrs DAWN FARDELL** (Dubbo) [8.25 p.m.]: I will speak briefly on the Carers (Recognition) Bill 2010. It is obvious from listening to previous speakers that this is an issue for which all members of Parliament have enormous compassion. I also acknowledge that, following consultations with Carers NSW, the member for Bega, Andrew Constance, announced in Parliament his intention to introduce a Carers Recognition Bill. I thank him for bringing the Opposition's bill to the House and also thank the Minister for introducing the bill now before us. It is a very important issue for all of us. I do not think there is anybody in this House whose family or friends have not been affected by this issue or who has not had constituents come through their electorate office door to raise these matters.

The first person who approached me in my capacity as a local member, in November 2004, was Marianne, who was concerned about her daughter Julie. She had lots of issues with caring for Julie. Her marriage broke up, as unfortunately occurs in many cases. Family relationships are often badly affected when someone needs constant care. It is very hard on the main carer. In my family I am aware that my uncle cared for my aunt, who had a stroke at 46 years of age, and he had to give up work for nine years. They lived on a very meagre income from the Government and his support and care for her for nine years after her stroke was extraordinary. That is the case with many other carers. Recently an old school friend returned from the United States, where she had lived for 40 years, so that she can care for a sibling who can no longer care for himself and whose parents have passed away.

As local members cases constantly come across our desks and people ask for support. They often relate to the simple things in life. I refer to Peter, Val and Adam Cannon who live out Peak Hill way. Peter and Val's



son Wade is now past school age—he is about 19—and they have struggled to get support to look after him since he was born. He needed to go from their property to Peak Hill to pick up a taxi or bus to go to Kurrajong, and every year it was a constant battle for them. When I first became a member of Parliament, the case of Helen and her son Matthew came to my attention. After five years of caring for Matthew, Helen found it all too hard and had to put Matthew in a facility at Mudgee. She does not criticise the local Department of Ageing, Disability and Home Care staff in Dubbo, who are absolutely marvellous; rather, she had to give up the son she loves to the Government to be cared for and then found she still had to care for his basic needs. He was put in a home at Mudgee with adults and he is still a teenager. Having to give up a child is an horrific thing for any mother. Helen needs support. Carer recognition is very important for people such as Val and Helen, and Marianne and her daughter Julie, whom I met on 9 November 2004. It has been a continual struggle—not a fight—with the Department of Community Services and DADHC for them to get some justice and respite.

Among the 13 key issues mentioned in the bill introduced by the Minister is the establishment of a carers charter and the Carers Advisory Council. The advisory council is a great step forward. It will be appointed by the Minister and tasked with advancing the best interest of carers and reviewing and making recommendations to the Minister about any policy or legislation proposals that are referred to it. This is a marvellous idea. That Federal advisory council had no monetary value. I hope the carers from regional and rural New South Wales who are appointed to this advisory council are given some financial assistance so that they can attend its meetings. I hope that the Minister looks kindly on appointing people from rural and regional areas, rather than people who come only from urban areas. However, carers need financial assistance and respite in order for them to attend those meetings, as they cannot just pack up and leave at any time to attend them. When carers attend council meetings—and this is a great step forward—they should not be out of pocket any more than they are today.

Brianna, who experiences difficulties in getting her children on the school bus, and Carmel, who has a 48-year-old daughter in her charge, have formed a great group and network. Caring for these children expends a tremendous amount of their time and, as a result, carers' relationships break up and they need a great deal of support. I hope that this legislation is not piecemeal. I do not believe that to be the case as the Federal Government has implemented similar legislation, as have other States. New South Wales is now adopting a similar policy. I thank the member for Bega for bringing these important issues to our attention. We must keep supporting the wonderful facilities that are provided in each electorate.

This legislation, which will result in the establishment of a carers advisory council and a carers charter, is a recognition of what carers do. In my electorate carers' loved ones typically are placed in wonderful facilities such as the House with No Steps, Currajong Disability Services and the Westhaven Association. I cannot speak highly enough of Gordan Tindall, the Westhaven Association in Dubbo, and his board. That board is endeavouring to meet with the Federal and State governments to discuss the prospect of establishing a nursing home and obtaining funding to look after carers' loved ones when they are no longer able to cope or they are not medically trained to look after them.

Instead of putting people into the standard nursing homes that are located in our electorates we should try to get some funding to build nursing homes on the same sites on which these people have grown up and know as their homes. I said earlier that the carers who are appointed to the advisory committee would need a great deal of support. Every member of Parliament recognises the work that they do. Carers do not deal only with placid patients; the member for The Entrance said earlier that they also see the violent aspects of their charges. Sometimes a mother who is at her wits end has to call in the police when an 18-year-old son is too difficult for her to handle, which is not an easy thing to do. People in those situations require a great deal of support. As I said earlier, I hope that this legislation is not just piecemeal legislation to make people feel good. Let us keep the charter going and provide ongoing support for these carers, who also deserve a life.

**Mr ALAN ASHTON** (East Hills) [8.33 p.m.]: In the 11 years that I have been a member of Parliament—I am sure that this applies to all members of Parliament—I have been touched by many carers who have come to see me. One of the first things that I wanted to do after becoming the member for East Hills was to move out of the old office that was occupied by Pat Rogan, as constituents had to walk up about 20 steps to see that wonderful member. One day I followed an old lady up the stairs. She literally had to crawl up the stairs on her hands and knees in order to visit Pat. When I became the member for East Hills I said that I wanted an office on the ground floor so that people could easily access that office. Constituents have to climb up one step to get to my office, but I put down a ramp to assist them to do so. Sometimes constituents who come in to see me are wheeling their sons or daughters in wheelchairs and, if they are lucky, they are motorised wheelchairs.

Members on both sides of this House have alluded to the fact that often those carers are not looking after young handicapped children. Sometimes 60-year-old and 70-year-old mothers and fathers wheel in children who are aged 35 or 40 to seek whatever help they can get. I do not like to overly personalise these issues, but some years ago I taught a student who, for the last 10, 12 or 15 years was in a wheelchair. That student, who had to undergo all sorts of physiotherapy, was the second brightest student that I taught at Picnic Point High School. Tragically, he suffered a brain injury and his mother had to give up her job and his father had to cut back on the hours that he worked. That went on for years. I used to receive handwritten letters seeking support and respite. Fortunately, like most members of Parliament, I was able to approach several Ministers to obtain assistance and support.

When carers like that come to visit we recognise that the way in which we behave in this place is not what politics is all about. We should be making a difference for carers who are in that position. I do not like using the word "victims" as many carers do not see themselves as victims; they are caring for people with mental and physical disabilities, or combinations of the like. In some ways those carers are "victims" because they have had to give up their careers and much of their family life. Often they find themselves in stressful situations as their partners or other children have to do all the work. I have been assisting a young couple with an autistic son and I am constantly amazed at the role of the father and mother. They are always bright-eyed and enthusiastic when they visit me and they outline the areas in which they need help. I am able to obtain assistance for them through the Department of Education and Training or the Department of Ageing, Disability and Home Care.

Sometimes I cannot obtain any assistance, as the funding pie is not very big. When people say that it is not all about money, this is one area where extra money would help. The equipment that these people need to provide proper care is expensive. I helped an elderly gentleman, a member of the Labor Party, who had both legs amputated because of diabetes. He needed a specially fitted wheelchair that had to be measured and made, which everyone knows is expensive. People bring him to Labor Party meetings, wheel him into the lift and bring him to various other functions. Carers also need respite. Earlier someone said that there were 750,000 carers. I believe many of them are not aware that they are carers. They do what they have to do and look after members of their family, friends and relatives without putting a label or a badge on themselves. More power to them for what they do, but they do need more respite.

I will not go over those aspects of the bill to which other members referred. However, a recent Government census revealed that my electorate is one of the least-changing electorates in New South Wales. The oldest group of residents are in East Hills, which forms part of the Federal Banks electorate, or soon-to-be Hughes electorate. People do not move out of my electorate and, as a result, need care. Fortunately, some good clubs have established frail-aged villages and nursing homes. Most members are aware of the rising number of people suffering dementia and Alzheimer's disease. My mother's last eight or 10 years were pretty terrible. She could not go anywhere or do very much. She suffered from a combination of illnesses that are too lengthy to mention.

My father, a World War II veteran who was 10 years older than my mother, unquestioningly looked after her almost every day of the week. However, on two days of the week he let himself and his family down, as he had to get away by going to the bowling club where often he had too much to drink. I was often called on to bring him home. That was his release after caring for my mother. At the age of 85 or 86 he had to get away, go to the bowling club, bowl for a while, and have a schooner or two too many. He did not want to put my mother into a nursing home. When she finally went into a nursing home she survived only one week. My father would never have wanted to be seen as a carer—he was just a husband and a father. All members can recount personal stories such as that.

I congratulate the Minister and the Government on introducing this bill. I give credit to the member for Bega for recognising the need for such legislation and for introducing a private member's bill, which often are not successful. The Government might have scrapped 47 per cent or 55 per cent of that private member's bill, depending on the computer of the member for Pittwater. However, I am happy to give credit where credit is due. I have often brought up these matters with the Deputy Premier and also with other former Ministers for Health. The Hon. John Della Bosca, a good health Minister, provided additional money for carers even though he was faced with a tough budgetary process. Anything we add probably is not enough. This bill is a great start and will put the matter into legislation. We can do a lot more after that.

**Ms GLADYS BEREJIKLIAN** (Willoughby) [8.39 p.m.]: Today is an historic occasion for the New South Wales Parliament. Not every day can we contribute to such a significant debate and piece of legislation

that finally officially recognises carers in our community. I acknowledge the generous and heartfelt comments of contributors to the debate on the Carers (Recognition) Bill 2010. Irrespective of which side of the House we sit, as members of this place and as community members we all experience daily the plight of carers who have been thrust into the position suddenly through accident, through onset of disease or through other reasons. Whilst we support the Government's bill, I acknowledge the member for Bega who, through his vigilance and relentless lobbying, brought this issue to the forefront. He has done this Parliament proud by forcing the introduction of this legislation.

I acknowledge also the contribution of the many carers in the Willoughby electorate. Only this week a constituent saw me about an unrelated issue. At the end of her interview regarding a local zoning matter she expressed her stress as a carer. I had known her for some time and did not realise she was a carer. Many carers suffer in silence and do not receive the recognition they deserve; many of them neglect their own care because of the care they provide to others. Obviously, carers suffer in silence through social isolation being bound at home to look after their loved one or the person for whom they care. They go through much financial disadvantage and hardship, and many face adverse financial situations because of their role.

We must acknowledge that as the population ages and our lives become more complex, carers will have additional pressure placed on them. None of us knows what life will bring us in the future or what circumstances will come before us. It is important for all of us to share this responsibility and anguish. I was keen to contribute to this debate because of the importance we in this House give to those in the community who give so much of themselves to help others. I support the amendments proposed by the shadow Minister for Disability Services. It is important to ensure that carers have a majority position on the ministerial council advocated by the bill. If we are serious about giving carers a voice and the recognition they deserve, we should ensure that they have adequate representation to the government of the day on the issues that most affect them.

Again, I congratulate the member for Bega and the member for Barwon, who have promoted this issue. I acknowledge the many peak bodies in New South Wales that have promoted the carers issue over a long period of time. I acknowledge the contribution of all members in this place, as should be done in a bipartisan fashion, in recognising the enormous contribution of carers, the enormous selflessness they display daily, and the huge role they play in the community for those far less fortunate. I commend the bill to the House.

**Mr MALCOLM KERR** (Cronulla) [8.43 p.m.]: I support the Carers (Recognition) Bill 2010. I was pleased to hear the member for East Hills pay tribute to the member for Bega because this bill results from his actions. This Government has been in office since 1995, but it was the efforts of the member for Bega that brought it kicking and screaming to the House to introduce this legislation. On a number of occasions the member for Bega has visited the Sutherland shire and met with local carers and heard their concerns. Those concerns have been echoed by members on both sides of this House during the course of this debate. The ever-increasing problem is that the parents and relatives who take on the role as carers are getting older, yet no provision exists to assist the person for whom they care.

During the course of this debate we heard stories from both sides of the House of the effects of lack of practical assistance. While this bill is welcomed for recognising carers and for providing a carers charter, a number of issues are raised. I draw the attention of the House, in particular, to the provisions relating to the proposed Carers Advisory Council. Those provisions are set out in clauses 10, 11 and 12 of the bill. Clause 12 is particularly grand and sets out the functions of the Carers Advisory Council as follows:

- (a) to advance the interests of carers,
- (b) to review and make recommendations to the Minister on any legislative or policy proposal, or any other matter, relating to carers referred to the Carers Advisory Council by the Minister,
- (c) to carry out such other functions relating to carers as may be directed by the Minister.

