LEGISLATIVE ASSEMBLY

Wednesday 1 September 2010

_____

The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.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.

TERRORISM (POLICE POWERS) AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 24 June 2010.

Mr GREG SMITH (Epping) [10.06 a.m.]: I lead for the New South Wales Liberal Party and The Nationals on the Terrorism (Police Powers) Amendment Bill 2010. The object of the bill is to amend the Terrorism (Police Powers) Act 2002 to implement the recommendations arising from the statutory review of that Act. The changes effected by the bill can be broken down into several aspects. First, the bill enables the Supreme Court to order the Legal Aid Commission to provide legal aid to a person in relation to whom a preventative detention order is being sought or who is subject to such an order.

Secondly, it provides that a person detained under a preventative detention order must be released as soon as is practicable after the grounds on which the order was made have ceased to exist. Thirdly, the bill provides that a person detained under a preventative detention order is entitled to have contact with an authorised chaplain. Fourthly, the bill also makes other amendments relating to contact between persons detained under preventative detention orders and other persons. Fifthly, it provides for the ongoing scrutiny by the Ombudsman of the exercise of powers conferred by part 2A, which deals with preventative detention orders, and part 3, which deals with covert search warrants, of the principal Act, as well as other miscellaneous amendments.

The Terrorism (Police Powers) Act 2002 was introduced in New South Wales in 2002 after the September 11, 2001 terrorist attacks in America, and extends existing anti-terrorism laws. This bill makes specific changes affecting the detention of terrorist suspects, and the execution of searches and seizures. These changes were apparently brought in following recommendations by the New South Wales Ombudsman. The bill also provides for change of terminology by substituting the term "with impaired functioning" for the term "incapable of managing his or her affairs", to make the Terrorism (Police Powers) Act 2002 consistent with the Law Enforcement (Powers and Responsibilities) Act 2002.

Section 23 is amended to provide for a written statement to be provided, within 30 days of the request, to a person who was searched, or whose vehicle or premises were searched, pursuant to part 2 of the Act, stating that the search was in fact conducted pursuant to that part. Section 26PA is inserted into the Act to provide that the Supreme Court may, if it is satisfied that it is in the interests of justice to do so, order the provision of legal aid to the person to whom a preventative detention order is being sought or is in force for proceedings in connection with an application for the making or revocation of a preventative detention order or prohibited contact order. If the Supreme Court makes such an order, the police officer who is detaining the person must give reasonable assistance to enable the person to contact the Legal Aid Commission to obtain legal aid.

The police officer who is detaining a person under a preventative detention order must release the person from detention under the order as soon as is practicable after the police officer is satisfied that the grounds on which the order was made have ceased to exist. It should be noted that a person detained under a preventative detention order may be detained under an order at a correctional centre pursuant to an arrangement

with the Commissioner of Corrective Services under section 26X. A further amendment in items [5] and [7] of schedule 1 makes it clear that as soon as practicable after a person is first taken into custody under a preventative detention order, the police officer who has detained the person under the order must inform the person of the person's entitlement to contact the Ombudsman.

A further amendment makes it clear that as soon as practicable after a preventative detention order, other than an interim order, is made, the police officer who is detaining the person must inform the person of any right the person has to complain to the Ombudsman or to the Police Integrity Commission or to both. Section 26ZG (3A) is inserted into the Act to provide that, without limiting the assistance that might be given to a person under that subsection, the police officer may refer the person to the Legal Aid Commission. Section 26ZGA is inserted into the Act to provide that a person detained is entitled to contact an authorised chaplain. Section 26ZH (7) provides that a police officer who is detaining a person who is under the age of 18 years or has an impaired intellectual functioning and is under a preventative detention order is, as far as is reasonably practicable, to assist that person in exercising their entitlements to contact a lawyer, the Ombudsman or the Police Integrity Commission. The bill also provides that a monitor does not commit an offence under section 26ZI (6) of the Act in relation to the disclosure of information to a lawyer for the purposes of obtaining legal advice.

An amendment is made to section 26ZO to provide that the Ombudsman is to keep under scrutiny the exercise of powers conferred on police officers or correctional officers under that part of the Act for an indefinite time rather than for five years, and must prepare reports for the Attorney General and the Minister for Police every three years after the existing proscribed period. The section relating to the destruction of records by the Crime Commissioner is deleted. Those records that relate to the execution of covert search warrants may now be retained. Amendment is made to section 27ZC to provide that the Ombudsman is to keep under scrutiny the exercise of powers conferred on members of the New South Wales Police Force, the Crime Commissioner and members of staff of the New South Wales Crime Commission under that part of the Act for an indefinite time rather than two years and must prepare reports for the Attorney General and the Minister for Police every three years after the existing proscribed period. Review of the Act is now to be undertaken every three years.

There are strong arguments in favour of this bill. It gives effect to recommendations made in a statutory review of the Terrorism Police Powers Act 2002 conducted recently by the Department of Justice and Attorney General and makes minor amendments to the Act to clarify its operation. The statutory review also took into consideration the recommendations made by the Ombudsman in his 2008 review of parts 2A and 3 of the Act. That review found that the objectives of the Act remained valid and the review contained 15 recommendations to improve the operation of its provisions. Eleven of these recommendations are implemented in the current bill. Be that as it may, the deletion of the destruction of records provision may be seen as the removal of a safeguard of the privacy of those who are subject to a covert search warrant.

I have seen in recent weeks criticism of the Federal Government for not implementing recommendations made following the review of the Haneef case by former Justice Clarke of the New South Wales Supreme Court. This bill seems to make the necessary changes so far as the State law is involved. As I understand it, no persons have been detained under this legislation. Generally, the Commonwealth legislation is used but the State legislation is a backup and obviously would cover the commission of specific State offences when no Federal offences are involved. In any event, the New South Wales Liberal Party and The Nationals do not oppose this bill.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [10.13 a.m.]: I support the Terrorism (Police Powers) Amendment Bill 2010. The bill gives effect to the recommendations made in the statutory review of the Terrorism (Police Powers) Act 2002, conducted recently by the Department of Justice and Attorney General. Importantly, the statutory review took into consideration the recommendations made by the Ombudsman in his 2008 review of parts 2A and 3 of the Act. The Government is concerned to ensure the powers in the Act remain relevant and measured, and, as such, the Act has been kept under constant review since its inception. In fact, these reviews are just two of a series of rolling reviews legislated for under the Act. Specifically, under section 36 the Attorney General is required to review the Act every two years. In addition, under sections 27ZO and 27ZC the Ombudsman is required to review the parts of the Act relating to preventative detention and covert search warrants two years after the provisions commence and again after five years in the case of preventative detention. The 2008 review was the Ombudsman's two-year review of those parts of the Act.

In addition to this, under the bill the Ombudsman's oversight role will be extended indefinitely, with an Ombudsman's review to be conducted every three years. The recommendations being implemented this time

around update the protections in the Act to ensure there remains no undue encroachment upon civil liberties by clarifying the original policy intention of certain provisions. These include a recommendation that police provide a written statement regarding the use of special search powers under the Act within 30 days of a request being made and a new section that gives the Supreme Court the power to order that. Where it is in the interests of justice to do so, the Legal Aid Commission should provide legal aid to a person in relation to preventative detention proceedings. These recommendations were made in the context of the main conclusion of the statutory review that the policy and objectives of the Act still remain valid. Indeed, while no terrorist attack has taken place in Australia in the years since September 11, there is, unfortunately, no time for complacency.

The terrorist threat remains a very real one. Seared into our national memory are the tragic deaths of 88 Australians and the injuries of many in the Bali nightclub bombings in 2002, as are the images of Australians injured in the London bombings and more recently in the Jakarta and Mumbai bombings. However, the currency of the threat was brought home most recently by the arrests made in New South Wales as part of Operation Pendennis and the subsequent conviction of five men for conspiring to do an act in preparation for a terrorist attack. On 15 February 2010 the five men were sentenced to minimum terms of between 17 years and three months and 21 years, with the longest maximum term set at 28 years. The earliest any of the men will be eligible for parole is March 2023. The sentences imposed were the highest sentences ever given by an Australian court for a terrorism offence. As part of Operation Pendennis and thanks to the Terrorism (Police Powers) Act 2002, police were able to gather an extraordinary amount of evidence after 16 months of surveillance, which culminated in the charging of 22 people and the successful conviction of these five men.

The New South Wales Government is not content to sit on its hands waiting for an attack to occur. While we hope that the police do not have to use these powers, they need them to be there in the unfortunate event that they are needed. In this vein, while the amendments in the bill will extend the protections in the Act to ensure that the powers remain fair in their application, they will also ensure that the powers retain the robustness required to deal with a terrorist threat quickly and effectively. The people of New South Wales can rest assured that their safety and security remains a top priority for the Government and I commend the bill to the House.

Mr ALLAN SHEARAN (Londonderry) [10.20 a.m.]: I support the Terrorism (Police Powers) Amendment Bill 2010. The implementation of the bill will ensure that the application of the powers in the Terrorism (Police Powers) Act 2002 will continue to be applied fairly and effectively when needed. It is pleasing to note that the statutory review found that the policy objectives of the Act remain valid and that the vast majority of submissions to the review did not challenge the need for the provisions in the Act. This evidences that the powers in the bill are suitably proportionate to the risk of a terrorist attack in this State, with the amendments proposed primarily aimed at clarifying the original policy intention of certain provisions by tweaking the protections provided to those subject to it. This is significant as the consultation for the review was wide, and several key stakeholders, including the Australian Human Rights Commission, the Public Interest Advocacy Centre, the Law Council of Australia and the Law Society of New South Wales, made submissions to it.

Due to the extraordinary nature of the powers contained in the Act the Government keeps it under constant review: it is a considerable achievement that the prior statutory reviews have had similar conclusions. The first review was tabled on 22 November 2006; the second was tabled on 13 November 2007. Both reviews concluded that the policy and objectives of the Act remained valid, and suggested some clarifying amendments. Consultation for the first review was undertaken in early 2005; the second review covered the intervening period until early 2007. The second review considered the authorisation of the special powers during the raids carried out in November 2005 in Sydney as part of Operation Pendennis, the operation of the covert warrant scheme and the provisions relating to preventative detention orders. The present review covered the period from early 2007 until 2009 and, in addition to reviewing the policy objectives and terms of the Act, examined the recommendations made by the Ombudsman in relation to the covert warrant scheme and preventative detention orders.

A good example of the clarification and extension of protections to be implemented by the bill arising out of the present review are new provisions to ensure that a person detained under a preventative detention order is informed of their general right to contact the Ombudsman and the Police Integrity Commission. Another is a new provision that will require police officers responsible for a detainee to assist, as far as is reasonably practical, vulnerable detainees—being those under 18 years or those with impaired intellectual functioning—to exercise all of their contact rights under the Act. Yet another is the removal of the current provision of the Act that requires destruction of records relating to covert searches conducted under the Act that are no longer relevant to an investigation. This provision was originally included in the Act as a safeguard of the privacy of those subject to a covert search. However, pursuant to the comments of the Ombudsman, it is now recognised that retention of these records will enable proper oversight of covert search operations.

While these amendments will ensure civil liberties are appropriately reserved, it is moreover notable that the powers in the Act have rarely been used. The powers under part 2 of the Act, which authorise police to exercise special search and seizure powers in a target area, were authorised for the first time in raids carried out in November 2005 in Sydney as part of Operation Pendennis. In the end no powers were exercised under the authorisation, as the police searches and arrests occurred under other more standard law enforcement powers. To date the powers relating to preventative detention have not been used but five applications have been granted for covert search warrants, and three of those applications were executed. This demonstrates that the Act is being used sparingly, as was the intention when it was introduced in 2002 by then Premier Bob Carr who said:

> The new powers are not intended for general use. In ordinary circumstances we rely on standard police investigations and the cooperation of Australian and international law enforcement and intelligence agencies. However, when an attack is imminent, all resources must be able to be mobilised with maximum efficiency. Similarly, when an attack has just occurred, there is an increased chance of catching the terrorists, and this chance must be seized.

As the current statutory review has found, despite the rare use of the Act the threat of terrorism remains real not only on a global scale but within New South Wales—as demonstrated by recent convictions and arrests. It is fortunate that law enforcement agencies have not had frequent cause to resort to these powers, but that does not diminish the need to have these powers available should the cause arise. With the implementation of the amendments to the Act in this bill, New South Wales will continue to possess a robust set of laws to protect the people of New South Wales from terrorist threats, while retaining appropriate safeguards and oversight mechanisms to ensure the due protection of civil liberties. I commend the bill to the House.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.25 a.m.], in reply: I thank the member for Epping, the member for Wyong and the member for Londonderry for their contributions to this debate. The Opposition supports the Terrorism (Police Powers) Amendment Bill, and the Government wholeheartedly agrees with the shadow Attorney General that there are strong arguments in favour of the bill. The member for Epping raised several matters. I refer to the Haneef case first. The bill contains key protections that will help to avoid a repeat of that case. Importantly, the detention in the Haneef case was made under Commonwealth anti-terrorism laws. The Commonwealth legislation provides no upper limit on the length of detention under a preventative detention order, but requires that applications to extend the order be regularly remade and approved.

New South Wales law has an upper limit of 14 days on the duration of preventative detention orders, and the amendments in the bill strengthen the safeguards for civil liberties. In particular, the changes will enable the Supreme Court to order that legal aid be provided to persons subject to detention orders, and will ensure that a person detained under a preventative detention order must be released as soon as is practicable after the grounds for their detention cease to exist. The new laws require those detained to be informed of their rights of access to the Ombudsman and the Police Integrity Commission, and are important in that process. The key difference between the State and Commonwealth counterterrorism legislation is that our legislation is about giving New South Wales Police the power to investigate suspected terrorist activity, whereas the Commonwealth legislation relates to the Australian Federal Police.

The deletion of covert search records was raised by the member for Epping. Item 20, which removes the current provision of the Act requiring the destruction of records relating to covert searches conducted under the Act that are no longer relevant to an investigation, was a recommendation made by the Ombudsman. The provision was originally included in the Act as a safeguard of the privacy of those subject to a covert search. However, it was noted in the Ombudsman's review that the destruction of these records limits the ability of any independent oversight agency to properly review the exercise of the powers. As such, the Government agrees with the Ombudsman's recommendation that the requirement to destroy the records should be removed in order to enable proper oversight of the covert search provisions.

The quality of our criminal justice system will be judged by how it copes with an emergency. In the anti-terrorism laws the Government is introducing, extending and updating it has struck the right balance between protecting our communities and protecting our principles. The New South Wales Government will not shirk its responsibility to maintain strong measures to deal with terrorist activity, but it will never overlook its duty to liberty and civil rights as it does so. The member for Epping made a detailed analysis of the bill, which I am sure members welcome.

It is important to point out that the third review of the Terrorism (Police Powers) Act 2002 covers the operation of the legislation in the period from early 2007 to 2009. The review was undertaken by the Department of Justice and the Attorney General in consultation with key stakeholders. The review also

examined the recommendations made by the New South Wales Ombudsman in his review of the Act, which was tabled in October 2008. The review concluded that the objectives of the Act remain valid and that a number of amendments to the Act's provisions would further clarify the intention of certain provisions by better safeguarding civil liberties. As I have indicated, this Government will not shirk its responsibility to maintain strong measures to deal with terrorist activity. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and 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.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Private Members' Statements

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [10.31 a.m.]: I move:

> That standing orders be suspended to permit the taking of up to 12 private members' statements following the conclusion of Government business and concluding prior to 1.30 p.m.

I have moved this motion to enable us to reorder business for today. This afternoon the member for Sydney will introduce the bill standing in her name, and we are reordering business to facilitate debate on that bill in a more efficient manner. I anticipate that debate on the bill may be lengthy, but I do not anticipate that the measure will be controversial.

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

Motion agreed to.

CRIMES AMENDMENT (TERRORISM) BILL 2010

Bill introduced on motion by Mr Barry Collier, on behalf of Ms Carmel Tebbutt.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.33 a.m.]: I move:

> That this bill be now agreed to in principle.

The Government is pleased to introduce the Crimes Amendment (Terrorism) Bill 2010. This bill extends the operation of the sunset clause for the offence of being a member of a terrorist organisation contained in section 310L of the Crimes Act 1900. The offence of being a member of a terrorist organisation was enacted in 2005 to ensure the constitutional validity of covert search warrants in New South Wales. The sunset clause was included as the introduction of the offence was intended to be a temporary measure only, pending the introduction by the Commonwealth of a national covert search warrant regime. However, the Commonwealth has not yet enacted a national regime, and we are now in the position where the sunset clause will expire in just a few days, on 13 September 2010, which would risk the validity of any covert search warrants issued to investigate terrorist organisations.

While the Commonwealth had a national regime under consideration, the review was not completed before the recent Federal election. Clearly, it is not now possible for a national scheme to be implemented before 13 September 2010. Extension of the provision is essential as New South Wales cannot run the risk of being without these powers to properly investigate terrorist organisations. The only amendment to the Crimes Act 1900 required to carry this into effect as contained in the bill is to omit "13 September 2010" as the date on

which the terrorism membership offence is repealed and provide instead that the offence will be repealed on "13 September 2013". This extension is timely as it coincides with the introduction of the Terrorism (Police Powers) Amendment Bill 2010, which the House has debated and passed this morning. As the House has heard, that bill gives effect to the recommendations made in a recent statutory review of the Terrorism (Police Powers) Act 2002, in which the covert search warrant powers are contained.

The statutory review took into consideration the recommendations made by the Ombudsman in his 2008 review of the Act and the covert search warrant powers. Without rehashing in detail the provisions of the statutory review, following consideration of the Ombudsman's review and submissions made, the review found that the policy and objectives of the Act, including those surrounding covert search warrants, remain valid and made 15 recommendations to improve the operation of its provisions, all of which are being implemented, mostly by inclusion in the bill. This review and the implementation of its recommendations provide particular comfort to members and the people of New South Wales that the extension of these powers is justified and that these powers do not unduly encroach upon civil liberties. Indeed, as the House heard this morning, while no terrorist attack has taken place in Australia in the years since September 11, the terrorist threat remains a very real one.

Nothing demonstrates this more than the recent arrests made in New South Wales as part of Operation Pendennis and the subsequent conviction of five men of conspiring to do an act in preparation for a terrorist attack. These events continue to remind us that, while unfortunate, these powers are needed to ensure the safety and security of our people. The New South Wales Government will write to the new Commonwealth Government, once appointed, to pursue the enactment of a national scheme. The extension of the sunset clause to 2013 will allow time for this to occur and for a national scheme to be enacted but will not enable the Commonwealth to defer its enactment past another election. I commend the bill to the House.

Debate adjourned on motion by Mr Geoff Provest and set down as an order of the day for a future day.

EVIDENCE AMENDMENT BILL 2010

Bill introduced on motion by Mr Barry Collier, on behalf of Ms Carmel Tebbutt.

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.38 a.m.]: I move:

That this bill be now agreed to in principle.

The amendments proposed by the Evidence Amendment Bill 2010 arise out of recommendations made in the 2005 Uniform Evidence Law report, a joint report of the Australian, New South Wales and Victorian law commissions—hereafter referred to as the commissions—following a review of the New South Wales and Commonwealth Evidence Act after 10 years of operation. The joint report represented the culmination of an 18-month inquiry and an extensive public consultation process. During the inquiry the commissions released two community consultation documents, held targeted consultations in every State and Territory, and received 130 written submissions from a wide range of individuals and organisations.

Many of the commissions' recommendations were incorporated in the Model Uniform Evidence Bill, which was endorsed by the Standing Committee of Attorneys-General in July 2007 and subsequently incorporated in the New South Wales Evidence Act 1995 by the Evidence Amendment Bill 2007. On 7 May 2010 the Standing Committee of Attorneys-General approved a number of further amendments to the Model Uniform Evidence Bill. Two of those amendments are now to be incorporated in the New South Wales Evidence Act 1995 by the present bill.

The first of the amendments relates to the mutual recognition amongst the uniform evidence law jurisdictions of certificates given by courts to provide witnesses with protection from self-incrimination. The uniform evidence law jurisdictions are: New South Wales, the Commonwealth, the Australian Capital Territory, Victoria and Tasmania. Currently sections 128 and 128A of the New South Wales Evidence Act 1995 provide that where a person objects on reasonable grounds to giving evidence or disclosing certain information that may be self-incriminating and the witness nevertheless gives the evidence or discloses the information, either willingly or because required by the court, the court must give the witness a certificate. Where a certificate has been given the evidence given or information disclosed cannot be used against the person in a proceeding before

a New South Wales court or by any person or body authorised to hear and examine evidence. However, a certificate given in a New South Wales court under section 128 or 128A does not protect a person from having the relevant self-incriminating evidence or information used against them in proceedings in another State or Territory. Nor is a person who has been given a certificate in another State or Territory protected from having the relevant self-incriminating evidence or information used against them in a New South Wales court.

The Evidence Amendment Bill 2010 will assist in removing this gap in the protections provided by such certificates in the uniform evidence law jurisdictions. The Evidence Amendment Bill 2010 amends the New South Wales Evidence Act 1995 to require that New South Wales courts treat certificates given under prescribed State or Territory provisions in the same way as certificates given by a New South Wales court under sections 128 and 128A and provides for the "prescribed State or Territory provisions" to be declared by regulation, where appropriate. It is expected that the other uniform evidence law jurisdictions will adopt these amendments in their Evidence Acts and prescribe the New South Wales provisions in their regulations so as to extend mutual recognition of such certificates in these jurisdictions. The intention of the existing sections 128 and 128A of the Evidence Act 1995 is to facilitate obtaining evidence or information from persons who may otherwise be reluctant for fear of incriminating themselves. The extension of these protections to evidence given or information disclosed in other States and Territories will greatly reinforce the value of the protection afforded by these sections.

The second amendment contained in the bill relates to the circumstances in which a person is taken not to be available to give evidence about a fact. The question of a witness's availability to give evidence is important because it is relevant to the application of what is known as the hearsay rule. If a witness is available then hearsay evidence will not be admissible and the witness will need to attend court to give evidence. If a witness is unavailable then hearsay evidence may be admissible in limited circumstances. Currently, as set out in clause 4 of part 2 of the Dictionary to the Evidence Act:

> (1) a person is taken not to be available to give evidence about a fact if:
>
> (a) the person is dead, or
>
> (b) the person is … not competent to give the evidence about the fact, or
>
> (c) it would be unlawful for the person to give evidence about the fact, or
>
> (d) a provision of this Act prohibits the evidence being given, or
>
> (e) all reasonable steps have been taken, by the party seeking to prove the person is not available, to find the person or to secure his or her attendance, but without success, or
>
> (f) all reasonable steps have been taken, by the party seeking to prove the person is not available, to compel the person to give the evidence, but without success.
>
> (2) In all other cases the person is taken to be available to give evidence about the fact.

The bill inserts a further subsection such that a person will be taken to be unavailable if the person is mentally or physically unable to give the evidence and it is not reasonably practicable to overcome that inability. The new subsection is intended to apply to situations where a person is not available to give evidence by reason of his or her bodily, mental or psychological condition. In contrast to section 13 of the Evidence Act 1995, which deals with the competence of a witness to give evidence for reasons which may include "mental, intellectual or physical disability", the new subsection is intended to apply where a person is unable to give the evidence, not because the evidence is likely to be unreliable but because giving the evidence would cause harm to the person—for example, where the person is unable due to major trauma or fear to give the evidence and/or where giving the evidence would have a significant adverse effect on the person's physical or mental health.

However, it is not intended that the amendment should lower the standard of unavailability generally. For instance, it is not intended that any person should be considered unavailable to give evidence simply because he or she produces a medical certificate which asserts the existence of a mental or physical inability to give the evidence. A real mental or physical inability to testify must be shown. In addition, it must be shown that it is not reasonably practicable to overcome that inability. It also is not intended that the subsection apply to persons who are willing and otherwise competent and available to give the evidence.

The amendment proposed by the bill is consistent with recommendation 8-2 of the Australian, New South Wales and Victorian Law Reform Commissions in their 2005 collaborative report on the Uniform

Evidence Acts. The Department of Justice and Attorney General consulted with key stakeholders on the draft provision, which is supported by the Director of Public Prosecutions, the Law Society of New South Wales, the New South Wales Bar Association and the New South Wales Police.

The New South Wales Government has played a key role in the reform of evidence law in this country and the move toward uniform rules in Australia's three largest jurisdictions. The Evidence Amendment Bill 2010 is yet another example of this Government's determination to stay at the front of the pack when it comes to improving court processes and procedures for the benefit of the community. I commend the bill to the House.

Debate adjourned on motion by Mr Geoff Provest and set down as an order of the day for a future day.

PLANTATIONS AND REAFFORESTATION AMENDMENT BILL 2010

Bill introduced on motion by Mr Paul McLeay.

Agreement in Principle

Mr PAUL McLEAY (Heathcote—Minister for Mineral and Forest Resources, Minister for Ports and Waterways, and Minister for the Illawarra) [10.49 a.m.]: I move:

That this bill be now agreed to in principle.

The Plantations and Reafforestation Amendment Bill 2010 makes a number of necessary amendments to the Plantations and Reafforestation Act 1999. These amendments will clarify the operation of the Act. In particular, they will improve the process for authorising plantations. The amendments also will improve the enforcement and compliance provisions of the Act.

The Plantations and Reafforestation Act 1999 and the Plantations and Reafforestation (Code) Regulation 2001 provide the regulatory framework for plantation operations in New South Wales. The Act establishes a streamlined and integrated authorisation process for plantation operations. The code contains the detailed requirements for the establishment, management and harvesting of plantations. Importantly, it provides for the conservation and management of native vegetation, and the protection of Aboriginal places and objects. It also codifies environmental standards. As the name suggests, plantations are areas of land which have been planted with trees or shrubs for timber production. Plantation trees can be natives, such as eucalypts, or exotic species, such as radiata pine. There are more than two million hectares of plantations across Australia. New South Wales represents 19 per cent of this total, with a plantation estate of more than 450,000 hectares.

Forestry is worth approximately $2 billion to the New South Wales economy, and plantations are a sizeable component of the forestry sector. The plantation timber industry is therefore a significant industry for this State, and an important source of employment in regional New South Wales. Since the Act and code came into force in 2001 more than 181,500 hectares of plantation have been authorised under the Act. Most of those plantations are in the Northern Rivers, Murray and Murrumbidgee regions. This includes more than 70,500 hectares of softwood, more than 93,600 hectares of hardwood and more than 7,400 hectares of cabinet timber. Plantations authorised under the forerunner to the Act, the Timber Plantations Harvest Guarantee Act 1995, are also regulated under the Plantations Act. The environmental record of the industry is a sound one. More than 35,000 hectares of retained native vegetation can be found within authorised plantation operations in New South Wales. In addition, more than 9,380 hectares have been authorised as "environmental plantings", for carbon sequestration and other purposes.

Before I go into the details of the bill I will give the House some of the background to how the amendments were developed. The amendments arise out of a statutory review of the Act and the code which commenced in 2005. The review recommended various changes to the Act and the code to improve the operation of the legislation. A comprehensive and lengthy consultation process with industry, councils and the community then followed. A number of interagency working groups were established to develop the proposed changes to the Act and code. This was important because the Act establishes an integrated regulatory framework which covers environmental, planning, heritage, soil conservation and bush fire matters. An Industry Reference Group comprising major plantation companies and industry groups was also established to provide input on the proposed changes to the Act and the code.

An exposure draft of the Plantations and Reafforestation Amendment Bill and the Plantations and Reafforestation (Code) Amendment Regulation were then released for public consultation. Submissions were

received from a range of stakeholders including industry, local councils, non-government organisations and the community. The bill and the proposed amendments to the code were then revised to take into account issues raised during the public consultation period. The bill before the House is a result of this lengthy and comprehensive consultation process. It represents a sensible outcome; a reasonable balance between the needs of industry, communities and the environment.

I turn now to the amendments in the bill. At present the Act is unclear about when a change in the ownership or management of a plantation affects the authorisation of that plantation. This is a problem from an administration and enforcement and compliance point of view. The bill makes it clear when a change in the ownership or management of a plantation will affect an authorisation. An authorisation will be affected only when both the ownership and the management of part of the plantation changes. In those circumstances a new authorisation will be required for each part of the land on which plantation operations will continue. This is to make sure the terms and conditions which are imposed under an authorisation remain appropriate for that part of the land and that compliance with those conditions relates only to that part of the land. The Government will examine options to ensure that the process for obtaining new authorisations in those circumstances is not onerous. For example, consideration will be given to charging a flat fee for these authorisations.

The bill makes a number of amendments to the plantation authorisation process. The bill clarifies what matters local councils and neighbours can address in submissions on non-complying plantation proposals. Sensibly, the submissions will be restricted to the non-complying aspects of the proposal. In addition, the bill extends the existing power in the Act to impose conditions on non-complying plantations to management and harvesting operations. Currently conditions can only be imposed in relation to establishment operations. The bill also amends object (c) of the Act to insert a reference to "best practice" environmental standards. This will ensure the Act more accurately reflects the original intent of the Act, which was to maintain high environmental standards.

The bill makes some important changes to ensure the enforcement and compliance framework in the Act is effective. Currently the powers of compliance officers to enter premises, and to issue stop work orders and remedial directions apply only to authorised plantations. They do not apply to plantations that are in breach of the requirement to be authorised. The bill extends these powers to those plantations as well. The bill makes an important change to the Act to ensure compliance officers can effectively monitor suspected cases of environmental damage. In circumstances where a compliance officer considers there is a risk of significant harm to the environment an attempt to contact a plantation owner or manager constitutes reasonable notice.

Compliance officers can currently request information or documents from a plantation owner or manager only when they are actually physically on the plantation. The amendments will allow compliance officers to issue a written request before or after a site inspection. Compliance officers are referred to as "authorised officers" under the Act. The bill will make it an offence for a person to obstruct an authorised officer in the exercise of his or her functions, unless they have a reasonable excuse. The bill also introduces a protection for authorised officers from personal liability in relation to actions done in good faith while exercising their functions under the Act. Finally, the limitation period for bringing proceedings for an offence under the Act will be brought into line with other land management legislation. The bill will enable proceedings for an offence to be brought within two years of the alleged offence or within two years of the date when evidence of the alleged offence first came to the attention of an authorised officer.

I will briefly mention something that will not go forward in this bill. The exposure draft of the bill included a proposal for an alternative transport contribution system. The system required plantation owners to reimburse local councils for damage to roads caused by plantation harvesting trucks. Industry, councils and members of the community all raised strong objections to the proposed system during the public consultation period. Industry objected to the proposal on the basis that other agricultural industries are not subject to similar changes. They also objected to the fact that the proposal will duplicate charges to be imposed on heavy vehicles under the Commonwealth's Road Reform Plan. Furthermore, industry believed that the contribution requirements would make the New South Wales plantation industry uncompetitive with the industry in other States.

Council and community objections focused on the complexity of the proposed scheme. In addition, several councils raised concerns about whether the contributions justified the extra work involved in issuing and collecting them. A new model for heavy vehicle charging is being developed under the Council of Australian Governments Road Reform Plan. Under that model, funds raised through heavy vehicle levies are expected to

flow directly to State and local governments. The new model is expected to be implemented from 2012. Taking all those factors into account, the Government has decided not to proceed with the alternative transport contribution scheme.

It is important for the House to be aware that the Government also proposes to make significant amendments to the Plantations Regulation and Code arising from the review process I outlined above. The code will include a new suite of fire standards, which will provide a safer operating environment for fire fighters and plantation workers. These new requirements will be phased in for existing plantations. However, they will apply immediately to new plantations. The soil and water protections in the code will be updated to current best practice standards, and in some cases to clarify the original intent of the provisions. The provisions relating to harvesting operations are not comprehensive and in some cases do not represent best environmental practice. Some new provisions are proposed, and some of the existing provisions will be strengthened. The requirements for the management of retained native vegetation and habitat trees within plantations will also be strengthened.

It is also proposed to adopt the definition of regrowth vegetation in the Native Vegetation Act 2003 in place of the current definition in the code to achieve consistency between the two Acts. Application fees will also be introduced to cover the costs of assessing and issuing plantation authorisations. The amendments in this bill and the changes to the regulation and code have been developed in tandem. For that reason it is proposed to commence the amendments in the bill on proclamation. This will enable the amendments to the regulation to commence at the same time. The Plantations Act and code play an important role in promoting and facilitating the development of timber plantations on essentially cleared land in New South Wales. These amendments will strengthen the regulatory framework for plantations and provide clarity for industry. I commend the bill to the House.

Debate adjourned on motion by Ms Katrina Hodgkinson and set down as an order of the day for a future day.

ACTING-SPEAKER (Ms Diane Beamer): Order! Government business having concluded, and in accordance with the earlier resolution of the House, the House will now proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

COOTAMUNDRA ONCOLOGY

Ms KATRINA HODGKINSON (Burrinjuck) [11.00 a.m.]: Today I speak about the need for an oncology unit at Cootamundra. A lady who lives in Harden is being treated for cancer. To get treatment she has a round trip of more than 260 kilometres three times a week to Wagga Wagga Base Hospital. Her closest oncology service is located in Young, which is only 36 kilometres away, but she is unable to access this service because of insufficient staffing or operating days. This one little story encapsulates the problem facing patients in some areas of the Burrinjuck electorate when they seek treatment for cancer.

I bring to the attention of the House the fantastic work done by Sharon Collingridge and the Cootamundra Oncology Committee, with whom I met last week in Cootamundra. The committee is seeking to establish a remote oncology unit at the Cootamundra Hospital. Cootamundra, famous for its wattle and also as the birthplace of Don Bradman, has a population of about 8,000 people and is centrally located between Young, Harden, Temora, Junee and Gundagai. Recently a Greater Southern Area Health Service bureaucrat informed the residents of Cootamundra that the establishment of a rural oncology unit in Cootamundra was not feasible due to the proximity of cancer treatment services in Young and Wagga Wagga. But negative statements by Greater Southern Area Health Service bureaucrats will not put off the residents of Cootamundra.

The experience on the ground is that there is a significant need for a remote oncology unit in Cootamundra. The committee has been very active with fundraising and it has obtained a lot of community support. To date the committee has raised more than $65,000—a fantastic achievement when this area has been in drought for more than eight years. The committee's aim is to fit out a remote oncology unit with three treatment chairs, to be staffed with two trained oncology nurses and to operate one day a week for a trial period of 12 months.

Remote oncology units do not provide a full suite of services but they take a lot of pressure off the oncology units in larger hospitals. They usually treat solid tumours such as bone and breast cancers that are

suitable for chemotherapy, and that is what this committee is seeking as a service for Cootamundra. Initial and final treatments have to take place under the supervision of an oncologist at a major medical centre, but the unit can provide treatment in uncomplicated cases. A remote oncology unit will provide significant benefits for the community of Cootamundra and also the surrounding towns that I mentioned earlier.

Patients undergoing oncology treatment suffer major stress and chemotherapy only makes the stress worse. Common side effects include increased likelihood of infection because of the suppression of the immune system, severe fatigue, a tendency to bleed easily, nausea and vomiting, and hair loss. To force patients to travel further than the absolute minimum required is disgraceful, but that is what is happening in the case of the proposed Cootamundra remote oncology unit. Oncology treatment in the Greater Southern Area Health Service area is only available at Bega, Moruya, Cooma, Goulburn, Young, Wagga Wagga and Griffith, and there is quite a distance between each of those towns.

Recently I wrote to the Minister for Health strongly encouraging her to support the establishment of a remote oncology unit in Cootamundra. The Minister's reply was disappointing. She stated that Cootamundra's patients have access to the oncology unit in Young and Wagga Wagga and that such a unit was not ideal. The Minister also said there were not enough cancer patients in the Cootamundra area to justify the establishment of a unit. I point out that cancer is an increasing and growing problem in all the country towns in my electorate, particularly in Cootamundra. The Minister further went on to suggest that fundraising should be aimed at supporting patients' travel, particularly as many patients in Cootamundra are below—just below, I might add—the 100 kilometre distance set by the State Labor Government for Isolated Patients Travel and Accommodation Assistance Scheme assistance.

Ms Collingridge has informed me that she has asked Greater Southern Area Health Service on many occasions how many cancer patients there are in the Cootamundra shire. Apparently it is a State secret as the area health service refuses to divulge the number. I too sought this information by way of a question on notice and again the Minister refused to provide that information. I suspect that the number of cancer patients supports the establishment of a remote oncology unit but that the State Labor Government would rather force cancer patients to travel long distances to save money, at the expense of patients' pain and suffering. In short, the State Labor Government refuses to subsidise travel costs for Cootamundra's cancer patients and then refuses to support a remote oncology unit, all the time refusing to provide the data on which it has made this decision.

The closest oncology unit to Cootamundra is in Young which, despite the statement of the Minister for Health, clearly does not meet the needs of the Cootamundra community. The 2006-11 Young Health Service Plan states that the Young Oncology Unit operates three chairs on three days a week with a visiting medical oncologist from Canberra about once a month. The health service plan identifies that waiting lists for patients can be up to six weeks long and identifies the need for more oncology services in the area—a need supported by the Cootamundra Oncology Committee. To say that we need an oncology unit at Cootamundra is an understatement. I have so much more to say about this matter but time prevents me from doing so today. I call on the Minister for Health to put the needs of Cootamundra's cancer patients ahead of the budget bottom line and to support the establishment of a remote oncology unit as soon as possible.

ROSALIE HOUSE, LEICHHARDT

Ms VERITY FIRTH (Balmain—Minister for Education and Training) [11.05 a.m.]: I inform the House about a great new facility that I had the privilege of helping to open in my electorate last week. Rosalie House is a medium-term temporary housing option for women aged 45 years and older who are escaping domestic violence and who have no dependent children. The house will offer six women accommodation for up to two years to enable them to organise and move into independent housing. Rosalie House will be run by St Vincent de Paul Society's Sydney Archdiocese region. This is an incredibly important facility as older women often find that they are the last on the priority list when it comes to emergency accommodation for domestic violence victims. That is one of the reasons why many older women experiencing violence do not take the step to leave the perpetrator.

Older women have unique needs in temporary housing, particularly the need to be around other older women, especially in a time of crisis such as escaping domestic violence. During such times older women need to feel the safety and stability that other older women can provide. Purpose-built housing options such as Rosalie House now mean that older women can access targeted support and appropriate housing. The establishment of Rosalie House was aided by the New South Wales Government's Community Building Partnership Program that was run in 2009. Members will be aware that all electorates had either $300,000 or $400,000 to spend.

In Balmain—as in a number of other electorates—I was pleased to run a digital democracy project in order to allow the residents of my electorate to decide which projects to fund. The premise was that if you lived in the area you were entitled to vote. It included people under 18 because the community is just as much theirs. The groups with the highest votes would get the grants, up to the amount we had to give. We would keep awarding projects down the voting list as long as money remained. Every resident was allocated five votes. Only two of those could be used on any one project. That meant residents had three votes that they could allocate based on merit. Every group that had applied had information about the group and its project on the site. Once residents read the information they could vote for the projects they deemed most worthy, allocating their five votes.

By the close of applications 26 local groups had nominated for amounts ranging from $2,000 to $200,000. They included sports clubs, scouts organisations, childcare centres, charities, community action groups, and parents and citizens associations. By the close of voting close to 2,000 people had voted. Nine groups were successful in receiving funding. However, it was the final outcome that was the most interesting. I expected a group with a large membership base—such as a sports team or a parents and citizens association—to come first in the voting, but that was not the case. Most people who belonged to a group with a large membership base would go to the website but they were able to allocate only two of their votes to their own team or their own project. So they decided, using their other three votes, to vote on merit.

The winning group was the St Vincent de Paul Society, which proposed refurbishing a building to use as a shelter for older women—the Rosalie House project. The society did not heavily promote its project, nor conduct a campaign with its members. However, objectively, it presented one of the most deserving projects. The outcome showed that while many people would have been prompted to go to the site and vote for their sports team, because they had to allocate their votes they took the time to read all the project proposals and to consider which were worthy and which would benefit the community. They chose the projects most deserving. Many of the most popular projects were proposed by charities that helped those less fortunate, including the St Vincent de Paul Society and the Blind Radio Reading Service in Glebe. The inner west is a community that opens its heart and that was demonstrated in the voting results.

I was delighted to join the Federal Minister for Housing, the Hon. Tanya Plibersek, in opening Rosalie House last week. Not only was it the fruition of much work, but it was also a great outcome for the Community Building Partnership Program. It was also a demonstration of the open-hearted nature of the Balmain community. It voted to fund this project with its community money. It chose to put the money into a project that would benefit people who needed it most. I was delighted to be at the opening. I hope that one day we will have no need for facilities such as Rosalie House.

2/23RD AUSTRALIAN INFANTRY BATTALION

Mr GREG APLIN (Albury) [11.10 a.m.]: On Saturday 21 August 2010, soldiers of the 2/23rd Australian Infantry Battalion—known as "Albury's Own"—held its final parade in Albury to mark the seventieth anniversary of the formation of the unit on the old Albury showgrounds in Young Street in 1940. The battalion was granted freedom of the city of Albury for one final time. That allowed them to march through the city with colours flying, drums beating and bayonets fixed. The ceremony ended with a prayer and a bugle carried onto the shores of Gallipoli in 1915 sounded the *Last Post* to remember those comrades lost in battle and those who have passed away since. Fourteen veterans took part in this symbolic seventieth anniversary parade of the battalion, known as "Mud and Blood" because of their colour patch. It was a far cry from the 600 men who strode down the street on Anzac Day in 1947. Veterans have been holding reunions in Albury since 1947, but this will probably be the last. Most are in their 90s or late 80s and some are now too frail to attend. Only about 80 of the 3,187 men who served in the battalion are still alive.

