

# LEGISLATIVE ASSEMBLY

Thursday 2 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.**

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

#### Agreement in Principle

**Debate resumed from 1 September 2010.**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [10.01 a.m.]: In line with usual practice Liberal-National party members of Parliament have a conscience vote on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) on the basis of their views and the assessment of their consideration of the issues involved. I have high regard for conscience votes on issues like this where personal beliefs, political philosophy and community mores intersect. It is important that all members of Parliament think long and hard before casting their votes. Another benefit of these types of votes is the fact that debates like this are also generally conducted with a maximum of reason and tolerance.

As deeply as we hold our views, as much as we may disagree with each other, we must surely respect each member's right to his or her own conscientious views. That respect is the reason I have declined, until now, to indicate my position on this legislation. In accordance with my usual practice on conscience votes, I have left my colleagues to form their views and make their decisions, free of any influence from their party leader. And debates like this have been difficult, and this debate has been difficult. There are strongly held views for and against same-sex adoptions across the community; there are strongly held views within each of our electorates.

Issues—theoretical and real life—have been raised and of course what is at stake are the lives of children. This is a debate in which the interests of children should be the sole concern. This is not—and should not—be a gay rights debate. So it is disappointing to see the *Sydney Morning Herald* today give the caption of gay rights to its reporting of this bill. I note in passing that while the *Sydney Morning Herald* has yet to editorialise in relation to this matter, the *Daily Telegraph* has, and it has come down in favour of the legislation. The reason that this is not a gay rights debate but one about children is happily defined in section 8 of the Adoption Act, which makes it clear that "no adult has a right to adopt a child". That Act also makes clear that its purpose 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.

Section 8 (2) sets out 11 principles to be considered in determining the best interests of individual children being adopted.

These include any wishes expressed by the child—or his or her birth parents—and include the nature of any relationship with the proposed adoptive parents.

In submission to the Legislative Council inquiry, the Department of Community Services detailed the general criteria used to assess prospective adoptive parents. Those criteria are focused around child welfare. They are rigorous and they are applied firmly and fairly by those who seek to make these choices on behalf of those children for adoption. Those arguing for this legislation have made the point that what it simply seeks to do is to

allow same-sex couples to be considered under these rules and regulations. In one of the many letters I have received and read on this issue—from people arguing for and against this bill—solicitor Philippa Davis from the Hawkesbury Nepean Community Legal Centre wrote:

While no one has the right to adopt, same sex couples should be assessed, like all other couples and individuals, according to objective criteria on their individual capacity to provide a loving and stable home to a child.

For me it is all about that loving and stable environment. Like many others speakers, I believe that the ideal setting to bring up children is a loving and stable family environment with both a mother and a father present. It is the environment in which most of us—but not all—in this place have been raised. There are many others from which young people emerge but it is the ideal and not the only family type that exists across our community. There are many others from which young people emerge confidently and capable of making their contribution to our community. But as welfare workers can attest and as the member for Goulburn has already raised in this debate, there are other families in which children regrettably do not get the care, love and nurturing they deserve and need. Indeed, in some of these family situations terrible harm is caused to children; damage that can last a lifetime, deadly harm at times, as the Department of Community Services and grandparents can too readily attest—and these are straight or heterosexual families. These are families that look like the typical nuclear family but are environments in which explosions of violence and abuse rob children of their futures.

Let us be honest about something: it is not gay men who are abusing women and abandoning children, it is straight men. The question for those of us concerned with the interests of the child in this debate is why should certain couples—because of sexual preference—not be eligible to be assessed according to laws and regulations that by any measure place child wellbeing at the centre of decision-making? Consider this question against current legislation and current practice. Under current laws and practice there is no legal barrier to same-sex couples becoming foster carers. Last year's Legislative Council inquiry heard evidence from such couples and from welfare agencies about their experiences. I was unable to find any criticism or concerns expressed about the care foster children are receiving from same-sex families in New South Wales in this day and age.