As the member for Willoughby said, we do not know the composition of the council or who will hold the majority positions, the funding arrangements of the council, or the status of recommendations it proposes. Recognition of carers is long overdue, but so too is practical assistance. The practical assistance provided by this bill is embodied in the Carers Advisory Council, yet this House has limited information about the effectiveness of the council. I ask the Deputy Premier, and Minister for Health to advise the House of the following: How will the council be funded? What will be the extent of that funding? What will be the council's composition? What will be the status of recommendations it makes? How will those recommendations be carried into effect?

**Mr DARYL MAGUIRE** (Wagga Wagga) [8.47 p.m.]: The Carers (Recognition) Bill 2010 is an important bill. It is important to recognise carers of all persuasions because they do a wonderful job in our

community with their loved ones. No government could ever pay in monetary form the value of carers. I commend the shadow Minister, who has worked tirelessly to bring this bill to fruition. I will not argue about whose bill it is; the fact of the matter is that the bill has been introduced. Whether the Government has mirrored the Carers Recognition Bill, copied it or whatever is neither here nor there. The Carers (Recognition) Bill has been introduced and through the efforts of the shadow Minister we will vote to give long overdue recognition to carers. I note the wise amendments that have been foreshadowed by the shadow Minister. Any reference body that will provide advice should be weighted in favour of those who are tasked with the responsibility of being primary carers. That is a very worthwhile amendment. If the Minister accepts the amendment, that will improve the bill and strengthen its relevance.

Carers have had to fight for everything they have received. Parents of children with autism and parents of children with profound physical disabilities have had to fight a continuing battle to obtain some form of assistance. There is no doubt that resources are tight. As a local parliamentary representative, I know that the primary request from parents and carers is for assistance in the provision of care. One of the main issues is the provision of respite care. We had to fight tooth and nail to obtain funding for additional group homes to be constructed. After a very long campaign, funds were made available to provide respite facilities at Budawang Place.

While the Budawang Place respite facility was welcome because of the extreme shortage of respite care facilities, it cost between \$1 million and \$1.2 million to accommodate five people at a time. The facility has been the subject of widespread discussion in Wagga Wagga because of the manner in which the house was selected. The house is part of a housing estate that is situated on a piece of land that has a 30-degree incline. After the house was purchased, basically it had to be gutted and remodelled. The roof had to be raised so that the bus could fit into the garage. The problems experienced by older parents and carers are obvious when they struggle with the terrain while pushing clients in wheelchairs into the centre. For the great deal of money that was spent on ramps and improvements at Budawang Place, the number of available respite care places could have been tripled in a more suitable property.

Wagga Wagga is the largest inland city of New South Wales. Compared with respite services that are provided in other major country cities, Wagga Wagga is underresourced and desperately needs more investment in respite care facilities. Under the Government's new model, Budawang Place now provides less respite care, so again carers have had to take up the cudgel and they are absolutely exhausted. They are so exhausted and tired that I honestly do not know how they find the time or energy to continue the fight. This bill is important because it recognises the enormous effort and sacrifices being made by carers. I implore the Minister for Health and the Minister for Disability Services to recognise that a city the size of Wagga Wagga desperately lacks sufficient respite care places. I understand that per capita Dubbo and Broken Hill have almost double the number of respite care places of Wagga Wagga. Consequently, Wagga Wagga carers are missing out on respite care services that would enable them to take a break.

I have outlined in detail matters that I hope the legislation will address. I also hope that by mentioning those matters I have in some way encouraged the Minister for Disability Services to examine the issues. The information I have indicates that \$1.2 million was spent on one property, whereas the same amount of money could have purchased three purpose-built facilities on suitable terrain, thereby facilitating access by physically and intellectually disabled people who need assistance and their carers. The competence of the manner in which Budawang Place was managed is questionable. While the facility at Budawang Place was welcome and desperately needed, one would have to describe it as an example of how not to carry out a project. If the project had been managed in consultation with carers, a much better outcome would have resulted.

I petition the Parliament regularly for improved respite care facilities in Wagga Wagga. Today's *Hansard* includes a petition that has been signed by thousands of people. I present additional signatures on petitions relating to this issue on each sitting day. Access to Budawang Place is downright dangerous. At some point the 30-degree incline of the land will cause injury to carers and their loved ones. Wheelchairs are heavy and so are some disabled people. Frail and aged carers experience extreme difficulty when traversing the slope in attempting to access the centre. It is only a matter of time before an accident occurs. It is a pity that more community consultation was not engaged in prior to the purchase of the property.

Having outlined what I hope the bill will achieve, I will not take up any more of the time of the House. In conclusion, I express the hope that the Minister will support the amendment foreshadowed by the member for Bega because I believe that ultimately its inclusion will improve the legislation. Although this legislation has

been a long time coming, I know it will be valued by carers in our community. We respect carers for the work they do. We will continue to support them not only because they provide much-needed services and care but also because of their great value to the community.

**Ms KATRINA HODGKINSON** (Burrinjuck) [8.55 p.m.]: The objects of the Carers (Recognition) Bill 2010 are to enact a New South Wales carers charter to recognise the role and contribution to our community of persons who care for other persons who have a disability, a medical condition such as a terminal or chronic illness, a mental illness or are frail and aged, to require certain public sector agencies to take action to reflect the principles of the New South Wales carers charter when providing services that affect carers, and to establish a Carers Advisory Council. I absolutely endorse the amendment foreshadowed by the member for Bega as it relates to the membership of the Carers Advisory Council. The amendment seeks to provide that the majority of members on the council are primary carers, and that is very sensible.

A couple of months ago the member for Bega, with strong support of the New South Wales Liberals and Nationals, was instrumental in the introduction in this House of the Opposition's Carers Recognition Bill 2010. He established the website [www.caring4carers.com.au](http://www.caring4carers.com.au). The website requests people to support the Opposition's petition calling on the Labor Government to support the Opposition's bill. The campaign was such a great success that it became quite clear that legislation was needed, not just for the satisfaction of New South Wales carers but also to bring New South Wales into line with other Australian States. While I appreciate that the Government's bill is catch-up legislation, ultimately members of Parliament care about good legislation being introduced for the benefit of carers.

The legislation formalises recognition by society of people who voluntarily care for members of our society who have a disability, a mental illness, a chronic illness, or who are frail aged. The most recent specific information that is available from the Australian Bureau of Statistics is dated 2003, which is a matter of concern because the base data that governments work on is more than seven years old. One in five persons in Australia has a disability. As people age, the proportion of disability in the population increases. That factor has been recognised by other members who have contributed to the debate, including the member for East Hills. At age 60, slightly more than half of the population has a disability. The Australian Bureau of Statistics states that there are 2.6 million carers in Australia.

I will highlight the circumstances of people in my electorate who are interested in this legislation. Mrs Betty Barrett from Young is 69 years old. She is the sole carer of her husband, Max, who is 79 years old. Max had a stroke seven years ago and is partly disabled. He needs assistance in getting around outside the home. He also suffers from severe depression and becomes very moody. Max is a former builder and in 1986 Betty and Max lost everything, including their home. Because of financial difficulties, Max refuses to go into respite care. Over the past seven years, the longest break Betty has had from caring for Max was a five-hour period when she drove into Canberra to visit an art exhibition. When she got home she found that Max had had a fall. The only other break Betty has had was when she was in hospital for treatment of her breast cancer. Like many other carers, Betty's health needs are subordinated to those of the person she cares for. Betty's breast cancer remains under treatment and is not in remission. The only respite she had was to take a short break to look at an art exhibition and in that time the person she was caring for had a fall. She has felt guilty ever since.

I also highlight the case of Debra Hoffman. Many carers suffer extreme frustration because of the need to deal with different government departments that among themselves have differing policies or approaches to caring. Debra Hoffman cares for her severely disabled brother. Because of his care needs, she is unable to work. They must survive, as so many people do, on a disability pension and carers payments. She came to me when the Department of Ageing, Disability and Home Care was trying to transfer responsibility for her brother's care to the Department of Health. Debra's brother has very specific and expensive support requirements that, if not met, make him extremely prone to life-threatening infections. The Department of Health was unable to guarantee that his needs could be met within its budget by the Program of Appliances for Disabled People scheme, which is notoriously underfunded and on which I have made numerous representations to successive Ministers within this portfolio area over the past 11 or so years. Debra keeps being told that the transfer of responsibility will go ahead, but no-one will guarantee that all of her brother's needs can be met. How distressing for the carer! To Debra, that is a death sentence for her brother.

I raise the case of Rohan White. Rohan is six foot five inches tall, weighs 110 kilograms and is about 22 years old. He has a developmental delay, which means that he has the abilities and understanding of a four-year-old or a five-year-old. He has a four-day-a-week community participation package at the local service in Yass, known as Andalini. The additional costs involved in his care equates to about \$200 a fortnight. Before

he turned 21 his disability pension was little more than \$330 a fortnight. That meant that his parents had to house, clothe and feed a young adult on little more than \$65 a week—a young adult who would never have the capacity to go out to work. He is very tall and heavy, and obviously is a handful. Now that he is over 21 he is on the full disability pension, but this still does not go anywhere near meeting all of his needs.

Because of Rohan's disability, only one of his parents can work full time, which limits their earning capacity. Rohan's parents are not getting any younger. Time and time again we hear about cases of carers ageing. Both of Rohan's parents have struggled with depression as a result of his disability. That is also common amongst carers, as is a significant increase in marriage breakdowns. Most of the carers who come to me for assistance are separated or divorced, and the day will come when they are unable to care for the person who needs them the most. Currently, in Rohan's case, all supported accommodation in Yass is fully utilised and disabled adults living with their parents must wait until an existing client either moves out or passes away.

I turn now from Yass in the south to Cowra in the north of my electorate. Yass is in a better situation than Cowra, where currently there is no supported disability accommodation. Recently the Minister announced funding for one house, but it has taken more than three years of my representations to achieve this. In Cowra there are at least nine parents—and I predict up to as many as 14 or 15—aged over 64 years who care for their disabled children. There are at least another nine, probably more, parents aged between 50 and 64 who also care for disabled children in their Cowra homes. Cowra is just a country town; it could be an average country town in any part of New South Wales.

There is no supported disability accommodation in Cowra. Indeed, a group home was not even under consideration by the Department of Ageing, Disability and Home Care until I started making representations on behalf of these parents. It is difficult for carers to attend community meetings. It is difficult to get them into a room away from the people they are supporting; some of them must bring the people they are supporting to the meeting. Obviously they must take time out of their program to get to the meeting. One can gauge the importance of these meetings to carers by their response, because we know how difficult it has been for them to attend. There are about 750,000 carers in New South Wales. The work they do is almost always unpaid. We know that they save taxpayers about \$10 billion a year, yet because they are usually caring for a family member their ability to earn an income is severely curtailed.

At the same time that their income earning capability is severely affected, the additional costs they might face over and above those associated with normal life are obviously much more extreme. They are much higher. Medical expenses, specialised equipment, activities and respite care do not come cheap. The financial support they receive from government does not reflect the financial contribution they make to this State. The financial support they receive from government is nowhere near full compensation for the work they do and all the additional costs they incur. I have received several letters about the Carers (Recognition) Bill 2010. Several of the people wished me to reflect in this House their support for this legislation and most particularly the work of the member for Bega in getting this legislation drafted in the first instance. I received correspondence from Kevin Sheedy, who wrote:

... as a 66 year old carer, of my wife who needs the use of a wheelchair. We live in the small village of Koorawatha, in the south west slopes of N.S.W., twice a year I take my wife to a specialized respite centre at LIDCOMBE, in the metropolitan area of N.S.W., I have not found any disabled toilets that have the grab rails that are perfectly designed for my wife to comfortably transfer to use the toilet ...

These things are part of everyday life for these people. The smallest things take on the most enormous importance. Mr Sheedy continued:

... most of the rails are too short before they angle upwards, some are also too close to the wall, I realize that public toilets have to be designed so that they can suit the majority of users. Some of the pans are placed too close to the side wall, also a lot of toilet pans are NOT DISABLED Pans, just the normal height pans. These minor problems all add up and make life that little bit more difficult for my wife as well as myself as her carer.

I am sure it is embarrassing as well. Mr Sheedy continued:

At times we have used Home Help, to allow me some free time to carry out modifications to our home, home help ladies came to shower my wife when I requested emergency respite care, it took TWO Trained Healthy Ladies to do the same work that I have to do on a 24 hour on call basis AND they only work an 8 hour day!

Although he has used an exclamation mark, I am sure he appreciates the work that those ladies do to provide emergency respite care. He continued:

When we travel I have to carefully plan our trip to make sure that our planned rest stops have suitable access for refreshments, meals, toilets, parking and overnight accommodation when required.

Parking can be a problem, especially when there is no suitable designated disabled parking spaces available, I have to be sure that no other vehicle can park too close to the left side of my car, as I need the door to be wide open to be able to get my wife into her wheelchair, this is also a problem when parallel parking.

Grocery shopping has its own little problems, we are unable to use a shopping trolley with the wheelchair ...