While Albury men enlisted in the Royal Australian Navy, the Royal Australian Air Force and the Australian Army, the 2/23rd Australian Infantry Battalion was special because it was formed in Albury and was officially adopted by its citizens. The 26th Australian Infantry Brigade was formed in July 1940 and comprised the 2/23rd Australian Infantry Battalion, 2/24th Australian Infantry Battalion and 2/48th Australian Infantry Battalion. The brigade was to become part of the 9th Division of the Australian Army. One month later, in August 1940, the newly appointed commanding officer of the 2/23rd Australian Infantry Battalion, Lieutenant-Colonel Bernard Evans, arrived in Albury to take command. The 4th Infantry Training Battalion of more than 700 men was already billeted at the Albury showgrounds. That unit was designated to supply the main source of manpower for the 2/23rd battalion—a great foundation that allowed the new battalion of more than 1,000 men to be built rapidly.

Initially the brigade belonged to the 7th Division, but in early 1941 moved to the 9th Division. The battalion did its initial training at Bonegilla in Victoria before sailing for the Middle East in November of that year. Units from the 2/23rd brigade helped to defend Tobruk; they fought in Syria at El Alamein, then returned to the South Pacific to face the Japanese in Papua New Guinea and later at Tarakan in Borneo. Altogether they lost more than 300 of their comrades on those battlefields. The 2/23rd brigade was disbanded at Puckapunyal on 17 February 1946.

On the northern boundary of the Albury showgrounds, which is now part of The Scots School Albury, the 2/23rd battalion and the then Albury Grammar School became neighbours and mates. It quickly became a friendship of mutual cooperation. The School Cadet Corps loaned rifles to mount the battalion's first guard, and bayonet practice was held on the school's Wilson Oval, much to the delight of the boys. Four Albury Grammar boys went on to serve with the 2/23rd Australian Infantry Battalion after school. The bond forged between the school and the battalion continues today as The Scots School Albury has taken custody of the banner and has accepted responsibility for keeping alive the memory of the battalion. Scots' student Andrew Sykes, the 2010 2/23rd battalion ambassador, pledged to maintain recognition of the soldiers' achievements.

Mr Vic Fauvel, who is 90, was the only original veteran present who had been a soldier at the old Albury showgrounds in Young Street. The 14 veterans returned to The Scots School grounds, to the site of the makeshift camp of tents and huts that had been erected for the hundreds of new recruits in 1940. Here they were welcomed by the school principal, Mrs Heather Norton. Mr Fauvel remembered the battalion marching to Bonegilla, many feeling the effects of the injections they had received the day before to prepare them for their overseas travel. The Bandiana Army Museum houses the largest display of memorabilia about the infantry men's achievements in World War II.

Although this was the last reunion for the 2/23rd battalion in Albury, they will not be forgotten in the city. St Matthews Church, where several hundred worshippers attended the seventieth anniversary commemoration service on Sunday 22 August, has a 2/23rd battalion window depicting the battalion colours which were originally housed in the church but which were destroyed in a fire in 1992. The Scots School has placed a commemorative plaque on the Young Street gates to remind people that the battalion was formed on the site in 1940 and there is a permanent display of memorabilia in the main school foyer.

The Albury Commercial Club hosted a dinner for the veterans and their families and friends on the Saturday night, and Chief Executive Bruce Duck promised that the Honour Roll and the battalion drums, which survived bombs and bullets in battle, would always have pride of place in the club lounge near the memorial plaque to the 2/23rd battalion. Albury Mayor, Councillor Alice Glachan, assured the battalion association that the band drum major's mace, which has graced the council chamber since 1947, would continue to be a constant reminder of the battalion's links to Albury. While the reunion was the last in Albury, some of the veterans intend to continue to march together on Anzac Day in Melbourne for as long as they can. Albury will remember them.

JAMES MEEHAN HIGH SCHOOL

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [11.15 a.m.]: On 20 July 2010 I attended the official opening of the refurbished kitchen facilities of James Meehan High School. This project was funded by the New South Wales Government. I am pleased to bring to the attention of the House the achievements of this wonderful school. James Meehan provides quality education for every child who attends. Gail Taylor, the principal, has worked in the school for 18 years and is a model of true leadership for our young people. She has created fantastic futures for many of our children and continues to do so. For example, Leesa Gabriel, a trained chef who has retrained as a food technology teacher, was a pupil at Curran and James Meehan high schools and provides greater health benefits to the people of Macquarie Fields through her modelling and teaching of a healthy lifestyle than any number of intensive care units.

The total cost of the kitchen refit was $670,000 and it included a light commercial kitchen, a preparation pantry and a seminar room. The project provides teachers and students with the most up-to-date facilities to support learning in the hospitality industry and to promote a healthy lifestyle for many years. The new facilities will also allow students to continue their studies in the food technology subjects to industry standards. Having sampled the food prepared on the day, I can confirm that it was wonderful.

James Meehan High School students will benefit from the New South Wales Government's decision to raise the school leaving age to 17. This school has very close relationships with Macquarie Fields TAFE, which is just down the road. I draw to the attention of the House the most wonderful school captains whom I have met

in the past 12 months: Dalal Hayek, Dean McIlhagga, Sakiusa Marawa and Nikolina Radmanovic. They are four of the most impressive young people anybody could ever meet. Each of them will be a future community leader in their own right. I am so looking forward to our shared future with such wonderful young people as our leaders.

James Meehan High School has 48 staff and 405 pupils, of whom one in three comes from non-English speaking background, the largest group being from the Pacific Islands. The school also has a 10 per cent Aboriginal and Torres Strait Islander population. The number of enrolments has been declining over the past 10 years because of the change in demographics in Macquarie Fields. That decline provides opportunities for refurbishments such as this. The National Assessment Program—Literacy and Numeracy results for James Meehan High School for value added are incredibly impressive, and among the best in the State. The school is also a recipient in the 2012 Federal Government National Partnership Program and will receive approximately $400,000 per year until 2015 thanks to the Gillard Government.

There are also some very impressive special programs such as the NORTA NORTA Program, where community teachers provide in-class support for students in years 8 and 10. This wonderful program has improved attendance and skills for Aboriginal students, many of whom I know. There is also MindMatters, which will improve the health and wellbeing of staff and students. James Meehan High School is the first high school in New South Wales to implement "choose respect" from Western Australia. This initiative encourages and motivates the school community to foster a culture of respect, one that would be well placed here in this place. This culture of respect is certainly evident when I enter the school.

There is also a positive key culture program, a mentoring program, and an after-school homework centre on Monday and Thursday afternoons. This homework centre provides support to improve the learning outcome for students from years 9 to 12 across the key learning areas. There are also programs for special education and emotionally disturbed students. Twenty-five students in year 9 have been provided with mentors from Minter Ellison. Each fortnight for 20 weeks they meet with their mentors in the city offices of Minter Ellison and this session is focussed on topics such as study skills, goal setting, public speaking and self-esteem. This very valuable program has been a great initiative of Minter Ellison and I commend them for doing so. They have also helped in the purchase of the school bus. The Macquarie Fields Australian Football League team has provided support with an Australian Football League sporting program. The parents and citizens association was re-established in 2009 after a 15-year gap. James Meehan High School is travelling extremely well. It is a wonderful school and I commend it to the House.

MONA VALE HOSPITAL MATERNITY SERVICES

Mr ROB STOKES (Pittwater) [11.20 a.m.]: With great disappointment, frustration and anger once again I update the House on the continuing saga surrounding the reopening of Mona Vale Hospital's maternity unit. In May last year the area health service announced its plans to temporarily relocate Mona Vale's maternity unit to Manly Hospital whist asbestos removal works were undertaken. Deputy Premier Carmel Tebbutt told Parliament at the time that the project would cost $500,000 and would take approximately four months, followed by restoration works—all of which were expected to be completed by June this year. Importantly, the Deputy Premier also confirmed that there were no plans to downsize maternity operations at Mona Vale once the renovations were completed.

However, 14 months later—having thoroughly bungled its plans to renovate and restore Mona Vale's maternity unit, having spent around $750,000 of taxpayers' money, having created massive inconvenience and uncertainty for expectant mothers, and having caused the resignation of a number of our most experienced local midwives—this Labor Government is now trying to sell our community a half-baked proposal to establish a midwifery group practice at Mona Vale, not in addition to our maternity unit but as a diluted substitute. Under this ridiculous proposal mothers and midwives will be alone and unsupported in the nightmare situation that a low-risk pregnancy becomes a high-risk delivery. It will be, as the local media have labelled it, a drive-through birthing service whereby a delivering mother will report to the hospital's maternity ward and, once her midwife has arrived and unlocked the birthing unit, will proceed upstairs to give birth and then go home.

If complications arise, the midwife will contact an ambulance to transfer the delivering mother to Manly Hospital at the other end of the peninsula where an obstetrician will be called to assist. A midwife group practice is a good idea—but not alone, not unsupported. Without appropriate obstetric backup this plan is negligent and downright dangerous. No group at Mona Vale Hospital supports this plan—not the obstetricians,

not the paediatricians, not the midwives, not the emergency specialists and not the community. Unbelievably, however, our community has been told that this half-baked plan will "improve patient safety and enhance patient outcomes".

We are waiting to hear the type of creative explanation this Government is going to come up with to explain how closing our maternity ward, prohibiting doctors from being involved in deliveries, ferrying delivering mothers in emergency situations between hospitals and reducing the number of maternity beds on the Northern Beaches by 40 per cent will improve patient safety and enhance patient outcomes. No, this is not some type of sick and twisted joke this Government is playing on our community; this is the type of incompetence and ridiculous decision making our community is being forced to fight against.

What this all means is that, at a cost of around $750,000, our community has now been left with a demoralised medical workforce, an empty maternity ward, a dramatic decline in the number of women choosing to give birth locally and a complete collapse in the number of private patients delivering in our local public hospitals. On top of all this, it has been revealed that the only asbestos removed has been from those parts of Mona Vale's maternity ward that are proposed to be permanently closed. You would be forgiven for thinking this was a script from *Yes Minister*, but it is not. This is a real situation, impacting on real families and overseen by a real Minister.

Not surprisingly, the uproar and disgust throughout our community has been unprecedented. Some of our most experienced midwives and obstetricians are now re-assessing their futures in the public health system, and the idea of any type of commitment from this Labor Government is now laughed upon by my community. We are not asking for much, we are not asking for any improvements; we are simply asking for the return of one of our most basic and essential health services. The money has been spent, the renovations have been completed and the local medical staff are eager to return, yet this Government continues to say no—no to the dedicated and invaluable midwives and obstetricians that do an outstanding job delivering our children, no to the expectant mothers who are desperate for some certainty regarding where they will be giving birth and no to the people of Pittwater who simply ask that our essential health services be maintained.

This Government says it is committed to giving local communities a say in how local health services are run—yet here the Government is blatantly ignoring the wishes of our community and telling our wives, partners, daughters, granddaughters and nieces that they cannot have a doctor present whilst giving birth in our local hospital. We do not want some type of half-baked, unsafe and insufficient plan put together on the back of a napkin to appease our community. We want the return of our maternity unit as we were promised. Whoever is to blame for this mess, the Minister needs to intervene and deliver on her Government's commitment of returning a fully functioning maternity unit to Mona Vale Hospital. Our community will not be silenced on this issue and we will continue to fight for what is one of our most essential health services.

FAIRFIELD RELAY FOR LIFE

Mr NINOS KHOSHABA (Smithfield) [11.25 a.m.]: On Saturday 31 July 2010 I had the honour of attending the third year's official launch for the annual Fairfield Relay for Life event in my electorate at Smithfield RSL. The official launch was a dinner, dance and auction evening for the purpose of raising funds for the Cancer Council New South Wales, with radio personalities Gareth McCray and Mardi Cole carrying out the master of ceremonies duties. The Fairfield Relay for Life is one of many hundreds of Relay for Life events held all over the world, in more than 23 countries. In most countries the annual fundraising season starts off with events and attractions such as dinners and shows, culminating in the main event of the Relay for Life, which will be held in the latter part of the year. The relay is an overnight community event where teams participate in a relay-style walk or run to raise funds for the Cancer Council. Funds raised are used to provide practical support and information for cancer patients and their families, health promotion to reduce the risks of getting cancer and for cancer research.

Fundraising events such as these are not possible without the hard work and dedication of all the committee members. In particular, I must make special mention of the deputy chairperson, Lee Falappi, and his wife, Allanah Falappi. For many months prior to the launch of the Fairfield Relay for Life, Lee and Allanah dedicate their time and energy to organising sponsorship, prizes, entertainment and fundraising activities. Immediately after the launch, planning begins for the next fundraising event leading up to the relay itself, which will be held this year on the 16 and 17 October at Horsley Park showground. The relay is the largest fundraiser event and is a huge task to organise logistically. This is an enormous sacrifice on the part of Lee and Allanah Falappi as they both hold jobs and have a young family to raise. Allanah is a cancer survivor and has lost relatives to this terrible disease.

The night of the launch was enjoyable, informative and very moving. The venue was filled to capacity with various members of our local community from all walks of life—people from all sides of politics, cancer sufferers, cancer survivors and their families. Entertainment was constant all night, from Latin and salsa dancing exhibitions, dinner music by Leah Cassar and Peter Mullens, and singers Fallan and Burn the Floor lead singer, Jessica Lingotti. I thank Michael Crossland for his support and extremely inspirational speech on his personal challenges in fighting this terrible disease.

There was no shortage of donated prizes and auction items for the taking. A couple of very special auction items were two original oil paintings by local artist and cancer survivor Mark Wherritt. Also Aboriginal elder Uncle Greg from the Gadigal clan painted two unique and original pieces, which fetched a handsome price. Food and drinks flowed aplenty thanks to the organisation of Margaret Harthill-Law, functions coordinator, and the wonderful service provided by the staff of Smithfield RSL, one of the relay's major sponsors. I also thank Kym Latter of the local award-winning business Gertie and Gilbert Cupcakes in Smithfield, and Cathy Negale and Bariloche Cake Shop in Liverpool for donating the creative deserts.

So many local people and businesses contributed to the official launch by giving of their time and donating prizes and gifts. I do not have enough time to name them all as they number, on a conservative estimate, 200 or more. However, I make special mention of the efforts of Club Marconi, Assyrian Sports and Cultural Club, Fairfield RSL, Fright Night Theatre Restaurant, K & A Catering, Jimmy's Hand Car Wash, Cartridge World and Tantra Hair. Promotion of this very special night would not have been possible without the assistance and support of the relay's major sponsors, Smithfield RSL, Cabra-Vale Diggers, the Commonwealth Bank, Amazon Outdoors, Fairfield City Council and the *Fairfield Advance* and *Fairfield City Champion* newspapers.

As patron of the Fairfield Relay for Life it was a privilege to be involved once again with the activities in the lead-up to the relay in October. I have been advised by committee members that this year's official launch dinner raised approximately $34,000 for the Cancer Council New South Wales and we hope to raise $150,000 by the end of this year. This is an outstanding amount considering that this is the first of other fundraising events to be organised in the lead-up to the relay. I believe this result has been achieved because of the outstanding, unselfish and tireless efforts of the committee members, volunteers and local community that I am so proud to represent.

SANDAKAN MEMORIAL SERVICES

TRIBUTE TO PRIVATE NATHAN BEWES

Mr THOMAS GEORGE (Lismore) [11.30 a.m.]: Today I acknowledge the recent memorial services I attended in my electorate honouring the victims of the Sandakan death marches. Both the city of Lismore and the town of Murwillumbah held services to remember those who died in what is regarded as the greatest atrocity committed against Australians during war. Towards the end of World War II the Japanese marched 2,434 Australian and British prisoners of war, including more than 50 servicemen from the Northern Rivers region, across the island of Borneo. The gruelling trek took its toll and those who did not die in the jungles were later killed. Only six Australians escaped and survived.

The Lismore service, held on 27 August 2010, was organised by the Rotary Club of Lismore and led by the club's Sandakan Committee of Dr Lionel Phelps, son of one of the servicemen, and Secretary Brian Wheatley. Her Excellency the Governor-General was present and unveiled a memorial, constructed by the Rotary Club of Lismore, which was dedicated to those from the Richmond Valley who lost their lives—some 47 names are on the roll of honour. The Murwillumbah service, held on 15 August 2010, commemorated the fall of servicemen from the Tweed district and was organised by the local Murwillumbah RSL sub-branch. Thanks must go to President Derek Simms, Secretary Kevin Cheetham, who conducted the dedication, and Professor Braithwaite, son of one of the survivors, who conducted the official opening.

A Sandakan memorial walkway was opened and dedicated as part of Remembrance Place in Murwillumbah. Students from Murwillumbah High School visited Sandakan and Ranau in North Borneo last November and collected soil samples from the two prisoner-of-war camps. The soil was placed in a time capsule, one at the start of the walkway and the other at the end of the walkway. It was an honour to attend both services. They were very important events—none of the families of the servicemen had ever attended a commemorative service to acknowledge the sacrifice of their loved ones. Well over 700 people attended the two services, which hopefully will bring closure for the families of those soldiers.

I was saddened to attend the funeral service of Private Nathan Bewes, who was tragically killed on duty in Afghanistan on Friday 9 July 2010. The 23-year-old soldier was raised in Murwillumbah and attended Mount Saint Patrick College. He took part in the community as a cadet and was highly regarded by the Murwillumbah community. Private Bewes was the son of Gary and Kay, sister of Stephanie and a loving partner of Alice Walsh. The service was attended by Prime Minister Julia Gillard, Opposition Leader Tony Abbott, Premier Kristina Keneally and numerous other Ministers, shadow Ministers and members of Parliament. Our community has lost a fine young man, a man who was doing what he loved and who gave the ultimate sacrifice for his country.

Nathan was well loved by his schoolmates and the community at large. On the day of his funeral the whole town stood as one; streets were closed off to enable the cortege to make its way down the street. It was very sobering to see the entire Murwillumbah business community close its doors as a mark of respect for this wonderful son of Murwillumbah. Nathan was also a sports-loving person. It was very touching to see his father stand up and say a few words about him. As Nathan and he were staunch St George supporters, Gary said that he hopes one day he will hear the tune *When the Saints Go Marching In*. We hope that might even be this year. The whole community joins with me in extending to Gary, Kaye, Stephanie and his loving partner, Alice, our sympathy and prayers on the loss of a wonderful son who paid the ultimate sacrifice for his country.

RHODES PENINSULA DEVELOPMENT PROPOSAL

Ms ANGELA D'AMORE (Drummoyne—Parliamentary Secretary) [11.35 a.m.]: I draw to the attention of the House the proposal to overdevelop the Rhodes peninsula in my electorate. The City of Canada Bay Council proposes to vary its master plan of the Rhodes peninsula to al1ow developers to build 25-storey residential skyscrapers. Developers have also lodged a part 3A application with the State Government. Under current planning laws, Canada Bay council may only approve residential buildings up to eight to 10 storeys, and up to 12 storeys using State environment planning policy No. 1 if the developer provides affordable housing.

The suburb of Rhodes and surrounding areas have accepted their fair share of additional housing; Canada Bay council's proposal is clearly a massive overdevelopment of the area. Let us be clear here: there is no precedent for 25-storey residential towers anywhere in the local suburbs of my electorate. If developers and council get their way, this will open the door for 25-storey residential towers to be built in any one of my suburbs. As the local member, in February and July I held two community meetings with residents to discuss the proposal. Those meetings were very well attended. Overwhelmingly, my community is against Canada Bay council's proposal to increase housing density to 25 storeys.

It is important to note that when the Rhodes peninsula master plan was introduced, the Department of Planning capped buildings at 12 storeys high, which was regarded as a reasonable height restriction for the site taking into consideration surrounding infrastructure such as roads, public transport, schools, employment opportunities and the provision of community services such as health and early childhood services. Clearly we object to the high-density proposal on a number of grounds. Rhodes peninsula is surrounded by Homebush Bay Drive and Concord Road, which already have heavy traffic flows. The peninsula has only two local roads providing exit points and the proposal will create further congestion on the roads. Concord West Public School has reached capacity and would be unable to sustain increased enrolments, even though it has had two upgrades in the past years to cater for increased class sizes.

Whilst Rhodes railway station received a $12 million upgrade and additional rail services, the additional high density housing would put major strains on the railway station. The bulk and scale of the high density is inappropriate and out of character for the area. It severely impinges on the open space and would have a detrimental impact on the lifestyle of my residents. Rhodes peninsula is adjacent to a business centre and major shopping centre: it has one of the largest IKEAs in the Southern Hemisphere. Due to limited residential underground parking, many residents are forced to park second family vehicles on the road. Council has thus far refused to implement a resident parking scheme, even though it has allowed resident parking schemes in four other areas in the electorate covering 42 local roads. This has resulted in residents being issued with parking infringement notices, and little on-street parking for family and friends visiting residents on the peninsula during the week.

Council states that if the draft master plan is approved it would implement a one-car policy and introduce a car-share scheme whereby residents would be charged an annual fee of several hundred dollars. Whilst this sounds good in theory, it does not take into account families who need baby seats and child seat restraints that must be permanently fixed in vehicles and modifications to vehicles for the disabled, not to

mention getting away for the weekend—an Aussie tradition. A population target has been set to be met by 2031—20 years. Council argues that it can dump up to 47 per cent of estimated residential population growth for the next 20 years on Rhodes peninsula, which represents approximately 2 per cent of Canada Bay council's land mass. This could mean an additional 12,000 residents dumped on a small peninsula. A draft local planning strategy prepared by council demonstrates that its 2031 dwelling and employment targets for the next 20 years can be met without relying on the proposed high housing density at Rhodes. What about community facilities and infrastructure?

The council is saying that this proposal will secure about $20 million to $30 million from developers for local infrastructure, which includes in-kind contributions, a $13 million community centre—a $6 million centre is proposed under the current master plan—additional open space, a bicycle parking station for 200 to 300 bicycles, upgrades to pathways and cycleways, and a toilet block. For this the developers will receive close to a $100 to $200 million windfall. Ultimately the planning Minister will need to give approval to the draft master plan. That is why I call on the Minister to stop this absurd overdevelopment. Council has publicly espoused the merits of this development. As was pointed out to me by a fellow resident, as late as 2006 the mayor and council were quoted in the *Sydney Morning Herald* as saying that the population in this area is too large already and that the development would have a major impact on local services. I ask: What has changed? We are not against development in the electorate, and we welcome all our new residents, but this is clearly not a reasonable development within the State seat of Drummoyne.

RYDE TELECOMMUNICATIONS TOWERS PROPOSALS

Mr VICTOR DOMINELLO (Ryde) [11.40 a.m.]: Today I bring to the Parliament's attention the concerns of Ryde residents regarding the proposed installation of telecommunications towers. Over the past month or so the local residents of the streets surrounding Quarry Road in Ryde and the Tennis World site on Epping Road in North Ryde have been fighting tough battles with Telstra and Optus respectively over their proposals to build mobile network facilities in close proximity to family homes and primary schools. The community consultation processes conducted by these telecommunications companies have left a lot to be desired in the minds of residents. Federal legislation allows Optus and Telstra to usurp the local council's planning laws where necessary to allow them to install new communications infrastructure.

On consecutive Sunday afternoons, on 1 August and 8 August 2010, I attended two community rallies organised by concerned residents, protesting against the installation of these mobile towers in residential areas. At the corner shops at 130 Quarry Road, more than 100 residents attended the rally in a show of solidarity against the Telstra tower proposal. I acknowledge the hard work and dedication of Liz Harrison, Marnie Starr and Kellie Hoggard on behalf of the residents affected by the proposed towers.

Telstra has responded to residents' concerns about the site location and the process undertaken by extending the consultation process by five weeks and holding a community "kiosk". I attended the community "kiosk" and viewed the information available. However, in response to my representations to the Chief Executive Officer of Telstra, I have been advised that a commercial lease had already been entered into with the owner of the site. In the circumstances, I find it difficult to believe this to be genuine consultation when it seems that the deal has already been signed, sealed and delivered in relation to the proposal.

The following Sunday at Blenheim Park, just near Tennis World and Truscott Street Public School, I attended another rally of more than 150 residents, this time protesting against Optus' proposal to erect mobile towers and an equipment shelter within 200 metres of the school. I acknowledge the hard work and dedication of Dragan Misic, Karen Kennedy, Julia O'Reilly and Truscott Principal Joanne Govorcin on behalf of the residents and students affected by the towers proposed at the Tennis World site. The proposed site is owned by the Department of Lands, which I understand has been in commercial negotiations with Optus over the use of the site. The site is within 200 metres of Truscott Public School, and that is a clear contravention of the Department of Education and Training's guidelines for such towers to be built at least 500 metres away from the boundary of schools.

This is a prudent policy given the uncertainty about the long-term effects of electromagnetic fields. This uncertainty about the impact on their children is not something that parents should have to be burdened with for the sake of expediency and cost savings for telecommunications companies. I have made multiple representations to Optus and the Minister for Lands and the Minister for Education and Training, calling on them to do all they can to ensure the proposal is stopped and a more appropriate site is found. Last Friday the residents of North Ryde presented me with a petition of more than 1,240 signatures, calling on Optus to relocate its facility to a more appropriate commercial or industrial site in the area.

Submissions to Optus closed yesterday, and I thank the Department of Education and Training for listening to the community in providing a formal submission opposing the towers. I understand the Department of Lands is currently considering its position regarding its lease negotiations with Optus. Today I call on all parties involved in these proposals—Telstra, Optus and the relevant department—to listen to the strong concerns of the people of Ryde. Their industry code calls on them to locate their antennas in built-up areas, away from homes, wherever possible. Given the close proximity of suitable industrial sites at Top Ryde, Macquarie Park and North Ryde, I urge both Telstra and Optus to respect the concerns of the Ryde residents and to relocate the towers to more appropriate locations.

DAFFODIL DAY

Mr NICK LALICH (Cabramatta) [11.45 a.m.]: I speak about a great event in which I participated on 27 August this year—an event that raises vital money for cancer research and advocates for a cure for cancer, a disease that affects many people within my electorate of Cabramatta and indeed within the greater community of New South Wales. Daffodil Day was first held by the Canadian Cancer Society in the early 1980s and by the New South Wales Cancer Council in 1986. It was established as an Australia-wide event in 1992. Daffodil Day has become the largest fundraising event of its kind in the Southern Hemisphere. The Cancer Council New South Wales raises around $8 million each Daffodil Day, providing vital funds for research, education and support services for people living with cancer.

I had the pleasure of volunteering for a few hours at the local Daffodil Day stall that is set up every year in the Bonnyrigg Shopping Plaza within my electorate of Cabramatta. This stall, in particular, is a credit to the dedicated team leader Shaun Raby who has organised the stall for many years and contributed not only his time but his passion and drive in advocating for cancer services in the local area. Shaun is also the Chairman of the New South Wales division of the Myeloma Foundation of Australia Inc. His work within this role is also a credit to his tireless work for those whose lives have been touched by cancer. I place on record my thanks to Shaun for all his work.

I also highlight the fellow volunteers who worked with me on the day at Bonnyrigg doing a fabulous job selling daffodils, Dougal bears, footballs and pins to the community—Shaun Raby, Dianne Weston and Denise Humphries. I spent most of the day at the stall. I am happy to say that the Bonnyrigg stall raised $3,160 towards the Cancer Council, $300 more than was raised the previous year. This is a credit to my fellow volunteers and local community, and it highlights their generosity—generosity that I am so proud to say exists within my local community.

Daffodil Day is a day for all of us to give hope for a brighter, cancer-free future for ourselves, and for those we love. I urge every member of the House to support the work of the Cancer Council New South Wales and its events. Cancer is truly a disease that, unfortunately, touches everyone's life in today's society. The Cancer Council New South Wales brings together Australia's leading State and Territory cancer organisations. Their vision is to minimise the threat of cancer for all Australians, through successful prevention, best treatment and support.

The Cancer Council undertakes a broad range of activities. It is the leading independent funder of cancer research in Australia, granting more than $49 million to cancer research, research scholarships and fellowships in 2008. The Cancer Council coordinates a network of cancer support groups, services and programs to help improve the quality of life of cancer patients, and people living with cancer, and their families and carers. The Cancer Council provides evidence-based, up-to-date information about all aspects of cancer to doctors and other health professionals, to help improve the prevention, detection and treatment of cancer, and to cancer patients and the general community.

More than 140,000 Australians contact the Cancer Council for information and advice each year, chiefly through the Cancer Council Helpline. The Cancer Council offers early detection and prevention programs aimed at helping people to quit smoking, protect themselves from the sun, eat healthier foods, and engage in physical activity to reduce the risk of cancer. The money raised from Daffodil Day makes a real difference and will give hope to people affected by cancer both now and in the future. I commend this event to the House and again congratulate everyone who was involved in Daffodil Day and support this great cause.

PATIENT MEDICAL RECORDS

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [11.50 a.m.]: Today I raise the disturbing issue of patient medical records that have become the property of a publicly listed company. More than

2,000 medical records of patients in Armidale are now owned by Primary Healthcare Limited. When the company purchased a local medical practice it came into possession of those records, which were the property of the doctor who sold the practice to the company. Following the sale, all of the records—paper and computer files—were trucked out of Armidale, and neither patients nor local doctors know where they have gone. Patients were given two weeks' notice before the sale went through that they could apply for their records to be sent to their new general practitioners. However, most people had no idea that unless they acted in haste these records would not be available locally. Those who did apply received their computer records but not their paper records, which contain valuable information regarding advice from specialists, prescriptions, et cetera.

A constituent brought this to my attention because he has been trying since March this year to access his medical records and those of his son. He was told he would have to pay a fee, which he did. The payment for the fee has been banked but there is no sign of the records. Despite many letters to Primary Healthcare Limited this man is still waiting six months later. My inquiries with local general practitioners have unearthed an intolerable situation. To give new patients effective treatment in the absence of records means that doctors have to spend endless hours trying to track specialist letters and chemists, and pathology, radiology and other results in order to rebuild those records. Bear in mind that this state of affairs affects more than 2,000 patients and their new doctors.

If this is the new face of corporate medicine it is unacceptable; a regulatory regime must be put in place to protect patients. As it now stands, the records belong to the medical practice and not the patients. When Primary Healthcare Limited purchased the practice in Armidale and gave the owner a job within the organisation, the company became the new owner of the records and there was nothing to stop it from trucking these records out of town. The company, apart from its laxity in providing the records even when patients paid to have them transferred, is unaccountable. No-one I spoke to has any idea as to where the records are stored or who has access to them. There appear to be no protocols in place to protect patient privacy or to ensure quick delivery of the records upon payment of the transfer fee.

The doctors in Armidale are cooperative and transfer records to other general practitioners at the request of patients. People coming from other areas often do have to pay a fee to cover the cost of transferring their records from the previous doctor to the new one. This is quite a different scenario. This is not a doctor-to-doctor or practice-to-practice transfer for which the system seems to work quite effectively. My understanding is that companies such as Primary Healthcare Limited are in the practice of putting doctors on the payroll and then making a profit from the business generated by their super clinics. The unfortunate consequence is that the company has no particular interest in the medical records it purchases. As far as I can ascertain, the company takes over the legal obligation of the practice owner to store the records for a stipulated period of time but it appears to be under no obligation to inform the patients where their records are being stored or to accord with the protocols to transfer them within a reasonable period of time.

Many of these people have complex medical conditions and complex pharmaceutical requirements. What doctor of a new patient can deliver the required care without access to the patient's medical history? This situation is ridiculous and fraught with danger for both patients and doctors. I call on the State and Federal health Ministers to immediately review the legal obligations regarding the sale of medical practices to large companies. If these are insufficient, legislation should be introduced to protect both patients and doctors to make these records available immediately on demand and a legal structure implemented for the storage of those records. This would require companies to inform patients where their records are stored and to protect the privacy of the patients under law. It might be time to transfer the ownership of records to patients rather than the medical practices but that would be subject to the outcome of the review. I urge the Minister for Health to hold discussions with her Federal counterpart to rectify this very serious situation.

OURIMBAH HOSPITAL AUXILIARY

Mr GRANT McBRIDE (The Entrance) [11.54 a.m.]: Today I inform the House about hospital auxiliaries throughout New South Wales, in particular the Ourimbah Hospital Auxiliary. Last financial year hospital auxiliaries throughout New South Wales raised over a staggering $9 million, which provided many needed additions to hospitals across the State. Ourimbah Hospital Auxiliary is the only hospital auxiliary that does not have a hospital in its area; all of its proceeds are donated to Gosford Hospital. In the past 12 years this small group of dedicated men and women has raised $82,726 through raffles, garage sales, bus trips, morning and afternoon teas. The money has been used to purchase a bladder scanner, a NIBP monitor, a renal treatment chair and vital sign monitors. This year a much-wanted humidifier for use in the kids corner of the emergency department at Gosford Hospital was purchased. Some of the dedicated team include Mrs Toni Brewster,

president of the auxiliary for 11 years; Diane Keenan, secretary; and Narelle Rogers, treasurer. Yvonne Smith is a third generation volunteer and exemplifies the commitment of generations of helpers and supporters of the auxiliary.

The Ourimbah Hospital Auxiliary recently conducted its sixty-fourth annual general meeting. I went back through the records of this wonderful volunteer organisation and found that its first meeting was held in the School of Arts Ourimbah Hall on 19 March 1946, and that 31 members were in attendance to start what has become a tradition in Ourimbah. Prior to that, at a meeting in February 1946, a group of local residents emphasised the importance of forming a hospital auxiliary because Gosford Hospital, with an income of only $4,600, had treated 27 patients a day in the previous six months at a cost of $5,000—leaving the hospital a deficit of $400. As the State auxiliaries were being organised into regions at the time it was suggested that it would be advantageous to form a local committee.

A meeting was called for the next month to help Gosford Hospital get out of debt and to provide much-needed services to the local community. It is a far day when we consider that local communities were financing the costs of local hospitals. On perusing the records I noted that all the women elected as office-bearers on the hospital auxiliary had only their surnames recorded. When I asked the president about this she told me it was the custom in those days that only married names be noted.

Mrs Dawn Fardell: A lot of things have changed.

Mr GRANT McBRIDE: I agree with the member for Dubbo: a lot of things have changed. The members of the first committee were Mrs Hanley, president; Mrs Bell, Mrs Ramm, Mrs Sohier—a longstanding family in the Ourimbah area—Mrs Dibben, Mrs Frewin and Mrs Williams, vice-presidents; secretary, Mrs Richmond; and Mrs Frazer, the treasurer. Most of these families are still doyens of the Ourimbah community and are still heavily involved in the local area. The first donation to the hospital was $25, which left $1.60 in the kitty. One of the first major events organised by the auxiliary was a fancy dress ball. Tickets were 50¢ for men and 30¢ for ladies, or you could purchase a double for 75¢. The hospital secretary and his wife were the judges and, according to the minutes of the next meeting, everyone had a great time. The money raised was added to the takings of the housie night that formed the basis of their first donation.

Some 64 years later the Ourimbah Hospital Auxiliary, after its humble beginning, is still proactively putting in lots of volunteer hours to raise money to keep modernising services and equipment at Gosford Hospital. How can we thank them enough? How can we honour their selfless dedication to helping others? We are blessed on the Central Coast that volunteers of this stature are willing to give their time and effort. I applaud their efforts and bring the Ourimbah Hospital Auxiliary to the attention of the House

TRUNDLE HOSPITAL AUXILIARY

Mrs DAWN FARDELL (Dubbo) [11.59 a.m.], by leave: I speak today about the Trundle branch of the United Hospital Auxiliaries of New South Wales. My private member's statement is similar to that given by the previous speaker, the member for The Entrance, but we are worlds apart when it comes to distance. As a local member I am exceedingly fortunate to represent communities where the spirit of volunteerism is alive and well. Many people in the electorate of Dubbo invest countless unpaid hours into the life and development of their towns and villages. There is no better example of this commitment to community than the extraordinary work undertaken over many years by the Trundle branch of the United Hospital Auxiliaries of New South Wales. In the past two years this hardworking branch has provided vital equipment to the Trundle Multi Purpose Service [MPS] through its fundraising efforts, including $895 for a pro-care mattress, $4,300 for a lifter and sling, $3,000 for an ultra-low electrical bed, $995 for a deluxe safety mobile shower chair, $2,250 for five mobile dining chairs and $5,000 for a washing machine in the nurses cottage. In addition, the auxiliary is currently raising funds to establish a small secure garden and pathway at the MPS. This will provide a pocket of serenity for Alzheimer's patients and their carers.

The success of the auxiliary has not been achieved through high-profile celebrity bashes or online fundraising drives. Instead, the Trundle branch has stuck with tried and true methods, such as, street stalls, auctions and community golf days. I do not need to elaborate on the enormous contribution the auxiliary's hard work has made to the local MPS and to the health, care and comfort of the local population. The list of items purchased speaks for itself. But what makes this contribution by the ladies of the Trundle auxiliary even more remarkable is that it has been achieved in times of catastrophic drought, when the financial pressure on small rural communities has been unrelenting. Furthermore, many of these tireless community workers are well into

their senior years. The age of the 15 unpaid members of the auxiliary ranges from the fifties to the nineties. That is a remarkable life lesson for young people who may be fooled into thinking that an ageing population represents a future burden that they must bear. The fact is, as this dynamic Trundle branch proves, that some people, no matter what their age, continue to fight the good fight as long as they are able.

I am indebted to the Trundle United Hospital Auxiliaries [UHA] secretary, Sally Hellyer, for keeping me informed about the wonderful work of the auxiliary members and, in particular, for bringing to light the exceptional service of three women. Until recently three inaugural members of the Trundle UHA were still highly active in the work of the auxiliary. This is extraordinary when one considers the organisation, under another name, began back in 1959. It is hard to fathom such a level of ongoing commitment in an era when everything seems to be quick, expedient and disposable. One of these three remarkable women, Mrs Norma Watt, was awarded a prestigious life membership last year. This is the highest honour the United Hospital Auxiliaries of New South Wales can bestow upon a member. It was well deserved. Mrs Watt has served as both president and secretary of the Trundle branch and retired only two years ago. The two other inaugural members, Mrs May Collier and Mrs Joan Simmons, now in her nineties, remain actively involved in the work of the Trundle branch. Their commitment to the local community has not been undertaken to garner the admiration of others, but they have done so nonetheless. We are all indebted to the work of volunteers such as these who put the welfare of others at the forefront.

The Trundle branch works extremely hard to provide hospital equipment for the local MPS. The task is not getting any easier given that many of the members are ageing. I have alerted the Greater Western Area Health Service to the auxiliary's sterling work and its concerns about the future funding of hospital equipment. The Greater Western Area Health Service Chief Executive Officer, Danny O'Connor, has informed me that the area health service is endeavouring to develop an asset replacement plan for medical equipment across the area. The ladies of the Trundle auxiliary deserve to know that their many years of hard work will not be for nought and that the equipment at the local MPS will be maintained and upgraded as needed. One of the important by-products of the auxiliary's work in Trundle is the strong bond that has formed between the community and local health professionals. There is an understanding that good healthcare, especially in small communities, is a partnership that requires all hands to the wheel. The auxiliary is enormously proud of its MPS and the dedication of the local doctor and health team. The feeling is reciprocated. Sadly, these qualities are often lost in large, highly bureaucratised health systems.

I am informed that the United Hospitals Auxiliaries of NSW raised more than $9 million through its members last year. Most of the member branches are located in the country. These country branches have continued to hold the line for their health services, despite drought and financial stress. When it might have been expected that nothing more could be done, they have continued to achieve the impossible. For that they deserve not only our deepest gratitude and respect but also a commitment from governments to maintain the health services for which they have laboured so long.

Private members' statements concluded.

[*The Acting-Speaker (Mr Thomas George) left the chair at 12.03 p.m. The House resumed at 2.15 p.m.*]

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I advise the House that in the absence of the Minister for Mineral and Forest Resources, Minister for Ports and Waterways, and Minister for the Illawarra, I will take questions on his behalf.

QUESTION TIME

[*Question time commenced at 2.20 p.m.*]

MIDDLE EAST ENVOY APPOINTMENT

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that, apparently on the advice of the Department of Premier and Cabinet, the Premier's predecessor Nathan Rees rejected Ian Macdonald's proposal that a personal envoy be appointed to the Middle East, will the Premier explain what new advice she received for approving the appointment of Karl Kazal?

The SPEAKER: Order! The member for Blacktown will remain silent. The Premier has the call.

Ms KRISTINA KENEALLY: I am advised that Minister Macdonald approached my office, through my deputy chief of staff, for permission to appoint Mr Kazal as an honorary trade consul and this was declined. Any correspondence from Minister Macdonald to Mr Kazal appointing him to such a position was not approved by me. Minister Macdonald has resigned from Parliament and I understand his dealings are currently the subject of Independent Commission Against Corruption proceedings. It would be inappropriate for me to comment further at this time.

MINISTER FOR MINERAL AND FOREST RESOURCES, MINISTER FOR PORTS AND WATERWAYS, AND MINISTER FOR THE ILLAWARRA RESIGNATION

Mr RICHARD AMERY: My question is addressed to the Premier. Will the Premier update the House on the present position of the Minister for Mineral and Forest Resources, Minister for Ports and Waterways, and Minister for the Illawarra?