Further, under the Children and Young Persons (Care and Protection) Act same-sex couples can be and are being awarded long-term parental responsibility for children in their care. Again this is happening in New South Wales today. In New South Wales, individuals are also currently able to adopt children—including individuals who are gay or lesbian. Most of these gay or lesbian individuals are, in fact, in same-sex relationships. They are subjected to the same rigorous checks from State adoption agencies that apply to other families, including the stability and the commitment in the home environment. But as the law currently stands in New South Wales only one person in such a relationship is legally able to adopt the child.

It is a situation that raises a number of issues about the interests of those children. Think about this: if my partner or I died, the surviving partner would remain the legal guardian and carer of our two boys—an obvious and necessary certainty in a time of grief and distress, but not obvious or certain for a family in which one gay or lesbian individual has adopted a child and that person dies. Imagine the uncertainty, imagine the added grief—and then try to explain the logic of our existing laws. That is the situation in New South Wales today. How does such a situation reflect the best interests of a child?

In 1996 the New South Wales Status of Children Act recognised female same-sex de facto couples who conceived through assisted reproductive technology as the parents of their child. In 1999 the New South Wales Property (Relationships) Amendment Bill included same-sex couples within the definition of "de facto". The Adoption Act is the only remaining piece of New South Wales legislation in which the definition of "de facto couple" does not include same-sex couples. Yet under Federal legislation—the Family Law Act—same-sex families are recognised for the purposes of child-related custody and property matters. Today's bill is not creating a new class of family; same-sex families with children are a reality of life already and it is estimated that around 1,300 children live within such families across New South Wales.

This bill simply gives stable, committed couples, regardless of their sexuality, who want to adopt a child equal access to a process that will not treat them equally, a process that in seeking to protect the best interests of the child will comprehensively review and test the competency, background and environment of all those who apply to adopt, a process that will result in a decision on each case that will discriminate and show preference but will do so in favour of the interests of the child concerned, irrespective of the sexuality of the couple involved.

A number of amendments to this legislation have been foreshadowed. I support the right of faith-based adoption agencies to be able to reflect their teachings. The bill before us has been amended to ensure that it will

not be unlawful for such agencies to refuse adoption services to same-sex couples. I also indicate my in-principle support for the amendment foreshadowed by the member for Rockdale. I believe it is beneficial and positive to reflect the right of consent of birth parents in the State's adoption legislation; it is a positive. I note comments on the matter by Anglicare in today's media. This would ensure that those giving up their children for adoption could, perhaps because of cultural, faith or other background reasons, indicate a preference for the child to be raised in a similar family environment.

I propose to support this legislation with those amendments. I do so out of a concern for the best interests of those children who are being adopted. I do so to eradicate uncertainties under current arrangements involving children in same-sex families. I do so, recognising that the ideal of a loving and present father and mother is often not realised. I do so because I do not believe we should prevent adoption by same-sex couples who may offer a love and stability that is absent from too many homes at present. Recently I attended a commemoration for those who fought and died for this country. Like so many other commemorations we attend, it was meaningful and moving, and it was well attended by ageing veterans and their children. The guest speaker was the child of a decorated veteran, a parent and gay.

We listened, as members of Parliament often do, to a talk about the extraordinary efforts that ordinary Australians had made during both world wars; how, despite the horrors and deprivations they suffered, these men, and the women, the nurses, who supported them, did so willingly and valiantly. As I sat listening my thoughts turned again to the motivation of those service personnel. They fought that we might be free. They were prepared to die—and too many did—so that we could enjoy the freedom to determine our own futures and paths in life. They wanted us, the generations that have followed, to enjoy the best possible lives. So I support this measure today not only for the sake of the children but also because I do not believe our society should exclude, because of gender, sexuality, faith, background or some other factor, people who have a contribution to make. That is not the free, open and confident society I seek. Nor do I think it is the type of future envisaged by those who fought to secure our freedoms.