Shopping for clothes and or personal items for my wife has caused some problems for me, because female shop assistants seem to object to a male trying to buy goods for women ...

Our home is congested with mobility aids, so everything has to be in a certain place for ease of access, we have had frozen meals on wheels, which means that we have leftover containers which requires more trips to the local tip ...

The letter goes on. Carmel Croker of Yass and Ted McReynolds also support the Carers (Recognition) Bill. I received a long and involved letter from Geoff Fisher, who is the father of Lauren. Many of us in Yass have known dear Lauren for a long time. Lauren gets about in a wheelchair; she does not have the use of any of her limbs. She is always with a carer or with one of her parents. I imagine she would be about 20 years old now. Lauren is the face of a disabled child in Yass. Lauren now attends the Andalini Community Participation Program. Three issues that currently face Geoff that impact on Lauren's daily needs are the need to gain independent accommodation, the funding band that governs her involvement in the community participation program in Yass, and the timely funding for the purchase and maintenance of essential equipment such as a new wheelchair. Geoff outlines those matters in great detail in his letter, for which I thank him.

I know that many other people right across the electorate of Burrinjuck have to deal with such matters on a daily basis. I think of them when they come into my office because we still await the installation of a permanent ramp to enable ease of access, which we have been requesting for more than 10 years from this House, and also assistance to open doors for those in wheelchairs. I imagine funding will come forward in due course. People with disabilities are well recognised across the State but the people who care for them deserve formal recognition. That is why I support this bill and the amendment foreshadowed by the member for Bega. Once again I congratulate the member for Bega on his efforts in relation to this bill. I hope that his foreshadowed amendment will have the support of this House.

**Ms CARMEL TEBBUTT** (Marrickville—Deputy Premier, and Minister for Health) [9.10 p.m.], in reply: I thank all members for their support of the Carers (Recognition) Bill 2010, which provides formal recognition of the important and valuable roles played by carers in our community. More than 750,000 carers in New South Wales provide care, support and assistance to people with disabilities, the frail, the elderly and many others. We are indebted to those unsung heroes for the role they play in our society. Many members have related moving stories about their personal family experiences of carers or carers in their electorates who have come to see them.

In recent years advances have been made towards a formal recognition of carers, notably amendments to the Anti-Discrimination Act in 2000 to ensure that carers are not discriminated against at work due to their caring responsibilities and the recent introduction of the Mental Health Act 2007, which formalises the important role carers play in mental health. This Government has a proud history of supporting and recognising carers and, importantly, improving the services relied upon by those being cared for. Whether it is increasing funding for health and mental health services, for disability services or community services, we can always do more.

I remember that in 1995 one of the first decisions of the newly elected Labor Government in New South Wales was to increase supported accommodation for people with a disability. It was a proud decision that the Government believed had to be made because of the lack of supported accommodation. Since then the Labor Government has gone on to do many things for people in our community who need care and has given formal recognition to carers in this bill. It is true that no formal legislative recognition has been made of carers. I am pleased that this bill, which aims to formally recognise the role and contribution carers play in our community, is supported by this House.

I note the issues raised by members regarding the impact of this bill on other important matters, particularly carers' assessments and privacy, and the interaction with the Mental Health Act. This bill will not affect the operation of New South Wales privacy laws. The Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act will continue to protect personal and health information held by public sector agencies. In relation to mental health, the Mental Health Act will continue to apply and recognise the role of primary carers in relation to notification of certain events, such as a patient being involuntarily detained, and the discharge planning of patients.

In relation to the amendment foreshadowed by the member for Bega relating to the constitution of the Carers Advisory Council, the Government will support this amendment. I thank the Opposition for its support for the bill. I acknowledge the work of the member for Bega in introducing an earlier bill that recognised carers. For the benefit of the member for Pittwater who remarked on the similarity between the two bills, I point out the similarity between the bill introduced by the member for Bega and legislation in other States, which is not surprising, but is proper. These sorts of bills take a certain form and structure. I acknowledge the work of the member for Bega. I also acknowledge the role of Carers New South Wales in bringing this issue to the forefront of our minds. I acknowledge the vital role that all carers in New South Wales play in our community. I applaud their contribution to our community. The passage of this bill will provide carers in New South Wales with the formal recognition they so rightly deserve. I commend the bill to the House.

**ACTING-SPEAKER (Mr Thomas George):** I thank all members for the spirit in which they conducted this debate.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed.**

**Bill agreed to in principle.**

**Consideration in detail requested by Mr Andrew Constance.**

### **Consideration in Detail**

**Clauses 1 to 10 agreed to.**

**Mr ANDREW CONSTANCE (Bega) [9.17 p.m.]:** I move:

No. 1 Page 5, clause 11, lines 5–19. Omit all words on those lines. Insert instead:

- (1) The Carers Advisory Council is to consist of the following members:
  - (a) the Minister administering this Act,
  - (b) such other Ministers who, in the opinion of the Minister administering this Act, are responsible for the provision of key support services to carers,
  - (c) persons appointed as members by the Minister administering this Act who, in the opinion of the Minister, have relevant knowledge of and experience in matters relevant to carers.
- (2) The Minister is to ensure when appointing members to the Carers Advisory Council that the majority of members on the Council are persons who the Minister considers are primary carers.
- (3) Meetings of the Carers Advisory Council are to be co-chaired by the members of the Council who are Ministers.
- (4) Subject to this section, the Minister may determine the term of office and remuneration of members and the procedure of the Carers Advisory Council, including the procedure for the appointment of deputies of members.

I thank the Deputy Premier, and Minister for Health for her support for this amendment. It is important to have primary carers making up the majority membership of the Advisory Council and having input into issues that directly affect them. It is also important that the Minister, if he or she is not able to take the chair during Advisory Council meetings, can delegate that role to another person, which is something we also discussed earlier. I thank the Deputy Premier for her remarks in reply. It is important to note this historical occasion on which both sides of the House have worked together in a spirit of bipartisanship towards this legislation. I know the office of the Deputy Premier and my office have been heavily involved in meetings with Carers New South Wales and carers to get to this point. I am grateful that the Deputy Premier has agreed to this amendment on behalf of carers in New South Wales.

**Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [9.19 p.m.]:** The Government supports the amendment and agrees that a majority of members of the Carers Advisory Council should be made up of carers and that the Minister responsible for the administration of the legislation and any other Ministers who are members of the Advisory Council or their delegates will chair the Advisory Council.



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

**Amendment agreed to.**

**Clause 11, as amended, agreed to.**

**Clauses 12 to 15 agreed to.**

**Schedule 1 agreed to.**

**Consideration in detail concluded.**

#### **Passing of the Bill**

**Motion by Ms Carmel Tebbutt agreed to:**

That this bill be now passed.

**Bill passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

### **BUILDING AND CONSTRUCTION INDUSTRY LONG SERVICE PAYMENTS AMENDMENT BILL 2009**

**Message received from the Legislative Council returning the bill without amendment.**

### **RELATIONSHIPS REGISTER BILL 2010**

#### **Agreement in Principle**

**Debate resumed from 23 April 2010.**

**Mr GERARD MARTIN** (Bathurst) [9.21 p.m.]: I speak in support of the Relationships Register Bill 2010. As the Parliamentary Secretary and member for Miranda, who is at the table, said in the agreement in principle speech, this Labor Government has a proud record of ensuring that couples who are in serious and committed relationships are afforded the respect and acceptance they deserve under the laws of this State. The New South Wales Labor Government has been one of the most forward-thinking governments in recognising the broad range of intimate relationships that the citizens of this State are choosing to enter into and the desirability of ensuring those relationships are formally recognised. This could be controversial, particularly in church organisations, but it is overwhelmingly a fact of life in today's society.

**Ms Clover Moore:** Actually also very Christian.

**Mr GERARD MARTIN:** Indeed. This is particularly so when these relationships involve children and significant shared financial assets. It is not good enough to simply let these families fall through the cracks. In 1984 the New South Wales Labor Government introduced the De Facto Relationships Act, the first legislation in Australia to give clear statutory rights to people living in de facto relationships to seek court orders for an adjustment of property interests when their relationships broke down, which happens from time to time. In 1999 the Government enacted the groundbreaking Property (Relationships) Legislation Amendment Act 1999, which, for the first time, incorporated same-sex couples into the definition of "de facto relationship", giving them the same rights and protections in relation to their property as heterosexual de facto couples and extending this new definition to a range of other legislation to achieve equality for people in same-sex relationships.

These were important reforms for same-sex couples faced with life and death situations such as making decisions about their partners when they were in hospital or accessing rights following the death or permanent disability of their partner—truly very stressful times. In 2002 the Government introduced the Miscellaneous Acts Amendment (Relationships) Act 2002 which gave same-sex spouses employment benefits and entitlements that had been previously denied them, and conferred on them benefits, rights, powers and protections or other legal consequences arising out of a person's relationship as a spouse.

In 2008 the Government introduced legislation providing for a consistent definition of "de facto partner", including same-sex partners, across all New South Wales laws. With the Relationships Register Bill

2010 being debated in the House today, the Keneally Government has again demonstrated Labor's commitment to removing discrimination against unmarried people in heterosexual and same-sex relationships and their extended families. The Relationships Register proposed in the bill will make it easier for unmarried couples who are in de facto or committed relationships to prove their relationship for the purpose of accessing government services, entitlements, and records. And that is as it should be.

Under current laws it can be very difficult for couples who are in de facto or committed relationships to prove their relationships for the purpose of accessing New South Wales and Federal Government services, entitlements or records. The register will rectify that by allowing couples to provide one certificate as conclusive proof of their relationship. That is a very important provision because the last thing someone wants at a hospital, when worried about a loved one, is to have to convince someone of the quality of their relationship. It will also ease the administrative burden and cut red tape for the government agencies involved. Registration will assist those in New South Wales to gain access to benefits under Commonwealth law in social security, veterans affairs, workers compensation, educational assistance, superannuation, and other human services where evidence of a relationship may be required. Registration will offer practical benefits to all couples who register their relationship as well as provide a simple and dignified means of formally recognising a couple's relationship. The Coalition, in its wisdom, has decided to agree to its members having a conscience vote on this bill.

**Mr Greg Smith:** Something the Labor Party would not do.

**Mr GERARD MARTIN:** The bill shows that the Opposition is perhaps not as accommodating as we are on this side of the House in recognising and supporting sensible and straightforward policy initiatives that offer practical benefits to the people of New South Wales. I would like to think that the Opposition would stand united behind this bill. Instead, it will leave it to a conscience vote. It is probably pointless denying that prejudices are involved in legislation such as this. I have been involved in much legislation in this House that have involved conscience votes. I am on the record as a conservative Christian. In this case, I take an open, humanitarian and compassionate view.

**Mr Greg Smith:** Why don't you respect people's views?

**Mr GERARD MARTIN:** The member for Epping is interjecting. In a Coalition government he would be the man responsible for a just and fair legal system in the State. He has made it abundantly clear that he does not believe that strong, committed, loving relationships between people of the same sex are as valuable and important as those between people of the opposite sex. During debate on the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 the member for Epping said:

I do not wish to offend anybody.

That sounds like Gordon Moyes. He continued:

As I say, I have gay and lesbian friends, but I believe the majority of the community, like me, objects to putting gay and lesbian couples on the same level as married or de facto heterosexual couples.

And that is exactly what those opposite are about.

**Mr Brad Hazzard:** Point of order: Obviously this is a delicate and difficult issue for members, and members on this side of the House have indicated that they will take a conscience vote. The member for Bathurst has reduced this debate to an attack on a member, when he knows very well that that can be done only by way of substantive motion—particularly when the member has not yet spoken. I ask that the member for Bathurst be directed to the substance of the bill and not to behave in a reprehensible and child-like fashion. Let us stick to the debate at a mature level.

**ACTING-SPEAKER (Mr Thomas George):** Order! I uphold the point of order. The member for Bathurst will return to the leave of the bill. He will not attack another member except by way of substantive motion. The member for Epping has not yet spoken in the debate.

**Mr GERARD MARTIN:** To the point of order: I am quoting what the member said in the House on this very subject.

**Mr Greg Smith:** But not on this bill.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Bathurst is quoting the words of the member for Epping in relation to another bill.

**Mr GERARD MARTIN:** It is to do with the same subject. Okay, that just goes to show how thin-skinned they are.

**Mr Andrew Stoner:** It is not part of this debate. Pull your head in.

**Mr GERARD MARTIN:** And, of course, we have Dopey who has finally come down into the House.

**ACTING-SPEAKER (Mr Thomas George):** Order! I call the member for Bathurst to order.

**Mr Brad Hazzard:** Point of order: Mr Acting-Speaker—

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Bathurst will come to order. This debate is of a sensitive nature. The member for Bathurst will direct his comments through the Chair. He will refer to members by their correct titles.