Ms KRISTINA KENEALLY: I advise the House that the member for Heathcote has resigned his position as a Minister in my Cabinet. This morning the member advised me that he had used a computer supplied by the Parliament to visit gambling and adult sites. I made clear to the member that I expect Ministers to use the resources of office appropriately, and that this behaviour is not the standard I expect of a Minister. Some people may choose to undertake similar activities in their personal lives, but I cannot condone the use of parliamentary resources by a Minister in this way.

The member immediately apologised and accepted my request to resign. I am sorry that this situation has occurred. I will not condone it, and I will continue to make clear that I expect the highest integrity from Ministers. In the meantime, I will answer any questions involving Ports, Forestry and the Illawarra. I advise the House that the position will be filled shortly.

LIQUOR LICENCE APPROVAL

Mr ANDREW STONER: My question is directed to the Minister for Climate Change and the Environment. After police recommended that the venue at 100 George Street be denied a liquor licence, did the Minister make a submission suggesting that this decision be overturned?

Mr FRANK SARTOR: The Leader of The Nationals raises an issue concerning a period about three years ago, when I was Minister for Planning and also Minister responsible for the Sydney Harbour Foreshore Authority. I have no recollection of exercising any influence whatsoever in relation to the board or the operations of the Sydney Harbour Foreshore Authority to favour anybody.

Mr Andrew Stoner: Did you make a submission to the Office of Liquor, Gaming and Racing?

Mr FRANK SARTOR: I do not recall doing that at all. In fact, as a matter of course I was usually tougher on the licensees than was suggested in the recommendations of the board. I am absolutely certain that during my time as Minister responsible for those matters I gave no favourable treatment to anybody at any time.

BUSHFIRE HAZARD REDUCTION

Mr MATT BROWN: My question is addressed to the Minister for Climate Change and the Environment. How is the New South Wales Government reducing fire hazards in national parks?

Mr FRANK SARTOR: I thank the member for Kiama for his constructive question. Hazard reduction burning is recognised and practised by the New South Wales Government as one of the key tools used to protect lives, homes and property before and during the bushfire season. As Ben Cubby reports in the *Sydney Morning Herald* today, some of the biggest controlled burn-offs in our State's history are taking place around New South Wales this week. The National Parks and Wildlife Service has 7,200 hectares of hazard reduction burns scheduled over the next 10 days, almost 29,000 hectares scheduled over the next 30 days, and approximately 110,000 hectares scheduled for this financial year.

Obviously the opportunities to complete the burn offs are dependent on weather conditions, and the community can be assured that wind conditions are part of those considerations. In the Sydney metropolitan area

controlled burns have already taken place this week at Killara and Lindfield in the Lane Cove National Park and at Reef Beach in the Sydney Harbour National Park. I was pleased to read a favourable extract from the *Sydney Morning Herald's* report this morning.

Mr Paul Lynch: Was it a mistake?

Mr FRANK SARTOR: Wait for it! This was not a mistake! The extract reads:

> The National Parks and Wildlife Service has been accused of being reluctant to organise hazard reduction burns in order to protect biodiversity … but statewide data shows it has burnt more intensively than any other agency in the state, including the total burnt by private landholders.

The facts in the article are correct. Over the past five years the National Parks and Wildlife Service has conducted more than 50 per cent of the hazard reduction burning that has occurred across New South Wales. In the financial year recently ended, more than 260 prescribed burns treating more than 92,000 hectares of land reserved under the National Parks and Wildlife Act were completed.

It was the biggest hazard reduction season on record in our national parks—50 per cent higher than the last peak in 2003-04—and there is good reason for this activity in our national parks. More than 800 national parks and reserves across New South Wales cover 8.4 per cent of the State, comprising some 6.8 million hectares of land. They account for 23 per cent of the State's bushfire-prone land. Interestingly, only about 5 per cent of all the bushfires occur in our national parks even though they cover 23 per cent of bushfire-prone land.

The *Sydney Morning Herald* article highlights some spurious accusations that have been levelled against our firefighting agencies by the Opposition. Melinda Pavey stepped out yesterday to make some uninformed and confused comments. She accused the Government of not publishing the fact that 92,000 hectares had been burnt in hazard reduction in the last financial year. The problem for Melinda is that she does not read anything. On 6 July I issued a media release titled "Record Hazard Reduction Season in National Parks", noting that 92,000 hectares had been burnt. Melinda also said yesterday:

> It is an unfortunate result of the competitive nature of this place that anything the Opposition suggests is automatically attacked by the Government.

That statement is half true. Opposition suggestions or comments are often attacked for their ignorance, but not necessarily by the Government. For example, there has been a long established hazard reduction program in place at Montague Island, home to 6,000 local penguins. Each year it is estimated that approximately 380 penguins are strangled by kikuyu grass. The situation is controlled through a hazard reduction program. That decade-long program follows strict procedures designed through consultation with leading scientists and the RSPCA, and it has resulted in minimal loss of life. Despite every effort being taken to identify the location of the nests, unfortunately 13 penguins were lost during this year's operation in June. Almost immediately, the shadow Minister for Climate Change and Environmental Sustainability, Catherine Cusack, issued a media release condemning the National Parks and Wildlife Service. She said:

> It is incomprehensible that a taxpayer funded agency charged with the responsibility of protecting these penguins would charge ahead, knowingly and recklessly lighting fires which resulted in needless and cruel deaths.

These comments were subsequently contradicted and attacked, but not by the Government. I read a letter published on 2 July in the *Narooma News* titled "Support for the Penguin Program" as follows:

> I wish to congratulate the National Parks and Wildlife Service on the management and environmental work that has been achieved at Montague Island over the past 20 years.
>
> Protection of the penguin colony at Montague Island has been a priority for the NPWS staff over many years and it is due to their work that thousands of birds have been saved.
>
> The loss of a small number of birds relative to the enormous number that are saved due to prescribed burning must be taken into account by those who are critical of the staff and program.
>
> I have received correspondence to my office congratulating the staff at Montague [Island] on their work and criticising Sydney-based politicians for their reaction to this matter.

Guess who signed the letter? It was not me. It was Andrew Constance. Andrew Constance was congratulating the Government on the good work it is doing while the shadow Minister for Climate Change and Environmental Sustainability, Catherine Cusack, was bagging the Government and saying it has been reckless and cruel. Opposition members do not read things, nor do they speak to each other. The Opposition does not stand for

anything. We keep seeing Opposition rabble and confusion. The Government stands by the hazard reduction work planned and carried out by thousands of firefighters across New South Wales, both paid and volunteers, that continues to save lives, property and homes every year. The Government is very proud of that record.

M5 EAST MOTORWAY

Mr ANDREW STONER: I direct my question to the Premier. Will the Premier apologise to the 95,000 drivers who use the M5 East every day for her Government's incompetence that saw the Gillard Government renege on an agreement to build the long-awaited M5 East duplication because it knew she could not deliver her end of the deal?

Ms KRISTINA KENEALLY: During the Federal election campaign the Gillard Government committed to working with the New South Wales Government through Infrastructure Australia to examine the financing options for the M5. I note that the Federal Leader of the Opposition, Mr Tony Abbott, said nothing about the M5. In fact, he made no infrastructure commitments whatsoever for Sydney. In our Metropolitan Transport Plan, released in February, we identified those projects that we would bring forward should Federal funding become available. Those projects included the M5. The Government has been undertaking planning work and, given the work we have done, the Commonwealth Government has now identified it as a priority project. Through Infrastructure Australia the Commonwealth Government will work with us to examine the financing options. Again, I note the deafening silence from the Federal Opposition when it comes to this road or any other piece of infrastructure for Sydney.

INNER WEST BUSWAY PROJECT

Ms ANGELA D'AMORE: I address my question to the Minister for Roads. Will the Minister update the House on the construction of the Inner West Busway?

Mr DAVID BORGER: I thank the member for Drummoyne for her question, interest and support for this project. The Inner West Busway project is another example of the New South Wales Labor Government getting on with the job of delivering road, bus and public transport projects. It comes on the back of the M7 Orbital, the Lane Cove Tunnel, the Cross City Tunnel, the M5 East, the Eastern Distributor, the Northwest Busway, the T-way from Rouse Hill, the T-way from Liverpool, the widening of the M4 motorway, the widening of the F3, the Alfords Point Bridge and so on. The Inner West Busway is a great example of a public transport project but, as usual, the Leader of The Nationals went in search of sound bites on Thursday. He declared on radio 2SM and 2GB that this project is over budget and will do little to ease congestion problems.

For the benefit of the Leader of The Nationals, let me point out a few facts. I can confirm that the Inner West Busway project is still expected to be delivered in early 2011, on time and on budget. However, let me remind the House of the Opposition's plans for this bridge: namely, to put a clip-on lane onto the existing Iron Cove Bridge. Not only did the University of Newcastle confirm that the clip-on was not viable, but it would have also taken longer, been more expensive, delivered less lane width for public transport and delivered no significant benefits for pedestrians or cyclists in the inner west. People who live on Victoria Road would have seen their homes demolished as a result of the clip-on plan from the clip-on Opposition. That is what we would get if the Opposition were let near this project—over time, over budget and homes demolished with the clip-on plan.

This project has been improved and expanded to include additional bus connections and a dedicated pedestrian cycleway on the bridge linking into the Bay Run—in fact, completing the Bay Run. The Bay Run is a walkway, a pathway, and an open-space circuit that is highly valued by people in the inner west and the Government, and it is strengthened by the work the Government is doing there. Once completed, bus travel times along the busy Victoria Road corridor may be reduced by up to 18 minutes at the top of the peak from Gladesville to the city. That is great news for the 200,000 people who rely on bus travel along this corridor every week. This project has revolutionised bus travel because it involves the public transport information and priority system—that is, a computer system on each bus can send a signal to the traffic lights if a bus is running late to give it a virtual green light corridor through to the city.

The first section of the new bus lane—city bound between Terry Street and The Crescent—was opened in December last year. Bus travel time surveys show that this section of new bus lane delivers reliability and efficiency in Rozelle in all traffic conditions during the morning peak. This project will improve bus travel times and it will reduce vehicle emissions by encouraging more people to use public transport. One single bus can take

50 cars off the road. One single bus lane on the Iron Cove Bridge can carry the capacity of all lanes on both bridges. Cyclists and pedestrians have not been forgotten in this project. They will enjoy a leisurely stroll along the new 4.3 metre wide shared cyclist-pedestrian path on the new bridge, which forms part of the popular Bay run. There will also be connections from the Bay Run and Victoria Road to the new bridge, and an upgrade of pedestrian and cycling routes between Gladesville Bridge and the Anzac Bridge.

The new bridge over Iron Cove consists of 11 spans. Three spans over land have been precast and lifted by crane, while the remaining eight spans have been constructed in situ on the Rozelle side. It is an amazing project. I was recently on site speaking to members of the project team building this bridge. Fifty years ago Baulderstone helped deliver the original Iron Cove Bridge and, yet again, Baulderstone is helping to deliver this new public transport-focused bridge. I recently met with the project manager and saw the amazing technology that is used to construct the new bridge. Huge sections are constructed on one side, moved into a docking station and then launched from one side to the other. Using German-engineered Eberspacher hydraulic lifts, the team raises an entire bridge section and slides it over the river. The Roads and Traffic Authority anticipates that the launching will be completed early in the fourth quarter of 2010 and finishing work, such as placement of the final two land spans, deck, barrier and pavement construction, will follow. With the launch of the recent bridge landing, the temporary bridge support nose is now touching the first land-based pier on the Drummoyne side of Iron Cove. The span is almost complete. That is great news.

[*Interruption*]

I was driving with the family to the beach via the Cross City Tunnel when I saw a lonely figure walking across the Iron Cove Bridge protesting against this great piece of public transport infrastructure. Who was that lonely figure? It was the clip-on Leader of the Opposition, Barry O'Farrell.

The SPEAKER: Order! The House will come to order.

Mr DAVID BORGER: A movable concrete median barrier was installed on Victoria Road, Drummoyne, in August 2010 and it is programmed to be commissioned in early 2011. Marking a first for Australian roads, the movable concrete median barrier will ensure the safe operation of the bus lane in the morning peak. We will be able to get more out of the asset and achieve greater benefits from increased lane width and reduced congestion on that section of the road. The Roads and Traffic Authority has worked closely with the local community of the inner west throughout the planning and consultation process of the project to ensure that community concerns have been rightfully and appropriately addressed.

A plan to restore King George Park has been developed in close partnership with Leichhardt Municipal Council and the community, with the council endorsing the plan in July 2010. I have seen the temporary park, and the new park will be even more improved. The restoration of the northern portion of King George Park will be an asset to local families and children. The Inner West Busway will improve bus travel times, and reduce congestion and vehicle emissions by encouraging more people to use public transport. Better, newer, faster public transport will be available for people living along this corridor. As I have stated, and the Leader of The Nationals would do well to note, the project is on track and on budget. I look forward to opening this important project early next year. Andrew, look out for your invitation.

BROKEN HILL WATER SUPPLY

Mr JOHN WILLIAMS: My question is addressed to the Premier. Why did the Premier sell out the people of south-west New South Wales by signing a memorandum of understanding with Julia Gillard to give our water to South Australia so that Federal Labor could win votes in that area?

The SPEAKER: Order! Members on the Government benches will come to order. Government members will cease interjecting.

Ms KRISTINA KENEALLY: The member for Murray-Darling is correct in saying that New South Wales and the Commonwealth have agreed on—

Mr John Williams: It's a sell-out.

The SPEAKER: Order! The member for Murray-Darling has asked his question. He should have the courtesy to listen to the Premier's answer.

Ms KRISTINA KENEALLY: The New South Wales and the Commonwealth have agreed on a memorandum of understanding that provides the framework for further investigations into proposed infrastructure and operational changes at the Menindee Lakes and to complete a final feasibility study to drought proof Broken Hill. The memorandum of understanding commits the Commonwealth to funding of up to $300 million to secure urban water supplies across regional New South Wales, subject to the achievement of water saving at Menindee Lakes. The New South Wales Government will ensure that any changes at the Menindee Lakes will have no adverse impact on the water security of existing water entitlement holders at Menindee Lakes, the lower Darling River and along the Murray River. A joint steering committee will oversee the delivery of this final stage of the project in two key areas: one, further hydraulic modelling to identify a preferred option for Menindee Lakes; and, two, further work to assess the feasibility of aquifer use for securing Broken Hill's water supply. We will undertake further consultation with local water users and the Broken Hill community.

WOLLONGONG HIGH SCHOOL OF THE PERFORMING ARTS

Mr DAVID CAMPBELL: My question is to the Minister for Education and Training. Will the Minister update the House on work at Wollongong High School of the Performing Arts and the other performing arts high schools in New South Wales?

Ms VERITY FIRTH: I thank the member for Keira for his longstanding support for Wollongong High School of the Performing Arts and his commitment to and advocacy for twenty-first century facilities at that school. Wollongong High School of the Performing Arts is receiving a new $3.25 million performance space for local students. I am informed that other members want one too. I was very happy to visit the electorate of the member for Keira last week to inspect the progress of the construction works.

The SPEAKER: Order! Members will cease interjecting.

Ms VERITY FIRTH: I was immensely impressed by the school. I was pleased to be able to listen to the school's orchestra and a very talented year 12 student, Jack Dawson, performing a piece from *Beauty and the Beast*. I am amazed at the talent of the students in our performing arts high schools.

The SPEAKER: Order! Members will cease interjecting.

Ms VERITY FIRTH: Approximately 60 per cent of the school's students come from enrolments in dance, drama, music and visual arts. Local area enrolments account for 40 per cent of students. The school is also a high-performing academic school. The school has a diverse student population, with a number of international students, former refugees and students from a range of backgrounds. Students audition to be in extension groups in dance, drama, music and visual arts. These groups involve instructors from within the school as well as instructors from the Wollongong Conservatorium of Music. The school's ensembles perform in a range of events, such as Southern Stars, which is a performing arts event similar to the statewide Schools Spectacular. Southern Stars involves more than 3,000 students from the region. Last week it reached a major milestone—its tenth anniversary. The project at the Wollongong performing arts high school is 100 per cent State funded. It involves the construction of a new performance venue, including a movement studio, a performance workshop and a control room.

I told the students at Wollongong High School of the Performing Arts that I felt like I already knew them because when I travelled around the State I constantly ran into students from the school as they travelled the State performing and showing their wares to all and sundry. The New South Wales Government is committed to providing facilities for the professional training of our talented students. Currently New South Wales has eight established creative and performing arts high schools in areas such as Campbelltown, which I also visited recently, Newtown, Wollongong, the Hunter and Kuring-gai, and the Conservatorium High School. Performing arts high schools provide students with artists-in-residence programs and industry links, which support students with theatre, gallery and stage experience, and career advice. Every student has an individually developed program in his or her chosen performing arts area. Research shows that keeping students in their school community for as long as possible has a major positive effect on their personal and financial wellbeing for the rest of their lives.

Performing arts high schools, like trade training centres, agricultural schools and sports high schools, offer students alternatives and provide a well-rounded education along with traditional subjects that are equally important. Choice means better engagement and engagement means better long-term prospects. The arts, as I am

sure the Minister for Arts would agree, are absolutely crucial in enriching the lives of our students. They inspire confidence and creativity, and the Government is committed to supporting the arts. A music teacher I met recently told me how music is one of the most accessible of the arts and how it can be used to engage kids in their learning and schooling activity.

The SPEAKER: Order! The member for Murray-Darling will cease interjecting. Opposition members may wish to ask the Minister for the Arts a question later in question time.

Ms VERITY FIRTH: Performing arts high schools are an integral part of the public school system in New South Wales and complement our comprehensive high schools, trade schools, sports and selective high schools, technology high schools, and junior and senior campuses. The New South Wales Government has carefully and deliberately increased the school offerings available to parents in New South Wales. Academically able students are able to attend the State's selective and partially selective schools. Selective high schools cater for high-achieving, academically gifted students. Like performing arts high schools, these schools provide an engaging and stimulating learning environment by grouping gifted and talented students together, concentrating school resources and using specialised teaching methods.

Students must compete academically with all other candidates for entry to selective high schools. Generally, academic merit is determined by a combination of the results of the Selective High School Placement Test together with primary school assessment scores of those children. New South Wales leads the way nationally in providing the widest range of programs to support gifted and talented students in secondary schools. From 2010 this includes 17 fully selective high schools; 24 partially selective high schools—one taking senior students only; four agricultural high schools—three accepting boarders; and a virtual selective high school provision for the western New South Wales region. I am sure members who represent the New South Wales western region are very excited by that.

The Government's election commitment in 2007 included the provision of 600 new selective places. We did this because we looked around the State and we saw that selective places were needed in western and south-western Sydney and in regional New South Wales. Following a period of consultation with school communities I announced the establishment of 14 new partially selective high schools and a virtual selective high school. Thirteen of these new selective high schools enrolled their first group of selected students in term one this year. Peel High School will enrol its first selective class in 2011. The new selective places are at Parramatta, Blacktown Girls, Blacktown Boys, Elizabeth Macarthur, Bonnyrigg, Moorebank. Prairiewood, Karabar, Gorokan, Kooringal, Grafton, Armidale, Duval and Peel high schools.

The virtual selective high school, which is particularly exciting and anyone who has seen the technology that has been used is blown away by it—I thought the members who represent country electorates would be interested in this—uses contemporary technologies, including videoconferencing facilities and interactive whiteboards, to provide academically gifted and talented students in remote and rural western New South Wales with the ability to undertake a selective program while remaining at their local comprehensive high school. The kids sit the same tests, they gain entry to the virtual selective schools and they still attend their local high school and participate in all the socialisation that that provides, but they have the opportunity also to access highly skilled teaching via the internet and personalised learning plans, which push them along.

These new selective places take the total number of year 7 selective places in the State's public schools to 4,126 in 45 selective high schools. They are part of the New South Wales Government's Opportunities to Specialise plan that recognises and supports academically gifted and talented students who live in communities throughout metropolitan and regional New South Wales. Your geography should never spell your destiny. We have to make sure that every opportunity is available to every child in New South Wales.

The SPEAKER: Order! I call the member for Murray-Darling to order.

Ms VERITY FIRTH: What Labor understands and has always understood is that education is a great equaliser in an unequal world. That is why we invest in education, why we invest in our teachers and why we invest in the future of our students. In New South Wales, students of all abilities are catered for, whether their talents lie in sport, the arts, technology or academia. There is room for all and room for all to excel.

PACIFIC HIGHWAY UPGRADE

Mr PETER BESSELING: My question is directed to the Minister for Roads. Given that Greater Taree City Council will inherit nearly 10 kilometres of service and access roads resulting from the Pacific

Highway upgrade and yet receive no funding for maintenance or future upgrades, will the Minister commit to providing that council and Port Macquarie-Hastings Council with adequate funding so that these responsibilities do not once again fall on local ratepayers?

Mr DAVID BORGER: I thank the Member for Port Macquarie for his question. He serves that area well, as does his Federal colleague the member for Lyne, Rob Oakeshott. It is little wonder that the locals have turned their backs on the Nationals in State and Federal elections: they remember the grand Coalition experiment of Port Macquarie Hospital and they remember the years of being taken for granted by the Coalition. Before I answer the detail of the member's question I will advise the House of the status of the Pacific Highway upgrade. The Pacific Highway upgrade is one of the largest infrastructure projects ever carried out in this country.

The last State budget indicated funding for the Pacific Highway of about $875 million in 2010-11—almost 20 per cent of the total $4.7 billion record roads budget in New South Wales. Not a single road in this country is having more money invested in its upgrade for the safety of local communities than the Pacific Highway. Together with the Federal Labor Government, the State Government will invest $3.6 billion in the Pacific Highway in the years to 2014. On 10 June this year, following the release of the New South Wales budget, Wendy Machin, President of the NRMA Board, said:

> Motorists will welcome the increased funding (for the Pacific Highway) which is $147 million more than last year.

Mr John Williams: Point of order: My point of order relates to Standing Order 129. The member for Port Macquarie clearly asked about the road that the Government is going to cost shift to the council.

The SPEAKER: Someone should give the member for Murray-Darling a pen and a pad!

Mr DAVID BORGER: I understand why members of The Nationals do not want to hear about the Pacific Highway upgrade, but before I get to the substance of the answer I should point out that those comments were made by Wendy Machin, President of the NRMA. The people of Port Macquarie know that the Federal Coalition thumbed its nose at serious highway funding. During the 11 years of Howard Government neglect the Government invested only $1.45 billion in the highway. The Coalition cannot escape from that fact. In comparison, the Federal Labor Government has already allocated three times the amount of funding to the Pacific Highway than the Howard Government allocated to the Pacific Highway during its decade of neglect when it was in power for those disgraceful 11 years. Labor provided total funding of $2.5 billion between 1996 and 2009.

Following the completion of the Moorland bypass section of the Coopernook to Herons Creek upgrade in March this year, 332 kilometres of dual-carriage highway on the Pacific Highway is now available to motorists. Right now projects in the construction phase will see the completion of a further 69 kilometres of dual-carriage highway. Reclassifications of roads need to take place from time to time to reflect changes in road function, land use, economic activity, population distribution and the construction of new roads. As the upgrade of the Pacific Highway is progressed, parts of the old highway are bypassed and become secondary or local roads and their function changes. Because bypass roads no longer experience the same traffic volumes or have the same importance to the statewide network, it is reasonable to reclassify them. The New South Wales Roads budget must be allocated to the most important roads and highways across the State. The effective classification of roads ensures that they are funded and managed according to how they are used, and reflects their importance to the local communities and industries that use them.

Following completion of the Coopernook to Herons Creek upgrade of the highway, the Roads and Traffic Authority has instituted longstanding processes to hand over existing infrastructure, and discussions with council are now underway. The New South Wales Government provides handover funding arrangements for councils when reclassifications occur. I am advised that funding covers both work to correct any deficiencies in the old highway and a contribution to the future maintenance of the old sections of highway. I am happy to work with the member for Port Macquarie to deal with the local councils' concerns, and to ensure an equitable and responsible long-term outcome. I will make arrangements to meet with him soon to resolve this matter.

SMALL BUSINESS

Mr NICK LALICH: I direct my question to the Minister for Small Business. How is the New South Wales Government supporting small businesses around the State?

Mr FRANK TERENZINI: I thank the member for his interest in a very important topic. Today, as Minister for Small Business, I joined the member for Sydney and Lord Mayor of the City of Sydney in opening Small Business September at the Town Hall. I compliment the City of Sydney on the great refurbishment undertaken at the Town Hall. I also thank the Lord Mayor and the council for making the venue available for this event. Of the key events that annually highlight the contribution that the small business community makes to the local, State and national economies, Small Business September is by far the largest. It is the premier specialist small business event held in Australia. Now in its eleventh year, it features a comprehensive range of events for business owners at all stages of the growth cycle, focusing on helping them to find ways to grow their operations. More than 500 events are scheduled to take place across the State this month. For those running a small business or planning to establish one, now is the time to register to attend an event. People who are interested in participating should visit the Small Business September website and select the appropriate event.

Small Business September is the highlight of the State's small business events calendar, along with two other showcase events supported by the Government—MicroBiz Week and New South Wales Manufacturing Week. During these events the State Government acknowledges the significant contribution that small businesses make to the economy. The statistics are impressive. The member for Murray-Darling should listen because the information I am providing might help his constituents. Over the past decade, about 500,000 businesspeople have attended expos, workshops and advice offices during Small Business September, which is Australia's longest-running celebration of small business.

The annual demand for fresh information is fuelled by the hundreds of thousands of people in New South Wales who have embarked on their own small business adventure. The real benefit to small business is the many events to choose from, and many are free of charge. With events held from Armidale to Albury and Broken Hill to Blacktown, Small Business September is fulfilling its aim of ensuring that information and advice is accessible to every business owner-operator no matter where they live or work. Business owners can build on their skills and knowledge by attending workshops and training sessions, and by taking the opportunity to network with like-minded people.

This year's event promises to be the biggest ever, with a record number of events across the State. About half of these events will be held in metropolitan Sydney and the rest in regional New South Wales. We are hoping to exceed last year's participation rate of 20,000 people. This year's theme is "Connect for Profit". That message underlines the New South Wales Government's support for small business and the sector's importance to our economic wellbeing. Small Business September 2010 is an occasion for people engaged in small business to extend their networks, to develop their skills and to build links with the many support organisations that exist to help the small business community. Workshops and seminars, whether real-time or virtual, have been scheduled during the month to address important issues for small businesses. They include sessions on leadership, marketing, cashflow management, information technology and much more

The SPEAKER: Order! There is too much audible conversation in the Chamber.

Mr FRANK TERENZINI: I would have thought members of the Opposition would be interested in this issue, but apparently they are not. They do not give small business any priority. This is vitally important information for people who are the backbone of our economy. This State has more than 650,000 small businesses that employ more than one million people. All we have heard from the Opposition is an ignorant murmur. Members opposite are not interested in this vital information. Many potential and new business owners are expected to attend Start A Business Day, which will be held in Sydney and—

Mr Barry O'Farrell: Point of order: Mr Speaker, as interesting as this answer is, I draw your attention to its length.

The SPEAKER: Order! I draw the Minister's attention to the length of his response.

Mr FRANK TERENZINI: What a point of order to take! The Leader of the Opposition is completely uninterested in small business in this State. I would be embarrassed to take that point of order. He can leave if he is not interested. I am telling the House about a very important event for a sector of our economy that employs more than one million people. There are more than 650,000 small businesses in this State.

The SPEAKER: Order! Members will cease interjecting.

Mr FRANK TERENZINI: In my few months as Minister for Small Business I have periodically wondered about the identity of the Opposition spokesperson for small business. I have asked around, but no-one knows.

Mr Barry O'Farrell: Point of order: Having heard the rest of the Minister's lengthy answer, I withdraw the point of order. He is doing a great job.

Mr FRANK TERENZINI: The 4 August edition of the *Spectator* contains an article in which the member for Barwon suggests what the Coalition would do to assist small businesses. He said that for every one small business regulation two would have to be withdrawn and that the Opposition would target low-level risk regulation and get rid of it. He was having a go, but he is not the Opposition spokesperson for small business. Who is the Opposition spokesperson? It is Noddy. What has he done for small business? He has done nothing.

The SPEAKER: Order! The Minister will direct his comments through the Chair. He can also look at the Chair every now and again. The new cameras are great.

Mr FRANK TERENZINI: There is a great deal of heckling from members opposite, but what has the Opposition spokesperson done and said about small business?

Mr Donald Page: Point of order: I draw the Minister's attention to the motion that I have foreshadowed moving today. We will debate this issue after question time, you dope!

Mr FRANK TERENZINI: He is awake.

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

Mr FRANK TERENZINI: It is certainly not the truth. The Opposition spokesperson's last press released stated that New South Wales has 440,000 small businesses. The member should not use information that is two, three, four or five years out of date. He should know that we have more than 650,000 small businesses in this State.

The SPEAKER: Order! The Minister will conclude his answer.

Mr FRANK TERENZINI: I suggest the Opposition spokesman for small business get involved in the debate and not just ask questions when he reads the *Sydney Morning Herald* or the local paper about the events that are going on. He should get with the program. That is still an opposition; it is not an alternative government, and it never will be.

Question time concluded at 3.09 p.m.

POLICE INTEGRITY COMMISSION

Report

The Speaker announced the receipt, pursuant to section 103 of the Police Integrity Commission Act 1996, of the report of the Inspector of the Police Integrity Commission for the year ended 30 June 2010.

Ordered to be printed.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker tabled, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption entitled "Investigation into the misuse of resources by a NSW Maritime Legal Services Branch officer", dated September 2010.

Ordered to be printed.

AUDITOR-GENERAL

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 "Knowing the Collections: Australian Museum", dated September 2010.

PETITIONS

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

Whale Protection

Petition requesting the protection of whales in Australian waters, received from **Mrs Judy Hopwood**.

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**.

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**.

Wagga Wagga Hearing School

Petition requesting the establishment of a hearing school in Wagga Wagga, received from **Mr Daryl Maguire**.

Identity Concealment Legislation

Petitions requesting support for the Summary Offences Amendment (Full-face Covering) Bill 2010, received from **Mr Peter Besseling**, **Mrs Dawn Fardell** and **Mr Russell Turner**.

Bus Service 389

Petition requesting improved services on bus route 389, received from **Ms Clover Moore**.

Religious Education and School Ethics Classes

Petitions opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Greg Aplin**, **Mr Peter Besseling**, **Mr Victor Dominello**, **Mrs Dawn Fardell**, **Mr Thomas George**, **Mr David Harris**, **Mr Daryl Maguire**, **Mr Donald Page**, **Mr Richard Torbay**, **Mr Russell Turner** and **Mr Graham West**.

Meadowbank Redevelopment Proposal

Petition opposing a proposed redevelopment at Meadowbank, received from **Mr Victor Dominello**.

Ku-ring-gai Chase National Park

Petition requesting that part of Ku-ring-gai Chase National Park be added to the special lease held by the St Ives Pistol Club, received from **Mrs Judy Hopwood**.

Retail Electricity Pricing

Petitions objecting to the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mr Peter Besseling** and **Mrs Dawn Fardell**.

Pet Shops

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

Military Road Clearways

Petition opposing the extension of clearways on Military Road, received from **Mrs Jillian Skinner**.

Mental Health Services

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

Hornsby Electorate Homeless

Petition requesting funding and resources to map homeless people in the Hornsby electorate, received from **Mrs Judy Hopwood**.

Centennial Park and Moore Park Trust Land

Petition opposing any transfer of land from Centennial Park and Moore Park Trust to the Sydney Cricket and Sports Ground Trust, and requesting increased funding to the trust and proper public consultation on any future proposals that affect public access to the parklands, received from **Ms Clover Moore**.

Ryde Electorate Department of Housing Project

Petition requesting community consultation in relation to the building of Department of Housing homes in the Ryde electorate, received from **Mr Victor Dominello**.

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

North Ryde Mobile Phone Tower

Petition opposing construction of a mobile phone tower at Tennis World, North Ryde, received from **Mr Victor Dominello**.

Sylvania High School

Petition requesting improved facilities at Sylvania High School, received from **Mr Barry Collier**.

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**.

Public Housing

Petition requesting that no inner city public housing stock be sold and that funding for public housing maintenance be increased, received from **Ms Clover Moore**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.12 p.m.]: I move:

> That General Business Notice of Motion (General Notice) given by me this day [Government Discipline] have precedence on Thursday 2 September 2010.

I seek precedence for this motion because it is clear that nothing has changed in New South Wales Labor under Kristina Keneally. It is the same old rotten, scandal-ridden Government that the people of New South Wales suffered under Nathan Rees, before him Morris Iemma, and before him Bob Carr. Morris Iemma himself said that he was plagued by a scandal once every three months. So was Nathan Rees. It is a rogues gallery: Orkopoulos, Della Bosca, Macdonald, Brown, Campbell, Stewart, Tsang, Paluzzano et al. At least Nathan Rees

took action, sacking Matt Brown and Tony Stewart. Kristina Keneally, on the other hand, prefers the approach of hear no evil, see no evil and, even worse, seems to favour the factional allies and number crunchers who gave her the job of Premier. That is why this motion should be given precedence tomorrow.

First, we have the Premier's great mate Karyn Paluzzano. The Premier pre-empted an inquiry, clearing the former Penrith MP before the matter had even been investigated by the Independent Commission Against Corruption. She went further, labelling the whistleblower's allegations as "vexatious". This was all based on personal friendship and a factional alliance rather than the public interest. The second cab off the rank was Ian Macdonald, who we now know had accepted extravagant hospitality from the beneficiary of his decisions. He was a notorious repeat offender regarding ministerial standards, or lack thereof. He was dumped from the Cabinet by Nathan Rees but returned by Kristina Keneally after he delivered the numbers for the premiership. It was only when Macdonald was proved to have rorted taxpayers' funds that she withdrew her support for him.

Mr Michael Daley: Point of order: Standing Order 73 is quite clear: Imputations of improper motives and personal reflections on members of either House are disorderly other than by substantive motion. We are debating a substantive motion. If the Leader of The Nationals is successful in having this motion carried the substantive motion will be debated tomorrow.

The SPEAKER: Order! I uphold the point of order. The Leader of The Nationals should be debating why his motion should have precedence tomorrow. While I extend a degree of latitude during these debates, I ask the Leader of The Nationals to ensure that his comments are general and do not reflect on other members.

Mr ANDREW STONER: I am attempting to establish why this debate should be given precedence tomorrow. The argument is about the standards that ought to apply to Ministers of the Crown. In so arguing, I refer to matters of fact that have been reported in public and that have been discussed already in this Parliament. The Premier, along with the member for Kogarah, who has been found to have breached the law in relation to a drink-driving matter, has refused to enforce those ministerial standards. This matter should be given priority for debate because there are now three factional allies that the Premier has refused to haul into line; instead, giving them her public support.

Mr Michael Daley: Point of order: I did wait for three minutes before taking the point of order. My point of order is a very narrow one. It is the imputation of improper motives being directed at members of the House, particularly at the Premier, to which I object. I am objecting under Standing Order No. 73.

The SPEAKER: Order! The Leader of The Nationals will make comments of a general nature as he debates why his motion should have precedence tomorrow.

Mr ANDREW STONER: It is important that we debate the ministerial standards of this Government. They have been shown to have been breached time and again. It is important we debate the judgement or lack thereof of this Premier, who has given her unqualified support to her factional mates but who ripped and tore into a left-wing faction person, none other than the Minister for Education and Training, Verity Firth. What was her crime? Standing up for the health of the children of this State in relation to unflued gas heaters. That shows the lack of judgement, the lack of enforcement of ministerial standards, by this rotten mob.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 41

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Ayres	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	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	*Tellers,*
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

Noes, 46

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

Pair

Mrs Hopwood	Ms Megarrity

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 936 to 944 will lapse on Thursday 2 September 2010 pursuant to Standing Order 105 (3).

ADOPTION AMENDMENT (SAME SEX COUPLES) BILL 2010

Discharge of Order of the Day and Withdrawal of Bill

Order of the day discharged and bill withdrawn on motion by Ms Clover Moore.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [3.26 p.m.]: I move:

That standing orders be suspended to permit:

(1) The introduction without notice and passage through all remaining stages at this or any subsequent sitting of the Adoption Amendment (Same Sex Couples) Bill (No. 2).

(2) The following routine of business after the conclusion of the motion accorded priority:

(a) matter of public importance;

(b) consideration of the Adoption Amendment (Same Sex Couples) Bill (No. 2); and

(c) the House to adjourn on motion.

Mr Chris Hartcher: The (No. 2) bill has not been introduced. There is no (No. 2) bill.

Mr MICHAEL DALEY: Well, it will be.

Mr Chris Hartcher: How can we speak to a (No. 2) bill when it does not exist?

The SPEAKER: Order! The motion refers to the introduction of the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) without notice and then consideration of the bill. That is the appropriate order.

Mr MICHAEL DALEY: I am happy to accept that, Mr Speaker. I do so in accordance with the course of business that I foreshadowed this morning and that was not opposed by the Opposition. Therefore, I will speak no further to the motion.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Central Coast Initiatives

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [3.28 p.m.]: My motion deserves priority because the people of the Central Coast are experiencing a new enthusiasm and optimism about their future and the Keneally Government wants to be at the forefront of this optimism. This motion deserves priority because the Keneally Government is delivering a range of initiatives to people of the Central Coast that need to be publicised, including the Central Coast regional strategy, the regional economic development employment strategy [REDES], the Central Coast Development Corporation and the Central Coast transport plan. In the region a whole range of new business is growing every day, including technical ones such as the Verb Data Centre, the only one of its type in the Asia-Pacific region, and the Bluetongue Brewery.

This is all part of the Government's plan to deliver 45,000 new jobs to people on the Central Coast. This motion deserves priority today because, although the Opposition will try to tell everyone what is wrong with the Central Coast, Government members want to celebrate the good things about the Central Coast, supporting local residents with infrastructure and initiatives so that they can improve their businesses, their education services and their service delivery.

This Government was the first to create a Minister for the Central Coast, the first to create an office of the Central Coast, the first to formalise the regional status, and the first to set up the Central Coast Regional Development Corporation. We now need to hear from the Opposition about what its plans are. Despite several visits to the Central Coast last week by the Opposition, including the whole shadow Cabinet, the Opposition has made not one commitment to the Central Coast. We have heard absolutely nothing—zero.

It is nice to get one's photo in the newspaper, but when we on this side get our photos in the newspaper it has substance behind it. That is because we on this side are actually delivering new jobs for Central Coast residents and are creating opportunities for businesses to develop on the Central Coast. But what do we get from the Opposition? They say, "We've talked to local people." That is all we hear. I recall the Leader of the Opposition standing on the rocks at The Entrance with a couple of the would-be candidates for the Central Coast at the next State election. What did they commit to for the people of the Central Coast? Nothing. They simply committed to thinking about it. Well, they have had a long time in Opposition to think about it. The shadow Minister for the Central Coast has been there an awfully long time—that is, when he is not off on safari in Africa.

But what was evident in the Federal election was that if you deliver commitments such as super clinics and broadband the people of the Central Coast will support you. The Liberal Opposition opposed those initiatives. It also opposed extra health services for Central Coast residents and improved communication services for Central Coast residents and businesses. Indeed, the Opposition opposed all the things people want. The Federal election result reflected that: not only did we hold the two Central Coast seats but we increased our margins. Part of the reason for that is what the New South Wales Government is delivering for the Central Coast: roadworks, improved health services, improved education and training initiatives, and better opportunities for business.

In a few weeks representatives of some of the businesses on the Central Coast will be in Parliament House to put on an expo, showing the rest of New South Wales what we can do on the Central Coast, how we

can be innovative, and how we can create opportunities for local residents but also improve the economy on the Central Coast. Who organised that? The New South Wales Government organised it. I assure members that the business community recognises the work we are doing with it. The business community knows that we are standing shoulder to shoulder with it to support jobs on the Central Coast. That is why my motion needs to be debated today—as opposed to a motion from the Opposition containing empty words about a lack of promises and pointing out everything that is wrong with the world. People want substance and ideas, and they want a way forward for people on the Central Coast so that our young people have jobs.

Small Business

Mr DONALD PAGE (Ballina) [3.33 p.m.]: My motion concerning small business should be accorded priority because a series of reports have been issued recently that show that small and medium businesses in this State are in serious trouble under this Labor Government. These reports show that there has been a complete loss of confidence by the small and medium enterprise sector in the Labor Government. During question time today the Minister for Small Business, in answer to a Dorothy Dix question about Small Business Week, said, first, that he is going to organise some workshops and seminars over the next month. That is all well and good, but the reality is that a lot more needs to be done in the small business sector over the next month than simply organising a few seminars, as good as they may be. The crisis involving small and medium businesses in this State is serious, and we need to address this matter in debate.

I note that the Minister said, "We need to get involved in the debate about small business." Debating my motion is a perfect opportunity for the Minister to become involved in the debate, if members opposite vote for my motion to be accorded priority. However, I suspect that the Minister for Small Business—how ironic will this be—will vote against the motion to debate small business, after he has just said in this House that he wants to see the debate on small business happen.