**Mr GRANT McBRIDE** (The Entrance) [10.12 a.m.]: My position on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) and other legislation on which there is a conscience vote is based on my experiences during my journey to this Parliament. Following the March 1991 election the results were referred to the Court of Disputed Returns. In November 1991 the court ruled in favour of a by-election, and on 18 January 1992 I came to this place. The period of two years from when I first became a candidate until I was elected to this place in 1992 was incredibly difficult for me and my family. The pressure was enormous. We had a family meeting: my wife, Barbara, our older children, William, who was 18 at the time, Emma, 16, and Nick, 14, and the other younger members of the family sat around the table and had a discussion. I could not do this job without the total support of my family. There was no way I could have done the job with the number of children we had, our financial position and what we wanted for our children. Their only condition was that I always support the philosophy and values of our family, whatever the political consequences.

In Parliament, in caucus and in my party I have always stood up for those values and that commitment to my family, whatever the political consequences. And there have been political consequences. I have and always will stand up for the values we agreed on. The test for me always is to test the proposition against the philosophy we live by. Unfortunately, this proposition is against our philosophy. I am not saying that my philosophy is right or wrong; I am saying that that is my philosophy. I must live by that philosophy and I do so, and I will not do anything else while I am a member of Parliament. I understand that other people have different views. I am not in conflict with their views or philosophies. In this Parliament I stand by my philosophy, and in that situation I will be opposing this legislation.

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [10.15 a.m.]: At the outset I indicate that I appreciated the practice of the Leader of the Opposition in keeping his opinion to himself before speaking in this place so as not to unduly influence others. That was a noble way to approach this issue. I say to the member for The Entrance that, because it is a conscience vote, I absolutely accept the right of all members in this place to have their point of view, to express it and to express it as strongly as they can, because all of us respect each other's right to have an opinion based on their philosophy, convictions and beliefs. That is how I have approached this issue. I acknowledge that this has been a difficult decision for many people, me included. I can see arguments on both sides. However, in considering this legislation I asked myself: What is in the best interests of the child? I believe most members have asked themselves the same question. It is interesting that, having approached the issue from that point of view, some of us have come to vastly different conclusions.

In a perfect world children should be nurtured in a caring family environment with a mum and a dad showering them with love. I am truly grateful that I was raised in such a family, and that is the situation in

which my children were raised; my children are now raising their children in a similar environment. We are totally blessed because not every family is like that. Indeed, when my children were small I sometimes ranted and raved about the number of their friends who were sleeping on the couch in our house. There was never a serious intention not to allow it, because I understood that many of them were not living in a loving environment with mum and dad. Sometimes the families were totally dysfunctional; sometimes people just did not get on with each other. So to suggest that the only place for a child to be nurtured and cared for is in a house with a mum and a dad is not right.

We have heard evidence in this debate about children living in abusive situations, most frequently, sadly, involving families with heterosexual parents. So what is this legislation about and who will it affect? The 2006 census shows that more than 1,500 children were living in same-sex families in New South Wales. At June 2009 there were just over 1,500 children living in out-of-home care in this State—75 per cent of them over the age of five—with increasing numbers and a current shortage of foster carers. It is interesting to note, and it has been said by many speakers, that same-sex couples are permitted to foster children. The New South Wales Legislative Council's Standing Committee on Law and Justice report titled "Adoption by same-sex couples" states:

From 1 July 2007 to 30 June 2008, a total of 125 adoption orders were finalised in NSW. Of those adoptions, 73 were intercountry. Of the remaining 52 local adoptions, 15 were unknown and 37 were known adoptions. Known adoptions for this period were comprised of ten step-parent, 22 foster carer, three other relative and two special case adoptions. During this period, 19 children were placed for adoption in the local adoption program.

That is partly the current situation. We also have inconsistency in the law. The current Adoption Act does not prevent a single person, whether heterosexual or homosexual, from being considered as an adoptive parent. The current legislation does not therefore guarantee, as some may believe, that a child will be raised by a mother and a father. Many same-sex couples are foster carers. Indeed, same-sex couples have been actively recruited as foster carers for many years. Page 17 of the Standing Committee on Law and Justice report states:

Same-sex couples in the Australian Capital Territory and Western Australia have equal access to adoption with heterosexual couples. In Tasmania same-sex couples are permitted to adopt a child who is related to a member of the couple. In all other states and territories there is no provision for same-sex couples to adopt. In every jurisdiction same-sex couples and individuals are permitted to provide foster care.