**Mr GERARD MARTIN:** The member for Oxley.

**Mr Brad Hazzard:** Point of order: It is in the interests of members on both sides of the House that this debate be carried on in a mature and sensible way. I ask the member to respect that, and to apologise to the Leader of The Nationals and to all members for the way this debate has commenced. Just apologise and withdraw the comments.

**Mr GERARD MARTIN:** I have already done that. You are about five minutes too late. How long can a point of order go on?

**Mr Brad Hazzard:** I am asking you to withdraw the comment and apologise.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst will resume his seat. The member for Bathurst says he has withdrawn the comment, but I did not hear him do that.

**Mr GERARD MARTIN:** I will do it again. I referred to the Leader of the Nationals, who is late.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Bathurst will return to the leave of the bill.

**Mr GERARD MARTIN:** I make the point that I have come into this Chamber with carefully crafted ideas about this bill and I have put them to the House. The interjections of the member for Epping have got the debate off track.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Bathurst has been reading notes.

**Mr GERARD MARTIN:** Copious notes. Is there something wrong with that?

**ACTING-SPEAKER (Mr Thomas George):** No, but the comments came out of the notes of the member for Bathurst.

**Mr GERARD MARTIN:** They are copious notes.

**ACTING-SPEAKER (Mr Thomas George):** I do not think the copious notes of the member for Bathurst refer to the interjections.

**Mr GERARD MARTIN:** To continue, the member for Epping said:

I do not wish to offend anybody. As I say, I have gay and lesbian friends, but I believe the majority of the community, like me, objects to putting gay and lesbian couples on the same level as married or de facto heterosexual couples.

That is on the parliamentary record. Given those comments, I wonder how the member's gay and lesbian friends feel about his statement that their relationships are not on the same level as those of de facto heterosexual

couples. Following the Attorney General's announcement that this Government would establish a relationship register the Government received a number of messages of support from same-sex and heterosexual couples right across the board. One message spoke of the writer's hope that the register would be implemented in time for him and his same-sex de facto partner of 34 years to register their relationship. Sadly, as the writer's partner has cancer and dementia he feared that it might be too late for them. However, the writer said that he would still be satisfied when younger people were able to avail themselves of the opportunity that he and his partner may not have had. These men have given their compassion, commitment and love to each other over three decades and I struggle to understand how any member of this House cannot accept that such a relationship is equal to a relationship between heterosexual couples.

However, as much as Opposition members would like it to be, this bill is not about sexuality; it is about providing a simple way that couples can demonstrate their relationships without the need for intrusive investigation and bureaucratic substantiation of their relationship status. It is all about allowing formal recognition of loving relationships between unmarried couples and reflecting the serious commitment of those couples who choose to use this register. I strongly commend the bill to the House.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [9.32 p.m.]: The former member for Bathurst, Mick Clough, would be turning in his grave for two reasons. First, Mick Clough never once used a note to speak in this Chamber. The member for Bathurst now reads every word he says. Secondly, the former member for Bathurst, Mick Clough, would never have behaved in the disgraceful way that the present member for Bathurst did. Mick Clough understood the value and importance of conscience votes. The Liberal Party is exercising a conscience vote on this issue because we believe it is a strength that allows individual members of Parliament to determine their positions according to their own beliefs and the beliefs of the community they represent. The fact that there will be members of the Liberal Party voting on different sides reflects the reality found in communities across the length and breadth of this State on this issue and on a range of issues that might arise over the course of a parliamentary term.

Nothing in this legislation creates new families or new relationships. It recognises the relationships that already exist across the suburbs and communities we represent and it recognises them to allow them to access their rights and entitlements in dealing with governments and other service providers. It also brings New South Wales into line with a number of other States and will operate under a national Commonwealth framework. A registered relationship under this legislation is not a civil union, nor is a registered relationship a marriage. The Commonwealth Parliament, not State parliaments or Territory assemblies, has constitutional power and responsibility for the Marriage Act. I am voting the way I am on this legislation because I believe in the classical liberal view on the role of government, which is best expressed by John Stuart Mill in his essay *On Liberty*, in which he said:

The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.

This measure is neither predicated on the basis of doing harm to any individual nor based on some coercion. Rather, it provides for individuals to exercise free will in deciding whether to register their relationship and it seeks to offer various protections already provided for under the law to those in registered relationships. At the risk of providing more fodder for those opposite to use in a childish manner during question time, I have to say that in addressing the argument about this legislation I am reminded of comments made by a former Premier of this State, Nick Greiner, in Opposition, when he sought to address arguments about certain legislation undermining common morality and causing threats to the social cohesiveness and stability of our community. He said it was fundamental for a liberal that what was required to hold society together was not some common morality enforced by the State but the mutual toleration of different moralities. That is the bottom line, he said—mutual toleration. We do not all have to agree to a common morality. It is not even necessary that we do not discriminate against one another. The condition necessary for the smooth operation of a liberal democratic society is toleration. For those reasons I support this legislation.

**Ms CARMEL TEBBUTT** (Marrickville—Deputy Premier, and Minister for Health) [9.36 p.m.]: I support the Relationships Register Bill 2010. I have received representations from many constituents in my electorate of Marrickville in support of the bill. It is an important stepping stone towards equality. The bill will ensure that de facto couples, heterosexual or same-sex, can have their relationships officially recognised, registered and placed on a clear legal footing. The bill promotes a fairer and more inclusive society. It allows couples who are in genuine relationships but who are not married to do two things: first, to have New South Wales place a stamp of recognition on their relationships, which will be symbolically important to many couples; and, secondly, to rely on registration in a practical sense to access entitlements and important services.

Most members of this House would know people who might benefit from the bill. This includes de facto heterosexual couples who have been together for years but who have never chosen to get married, same-sex couples to whom marriage is not available, the children of such couples because the benefits that parents experience from easier access to their entitlements will flow through to children, couples who are in a genuine relationship but who perhaps do not live together due to their employment circumstances, family obligations or as a matter of personal choice, as well as couples who have separate finances who might have trouble establishing this factor as part of the alternative and still current test for establishing de facto status.

I do not think anyone would argue that any of these circumstances precludes the existence of a genuine, committed and loving relationship. The bill is based on a clear-eyed recognition of our society as it really is. It creates a mechanism to recognise existing de facto and committed relationships and helps to remove some of the barriers these couples may face in accessing the services and benefits to which they are entitled. Registered couples will be able to access their entitlements under State and Commonwealth law by providing one certificate as conclusive proof that they are in a committed relationship instead of having repeatedly to prove their relationship status.

Some key benefits and rights under New South Wales legislation that persons in registered relationships will be able to access more easily include: persons in a registered relationship may be entitled to payments under the Workers Compensation Act 1987 if they are dependent on their partner and their partner is injured in the course of his or her employment and is totally incapacitated for work. It is likely to be easier for partners in registered relationships to establish their right to give consent to medical treatment under section 33A of the Guardianship Act 1987. After a legal guardian, a person's spouse, including a partner in a registered relationship, is next in the hierarchy of persons responsible for another person.

Under section 26 of the Crimes (Sentencing Procedures) Act 1999, a de facto partner in a registered relationship will be treated as a member of the primary victim's immediate family who may be able to make a victim's impact statement when a court is sentencing an offender. Persons in a registered relationship will be entitled to inspect their partner's will and will be able to apply for a family provision order in respect of the estate of their partner if their partner dies, but only if they were living together at the time of the death.

In addition, service providers in situations that are not necessarily governed by legislation may choose to accept registration of a relationship as proof of the legitimacy of that relationship. That may be the case, for example, with schools, banks and other financial institutions. By recognising de facto relationships in this manner, whether those relationships are heterosexual or same-sex relationships, the bill accords respect to the members of our community who make these choices and builds on social cohesion. I support this bill, which should be welcomed by many members of our community. I recognise that many members in same-sex relationships will recognise and welcome the bill, which I commend to the House.

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [9.40 p.m.]: I contribute to debate on the Relationships Register Bill 2010 and note that, ostensibly, the bill will create a relationships register to make it easier for committed couples to access legal entitlements and prove that they are in committed or de facto relationships. Herein the definition of "committed relationship" is a key issue and one that is germane to this whole debate. The Liberal-Nationals Coalition is determined to have a conscience vote on this issue. I will certainly vote according to my conscience. My conscience is determined around the issue of what is, or what is not, a committed relationship.

I understand that the relationships register will make it possible for couples who do not want to marry, or who are unable to marry, to obtain a formal recognition of their relationship and "commitment" to one another. This proposed legislation expands the current definition of "de facto relationship" to include "registered relationships". It also enables couples on the register to provide one certificate of conclusive proof of their relationship. It is my belief that these provisions represent a significant erosion of the concept and institution of marriage in our society. Under this legislation there will be no ceremonial aspect to the registration of a relationship. The legislation does not provide for civil unions as such, and it will not extend beyond registered relationships. For example, there is nothing to suggest that it will provide for the adoption of known children by same-sex couples, which is somewhat of a relief.

Registration on the register can be terminated if the relationship dissolves. Herein lies part of the issue for me and my conscience—that is, it is all too easy simply to register a relationship and then to terminate the relationship on that register if there is any sort of issue. It is all too easy and there is a lack of commitment in this process—a commitment that I believe is extremely important to our society. I believe that the foundation of

a healthy society is family. Over thousands of years of civilisation the basis of family is the concept and institution of marriage between a man and a woman. What is marriage? Marriage involves a vow taken before God and man that there is a lasting commitment between partners for life. Without any doubt the best environment for children is one in which, first, there is stability; and, secondly, there is a mother and father—that is, role models of both genders.

I will not go into detail, but plenty of studies are available to confirm that that is indeed the case. When there is a married mother and father and stability in that relationship, children generally prosper and develop under such an environment. No doubt I will be accused by some of discrimination in following my conscience on this issue. However, what is at stake in this institution is an expectation and standard that are important for the health of our society and our children. The institution of marriage is something that has underpinned civilised society for thousands of years. I say to de facto couples who want to express some form of lasting relationship: What better way is there to do so than marriage? Let us make a firm commitment before family, God and society that we are committed to a lifelong relationship.

I say to same-sex couples who cannot naturally have children that legal rights are available and afforded to them under existing legislation. I refer to some of the comments that have been made by spiritual organisations and, in particular, to an article in the *Catholic Weekly* dated 9 May 2010, which supports what I am saying. It is important for us to listen to the churches, which have been around for a long time and which are part and parcel of our civilised society. Churches have contributed a lot to stability in society for at least the past 2,000 years. The article in the *Catholic Weekly*, which is entitled "Govt bill will 'further undermine marriage'", states:

The move by the State Government in seeking to create a Relationships Register is "extremely disappointing" and will further undermine marriage, says Chris Meney, director of the Life, Marriage and Family Centre for the Sydney archdiocese.

The article goes on to state:

Such legislation reflects a poor understanding of why a marriage is vital for the flourishing of any society ...

We know that marriage promotes increasing levels of wellbeing for couples and for their children.

I digress for a moment to recall another study. Men who are married live longer and are healthier. We ought to do all we can to support and protect this institution. The article continues:

Growing up outside an intact marriage increases the likelihood that children will themselves divorce or become unwed parents. Rather than blurring the distinction between marriage and other forms of relationships we should look at things like a tax break for married couples, to incentivise marriage.

Given the studies showing that children from married intact families do better we should be doing all we can to support and encourage marriage.

Mr Meney said there appears to be a "deliberate reluctance" by some of our senior parliamentary representatives to incorporate provisions for "caring" relationships as recommended by the NSW Law Reform Commission, and as reflected in legislation in Tasmania and Victoria.

This would seem to suggest that this Bill is not really about enabling persons who have shared mutual interests to have their relationships acknowledged ... There appears to be a much more deliberate focus on striving to provide more momentum for the progression of a "same sex" marriage agenda."

An organisation known as Family Voice Australia, which supports the contentions of Chris Meney from the Life, Marriage and Family Centre for the Sydney Catholic archdiocese, states:

Until now marriage—the union of one man and one woman to the exclusion of all others, voluntarily entered into for life—has been the only couple relationship that could be registered under New South Wales law. The reason for this unique treatment of marriage is that:

- only marriage provides the best environment for raising children—stability plus complementary male and female role models (Mum and Dad);
- men and women complement each other in marriage—benefiting each other and society.

This Bill—

in other words, the Government's bill—

is presented as a gift to the people of NSW, but in reality it is counterfeit of marriage. These registered relationships would be given a social and legal status equivalent to marriage, but without the responsibilities and duties of marriage, which include a promise of exclusivity and lifelong commitment.

This issue is too important. We are talking about the future of our children and the stability of our society. I will listen to the church and to my conscience and oppose this legislation. It is a little incongruous that we have not heard from the Premier, who was happy to trumpet her credentials with the Catholic Church regarding World Youth Day and other issues. Her Government is acting contrary to the interests of the church and traditional family values to which I certainly am committed. I oppose the bill.