The first report that has been issued recently is the Sensis quarterly survey of small to medium enterprises. The survey found that the New South Wales Labor Government has recorded the lowest level of support for 24 out of the last 25 quarters. In other words, over five years the Government has enjoyed the least amount of confidence of any government in Australia. The survey found that small businesses are not supportive of government because of concerns about high payroll tax and stamp duty, excessive bureaucracy, and a lack of incentives. The survey also found that New South Wales recorded the lowest increases in employment in small to medium enterprises in Australia.

The second report issued recently is the Commonwealth Bank business conditions survey of 4,000 businesses. According to the survey, which was conducted in July this year, the New South Wales economy had weakened and was not expected to grow in the next quarter. The survey also found that New South Wales business conditions have declined and that fewer small and medium enterprises are expecting an improvement. According to the survey, in New South Wales the number of employees in the small and medium business sector has decreased, and the hours worked by employees in the sector has also decreased. The Chief Executive Officer of the New South Wales Business Chamber said, "The business environment is uncertain and the recovery is fragile."

The CommSec report issued in July this year revealed that New South Wales is still languishing last on economic performance overall. On the key indicators of economic growth, dwelling statistics, construction work, unemployment and retail trade, the report revealed that New South Wales is ranked last or second last in the country. Unemployment in New South Wales rose in July this year. This State has the highest unemployment rate in mainland Australia. Currently the New South Wales jobless rate is 5.6 per cent, compared with the national average of 5.3 per cent. About half of the jobs lost across the nation in July were from New South Wales. An additional 11,400 New South Wales residents were out of work in July this year, thanks to this Government.

It is worth noting also that last year 56 per cent of all business liquidations in Australia occurred in New South Wales. In other words, more businesses went into liquidation in New South Wales than in the rest of the nation. The Keneally Government certainly cannot blame the global financial crisis for that, because it has been the situation for five years. As we know, the global financial crisis began well after that five-year period. We have some serious issues in New South Wales that need to be addressed. I cite workers compensation as an example. A removalist in my electorate operates in both Queensland and New South Wales and therefore needs to have a workers compensation policy for both States. His payroll is $1 million. The premium for that

$1 million workers compensation policy in Queensland is $29,500. The premium for the New South Wales workers compensation policy—the same policy but in a different State—is $70,900. That is more than double! Something must be fundamentally wrong when you have that situation occurring.

So much needs to be done in both red tape removal and reducing taxes and charges in this State. I look forward to the Minister for Small Business coming into this Chamber and supporting my motion and saying, "We have not done it well, but we want to improve the situation." But my guess is that the Minister will not vote for my motion about small business.

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

The House divided.

Ayes, 47

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

Noes, 37

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

Pair

Megarrity Ms	Hopwood Mrs

Question resolved in the affirmative.

CENTRAL COAST INITIATIVES

Motion Accorded Priority

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [3.45 p.m.]: I move:

That this House:

(1) congratulates the Government on continuing to support jobs and deliver essential services on the Central Coast; and

(2) calls on the Opposition to explain why it is ignoring Central Coast families by refusing to outline real policies for the region.

The Central Coast is an amazing place to live, work, and visit. There is no doubt that it is a region in its own right. Some 330,000 people now live on the Central Coast and that number will continue to grow in the next 25 years. The Central Coast, particularly my electorate of Wyong, is growing rapidly. By 2031 it is estimated that an extra 100,000 people will be living on the Central Coast and 70,000 of those people will be living in Wyong. The Keneally Government knows that our growing region has unique needs and, make no mistake, the Government is absolutely focused on supporting jobs and delivering services for Central Coast families.

On Monday the Premier convened a community cabinet meeting at the Ourimbah campus of the University of Newcastle. The community cabinet gave local families an opportunity to meet face to face with the Premier and her Cabinet. More than that, local families had a direct line to the Premier and the Cabinet. They were able to make sure their voices were heard so we can build for the future of the region together. It was a fantastic meeting that went from early afternoon late into the evening. That is a far cry from the Coalition's infamous "listening tour" in Queanbeyan that members would remember—roll into Queanbeyan, off the bus, pose for photographs for the media, do not talk to any locals, get back on the bus, move to the next town and repeat. I do not know if the Opposition graced the Central Coast with a similar listening tour, but I am sure we are not missing out on much. I know the shadow Cabinet was on the Central Coast last week but there was only one small article saying it went here and listened, but there were no announcements, policies or anything of substance from the Opposition.

While the Premier was on the Central Coast on Monday she made a very important announcement for our region about a project that I have been working on for a number of years, and I was very pleased to see it come to fruition. The Government has approved the $276 million Warner Industrial Park on the Central Coast, which will support the delivery of up to 3,200 local jobs. Warner Industrial Park is a key part of the Wyong Employment Zone, which was granted concept plan approval in November 2008 by Premier Kristina Keneally in her capacity as Minister for Planning. Under the approved plan the 104-hectare site will be divided into 90 new industrial lots and used for industries such as warehousing, distribution centres, transport depots and manufacturing. This is fantastic news.

Our local community has been pushing for something like this for some time because we understand the importance of local jobs, particularly to our young people. We have been campaigning tirelessly to create more jobs, better jobs and different types of jobs on the Central Coast, such as jobs at the Verb Data Centre, a new business at North Wyong, or the Blue Tongue Brewery in Warnervale Industrial Park, which will provide a number of skilled jobs to local people. The bottom line is that families on the Central Coast should be able to access good, secure jobs close to home.

As I have said, the Central Coast is growing rapidly. It is estimated that by 2031 an extra 100,000 people will be living on the Central Coast, and 70,000 of those people will be living in Wyong. The Government, through the Regional Economic Development Employment Strategy, has set a target of 45,000 new jobs. Through that strategy we have been delivering on that commitment. Projects such as the Warner Industrial Park, which we announced last Monday, will help meet that demand. The Warner Industrial Park will be a boon for the area. It will lead to a significant boost in jobs and investment on the Central Coast.

Mr Chris Hartcher: Tell us more detail.

Mr DAVID HARRIS: I will. The Minister for Planning, the Hon. Tony Kelly, has approved the plan to deliver these jobs and has put in place a range of conditions to ensure that any impacts, particularly environmental, are minimised. Central Coast residents need the jobs but we also like the environment in which we live. We do not want to jeopardise that. The approval follows a public exhibition process and a detailed assessment of issues, including flooding, stormwater and biodiversity, and proposed additional non-industrial uses. Under the approval the proponent, Terrace Tower Group, will contribute more than $3.8 million to Wyong Shire Council for infrastructure projects, including intersection upgrades to the water pipeline. The developer will be required to pay for the acquisition of lands to be preserved for the environment and 20 hectares of valuable conservation land on the site will be dedicated to Wyong Shire Council for permanent protection.

The Terrace Tower Group hopes to commence the approved subdivision, landscaping and infrastructure works as soon as possible, with further site-specific development applications required for each future industrial facility on the site. Future development applications will be subject to a full public exhibition process. As I said, Warner Industrial Park will be a boon for the Central Coast. There is no doubt about that. This project will build on Somersby, Tuggerah and Warnervale business parks, bringing new businesses and jobs to our local community and ensuring that we continue to attract increased investment in the area. It is not only about jobs on the Central Coast—

Mr Chris Hartcher: It is all about your job. That is what we are here for.

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

Mr DAVID HARRIS: The Government has delivered a commitment of $100,000 to support the Central Coast Bears' bid for a National Rugby League licence. Joe Hockey of the Federal Liberals rolled up on the Central Coast to make a big announcement. He promised moral support to the Bears. The New South Wales Government made a tangible commitment of $100,000 to help the Bears in their bid and the Liberals came up with moral support. Good on the Liberal Party! I am sure people will appreciate its moral support. We are putting the money where our mouth is. We are putting money on the table to help the Bears because every home game means 400 more jobs, plus backroom staff. We know that all business opportunities on the Central Coast have to be explored to support local young people and their families.

Mr CHRIS HARTCHER (Terrigal) [3.52 p.m.]: I move:

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

this House notes:

(1) the high youth unemployment on the Central Coast;

(2) the long delays for admission to emergency treatment at Central Coast hospitals;

(3) the poor state of Central Coast roads and the lack of funding for Central Coast infrastructure;

(4) that the Minister for the Central Coast lives at Kurrajong; and

(5) that none of the four Australian Labor Party members are members of Cabinet and calls upon the Premier to adequately fund the Central Coast and ensure the Central Coast has Cabinet representation.

The member for Wyong referred to a visit by the Premier. The *Central Coast Express Advocate* had this to say:

> With the opinion polls showing her popularity at a record low the Premier Kristina Keneally and her Cabinet decamped yesterday to the Central Coast.

The *Central Coast Express Advocate* went on to say:

> David Harris, Wyong, Marie Andrews, Gosford, and Grant McBride, The Entrance, will lose their seats if Labor's current primary vote fails to improve at the election in March, as will MPs in inner and western Sydney.

The member for Wyong did not tell the House that, according to the Australian Bureau of the Statistics, youth unemployment on the Central Coast stands at 41 per cent as at August 2009. The member for Wyong glossed over that fact. The member did not tell the House that unemployment on the Central Coast stands at 15.3 per cent. They are record figures under Labor. After 15 years of Labor almost one in two young people on the Central Coast does not have a job and one in six adults on the Central Coast does not have a job. Their only salvation after 15 years is for the private sector to subdivide more land north of Wyong for an industrial park. That is Labor's proposal.

The member for Wyong did not say anything about the Warnervale development or Warnervale railway station. He did not say anything about the Pacific Highway going through Wyong, which is traffic congested and, as he well knows, a disaster area every day for his constituents. It is a daily gridlock. He did not say anything about the responsibilities of the State Government in relation to Wyong Hospital where women cannot even have babies in the maternity unit.

Mr David Harris: Point of order: As usual, the member for Terrigal is misleading the House. Babies are born in the maternity unit of Wyong Hospital, which has a midwifery-led model. Women have babies there every day. The member always distorts the facts.

The DEPUTY-SPEAKER: Order! That is not a point of order.

Mr CHRIS HARTCHER: The member for Wyong has been in this House since 2007, yet he still does not know how to take a point of order. The member did not say anything about Warnervale, Wyong

Hospital or the Pacific Highway. He did not say anything about Wyong police station, which was first promised in 2002 but will not be ready, according to the Government's own figures, until 2012. That is 10 years after it was first promised.

Mr David Harris: Point of order: The member for Terrigal should not tell lies. That is simply not true. The police station is under construction.

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for Wyong will resume his seat. The member for Terrigal has the call.

Mr CHRIS HARTCHER: The member for Wyong is always frightened when his record is brought before the House. He continually takes points of order to stop the flow of information about his poor record to the people of Wyong and the Central Coast.

The DEPUTY-SPEAKER: Order! I call the member for Wyong to order. He will have an opportunity to reply to the debate.

Mr CHRIS HARTCHER: In 1889 the train service from the Central Coast took 76 minutes. In 2010, under the Labor Government, it takes 95 minutes. It now takes 20 minutes longer than it did 120 years ago! That is the record of the member for Wyong. His record is endless: the Pacific Highway through Wyong, Warnervale, Wyong Hospital. The member should talk about what he has achieved for the people of Wyong. He should not talk about what the private sector is doing further north.

Mr David Harris: Point of order: Industry and Investment New South Wales supports them doing it. The member for Terrigal should make his comments through the Chair. He is making them across the Chamber and is becoming argumentative.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for Terrigal knows better. He will direct his comments through the Chair.

Mr CHRIS HARTCHER: I will talk to you, Madam Deputy-Speaker, about the record of the member for Wyong. The member's record on every single issue—police, ambulance, roads, hospitals, job creation—shows that he is a failure. As the *Central Coast Express Advocate* said, the member for Wyong is in very grave danger in March 2011. By every indication, the member will not be here after March 2011. Darren Webber, the outstanding Liberal candidate, will be sitting on the Government benches post 2011. I am sure that the present member for Wyong will have a future back in the Department of Education. It will be back to Education Week for the member for Wyong on 1 April 2011. I have put his record before the House. After 15 years of a Labor Government all the member talks about is allowing more land to be subdivided for an industrial park in the northern areas of his electorate. He has said nothing about hospitals, roads, police or ambulance.

The people queuing at the emergency department at Gosford Hospital—there is no effective emergency department at Wyong Hospital—have to wait 11 hours. Babies are not delivered at Wyong Hospital if there is any threat of any difficulty at all. As the member for Wyong stated, there are 330,000 people in the area, but the only functioning level 5 hospital is at Gosford. What has the member for Wyong done to fight for proper resources for Wyong Hospital? Zero. What has the member for Wyong done about the Pacific Highway? Zero. What has the member for Wyong done about Wyong police station? Zero. What has the member for Wyong done about Warnervale? Zero. What has the member for Wyong done about Warnervale railway station? Zero. The member for Wyong has watched police numbers drop on the Central Coast since 2003. The member for Wyong is a failure. Bring on Darren Webber!

Mr GRANT McBRIDE (The Entrance) [3.59 p.m.]: When it comes to debating issues concerning the Central Coast the member for Terrigal continually ignores reality. It is ridiculous to say that we have not invested in health on the Central Coast. I have used the health service myself; my mother has used it—

Mr Chris Hartcher: We have all heard that story.

Mr GRANT McBRIDE: You do not like the story, and you do not like it because it contradicts everything you have just said. You claim that these services have decreased. They have not decreased. In our term in government we have gone from having fewer than 200 beds in Gosford to more than 400. In Wyong we have gone from having fewer than 100 beds to more than 300. We have now got 750 beds on the Central Coast

and you sit there and say nothing has happened. The simple fact is that in making those statements you are making a goose of yourself, mate. If we go to the relevant authorities and say, "This is what Chris Hartcher says about you, this is what he says about health, this is what he says about roads", and all the other services on the Central Coast, it will show you are an absolute goose. It was proven in your judgement as leader of the Liberal Party on the Central Coast in the Federal election. What a goose you made of yourself! This is the defence of the member for Terrigal as to why he was not at the Federal election, reported in the *Sydney Morning Herald* on 28 August:

> Mr Hartcher was holidaying in Africa throughout much of the campaign.
>
> "I was on safari—photographic safari," Mr Hartcher said. "I had no official role in the federal campaign. My holidays were approved back in April, to take advantage of the winter break."

You should have heard what Liberal Party members were saying about you at the reception on Monday!

Mr Chris Hartcher: Point of order: My point of order is one that you have correctly upheld—that is, members should address their remarks through the Chair.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for The Entrance will direct his comments through the Chair.

Mr GRANT McBRIDE: He is sensitive!

The DEPUTY-SPEAKER: Order! I am sure the member for Terrigal will respect my ruling and resume his seat.

Mr GRANT McBRIDE: He is sensitive about what I have just said because senior members of the Liberal Party were at Monday's reception saying exactly what was said in the newspaper. You walked away; you did not come back. You needed to be there; you were the leader.

Mr Chris Hartcher: Point of order: The member for The Entrance is flouting your ruling. He is not complying with your direction. Grant gets very excited.

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for The Entrance can look at me and then occasionally glimpse at the member for Terrigal if he so chooses.

Mr GRANT McBRIDE: I have peripheral vision, mate, and I can see you over there when I am looking the other way as well. I can understand that you might not have that peripheral vision, because you have no vision when it comes to the Central Coast: no ideas, no policies, no nothing, and you did not turn up on polling day. You lost the unlosable, mate! You lost Robertson and you have been held responsible for that. Unfortunately, in the Liberal Party the drums are saying—I say that because it is an African thing—that you are going down. They are going to put you out of your misery.

Mr Chris Hartcher: Point of order: The drums are beating, but they are beating for Grant. It is all over for Grant.

The DEPUTY-SPEAKER: Order! The member for Terrigal has been a member of this place long enough to know that that is not a point of order. The member for Terrigal will resume his seat.

Mr GRANT McBRIDE: He says the drums are beating for me? They are beating for him within his party. Malcolm Brooks is going to come back and get you, mate, because they need some leadership, they need some coordination. How can you lose the unlosable, mate, and sit there and say, "Grant is going to go"? On your prediction that means I am going to win. On your form, mate, I am going to win. The simple fact is that it is over for you, brother, and they are out to get you. They are out to get you because, mate, you have done them over. You have done too many of your Liberal mates there—and we know who they are; I do not want to mention them and embarrass you—and now the numbers are against you. When it comes to the next election, mate, you will have to duck and weave like no-one has ever done before.

Mr Chris Hartcher: Point of order: It is all over for Grant.

The DEPUTY-SPEAKER: Order! That is not a point of order.

[*Time expired.*]

Mr DONALD PAGE (Ballina) [4.04 p.m.]: I support the comments of my colleague the member for Terrigal. He has lived on the Central Coast for many decades and has represented that area for more than 22½ years. He has an intimate knowledge of his community and he has an encyclopaedic knowledge of matters to do with the Central Coast. We can see that in the amendment the member for Terrigal moved.

Mr Grant McBride: Point of order: This debate is not about the member for Terrigal; this is a debate about services on the Central Coast.

The DEPUTY-SPEAKER: Order! I have not heard enough from the member for Ballina. I will hear further from him.

Mr DONALD PAGE: I can understand the member for The Entrance and the member for Wyong want to make these their valedictory speeches because it is not very long before they will not be in this Chamber. As much as I might like them personally, I have very little sympathy, considering the Government's policies over the past 15 years. As we know, at the next election it is likely that they will lose their seats. As the member for Terrigal pointed out, there are many issues that are not being addressed on the Central Coast. As he indicated, we have the highest youth unemployment at around 15 per cent. That is very, very high. We have long delays in admission to hospital on the Central Coast and we have that same problem right across New South Wales, including on the North Coast. We have a desperate shortage of infrastructure funding, whether it is for local roads or State roads. Whatever this State Government is responsible for there has been a complete lack of investment in infrastructure, whether it is roads, hospitals or police facilities.

The situation on the Central Coast is very similar to the situation across New South Wales. I refer to the part of the Government's motion that congratulates the New South Wales Government on continuing to support jobs. The reality is that under this Government's stewardship jobs are going backwards. According to the Commonwealth Bank's survey across this State, jobs have been in decline for several months and 11,400 New South Wales residents were out of work in July, including people on the Central Coast. We have a real issue with creating jobs in New South Wales. I tried to get a motion up a moment ago about trying to get more jobs for the small business sector, bearing in mind that there are 650,000 small businesses in New South Wales and if each one of them were able to put on one additional person—just one person—we would not have an unemployment problem in New South Wales. But New South Wales has the highest rate of unemployment of any mainland State—5.6 per cent compared with the national average of 5.3 per cent.

We heard nothing from the speakers opposite about what they will do to try to improve conditions for small business. Are they going to do something about cutting red tape? Are they going to do something about cutting taxes and charges? No. Are they going to do anything about electricity charges? In this State the small business sector will be looking at a 30 per cent increase in electricity charges over the next three years, and that comes on top of a 20 per cent increase last year. No doubt the Government will say that that is a decision of the Independent Pricing and Regulatory Tribunal. The reality is that the Government has the power to overrule decisions of the Independent Pricing and Regulatory Tribunal and it should be proactive in trying to do something about the escalating costs that are falling on small business and generating a reduction in job opportunities.

As I said, I support the amendments moved by the member for Terrigal because they open up the issue to the truth. He wants to see some accountability for this Government. He does not want some backslapping motion from the Labor Party, which does not deal with reality. He wants to see increases in expenditure to reduce unemployment. He wants to see, and rightly so, an increase in infrastructure spending. He wants to see an increase in health and hospital spending so that there is a reduction in the time that it takes for people to get into both emergency services and elective surgery. He wants to see increased improvements in policing on the Central Coast, particularly in relation to the upgrade of police stations. I strongly support the amendment moved by the member for Terrigal, which deals with the Government's failure to deliver for families and the people of the Central Coast.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [4.09 p.m.], in reply: The member delivered that speech with a straight face in an obvious effort to save his skin as his party colleagues circle the wagons. [*Quorum called for.*]

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

The member for Terrigal is again resorting to the tactic of gagging any member from the Central Coast who talks it up and tells the truth. The member talked about his recollections of when he was last on the Central

Coast. He does not know what is happening there now. While he was swanning around in Africa we were on the ground doing the hard work. If he were honest he would acknowledge that the Government has upgraded both Gosford and Wyong hospitals and that it has allocated a record $135 million to the Roads budget each year. That money is being spent in his electorate because members on this side of the House worked to get it.

Mr Chris Hartcher: I congratulate the member because all the money is being spent in my electorate—

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

Mr Chris Hartcher: —not his.

The DEPUTY-SPEAKER: Order! The member for Terrigal will not flout the rules of the House.

Mr DAVID HARRIS: If the member for Terrigal were honest he would acknowledge the record transport funding allocated to the Central Coast, the upgrade of the rail lines, the new trains, the station upgrades and the new car park. He opposed the construction of the new Wyong commuter car park. The Wyong police station is also under construction. I have been a member for only a short time, but I have managed to get those projects over the line. The member for Terrigal has failed to point out that at the recent Federal election the people of the Central Coast recognised Labor's contribution—both federally and at the State level—to the local area. The Labor Party held two seats, Robertson and Dobell, which the Liberal Party thought it would win—that is why the member for Terrigal went overseas with an abundance of confidence. The Labor Party was successful in those seats because it understands the local people, and it is delivering the infrastructure on the ground. The Central Coast has a huge number of infrastructure construction sites because members on this side of the House are delivering; we are not offering the empty promises and platitudes being trotted out by members opposite.

Question—That the words stand—put.

The House divided.

Ayes, 45

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

Noes, 41

Mr Aplin	Mrs Hancock	Mr Richardson
Mr Ayres	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	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	*Tellers,*
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

Pair

Ms Megarrity	Mrs Hopwood

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ILLAWARRA TRAINEE AND APPRENTICE OF THE YEAR

Matter of Public Importance

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [4.23 p.m.]: I am pleased today to recognise and congratulate Mr Michael Pfeffer, the 2010 Illawarra Regional Apprentice of the Year. Mr Pfeffer is a dedicated apprentice from the Illawarra who has excelled far beyond the requirements of his field of study in commercial cookery. Because of his hard work he has been recognised at the 2010 New South Wales Training Awards for the Illawarra and south-east region. This young man has proved to have considerable talents in his chosen field. I have no doubt that he can look forward to a long and successful career—and many in the Illawarra will benefit from his skills and hard work. Mr Pfeffer has excelled in his training and has been rightfully acknowledged at the New South Wales Training Awards for the Illawarra and south-east region, where he was named the Apprentice of the Year for 2010. He will now go on to compete in the statewide New South Wales Training Awards in Sydney on 16 September and I have no doubt he will represent the Illawarra to the utmost of his ability.

The New South Wales Government is working to make sure that talented young people like Michael can find the right training and jobs in the Illawarra without having to go further afield. Youth unemployment has always been an issue in regional areas. That is why the New South Wales Government is focusing on attracting new jobs and investment to the Illawarra to help tackle youth unemployment. A number of New South Wales Government initiatives are designed specifically to target youth unemployment across the State. In February 2009, the New South Wales Government announced that 4,000 new apprentices and 2,000 new cadets would be employed over the next four years. I am advised that already a total of 2,264 new apprentices have been employed to work on State services and infrastructure.

The New South Wales Government has also recently launched the JumpSTART cadetship program, whereby successful applicants gain a cadetship in a public sector agency for 12 months. The program was implemented in November 2009, and I understand we have exceeded our target with a total of 512 JumpSTART cadets employed in New South Wales Government agencies. Other New South Wales Government measures that take action against youth unemployment include raising the school leaving age to 17 to ensure students remain at school, move into training, or obtain a job; and funding training for 28,000 new apprentices and trainees in partnership with the Commonwealth Government.

In the most recent budget—2010-2011—the New South Wales Government included a new $11.4 million youth package to help young people get into jobs. This means funding for employment advisors—on a two-year trial basis—in schools and training centres in areas of high youth unemployment, including the Illawarra. This $11.4 million adds to the more than $200 million dedicated to giving young people the best possible start to their lives. Getting all young people engaged in education, training and employment, and helping them meet the challenges of the future is important. The New South Wales Government is working hard to meet this challenge in the Illawarra region. The Government participated in the Illawarra Centrelink Jobs Expo on 25 March to promote apprenticeships, cadetships and opportunities, with a particular focus on Aboriginal jobseekers. The expo was attended by 5,000 jobseekers from the Illawarra region.

It is the Government's priority to provide further quality education for all students in the Illawarra, regardless of their interests after high school. That is why in my electorate we recently opened the $525,000 Shellharbour TAFE Trade School: Shellharbour students like Michael Pfeffer can access vocational training without having to travel long distances from home. The Keneally Government invested a record amount in the Illawarra region in the latest budget—more than $1.7 billion overall. Some $644.2 million was specifically allocated for education, both for schools and TAFE, because this Government recognises the importance of

vocational education as an alternative to completing the Higher School Certificate. By providing first-class education institutions such as the TAFE Illawarra Institute we are helping to foster the skills base of the region and help fight youth unemployment.

Illawarra Apprentice of the Year for 2010, Michael Pfeffer, is a prime example of the benefits of such investment. He has reached far beyond what is expected of him and I commend him for his hard work. He is a role model for the Shellharbour region and proof that quality training is available in the Illawarra for any student to follow their dreams. Michael is one of my local constituents; he is from Dapto. He completed his Certificate III in Hospitality, specialising in commercial cookery. Michael is highly regarded by his workmates. His employee manager at Branches commented on the great pride he takes in his work and his infectious enthusiasm. He has embraced the role of ambassador, visiting local high schools promoting apprenticeships to inspire and encourage others to consider the options available to them. He also represented the Illawarra region at the National Worldskills Competition, after winning the gold medal at Worldskills Illawarra in 2009. Michael's talents have been widely acknowledged, with offers of work experience at some of Sydney's finest restaurants, including Bills in Woollahra and Buon Ricardo in Paddington.

Significantly, Michael has chosen to keep his career in the Illawarra. He has secured a permanent position as a chef at the prestigious Chifley Hotel, which is scheduled to have its opening in Wollongong in September this year. The New South Wales Government is working hard to make sure that talented, hardworking people like Michael do not have to go up and over the hill to Sydney to find work in their chosen field. This will ensure that we see long-term growth and prosperity in the region. I congratulate Michael on all his efforts and thank him for his contribution to the community.

Mr RUSSELL TURNER (Orange) [4.30 p.m.]: Today I congratulate Mr Pfeffer on being the 2010 apprentice and trainee of the year. I acknowledge that the TAFE system is vital in training apprentices. However, I highlight the problems country apprentices face because of the limited number of courses available in their towns and the distances they must travel. Even in a city the size of Orange, certain courses are not available and apprentices have to travel either to Dubbo or Bathurst. Indeed, parents and teachers have expressed concern about courses being available only at night, and the danger this poses to young apprentices on P-plates who have to drive long distances, especially during winter.

However, I do acknowledge the good courses. A couple of weeks ago I attended Canobolas Rural Technology High School for the launch of its enrolled nursing course, which was devised in conjunction with TAFE, Canobolas, Blayney and Molong schools to enable students who complete year 10 to undertake an enrolled nursing course in years 11 and 12. By the time students have finished year 12 they are virtually enrolled nurses. They are then able to attend university if they wish. However, the system provides those without the academic ability for university the alternative of deciding whether nursing will be their future career by studying it within the high school system in conjunction with TAFE.

I am often critical of the New South Wales Government, but on this occasion I congratulate it on providing students with this flexibility. Society recognises the value of apprentices within the community. If we do not provide enough incentives for employers to take on apprentices, we suffer the consequences of having insufficient tradespersons with the requisite skills to take advantage of employment opportunities. Indeed, employers have been critical of the system in that it has prevented them from taking on apprentices when required. The recruitment of apprentices is to be encouraged.

The Central West has an excellent scheme whereby an apprentice is indentured to Central West Group Apprentices and that apprentice will go out to various employers. If a problem arises between an employer and apprentice, or the employer can no longer afford the apprentice, the apprentice is then transferred to another employer in a similar vocation. I have great pleasure in attending most graduation ceremonies where the Central West Group Apprentice awards are given to the apprentice of the year for mechanics, plumbing, catering, food services, and indeed a wide range of apprenticeships. It is vital that employers in country areas have the ability to take on apprentices. It is also important that once those apprentices graduate, we have a vibrant small business sector able to keep apprentices on full time so that they are not forced to leave their small towns and work in Sydney. We need a strong apprenticeship program and a strong business sector.

The Government must support all business sectors through financial means and other incentives, such as lower payroll tax. This will enable apprentices not only to obtain their apprenticeships but also to obtain full-time employment in their country towns and cities. Again, I congratulate Mr Pfeffer on being the 2010 apprentice and trainee of the year. I hope that the Government acknowledges the importance of apprenticeships and continues to provide incentives to enable all young people who wish to obtain an apprenticeship to do so.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [4.37 p.m.]: I acknowledge and congratulate Mr Daniel Taylor, the 2010 Illawarra Regional Trainee of the Year. Mr Taylor is a very talented and committed trainee from the Illawarra who has excelled far beyond the requirements of his field of study in process manufacturing. Because of his hard work he has been recognised at the 2010 New South Wales Training Awards for the Illawarra and south-east region. This exceptional young man may be training today but I have no doubt he will be a leader of tomorrow. It is our priority to see growth in the Illawarra and we are investing in the skills base to develop a stronger economy and create more jobs.

We recognise the high level of youth unemployment in the region and we are working hard to address this by ensuring that our students have the best training and opportunities available to them when they leave school. We recently opened the Wollongong TAFE Trade School so that Wollongong students have access to the best vocational education on offer in the country. Mr Taylor received his training at the TAFE Illawarra Institute and completed a Certificate III in process manufacturing. This is confirmation that students in the Illawarra are succeeding at the highest level. This recognition also highlights the high standard of teaching on offer at the institute. Daniel worked at the labour hire company Edmen Recruitment in Warrawong in my electorate and his training coordinator had only positive things to say of his work ethic. She said:

> He is a diligent and hardworking person, who likes to set himself professional goals.

Daniel is now the youngest person working on the floor at Calderys Australia, a refractory business in Unanderra in my electorate. He started at Calderys during his traineeship and now has a permanent position, having worked his way up to production supervisor. Recently, Daniel's employers were so impressed with his determination, skill and hard work that they flew him to a sister plant in China for further training, utilising state-of-the-art equipment. Daniel's story is a great example of vocational training and the programs offered in the Illawarra and south-east region. He started as a labourer and through vocational education acquired the training and skills to explore new opportunities. Daniel is a regional winner who will go on to compete at the statewide 2010 New South Wales Training Awards in September this year. I hope his story will inspire others to explore vocational training. Again, I commend his hard work and wish him the very best as he represents the Illawarra.

Beyond a focus on ensuring the Illawarra region has the best vocational training available to its young people, the New South Wales Government is also working hard to create jobs and attract industry to the region so that these hardworking students have jobs to go to when they finish their studies. We are also considering environmental sustainability in our approach to jobs development in the region. In April 2009 we held the Illawarra Jobs Summit and met with key industry stakeholders to discuss jobs development in the region. It was the first of several regional summits that were held across the State. We heard directly from business and community leaders on practical measures to encourage new jobs. We listened, we committed, and we acted.

On 10 July 2009 the Government unveiled a package to support Illawarra jobs as a direct response to the Jobs Summit. The initiatives announced were aimed at broadening and diversifying the Illawarra's solid economic base. These initiatives were: a $3 million enhancement to the Illawarra Advantage Fund; $10 million towards establishing the University of Wollongong's SMART Rail Infrastructure Institute; and an investment of $250,000 for the development of a Green Jobs Illawarra Action Plan, together with the development of green skills and training. I am advised that since the Illawarra Advantage Fund's establishment in 1999 to the end of July 2010, 140 projects have now been supported—creating or retaining 3,519 full-time jobs and representing over $304 million in capital investment in the region. The SMART Rail Infrastructure building is currently under construction at the University of Wollongong.

This year we also committed $58,000 towards a feasibility study for a convention and conference centre for Wollongong, which will attract more business tourism to the region. And in June this year I and the Minister for Tourism were in Wollongong launching the Wollongong Champions campaign, a campaign aimed at doubling the number of business events the region attracts each year. These things, and more, show that we are committed to the people of Wollongong and the Illawarra region as a whole.

Discussion concluded.

ADOPTION AMENDMENT (SAME SEX COUPLES) BILL 2010 (No. 2)

Bill introduced on motion by Ms Clover Moore.

Agreement in Principle

Ms CLOVER MOORE (Sydney) [4.42 p.m.]: I move:

That this bill be now agreed to in principle.

The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) embodies an amendment to the bill I introduced on 24 June 2010 by exempting faith-based adoption agencies from provisions in the Anti-Discrimination Act 1977 when providing adoption services. This will make it not unlawful for faith-based adoption agencies to refuse adoption services to same-sex couples. The rest of the bill is the same as that previously introduced.

Protecting a loving relationship between a child and his or her parent, regardless of the parent's sexuality, should be paramount. I am disappointed that some faith-based welfare organisations oppose the bill, for I believe it reflects the Christian values of love and inclusion, and has as its basis recognising the rights of children to a loving and secure home environment. While the amendments do not reflect my strong belief that there should be no exemptions in the Anti-Discrimination Act, the bill is so important to the security of families headed by same-sex couples that I am amending my bill in the hope that the majority of members will support it.

Same-sex couples will continue to have access to services from other adoption organisations, such as Barnardos and the Department of Community Services, and the amendment is a clarification of exemptions that faith-based organisations already have. The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) is about removing discrimination against families headed by same-sex couples. It is about giving legal recognition to the vital relationship that children have with their parents, regardless of their parents' sexuality.

The law needs to catch up with the social reality that some children are already parented by same-sex couples, and the law should provide legal protection for those children. In New South Wales it is estimated that around 1,300 children have same-sex parents. Same-sex couples look after the birth or adoptive child of one parent, they care for foster children, and gay men and lesbians can adopt as individuals. Most organisations that match foster parents with vulnerable and neglected children work with same-sex couples, recognising that a larger pool of capable and loving parents is vital for children in need.

Unlike children in families headed by heterosexual couples, children in families headed by same-sex couples can have their relationship with only one parent legally recognised, leaving them vulnerable if one parent dies or becomes seriously ill. The current situation also affects everyday matters such as school permissions. My bill would put the rights and security of these children first.

The Association of Children's Welfare Agencies, the Benevolent Society, UnitingCare, Barnardos, Women's Legal Service NSW, the Inner City Legal Service, the Council of Social Service of New South Wales, the AIDS Council of New South Wales, and the Central Coast Community Women's Health Centre, amongst many other bodies, all support a change to adoption law that bases eligibility for adoption on the quality of parenting and the provision of a stable home, regardless of sexual orientation. Those organisations support this bill.

Members would have received a letter co-signed by Gillian Calvert, the inaugural Commissioner for Children and Young People; Associate Professor Judy Cashmore, Adjunct Professor at Southern Cross University's Centre for Children and Young People; and Emeritus Professor Dorothy Scott, inaugural Director of the Australian Child Protection Centre, expressing the absolute importance of this bill for the welfare of children. Their letter touchingly points out:

> Children think about who will care for them if their "parent" dies, they notice when one "parent" is unable to sign permission notes at school or can't consent to medical treatment ... Importantly for children already disadvantaged, being given inheritance rights sends a clear and strong message to the child that they are wanted and they are part of this family just as their friends are in their families.

The letter points out that this bill will give children who can no longer live with their birth family because of neglect or abuse the gift of a permanent, secure, loving substitute family. Research evidence shows that gay men and lesbians are able to provide a loving, caring, nurturing and stable home. The Legislative Council Standing Committee on Law and Justice inquiry into same-sex adoptions concluded that up-to-date social science research suggests that "same-sex parenting is as likely to result in positive developmental outcomes for children as opposite-sex parenting". It concluded that research shows children benefit from "positive relationships, and the provision of a supportive, nurturing and loving environment" regardless of their parents' sexuality.

The New South Wales Law Reform Commission and the Australian Human Rights Commission both support same-sex adoptions. Many in the community also support this reform. I note that there was even an endorsement for the reform in an editorial in the *Daily Telegraph* today. That surely must highlight that this is 2010 legislation. The bill would not give same-sex couples the right to adopt children; rather, it would make them eligible to adopt. There is a thorough process of assessment for all adoptions, including for "known" adoptions, with the Supreme Court determining what is in the best interests of the child based on individual circumstances.

The great majority of adoptions in New South Wales are of "known" children, such as when one parent is already legally recognised and the other parent adopts the child, or when carers adopt their long-term foster children. In the few cases in which infants are given up for adoption—I think there were 15 such cases last year—adoption agencies choose the best match for the infant from a pool of eligible applicants, and birth parents' wishes about who should adopt their child are part of this decision.

Families headed by same-sex couples who have contacted me tell me that this bill will give their children more security. These are families looking after the birth child of one partner, families with children born through surrogacy, and families looking after foster children. In the case of one lesbian couple who fostered two siblings together for six years, each parent adopted one child because they could not adopt as a couple. An opposite-sex couple could have adopted both children together. Another parent in a same-sex relationship who has cared for foster children for more than 10 years told me:

> I believe this bill is about the children's rights. I believe that children have the right to legally own their parents; the one that loves and nurtures them, who tucks them in bed at night, changes their nappy, toilet trains them, hugs them good bye on their first day at school.

Children who are put in the foster care of same-sex couples deserve the same right to permanency as children put in the foster care of opposite-sex couples. A number of foster parents contacted me in support of this bill but, in order to protect their children, do not wish to be identified. It inspires me to hear of their efforts to provide loving care despite the lack of legal recognition.

When vulnerable and disadvantaged children need foster care and a safe home it is in their best interests if the pool of loving, nurturing and permanent homes is as large as possible. While many claim to support families and children, Australia has a poor history of determining who can and cannot be parents. We have discriminated because of race, ethnicity, religion, sexuality, age and marital status. It is time to take irrelevant considerations off the statute book. I welcome the decision by the Premier and the Leader of the Opposition to allow a conscience vote on this legislation. The bill is about protecting real children in real families and recognising their relationship with both their parents regardless of sexuality. Parliament should acknowledge that same-sex couples are providing loving, nurturing and stable homes for children and take this opportunity to give those families the same legal protection that other families have under the law. I ask members to think about the impact that discrimination has on children and to use their conscience to support children in all families.

Ms LINDA BURNEY (Canterbury—Minister for the State Plan, and Minister for Community Services) [4.51 p.m.]: In speaking to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) I am conscious that I am one of the very early speakers in this debate. I hope and expect that we will keep this important debate civilised, balanced and respectful in this House—I am sure that we will. I begin my contribution with a true story about a little foster child—we will call her Lily—who was taken into care at the age of 11. Lily grew up in a very chaotic household. Her mum was addicted to drugs and often disappeared. Lily was seriously neglected. She had to get herself to school and could not predict what she would find when she got home. Her mother had many different partners. Lily was exposed to domestic violence and grew up in an emotionally toxic environment. Home was anything but a safe and warm place. Lily's foster parents, however, have remained a constant and stable presence in her life. Lily is now 24 years old and has a three-year-old baby boy. Her foster parents are actively involved in the life of this little boy, whom they consider to be their grandchild. They now care for their grandson two days a week. They are a lesbian couple.

As Minister responsible for the Adoption Act I take a special interest in this bill, and I commend the member for Sydney for introducing it. I recall very clearly the day I realised as Minister that we had policy inconsistencies regarding our adoption laws in New South Wales. We allow a single gay person to adopt but not a gay couple. We allow gay couples to foster then prohibit them from adopting their foster child. This bill is our opportunity to repair this injustice and give these children the legal and emotional certainty they deserve. I make

it very clear that I wholeheartedly support this bill as a member of Parliament, as a Minister and, first and foremost, as an individual. I support this bill because it is a social justice issue, it is a matter of common sense and it removes discrimination.

This bill will amend the Adoption Act 2000 to enable children to be adopted by couples of the same sex. Importantly, the bill includes an amendment to the Anti-Discrimination Act 1977 in recognition of the values and beliefs of faith-based organisations that provide a significant share of adoption services in New South Wales. This amendment exempts those organisations from the legal obligation to provide their services to same-sex couples, thereby ensuring the continuation of their important work—I will say more on this shortly. The House may recall that as from May 2009 an amendment of the Adoption Regulation 2003 has been in effect. It makes sure that the primary focus of the assessment of prospective adoptive parents is not their age or marital status but their parenting capacity. This to guard the best interests of the children involved. The effect of this bill is essentially an extension of the amendment. It will allow this "best interest" principle to operate most effectively by allowing adoption by a gay couple when it is the best interests of the child.

The Premier's laudable decision to allow a conscience vote on this bill is testament to the emotions and sometimes also the misunderstandings and fears this bill generates. That is what makes this debate so incredibly important. As elected representatives we must find the balance between logic and emotion, navigating as many personal beliefs and convictions as there are members of this House. We have a longstanding tradition in this Chamber and in Western democracies in general to rate evidence-based policy highly. We do not allow our decisions in this House to be guided only by sentiment. The bill is strongly backed by evidence and independent peer-reviewed research. It is evidence based.

The inquiry of the Legislative Council Standing Committee on Social Issues into same-sex adoption investigated the research on the impact of sexual orientation on child rearing. This research shows that it is the way the family functions and not its structure that is the critical factor in promoting the welfare and wellbeing of children. Put another way, having a happy, healthy, well-adjusted child depends much more on what their parents do than on whether they are heterosexual or homosexual. This is consistent with broader child wellbeing research that has shown time and again the importance of a loving, stable, accepting relationship with parents who prioritise the needs of their children and are prepared to work at developing and sustaining a positive attachment. These are the factors that present children with the best possible chance in life.