As I said earlier, what does this mean for the child? That is really what has focused my mind. I was particularly moved by the Leader of the Opposition's comments in this place about the potential grief caused for the child who has been living very happily in a warm, same-sex couple environment if something happens to one of those parents. It is difficult to imagine the amount of grief the child would suffer having lost one of their parents, but for the child to then be cast aside and told they have no relationship with the remaining parent is just too difficult to contemplate.

A similar situation applies when it comes to people being injured. If one of the parents in a same-sex relationship is seriously ill and is rushed to hospital—indeed, if the child is rushed to hospital—the other partner has no rights in relation to being informed about what medical procedures are conducted; they simply have no right to know and no right to involvement. With regard to inheritance, children in the care of same-sex couples who are adopted would have automatic rights to inherit property and superannuation upon the death of their adoptive parents.

What do the experts and the public say? I have been fascinated by the response in my electorate. I acknowledge that a very large number of homosexual and lesbian people live in my electorate. Indeed, according to the census information provided by the New South Wales Parliamentary Library my electorate has the second largest number of homosexual and lesbian constituents of any electorate in the State. It is perhaps not surprising then that I have received more letters in support of this legislation than against it—although, I confess, not many more. Many other people have contacted me personally and via email, and they have all been in favour of the legislation; perhaps they are more passionate about the issue. I acknowledge that there are people from outside the electorate who have contacted me, as they have every member of this Parliament, and I have read and considered their views. However, I have to give weight in favour of those I represent.

I also acknowledge that some organisations are strongly opposed to the bill. Heads of the Anglican, Roman Catholic and Presbyterian churches and the Chief Executive Officer of Wesley Mission have written to all members of Parliament expressing grave concerns about the bill. As the organisations say in their letter, "Every child has the right to know and be raised by his or her natural parents, as far as possible." I agree. However, as I indicated earlier, sadly that is not always the case. Indeed, the church leaders acknowledge that

fact in their letter. They say they do not question "the ability of a homosexual person to love and care for a child". I have considered their views carefully, along with many others, and in forming my view I have focused on the passage in their letter that reads:

**The best interests of the child**

The Adoption Act states that "the best interests of the child concerned, both in childhood and later life, must be the paramount consideration" in the matter of adoption.

Organisations that support the bill include the Benevolent Society, the Council of Social Service of New South Wales, the Association of Child Welfare Agencies, the Child Protection Society, the National Children and Youth Law Centre, Uniting Care, and Barnardos. I particularly note the comments in the letter from Barnardos, which is an organisation that frequently cares for children who have been the victims of abuse, and who are probably the most difficult children to place in foster care. The letter from Barnardos reads:

For many people adoption is a matter of caring for babies, however the average age of children adopted in Barnardos' permanent foster care programs is nine years. All of 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.

Barnardos says it is strongly in favour of same-sex couples being allowed to adopt. Many of these organisations gave evidence or forwarded submissions to the New South Wales Parliament's Standing Committee on Law and Justice. In the foreword to the committee's report entitled "Adoption by same-sex couples" the chair of the committee wrote:

The Committee has determined that the Adoption Act 2000 should be amended to allow same-sex couples to adopt, but that an exemption from the application of the Anti-Discrimination Act 1977 be created for faith-based adoption agencies.

I note that the bill contains such an amendment, which I support, as I do the amendment foreshadowed by the member for Rockdale giving birth parents the right to have a say in this matter. The chair's foreword continues:

The Committee has concluded that reform to allow same-sex couples to adopt in NSW will protect children's rights and help to ensure children's best interests.

I do not intend to read onto the record the summary of the committee's recommendations, except to say that I believe they are worthy recommendations. I note that the report has not been endorsed by all members. As has been said, this is a conscience matter, where people will bring their faith and their family views into account, and I have done that. It is for that reason, and in the interests of the child, that I will support the bill.