**Ms CLOVER MOORE** (Sydney) [9.50 p.m.]: I strongly support the Relationships Register Bill 2010, unlike the member to whom we just listened politely. I introduced a similar but more extensive Significant Personal Relationships Bill 13 years ago in 1997, which became the model for Tasmanian and Victorian legislation that has been in place for many years. The Relationships Register Bill 2010 will give adults in a de facto or couple relationship the opportunity to have that relationship officially recognised, ensuring their rights as a couple. Consenting adults should be free to establish relationships: it is a private matter that does not involve the law. Support from the law is needed at times to ensure fairness, to prevent injustice or to provide protection, particularly in times of crisis. It is Parliament's responsibility to support and protect relationships that provide stability and belonging for the people involved, irrespective of sexuality.

This Parliament has lagged behind community values in removing discrimination from legislation. I hope the Anti-Discrimination Act and the Adoption Act are changed in the near future to remove remaining discrimination. Australians should also allow same-sex marriages if we support fair treatment for all citizens. As a society we should value and support loving relationships. All adult couples making a life commitment to each other should be able to marry if they wish. It is not fair to deny anyone that right because of his or her gender or sexuality—a position that is inconsistent with the views of the Australian community. The opportunity for legal recognition of a relationship under this bill is important to many same-sex couples who may fail to get protection under the law because of prejudice or cultural assumptions. This bill will provide greater guarantee to immediate access of rights.

I welcome the bill's inclusion of couples who live apart, which was included in my Significant Personal Relationships Bill. Work, incarceration and providing care to a family member are all reasons why couples may need to live apart, but their commitment should be recognised by law. The City of Sydney shows support for all couples through its Relationships Declaration Program. While this program has no legal standing, couples can use it to record their relationship, declare they are committed to a shared life and help demonstrate this for legal purposes. The council was the first Australian council to endorse the Declaration of Montreal, which aims to put gay, lesbian, bisexual and transgender [GLBT] rights on the United Nations agenda. The declaration states:

As a matter of simple equality, same-sex couples are entitled to the full range of relationship options available to different-sex couples, including marriage for those who choose it.

I commend the bill and look forward to seeing removal of all discrimination so that all loving couples get fair and equal treatment.

**Mr GREG SMITH** (Epping) [9.53 p.m.]: I am pleased to be given the opportunity as a member of the Liberal Party to follow my conscience to speak to and vote on an important piece of social legislation. Members of The Nationals are also given that freedom of conscience to vote on the Relationships Register Bill 2010. Once again the Labor Government has introduced a social policy bill that undermines the fundamental institution of marriage but denies its members a conscience vote. A number of Labor Party members have expressed privately that they would like a conscience vote as they would vote against the bill. The objects of the bill are:

- (a) to provide for the legal recognition of relationships of couples, regardless of sex, by registration of the relationships,
- (b) to recognise registered relationships, and interstate registered relationships, as de facto partnerships for the purposes of State legislation.

The Relationships Register Bill 2010 continues the Keneally Government's wish to achieve social engineering by accepting registered relationships as being on par with marriages by amending the Births, Deaths and Marriages Registration Act 1995 by inserting the words "registered relationships" after the word "marriage" in section 3 (d) of that Act. Section 3 (d) formerly stated:

- (d) the keeping of registers for recording and preserving information about births, adoptions, deaths, marriages, changes of name and changes of sex in perpetuity.

Under the provisions of this bill section 3 (d) will be amended to include after the word "marriages" the words "registered relationships". Therefore, this bill is placing registered relationships on par with marriages. Section 4 of the Births, Deaths and Marriages Registration Act contains various definitions including that of a registrable

event. At the moment a "registrable event" means a birth, adoption or discharge of adoption, a change of name, change of sex, death or marriage. Proposed section 4 (a) in schedule 2.1 to the Relationships Register Bill 2010 will give to a registered relationship the same special status as marriage. It states:

This Act and the regulations apply to a relationship that the Registrar determines may be registered under the *Relationships Register Act 2010* in the same way that they apply to a registrable event.

I remind the House that section 5 of the Commonwealth Marriage Act defines marriage as "the union of a man and a woman to the exclusion of all others, voluntarily entered into for life." The Keneally Government is to be commended for deciding not to allow homosexuals and lesbians to adopt children. However, one wonders about the strength of that commitment as this bill, if enacted, appears to undermine that decision. Currently, de facto couples are eligible to apply to adopt children and the Adoption Act 2000 defines "de facto relationship" as meaning the relationship between a man and a woman who live together as husband and wife on a bona fide domestic basis, although not married to one another. The Relationships Register Bill 2010 will amend the very important and far-reaching Interpretation Act 1987 to include a different definition of "de facto relationship". Proposed section 21C states:

For the purposes of any Act or instrument, a person is the *de facto partner* of another person (whether of the same sex or a different sex) if:

- (a) the person is in a registered relationship [et cetera], or
- (b) the person is in a de facto relationship with the other person.

The Interpretation Act will contain a definition of "de facto relationship" quite different from that in the Adoption Act. The Adoption Act will stand on its own, surrounded by other Acts and definitions. The amendments to the Interpretation Act 1987, which apply generally to Acts of Parliament, have put the Keneally Government's credibility on the line over its claim that it will not legalise adoption by same-sex couples. No doubt it is laying the groundwork for future amendments to allow adoption by homosexual and lesbian couples. In 1999 when the same-sex definition of "de facto relationship" had its genesis in the Property (Relationships) Act, then Attorney General the Hon. Jeff Shaw—of fond memory—was at pains to assure the Legislative Council that this definition would have no effect on the adoption laws. Indeed, the Government agreed to an amendment moved by Reverend the Hon. Fred Nile, which was expanded by the Hon. James Samios with the agreement of Reverend the Hon. Fred Nile. It read:

Nothing in the Property (Relationships) Legislation Amendment Act 1999 is to be taken to approve, endorse or initiate any change in the marriage relationship, which by law must be between members of the opposite sex, nor entitle any person to seek to adopt a child unless otherwise entitled to by law.

Despite the undoubted sincerity of the late Hon. Jeff Shaw, successive Labor governments have whittled away at the legal safeguards protecting marriage by using the Property (Relationships) Act definition of "de facto relationship", which includes same-sex couples, in other important social legislation. This includes the Assisted Reproductive Technology Act 2007, where, by a legislative Trojan horse, no mention was made in either the agreement in principle debate or the explanatory note of the definition of "spouse" or the fact that the legislation would allow same-sex couples access to reproductive technology. The definition in that Act is as follows:

*spouse* of a person means:

- (a) the person's husband or wife, or
- (b) the other party to a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*, with the person, but if more than one person would so qualify as a spouse, means only the latest person to so qualify.

The term "Property (Relationships) Act" is included because ignorant members of Parliament, particularly the newer members, would not be aware of the Trojan horse definition of "de facto" that is in that Act. By stealth, the Iemma Labor Government avoided the controversy that surrounded the Federal Court's decision in *John McBain v State of Victoria, Minister for Health of the State of Victoria, Infertility Treatment Authority and Lisa Meldrum* that declared provisions of the Victorian Infertility Treatment Act, which limited infertility treatment to married and male or female de facto partners, were invalid under the Commonwealth Sex Discrimination Act. The Federal Court ruled that infertility treatment should be available to single women. But the then Victorian Premier, Steve Bracks, refused to allow any amendment to that Act to allow lesbian couples to receive assistive fertility treatment. He said:

In Victoria, we want the Act upheld, and that has been our position.

The court case has changed that.

I'll live with the court case and live with the spirit of it, and that is that IVF will be available under guidelines for infertile women, not for those who choose it as a lifestyle.



Indeed, a very senior member of the Australian Labor Party's Federal executive, Mr Joe De Bruyn, sought to ensure that the Australian Labor Party would not support the decision in McBain's case, which legislation was introduced to amend. He was defeated by only three votes in the Federal executive's decision, so clearly there is a split in the Labor Party on these issues. In spite of that, the Australian Labor Party will not allow a conscience vote. The Iemma Labor Government came out of the closet in 2008 and provoked controversy by including a definition of "de facto relationships" that applied to same-sex couples in the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008. Heath Gilmore reported in the *Sun Herald* on 18 May 2008 in a piece headed, "'Father' to go from birth certificates":

A CONTROVERSIAL new bill that will remove the word "father" from birth certificates to recognise lesbian couples who have children through IVF will be put before NSW Parliament.

Later he stated:

The bill equates the position of a lesbian partner of a woman who has a child after becoming pregnant by a fertilisation procedure, other than sexual intercourse, with the position of a married woman's husband. Lesbian parents will see expressions such as "birth mother" replace "mother" and "both parents" to replace "the father and the mother" on birth certificates.

The 2008 bill incorporated the same-sex definition of de facto couples into a number of important Acts dealing with social issues, including the Anti-Discrimination Act 1977, the Status of Children Act 1996 and the Births, Death and Marriages Registration Act 1995. The bill was passed in an amended form after the Government accepted Reverend the Hon. Fred Nile's amendment to the Births, Deaths and Marriages Registration Regulation, which stated:

**Clause 5 (3)**

Insert after clause 5 (2):

(3) If the particulars supplied to the Registrar under section 14 of the Act specify that:

- (a) a parent who is the father of the child wishes to be identified in the Register as the father, or
- (b) a parent who is the birth mother of the child wishes to be identified in the Register as the mother, or both,

the particulars entered in the Register under section 17 of the Act must identify the parent as the father or mother, as the case requires. This subclause does not limit the particulars which may be included in the Register.

That amendment was necessary to ensure that the natural parents of a child could be identified as the child's mother and father in the child's birth certificate. In the current bill, the Government has thrown caution to the wind and seeks to introduce same-sex definitions of "spouse", "de facto couples" and "de facto relationships" into many more Acts of Parliament. But the Government has sought to suppress publicity that may be given to a division in Parliament by introducing the legislation on the day when the Federal budget is presented. The Government has timed the legislation to keep people from becoming aware that members are debating the issue. The male and female de facto couple definition in the Adoption Act will be isolated, and perhaps that definition could be described as the end nob of the salami of laws that protect marriage and children.

This bill, which reflects a doctrinaire government, renders most fragile the position of the Adoption Act definition of "de facto couples". It is difficult to justify the position adopted by the Government so close to an election. The passing of this bill will be another increment in the undermining and destruction of marriage and the traditional family. The analogous legislation in the Australian Capital Territory, Victoria and Tasmania, combined with this law when enacted, will have an effect on the bastion of marriage that is akin to General Santa Anna's troops surrounding the Alamo, starving out the defenders of an independent Texas. The supporters of marriage and the family feel like the occupants of strife-torn Derry during the troubles in Northern Ireland in the 1960s and 1970s, epitomised in the following lines of the iconic Phil Coulter song, *The Town I Loved So Well*, which members will be pleased to know I do not intend to sing:

*For what's done is done and what's won is won  
and what's lost is lost and gone forever*

Various churches and other pro-family agencies and individuals have sent me their views, and almost all either oppose the bill or seek amendment to the bill. [*Extension of time agreed to.*]

In a fax I received this afternoon, Dr Peter Jensen, who is the Anglican Archbishop of Sydney, sought amendments to the bill to improve its operation and to ensure that it does not have unintended consequences. He did not object to the concept of a register in principle, provided that registration does not give rise to recognition

to a relationship in such a way that it mimics, and thereby undermines, the uniqueness of marriage. He stated that he understands that that is not the intention of the Government. The amendments he sought, in summary, are that the bill incorporate a provision expressly prohibiting any form of ceremony, whether by or on behalf of the registrar or at the registry, in connection with the registration of a relationship, and that an equivalent provision to section 62 of the Property (Relationships) Legislation Act 1984 be incorporated in the bill. Section 62 states:

Nothing in the *Property (Relationships) Legislation Amendment Act 1999* is to be taken to approve, endorse or initiate any change in the marriage relationship, which by law must be between persons of the opposite sex, nor entitle any person to seek to adopt a child unless otherwise entitled to by law.

Dr Jensen also requested that the register be extended to include "close personal relationships". I might add that if the Government is really sincere in wanting to assist people in close personal relationships, such as brothers and sisters who are living together to perhaps look after their aged mother, it would recognise that in this bill and give them the same rights as it intends to give to same-sex couples. Dr Jensen also suggested that perhaps, in due course, the civil and property benefits that persons in de facto relationships enjoy could be extended to include persons in "close personal relationships".