As Minister for Community Services the advice I have received from childcare and protection experts is that same-sex couples are fully able to provide these elements for children in their care. I am not aware of independent peer-reviewed research backing up the view that children suffer or are disadvantaged in some way without a mother and a father. I am convinced that it is our responsibility as representatives to make laws on the basis of evidence. Sometimes we need to make decisions that are confronting for some of our constituents, and then we need to explain our reasons for these decisions.

Many highly regarded non-government organisations such as Barnardos, the Benevolent Society and UnitingCare Burnside have expressed their strong support of this bill. They have done so on the basis of the research and, importantly, on the basis of their own experiences with same-sex parents. I am advised that one- third of the children in Barnardos care are adopted by their foster parents. This is the best outcome for these children, providing them with security and stability. Adoption means they are no longer shuffled around the child welfare system but enjoy the security of a family. These are children who would otherwise have nobody, children who would otherwise be at the mercy of the welfare system. Of the foster carers at Barnardos, 8 per cent are gay. Do their children not have the same rights to security and identity as other children? UnitingCare states:

> We believe that this is consistent with our Christian heritage and beliefs .... the mere fact that the prospective parents are in a same-sex relationship should not, of itself, be a barrier to adoption.

The Benevolent Society says:

> Potential adoptive parents should be assessed on the basis of their suitability to parent, not their sexual orientation.

Three leading child welfare professionals say:

> Children think about who will care for them if their "parents" die, they notice when one "parent" is unable to sign permission notes at school or can't consent to medical treatment; this bill remedies these uncertainties for the child and places them on a level playing field with their friends.

Those experts are Gillian Calvert, former Commissioner for Children and Young People, Associate Professor Judith Cashmore from the University of Sydney Law Faculty, and Emeritus Professor Dorothy Scott, inaugural Director of the Australian Child Protection Centre. These are just a few examples of the countless individuals and organisations who have expressed their support for this bill.

In coming to a decision on this issue we must recognise the diversity of families across our community. Notwithstanding the personal, moral and religious beliefs of members of this House and their constituents, the fact is that gay and lesbian couples have and will continue to have children, care for children and be parents to children. The current law hurts children with gay and lesbian parents by denying legal and social recognition to their families. At the moment only one parent of a same-sex couple can adopt a child. If something happens to the adoptive parent the non-adoptive parent is left without legal rights and, therefore, the children are left without a legal parent and without security and stability. This bill will provide those children with the recognition and protections through adoption by both their carers—the same recognition and protections available to all other children in New South Wales.

Apart from a social justice issue we are also talking about a socioeconomic issue. This bill will not cost the taxpayer, but it does prevent a significant number of children being dependent on the welfare system for longer than necessary. These children will be able to transfer into more stable arrangements where they will be less reliant on the State for their care. It is relevant to note that this bill will not affect inter-country adoptions. None of the countries that have adoption agreements with Australia allow same-sex couples to apply. Local adoption involves children being put up for adoption in New South Wales. A very important point is that the preferences of biological parents are an important factor in the assessment of prospective adopting parents. Fewer than 20 children in this category are adopted each year.

The bill will have the greatest positive impact on known adoptions. This category includes relationships where a partner of a parent, biological or adoptive, is raising a child and cases where foster parents seek to adopt a child in their care. It is in this category that allowing adoption by couples of the same sex will have the greatest benefit by formalising longstanding family relationships and giving the children of these relationships the same rights that any other child in New South Wales already has. These children deserve our legal recognition and protection as much as any other child. The positive impact of these amendments is significant. It removes uncertainty for these children, allowing both partners to make legal decisions about the children they raise as their own. It gives them greater financial, social and legal security.

Finally, the bill allows children who are in foster care with same-sex carers and are unable to safely return to their parents to have a permanent plan for their future in a nurturing, secure home with positive and lasting family relationships. The amendments proposed by this bill are in step with legislation in other jurisdictions. In the Australian Capital Territory and Western Australia all same-sex couples may apply to adopt jointly. Tasmania allows for same-sex step-parent adoption. Thirty-four out of the 50 American States allow or do not restrict gay couples from applying to adopt jointly. Moreover, gay couples may adopt in Belgium, Denmark, Germany, the Netherlands, Norway, Spain, Sweden and the United Kingdom.

I will now comment on the exemption for faith-based organisations that is included in the bill. In New South Wales four agencies provide adoption services—Community Services, Barnardos, Anglicare and Catholic Adoption Services. Anglicare and Catholic Adoption Services are faith-based organisations. Whatever one's personal beliefs, the submissions of faith-based organisations to the inquiry by the Legislative Council Standing Committee on Law and Justice into same-sex adoptions bear out the conviction of religious groups with respect to this issue. The contributions faith-based organisations make to the wider community—for example, their work caring for the dispossessed, the homeless, and the marginalised—cannot be underestimated. They are an integral part of our pluralist society and provide stability, security and guidance to many. Successive governments have built an effective partnership with religious organisations.

New South Wales should be proud of its pluralist tradition. We all expect to live out our beliefs in co-operative co-existence, where our beliefs do not have a detrimental impact on the quality of life of others in our community. I believe what is required in this debate is to find a balance between law and conscience and between equality and freedom. The employees of Anglicare and Catholic Adoption Services do not leave their beliefs at home when they leave for work every day. The question then is: Does the exemption for faith-based organisations, as included in the proposed bill, result in the religious beliefs of faith-based adoption service providers prevailing over the rights and the ability of same-sex couples to adopt a child in New South Wales? The answer is no. Gay couples will have full and equal access to adoption through New South Wales Community Services and Barnardos. Examples in the United Kingdom show negative outcomes where faith-based organisations were not provided with an automatic exemption.

Many people have raised with me the timing of this bill and whether this issue is our responsibility. Of course it is our responsibility: it is up to us because this issue is not going to go away until we address it right here. Most importantly, we cannot allow discrimination to continue when we see it. We cannot allow the children of these families to be treated as second-class citizens. [*Extension of time agreed to.*]

All independent research refutes the myths that two men or two women cannot be trusted to raise children or that children will end up confused about their gender or sexuality. On the contrary, evidence shows that gay and lesbian couples have the same parenting qualities as heterosexual couples. They are, in fact, boringly normal and face the same struggles, joys and rewards as any parents. As we debate this important bill, I would like to remind the House of the meaning of voting according to conscience. It means voting according to one's own beliefs and principles as an elected representative of this State, protecting the rights and opportunities of the vulnerable and treating all in our community equally.

It means making hard decisions based on the best available evidence, while respecting the differing views, experiences and beliefs of our people. It means voting with head and heart. As a member of this House, as Minister for Community Services and as a representative of the people of Canterbury, I believe it is our responsibility to advocate the best interests of our children and justify our advocacy. I also believe it is our responsibility to advocate the principle of ending discrimination with respect to all those in our community, be it children or adults. That is one of the tenets of our society. Finally, it is equally important that the freedoms and liberties of faith-based religious organisations in the provision of services in accordance with their own values and beliefs are protected.

The bill as proposed has no downside. However, it does provide essential benefits to our children. It will first and foremost put the children of same-sex couples on an equal footing with other children. This bill is an important step forward for the children of New South Wales. It is about their right to grow up with confidence and belief in themselves. It is about their right to stability, their right to be safe, their right to be loved and their right to their own identity. It is about their right to feel as valued by society as does any other child. The best interests of our children override everything else and underpin everything in this bill. Sometimes one just has to do the right thing. Sometimes in our endeavours as human beings bravery is required.

I call on all members of this House to remember that this bill is about those children who currently do not have the same rights as children raised in heterosexual families, particularly foster children. I want members to keep that in mind. This is a time when we have to do the right thing. In my heart I believe passionately that for the sake of the children of same-sex couples, the right thing to do is to support this bill. We know these children. They have a right to be treated as equally as any other child and currently in this State that is not the case. This bill will right that wrong. I urge all members to support the bill. I commend the bill to the House.

Ms PRU GOWARD (Goulburn) [5.10 p.m.]: I support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) in principle and look forward to addressing the amendments that I understand will be proposed at the Committee stage. I support the bill, but with mixed feelings. On the one hand, there is the determination to protect the rights of the child and, on the other hand, there is some disappointment at the nature of the debate and the political cloud that has enveloped it. It is disappointing that a bill to legalise same-sex adoption has been presented as a homosexual or same-sex rights bill when, in my view, it has almost nothing to do with same-sex rights and everything to do with the rights of the child—a point to which I will return.

This has placed the debate over this bill in a highly charged environment, with members of the public believing that to oppose it is unfair to homosexuals or same-sex couples and that, conversely, to support the bill is immoral, undermines Christian values and, in my case, would damage me politically as I represent a so-called conservative regional electorate. I am a practising Christian who has been highly involved in the activities of my church and I believe I speak from those same Christian values that have driven others to oppose the bill. Such is the role of values.

It is my view that the people of New South Wales understand the role of the conscience vote. Historically it has been used in only a limited fashion and has been confined to matters of social or religious values. The electorate appreciates that it is not possible for their elected representative to agree with all views simultaneously, and when they elect their parliamentary representative they elect that person understanding that there will from time to time be occasions when the elected member's conscience does not agree with theirs. Electors vote for or against us, appreciating that our personal values and capacity for judgement will need to be exercised from time to time and, as is the Australian way, I believe that personal differences can be understood

and respected in our communities. On this issue I have neither polled nor focus group tested my communities in the Goulburn electorate. I am confident that they believe I will do what I think is right, as will all others in this House.

It would be a great deal easier to oppose this bill; the status quo rarely needs defending to the same degree as change, and in any case I strongly support the notion that children are theoretically entitled to be brought up by both a mother and a father. In the best of all possible worlds, a man and a woman united in love and care for each other with the common purpose of giving their children the best childhood and opportunities in life is an ideal. I appreciate that there is some research to the contrary, as the Minister opined. But in my experience children thrive where the family has both a man and a woman as parents and where there is the opportunity for male and female role modelling and mentoring. A diversity of experiences for the child to draw upon, much like diversity in the workplace, uncontroversially is considered to provide better outcomes. That is why we have Father's Day as well as Mother's Day—to celebrate, apart from anything else, the different things our parents do for us.

Same-sex families where the other biological parent is also regularly involved in the child's life is a mature way of recognising this absence and is increasingly common. But the truth is there are a number of very obvious reasons why we no longer live in a world where father and mother families are the only option. In New South Wales, homosexuals can already adopt a child, and do. Single-parent families are increasingly common. Open adoption often means a child has a relationship with both its adoptive and natural parents. Homosexual foster parents are part of almost all out-of-home-care agencies, including faith-based agencies. In other words, we have long since accepted that the interests of the child come first and that if a homosexual person or couple is best placed to give a child the love and protection they need, then that must be the overwhelming principle that drives the decision to allow them to adopt. I have had, as has the Minister and I suspect others in the place, very moving correspondence from children raised in same-sex households who believe they were raised happily, safely and to their benefit.

It also has to be said that there are many heterosexual families where the children are abused and neglected. There are 16,000 children living in New South Wales who have been removed from the care of their parents because of neglect or abuse. In my limited experience as shadow Minister in the dozens of cases brought to my attention I have not encountered one case in which a child has been removed from a same-sex household. That certainly does not mean that homosexual households are better places to raise children but it means that heterosexuality has no monopoly on better parenting. Surely a child is better off in the home of two people who love the child and each other than with a couple who beat and mistreat the child or each other. That is certainly the direction given to the courts by governments of both persuasions over the years, and in that sense the sexual preferences of the couple are a secondary consideration in adoption matters. In my electorate I know several same-sex couples who are outstanding foster carers, especially since these children very often have high needs.

One of the challenges I constantly confront as shadow Minister for Community Services is the sense of entitlement among parents and step-parents that because they are the birth mother, the stepfather or the birth father they are entitled to spend the family allowance specifically provided for their children on gambling, drugs or alcohol, or to abuse and neglect a child without reprimand or accountability because the child is theirs. Even in families without child protection histories there is frequent evidence that parents believe they have a right to treat their children as they see fit, unfettered by responsibilities. Of course, as the legally competent person they are entitled and required to make decisions on behalf of the child, to expect standards of behaviour and even to impose their values and culture upon a child as part of that child's upbringing.

In a loving family environment, whether it be same-sex or heterosexual, parental responsibilities—including responsibility for the provision of care, education and other gifts, but also responsibility for imposing discipline, limits and rules—merge with the adult's rights, such as private property rights, cultural and religious rights and rights of personal taste, to form a safe and predictable family framework. Each family's framework is inevitably different. In these circumstances the functioning family is essentially beyond the reach of the courts and of the State—love, care and commitment being the electromagnetic bonds within a family that combine to produce safe and happy children and resilient and functioning adults of the next generation.

Our children struggle from our bodies into the world fragile, unasked and unprotected; and it is we, their parents, who have no rights to that parenthood but instead have an enormous responsibility that we must constantly earn—and most of us do. Conversely, the newborn child has a number of rights and absolutely no responsibilities. Teaching responsibility occurs throughout childhood and is an essential part of bringing up a child to adulthood. It is one of the most frustrating aspects of this debate that the rights of the child to a safe and

happy upbringing are conflated with the rights of homosexual couples to be parents. In my view, people have no rights at all to be parents. It is a great privilege and enormous responsibility, but it is not a right, except in the narrowest sense that people are primarily born with the physiological capacity to form offspring.

I do not see this debate as at all linked with the homosexual or same-sex rights debate. In this I differ with my colleagues the member for Balmain and the member for Canterbury who have argued that this bill is about removing a form of discrimination against gay people. It is not because I see parenthood not as a right but as a great responsibility and honour. Adoption is not a right for parents. As the long and arduous adoption process demonstrates, it must be earned and proven to be appropriate. Nor do I believe that homosexual or same-sex adoption will inevitably lead to the legalisation of same-sex marriage, again because same-sex adoption is not about the rights of same-sex couples and thus cannot be connected with the marriage debate. Indeed, were a same-sex marriage bill to be introduced in this place—of course, the Marriage Act is a Federal Act—I believe a number of us would indicate in our voting preference exactly where we stood on the same-sex marriage issue and its connection with same-sex adoption.

What we might all and must agree is that this bill is about the rights of a child to have parents who love them and, even more importantly, care for them and to bring them up. We are talking about people who are prepared to put themselves through the adoption process, which involves the ceaseless examination of criminal records, financial support, psychological soundness and so on, to prove themselves fit to be the legal parent of a child. In opposing the bill before us we would then deny children the full enjoyment of that right to live in a loving and stable home with two parents, whether they be of the same sex or heterosexual. We know from all the research that almost always these children are the biological offspring of one of the partners in a same-sex relationship.

This legislation is about enabling the non-natural parent to assume the legal responsibilities, not the legal rights, available to the natural parent. It means that the non-birth parent is also responsible when things go wrong, that the child has the right to stay, see or even live with that parent should the parental relationship break up, and a legal responsibility to provide for the child in their estate after death and during the child's upbringing. These are not always easy responsibilities and I see no notion of right being attached to any of them. Even the so-called right to visit a child in hospital is really the responsibility to visit the child that one cares for and the child's right to expect that its parents will both be able to attend them.

I understand that many foster parents seek to adopt their children and that this process currently takes a number of years. During those years the views of the natural parents are sought and the record of the foster parents in caring for the children is closely considered by the court. It has been said that natural parents might not give their children up for adoption if they believe the child would be adopted by same-sex parents. We are talking in this instance of that very small number of adoptions where the adoptive parents and child are not known to each other. That consideration might also apply to natural parents who would prefer their child to be adopted by others of the same race, religion or even disability as themselves.

For this reason, I understand an amendment to the anti-discrimination legislation has been proposed that would enable faith-based adoption agencies to exercise these same discriminatory judgements and has been incorporated in this bill. I welcome that change. In any event, by exempting faith-based adoption agencies from this bill, there is already the capacity for natural parents to seek to process their adoption through an agency with a similar view to their own about same-sex or heterosexual family preferences and, indeed, about ethnicity or religion.

I understand also that there is the possibility of an amendment that would limit this bill to adoptions where there is a biological link with one of the adoptive parents, as is the case in Tasmania. Although that would limit the impact of the bill considerably, I believe it would also make it much more acceptable to those many members of this House who are concerned that stranger adoptions would give heterosexual couples equal footing with homosexual couples when there is a strong view in the community that, all things being equal, heterosexual families are preferable. I see this as an academic debating point because all things are never in reality equal. However, I await the amendment with interest.

I support this bill as a social conservative. I believe in parental commitment, in particular as a means of underpinning the rights of children to a happy and safe childhood of hope and promise. I do not believe that the thin edge of the wedge argument necessarily applies here because it is always up to the good judgement of the Parliament of the day. That is why, for example, the legality of a homosexual individual being able to adopt

should not be seen as the thin edge of the wedge for same-sex couple adoption. The importance of children being adopted by those who will primarily love and care for them makes their own sexual preferences very much a secondary consideration, as the courts well know.

What adults choose to do with their relationships is, these days, pretty much up to them. In an age when women are able to enjoy financial and legal independence, commitment in relationships is a personal choice and no longer a legal necessity for the protection of the weaker party. However, for children, so frail and so very vulnerable, it is different. For them, I strongly believe that growing up within a committed environment, where both, not one, of their parents is legally as well as notionally committed to protecting, rearing, encouraging and developing them throughout their childhood, is what will make the difference through the legal confirmation of those parental responsibilities. It is true that de facto heterosexual couples enjoy similar parental responsibilities to married parents. However, that is precisely because de facto couples may be married. Because same-sex couples cannot marry they therefore cannot have de facto parental obligations conferred upon them. [*Extension of time agreed to.*]

Indeed, enabling same-sex adoption removes one very powerful argument for same-sex marriage—that is, the need to protect the rights of the children who are part of that relationship. We all know the difference commitment makes to a relationship and how, in the case of adoption, that commitment must be even harder fought for than it is for those of us lucky enough to bear our children or to be their biological parent. Children may or may not do better in families with same-sex parents than in heterosexual households. That is clearly open to debate. However, in my view as a social conservative, children will do better in families where both parents are committed to those children. For biological parents, culture, history and deep instincts make that easier. For those who are not so connected, the commitment of legal parentage through adoption will go a long way towards strengthening those bonds.

This is certainly not to say that there are not same-sex couples where both are equally committed to the children, whoever is the biological parent. However, a bit like heterosexual parentage, the relationship of itself is no guarantee of that. A formalising of the bond between each parent and the child does in my view make the difference. I commend the bill and look forward to considering the amendments that will be proposed. We must put the happiness and wellbeing of our children first. Modern life, especially modern family life, is too varied, too complex and too different to justify restricting parenthood. Instead, we must promote parenting that gives each child the same right to love, care and commitment. This is indeed the right thing.

Ms VERITY FIRTH (Balmain—Minister for Education and Training) [5.28 p.m.]: I support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). Removing discrimination is about respecting human dignity and ensuring that everyone has the best possible opportunities in life regardless of their sexuality or the sexuality of their parents. I recently had the pleasure of meeting with a family who live in my electorate. Like many families in my area, both parents go to work, playgroup and weekend sport, their cupboards are full of prewrapped gifts for the endless cycle of year 1 birthday parties and they have become experts in keeping the peace between their bossy elder daughter and her baby brother.

The difference between this family and most others is that the parents are two gay men. Both parents have the telltale bags under their eyes that inevitably come with juggling work, raising two children and trying to remember what it was like to have a social life. Like many working families around the country, they are decent people who clearly have a deep love for their children and a strong commitment to each other. They came to me to talk about the inability of same-sex couples to adopt in New South Wales. It is an issue that affects their family directly. Despite raising their children and sharing their life, only one of them is the legally recognised parent of their children. While the other has been able to secure a parenting order, conferring many of the same legal responsibilities, there is currently no legal mechanism that allows his parenthood to be recognised fully.

I left the meeting with two lasting impressions. The first was that this family—like most families, whatever their make-up—provides deep love, care and support to their children. The second was a deep sense of injustice regarding existing adoption legislation. Many of the arguments against same-sex adoption stem from a belief that children have a right to have, or are best served by having, both a mother and a father. For most of us who grew up with a mother and a father, perhaps this is an understandable reaction. However, it fails to acknowledge the thousands of children who are growing up every day with single parents, with grandparents, in joint-custody situations—like me and my brother—or with gay and lesbian parents. When we deny these kids and their families legal rights and protections, we are not protecting children; we are punishing them for their family not resembling the nuclear ideal. Research has shown time and again that kids growing up with gay or

lesbian parents are no more or less likely to be gay themselves, to suffer from mental or physical illnesses or be unfairly disadvantaged. In fact, a recent study suggested that kids with two mums were more likely to be well-adjusted and have higher self-esteem.

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. It was the New South Wales Labor Party that 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.

In 2008 I was proud to support the New South Wales Government's recognition of lesbian co-parents of children born through assisted reproductive technologies such as in-vitro fertilisation. The New South Wales Government has now removed every piece of discriminatory legislation against lesbians, gay men and their families other than the Adoption Act 2000. Allowing same-sex couples to be eligible to be considered as adoptive parents is the last piece of the puzzle, removing all discrimination against lesbians and gay men in New South Wales.

The member for Sydney, Clover Moore, has introduced a bill seeking to remove adoption discrimination. I applaud her for her efforts. Something that I think is sometimes misunderstood in this debate is that adoption is not an automatic right. Making same-sex couples eligible to adopt does not entitle them to adopt children, and it does not entitle them to adopt children more than anyone else is entitled to adopt children. People wishing to adopt kids are subjected to lengthy checks and assessments by registered adoption agencies to ensure that children are placed in a suitable environment.

This bill means that parenting capacity—not gender, not sexuality—becomes the sole determinant of whether a person should be assessed as suitable to adopt a child. At the end of the day the best interests of the child remain the paramount consideration in making decisions about the adoption of a child. Adoption reform would provide a mechanism for same-sex couples to have their parenthood recognised, and to expand the pool of potential adoptive parents for kids in New South Wales. Currently lesbian and gay stepparents and foster parents who are providing homes and care for children across the State are unable to formalise that parent-child relationship. Allowing adoption would provide these children with the legal and emotional certainty of two formally recognised parents able to make medical decisions, sign notes for school and ensure the children are protected in the event that one parent dies.

I thought the point made by the member for Goulburn was pertinent. These are children who have often been taken from homes where they have suffered devastating trauma and neglect. At the moment, if these children find a safe haven with a same-sex couple who gives them, for the first time, that sense of security and safety, these same foster parents are not eligible to apply to adopt these children. I cannot imagine how that can possibly ever be in the best interests of the child.

However, adoption equality is not just about substantive rights and legal protections. It is about ensuring that children have loving and stable families—equal before the law, regardless of make-up. I met with another constituent recently. He and his partner had fostered a young boy from early childhood—providing a child in need with a loving and supportive environment. They were lucky and the arrangement proved beneficial for both them and the child—so much so that they were encouraged by the foster care agency to consider adopting the boy. The current state of affairs means that only one of them has thus far been able to become the legally recognised parent of their child.

A situation in which a gay or lesbian individual is eligible to be considered for adoption—and yet their partner who is sharing the emotional and financial responsibility of raising a child together is not—is nothing

short of absurd. If this legislation is successful, that family, and so many others like it across New South Wales, will finally be granted the recognition they deserve. There will be benefits from the protections and responsibilities that legal recognition of parenthood confers. However, there will also be the strong message that the law, the Government and society more broadly recognise the truth—that theirs is a family as deserving, complete and real as any other.

I remember 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 as fundamentally human as this. It is my firm belief that same-sex couples and their children should have all the same rights, responsibilities and protections as heterosexual couples and their families. Discrimination on the basis of sexuality is completely unsupported by any evidence, and more importantly is unjust. I am proud to be supporting this bill. I am proud that the member for Sydney has moved this bill to remove the last piece of the puzzle. I am proud that today we are attempting to remove that last piece of State discrimination against same-sex couples and their families. I look forward to a day soon when unjust discrimination is a thing of the past. I commend the bill to the House.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.37 p.m.]: Children deserve the best possible environment; I think all members agree on that. In my view, that environment is in a family with a mother and father. As the father of six children, I know that my children have benefited from having parents of both genders—male and female—and various studies have supported this view. I refer to a review of research undertaken in 2004 by a Dr G. A. Rekers, a Professor of Neuropsychiatry and Behavioural Science, at the University of South Carolina School of Medicine. He came to the conclusion that empirical research and clinical experience clearly demonstrated that households with a homosexual-behaving adult member, first, imposed unique harms of stresses on children; secondly, that those households were substantially less stable than heterosexual families; and, thirdly, that children in those households were deprived of the benefits of having relatively better psychologically adjusted adult family members who provided the benefits of both a mother and a father figure. I know there is contradictory research but I feel this contradiction demonstrates that there remains significant doubt about the outcomes for children in same-sex households.

I am sure that there are gay couples who are wonderful parents, who love the child in their care. I also know that there are heterosexual couples who are particularly poor parents. However, the principle of which family structure is best for children in their development remains the most important issue. I have received many messages about this issue from across my electorate, and indeed from across the State. The great majority of them do not support same-sex adoptions, quite often for the reasons that I have already outlined and will continue to outline. I refer to an email I received just yesterday, which states:

> Dear Andrew,
> Just want to say how horrified I am that this is already on the table though shouldn't be surprised. There is no argument that these children need a loving home when there are so many people mother and father longing to adopt. Its not that homosexual couples aren't loving but they do not offer what every child should be offered wherever possible - a stable home with a mum and a dad.
> Your sincerely

Another one being emailed around states:

> This week, the NSW Parliament will vote on whether to legalise adoption for same-sex couples and deny children the right to have both a mother and a father.
>
> This is something we totally need to stand against!!
>
> ...
>
> There is a link you can follow to send your local MP an email voicing your objections.
>
> Please do this ASAP, and forward this email ...

I was interested to note a comment in the *Illawarra Mercury* by a former Labor member of this place, Bob Harrison, the retired member for Kiama. He states:

> The United Nations declarations on the rights of the child stipulates that a child must not, other than in the most exceptional circumstances, be separated from his or her mother.
>
> This UN affirmation doesn't appear to carry much weight with the government ... NSW
>
> ...

> I believe that [this] government and [its] premier by aligning itself with the ideologically driven social engineering policies of the Greens and the rhetoric sprouted by Libertarians around the world, about the so called rights of homosexuals to marry and/or have access to adoption lists, do their party and the electorate a massive disservice.
>
> What is being overlooked in this sudden rush of social engineering experiments is that the right of babies who are born helpless are being deprived by the State, of the right to grow up knowing the love of a mother and a father.
>
> ...
>
> Infant children who have been denied by circumstances, an opportunity to grow up with their biological mother and father, should also have legislated rights to be placed in the nearest possible equivalent family environment.

That was interesting coming from a former member on the Labor side of politics. I referred also to the Australian Christian Lobby website because that group has been active in relation to this issue. In a media release dated today, David Hutt, the New South Wales Director of Australian Christian Lobby, states:

> The debate about same-sex adoption is not a gay rights issue. This is about children's rights—specifically the right of an adopted child to be placed in a home with both a mother and a father ...
>
> Sadly, adopted children can often face emotional struggles. If passed, this bill will allow children to be adopted out to two mums or two dads and make them miss out on the love and role modelling that both a mum and a dad can provide.

Mr Hutt said that in the case of same-sex couples wanting to adopt children already living with them, most of their concerns about providing parental care can be effectively dealt with through a parenting order made by the Family Court. While many supporters of the bill introduced by the member for Sydney feel that the issue is about discrimination towards gay people and about their rights, what these people forget are the rights of the child involved. These children do not have a voice in this debate. I am putting the rights of the children to have the best possible family environment with male and female role models first and foremost.

In my view, it is not about discrimination; it is simply that governments have a responsibility to put in place standards and structures in the best interests of present and future society. I am aware there are a number of amendments to the bill but my view is that one cannot sugar coat this issue by amending to try to please those who have issues or objections. The principle of the best environment for the child remains paramount. That is why I oppose the bill.

Ms VIRGINIA JUDGE (Strathfield—Minister for Fair Trading, Minister for the Arts) [5.44 p.m.]: I have studied the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) introduced by the member for Sydney and I am very concerned about its implications since it undermines my very firm commitment to our State's anti-discrimination laws. The Anti-Discrimination Act 1977 was enacted to ensure that people of all races, gender and transgender, religion, domestic and marital status, sexual preference, disability and age, have equal rights and opportunities in basic areas such as education, employment, accommodation and the acquisition of goods and services. These rights are outlined in parts 2 to 4 of the Anti-Discrimination Act.

In the area of adoption it is the rights of children that must be protected. It is a tenet of our contemporary society that children thrive best with two parents who have legal and social obligations to support them financially and emotionally. Until now no agency has been able to allow same-sex couples to jointly adopt a child in our State. This situation has applied consistently to all our residents and service providers. The bill specifically exempts Anglicare, CatholicCare and other organisations established or controlled by religious organisations and exempted under the Adoption Act from the operation of the Anti-Discrimination Act. This means that they will continue to be able to deny adoption services to same-sex couples. This exemption is wrong in principle.

In drafting the Adoption Act 2000, the Legislature painstakingly outlined the criteria to be applied in determining whether applicants for adoption are suitable. It is unnecessary and heavy handed to add another organisation's own criteria to the mix. Section 8 of the Adoption Act requires that in making a decision about the adoption of a child the decision-maker is to have regard to a number of principles. These include the best interests of the child both in childhood and in later life. Adoption is a service for the child and no adult has the right to adopt a child. The child, if able, must be given the opportunity to express their views, which must be given due weight by reference to their developmental capacity. The child's language, cultural and religious ties must be identified and preserved.

In determining the best interests of the child, section 8 further provides that the decision-maker must consider many factors, including the child's wishes, age, maturity, level of understanding, gender, background and family relationships; the child's needs, including sense of identity; disability; wishes expressed by either

parent or both parents of the child; the relationship the child has with any siblings and its parent; the adoptive parents' attitude to the responsibilities of parenthood; the relationship of the child with each adoptive parent and their suitability to provide for the emotional and intellectual needs of the child; protections for the child from physical and psychological harm; and the alternatives to making the adoption order and their likely effect.

One can see that the Adoption Act provides comprehensive protection in preserving the culture and heritage of the child and ensuring their needs are met. They do not require another agency to overlay their specific beliefs and criteria in the selection process. Our State's anti-discrimination laws have been hard fought. They have been developed over the past few decades in the spirit of upholding equal rights for all the residents of New South Wales, regardless of their religious creed or sexual preference. It is the most vulnerable in our society who rely on each and every one of us, members of this Parliament, to uphold these basic rights. Surely our children have one of the greatest claims to our protection.

As the member for Sydney said in her agreement in principle speech, almost 60 Acts, regulations and by-laws have been amended to remove discrimination against gay men and lesbians. Similar legislation at Commonwealth level has amended nearly 100 laws to remove this type of discrimination. I consider it a retrograde step to appease one section of the community by allowing its agencies the right to discriminate against same-sex couples, or more specifically their children, who have a right to be cared for and provided for by two parents equally. This is a cynical and opportunistic strategy to ensure the bill is passed while offending as few people as possible. This is not the role of government. It is our responsibility to enshrine the principle that basic human rights must be applied across the board to all citizens. The bill in its current form is not conducive to social cohesion, and it further compounds the antagonisms, segregation and discrimination it claims to address.

It is dishonest to pretend we are allowing this discriminatory conduct on the basis that religious sensibility should override what we uphold in a civilised, inclusive society: that all our citizens have equal rights and responsibilities. If we are going to allow same-sex couples to adopt jointly, it would be wrong to allow any organisation to discriminate against them. Either we are supporting the rights of children of same-sex couples to be treated equitably across the board or we are not. I say to my colleagues: This is a conscience vote. By all means vote for a bill that removes the ability to discriminate against same-sex couples from adopting in this State. That would represent progress in the anti-discrimination laws resulting in the equal right for children of same-sex couples to be parented by two supportive parents. But do not sacrifice one section of the community—the children of same-sex religious couples—relegating them to differential treatment just so the majority can benefit from new rights. This returns us to the very situation that anti-discrimination laws attempt to address: where preferential rules apply to a majority while the minority suffer discrimination.

Mr RUSSELL TURNER (Orange) [5.52 p.m.]: I speak to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I understand that changes to the original bill will prevent faith-based agencies from facing discrimination challenges if they do not allow same-sex couples to apply through that agency to adopt a child who is eligible for adoption within that agency. I take this opportunity to thank my leader, Andrew Stoner, who has given my Nationals colleagues and me a conscience vote on this important bill, and I thank the member for Sydney for introducing it. At the outset I indicate that I will support the bill and I hope it is passed in this House.

The object of the bill is to amend the Adoption Act 2000 to allow couples of the same sex to adopt children. Under the Act, a couple is defined as a man and a woman who are married or who have a de facto relationship. The bill amends that definition, along with the definition of "spouse", so that it includes persons who are de facto partners. The definition of "de facto partner" in the Interpretation Act 1987 refers to persons of the same sex or a different sex. The bill will also enable the same-sex de facto partner of a person who is the adoptive parent of a child to adopt that child in his or her capacity as a step-parent. The bill also makes consequential amendments to other legislation so as to enable the provision and recording of information about the adoption of children by couples of the same sex. As a member of the Legislation Review Committee, I acknowledge the work the committee has put into this bill.

Existing adoption excludes families headed by same-sex couples. Unlike heterosexual couples, same-sex couples cannot adopt a child together. Despite this, it is estimated that more than 1,300 children live in same-sex couple families in Australia. A 1997 New South Wales Law Reform Commission report recommended that legislation permit adoption by either a couple, whether married or de facto, heterosexual or same-sex, or a single person. Despite this, reforms to adoption procedures in 2000 did not extend adoption rights to same-sex couples. Meanwhile, the Australian Human Rights Commission 2007 report entitled "Same-Sex:

Same Entitlement" regards the exclusion of same-sex adoptions on the basis of sexuality as a breach of article 21 of the Convention on the Rights of the Child, which requires that the best interests of a child be the paramount consideration in adoption.

In its July 2009 report entitled "Adoption by same-sex couples" the Standing Committee on Law and Justice concluded that "same-sex parenting is as likely to result in positive developmental outcomes for children as opposite sex-parenting". However, the committee report was not endorsed unanimously and dissenting statements were provided by two members. Provisions under this bill reflect the recommendations made by the Legislative Council Standing Committee on Law and Justice in its report entitled "Adoption by same-sex couples".

I note that a number of agencies that work with children and families—such as Barnardos, UnitingCare and the Benevolent Society—support the bill, whilst Anglicare and CatholicCare are against what I believe is a further step towards gaining legal equality and social justice for lesbians and gay men in New South Wales. I have received a number of letters and emails from constituents within my electorate who are against the bill. The majority of concerns raised are based around the ideal of having children raised by a mother and a father—the ideal that revolves around: boy meets girl, they fall in love, after an appropriate time they marry in a church with the blessing of God, and they go on to have children. Ideally, in the words of the former Federal Treasurer Peter Costello in 2006, it is "one for Mum, one for Dad and one for the Country".

The notion that children are raised in a loving family—dad has a good job, mum stays at home to look after the children, and everyone lives happily ever after—is in this day and age somewhat utopian and has always been unachievable. Fortunately, today we as a society acknowledge that very few families and people live in this so-called ideal world. We accept that all marriages do not last; we accept that de facto relationships are seen by many couples as a viable alternative to marriage; and we accept that single mothers and single fathers are a part of our modern society. Since becoming the member for Orange in 1996 I have seen two bills pass through this House that provided major steps forward in giving lesbians and gays better equality in our society. In 1999 the Property (Relationships) Legislation Amendment Bill was passed in this House, and I abstained from voting on that occasion.

In 2003 the Crimes Amendment (Sexual Offences) Bill was passed in this House and on that occasion I voted in favour of the bill. Then in 2008 the Miscellaneous Acts Amendment (Same Sex Relationships) Bill was passed. As I said earlier, a bill to introduce adoption rights for homosexuals was not passed. However, following an extensive public inquiry the New South Wales Standing Committee on Law and Justice recently recommended changes to adoption legislation to remove the final piece of discrimination against same-sex couples. As I said earlier, the bill has the support of Barnardos and UnitingCare, two excellent providers of programs for children including foster care and adoption. In a letter from Barnardos addressed to all members of this House and signed by Louise Voigt, the Chief Executive Officer and Director of Welfare, the agency stated:

> We would like to let you know of our experience in the provision of foster care and adoption by same sex couples and urge you to support the bill. This issue affects only a small number of children in our care as only 8% of our foster carer families are same sex couples, however we are writing to you about this matter because of our concern that these children in strong and viable foster care placements should have the opportunity for adoption which is available to all children in our programs.
>
> All the children have suffered significant abuse and neglect, are permanently removed from their birth parents, and all the children have strong healing relationships with their foster carers. All were matched to meet the children's special needs.

I repeat—

> All were matched to meet the children's special needs.

A letter received by all members of this House from UnitingCare, signed by the Reverend Harry Herbert, Executive Director, UnitingCare NSW.ACT, stated in part:

> The key issue for us is the best interests of the child. In our view the same approach should apply in regard to adoption as we apply in foster care.
>
> UnitingCare also supports this bill as it would remove discriminatory practices from the adoption process and would also increase the pool of potential parents available to agencies involved in adoption.
>
> UnitingCare Burnside has a long track record of success for children and their carers based on a non-discriminatory foster care program. As such we do not believe that prospective parents being in a same sex relationship should be a barrier to adoption.

Tonight I am amongst 92 other elected members of the New South Wales Legislative Assembly. On this issue I have received more than 370 emails and letters, the bulk of which are in favour of this very important legislation. However, of the 13 emails, letters and telephone calls I have received within my electorate, four were for the legislation and nine were against. These figures perhaps reflect the more conservative beliefs of some country people, and are reflected perhaps in some of my Nationals colleagues in not supporting this bill. Virtually all of those against the bill state that all children raised in our society should have a mother and a father. Yes, I agree with that ideology; however, society today is far from what some would wish it to be. Indeed, it never has been.

As a parliamentarian I am confronted on a daily basis either through my office, on the street or through the media with children being abused and children witnessing abuse, usually by one parent or partner against the other. This abuse is often as a result of alcohol or drugs and is often compounded by violent television shows. Sadly many children begin to believe that this abhorrent behaviour is normal, and tragically many will go on to adopt a similar lifestyle in adulthood. At times the Department of Community Services is overwhelmed with cases involving domestic disputes, child abuse and marriage breakdowns. Many of these situations are referred to the agencies previously mentioned, and many are attempted to be dealt with by our education system or other agencies.

New South Wales has 1.5 million children under the age of 18, and some 94,000 babies are born each year. According to the 2006 census some 1,533 of these children live within a same-sex family, a loving and accepted same-sex family. Whilst I respect the views of most others who do not support this step forward in equal rights for everyone regardless of their sexuality, I believe we have greater issues to deal with as a State and as a nation. As a nation we have issues such as population, water and the economy. As a State we have major issues with health, infrastructure and population distribution. Because of financial pressures both parents in a family work and are forced to pay crippling childcare fees. Many country areas continue to suffer from a lack of doctors and satisfactory healthcare.

As politicians we should be working towards making this State a better place for the 1.5 million children who are our future. The thousands of children who live in dysfunctional families, the children who have been taken away from their parents, the children who have lost their parents, and the children who live in a loving and caring same-sex household deserve equal rights and the best opportunity to be part of our State and our nation. If the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) is passed tonight it will make a significant contribution to the ideals to which we should all aspire: equal rights and equal opportunities for everyone in our community, especially our children, regardless of background, religion or sexuality. I support the bill and commend it to the House.

Ms KRISTINA KENEALLY (Heffron—Premier, and Minister for Redfern Waterloo) [6.04 p.m.]: I speak to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I will not canvass the objects of the bill as they are well known and have been well described by the member for Sydney. This bill is not ordinary business. It goes to core beliefs about how families form and how children are raised. It requires us to consider views that will either be in conflict or in congruence with our values and beliefs, which are formed by our personal experiences and therefore deeply held. For many of us it raises issues of faith. As leader I determined that such an issue entitles members of my party to a conscience vote. As a result, this bill may or may not pass through this Chamber.

As leader I have not sought to engineer a result. I respect that each member will bring their personal perspectives, beliefs and judgement to this issue. I also acknowledge that the Cabinet previously resolved to introduce an amendment to the bill to provide an exemption for faith-based adoption agencies from the provisions of the Anti-Discrimination Act 1977. However, the Minister for Community Services discussed the Government's intention with the member for Sydney who has instead incorporated the amendment into the legislation. I acknowledge and welcome that. As members of Parliament we make judgements about what is in the best interests of the communities we represent, but this task carries additional complexity and weight when considering those who are unable to speak for themselves. In this case those people are children who are unable to be cared for by their birth parents or children who are unable to have their parental relationship legally recognised.

The decision to place a child in the legal care of a person who is not their birth parent is one of the most significant decisions a State can take. There are few areas where a democratic State has such a direct and intimate impact on the lives of individuals. In New South Wales decisions about adoption are made in the best interests of the child. No-one has an absolute legal right to adopt in New South Wales. This amendment does not

change that principle. Similarly this amendment will make no change to overseas adoptions, which are governed by inter-country arrangements that do not permit adoption by same-sex couples. Nonetheless, this bill still presents a significant change to our current practices regarding adoption in New South Wales. Our consideration is therefore: Does it serve the interests of the children it will affect and how do we assess that question? In forming my position on this bill I have considered my experiences as a mother, my responsibilities as a parliamentarian, and my conscience as a Christian and member of the Catholic faith. I will speak to each of these experiences to outline why I am supporting this legislation.

As a Christian and as a Catholic I accept that some may legitimately question how I can hold a position that appears to be in contrast to the teachings of my faith. I understand this and I will address it directly. The Catholic Church upholds the primacy of conscience and teaches that individuals must follow their own—this was reaffirmed at the Second Vatican Council. However, the Catholic Church is also clear that an individual has an obligation to fully form his or her conscience and that they do so by considering both faith and reason—that is, a fully formed conscience considers human experience and examines the revelation of God in the Scriptures, and the teachings of the church. In talking about such things I accept that I do so as a layperson, and not one that can lay claim to particular teaching authority. However, that is to some extent the point for it is precisely this type of examination that the church asks of each individual Catholic.

Our understanding of the Scriptures is not static, but rather unfolds and deepens as it is interpreted in light of our experience. Before I speak to my experience, let me first examine the Scriptures. For any Christian the most important are the Gospels—the four books that present the life and teachings of Jesus Christ. However, none of the Gospels records Jesus specifically addressing the issue of homosexuality. What then did Jesus teach that might be useful for a Catholic seeking to fully form their conscience on this issue? First, Jesus talked about family. In the Gospel according to Matthew, Jesus is told that his mother and brothers are outside waiting for him to finish preaching. His reply was:

> Here are my mother and my brothers. For whoever does the will of my Father in heaven is my brother, and sister, and mother.

The lesson I take from this is that family is not necessarily limited to those who are directly related. The bonds of a family can be created in other ways—in this case, spiritually. Here Jesus is characterising family in broad and accepting terms and this challenges me to do the same. Secondly, Jesus talked about children. He valued them, and demanded that others do the same. When some were seeking to keep children from approaching Jesus, he said:

> Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these.

But mostly, Jesus talked about love. He talked about it constantly:

> A new command I give you: Love one another. As I have loved you, so you must love one another.
>
> By this all will know that you are my disciples, if you love one another.
>
> Greater love hath no one than this, than to lay down his life for another.
>
> You must love the Lord your God with all your heart, all your soul, and all your mind. This is the first and greatest commandment.
>
> A second is equally important: Love your neighbour as yourself.
>
> The entire law and all the demands of the prophets are based on these two commandments.

For Jesus, the law that is to govern above all else is that we are to love one another. And not just any love, but an unselfish love, a love that seeks to mirror God's love for us, a love that is shown not just to our relatives, not just to our friends, but to all those around us. We are to love them as much as we love ourselves. This love would be so great that we would give up our lives for another human being. This is the overwhelming message of the Gospels—a message of unselfish, giving, self-sacrificing love.

Surely one of the greatest examples of that love we can find in our own society is in the selflessness and the sacrifice that parents make for their children. Parents sublimate their own needs and desires in order to give their children what they need. Parents show unconditional and undemanding love to their children. The love parents show to their child is, arguably, the best example of how humans love one another as God loves them. Most parents show this love to children to whom they give birth. But some parents choose to show this same self-sacrificing love to a child that they did not give birth to. To my mind and in my soul, this is exactly the kind of love that the Gospels show Jesus expressing and exhorting us to demonstrate.

As a Catholic, I am also asked by the Church to consider its teachings in forming my conscience. The Church's teachings are expressed in documents and statements by bishops, the Pope and the ecclesiastical councils. These documents all make clear statements about the positive nature of human beings, the role and importance of the family and the distinction between homosexual orientation and homosexual activity. Time does not permit me to elaborate on each of these points at length but to address them in summary. The Church teaches that: children should be raised in a family that consists of a mother and a father; that all humans are created in the image and likeness of God; that homosexual orientation, in itself, is not sinful or blameworthy but that homosexual activity is; and that homosexual persons should not be the subject of discrimination or vilification.

The first point on families is not insubstantial in Catholic teaching. The Catholic Church teaches that families are formed by the sacrament of marriage between a man and a woman and that the family is the fundamental unit of society which exists for the purpose of creating and nurturing of children. Sexual activity outside of marriage, therefore, is considered sinful by the church for it does not take place within the unit of the family for the purpose of conception and procreation. The Church's teachings on homosexuality make a clear distinction between homosexual orientation and homosexual activity. The Church accepts that homosexual orientation is not, in itself, sinful. Church teaching articulates that homosexual orientation is something discovered in, not chosen by, individuals.

The Church, however, does condemn homosexual activity, and it does so for similar reasons that it condemns heterosexual activity outside of marriage. It is on this point that I have questioned and continue to question the Church's teachings. I do not accept that a homosexual orientation, which is not sinful and which occurs in individuals created in the image of God, necessarily becomes sinful when an individual acts upon it. The Church itself struggles with maintaining this distinction. As the US bishops expressed in their document "Human Sexuality in 1990", this distinction is "not always clear and convincing" but it "is a helpful and important one when dealing with the complex issue of homosexuality".

Similarly, I do not accept the Church's view that sexual activity must always be for the purposes of conception and procreation. In reality, the Church does not hold this view in all circumstances. For example, there is no prohibition on infertile married couples. This is because the Church does recognise that sexual activity can be, alongside its purposes for procreation, an example of the giving of two people to each other as an act of love. In fact, in many places in Scripture the act of such love is analogous to the love God has for God's people.

Finally, in forming my conscience as a Catholic my Church also asks me to consider what I know in terms of human experience. I know as a mother that the greatest gifts I can give to my children are unconditional love and a nurturing and stable home. I know as a parliamentarian that three groups of children in New South Wales are currently vulnerable under existing adoption laws and that this amendment would help address that vulnerability. The first group are children who currently live in a family with two same-sex parents where one of the parents is not fully recognised under the law. They are currently denied legal and material benefits flowing from adoption, including confirming the child's entitlement to inheritance if their parent dies and providing certainty about custody if one parent dies. This puts these children in a vulnerable position.

The second group are children who are fostered by same-sex couples but cannot be adopted by their foster parents. This is a particularly vulnerable group of children. They can no longer be cared for by their birth parents. What we know is that for children in this situation the stability of adoption by their foster parents provides the best possible chance for their development, their health, their wellbeing and their education. A third and much smaller group are children who are adopted after their birth parents have relinquished them. I am advised that last year in New South Wales there were only 20 such adoptions. This legislation would make it legal for these children to be adopted by same-sex parents. However, under the Adoption Act the views of the relinquishing parents must be considered in relation to what is in the best interests of the child. This includes any views regarding same-sex parenting. The proposed legislation makes no change in this regard.

I know that the majority of the Legislative Council Standing Committee on Law and Justice members were persuaded by ample evidence that the primary determinant of a child's development is how their family functions and not the gender or sexuality of their parents. I share that view. Therefore, what my experience tells me, and what our common experience tells us, is that the best interests of a child are served by the stability, love and care that legal adoption provides, regardless of the sexuality of the parents.

I recognise that these issues are complex and nuanced and they demand respectful attention. Particularly to those who share my faith, I say that in my mind the Gospel message is one of acceptance. Jesus was not a man of judgement but rather a man of love. When I look at this issue about the adoption of children who are vulnerable, children who would know no other love and acceptance, and I see people offering up that

unselfish love to a child, it is something that I, not just as a Christian and a Catholic but as the leader of this State, want to support. In considering my decision, I have sought to form my conscience fully. I have considered the Gospel, and particularly Jesus' teaching that all laws of the Church should be based on the commandment to love God and to love one another. I have observed how same-sex parents show us examples of that love in how they sublimate their needs for the children in their care. Perhaps most compellingly I have reflected my own experience of such love, first as a child and now as a parent. I am fully appreciative of the empowerment a child receives when love and stability is provided in their life. In considering all of that, I must, in my conscience, support this legislation.

Mr JONATHAN O'DEA (Davidson) [6.18 p.m.]: I oppose the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) because I believe it is generally in the best interests of a child to be cared for in a gender-balanced parenting situation. A mother and a father in a stable, loving environment offer different and complementary approaches to parenting that should generally be preferred over other parenting arrangements. Nobody has a right to adopt and discrimination is not automatically unjust. In my view this bill tries to do too much. To suggest that the gender of parents does not matter and that same-sex couples should be assessed on exactly the same basis as other prospective parents in all situations is, in my opinion, political correctness gone mad. Specific issues concerning same-sex couples and children living with them can be addressed without resorting to this bill.

In July 2009 the Legislative Council Standing Committee on Law and Justice released a report entitled "Adoption by Same-Sex Couples". In arriving at its report the committee received 341 submissions and heard from 39 witnesses, reaching findings in favour of same-sex adoptions only on the casting vote of the Chair. While the Government declined to act on this complex and sensitive matter last year, the member for Sydney subsequently introduced this bill. I propose to speak on the current law, the best interests of the child, the scope of the bill and community input. Before concluding I will make some brief observations on adoption by single people and the proposed faith-based exemption.

Section 8 (1) (c) of the Adoption Act 2000 (NSW) makes clear the principle that no adult has a right to adopt a child. As section 7 (a) of the Act states, "the best interests of the child concerned, both in childhood and later life, must be the paramount consideration in adoption law and practice". Adoption law should be about children's rights, not gay rights of adults. Under the current law a homosexual person can adopt a child as an individual but homosexual couples cannot. The Adoption Act 2000 (NSW) currently defines "couple" as "a man and a woman who: (a) are married, or (b) have a de facto relationship". This obviously excludes same-sex couples. The bill proposes changing the definition of "couple" to mean "two persons who: (a) are married to each other, or (b) are de facto partners of each other". The term "de facto partner" includes people of the same sex, as defined in section 21C (1) of the Interpretation Act 1987 (NSW). The bill removes the definition of de facto relationship, which excludes people of the same sex.

Same-sex couples are allowed to foster children and this fact is often used as an argument for same-sex adoption. However, fostering is different from adopting in that fostering a child is usually a temporary arrangement, whereas adoption is permanent. Further, while there appears to be a shortage of foster carers there is no shortage of parents willing to adopt. Although I am not advocating changing current fostering arrangements involving same-sex couples, I note that these appear to be allowed by virtue of a quirk of the Children and Young Persons (Care and Protection) Act 1998 rather than following a conscious, carefully considered and debated decision of this Parliament. Under the Act, foster carers, or "authorised carers", are assessed for suitability as individuals. Once the authorised carer has cared for the child for at least two years they may make a joint application, with their partner, to the Children's Court for sole parental custody. The standing committee's report states that same-sex couples are eligible to provide foster care because the Children and Young Persons (Care and Protection) Act 1998 does not specify the gender of the authorised carer's partner.

I turn now to the best interests of the child. While I am certainly no expert and I acknowledge conflicting academic opinion, I have read substantial evidence that sex-differentiated parenting is advantageous in that it is linked with reduced psychological, academic and social problems in children and young adults and there is less propensity for criminal behaviour. However, research in this area is not conclusive and other research findings suggest the contrary. Research in relation to same-sex parenting often suffers from methodological limitations and ideological bias—admittedly on both sides of the debate. Those both for and against same-sex adoption have used research to support their position. The Australian Christian Lobby has quoted Professor David Popenoe, who stated:

> In three decades of work as a social scientist, I know of few other bodies of data in which the weight of evidence is so decisively on one side of the issue: on the whole, for children, two-parent (father and mother, not same sex coupling) families are preferable ... If our prevailing views on family structure hinged solely on scholarly evidence, the current debate would never have arisen in the first place.

Those in favour of same-sex parenting have quoted Professor Judith Stacey, who stated:

> Rarely is there as much consensus in any area of social science as in the case of gay parenting, which is why the American Academy of Pediatrics and all of the major professional organisations with expertise in child welfare have issued reports and resolutions in support of gay and lesbian parental rights.

As the Anglicare Diocese of Sydney stated in it submission to the committee:

> The inescapably ideological and emotional nature of this subject makes it incumbent on scholars to acknowledge the personal convictions they bring to the discussion.

A cautious approach should be taken in a situation where advocates with diametrically opposed positions have their own experts supporting their position and it is difficult to determine the relative worth of certain research. I personally believe that, all other factors being equal, the law should favour a stable family arrangement, with father and mother committed to each other and to any children in their care. A mother and father in a stable, loving environment offer different and complementary approaches to parenting, which should generally be preferred over other parenting arrangements. Being male or female brings with it a distinct mix of biology, learned behaviours, values and cultural expectations. Men and women think, perceive, react, respond and communicate differently, including with children. A child should not be deliberately denied a mother or father. As Family Voice Australia submitted to the standing committee:

> Allowing male same-sex couples to adopt a child would deprive a child of the care and love of a mother ... Allowing female same-sex couples to adopt a child would deprive a child of the care and love of a father.

The standing committee appropriately heard direct testimony from affected individuals and I gather from the reported comments of committee members that this evidence was valuable. I will not refer to those comments due to lack of time. Same-sex adoption, as proposed by this legislation, effectively devalues the combined value of motherhood and fatherhood and the contribution made through a balanced gender upbringing. A father or mother, depending on the situation, is considered potentially unnecessary and irrelevant under this proposed bill. Where reasonably possible, should a child not have an opportunity to be cared for by both a mother and father? Available statistics reveal that there is no shortage of potential gender-balanced couples ready and willing to adopt children. I understand that there is a long waiting list of suitable gender-balanced applicants. There is no imperative to expand the potential pool of adoptive parents.

Some people argue that a child within a same-sex family is exposed to a range of males and females, who may be friends or extended family, acting as a substitute mother or father. While a child may have other male or female role models in their life, this is no substitute to the more intimate role of a parent. There are, of course, many situations where a child is not cared for by a mother or father. However, there is a big difference between a situation arising by circumstance and its deliberate creation facilitated by the State. As a Parliament, do we really want to send a message that having both a mother and a father should be optional? As a society, do we want to intentionally deprive a child of either a mother or a father?

The bill does not attempt to focus on specific situations where a ban on same-sex adoption might be set aside. Rather, it attempts to replace one absolute approach with another absolute approach. It does not deal with exceptions, other than with the recent faith-based exemption. It simply attempts to put same-sex adoption on an equal footing with adoption by a gender-balanced couple such as a husband and wife. Advocates of same-sex adoptions argue that family processes, such as quality parenting, ability to nurture and relationships within the family, are crucial. Of course they are, but are gender considerations not relevant to those processes? While I agree that family processes are generally more important than family structures, I believe the two are importantly linked. This bill does not simply make existing relationships between same-sex couples and children living with them permanent. It has far more general effect. The Hon. Greg Donnelly said in his dissenting statement in the standing committee's report:

> If there are certain specific issues that need to be addressed involving same-sex couples and children living with them, let the specific issues be considered and dealt with on their merits.

Such an approach is consistent with the more discerning type of legislative approach taken in Tasmania, where same-sex couples can adopt children who are related to one of the members of the couple. Such an approach might easily be extended to other known relationships, including existing foster care arrangements, as the Hon. John Ajaka suggested in his minority contribution to the report. However, there is a real difference between allowing the possibility of same-sex couple adoption and saying that gender composition of a couple should never be a relevant consideration.

I recognise that there are strong arguments to better acknowledge more permanent caring relationships involving same-sex couples and children in certain circumstances. These arguments include benefits regarding parental authority, custody and contact, as well as children's entitlements and rights, including to inheritance. However, these could be dealt with on their merits under legislative reform rather than through the blanket approach proposed in this bill. It is ironic that it is proposed to replace the current blanket ban that has been criticised with a different absolute approach under which general preference in favour of a male and female couple over a same-sex couple would not be possible.

In addition to a petition received from local constituents against the proposed reform, and countless emails for and against the bill, I conducted my own online survey. This generated more than 500 mixed responses, with individual comments being the most useful. One topic discussed was whether people might have had a different view dependent on whether there was a pre-existing relationship with the child. Mindful of that input and, on personal reflection, I believe that the bill would be more acceptable if it differentiated between known and unknown adoptions. Known adoptions are where a child has an existing relationship with their adoptive parents in that they are relatives, step-parents or foster parents. Unknown adoptions are where a child is relinquished by their birth parents and adopted through an accredited adoption agency. Given that known adoptions accounted for 37 of the 52 local or domestic adoptions in 2007-08, this approach would have still covered a majority of potential local cases while being more acceptable. [*Extension of time agreed to.*]

I note that on 8 August the *Sunday Telegraph* undertook an online survey, with 65 per cent of 3,800 responses indicating that adoption agencies should be allowed to discriminate against gay couples. A similar survey appeared in today's *Daily Telegraph*. This feedback undermines arguments that this proposed legislative reform is necessary to respond to changed societal norms. I interpret that the majority public view is clearly against the proposal. Opposition to the bill cannot simply be dismissed as being from "reactionary religious extremists", as some have suggested. Collective and conventional human wisdom is that, as a general rule, children are best cared for by a mother and father.

In the course of examining this legislation the question of adoption by a single person has arisen as an important related issue. I believe that, all other factors being equal, there should be discrimination in favour of a couple that wishes to adopt a child over a single person with the same attributes and in similar circumstances. Such potential discrimination does not deny that a single person, or for that matter a homosexual single person, can capably raise a child in a loving, generous and caring way. However, it does acknowledge that, all other things being equal, it is in the best interests of a child to have two people raising them and, ideally, a father and a mother.

I found it very surprising to learn that the single or couple status of the potential adopter does not appear to be relevant to assessing adoption applicants per the criteria stated by the New South Wales Department of Community Services. I noted the evidence before the standing committee recorded on page 111 of its report that New South Wales is different from other States in this respect. Generally, other States allow individual adoption only in special circumstances. This matter warrants further consideration by the Minister, the Premier and the Government, although it is outside the direct scope of this bill. It should be a relevant consideration whether an adoption application is from a single person or a couple. I agree with the Minister for Community Services that that is an inconsistency that needs to be addressed—I just believe it needs to be addressed in a different way. Surely it is better for a child to have two loving and caring parents, where reasonably possible, rather than just one.

I turn now to the exemption for faith-based agencies. The effect of this bill must be examined in conjunction with the New South Wales Anti-Discrimination Act 1977. In the absence of a specific provision to the contrary, the Anti-Discrimination Act would cause difficulties if an adoption agency favoured a gender-balanced couple over a same-sex couple. This reality was evidenced in a recent case before the New South Wales Court of Appeal involving Wesley Mission's refusal to consider a same-sex couple as foster parents. Further, an exemption for faith-based organisations would not cover a non-faith-based organisation that wanted to favour a male-female couple on public policy grounds, treating gender-balanced parenting as a relevant consideration in their assessment. The member for Sydney has now incorporated into the bill an exemption for faith-based adoption agencies. However, I believe the potential legal discrimination in favour of a gender-balanced couple over a same-sex couple should not be confined to faith-based agencies or be the subject of an attempt to explain it away on religious grounds. It is discrimination that, all other factors being equal, can be separately justified on public policy grounds.

In concluding, I appreciate that the Opposition has respected the right of members of Parliament to vote according to their conscience on this bill. The Government has also granted a conscience vote and while I was,

to be honest, concerned that the Premier may have undermined that freedom by immediately announcing her in-principle support for the bill and taking the proposed amendment to Cabinet, I acknowledge her comments tonight and her clear indication that each person should vote in accordance with their own conscience. I am pleased that the Premier put those comments on record and I hope that everyone does vote according to their own conscience, without being influenced, and I thank the Premier for making those comments.

I realise that this is a controversial debate and have no desire to stir up anti-gay prejudice or unjust discrimination against same-sex couples. This is not a matter of dictating the sexual preference of adults. While it is legitimately arguable that same-sex couples should be allowed scope to adopt children, in my opinion this legislation does not take a discerning or limited approach; it goes too far. This bill effectively says that same-sex couples should never be treated any differently from gender-balanced couples wanting to adopt. A more discerning child-centred approach might aim to concentrate on making existing or known relationships permanent or secure. In my opinion, and according to my conscience, the absolute approach under this proposed legislation should be opposed as it is not in the best interests of unknown children and therefore not in the public interest. It is my firm view that the best way to raise children is within a stable family with a father and a mother committed to each other and to the children in their care.

Finally, I believe that those who essentially dismiss objections to this bill as being based on religious values or homophobia are simply wrong. In my view, while religious groups are perfectly entitled to express views, opposition to this bill is firmly justified in the best interests of children in our society and in the public interest. If the bill is defeated the matter could be reconsidered if redrafted legislation were submitted to permit consideration of adoption by same-sex couples of known children. However, in its current form, the bill should be opposed.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [6.38 p.m.]: I speak in support of the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) and my decision to do so is informed by many experiences—my experiences as a parent, as a member for a constituency that includes many gay and lesbian couples, my friendship with many same-sex parents and as a former Minister for Community Services. Most of all, my decision to support this bill is because I firmly believe that the best interests of children are served if parenting capacity is the sole determinant of assessing whether people are suitable to adopt a child. I congratulate Clover Moore, the member for Sydney, on bringing this bill forward.

Presently gay men and lesbians are eligible to adopt as individuals but not as a couple. Under the current law only one parent can adopt a child. While an adoptive parent's partner can apply for parenting orders from the Family Law Court to give legal recognition to their relationship with the child, this order ceases when the child turns 18 years of age, removing any legal recognition of the parent-child relationship. This bill will allow same-sex couples to be eligible to adopt by changing the definitions in the Adoption Act of "couple", "de facto", and "spouse" to include same-sex couples, as defined in most New South Wales legislation. It also changes the definition of a "step-parent" to include the same-sex spouse or de facto partner of a birth or adoptive parent. These changes will make same-sex couples eligible to adopt as a couple and allow the same-sex partner of a birth or adoptive parent to adopt their children. The bill now includes an amendment to the Anti-discrimination Act to make it not unlawful for faith-based adoption agencies to refuse adoption services to same-sex couples.

Reform to allow same-sex couples to adopt in New South Wales will provide the security of legal recognition for existing parent-child relationships. It will provide a greater range of potential applicants from which to select the most appropriate parents for any individual child. It will give children of same-sex couples access to important rights and practical entitlements, such as a parent's superannuation or worker's compensation if their parent is injured at work. It will mean children in the care of same-sex couples could have two legally recognised parents empowered to give consent for medical treatment and to sign school permission notes. It will also provide more certainty about their care or welfare if an adoptive parent dies or is seriously injured. This reform will protect children's rights and will reaffirm that children's best interests remain the paramount consideration.

The existing legislation—the Adoption Act—does not give anyone the automatic right to adopt, nor should it. A thorough assessment process is followed for all adoptions, with specific criteria set out in legislation to determine an adult's suitability to adopt. This legislation will not change that. It will not confer any right on anyone to adopt a child, but it will mean that same-sex couples would become eligible to apply to adopt a child, including as step-parents and foster carers. That a child's parents are same-sex attracted is of no material relevance to his or her best interests. As the report by the Standing Committee on Law and Justice identified, the

extensive body of research has demonstrated that the gender of parents is not a significant determinant of children's wellbeing. We know that a child's best interests are served by the presence of competent, loving parents in a stable relationship. The capability of parents should be determined in the context of an individual child's needs and the prospective parents' capacity to meet those needs. If legally eligible to adopt, gay and lesbian couples will, like all prospective parents, be subject to a rigorous assessment process by accredited adoption agencies to determine their suitability to adopt.

Many constituents have written to me and have come to see me over the years about their personal circumstances and their wish for same-sex couples to be eligible to adopt. Many such stories have resonated with me. However, if any case underscores my support of this bill and the need for change it is the situation of a couple living in my electorate. Sharon and Maria are long-term foster carers to two young children. They can raise these children until the age of 18, but the law does not allow them as a lesbian couple to adopt the children. Only one of them can adopt and the second parent can apply to the Family Court for joint custody, which is expensive, time consuming and not guaranteed to succeed.

In my time as Minister for Community Services I developed a tremendous appreciation for the challenges and rewards of being a foster parent. We as a community ask foster parents to take on the very difficult role of caring for children, often from the most sad and traumatic backgrounds, where their trust and faith in human beings has been destroyed. We expect foster parents, including gay and lesbian foster parents, to take these damaged children and help them to turn their lives around, to nurture them, care for them and to open their homes to them. We ask them to have enormous patience and skill to break through the anger, hurt and bad behaviour that can be the result of being abused. We say to gay and lesbian foster carers that we expect them to do all of that, we entrust to them some of the most vulnerable children in the State, but we do not trust them to offer these children permanency by allowing them to adopt as a couple. Sharon and Maria have protested that the current treatment of their parent-child relationship is unfair, and I agree. They satisfy all the requirements as permanent foster carers and it is clear that they are excellent parents to their two children, but the current laws do not allow them to adopt as a couple. For Sharon and Maria, it defies common sense that they qualify as permanent foster carers but do not make the cut as adoptive parents.

Another constituent, Matt, also wrote to me to urge me to support this bill. Matt and his partner have been foster carers to brothers, aged eight and 10, who were reunited after living in separate foster care arrangements. The four of them have lived together as a family for just over three years. They have been approved as an adoptive couple by the Department of Community Services, but Matt has been forced to adopt as a single person. Their children, the school community and the greater Darlington community recognise Matt and his partner as the "dads". They hope the State will too. The correspondence from Matt, Sharon and Maria is only a small sample of the phone calls and letters of support I have received from my constituents. As one constituent wrote to me:

> … to allow same-sex couples to adopt would provide more children with a chance of a stable family life with two loving parents. To imply that same-sex couples are unsuitable as parents makes a mockery of the hundreds of same-sex families that exist within NSW currently and who are doing an excellent job raising their children. To disallow same-sex couples the chance to adopt is discrimination, plain and simple. The law needs to be changed to get in line with modern families."

I agree wholeheartedly. I know many same-sex couples who are great parents. They are loving and caring and they are doing their best to give their children a good life, just like most parents. I also know that there are children who grow up in less than optimal circumstances—sometimes awful circumstances—despite the fact that they have parents in a heterosexual relationship. Sexuality is not a determinant of whether one is a good parent. The determinant is whether one can provide love, care, stability and nurturing for one's child or children. Our adoption laws should make it clear that the best interests of the child are paramount, and parenting capacity should be the determinant of whether a person or a couple are assessed as suitable to adopt a child. Children being parented by same-sex couples should not be discriminated against by not enabling their child-parent relationship to be given lifelong legal recognition. Children with same-sex foster parents should have the same options for permanency as other children who are unable to live safely with their parents. For these reasons I support the bill and commend it to the House.

Mr PETER DEBNAM (Vaucluse) [6.47 p.m.]: I am pleased to support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I admit that when the member for Sydney introduced the bill I was a little uncomfortable with where the debate was heading until I researched the topic, examined the bill and considered the reality of what is happening. I now believe that the bill is very sensible and I congratulate the member for introducing it. There has been much discussion in this debate about role models. The member for Sydney is a wonderful role model for all members. She is one of the hardest working members in this place. She

has also demonstrated that one can influence policy and make a difference from outside the Government as long as one is persistent and undertakes thorough research over a number of years. She has certainly done that. The bill reads:

> The object of this Bill is to amend the Adoption Act 2000 to allow couples of the same sex to adopt children. At present under that Act, a couple is defined to mean a man and a woman who are married or who have a de facto relationship. The Bill amends that definition, along with the definition of spouse, so that they include persons who are de facto partners. The definition of de facto partner in the Interpretation Act 1987 refers to persons whether they are of the same sex or a different sex. The Bill will also enable the same-sex de facto partner of a person who is the adoptive parent of a child to adopt that child in his or her capacity as a step parent.
>
> The Bill also:
>
> (a) amends the Anti-Discrimination Act 1977 to exempt faith-based adoption agencies (ie accredited adoption service providers that are established or controlled by a religious organisation) from the operation of section 49ZP of that Act to the extent that those agencies provide adoption services (that section makes it unlawful for a person who provides services of any kind to discriminate against another person on the ground of homosexuality by refusing to provide the other person with those services or in the terms on which the other person is provided with those services.

I again congratulate the member for Sydney for making that amendment when bringing in the second bill today. The reality is that the member has made this amendment in the hope that the bill will pass. Some people are uncomfortable with that exemption but I think it is reality. There has been much discussion about whether this bill is about removing discrimination. My view is very simple: technically the bill is about removing discrimination against same-sex couples. A number of speakers have referred to the absurd situation that exists at the moment whereby if you are homosexual and single you can adopt but a homosexual couple cannot. It is truly ridiculous and it needs to be resolved. It has been pointed out that there are about 1,300 children currently living in same-sex families, and this legislation will resolve legal difficulties for them.

Debate on this matter effectively acknowledges, and we have heard it said tonight, that heterosexual and homosexual couples can belong to caring families or to dysfunctional families. It is the job of the adoption agencies and the decision-makers to identify caring applicants, as opposed to dysfunctional applicants, not their sexuality. We could all talk about heterosexual couples known to us—although we would not identify them—who are doing a terrible job raising their children. We could talk also about homosexual couples known to us who would do a great job in providing a family environment. I see this bill as bringing the reality of the twenty-first century to the legislation. This is about the behaviour and intent of applicants: will they provide a good family environment or not?

For anyone who has not read the Adoption Act I can tell them that it is recommended reading—if they have insomnia! It comprises more than 100 pages. I urge anyone who is concerned about the matter to read the three pages of the Act that deal with the objects and adoption principles. They set out what the decision-makers have to take into consideration when making the final decision about adoption processes. They deal with everything one could possibly imagine. Members should read chapter 2 of the Adoption Act 2000, which relates to objects and adoption principles. Section 7 relates to the objects of the Act. Section 8 deals with the principles to be applied by persons making decisions about adopting a child. Section 8 (1) (e) states:

> The child's given name or names, identity, language and cultural and religious ties should, as far as possible, be identified and preserved.

Subsection (2) provides:

> In determining the best interests of the child, the decision maker is to have regard to the following:

A number of paragraphs are then set out. Paragraph (g) states:

> (g) the attitude of each proposed adoptive parent to the child and to the responsibilities of parenthood

Section 9 refers to participation of the child in decisions. To the extent possible the child is involved in the decision. It is a very complex selection process, which I have to say I would be very daunted to negotiate, as I think anyone would. I assure those who may be concerned that this legislation will change the way our State's authorities will look at applicants for adoption that it does not do that at all. It is all set out on three pages in the Act, and I suggest that members submit themselves to the various tests to see how they would line up if put before the adoption agencies trying to adopt a child.

The bill is a very sensible update. It is not a concern to me now that I have had a look at the issue. It is a sensible update of adoption legislation that reflects the reality of the twenty-first century. I encourage anybody

who is wavering on this bill tonight to ponder the fact we are not changing the way the rules are applied; rather we are embracing reality in our society today. I urge members to support the bill. They can then get on with some of the real concerns of our society that are staring us in the face, such as domestic violence. There is an extraordinary tolerance of violence in all aspects and dimensions of our society, including sport. If members are genuinely concerned about role models, they should concentrate on getting male teachers back into primary schools in order that male and female role models are available in schools for as many kids as possible. They are real issues for us. What we are doing here is simply correcting a legal anomaly.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.55 p.m.]: In my role as a paediatrician I am one of the few in this place who has been involved in the assessment phase of the adoption process. I echo the views of the member for Vaucluse, who has explained in great detail the extreme diligence that the assessment phase involves. As a paediatrician I have also met and treated many children whose parents are gay. I have learnt that the only thing that matters is the quality of the parenting—that is, the amount of nurturing of the child—and other factors such as parental sexuality, financial or socioeconomic status are secondary to this most important function of parenting.

As the situation stands today, the due diligence that is practised by all the adoption agencies is extraordinarily detailed and addresses each and every aspect of lifestyle. Sexuality is part of the assessment process. The major focus is, and always will be, the long-term interests of the child. This one decision will change forever that child's life and those who make those decisions are only too well aware of the gravity of that choice. Adoption is not an isolated event but a lifelong process for the parents and child. The complex interaction of potential parental and child temperament has been and always will be considered in great detail.

In 2002 the American Academy of Paediatrics published the following statement. Despite opposition from various groups inside and outside the academy this statement was reaffirmed by the academy in February 2010. It is available on the academy's website and I commend it to all members. It states, in part:

> Children who are born to or adopted by 1 member of a same-sex couple deserve the security of 2 legally recognized parents.
>
> Therefore, the American Academy of Paediatrics supports legislative and legal efforts to provide the possibility of adoption of the child by the second parent or coparent in these families.
>
> Children deserve to know that their relationships with both of their parents are stable and legally recognized.
>
> This applies to all children, whether their parents are of the same sex or opposite sex.
>
> The American Academy of Paediatrics recognizes that a considerable body of professional literature provides evidence that children with parents who are homosexual can have the same advantages and the same expectations for health, adjustment, and development as can children whose parents are heterosexual.
>
> When 2 adults participate in parenting a child, they and the child deserve the serenity that comes with legal recognition.
>
> Children born or adopted into families headed by partners who are of the same sex usually have only 1 biologic or adoptive legal parent. The other partner in a parental role is called the "coparent" or "second parent". Because these families and children need the permanence and security that are provided by having 2 fully sanctioned and legally defined parents, the Academy supports the legal adoption of children by coparents or second parents.
>
> Denying legal parent status through adoption to coparents or second parents prevents these children from enjoying the psychologic and legal security that comes from having 2 willing, capable and loving parents.

On the basis of the acknowledged desirability that children have and maintain a continuing relationship with two loving and supportive parents, the academy recommends that paediatricians be familiar with professional literature regarding gay and lesbian parents and their children. Not one piece of peer reviewed literature says that homosexual parents are inferior to heterosexual parents, and anybody who submits that needs to quote from a piece of peer reviewed literature that says that. The academy also said that paediatricians need to support the right of every child and family to the financial, psychological and legal security that results from having legally recognised parents who are committed to each other and to the welfare of their children; and, finally, to advocate for initiatives that establish permanency through co-parent or second parent adoption for children of same-sex partners through the judicial system, legislation and community education.

The American Academy of Paediatrics has made my duty clear and for that reason I will support this legislation. The American Academy of Paediatrics is a scientific body of long standing, and should not be confused with the American College of Paediatricians, which has a contrary view and which is a conservative issues-based voluntary body. For the record, it opposes same-sex adoption; it also supports abstinence-based sex education and disciplinary spanking.

Closer to home, groups from outside the electorate of Macquarie Fields, supporting both sides of the argument, have been in contact with me. From my electorate of Macquarie Fields I have had less than 10 individual inquiries from constituents, who have argued on both sides of the debate. As Edmund Burke said, "Your representative owes you, not his industry only, but his judgement." We need to get the politicians out of this issue. We need to leave individual case assessments to the careful judgement of practised clinicians who make these life-changing assessments.

I move on to the comments of the Leader of The Nationals on parenting orders and why these are not enough for children. There are considerable benefits of an adoption order over an order of the Family Court or Children's Court conferring parental responsibility. Parenting orders in the Family Court or Children's Court expire on the child's eighteenth birthday and the child will not be able to inherit anything from the parent after his or her eighteenth birthday. If one parent dies, the child is in a legal vacuum as to guardianship long term. If an 18-year-old child is involved in an accident where there is only a parenting order, the parent will not be able to consent to medical treatment.

Getting a parenting order in the Family Court is expensive and not effective with respect to inheritance and is a second-best option. Parenting orders in the Family Court are never final. Any party may return to the court to seek a variation. This creates a less stable environment for the child. A committee of the upper House has looked very closely and in great detail at these issues. Its report has five clear recommendations. I feel this bill reflects those recommendations and for this reason I will support the bill. I call on all members to do likewise.

Mr GREG SMITH (Epping) [7.02 p.m.]: I will be exercising my conscience to oppose the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) on a number of bases. The first is because I do not believe that the provisions of the bill, if enacted, would advance the best interests of children who are eligible for adoption. In my view, and in the view of the majority of people who have written to me from within and outside my electorate, the best interests of an adoptive child are served by the child being raised by an adoptive mother and father, who are ideally married and devoted to each other and to their children, including adoptive children. Like the vast majority of members of this House and the community generally, I was brought up by loving parents in a happy home. I was fortunate to have three brothers who also received the love and attention of wonderful parents. I consider such an upbringing to be the ideal.

Years ago in this State thousands of babies were placed for adoption, largely because there was a stigma attached to unmarried mothers and children who were born out of wedlock. I am aware that in recent years the number of babies available for adoption has drastically fallen, with the result that only a small number of locally born babies are now adopted out to persons who are not related to them. Hundreds if not thousands of childless married couples are yearning to adopt a child, and the requirements to be satisfied before they have a chance of adopting are tough. I agree with church leaders—Catholic Archbishop of Sydney, Cardinal George Pell; Anglican Archbishop of Sydney, Dr Peter Jensen; Moderator of the Presbyterian Church of Australia in New South Wales, Mr Peter Graham; and Superintendent of the Wesley Mission, Reverend Dr Keith Garner—who say in their letter to members dated 30 August 2010:

> It is imperative that adopted children, who, sadly, cannot be raised by their biological parents, are still able to know the complementary love and care of both a father and a mother. Adopted children are entitled to the enriching human experiences of mothering and fathering, especially since their situation is already outside the family norm of most children.

Not only does this statement reflect commonsense and human experience, but it is consistent with principles formulated by international conventions and by our highest court. I point out in response to those who have talked about child bashing and violence in homes where the parents are heterosexual that there is a difference between children naturally born into a family where they have no choice, where the parents could be the most unsuitable people to raise children but because they are married or they are living together they can do it because they can generate children, and the parents chosen under the present regime, where they are loving and exemplary citizens and they are tested. It is so hard to satisfy the test to get a baby that we get the best. I think this bill will take away that paradigm. Principle 6 of the Declaration of the Rights of the Child, which is schedule 3 of the Australian Human Rights Commission Act 1986, states:

> The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of state and other assistance towards the maintenance of children of large families is desirable.

Article 3 of the Convention of the Rights of the Child also reinforces the child's position and the responsibility of his parents. It states:

> 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The Convention on the Rights of the Child was considered by the High Court of Australia in *Minister of State for Immigration and Ethnic Affairs v Ah Hin Teoh*, reported at (1995) 183 Commonwealth Law Reports on page 273. This case was an appeal against a deportation order of a man who had been convicted of serious drug offences and jailed, and relied on the parlous state that his wife and five children would be left in if he were deported. The full bench of the Federal Court allowed Teoh's appeal on the basis that insufficient regard had been shown for the plight of the family, and the department appealed to the High Court. Justice Mary Gaudron, who joined in the decision to dismiss the appeal, said at paragraph 5:

> 5. Quite apart from the Convention or its ratification, any reasonable person who considered the matter would, in my view, assume that the best interests of the child would be a primary consideration in all administrative decisions which directly affect children as individuals and which have consequences for their future welfare. Further, they would assume or expect that the interests of the child would be taken into account in that way as a matter of course and without any need for the issue to be raised with the decision-maker. They would make that assumption or have that expectation because of the special vulnerability of children, particularly where the break-up of the family unit is, or may be, involved, and because of their expectation that a civilized society would be alert to its responsibilities to children who are, or may be, in need of protection.

I suggest that the Adoption Act 2000 created the ideal situation for the adoption of children, so don't fix it if it ain't broke. Many of the issues raised by the member for Sydney and others were debated in Parliament when the Adoption Bill 2000 was passed and became the current the Adoption Act 2000. Section 8 of that Act, under the heading "What principles are to be applied by persons making decisions about the adoption of a child?", provides:

> (1) In making a decision about the adoption of a child, a decision maker is to have regard (as far as is practicable or appropriate) to the following principles:
>
> (a) the best interests of the child, both in childhood and in later life, must be the paramount consideration,
>
> (b) adoption is to be regarded as a service for the child—

not a service for adults wishing to acquire the care of a child—

> (c) no adult has a right to adopt the child

That contradicts statements that the Minister for Education and Training made during this debate and wrote in an article published in today's newspaper to the effect that the bill is the last plank in the gay and lesbian platform for achieving the adoption of children. The interests of the child must be paramount. No adult has a right to adopt a child. Adoption is to be regarded as a service for the child, not a service for adults wishing to acquire the care of a child. In the 2000 Adoption Act "couple" is defined as:

> ***couple*** means a man and a woman who:
>
> (a) are married, or
>
> (b) have a de facto relationship.

In the Adoption Act "de facto relationship" is defined as:

> ... 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 Law Reform Commission recommended that same-sex couples be allowed to adopt children on the same terms as heterosexual couples. The Carr Government rejected that recommendation. The member for Sydney attempted to amend the bill by inserting in the dictionary definitions that allowed same-sex couples to adopt children. After lengthy debate the amendment moved by the member for Sydney was overwhelmingly defeated. She was the only member of the House to vote in favour of the amendment. In the Legislative Council the former Greens member Ms Lee Rhiannon moved similar amendments. They were defeated 26 votes to six.

In July 2009 the Legislative Council Standing Committee on Law and Justice had a three-all split on what to do about same-sex adoption. The Keneally Government's subsequent response was expressed in January

this year by the Minister for the State Plan, and Minister for Community Services, Linda Burney. She stated in the *Sydney Morning Herald* in January 2010 that there was "some merit" in the committee's findings and also stated:

> "However, members were unable to reach a consensus, reflecting divisions on this issue in the wider community.
>
> "As a result of these concerns, the government is not satisfied there is broad enough community support to justify new state legislation at this stage."