My colleague the Leader of The Nationals, Andrew Stoner, has referred to Chris Meney's comments, and I adopt those comments. I add comments made by Mr Gerard Calilhanna, who referred to a publication of the New South Wales Parliamentary Library Research Service by Karina Anthony and Talina Drabsch entitled "Legal Recognition of Same-Sex Relationships: Briefing Paper No. 9/06" in which, at page 41, there is a lengthy quote from J. Millbank's article, "Same-sex Families", in Hot Topics 53. The latter article is worth repeating in full because it outlines the incremental strategy for the overthrow of marriage laws and their replacement with a false concept of marriage, contrary to "the union of a man and a woman to the exclusion of all others, voluntarily entered into for life" in section 5 of the Marriage Act. Millbank's five-year-old analysis reads:

No country anywhere in the world has passed laws going from absolutely no form of same-sex relationship recognition directly to same-sex marriage. Rather, over a period of many years, a series of changes have built incrementally on one another. Generally progress has gone along the following sequence: decriminalisation of gay sex, implementation of anti-discrimination protections, some limited recognition of relationships either through de facto relationship recognition or limited registration systems, and then through one or more stages a move to broader relationship recognition, then (usually) some parenting recognition, then a status similar to marriage but called something else such as 'civil union' or 'registered partnership', and then, some years later, marriage.

It is close to midnight so far as this legislation is concerned. For far too long the debate about marriage—what constitutes a marriage, whether homosexuals should be allowed to marry and whether marriage in fact has any utility in modern society—has been dominated by ideological pontificating. Neither side of this debate can deny that a close family setting is the first experience that a newborn has of society and, as a consequence this forum, becomes a place where the first and most fundamental lessons about human relations are learned. It is plain commonsense to suggest that the erosion of this forum will be harmful to the individual child and future society.

Because of its public value, marriage is not just a private affair. Society has a stake in the maintenance of those family structures that have over time been tried and proven to be the most fruitful for the raising and education of future generations. That is why the State has made laws relating to marriage, its formation and how to manage the process in the unfortunate event of a breakdown. Mucking around with families will have real deleterious consequences for society at large. In a 2005 study of 23 academic reports on the relationship between crime and family breakdown, the American Institute for Marriage and Public Policy found that an overwhelming majority held break-up of a family unit responsible for increased rates of juvenile delinquency. Young boys were found to be more violent and less attentive in their schooling, and young girls were found to be more promiscuous. In general, the culture this fosters is one in which various social pathologies, including drug use, teenage pregnancy and the social problems associated with these, are allowed to flourish. There is nothing progressive about any of this.

Of course, the bill purports to create a mechanism for the registration of civil partnerships, in effect. Those in favour may point out that it does not break up marriage but contributes to the culture of people coming together. This is grossly misguided. Let us not kid ourselves. This bill is a strategy to pave the way ultimately for gay marriage in this country, as it exists in other States as well. It is the typical salami tactic of pushing something through that is controversial or may rouse significant public ire. It is a first step in defining marriage in the broadest possible terms so that any cohabitation model would fit the description. It is an attempt to further water down the very concept of marriage that has stood the test of time for millennia.

Something must be said for the rate of fatherlessness in broken marriages today. This trend is in no small part responsible for harmful effects of marriage breakdown. Patrick Faga of the American-based Heritage Foundation identified the absence and exclusion of fathers from the marriage compact as directly related to the crime rates of notorious crime-ridden neighbourhoods. The violence that plagues those communities can be traced back to the violent behaviour of undisciplined children between the ages of five and six. For all those reasons—I respect the views of others who disagree—I ask members of Parliament to vote against this legislation. Again, I appeal to the Labor Party to allow its members a conscience vote.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training) [10.13 p.m.]: I support the Relationships Register Bill 2010. Labor in government has a proud record of reform for gay men and lesbians. In 1984 it was the Wran Labor Government that decriminalised homosexual activity between consenting adults. From 1995 to 2010 the New South Wales Labor Government has eliminated discrimination and provided legal recognition of same-sex de facto couples in more than 100 pieces of State legislation. It has been the New South Wales Labor Party that amended the Anti-Discrimination Act to ensure equal protection for lesbians and gay men caring for their partners, changed State superannuation laws to recognise same-sex couples, equalised the age of consent laws, and provided legal recognition for both partners in lesbian couples with children as the legal parents of their children.

At a Federal level, it was the Whitlam Labor Government in the early 1970s that first included "sexual preference" as a ground on which workplace discrimination could be investigated. From 1983 to 1996 the Hawke and Keating governments added sexual orientation anti-discrimination protection to the Public Service Act, recognised same-sex couples for immigration purposes, passed sexual privacy laws, and declared anti-gay discrimination in the workplace to be a breach of human rights. In 2008 the Rudd Government legislated to remove discrimination against same-sex couples from 85 pieces of Federal law and recognised the children of same-sex couples for the first time.

Gay and lesbian couples deserve equal treatment under the law. This bill brings same-sex couples in this State one step closer to full equality. I am proud to support this bill, which will give all de facto couples in New South Wales the ability to have their relationships recognised in a simple and practical way. Families come in all shapes and sizes. We know that it is the quality of love and care within a family that matters, not the gender of the parents. I believe that government should seek to recognise a broad and inclusive definition of "family". Couples who choose not to, or are not able to, have their relationships recognised by entering into a marriage should not be discriminated against. This register gives these couples a simple and tangible way to have their relationships recognised.

Having a registration certificate will mean that couples will not have to tediously prove the existence of their relationship in hospitals, in schools, at Centrelink or in the courts. It will mean that when a lesbian wishes to visit her partner in hospital or make medical decisions on her behalf, she will be able to do so without question. Even though this has been the case in New South Wales since 1999, I know from conversations with residents of my electorate that many same-sex couples are not aware of what rights they do and do not have. Moreover, given social prejudices, same-sex couples sometimes experience undue questioning of their relationship or even a refusal to recognise it altogether. Having a certificate that can be presented in these situations will give same-sex couples—and heterosexual de facto couples, too, for that matter—peace of mind and solid proof of their relationship.

This legislation also recognises that in this day and age some couples cannot or do not live together due to work or personal circumstances. Currently, much State and Federal de facto legislation requires some level of cohabitation for a relationship to be proved. I am glad that any couple who takes the significant step of registering their relationship will be afforded the same rights and responsibilities as any other de facto couple. It has already been acknowledged that relationship registers exist in Tasmania, Victoria and the Australian Capital Territory. However, I note that the lack of a nationally consistent relationship recognition scheme for de facto couples continues to be an issue of concern. I commend the Attorney General for his ongoing efforts to ensure that relationships registered through State-based schemes are formally recognised beyond their jurisdiction and afforded consistent rights and responsibilities.

This will provide security for de facto couples within Australia when travelling or moving interstate. In 2008 the Rudd Government made sweeping changes to Federal laws, recognising same-sex couples and removing discrimination from Commonwealth laws. These changes also recognised de factos who are recognised under State and Territory laws. The introduction of this relationship register in New South Wales will benefit couples needing to prove their relationships to access not only State Government services but also

Commonwealth agencies and entitlements. It will also be possible for New South Wales residents to be automatically recognised as de facto partners for the purposes of Commonwealth legislation as well as New South Wales laws.

However, the creation of a relationship register will not adequately address the concerns of many in the community regarding the lack of formal relationship recognition for same-sex couples. While I understand that this is a matter for the Commonwealth Government, I know that many residents in my electorate feel passionately about equality for lesbians, gay men and their families, and I will continue to pursue this end in my discussions with government and the community. The register will provide greater legal security for both heterosexual and same-sex de facto couples and bring New South Wales into line with other States. It brings gay and lesbian couples in New South Wales one step closer to full equality.

This is not a reform that should be dismissed as tokenistic. This register shows that the New South Wales Government is serious about recognising and protecting the diverse range of families in New South Wales. It shows that the New South Wales Government is serious about ensuring that couples, both gay and straight, who choose not to or are unable to marry, can quickly prove their relationships when engaging with government agencies and services. It shows that this Government is serious about delivering reforms, which bring security and dignity to the everyday lives of people in this State. I commend the Attorney General and his office for their work in crafting this bill. I know that legislating in areas such as this can be a very involved and complicated process, and the result is fantastic.

Finally, before coming into the House to debate this bill today I was remembering that at the age of 14 it suddenly dawned on me that everyone should be free to love whoever they fall in love with, and that a civilised society would never stand in the way of something as giving and fundamentally human as this. I commend the bill to the House.

**Mr ROB STOKES** (Pittwater) [10.21 p.m.]: I rise to make a brief contribution to the Relationships Registered Bill 2010. I have listened carefully to the contributions of members thus far in this debate. I am reminded of the words of Robert Frost, who said, "A liberal is a man too broadminded to take his own side in an argument." In many ways I identify with this. I have heard people say that this bill is the first step towards recognition of same-sex marriage, and I have heard others say that it is an attack on the institution of marriage. In reality, after reading the bill I do not think it is either of those things. I do not believe the bill has anything to do with equality. I think equality in relationships is very important. I certainly believe in equality for all people to enter positive, healthy and committed relationships—which I think is one of the most wonderful things, if not the most wonderful thing, any of us can do in life. However, as I said, I do not believe this bill has anything to do with equality.

Nothing in this bill makes anyone more equal. Yes, there are elements in the bill that relieve an evidentiary burden to establish whether one is in a relationship, but it has nothing to do with equality. Under this bill a homosexual couple can get their relationship registered, and so can a heterosexual couple. Under the bill a homosexual couple cannot get married; under Commonwealth legislation a heterosexual couple can get married. The same rights that couples currently have will not be enhanced by this bill, but nor will they be limited by it. We have heard a lot of rhetoric about equality, but this bill is not about equality.

What does the bill do? It creates a register—a register of relationships, a register of de facto relationships. This in itself is a legal fiction. "De facto" refers to a relationship established by an examination of the facts. A relationship recognised by its inclusion in some sort of register cannot, by definition, be de facto. It is a de jure relationship, not a de facto relationship. If it were a de facto relationship, it would not be in a register. Under the current legislation a person can be married or de facto. Under the bill's provisions, a person can be de facto and registered, or a person can be de facto by registration and also in a de facto relationship with someone else, by virtue of the operation of proposed section 21C (2).

I ask: Why do we have to register everything? What will be next—a register of friendships, a register of acquaintances, a register of enemies? Will the Government become some sort of relationship registry—a sort of governmental Facebook, where our personal lives can be categorised, characterised and pigeonholed? A register does nothing to make a relationship better. Good marriages and bad marriages are equal in the eyes of the Commonwealth law already. Just because something is registered does not make it special or important—just registered, just filed, just paginated.

Relationships are bigger than legislation. Giving something a legal description does not magnify it; indeed, it can minimise it. It can hide problems within it. How many broken and hate-filled relationships fester

underneath the guise and respectability of a properly registered marriage, for example? That first real objective—providing for legal recognition of relationships of couples, regardless of sex, by registration—does nothing to advance the cause of equality.

Another objective of the bill is to recognise relationships recorded on the register as de facto relationships for the purpose of State law. The term "de facto relationship" is defined in the Property (Relationships) Act 1984. As has been mentioned in this debate, since June 1999 the definition has been widened to cover all relationships between two adults over the age of 18 who live together as a couple and are not married, and are not siblings or a parent or child of each other. This means that homosexual couples are already covered under the definition of de facto couples. The only difference under this bill is that the piece of paper will be enough to establish the existence of the de facto relationship for the purpose of State legislation—140 pieces of which will be altered as a result of this bill. Although property aspects of these relationships are dealt with under State law, the law relating to children of such relationships will continue to be regulated under Federal legislation. Most laws dealing with taxation, social welfare, pensions, and so on, already treat de facto marriages in the same manner as marriages that are recognised under the Commonwealth Marriage Act.

I have a question for the Minister to address in reply. What impact will this bill have in relation to Commonwealth legislation? For example, will the registered relationship have any impact on immigration matters or other Federal issues? What are the implications of the bill for Federal law?

**Mr Barry Collier:** It won't affect marriage, will it?

**Mr ROB STOKES:** It will not affect marriage, but I ask whether it will have an impact on proving a relationship for an immigration matter, for example. I say to those in this debate who have lauded this bill as some sort of victory on the path towards same-sex marriage: Without commenting on whether that objective is good, bad or indifferent, it is certainly not a matter for this place.

**Mr Paul McLeay:** Where else, then?

**Mr ROB STOKES:** It is a matter for the Federal Parliament.

**Mr Barry Collier:** Section 51 (xxi) and (xxii).

**Mr ROB STOKES:** As the Parliamentary Secretary says, section 51 (xxi) and (xxii) of the Commonwealth Constitution are the relevant provisions governing marriage. That is really where a debate about same-sex marriage should be taking place. Make no mistake: this is not about civil union. The only Parliament that can really act in these sorts of matters is the Commonwealth; we are phoney if we pretend otherwise. This Parliament should not pretend to be something it is not—by introducing some kind of "marriage light" and passing it off as some victory for equality.

This bill is just an exercise in puffery—an advertisement saying we can do something that we cannot. I encourage the Government to introduce legislation that actually improves equality—providing access to services, while getting Government off the backs of people, out of their private lives, and simply focussing on the things a State government can do. I really do not think this bill changes legal rights. It contains 59 pages of pretty much nothing. I agree that there is some improvement in terms of providing evidence of the existence of a de facto relationship, but apart from that the bill does very little at all. It does nothing to promote equality at law.