The article also stated:

> Ms Burney said further consultation would take place as the Community and Disability Services Council discussed a national approach.

What consultation? Has the community been asked to make submissions about the wisdom of this legislation? I have not heard or seen anything. The Minister stated:

> The government's primary concern will always be what is in the best interests of children ...

The Minister conceded "that there are very deeply held, divergent views on this issue and that is why a decision on this matter will not be taken at this stage". Those deeply held views are still held, yet the Minister and those who support the bill are favouring legislation that directly contradicts the Government's response to the split decision of the Standing Committee on Law and Justice. Undoubtedly Minister Burney's statement was made with the support of Cabinet. Does New South Wales have a Cabinet that oscillates, or a Cabinet that acts consistently with public interest and in recognition of splits in community opinion on this deeply dividing issue? The important point to remember is that the bill will affect children.

What has happened to change the Government's decision? Approximately 10,000 people who signed petitions opposing the Standing Committee on Law and Justice recommendations and many people who wrote individual letters in opposition to the recommendations have not been consulted. Has there been further consultation? No. It is intriguing how this situation has come about. Has it happened because of the impending election? Is it because the seats of Balmain and Marrickville are vulnerable? Is it because of criticism by the *Sydney Star Observer*, the Gay and Lesbian Rights Lobby or Rainbow Labor? Granted, those groups are influential, but they do not have much of a following outside the inner-city suburbs. What about the people who live in Sydney's western suburbs—those who have been revolting against the Government and its Canberra equivalent? What do members believe they think? Do Labor members think that they are really struggling to achieve same-sex adoption? I suggest it would be of very little concern to them.

In no other circumstances do I recall a private member's bill being given such swift treatment. What happened that warrants the bill being given such gold-plated treatment? Notice of the legislation was given on the day the bill was introduced and the agreement in principle speech was made in June on the last day of the Parliament's previous session. How have the best interests of adoptive children changed so as to justify a change in the law to allow same-sex couples to be given the same rights as married couples in relation to adoption? [*Extension of time agreed to.*]

Why does the bill apply to non-related and overseas adoptive children? Non-related children constitute a small pool of children whose mothers and fathers had been struggling to have a child but had not been able to. People who cannot have a child become quite desperate, and they are great people, but the pool of adoptive children will be undermined because a new group who wish to adopt will be created. Is the attitude that supports the legislation proposing to do that group favours? I do not know. Why is the pool of adoptive children being opened to a wider group? If the bill had purported to cover only children of people in same-sex relationships there might be greater justification for it, but that is not the case. We are aware of excessive demands that, in my view, destroy any merit that the bill might otherwise have had. There are too few children who are available to be adopted. Do we not owe it to adoptive children to simulate as closely as possible the happiest home with the most loving mother and father?

In a sensible and practical chapter of the book *Understanding Adoption—A Practical Guide* psychiatric social worker at the Royal Children's Hospital, Melbourne, and private practice psychotherapist Valerie McLaine describes some of the characteristics of adoptive parents with whom she has dealt professionally. She states:

- first the husband and wife are usually very much a couple, their feeling for each other is strong and often very loving. Their marriage has already weathered many crises and can withstand explosive and tumultuous feelings and disappointments. They have a strong commitment to each other.

- they have the strength to look at issues which are affecting themselves and their children detrimentally and to stick with it often through to a successful recovery, despite what might look like serious difficulties, highlighted during intensely painful, angry and joyful sessions.

- they usually take their responsibilities as parents very seriously and the family is a central theme in their lives. In this they can err on the side of expecting a great deal of themselves and of their children. Underlying this can be a constant feeling of having to over-compensate for doubts about being good parents.

- children too often strive to be good, compliant children.

- the parents come for help with some trust of the professional and with some hope that good will come of their efforts to discuss their own difficulties. They are chosen parents, in a sense.

Children need both a mother and a father, if that can be achieved. Why? It is because fathers tend to stress competition, challenge initiative and risk taking. Mothers stress emotional security and personal safety. When disciplining, mothers provide important flexibility while fathers provide predictability and consistency. By nature, same-sex couples are unable to provide one half of this equation according to sociologist David Popenoe of Rutgers University in America. In a 2007 case heard in an English employment tribunal Judge McClintock sought expert advice to test his belief that mothers and fathers are required for optimal child development. Dr A. Dean Byrd gave evidence. He said:

> The research supporting the importance of dual gender parenting and child-rearing is extensive and clear in its singular conclusion: all variables considered, children are best served when reared in a home with a married mother and father. Mothers and fathers contribute in gender-specific and in gender-complementary ways to the healthy development of children. Children reap unique developmental benefits when reared in a home with a married, reasonably harmonious union of their own biological mother and father. A Child Trends research brief provided the following scholarly summary:
>
> > *Research clearly demonstrates that family structure matters for children, and the family structure that helps children the most is a family headed by two biological parents in a low-conflict marriage ... There is thus value for children in promoting strong, stable marriage between biological parents.*

The same principle would apply to children who are adopted. I have some personal experience with people who have adopted children: I have cousins who have been adopted. They have been raised in loving homes. They have grown up, married and had children of their own. In my view that was in the best interests of those children. There is nothing better than a loving mother and a loving father wanting those children and providing a great home atmosphere. I will not attack any aspect of same-sex relationships. I have no doubt that there are children being well brought up in some of those relationships. However, the Adoption Act should aim for the ideal situation. The best interests of the child is the best we can do for them, and the best we can do for them is to give them a stable home, with a mother and father to look after them, and sometimes brothers and sisters. I oppose the bill.

Ms TANYA GADIEL (Parramatta) [7.22 p.m.]: I speak in support of the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2), which was introduced by the member for Sydney. Like most members, I have received a mountain of correspondence, emails and representations. I accept that there is a significant level of interest in this issue, but have been alarmed by the level of misinformed debate it has attracted. I do, however, respect the views of the bill's detractors. Before I go on to discuss the merits of this proposal I want to bring the debate back to ground and look at the realities of the situation. Last year there were 155 adoptions in New South Wales. Of these, 93 adoptions were from overseas, which are unaffected by the bill. There are essentially three situations that may be affected by the bill: first, unknown adoptions; secondly, the adoption of foster children in the care of same-sex couples; and, thirdly, the adoption of biological children of one partner in an existing same-sex couple by the non-biological parent. Unknown adoptions are adoptions conducted by adoption agencies of newborns who are given up at birth.

The member for Sydney has suggested that this bill is unlikely to impact on unknown adoptions. I tend to agree with her—these adoptions are conducted by adoption agencies through a best-match selection process. It would be disingenuous to suggest that this bill will not make it legally possible for a same-sex couple to adopt in this category but they will be subject to the same selection process as every other prospective adopter. In 2009 there were a total of 20 unknown adoptions in New South Wales, and the pool of prospective adopters is considerably larger than this. The second and third categories—same-sex couples seeking to adopt foster children in their care and the adoption of a same-sex partner's biological child—are both telling. What the mere existence of these categories tells us is that the bill will not bring about any substantive social change. We will not experience some radical paradigm shift the day this bill—should it pass—is assented to.

The bill recognises that same-sex couples can and do raise children in New South Wales. This legislation does not alter that fact. The aims of the bill are twofold. It provides legal recognition to those parents

in same-sex relationships who are already acting as parents and it enables same-sex couples acting as foster parents to adopt a child in their care. I want to address two issues that go to the merits of the bill. The first is that biological capacity to procreate is no indication of good parenting. The second is that providing legal recognition to same-sex couples as parents of a child is in the best interests of the child.

On the first issue, I think it is a great pity that some people who argue against this reform have focused on attacking the capacity of homosexual men and women to be good parents. This bill will allow children who are being cared for by same-sex couples in foster care situations to be legally adopted by their foster carers. It is frankly outrageous that the capacity of these foster parents to care for these kids is being attacked with no regard as to why those children have ended up in foster care in the first place. At the end of March this year there were 6,358 children in foster care in New South Wales. I do not need statistics to suggest that the majority of these children were placed in foster care because their natural parents, their biological parents—more than likely a man and a woman—have been deemed unfit to care for their children.

The law on adopting foster children will not be changed. Those children will still need to be with their foster carers for a continuous period of two years before they can seek a sole parenting order from the Children's Court. A child does not stay in a foster home for two or more years because their biological parents are loving, capable parents. A child stays there because their biological parents are unfit, neglectful or just downright incapable of caring for their child. In situations where the foster carers have already picked up the pieces for two years you cannot tell me that adopting the child does not serve his or her best interests. The Children's Court made 30 adoption orders in 2008-09—that is 30 occasions when the court agreed that it was in the best interests of the child for them to be adopted by foster parents.

A number of letters I have received have intimated that this debate is a matter of "political correctness gone mad". Naturally, I disagree. The fact that we even need to have a debate on whether same-sex foster carers ought to be able to adopt their foster child is indicative of the fact that having a certain combination of biological features in a parental relationship is no guarantee of good parenting. To me, what matters more than anything is the plight of these children. It is something that needs to be addressed at all levels of government and with a proper debate in the community. We cannot ignore that there are more than 6,000 kids who cannot live with their biological parents. However, we should be grateful that there are so many non-biological parents who foster these children and love and support them after all they have been through. I fully support their taking on parenthood, whether they are a man and a woman, a woman and a woman, a man and a man or any other possible iteration.

The second issue I want to address is that extending legal parental recognition to a partner in a same-sex relationship where the other partner already has a child from a previous relationship or through other means is absolutely in the best interests of the child. Having two parents rather than one has a huge degree of significance for children—there are two people who can give authorisations in the case of medical emergencies, there are two people who can sign permission slips for school, and there are two people who are jointly responsible for the child's welfare if the relationship breaks down, with a joint obligation to pay child support. If a parent passes away guardianship automatically vests in the surviving parent, giving the child legal certainty. If a parent passes away entitlement to that parent's estate, in the case of intestacy, is established as a matter of law. These things are critical legal safeguards for the child, not the parent.

It is estimated that there are approximately 1,300 children with same-sex parents. Some of these couples conceived by using means such as IVF or surrogacy, but only one member of the same-sex couple has parental rights. We can stick our heads in the sand and deny the children of these relationships some legal certainty by arguing that it is not in the best interests of the child to be raised by a same-sex couple. The better view is that we support this bill, recognise that same-sex couples can and do care for children and that it is in the best interests of those children to have this fact recognised as a matter of law. This bill recognises that the debate has moved on beyond questions of parental capability, biological capacity and the supposed "gender complementarity" of having a mother and a father. I do not believe being biologically capable of procreating makes you a good parent. If it did, there would be no need for a foster care system in the first place. Equally, I do not believe we should deny a child the legal certainty that comes from having two parents, irrespective of their gender combination. I support this bill without reservation and I commend it to the House.

Mr ROB STOKES (Pittwater) [7.32 p.m.]: The adoption of children is a difficult, emotional and special process. It is an effort by government in a less than perfect situation to give children a second chance at a loving, secure and stable home, with parents who will love, nurture, protect and support them. I open my comments on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) by recording my admiration of

and gratitude to the staff of the Department of Community Services, CatholicCare, Barnardos, Anglicare, the Benevolent Society, UnitingCare and all the others who work so hard to provide homes and parents for children in need. Yours is an honourable service and a true expression of love.

Several of my closest mates are adopted. I do not know what it is about the early to mid 1970s but it seems that so many of my peers growing up were children adopted as infants into loving homes. As a child I had no idea my friends were adopted but I am so happy that they were because it gave me the opportunity to grow up with some wonderful kids who had wonderful adoptive parents, many of whom I also, now that I have grown up, call friends. So my starting point, when looking at this issue and this bill, is an enormous respect for the adoption process and a real reluctance to fiddle around with it, unless I could be convinced that change was truly for the child and in the child's best interests and not for any other interests.

In listening to the debate I have noticed that there are two things that everyone seems to agree upon. In adoption the rights of the child are paramount. This is formally recognised in the Adoption Act at section 7A, which outlines that an object of the Act is to emphasise that the best interests of the child concerned, both in childhood and later life, must be the paramount consideration in adoption law and practice. The other thing that everyone seems to agree on is that no adult has a right to adopt a child. This is outlined in section 8 (1) (c) of the Adoption Act, which puts it in exactly those terms—no adult has a right to adopt a child. In other words, adoption is all about the rights and the opportunities to be afforded to a child without parents of his or her own.

Much of the debate surrounding this bill has been about the rights of religious institutions in relation to adoption and the rights of homosexual people in relation to adoption. Yet in the adoption of a child surely the rights of religious institutions are not relevant and surely the rights of homosexual people are not relevant. That is not to say that the rights of religious bodies or of homosexual people are not important. They are, as are the rights of every person. But these rights are just not relevant to the adoption of children. So in my view the issue of exempting faith-based adoption agencies from the application of the Anti-Discrimination Act 1977 in relation to their role in the placement of children for adoption is not of fundamental relevance to the adoption of children and should not be inserted into the Adoption Act. This is a bill about the rights of children, not the rights of faith-based agencies. In the same way, the issue of gay rights is simply not relevant to adoption. This is a bill about children's rights. It is not about removing "the last piece of direct legislative discrimination against same-sex couples" or about "demanding immediate adoption equality".

I note that the Legislative Council Standing Committee on Law and Justice in its report advocating same-sex adoption stated that, "Such reform will address discrimination against same-sex couples", but surely this is not the issue, and nor, from a proper reading of the Adoption Act, should any demand for rights by any adult—homosexual or not, religious or not—be a relevant factor in the adoption of children. So I believe the issue of discrimination against any adult or institution should be put to one side. It has no relevance to the substantive issue, which must be the best interests of the child. This bill has nothing to do with religion; the bill has nothing to do with discrimination; nor does the bill have anything to do with a parent's sexuality. A number of members, and the Legislative Council committee's report on this issue, have made the point that the sexuality of parents is not relevant to adoption. I would agree. I do not believe that a person's sexual orientation precludes him or her from being a fit and proper parent, but that is not what this bill is about. This bill relates to a parent's gender, not a parent's sexuality. It is a bill about whether two people of the same gender should be able to adopt a child as co-parents.

Sexuality has never been an issue under the Adoption Act. Nowhere is it mentioned in the Act and, as others have pointed out in this debate, it is currently legal for a single person to adopt and in practice some of these parents have a same-sex partner. But in relation to adoption by couples, gender is relevant. I truly believe, especially in relation to unknown adoptions by couples—adoptions that usually involve infants and very young children—that such children should retain the right to have both a mother and a father, and I believe that in New South Wales we should continue to recognise the rights of a child, wherever possible, to enjoy the love and support of both a mother and a father. The bill seeks to remove this right so that children being adopted by couples may be adopted into a situation where they have two fathers but no mother, or two mothers but no father. While I am well aware of many circumstances where such parenting arrangements work, and work really well, I remain convinced that we should continue with the law that an adopted child can benefit from the love and support of both a mother and a father.

One argument advanced in support of changing the existing law is that expanding the pool of potential adoptive parents allows adoption agencies a greater range of choice to select the most appropriate parents. However, I have seen no evidence that there is a shortage of potential applicants in the case of unknown

adoptions. I do not believe there is a shortage of couples willing to adopt children. So the need for more adoptive parents is not a persuasive argument for change. Another argument advanced in support of changing the existing law is the case of known adoptions. This is a situation where the child already has a relationship with the adoptive parents, typically where the child is already in the foster care of the adoptive parents. This is the situation in the overwhelming majority of adoption cases in New South Wales at present. I am aware of several circumstances where foster children in the care of homosexual couples want to be adopted by those couples, which is not possible under the existing law. I am very sympathetic to their preference and would not oppose a change in the law to allow those children the right to choose. This is in keeping with my view that adoption should be all about the interests of the child, not any adult. As the Legislative Council Standing Committee on Law and Justice stated in its report:

> It is in the area of known adoptions that reform to allow same sex couples to adopt will have its greatest impact.

I understand the issues relating to same-sex adoption of known children, and I am persuaded by them. It is therefore a shame for me that this issue—the big issue in adoption by same-sex couples—has been rolled into a bill that also has the effect of altering an infant child's right to both a mother and a father in the case of unknown adoptions. Because these issues are treated together in the legislation I am placed in a position where my conscience will not allow me to support it.

In conclusion, I want to thank all those who provided me with information and who patiently answered my questions in relation to the bill. It is a bill that I wrestled with. I thank the Gay and Lesbian Rights Lobby for visiting with me. I thank the ministers of local churches in Pittwater who explained their views. I thank the parents and children who have contacted me about the bill and those in Pittwater whom I have consulted. I understand that some of my constituents will not be pleased with my position. I only hope that they can understand that I have struggled, and that my only motivation has been a desire to serve those children, in the case of unknown adoptions, who cannot speak for themselves. If I am wrong it is because I am flawed. But I am speaking as my conscience directs and I am motivated by love. I know that there are going to be parliamentarians on all sides with a range of different perspectives, and I thank them all for the benefit of hearing their views so far.

I appreciate that all members have been guided by their understanding of what constitutes the best interests of the child, and it is encouraging that this is the issue that comes through in parliamentary debates. I believe that the bill in its current form could be amended to deal with the concerns expressed by me and by other members, and I encourage the member who presented the bill to consider amending it to retain the current law in relation to unknown adoptions while still addressing the central concerns raised by parents and children in same-sex families.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [7.40 p.m.]: I speak to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). At the outset I indicate that throughout my political career I have consistently supported moves to end discrimination in all forms. It seems to me that when dealing with mature, consenting adults there is no place for discrimination in employment, or any other activity, in relation to religion, race, gender, sexuality, age, or other groups in the community. I am the father of four children from two marriages. I have a 28-year-old son, a 25-year-old son, a 2½-year-old little boy, and a six-month-old little girl, and I have observed my children very closely over some decades now.

I have some concerns about the bill. In my view there is no doubt that in dealing with this issue the broader community, well beyond the inner city, would want us as parliamentarians to act cautiously and conservatively. This view would be reflected in my electorate of Rockdale, for example. Let us remember that in seeking to amend adoption laws we should be addressing not the rights of various classes of adults but the paramount interests of children. The proponents of these amendments argue that it is all about the interests of the children, but I fear that that is not the only motivation at work here.

On the other hand, I accept that the current laws of adoption are clearly inconsistent. For example, a homosexual adult can adopt a child but a homosexual couple cannot. A same-sex couple can foster a child but they cannot adopt that child. One member of a same-sex couple may be the biological parent of a child who is living with the couple, yet the non-biological partner is deprived of formal parenting rights even though that partner shares in the parenting. It also follows that there will be circumstances in which a same-sex couple will provide the best alternative for the adoption of a child, especially where the couple has a known relationship with the child but even where the couple does not have a known relationship with the child. Yet the Act prevents this from occurring.

The bill proposes to remove the prohibition on same-sex couples adopting children by changing the definition of the term "couple" so it may include same-sex couples in a de facto relationship. I support this aspect of the bill. The bill goes further and also proposes to provide an exemption to faith-based organisations from section 49ZP of the Anti-Discrimination Act such that they can continue to refuse to place children with a same-sex couple. Whether or not one agrees with children being raised by same-sex couples, today many children are being brought up in same-sex families. It is simply a fact of life. Moreover, the Minister for Community Services has kindly provided me with copies of two research papers involving longitudinal studies of children brought up by same-sex couples that suggest there is no evidence of any social or other disadvantage to the child.

It has also been argued before the Standing Committee on Law and Justice inquiry into adoption by same-sex couples that there are significant legal benefits to children if they are legally adopted rather than fostered or living with same-sex adults on a non-formal basis. These benefits relate to seamless access to benefits including inheritances, welfare, and so on. For example, adoption confirms a child's entitlement to an inheritance, certainty about custody should one parent die, and lifelong recognition of the parent-child relationship, whereas parenting orders do not.

If we accept that same-sex adoption should be allowed, whether only in some circumstances or generally, then we need to consider how this should be done. Specifically how should the Adoption Act operate to maximise the interests of the child? It is my view that there is a significant tension between the Adoption Act, which is meant to discriminate in favour of the child, and the Anti-Discrimination Act, which is mainly about protecting the rights of others, as well as the rights of the child in some cases. That is, once we remove this legal discrimination against same-sex couples we should give the community more say in how they want their children adopted. We should respect the many differing values in the community, most of which will be compatible with the best interests of the child. In other words, if we remove this last form of statutory discrimination we should in turn empower the community to have more of a say in adoptions, provided it is in the interests of the child.

To provide an exemption to faith-based organisations simply in relation to homosexuality misses the point. In my view the reality is that the Anti-Discrimination Act is not needed and it unnecessarily interferes with the Adoption Act, except in further protecting the rights of children. The Adoption Act is a discriminatory Act: it discriminates in favour of the child. The Anti-Discrimination Act has traditionally been more focused on removing discrimination against adults.

I know that some lofty, and potentially very learned, lawyers will argue that where there is a conflict between the interests of the child under the Adoption Act and the Anti-Discrimination Act, the Anti-Discrimination Act will yield to the Adoption Act. Indeed, I have been advised that the authority that makes the adoption decisions, namely the Supreme Court, is not bound by the Anti-Discrimination Act. The Supreme Court may not be bound by the Anti-Discrimination Act in making an adoption decision but the process before it gets to the Supreme Court is influenced by the Anti-Discrimination Act. Hence, I do not agree with this view. Let me give the House an example.

Section 8 of the Adoption Act is headed, "What principles are to be applied by persons making decisions about the adoption of a child?" This section provides that the decision-maker is to have regard to some 19 different principles and matters. One of these matters is "any wishes expressed by either or both of the parents of the child". While the biological parents who are giving up their child for adoption are not caught by the Anti-Discrimination Act, because they are not service providers, the adoption service providers that they are dealing with will be caught. Even though their views must be taken into account, the service provider is constrained to run a process that does not fall foul of the Anti-Discrimination Act.

Hence, if a person of one religious faith or a particular background expressed a wish that their child be brought up in a family of the same faith or ethnicity, that request would be treated as a subsidiary consideration, if all other things are equal, rather than as a preferred outcome subject only to the best interests of the child. By the time the recommendation reaches the Supreme Court for an order the process has already been compromised in terms of the wishes of the donor parent or parents. I see no reason why we cannot simply remove the operation of the Anti-Discrimination Act from applying to the Adoption Act, except in regard to children, and let the people involved in each case freely express their preference, which will then be assessed fairly against the best interests of the child without prejudicing the prior process against their wishes. In other words, if a person wanted a Christian family to adopt a child why should that not be a key consideration of the adoption service provider, only to be overturned if the best interests of the child cannot be met?

It is also important to note that among the principles to be considered in section 8 (e) of the Adoption Act is the preservation of the child's "identity, language, and cultural and religious ties". In fact, the Act goes further and applies special principles and preferences for Aboriginal and Torres Strait Islander children. So it is clear that a significant number of community values, and discriminatory principles, are applied by the Adoption Act itself. Why should not the values of the community, whether expressed by donor parents or service providers, be given their due consideration? With four adoption service providers in New South Wales, persons wishing to provide their children for adoption, or to adopt children, will have adequate choice to meet their needs. Moreover, excluding the operation of the Anti-Discrimination Act removes a series of remote, theoretical and unforgiving requirements that assume a one-size-fits-all approach. In the case of its application to the Adoption Act, it could be said that the Anti-Discrimination Act is a case of social engineering ad absurdum.

The Adoption Act has adequate provisions in the context of a particular child being considered for adoption to address the child's best interest in a wholesome fashion. In my view the hierarchy of considerations in the adoption of a child should be: first, the interests of the child should be paramount—I think we all agree on that—secondly, the wishes of the child, where his or her wishes can be reliably discerned; thirdly, the preference of the biological parents where their views are relevant and provided their preference is not inconsistent with the best interests of the child; and, fourthly, the other matters and principles as listed in section 8 of the Adoption Act.

With the removal of the influence of the Anti-Discrimination Act there would be no fetter on an adoption service provider pursuing the objectives as listed above if it were in the best interests of the child. There remains a legitimate issue of protecting from discrimination the child that has been, or may be, adopted. This concerns the potential of an adoption service provider excluding a class of children from adoption services. In my view the exclusion of the Anti-Discrimination Act should not go as far as removing the rights of the children to be treated free from discrimination on any grounds.

Accordingly, I propose to move in the consideration in detail stage an amendment that deletes the faith-based exemption in schedule 2.1 to the bill and replaces it with a general exemption from the Anti-Discrimination Act covering all facets of the Anti-Discrimination Act, excluding where applicable to children. My amendment would include, but would go further than, the proposed faith-based exemption. Specifically, my amendment would insert a new section 59A into the Anti-Discrimination Act 1997, which reads:

> (1) Nothing in this Act affects any policy or practice of an organisation or person providing adoption services under the Adoption Act 2000 or anything done to give effect to any such policy or practice.
>
> (2) Subsection (1) does not apply to discrimination against any child who is or may be adopted.

I note that this provision is similar, although not identical, to the provision in Western Australia's Adoption Act 1994, which has been in place since 2004. At this stage, and subject to the debate, I intend to vote for the bill in principle; then if it is carried I will move my amendment, along with other amendments that may be moved. This issue is important: if we are to amend the current adoption laws we need to consider carefully the interests of the children. I urge colleagues to support the bill in principle at least so that the House can consider my amendments and other amendments in detail, and members will then be able to vote on final adoption of the bill.

Ms KATRINA HODGKINSON (Burrinjuck) [7.50 p.m.]: In speaking on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2), which was introduced this afternoon, I recognise that the object is to amend the Adoption Act 2000 to allow couples of the same sex to adopt children. At present under that Act a couple is defined as a man and a woman who are married or who are in a de facto relationship. The bill amends that definition, along with the definition of "spouse", to include persons who are de facto partners. The definition of "de facto partner" in the Interpretation Act 1987 refers to persons of the same sex or of a different sex. The bill will also enable the same-sex de facto partner of a person who is the adoptive parent of a child to adopt that child in his or her capacity as a step-parent. That is provided in the overview of the bill.

On 25 September 2008 I spoke on the Adoption Amendment Bill 2008. In that debate I said words along the lines that in the 2008 estimates hearings the Minister for Community Services informed us that in the previous year, 2007, only 125 children were adopted in New South Wales. Of those 125, 73 were young people or children from overseas, and of the remainder 15 were local adoptions and 37 were adoptions in inter-family or foster care circumstances. This was a reduction in the figure given in the previous year's estimates hearings of 162 adoptions, comprising 112 inter-country adoptions, 23 intra-family adoptions and 15 adoptions of children in out-of-home care. We are not talking about a huge number of adoptions in any given year in New South Wales.

In 1972 adoptions in New South Wales reached a peak of 4,564, which may be why the member for Pittwater had so many friends at school who had been adopted. However, by 1999 that number had dropped incredibly to 178 adoptions. That is down from 4,564 in 1972 to 178 in 1999, and that includes overseas-born children. Naturally, numbers have continued to decline since then, in line with society's changing views on adoptions and single parenthood. Obviously, the standards expected of women several decades ago have changed. These days women are very much a force unto themselves, and the stigma associated with single parenthood for women simply does not exist in the way it did in decades past.

If there is a genuine shortage of heterosexual couples able to provide a stable and loving environment in which to bring up an adopted child then this legislation should be considered. But that is currently not the case. Very few non-family adoptions occur in this State in any given year, but many genuine heterosexual couples are able, willing and wanting to provide a stable and loving upbringing for children in an adoptive environment. I thought carefully about this legislation when it was first introduced at the end of the previous parliamentary session. I went with a genuinely open mind to my electorate. I issued a media release calling for comment from anyone in my electorate who wanted me to represent them in this place on this matter. I did not put forward my point of view in that media release; I was willing to listen to the electorate and to hear what people had to say.

Interestingly, over the past eight weeks or so I have received an incredible amount of correspondence, phone calls and emails from people throughout the State. Indeed, I have received 341 form emails from outside my electorate in support of the legislation. However, it is interesting that I have received only one email from within my electorate in support of the legislation. I received about 60 individual original emails, phone calls or letters from within my electorate opposed to the thought of the Adoption Amendment (Same Sex Couples) Bill 2010. Those comments came from Cowra, Cootamundra, Yass, Harden, Boorowa, Gunning, Goulburn, Crookwell and Gundagai.

As has been said by other members, this bill should not be about whether people live in same-sex relationships or heterosexual relationships. It must always be about the child and what is in the best interests of the child. I held the shadow Community Services portfolio for a couple of years, and I saw some incredible things within that portfolio environment. Even as members of Parliament I am sure many of us have seen some appalling cases of child abuse and some genuine examples of parents who simply should not be parents. Last week I held constituent interviews in my electorate. Once again, the child safety cases I must take to the Minister for Community Services simply should not happen, but they do. They happen all over the place. As for adoption, I have heard many stories from people wanting to adopt within Australia who describe the current adoption process as long, stressful and bureaucratic.

Many people have told me that they believe the Department of Community Services actively discourages adoption because the process is so difficult, and I understand their frustration when they want an adoptive child so badly: they may have been trying hard to have a child or they may have gone through the IVF program unsuccessfully and be desperate to adopt a child before they are too old. Obviously, the adoption process is difficult and arduous but necessary because we want to ensure that the child going into an adoptive family has those child protection issues addressed. In 2008 in New South Wales alone about 12,000 children were in out-of-home care. Undoubtedly, many of them would benefit from the stability that adoption offers to place them in a permanent loving family relationship.

I have already mentioned the low number of adoptions taking place in New South Wales. I believe that if there is a genuine need, if there is a real shortage of adults able to provide a loving, stable home for children in need of adoption, then this legislation should be considered. However, that is the not the case at present. Many genuine heterosexual loving couples who are able to provide a stable environment for an adopted child are missing out because there are simply not enough children in the adoption system. I do not believe this legislation is necessary and I oppose it.

Mr PAUL GIBSON (Blacktown) [8.00 p.m.]: I speak to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). The ability of homosexual persons to love and care for one another or give true love to a child is not in question. No doubt the love between homosexual couples is as true a love as can be found. However, two people of the same sex cannot give a child the experience of a loving mum and dad, no matter how good they are. The love of a mum and dad is a unique experience that I believe every child should experience. Over the years many couples desperately wanting to adopt a child have visited me. Those couples have been frustrated and saddened by long waiting lists. We should be doing more to address those waiting lists.

If this legislation is so important why not put it to a referendum at the next State election, only seven months away, and let the people of this State decide whether or not this is the direction they want to go? Tonight I speak in the way the people in my electorate would want me to speak. Blacktown has the highest practising Catholic population of any part of Australia. I, along with many other members, have received a number of letters and emails, and many people have come to my office to speak to me about this. Only one per cent of the people in my electorate who have contacted me about this bill support it—99 per cent oppose it.

I am fortunate. I have 4 beautiful children and 12 grandchildren. They have all had the great benefit of a loving mum and dad, which they cherish, and that is something most children should be able to cherish. The Adoption Act states that the best interest of the child in childhood and later life must be the paramount consideration. There are no studies on the effects of long-term parenting by same-sex couples on children. I believe that adopted children are better served being adopted by a mum and dad. The needs of the child are the most important aspect of adoption. I do not agree that the desires of same-sex couples to adopt should be placed above the needs of the children. We will be moving in an unknown direction if we go that way.

Children need the tender loving care of a mum and a friend, and the security and guidance of a dad. Young girls need a mum to help them through their tender teenage years. Many things happened in my lifetime that I could only speak to my mum about. Conversely, there were things that I could only speak to my dad about. That is the lovely experience of having a mum and dad—to me that is the ideal family situation. Where is the proof that same-sex couples will do a better job than heterosexual couples? Why should we change the situation? If the wheel is not broken why fix it?

The Most Reverend Peter Jensen, the Anglican Archbishop of Sydney; Cardinal George Pell, Catholic Archbishop of Sydney; the Reverend Keith Garner, Superintendent of Wesley Mission; and Mr Peter Graham, Moderator of the Presbyterian Church of Australia in the State of New South Wales, wrote to all members and said:

> For those same-sex couples who are currently raising children, other legal provisions, such as Parenting Orders, are appropriate and provide certainty for children and their parents, while retaining a child's biological heritage. This reflects the prevailing attitude of Australian courts which regard adoption as a last resort. As stated by section 8 of the *Adoption Act, adoption* must always be regarded *"as a service for the child"*, and accordingly is not an appropriate vehicle for recognising the relationship between an individual and his or her partner's children. These relationships are already appropriately recognised and provided for by New South Wales and Commonwealth law. These laws allow same-sex partners to exercise fully all parenting responsibilities, without severing the child's legal relationship with his or her biological parents. With regard to inheritance matters, same-sex partners are already able to provide for children in their care by making a will and naming the children as beneficiaries.

Adoption in New South Wales is the legal process that permanently transfers all the legal rights and responsibilities of being a parent from the child's birth parents to the adoptive parents. The types of adoption can be broadly categorised as intercountry adoption, local adoption and "known" child adoptions. In 2008-09, 155 adoptions were finalised in New South Wales. Of those, 93 were intercountry adoptions and 20 were local adoptions. In the category of "known" adoptions, there were nine step-parent adoptions, 30 adoptions of children in out-of-home care by their carers and three "special case" adoptions.

The most recently available source of figures for families of same-sex couples is the 2001 census. According to those figures, there are 10,802 male same-sex couples, of whom 503 live with children, and 8,972 female same-sex couples, of whom 1,684 live with children—we are not dealing with large numbers. This bill has been brought in very quickly, yet private members' bills have laid on the table for years in some categories. Why has this bill been brought in so quickly? I have been a member for almost 23 years and in that time I have often spoken about homelessness. Last night, tonight and tomorrow night somewhere in this great country of ours about 106,000 people have or will be sleeping homeless. It would be far more important to debate issues such as homelessness instead of this bill.

CatholicCare also wrote to members referring to the long and proud tradition of the Catholic Church in providing adoption services across New South Wales. They were an initial provider of adoption services under the inaugural Adoption Act, which was proclaimed in 1965. The letter from CatholicCare states:

> Our vision at CatholicCare Adoption Services is to provide clients with a professional and ethical service in the context of collaborative relationships.
>
> ...
>
> Currently the *Adoption Act* defines a couple as a man and a woman ... and this is in accordance with Catholic teaching. The current law therefore, values both mothering and fathering and reflects child-centred understanding of adoption. The law at present recognises that children are vulnerable and that their welfare must be considered ahead of the desires and preferences of adults.

> CatholicCare believes that the principle of **the best interests of the child** requires the law to recognise the fundamental right of children to be raised by a mother and a father, wherever possible. This Bill, if passed, would deny a child this right and risks their being deprived of the experience of either mothering or fathering.

I agree with those principles. Mary Limbers of Warrawee, who wrote to just about every member of Parliament, summed it up fairly well when she said:

> The call to "act swiftly" is focused on the wants of the adults rather than the needs of the children.
>
> Adoption is not about rights, or even discrimination. No one has a right to a child; it is a privilege and a great responsibility—

truer words were never said—

> ... The research supporting the importance of dual gender parenting and child-rearing is extensive and clear in its singular conclusion: all variables considered, children are best served when reared in a home with a married mother and father. Mothers and fathers contribute in gender-specific and in gender-complementary ways to the healthy development of children."

That was taken from *Life Without Father,* The Free Press, New York. The *Bible* has been mentioned tonight but I do not know if it is appropriate to bring the *Bible* into the debate. The *Bible* and its teachings of Jesus are the greatest writings ever but we all place our own interpretation of what the *Bible* says. Ten people can read the *Bible* and get ten different views of what it says. We can all read it and come away with totally different ideas of the meaning of the *Bible*. The *Bible* tells us that Jesus had a mother and father. Does that mean to say on my interpretation of the *Bible* that Jesus preferred to have a mother and father than gay parents? That is probably a silly example but one can interpret religion and the *Bible* whichever way one likes. I believe that exempting church groups in this matter shows what a joke this bill really is. It is like being a little bit pregnant. How can we tell church groups they are exempt from input into this legislation but people not in church groups are not exempt from it? That makes a mockery of this whole piece of legislation. Adoption is a privilege and not a right.

We should be talking about many other important issues. One per cent of people from Blacktown who have contacted me have supported this legislation, but many more people say that Blacktown Hospital needs another 110 beds and more roads. Blacktown is one of the fastest growing areas today, but what has Blacktown been given? Virtually nothing. They are the types of issues that we should be debating. This bill is important but it should be put to the people of New South Wales by a referendum; I am certain that is the fairest way to deal with this legislation. I do not know why this legislation is being introduced with such haste. I only hope it is not to look after the vote for the Greens. I hope it is not to look after inner-city seats, because if that is so it makes a total sham of the legislation we are now debating. I oppose this legislation.

Mr MIKE BAIRD (Manly) [8.11 p.m.]: I speak today on this important and complex issue, very aware of the understandable emotion such a debate generates. The strength of views held by those on both sides of this question reflects the gravity with which we all regard decisions relating to children and families. If the strength of a society is to be assessed on the way it deals with its most vulnerable people—as I believe it should—then the question of where and in what form we ought to allow children to be adopted must be regarded with the utmost seriousness. Children are a gift to us. They are a privilege and not a right. As a parent, I am aware of both the incredibly fortunate position I enjoy and the enormous responsibility my role as a father brings.

I have attempted to come to this debate with an open mind, listening to and assessing the strength of the arguments on both sides. Indeed, I have been touched by tears as I heard of the pain endured in years of needless discrimination. But first, let us clarify exactly what this debate is about. When the member for Sydney introduced this bill she did so by stating that "Parliament has moved on from the depressing level of homophobia shown 10 years ago". Indeed it has and we can all be glad about that. But this debate is not about homophobia or sexuality. To imply as much is an obvious attempt to short-circuit discussion to try to curtail any meaningful dialogue. In recent decades legislatures around the world have worked towards eliminating all forms of discrimination against people of same-sex orientation. I have been a part of that, and fully supported the relationship register when the question came before this Parliament recently.

But the issue at hand is decidedly more complex. The question of same-sex adoption puts us in a position of having to adjudicate between competing rights and interests. I believe that in any situation like this the rights of the child must take precedence over the rights and interests of an adult. I take as my starting point the interests of children and their needs rather than adults and their rights. It is worth pointing out that Australian law, and the conventions to which Australia is a signatory, embody a clear commitment to promoting and preserving the best interests of children in all situations that affect their care and wellbeing.

As it stands, and despite the stated intention of those introducing it, the current bill places the rights of adults at the centre it places the interests of adults above those of children. This should give us reason to pause.

In our legitimate concern to avoid possible discrimination between adults we cannot neglect the welfare principle that governs issues affecting children. We cannot ignore what might be a conflict between what existing human beings want and what another future person will be entitled to. It should be a given that a child has a right to a loving family. Unquestionably, as many argued before the parliamentary committee, a same-sex family can be a loving, safe place for a child. The Centre for Social Justice in the United Kingdom suggests that it would be wrong to take this as a question of purely practical possibilities. Two women can raise children and often do so very well. It is possible for two men to do so although this is less common. No, the question is not only whether children need a loving family but also whether they need adoptive parents of both sexes. We are talking about the rights of a child to a mother and a father. Is it in a child's best interests to be effectively barred from either of these key figures in a child's life? For this is what the current form of legislation would enact.

Actress and talk-show host Rosie O'Donnell, who has adopted three children into a same-sex family situation, acknowledged in an interview that her six-year-old son Connor had once said to her that he wished he had a Daddy. O'Donnell says, "So in our family I think there is a loss and to [say] that there isn't would be ... foolish and you'd be in denial." I am not questioning Rosie O'Donnell's parenting skills, and I commend her honest portrayal of the complex issues she is dealing with on a daily basis. But if it is accepted that a child has a human right to a mother and a father, this is a negative right in the sense that there is no claim that society or the State are obliged to provide this, but simply that they are obliged not to help deprive someone of them. This is what we are talking about here. Can two males in a partnership be regarded as or fulfil the functions of a mother? Can two females in a partnership be regarded as or fulfil the functions of a father?

The claim that the gender and sexuality of parents has no bearing on the development of children is contrary to the experience of most people and not supported by any substantial or reliable data. Professor Tom Frame argues that not only are two parents obviously preferable to one but that centuries of experience have shown that mothers and fathers provide something complementary, unique and distinctive in terms of care and nurture. The critical issue is not, therefore, whether same-sex couples have the capacity to be loving and caring parents; it is the belief that same-sex couples cannot provide for a child's need to experience both male and female parental love. Attempts to put an end to discrimination for same-sex couples in terms of employment conditions and property ownership are straightforward. It is much more complex in the case of same-sex parenting because there is a deliberate decision to negate one biological parent and this negation and denial is justified on the grounds that a child does not need both a mother and a father.

We come to the vexed question of research to consider this very point. It may be that this debate is so contentious that even the data directly related to this issue on both sides of the debate is compromised and unreliable. It is a claim that is evident in the literature from both camps. Such is the depth of feeling surrounding this issue. One thing that is agreed is that definitive studies of the impacts on children do not yet exist. Yes, there is research but the sample size is just too small and long-term impacts are not yet apparent. In an illuminating admission by a body arguing for same-sex adoption, the Tasmanian Law Reform Institute in a final report into same-sex adoption in 2003 conceded that the social science research into same-sex parenting is controversial and flawed. Admittedly, they place the blame for this on those arguing against same-sex adoption, but nonetheless it has touched upon an important aspect of this debate. After reading the research from both sides it is my belief that we simply do not have enough reliable data to go ahead with such a radical change.