I do not believe State governments should be in the business of registering personal relationships. State governments should be in the business of regulating financial relationships or fiduciary relationships, but certainly not personal relationships. I simply do not believe that is the business of government. As a Liberal I believe in less law, not more, and in less regulation, not more. But I also concede—and this is where my struggle has been—that I do not think this bill does any harm. I do not believe it undermines any institution of marriage. I know people who feel that their relationship cannot be recognised in any other way except by this bill. In respect for those people, whom I know, I believe that because this bill does not do any harm I will lend it my support.

On a philosophical level I do not believe in law just for the sake of it. I do not believe in law that sounds as though it is doing something when it is doing nothing. I will close with a quote from an article I read recently in *Meanjin* in which Andrew Sant was reflecting on his own marriage. When asked by his father on the day of his marriage why he was getting married, he said:

The answer was that we were doing it for him and the aforementioned nonlibertarian relatives who couldn't attend or didn't have the contraceptive pill in their day. It was, under the cheerful circumstances, an obligation, the done thing. We, after all the

generations of marriages in our families, didn't want to go it alone, cause upset, be shunned. All of a sudden, minutes prior to signing the marriage certificate, the sense we had of generational coercion appeared to be radically misplaced. It put me off my stride when going up the steps. But too late to say, "Hey look, it appears out of the blue we can take an alternative route", which is what my friends may be considering now, the institution ever being reinforced by politicians, churchmen and other parties with a necessary interest in social order.

It will be great when social order does not rely on the registration of relationships but on real relationships based on love and commitment and service that are only registered in our memories and our hearts.

**Mr PAUL McLEAY** (Heathcote—Minister for Ports and Waterways, and Minister for the Illawarra) [10.31 p.m.]: I was able to reflect on the Relationships Register Bill, which contains a lot of complicating factors and issues to be dealt with, but a lot of it comes down to a simple statement and a concept. We do not often get opportunities to celebrate events and to sit with our community, friends, family, loved ones and for some, their church, to say, "What are these rituals that we are to celebrate?" Ten years and 5½ months ago my wife and I were married at our local church in Summer Hill in front of my friends, my family and my God. We celebrated our marriage in amazing style, which I very much enjoyed. To this day I love my wife just as much as I did then. The year before last I attended the wedding of our friends Eleanor and Kate, which was a wedding in the same way as ours was. Mothers still cried, kids were still excited and the couple were just as much in love as Cass and I.

For many people marriage is simple: It is two people standing together telling everyone they know how much they love each other. It is not a conspiracy against my moral values. It is not a conspiracy against an opportunity to celebrate and share everything that we hold important. It is their good fortune that they are able to tell everyone that they love each other. It is their good fortune to stand up in front of their friends and family, and, if they are lucky enough, they get to have children. I do not believe there is any harm in naming it. I do not believe there is any harm in Eleanor and Kate saying that they are married. They get to put their names on a certificate and they have the ability to celebrate with their families. Mothers still cry—they have been doing it for years—and their family are with them. If you believe in a free society, but that society stops at the freedoms that we enjoy and take dearly, that is a cheap shot. We must let people enjoy the benefits that we all take for granted.

If people stop sharing the gift of love because they have put a boundary around it, that cheats our fellow citizens. We all celebrate the way we do; we pray the way we pray; we love who we love and we say what we want to say, and I say that people of the same sex in New South Wales should be able to celebrate their love and put their name on a register. Ben Edwards, a friend of mine, was the candidate with Mr Gay Australia. He is a rugby player and a good bloke. He is a very strong advocate for gay marriage in New South Wales. He makes a lot of strong arguments, and I support them. When I see Eleanor's and Kate's daughter, Tilly, I know that their mums love each other as much as Cass and I love each other.

**Mr MALCOLM KERR** (Cronulla) [10.35 p.m.]: There has been a great deal of talk about marriage during the course of the last two speeches. The member for Pittwater gave a lengthy quotation about the institution of marriage.

**Mr Brad Hazzard:** You are not going to do that?

**Mr MALCOLM KERR:** No, mine will be much shorter. As the member for Wakehurst would know, the best thing about marriage is that it combines the maximum amount of temptation with the maximum amount of opportunity. The Relationships Register Bill 2010 is hardly a marriage enrichment bill. There has been very little consultation on this very important legislation. This bill is being rushed through at this unfriendly hour for families, I might say.

**Mr Brad Hazzard:** And you have contributed to it.

**Mr MALCOLM KERR:** No, I have not contributed to any family, I remind the member for Wakehurst, nor is the Government contributing to its own policy of family friendly hours. This House should have adjourned some hours ago. Why are we debating this legislation? Because it is budget night and consequently this bill will not get as much coverage in the press as it would otherwise attract, coverage that would embarrass this Government. This bill has a number of unintended dangers that could have been avoided if a great deal more consultation had been carried out. The bill will provide evidence of relationships for the purposes of numerous Acts of Parliament and will affect rights. While people can choose to register, they are not required to register a breakdown of the relationship. There will be evidence of a relationship. However, if a

person chooses not to register the fact that that relationship has broken down and then continues to enter into a number of other relationships, the register will remain as evidence of a previous relationship, which may now be hate filled. It will give certain rights to that other person that were never intended.

The fact that this register will provide evidence of a relationship will lead to a great deal of unintended consequences and, I suspect, a great deal of injustices, given the variety of human relationships and the changes that occur in them. As the member for Pittwater said, it can be very dangerous when governments seek to govern human relationships. The State has a stake in marriage. We have heard about children, but property rights and the stability of the State are vitally concerned with the recognition of marriage and the end of marriage. That is why the State has administered laws in relation to both marriage and divorce.

The advocates of this bill have given a series of contradictions. The member for Bathurst said it had nothing to do with sexuality but we have heard a great deal about how this is a step towards the recognition of same-sex couples and how that is totally justified. Other people have said it has no affect on marriage or adoption. If this legislation is intended to have no affect on marriage or adoption then perhaps the Government should accept the suggestion of the Archbishop of Sydney of an amendment. That suggestion is presently found in section 62 of the Property (Relationships) Legislation Act 1984, which states:

Nothing in the Property (Relationships) Legislation Amendment Act 1999 is to be taken to approve, endorse or initiate any change in the marriage relationship, which by law must be between persons of the opposite sex, or entitle any person to seek to adopt a child unless otherwise entitled by law.

That would presumably go some way to stating without doubt the intent, but the danger of this legislation is that so many unintended consequences could occur and so many contingences might arise. It is also incomplete. The Archbishop of Sydney further said:

I note that the Bill does not incorporate provisions for the registration of 'caring' or interdependent relationships despite such measures being in place in other jurisdictions in Australia, namely Victoria and Tasmania.

I note that the Property (Relationships) Legislation Act 1984 already includes a category of 'close personal relationships', which incorporates caring interdependent relationships. However the breadth of legislation under which 'close personal relationships' are recognised is very narrow. This has created unfairness. For example, presently the Anti-Discrimination Act 1977 only recognises a married or de facto relationship for the purposes of carer discrimination. Should not an interdependent couple be given the same protection from carer discrimination so that they can care for one another at a time of need? A number of other examples of unfairness concerning civil and property benefits could also be cited.

If the Government really wants to be serious about legislation in this area then it should seek the views of the community, which it has not done. This legislation is being sneaked through in the dead of night without adequate community consultation and will impact on a number of people. It may impact on them quite unfairly because the register provides evidence of a relationship that in later years may be hollow or even hostile. Those considerations lead me to oppose this bill, which is ill thought out and has not enlisted the views of the public. There are great dangers in any government trying to govern human relationships.

**Mr GREG PIPER** (Lake Macquarie) [10.42 p.m.]: I make a brief contribution to the debate on the Relationships Register Bill 2010. In the course of my life I have made many friends, and I continue to have many friends, who live in a same-sex relationship. I would be dishonouring my friendships with those people if I did not speak to this bill. I have embraced each of those people and not taken into account their sexuality, which is irrelevant to my friendship and how I view them as valuable members of our community.

I do not believe the bill contains the sinister connotations referred to by others who have spoken against it. However, in any legislation from time to time matters will occur inconsequentially or as an unintended consequence. One of the key premises of opposition to the bill by the Leader of The Nationals was the commitment that should be within a relationship. I know of many relationships between same-sex couples, alternate relationships, where that commitment has existed for many years and has probably outlasted many relationships that have enjoyed the sanctity of marriage under the appropriate legislation. Indeed, many people in heterosexual relationships do not treat their relationships with the same sanctity as many of those in alternate relationships.

The member for Epping referred to this bill as the Keneally Government's attempt at social engineering. I do not see it that way, but we should look at social equity and the provision of social justice to many people who have been denied basic access to it and legislative protection across this State. The bill covers many areas but the broad basic issue is discrimination. Without accepting changes such as these we will continue to utter meaningless rhetoric on discrimination. The legislation is a well considered and heartfelt

attempt to try to address some of the inequities suffered by people who, through no fault of their own, are living in circumstances in which they have been denied the same rights and justice afforded to others within our community.

**Mr PETER DEBNAM** (Vaucluse) [10.46 p.m.]: I am pleased to support the Relationships Register Bill 2010. The objects of the bill are to provide for the legal recognition of relationships of couples, regardless of sex, by registration of the relationships; and to recognise registered relationships, and interstate registered relationships, as de facto partnerships for the purposes of State legislation. Part 2 of the bill relates to the registration of relationships and clause 5 entitles two adults who are in a relationship as a couple to apply to the Registrar of Births, Deaths and Marriages for registration of their relationship. Schedule 2.2, section 21C (3) sets out the determination of "relationship as a couple" and states:

In determining whether 2 persons have a relationship as a couple for the purposes of subsection (2), all the circumstances of the relationship are to be taken into account, including any of the following matters that are relevant in a particular case:

- (a) the duration of the relationship,
- (b) the nature and extent of their common residence,
- (c) whether a sexual relationship exists,
- (d) the degree of financial dependence or interdependence, and any arrangements for financial support, between them,
- (e) the ownership, use and acquisition of property,
- (f) the degree of mutual commitment to a shared life,
- (g) the care and support of children,
- (h) the performance of household duties; and
- (i) the reputation and public aspects of the relationship.

It includes the qualification:

No particular finding in relation to any of those matters is necessary in determining whether 2 persons have a relationship as a couple.

This bill is about recognising relationships that have been with us for long a time and which, as many speakers have said, have been hidden for various reasons and discriminated against. To paraphrase the words of the member for Pittwater, who has left the Chamber, this bill is about recognising healthy, committed, loving relationships. That is exactly what it is about. It is also about removing discrimination. I think that a lot of people in New South Wales will support this legislation. I believe marriage is an appropriate union between a man and woman and I do not see this as a step towards the concept of same-sex marriage.

This important legislation is long overdue and is really a catch up with contemporary society, but why is it being debated tonight? It is a real shame that it is being debated tonight because it warrants a lot more attention. Various speakers in opposition to this legislation have raised legitimate arguments, which no doubt sections of the New South Wales public would agree with. However, I do not. This important bill is being debated on an unscheduled night sitting of Parliament, on the very night that the Federal Government delivered its budget. Bearing that in mind, one could reach only one conclusion about this bill: the Government is trying to hide it, and that is a sad state of affairs because it is very important. Many people would like to hear about the bill but they will not because all the media coverage for the next week will be on the Federal budget. This important bill is being delivered by a gutless government!

Over the 17 years I have been a member of Parliament I have witnessed a deterioration in not only the standard of government in this State but also the standard of arguments advanced in this Chamber. Really it has been not so much a race to the bottom but rather a meandering towards mediocrity. It is obvious that no-one on the Government side has the courage of his or her convictions, and I am astounded, as someone has already said, that the Premier is not in the House tonight debating this bill. What does the Premier have to hide? Sure, she is a solid member of the Catholic Church and she has certain convictions, but her Government is moving this bill through the House tonight and it will become law in this State—and it is very important that it does become law.

Labor Ministers, especially the Premier, should have the courage of their convictions and come into the House and show their support for the bill. I respect some of my colleagues who have had the courage of their convictions to say, for various reasons, they disagree with the bill. But it is a real commentary on this Parliament, especially in recent years when it became really run down—



**Mr Barry Collier:** Point of order: I ask that the member for Vaucluse be brought back to the leave of the bill rather than continue to comment about which members have or have not spoken or who should or should not speak in this debate.

**ACTING-SPEAKER (Mr Frank Terenzini):** Order! The member for Vaucluse is aware of the parameters of the bill. The member for Vaucluse may continue.

**Mr PETER DEBNAM:** Spot on Mr Acting-Speaker! I am very much aware of what the bill is about, and I have been waiting for it for a long time. The member for Sydney said that she introduced a draft bill on the same subject 13 years ago. The Labor Government has been in office for 15 years, and finally it has had the courage to introduce the bill, but Labor members are hiding from it. On Federal budget night only the Minister for Education and Training, the Minister for Health and the Minister for Ports and Waterways have contributed to debate. We have heard from no other Minister. They should all be present in the Chamber saying that they are proud of this bill. But it is clear that they are not proud of it, and that is a shame.