The member for Sydney talked about up-to-date social science research that suggests that same-sex parenting is as likely to result in positive developmental outcomes for children as opposite-sex parenting. I am not questioning that same-sex couples can parent, and parent well. I maintain, and this is the crux of my argument, that there is insufficient depth of research to show that living in a same-sex family does not disadvantage children by giving them parents of only one gender. The long-term impact on these children is just not clear. All parties agree that little substantial research has been done on children cared for by same-sex males. I do not believe we can ignore the substantial body of empirical evidence that overwhelmingly attests to the benefit of individual children having an involved father. That there is less evidence on the impact of an involved mother is only because this has been largely accepted as self-evident. If we wish to make such a dramatic move in deciding to deprive a child of a mother or a father we must be convinced that it is in the best interests of the child. From what I have read we are not at this point. Going forward this should lead the debate, not the need to eradicate discrimination or address legal anomalies.

I have already spoken of the fact that I do not doubt that parents of the same sex have the capacity and already do offer a child great love and care. I have been moved by the stories same-sex parents told to the parliamentary committee of the way they cared for and loved the children in their care. I also have spoken of the rights of the child. In New South Wales there is currently a situation where children have been fostered into the care of same-sex couples and have lived with them for many years. In other situations children have had a long-term relationship with a co-parent or a step-parent who is in a same-sex relationship. These children can be adopted by only one of their carers. Therefore, these children do not have the same rights before the law as the adopted children of married or de facto heterosexual couples. Same-sex couples in these situations require an exception that gives their children greater social, legal and economic stability by allowing both people in a same-sex relationship to adopt. I believe that these matters should be looked at and clarified and that these children should have full rights before the law.

I also note that my colleague the Hon. John Ajaka put forward a proposal to the parliamentary committee on "known" relationships. This is something that I would be open to supporting. In instances such as existing long-term foster relationships or biological connections the case for child stability and certainty starts to become compelling. This deserves further consideration. However, given my prior argument, I do not believe that the appropriate way to proceed is simply to amend the Adoption Act 2000 with a complete change to the whole terminology of parenting. It was also of great concern to me that, despite the fact that the parliamentary committee concluded that as a matter of policy an exemption from the application of the Anti-Discrimination Act 1977 should be created for faith-based adoption agencies, the original bill made no mention of these issues of exemption.

In a recent New South Wales decision a male homosexual couple succeeded in their action against Wesley Dalmar Child and Family Care when the couple failed to be accepted as foster carers with the organisation. We do not want to copy the example of Britain where Catholic adoption agencies have been forced to close because they have been unwilling to place children with a same-sex couple. The closure of faith-based agencies in this area would mean the loss of years of expertise in assisting adoptions in New South Wales. I am very pleased that the revised bill now includes this exemption. I commend the member for Sydney for the inclusion of this provision in this bill.

I am saddened by the hurt my actions tonight may cause those who have felt the pain of discrimination and persecution for much of their life. I have friends in same-sex relationships who in an email to me suggested that I am making a personal stand against them and their long-term dreams. I am not. I want them, and all those hurt by my decision, to know that I am not abandoning them. I want to join them on their journey. I feel the weight of my decision. It is a decision that reflects what I think for now is in the best interests of the child—nothing more, nothing less. In many ways as I have laboured over this legislation I have been enlightened about the pain they are feeling and have felt. It has made me determined to assist, not condemn. My last thoughts are to reflect on the story of a young girl who has grown up with two mums. I have chosen a snippet from her story because she is often heralded as a strong success story for same-sex adoption. The story is of Ry Russo-Young, a 22-year-old filmmaker whose story was told by Susan Dominus in the *New York Times* on 24 October 2004. I shall read a couple of paragraphs:

> When Ry spent her semester in Dublin, she felt homesick for the United States, or at least for New York. She didn't care much for Dublin, but one night in particular stands out for her as the worst. She and her boyfriend at the time went to a gay bar that struck her as the only place she wanted to be that night, a place that promised to feel familiar in a certain way. It was a rainy night, and she and her boyfriend stood in line watching the gay men around them get in, while they did not. When Ry made a move toward the door, the doorman blocked her from entering. Ry got it—that they didn't get it, didn't get her. She wasn't getting in. She got angry. Then she finally walked away, feeling cast out, estranged, a stranger. She stopped in the middle of the street and wept.
>
> "You know, I feel like I'm somewhere in between queer and straight culture, wedged in this strange place, this lonely place," Ry told me, "I can relate to both cultures but sometimes I feel like I'm not belonging to either. But I'm OK with that. In fact, I wouldn't trade it for anything: it's given me such a unique perspective. It's like I have a sense of double vision, the ability to see things from many perspectives at the same time, in a way that's strange and beautiful. It lets you open little doors and look into a little world. It's a vantage point."

I have thought a lot about Ry since reading the article. I am warmed by her strength and insight, yet at the same time deeply saddened by how she felt that night in Dublin. Her story twists and turns in a compelling way as she looks to find her place in this world. To me, it highlights the innate complexity of this issue. Would other children experiencing what Ry went through in Dublin have the same apparent strength? Can we expect that all children will grow up with her resolve and peace with her identity? Do we know that children will mostly handle the complexity of having two mums in the way that Ry appears to have? I could not but sense a deep sadness in her story. I am genuinely torn by the unknown reality of the

experiences and feelings of the children that would follow Ry should we approve this bill tonight. As a father I felt Ry's pain as if she were my own daughter. However, I am heartened that just as Ry's journey has some time to go so does the debate on this important issue.

I am not convinced that the research before us justifies a move to legislate against the time-honoured practice of placing children with both a mother and a father. The best interests of the child cannot be placed at risk because of the unrelated desire to remove discrimination in law and public policy. I have attempted to come to this issue with an open mind and a clear conscience. My position is not some veiled critique of same-sex parenting or an attempt to continue discrimination against homosexual couples. Rather, I believe it is an attempt to honestly investigate the necessary debate on how to best safeguard the interests of children. It is my view that we simply do not have enough evidence to show that a wholesale shift in the legislation is warranted.

Ms JODI McKAY (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women) [8.26 p.m.]: I speak on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) and acknowledge the work of the member for Sydney in bringing this important matter to the House. It is often suggested that conscience votes bring out the very best in parliamentary debate. I acknowledge the spirit of the contributions made by members across the Chamber in this important debate. I appreciate that there is a diversity of views within the community towards this proposed legislation and I certainly respect the deeply held convictions. I personally have a deep Christian belief and I am comfortable with supporting this legislation based on that belief. I say at the outset that the traditional nuclear family should not be seen to be under attack from this proposed legislation.

For many, the value and integrity of family cannot be confined to the traditional nuclear family model. Loving relationships of people of the same sex—with or without children—are acknowledged as real, meaningful and legitimate in our community. The proposed bill means that same-sex couples will be eligible to apply to adopt a child, including as step-parents and foster carers. I note that the Adoption Act already allows single gay men and lesbian women to adopt children but not couples, which seems to be an oddity of the legislation that will be addressed by this bill. As a member of the community said to me in a letter:

> It makes no sense to allow individual lesbians and gay men to apply for adoption, but not same-sex couples.

This legislation is another important act of law reform recognising the legitimacy of same-sex couples in New South Wales. Already we have introduced the New South Wales Relationships Register. The register will make it easier for unmarried heterosexual and same-sex couples to access government services, legal entitlements and records. It provides couples with a simple and dignified mechanism to have their relationships recorded and respected. It also builds on changes made to the Status of Children Act, which now recognises the same-sex partner of a woman who has undergone a fertilisation procedure as the parent of her partner's child, as is the case when a child is born to a heterosexual couple.

Furthermore, changes to the Births Deaths and Marriages Registration Act have allowed for registration of the birth of a child through artificial reproductive technology to include both female parents of the baby on the birth certificate. Removing gender-based relationship discrimination from the Adoption Act would be a further step in ending discrimination against same-sex couples and promoting acceptance of the diverse family structures already present within our society. The passage of this bill would reaffirm New South Wales as an open and progressive community that embraces diversity and supports people as equals, no matter their sexual orientation. It also will bring New South Wales into line with legislation already passed in Western Australia and the Australian Capital Territory.

The proposal is consistent with the existing provisions of the Adoption Act in not conferring any rights to adopt a child, and I think that this is important. It does, however, remove any discrimination against same-sex couples from lodging an application for adoption. I am advised that the Adoption Act specifically states that the best interests of the child are the paramount consideration and that no adult has the right to adopt a child. It is the best interests of the child that must be considered in these matters. The most important thing that a parent can provide to their child is a loving, nourishing, emotionally stable and supportive upbringing. I take issue with the view expressed by some opponents of this bill that same-sex parents are not able to provide such an environment as well as opposite sex parents. Surely it would be better for a child to have two same-sex parents who love them and cherish them than a situation of two opposite sex parents who do not. It is my view that assessments regarding suitability to be an adoptive parent should be judged on parenting capacity alone and not the gender or sexual orientation of the prospective parents. As one of my constituents, who is the son of a same-sex couple, said to me:

> The happiness of the relationship between the adults in the home, and the degree of openness, warmth and communication within the family, not the gender or sexuality of the adults, has the most significant impact on the child.

I note the comments of the member for Goulburn, which were reported on ABC Radio this morning, that in her role as shadow Minister for Community Services she has seen too many cases of dysfunctional families where the kids are suffering. She said:

> It just became increasingly obvious that the evidence was on the side of giving children access to people who love them and care for them and if they happen to be homosexual, well so be it.

I welcome her support and endorse her comments, because this bill is not just about couples who want to adopt but also about kids who deserve a supportive and loving environment from committed parents. Couples who seek to adopt children do so for a variety of reasons. In the situation where they cannot have a baby themselves but want to parent, love and support a child, adoption is an option. This takes a big commitment. The process is arduous and complex. But those who take the path and are found to be appropriate as adoptive parents can bring a great deal of joy, happiness and love to children who might not otherwise have had that. It matters not as to whether those parents are gay or straight. What matters is that they are committed to the upbringing of a child into the community and are prepared to face the challenges, the torments, the excitement and the joy of parenthood. That is what is in the best interests of the child. A letter I received from a member of the community really personalised this issue for gay and lesbian couples and their own children. It stated:

> We have two foster daughters, both sisters, who have been with us for more than three years. They are now almost six and five years old. We cannot adopt them as a couple even though our daughters know us both as their parents. This is really about equal rights for our children. Adoption provides security, both financially and emotionally for our kids. We know of a few other foster children in long term care who cannot be adopted by both their foster parents just because of the gender of one of those parents. What if something should happen to the adoptive parent, it leaves the non adoptive parent with no legal rights, subsequently leaving the children without a legal parent and the security and stability they deserve.

Like many members, I have been contacted by many of my constituents expressing their views on this legislation and I appreciate their efforts in making their heartfelt and passionate views known to me. This is clearly a sensitive issue for which members of the community have differing yet strong views. The majority of correspondence I have received from my constituents and residents in Newcastle and the Hunter, and in fact across the State, on this matter is supportive of allowing same-sex couples to adopt.

A vote on an issue of conscience can never please everyone. Again I say that I respect the views of those who oppose this bill and have asked me to vote against it based on firmly held convictions. I also support the right of faith-based adoption services to conscientiously object to providing services to same-sex couples. In conclusion, I restate my support for the bill. As a matter of principle, I support bringing the legal rights of gays and lesbians into line with those of heterosexual people in New South Wales. This bill is another step towards removing biases against same-sex couples and I again thank the member for Sydney for her initiative in bringing this matter to the attention of the House. I am pleased to support the bill and the amendment and commend them to the House.

Mr GREG PIPER (Lake Macquarie) [8.34 p.m.]: The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) seeks to move New South Wales forward in a way that recognises that the test of appropriateness of adoptive parents is not about sexuality but rather about whether adopted children will become part of a socially functional family, wanted, loved and nurtured. For decades there has been a stream of legislative change that has followed changing societal values and this is just one more step in that process. It is an inevitable part of the generational change that our society as a whole is experiencing. A wide range of personal qualities will determine whether someone will be a good adoptive parent, but I do not believe sexuality is one of them. Further, I believe any such arguments based on gender and sexuality are without substance or credibility.

Adoption should and will under this proposed legislation continue to be a rigorous process by which intending parents should prove their suitability. The interests of the child will remain the primary consideration. In reality, the bill will affect very few people but, for those few, the effects will be profound in formally making the enriching experience of family life available to those who have not yet had this right or opportunity. The bill will also have significant impact in relation to the legal entitlements of children, such as inheritance, which they would not be entitled to receive under other same-sex parenting options. This change has already happened in many places around the world and has not caused social upheaval or brought dire outcomes for those communities and jurisdictions. I see no justification for rejecting such changes in New South Wales in 2010.

Schedule 2 of the bill will amend the Adoption Act 2000 so that religious organisations processing adoptions are free not to participate. This is understandably a matter of conscience, as already agreed by both the Government and Opposition decision to allow a conscience vote. This bill must predominantly be about the welfare of children. I note the concerns raised by the member for Strathfield that this bill, as amended, does not

effectively address discrimination as it allows for faith-based organisations to opt out of the provisions of the bill. I can understand those concerns, but I note that existing laws already enshrine discriminatory anomalies in that single persons, including single gay or lesbian persons, can adopt. This bill begins the process of change that is supported by many organisations, including some that have enjoyed longstanding respect for their role in these areas. Organisations such as Uniting Care, Barnardos, the Benevolent Society and the Council of Social Service of New South Wales support the bill, which highlights the strength of feeling across our community on this confronting issue.

I acknowledge representations made by a number of residents of the Lake Macquarie electorate and others who are opposed to the bill. I am sure that they are motivated by their own set of values and their own consciences. While acknowledging and respecting these views, I must follow my conscience in voting to extend the right to adopt to same-sex couples who have the capacity and desire to provide a loving and nurturing family environment to an adopted child. The bill does not in itself bestow a right to adopt but rather a right to apply to become adoptive parents; a right to be tested as offering an at least equal and worthy family situation for the benefit of an adopted child. Supporting the bill will not mean that the world will change for the worse or that the sun will not rise. As a matter of fact, supporting this bill may just see some children's world change for the good. In giving my support to the bill I commend the member for Sydney for bringing this matter before the New South Wales Parliament and place on record my regard for the depth of thought that has come from members on both sides of the House in their contributions.

Mr DAVID CAMPBELL (Keira) [8.38 p.m.]: Like many members over many weeks I have had a deal of correspondence from constituents of the Keira electorate and residents of New South Wales on this issue and, about a fortnight ago, I came to a decision that I would support the bill. Consequently, I have been responding to the correspondence I have received and, given that it was good enough for me to communicate directly with constituents of the Keira electorate on the issue, perhaps the best way for me to contribute to the debate is to read the correspondence. I could talk for a very long time and repeat many of the points that have been made by those who support the bill but I do not intend to do so; I intend to be brief. As I said, if it was good enough for me to communicate with the constituents of Keira in this form, then it is appropriate on this very important debate to convey those same sentiments to the House. I will quote from the correspondence that I have been forwarding to my electorate. The second paragraph is a little out of date but I have been using this correspondence for a couple of weeks now. I quote:

> Thank you for your correspondence about the *Adoption Amendment (Same-Sex Couples) Bill*.
>
> You may be aware the Bill has been introduced into the Legislative Assembly and is likely to be debated in coming weeks. I understand that Members of all political parties will be able to have a conscience vote on this bill.
>
> I will be voting in favour of the Bill.
>
> I will be doing so because I believe absolutely that children should be raised in the loving, caring and safe environment of a functioning family.
>
> A functioning family to my mind is much more important than the form of the family.
>
> A single parent of either gender, parents of opposite gender, parents of the same gender, grandparents, siblings, aunts and uncles or step parents may create a functioning family or sadly a dysfunctional family.
>
> So, the issues an adoption agency should be considering in assessing a placement are, how will this prospective family function to nurture the development of this child, rather than the gender or sexual preference of the prospective parents.
>
> We claim to be a tolerant society, free from discrimination.
>
> In my opinion supporting this legislative change will build on that tolerance and provide that the best interests of a child are considered in the assessment of the suitability of prospective adoptive parents.
>
> My decision will be both supported and opposed by many in the community.
>
> However, my decision has been made after a great deal of thought and attention to the many representations I have received both for and against the content of the Bill.

I conclude by saying that I consider it an absolute privilege to be able to take part in such an important debate in this Chamber. I respect and accept absolutely that every member in this Chamber has his or her own view of this. I spent some time in the Chair earlier this evening during this debate and my observation is that to date this debate has been conducted in a sense of individuality and of people having respect for the fact that others have a different point of view, and that pleases me greatly. As I have said a couple of times, and as I said in

correspondence to my constituents, I will support the bill. I trust that it will be carried and that as a consequence there will be an opportunity for children in the future to be nurtured by caring, functional families no matter the make-up of the parents.

Mr MICHAEL RICHARDSON (Castle Hill) [8.42 p.m.]: A central tenet of the Adoption Act, as it is in the Commonwealth Family Law Act, is that whatever is done should be in the best interests of the child. The State of New South Wales has always deemed it best for a child to be raised by a man and a woman in a permanent relationship. Indeed, the institution of marriage was created primarily for the procreation and nurturing of children. The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) is not about children's interests, it is about the right of adults to adopt children. As the Hon. Greg Donnelly noted in an article in *The Punch* on 14 July:

> The bill moved by the Member for Sydney is not just about women or men in a same-sex relationship who have a biological connection to a child, wanting the state to recognize their partner's relationship with respect to the child. It goes to securing rights to adopt a child where there is no biological connection at all. It is about placing homosexual couples on an equal footing with heterosexual couples when being considered for what are referred to as "unknown adoptions."

The member for Balmain, the Minister for Education and Training, wrote in an article in the *Sydney Morning Herald* today, which she proceeded to read out as her contribution to this debate:

> Reform would provide a mechanism for same-sex couples to have their parenthood recognised and to expand the pool of potential adoptive parents.

That argument would carry a lot more weight if there were a substantial list of children wanting to be adopted and insufficient parents to go around. In fact, the reverse is the case. According to the upper House inquiry into this issue only 125 children were adopted in New South Wales in 2007-08. Of those, 73 were kids from overseas. Just 52 of the adopted children were born in this country and of those only 37 were known adoptions, that is, the adoptive parents were step-parents, foster carers or relatives. That left just 15 children, who were adopted by strangers.

By comparison, the number of couples or single people seeking to adopt a child was 617. There is no shortage of prospective adoptive parents but there is a shortage of children to be adopted, and that is why almost 60 per cent of the children adopted in this State come from overseas. We have intercountry adoption agreements with 14 other countries—Bolivia, Chile, China, Colombia, Ethiopia, Fiji, Hong Kong, India, Lithuania, the Philippines, South Korea, Sri Lanka, Taiwan and Thailand. That is a big range of countries, cultures and political systems. But they have one thing in common: not one of those countries will allow their children to be adopted by homosexual couples. If adoption by same-sex couples is such a brilliant idea, one has to ask: Why are all those countries wrong? Are their adoption agencies full of biased bureaucrats whose prejudices cloud their judgement? Perhaps the member for Sydney thinks so. But there could be a much more rational and compelling reason: They think that adoption by same-sex couples is not in the best interests of the child so they do not allow it. That leaves only 52 children available for potential adoption by homosexual couples a year in this State.

Again according to the upper House inquiry report, there were 239 expressions of interest to adopt those children—a ratio of almost 5:1. The rate of adoption in this country is one of the lowest in the world: 0.2 per 100 births compared with 0.7 per 100 births in the United Kingdom, 1.1 per 100 births in Norway and Sweden, and 3 per 100 in the United States of America. So the argument of the member for Balmain is well and truly blown out of the water—not that I expect that will matter to her. After all, she "looks forward to a day soon when unjust discrimination is a thing of the past". Again, her major consideration is the rights of the adult, not the wellbeing of the child.

I would like members to consider the wellbeing of the child, and the best environment in which to bring up a child is a loving and stable marriage between a man and woman. That is certainly not to say that all marriages are perfect—clearly they are not—and it is certainly the case that a child is better raised by a same-sex couple than by a heterosexual couple in an abusive relationship. But that does not alter the fact that the optimum environment in which to raise a child, and surely that is what we should aim towards when adopting out children—because we have a choice here in choosing the parents—is a loving and stable relationship between a man and a woman. The case is well spelt out in a paper by Professor Dean Byrd of the College of Law at the University of Utah, who wrote:

> There is no fact that has been established by social science literature more convincingly than the following: all variables considered, children are best served when reared in a home with a married mother and father. David Popenoe (1996) summarized the research nicely: "social science research is almost never conclusive, yet in three decades of work as a social scientist, I know of few other bodies of data in which the weight of evidence is so decisively on one side of the issue: on the whole, for children, two-parent families are preferable to single-parent and step-families".

Dr Byrd went on:

> Mothers tend to play more at the child's level. Mothers provide an opportunity to direct the play, to be in charge, to proceed at the child's pace. Fathers' play resembles a teacher-student relationship—an apprenticeship of sorts. Fathers' play is more rough-and-tumble. In fact, the lack of this rough-and-tumble play emerges disproportionately in the backgrounds of boys who experienced gender disorders ... Interestingly enough, fathers' play is related to the development of socially acceptable forms of behaviour and does not positively correlate with violence and aggression, but rather correlates with self-control. Children who "roughhouse" with their fathers quickly learn that biting, kicking and other forms of physical violence are not acceptable.
>
> The critical contributions of mothers to the healthy development of children have been long recognized. No reputable psychological theory or empirical study that denies the critical importance of mothers in the normal development of children could be found. Recent research validates the importance of fathers in the parenting process, as well ... six-month old infants whose fathers actively played with them had higher scores on the Bailey Test of Mental and Motor Development ... infants whose fathers spent more time with them were more socially responsive and better able to withstand stressful situations and infants relatively deprived of substantial interaction with their fathers. A second female cannot provide fathering. In fact, McLanahan and Sandefur found that children living with a mother and grandmother fared worse as teenagers than did those adolescents living with just a single parent ... Men who were father-deprived in life were more likely to engage in rigid, over compensatory, masculine, aggressive behaviours later.

Dr Byrd continued:

> Mothers care for their young. Fathers babysit. Mothers nurture. Fathers negotiate. Fathers focus on extra-familial relationships, social skills and developing friendships. Adolescents who have affectionate relationships with their fathers have better social skills, exude more confidence, and are more secure in their own competencies.

It is a very detailed paper and I will not read any further from it. I think I have made my point. A real issue I have, and other members have pointed this out, is that the bill does not differentiate between a child born to a woman in a lesbian relationship and a child adopted by a same-sex couple who are unknown to the child. In America, 24 States have granted the non-biological parent of a child born to a woman in a same-sex relationship legal status with respect to that child, but only 10 States have enacted measures to allow two homosexual men or two lesbian women to adopt a child that is unknown to them. My constituents overwhelmingly oppose this contentious piece of legislation. Maureen Borrows of Castle Hill writes:

> I am the mother of four adult children, grandmother of a "blended" family and have worked for over ten years in a foster care agency. As such I am conscious of the need of children to fit in with their peers and to be as 'normal' as possible. I recognise that there are many forms of family which provide good and nurturing environments, but children in general, and the wider community, still see a natural family as a father, mother and children. Adoptive children are already seen as 'different' by themselves and other children. Their needs must have priority.

Grace Zambrano of Castle Hill writes:

> Adoption must primarily protect the welfare of the children. Naturally, the children thrive under the love and protection of a father and a mother. The child needs the complementary qualities of a male and female.
>
> Why let the children have a less advantageous and possibly disastrous upbringing when they could be placed in a home where they could have the love of a father and a mother naturally endowed to nurture children.

Jennifer Tauro of Castle Hill writes:

> I am greatly concerned about Clover Moore's bill for same sex couples to adopt children. Children have a right to be raised by a mother and a father because mothers and fathers complement each other and parent differently.
>
> The NSW Adoption Act clearly states that no adult has the right to adopt a child. This is not a gay rights issue. Adoption is a service provided for the benefit of children and it is the best interest of the child that should be centre of this debate.

Janet Kearsley of Carlingford writes:

> It seems horrific to me to allow an innocent child, born of a woman, to be handed over to two men to be brought up as their child when naturally they can't have any themselves. No adult has a fundamental right to parenthood.
>
> I understand there are many male-female couples waiting to adopt a child. Surely the best interests of the child would be for them to be given a Mum & Dad.
>
> These children can't speak for themselves. The very MPs that they would be depending upon to look after their best interests would be the very ones who could let them down if they vote for this bill.

Lynton Kallmier of Carlingford writes:

> I subscribe to Scientific American MIND which covers issues of Behaviour, Brain Science, Insights. In the May/June 2010 issue there is an article dealing with the importance of the role fathers play in children's welfare and development ... On page 52 of that article there appears this highlighted comment "Kids who have stable and involved dads are better off on nearly every cognitive, social and emotional measure researchers can devise."
>
> The proposed Bill is not "evidence based." In fact the proposal is against the weight of evidence as there is an abundance of research showing that children fare best in a heterosexual family.

There were many more of the same ilk. My constituent Dr Richard Lennon, a paediatrician from Cherrybrook, wrote:

> Children do best in families formed by the stable marriage of a man and a woman. When there is an absence of a mother or father or instability in the relationship I have seen negative impacts including adverse mental and physical health outcomes.
>
> Therefore, to allow children to be adopted and develop into adults in such relationships will have adverse consequences for those individuals and our society for the rest of their lives, long after our professional careers and even our lives are over. Many of these consequences will be very difficult if not impossible to reverse.

Like other members I received a letter signed jointly by the former Commissioner for Children and Young People, Gillian Calvert, Associate Professor Judy Cashmore, and Emeritus Professor Dorothy Scott, which stated that a majority of the New South Wales Standing Committee on Law and Justice supported adoption by same-sex couples. I can read, even if Ms Calvert and Professors Cashmore and Scott cannot. A majority of the Standing Committee on Law and Justice did not support same-sex adoption. The committee was split on the issue and the chair exercised her casting vote. The community is also split on this issue, although based on the emails and letters I have received my electorate is overwhelmingly against same-sex adoption. The Hon. Greg Donnelly wrote in *The Punch* on 14 July:

> If there are certain specific issues that need to be addressed involving same-sex couples and children living with them, let the specific issues be considered and dealt with on their merits. Amending the Adoption Act 2000 is not the only way to deal with such issues. Other legislative or regulatory mechanisms could be developed to address them.

I could not agree with him more. The member for Sydney might have amended the legislation to remove the requirement for faith-based agencies to adopt out children to homosexual couples but it would still permit same-sex couples to adopt unknown children when there are literally hundreds of other married heterosexual couples on the list. In his letter of support for the bill, Reverend Harry Herbert from the Uniting Church supported the idea of adoption for same-sex families with children from former relationships, but he did not specifically support the adoption of unknown children by same-sex couples. This piece of legislation is not, as the Hon. Greg Donnelly has remarked, being put forward for the benefit of the children; it is being put forward for the benefit of the adults. That is despite the fact that laws such as the Family Law Act and the Adoption Act explicitly state that the welfare of the child should be paramount.

On 6 January this year the Minister for Community Services—I am delighted to see that she is in the Chamber—issued a statement saying that "members of the Law and Justice Committee were unable to reach a consensus on this issue, reflecting divisions in the wider community. As a result of these concerns, the government is not satisfied there is broad enough community support to justify new state legislation at this stage". So what has changed? Why is this bill being introduced now? There is, as I have noted, no shortage of prospective heterosexual adoptive couples in New South Wales. There is a shortage of foster parents, as other members have noted, and that is why same-sex couples are sometimes chosen. This bill is not about foster parents, and there is a huge difference between being a foster parent on a temporary basis and being an adoptive parent.

Children living with a mother or father in a same-sex relationship do need their interests looked after. I think we all agree with that. But the existing law already does this through mechanisms such as parenting orders. Adoption is not necessary. We really have to ask, and I think it was put well by the member for Blacktown: Is this bill being introduced to secure Green preferences, to shore up the very tenuous position of the member for Balmain? If so, it is perhaps the most cynical and reprehensible action ever undertaken by this cynical and reprehensible Government: to compromise the interests of children for some short-lived political benefit.

Mr PAUL PEARCE (Coogee) [8.56 p.m.]: I support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) introduced by the member for Sydney. I compliment the member for bringing the matter before the House. The bill seeks to amend definitions of "couple" and "spouse" in the primary Act to include reference to "de facto partner" as defined under the Interpretation Act 1987. The definition within this Act does not specify whether a person is of the same or a different sex. The bill also envisages consequential amendments to the Adoption Regulation 2003 and the Births, Deaths and Marriages Regulation 2006 to enable the recording of information about the adoption of children by couples of the same sex.

The bill the member for Sydney has introduced is in effect an amendment to the Anti-Discrimination Act, which will have the effect of allowing faith-based adoption agencies such as Anglicare and Catholic Care to continue their work without being at risk of breaching the anti-discrimination laws or what they believe are

the tenets of their faith. I refer members to schedule 2.1 to the bill and section 49ZP of the Anti-Discrimination Act 1977, which relates to the provision of goods and services. Without seeking to oppose this aspect of the bill, I believe the House should consider seriously the merit of enacting exemptions to the provisions of the Anti-Discrimination Act. In effect, it means that the Parliament of New South Wales endorses continued actions that would otherwise be in breach of the Anti-Discrimination Act. I will say no more on this point, but I bring it to the attention of the House.

There has been substantial public discussion on this bill. I am sure that all members have received a great deal of correspondence from constituents and organisations bringing their viewpoint to their member's attention. It is important to put the elements of the bill before the House and in the public domain without rhetoric and distortion. In my opinion, based on some of the correspondence my office has received, there is significant misunderstanding in some people's minds about the objectives and likely impact of this bill. Indeed, I believe that some of the correspondence from some groups significantly distorts the situation.

The bill enshrines the important principle that the best interests of the child remain the paramount consideration in making decisions about the adoption of a child. This is the very essence of adoption. As such, same-sex couples would be eligible to apply to adopt a child. The same-sex de facto partner of a person who is the parent, either biological or adoptive, can apply as step-parent to adopt the child. Same-sex foster carers will be eligible to adopt a child in their care. Importantly, parenting capacity becomes the sole determinant of whether a person should be assessed as suitable to adopt a child. Children currently being parented by same-sex couples can have their existing parenting arrangements given lifelong legal recognition. On this point, many members would have received the letter from a young woman of 14 years of age who lives with her mother and same-sex partner. This was a heartfelt plea for this Parliament to recognise the realities of life. She states:

> I can see no valid reason why my parents cannot legally be my parents. It is my life and it's a pretty good one too. I am well off. I am happy. Surely love makes a family, not man, woman and child, and I can tell you there is plenty of love in mine.

The bill will also permit children with same-sex foster carers to have the same options of permanency as other children who are unable to live safely with their biological parents, including adoptions. As others in this debate have already pointed out, this bill, if passed, will bring New South Wales law into line with other jurisdictions in the western world. There is ample evidence to support the proposition that how a family functions is the determinant of outcomes for a child, not a parent's gender or sexuality. Whilst I disagree with the submission that I and other members received from CatholicCare, I do acknowledge its sincerity. The accompanying briefing note prepared by the Life Marriage and Family Centre of the Archdiocese of Sydney displays genuine concerns for the wellbeing of a child. However, I fundamentally disagree with some of its underlying assumptions.

In its discussion in answer to the question, "Why shouldn't same-sex couples be allowed to adopt? A homosexual person has the same ability to love and care for a child as a heterosexual person", its answer is almost self-contradictory. On the one hand, it states, correctly, that an individual's ability to love and care for a child as a father or as a mother is not in question. However, it then goes on to make the unsubstantiated claim that "as a couple, however, two men or two women who are in a relationship cannot provide a child with both fathering and mothering". I disagree. What is important is the wellbeing of the child, not the nature of the parental relationship.

In many instances, the child is in foster care or is being sought for adoption primarily because, for whatever reason, the biological parents are unable to provide, or in some instances unwilling to provide, a stable and caring environment for the child. I draw the attention of the House to the primary objective of the Adoption Act, which is that the best interests of the child concerned, both in childhood and later life, must be the paramount consideration. However, from CatholicCare's perspective the proposition before the House should address its concern that the bill will force it to choose between the important role in adoption or the tenets of faith.

Members would have received correspondence signed by a range of churchmen dated 30 August 2010. I do not propose to discuss in detail some of the statements made within the letter. However, I do take issue with the statement that somehow the changes being proposed are contrary to community values. We live in a secular democracy and within that secular democracy there is likely to be a wide range of deeply held values by members of our communities. Those who hold to those values believe in their intrinsic worth and those values form the basis of their ethical responses to various situations.

However, notwithstanding that our society is largely based in an historic Judeo-Christian ethical framework, it is also the consequence of the European Enlightenment and the many philosophical and ethical

debates flowing from that. While I do not dispute that certain values are deeply held by the signatories of the letter, I do dispute that they are able to claim that all the values to which they subscribe can, without challenge, be characterised as community values. Interestingly, other agencies in the field, including the Benevolent Society and Uniting Care, have both indicated their support for the bill. Uniting Care, in urging support for the bill, states:

> The key issue for us is the best interests of the child. In our view the same approach should apply in regard to adoption as we apply in foster care. That is, the issue should be established on the basis of the best interest of the child and without discrimination in regard to the potential adoptive parents.

The Benevolent Society states:

> Our experience indicates that prospective adoptive parents should be assessed on the basis of their suitability as parents, not their sexual orientation.

It further states:

> During our many years' experience working with children and families, we have seen clear evidence that an individual or a couple's sexuality has no impact on their ability to provide high quality care and nurturing environment for a child.

I have also received a number emails and letters from individual constituents. Overwhelmingly, they have favoured support for the bill. While much of the correspondence had a certain form letter quality about it, several letters spoke from the heart. They came from same-sex couples who dearly need, and believe their child or children dearly need, the legal recognition of them as a family unit. I have heard suggestions that a number of amendments will be considered by members, including the incorporation of what is known as the Tasmanian model.

Without going into the detail, I simply say that such a proposition does not address the fundamental issues at stake. Rather its adoption by this House would simply further entrench a discriminatory concept that sexuality of the parents is a legitimate consideration rather than the primacy of the best interests of the child. Similarly, attempts to introduce a provision exempting further the consideration of individuals from the provisions of the Anti-Discrimination Act are in my opinion both undesirable and unnecessary. Further layers of legal complexity inevitably will lead to litigation. Frankly, litigation and the wellbeing of a child rarely go hand in hand.

I do not believe it is the role of this Parliament to continue to thwart the legitimate aspirations of loving parents on the basis of sexuality or to leave in place unchanged an Act that, as the Benevolent Society states, is in direct conflict with the New South Wales anti-discrimination legislation. The member for Sydney, in bringing this matter before the House, has given the Parliament the opportunity to address these issues. I urge members to support this bill

Mr NINOS KHOSHABA (Smithfield) [9.06 p.m.]: I will make a brief contribution to debate on the Adoption Amendment (Same Sex Couples) Bill (No. 2). I acknowledge the presence in the gallery of Mr David Hutt, the State Director of the Australian Christian Lobby. I thank him for his interest in and commitment to this issue. I have spent the last few months thinking about this bill and I have spoken to hundreds of constituents asking them for their honest opinion about it. The vast majority of them oppose it only because they feel it is not in the best interest of the child. Often these children come from difficult backgrounds, whether their parents passed away, they were taken from their parents, their parents gave them away for a better life or they were unwanted. Whatever the reason, the adoptive child should be placed in the best possible environment. I believe that is an environment in which they receive the love and support of a mother and father.

Under the Adoption Act, the best interests of the child are paramount. The best interests of the child should be the primary consideration when proposing any changes to legislation. I am a proud father of three children and every day I see the influence my wife and I have on them. Each parent, male and female, has a unique influence on a child and it is my belief and the belief of many of my constituents that that cannot be duplicated in a same-sex relationship. Children should have the opportunity to have both a mother and father. They should not be denied this opportunity and their fundamental right should be protected.

Adoption is a service for the benefit of the child, not adults. No adult has the right to adopt a child. The proposed amendment puts the rights of adults ahead of the rights of children. Valid and well-researched evidence must be provided about the roles of mothers and fathers in parenting, key factors in the development of children and the effect of same-sex parenting on children before any amendment should be considered. That is

essential to eliminate any negative impacts that this bill might cause. Changes have been made recently to a number of laws, both Federal and State, to give equality to homosexual individuals and same-sex couples, such as welfare and financial benefits. However, the Adoption Act is fundamentally different because adoption exists as a service for the child, not adults. Although respectful of the needs of the birth parents and of those who wish to adopt, the Adoption Act must always be child focused first. Unlike foster care, adoption is permanent and I would err on the side of caution when placing a child in a permanent life-long family unit.

I know some people will try to make this a gay rights issue. It is not. It is about adoption and therefore should be about the rights of the child. There are hundreds, if not thousands, of loving heterosexual couples in New South Wales who have been waiting for years to adopt a child. They are couples who would provide a very loving and stable environment. Children do not need the confusion of trying to understand and then to explain to their school friends why they have two dads or two mums, or why they do not have a dad or a mum.

I am not in any way prejudiced against homosexuals, lesbians and people in same-sex relationships. However, I cannot in clear conscience agree with this amending bill because I do not believe it serves the best interests and rights of the adoptive child. Therefore, I will oppose the bill and any other amending legislation that may be introduced today or tomorrow, or any changes that may be introduced as a new bill, unless extensive community consultation precedes its introduction and members are given an opportunity to gauge the opinion of the people of their electorates and community groups. In conclusion, I state that this bill is not about equal rights, it is not about gay rights, it is not about discrimination, and it is not about religion. This bill should be about what it is to be done in the best interest of the child. I oppose the bill.

Mr PHIL KOPERBERG (Blue Mountains—Parliamentary Secretary) [9.10 p.m.]: I express almost unqualified support for the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I commend the member for Sydney for her compassion in introducing the bill. I make this brief contribution to debate on the bill for two reasons: first, I believe it to be socially responsible and just law and, secondly, I owe it to my constituents to provide some rationale for my support of the bill.

At the outset I state that anyone who interprets this bill as legislation that seeks to enhance the rights of homosexual couples or individuals, and who opposes the bill on that basis, sadly misses the point. The bill is about an attempt to ensure that children, whether they are the product of a traditional nuclear family, whether they are in foster care, whether they are a child of a sole parent, or whether they are being cared for by a couple in a committed relationship who are of the same sex, have the same rights. The inequalities that currently exist are not in keeping with the thinking of an enlightened age and not in keeping with those who are committed to equity and understanding across the spectrum of social issues.

The reality is that under the current provisions a child may be legally adopted by an individual of whatever sexual persuasion. The reality is that a child may find himself or herself in the foster care of two people who are of the same sex. But that same couple is precluded from adopting that child, thus depriving the child of the legal sanction which parenthood provides. In such circumstances the State remains the nominal parent. For argument's sake, in the event of the child requiring surgery, approval for surgical procedures cannot be given by the very foster parents who have cared for and nurtured the child, but instead must be given by the State.

Research I have read suggests to me that prospective same-sex adopting couples indeed give a great deal of consideration to the environment in which a child may be raised. Nevertheless, there are serious inequities as they apply to the rights of a child when comparing those who are in the care of a heterosexual couple, a homosexual individual or a homosexual couple. The bill simply seeks to remove those inequities. The situation of a child who is the adoptee of a heterosexual couple having greater legal rights than a child in the care of a homosexual couple clearly is inequitable, unfair and, in this day and age, intolerable.

The need to ensure equity between the rights of a child in the custody of a heterosexual couple and one in the care of a homosexual couple must be addressed, which this bill seeks to do. Double standards by which same-sex couples can foster a child in a permanent placement but not formally adopt that child as a couple simply serve to potentially deny the child legal rights in the event of separation or death of one or both of the adoptive parents. It also deprives them of the formality and status of being the adopted child of a couple, to which they are morally entitled, and of having those parents cited on the child's birth certificate.

There are many reasons why the inequities inherent in the current provisions need to be addressed and they will be well enunciated throughout the course of this debate. But those who, for reasons which in the main

I respect, have difficulty with the proposition put forward in this bill can take some comfort from the fact that, in the final analysis, the fitness of an individual or a couple to adopt a child will be determined not by this legislation and not by the State, but by the impartial process constituted by the courts of this land. Fourteen-year-old Brenna wrote to me stating, inter alia:

> I have lived my entire life with my lesbian mother and for the past nine years with her same sex partner, my other mother. I find the negative stance on same sex-adoption absolutely ridiculous. It is said that a mother and father are given this privilege in the child's best interest but I can tell you, right now, my interests are being disregarded. I have done all I can to help my legal rights reach the same position as most other children but it seems that ... [my rights] will ... be left out of the picture.

Brenna concluded on that sad note. There is an old adage that suggests it takes a village to raise a child. Where is it stated that a same-sex couple is not part of that village community? In conclusion, I can only reiterate that my whole-hearted support of this legislation is predicated exclusively on the rights of the child. I commend the bill to the House.

Debate adjourned on motion by Mr Michael Daley and set down as an order of the day for a future day.

ADJOURNMENT

Motion by Mr Michael Daley agreed to:

That this House do now adjourn.

The House adjourned, pursuant to resolution, at 9.15 p.m. until Thursday 2 September 2010 at 10.00 a.m.