**Mr PETER DRAPER** (Tamworth) [10.52 p.m.]: The Relationships Register Bill 2010 aims to provide, among other things, for the legal recognition of relationships of couples, regardless of sex, by registration of those relationships. As someone who worked in book publishing for a long time I collect literature, and I would like to share with the House a note that I refer to quite regularly because it sums up many of the problems society faces. It states:

The paradox of our time in history is that we have taller buildings but shorter tempers, wider Freeways, but narrower viewpoints. We spend more, but have less; we buy more, but enjoy less. We have bigger houses and smaller families, more conveniences, but less time. We have more degrees but less sense, more knowledge, but less judgement, more experts, yet more problems, more medicine, but less wellness.

We drink too much, smoke too much, spend too recklessly, laugh too little, drive too fast, get too angry, stay up too late, get up too tired, read too little, watch TV too much, and pray too seldom.

We have multiplied our possessions, but reduced our values. We talk too much, love too seldom, and hate too often.

We have learned how to make a living, but not a life. We have added years to life not life to years. We have been all the way to the moon and back, but have trouble crossing the street to meet a new neighbour. We conquered outer space but not inner space. We have done larger things, but not better things.

We have cleaned up the air, but polluted the soul. We have conquered the atom, but not our prejudice. We write more, but learn less. We plan more, but accomplish less. We have learned to rush, but not to wait. We build more computers to hold more information, to produce more copies than ever, but we communicate less and less.

These are the times of fast foods and slow digestion, big men and small character, steep profits and shallow relationships. These are the days of two incomes but more divorce, fancier houses, but broken homes. These are days of quick trips, disposable nappies, throwaway morality, one night stands, overweight bodies, and pills that do everything from cheer, to quiet, to kill. It is a time when there is much in the showroom window and nothing in the stockroom ...

Remember; spend some time with your loved ones, because they are not going to be around forever. Remember, say a kind word to someone who looks up to you in awe, because that little person soon will grow up and leave your side.

Remember, to give a warm hug to the one next to you, because that is the only treasure you can give with your heart and it does not cost a cent.

Remember, to say, "I love you" to your partner and your loved ones, but most of all mean it ...

**Mr Brad Hazzard:** Where is the bill? The member has spoken for three minutes and has made no mention of the bill.

**ACTING-SPEAKER (Mr Frank Terenzini):** Order! The member for Tamworth will be heard in silence.

**Mr PETER DRAPER:** The notation continues:

Life is not measured by the number of breaths we take—

*[Interruption]*

For the information of the member for Wakehurst, this note was written by a fellow who was very well known in the 1970s and 1980s and who lost his wife. This debate is about relationships. As a local member I see many people coming into my office who are in married relationships and who are subject to a whole range of

behaviour including violence, abuse and incest—behaviour that should not be endured by anyone. Some 16,000 people are in out-of-care foster homes and tonight we are talking about relationships. I believe very strongly in the relationship of marriage. I have been married for 27 years to my wife, Sharon. Marriage is a relationship that should be valued by all members of society. My brother has been with his partner for 27 years also, although not in a marriage relationship. I do not believe that he should miss out on the opportunities that I enjoy as a married man just because he is not married. I strongly support the bill.

**Mrs DAWN FARDELL** (Dubbo) [10.55 p.m.]: The purpose of the Relationships Register Bill 2010 is to allow for the formal recognition of relationships, to recognise partners in registered relationships as de facto partners. All members of Parliament have received numerous letters and emails concerning this bill, although not as many as were received with regard to the animal bill of the member for Bligh. I am concerned that some members of Parliament are critical of others for their stand on this bill, stating that voting on this proposed legislation should be by way of conscience, which should not be taken lightly. Many of us believe in the sanctimony of marriage, but we should accept also that others do not take the same stand.

One contact from a Sydney electorate stated that "homosexuals rarely have a mutually exclusive relationship and are known to have multiple partners". Well, all I can say to that is that many heterosexuals in marriage also have many multiple partners. Another stated that numerous studies confirm that traditional, heterosexual marriage is the relationship that provides the most natural, stable and optimal foundation on which to nurture and bring up children. The families who seek my assistance as their local member are married, single, or in relationships. Some have children, others do not. Some are heterosexual, others homosexual. But one thing is very apparent with all these groups: they all experience the same issues in life—they seek housing, they are victims of domestic violence, they have children who are intimidated at school, et cetera. There is no discrimination.

To me it is important that a child or an individual feels loved and supported. This law is important to ensure that couples that are not conventionally joined receive the same emotional and financial benefits as those who are, regardless of their situation. There is nothing more important than legalisation on relationships and in my eyes those who accept this bill are no less religious than those who oppose it. The needs of previously married mums and dads, surrogate parents and co-parenting parents are important also. Who are we to judge how people choose their partners and what path people take? I support the bill.

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.57 p.m.], in reply: I thank the Leader of the Opposition, the Leader of The Nationals and the members representing the electorates of Bathurst, Marrickville, Sydney, Epping, Balmain, Pittwater, Heathcote, Cronulla, Lake Macquarie, Vacluse, Tamworth and Dubbo for their contributions to this debate. The member for Cronulla asked specifically about the level of consultation on this bill. I advise him that in 1999, the then Attorney General, the Hon. Jeff Shaw, QC, MLC, asked the New South Wales Law Reform Commission to inquire into and report on the operation of the Property Relationships Act 1999, which included a definition of "de facto" that was widely referred to across the New South Wales statute book.

The commission reported in 2006, recommending that the current system of recognising de facto relationships should be supplemented with an optional system of registration. That recommendation followed extensive consultation by the commission. The commission released a discussion paper and called for comment from the public. The commission received submissions from the Gay and Lesbian Rights Lobby, the Presbyterian Church of Australia, Centacare Sydney, the Anglican diocese of Sydney, the New South Wales Commission for Children and Young People, and the National Children's and Youth Law Centre, amongst others. The commission also undertook further and specific consultations with the gay and lesbian community by way of a questionnaire and focus groups conducted in Sydney and Lismore. Consultation also occurred with each Minister whose portfolio included affected legislation, with the New South Wales Trustee and Guardian, the Registry of Births, Deaths and Marriages, WorkCover, the Motor Accidents Authority, the trustees of superannuation funds affected by the change and the Treasury Managed Fund.

The Leader of The Nationals spoke about the word "committed". Although that word is not included in the test of eligibility, persons seeking to register their relationship must be in a "relationship as a couple" and must make a statutory declaration to that effect. The Government believes the requirement that persons be "in a relationship as a couple" and the requirement that the relationship be exclusive—that is, they must not be married or in a relationship as a couple with anyone else—clearly refers to a couple who are intimately involved with each other and no-one else. This clearly implies a degree of commitment. The fact that there is a

cooling-off period of 28 days before a relationship can be registered and a 90-day cooling-off period before registration can be revoked also creates a barrier to persons entering lightly into a registered relationship and ensures that the decision to revoke a relationship is a considered one.

The bill does not redefine or devalue marriage. It does not seek to replace the institution of marriage. The Commonwealth Government has exclusive control over marriage through section 51 (xxi) of the Constitution. The Commonwealth Marriage Act covers the field in relation to marriage. Under that legislation the institution of marriage is a union between a man and a woman. The existence of an alternative form of legal recognition of the relationships of unmarried couples does not devalue or threaten marriage. Traditional marriages will continue to exist as they always have. Marriages on the one hand and registered relationships on the other do not need to compete for space. In part, this is because they do not occupy the same ground. Marriage is a unique institution that has a special status in Australian legislation, and it will continue to do so.

The Leader of The Nationals and the member for Epping talked about the bill undermining social cohesion by recognising relationships without the requirements of marriage, that is, a union of a man and woman to the exclusion of all others voluntarily entered into for life. The capacity for existing de facto couples to register their relationship is, in fact, more likely to be a source of enhanced social cohesion. The bill does not create any new relationships. It simply provides for legal recognition of relationships that already exist, promotes respect of those relationships and underpins their legitimacy. It is about allowing de facto couples to have their relationship formally recognised, to know that their relationships are taken seriously and to give them clearer and more certain legal status in New South Wales. Social cohesion means cohesion of society as it exists, including de facto couples, and not a selective form of cohesion in which only married couples can have their relationships officially recognised.

The member for Cronulla and the Leader of The Nationals said that the bill makes relationships all too easy to get into and out of. I have addressed that concern. The bill provides for a 28-day cooling-off period, during which time either party can withdraw the application. After that time the relationship can be registered. Registration is revoked by law on the death or marriage of a person in the relationship. Revocation may also occur on the application of either or both persons in the relationship. However, there is a 90-day cooling-off period between the application and the revocation of the relationship. The member for Epping raised an issue about the recording of a relationship. Simply recording a relationship does not put it on a par with marriage. It is clearly drawing a long bow to say that it is. Under the Register, a relationship is one of a list of relationships that may be registered. The member for Epping would be well aware of the provisions of section 51 (xxi) of the Commonwealth Constitution.

In response to the member for Epping and the member for Pittwater, clearly the legislation does not affect the Adoption Act. The Government has decided not to permit adoption by same-sex couples. Including a reference to registered relationships in that Act would impact on the interpretation of couples who are eligible to adopt. For the benefit of the member for Pittwater, the registration of a relationship will not demonstrate de facto status in a number of Acts, including the Landlord and Tenant Act, the Duties Act, the Judges Pension Act, the Legal Aid Commission Act, the Evidence Act, the Adoption Act and part 4.5 of the New South Wales Trustee and Guardian Act.

The bill does not provide for a ceremony in the same way as the Marriage Act does. However, there is nothing in the bill that prevents the holding of a ceremony or defines what sort of ceremony may occur. There is nothing to stop de facto couples celebrating the registration of their relationship as they wish. The aim of the bill is to provide for a symbolic and legal recognition of de facto relationships. The bill does so by providing for registration and conferring legitimacy on that registration. The Government does not consider it necessary to provide for a ceremony in legislation. The Government is of the view also that providing for a ceremony may encroach upon the Commonwealth's constitutional responsibility for making laws regarding marriage. In reply to the member for Epping's concerns about the Assisted Reproductive Technology Act 2007, I advise that this bill does not create any new rights for de facto couples. It simply provides an alternative way of demonstrating that a person is in a de facto relationship. The bill does not create any new rights with respect to assisted reproductive technology. The relationships register does not extend to caring relationships. It would be premature to include caring relationships on the New South Wales Register.

The bill is not a slippery slope to allowing marriage of same-sex partners or a backdoor to same-sex marriage. This bill is not about changing legal rights; it is about changing access to legal rights. As Opposition members are well aware, the Government is not in the business of regulating personal relationships. The bill creates a relationship register that will allow unmarried couples, heterosexual couples and same-sex couples to register their relationship in order to have their relationship recognised by law. It will allow couples in a

registered relationship to demonstrate their eligibility for certain entitlements without having to prove their de facto relationship. This is an important step for unmarried couples in New South Wales, including those in same-sex relationships. It also ensures that New South Wales citizens can enter a registered relationship that is recognised under Commonwealth laws. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 62**

Mr Amery	Ms Firth	Mr Morris
Ms Andrews	Mr Furolo	Mr O'Dea
Mr Aquilina	Ms Gadiel	Mr O'Farrell
Mr Ashton	Mr Gibson	Mr Pearce
Mr Baird	Ms Goward	Mrs Perry
Mr Baumann	Mr Greene	Mr Piper
Ms Beamer	Mrs Hancock	Mr Rees
Ms Berejikian	Mr Harris	Mr Sartor
Mr Besseling	Ms Hay	Mr Shearan
Mr Borger	Mr Hazzard	Mrs Skinner
Mr Brown	Mr Hickey	Mr Stewart
Mr Campbell	Ms Hornery	Mr Stokes
Mr Collier	Mr Khoshaba	Ms Tebbutt
Mr Constance	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr R. W. Turner
Mr Costa	Ms McKay	Mr West
Mr Debnam	Mr McLeay	Mr Whan
Mr Dominello	Ms McMahon	<i>Tellers,</i>
Mr Draper	Ms Megarrity	Mr Maguire
Mrs Fardell	Ms Moore	Mr Martin

**Noes, 9**

Mr Aplin  
Ms Hodgkinson  
Mr Kerr  
Mr Merton  
Mr Richardson  
Mr Stoner  
Mr R. C. Williams

*Tellers,*  
Mr George  
Mr Smith

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

**CASINO CONTROL AMENDMENT BILL 2010**

**REGISTRAR-GENERAL LEGISLATION (AMENDMENT AND REPEAL) BILL 2010**

**Messages received from the Legislative Council returning the bills without amendment.**

**ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned, pursuant to resolution, at 11.17 p.m. until Wednesday 12 May 2010 at 10.00 a.m.**

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