**Mr ROBERT COOMBS** (Swansea) [10.26 a.m.]: I lend my support to the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). First and foremost I support the bill because I believe government should facilitate what is in the best interests of the child. And the bill is in the best interests of the child. It is not simply about removing discrimination for same-sex couples; it is also about removing discrimination for their children. Children have the right to a secure, stable and loving family—I am sure we all agree with that—and the bill will assist in providing this through law.

Children in New South Wales with same-sex parents are not currently offered the same rights as children of heterosexual couples: these children have only one legal parent. This means that if the legal parent's partner dies or is injured at work, that child does not have rights to access workers compensation or rights to an inheritance. If the child is injured and must go to hospital, one parent is not entitled to make any decisions about medical treatment. If a same-sex couple has fostered a child and they want to take the next step of adopting that child as a couple, they cannot. That point has been made time and again by previous speakers. Children can currently be adopted by gay and lesbian people; however, they are assessed only as individuals and not as part of a couple.

The bill levels the playing field and seeks to have same-sex couples assessed on their merits as a couple and on their ability to provide a good home for the child. Organisations that support the bill include the Benevolent Society, which said in a letter:

Our experience indicates that prospective adoptive parents should be assessed on the basis of their suitability as parents, not their sexual orientation ... By denying the right to adopt, we are denying these children a secure future.

UnitingCare NSW.ACT said:

The issue should be established on the best interests of the child and without discrimination in regard to the potential adoptive parents ... Uniting Care NSW ACT 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.

The Association of Children's Welfare Agency pointed out in its submission to the inquiry into this matter that:

The needs of the child are the predominant factors in adoption matters and, as such, an inclusive approach that equally considers same-sex applicants is needed.

The Adoption Act 2000 needs to be grounded in International Law and the principals before the law.

Research shows there is no connection between people's parenting abilities and their sexual orientation.

I understand that there are some religion-based agencies that do not wish to facilitate the process of adoption by same-sex couples. This bill also provides for them and they will not be forced to do so. This bill is the final piece of legislation that removes discrimination for gay and lesbian people in New South Wales, something I consider an excellent achievement for our Parliament, our State and our country. I strongly believe and recognise that all families deserve to be treated with equality. As a result of that principle I have not hesitation in commending this bill to the House.

**Mrs DAWN FARDELL** (Dubbo) [10.30 a.m.]: I speak to the important Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) that is before this House. Many members of Parliament have spoken about many issues that I feel strongly about. I remind the House that 100 years ago women, once considered a minority group, were given the right to vote, yet today we are still debating the rights of citizens who many in the community consider a minority group. All members of this House have received correspondence from various groups and individuals for and against the bill. To date I have only received opinions from 16 of my constituents. I have read all of their comments together with concerns from other New South Wales residents. Representations were made from children whose natural mother was in a same-sex relationship; two males in my area in an established caring, stable relationship have raised one of the male's natural 12-year-old daughter from the age of three weeks; and from citizens in same-sex and heterosexual relationships.

Many religious organisations have also sent me their considerations against this bill with the common statement, "Every child has the right to know and be raised by his or her natural parents ..." and "... 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". In 2010 the norm is: natural mother and father, married, raising children; natural mother and father, unmarried, raising children; mother and father, divorced, sharing the raising of children; divorced mother raising children; divorced father raising children; unmarried mother raising children; unmarried mother raising children, not necessarily having same father; uncles or aunts or grandmothers raising children from all of the above; and children being raised by step-parents.

We only raise one eyebrow at any of the above, which are now the majority. However, we raise two eyebrows if a child is being cared for in a same-sex household. Many children have been raised with good care in all of those environments and many children have not enjoyed their childhood as a result of conflict within the family norm—that is, with a natural mother and father constantly arguing. Is that a good environment for a child? I was raised with my natural parents, and there were arguments at times. However, some friends were not, and their situation was not affected. The Benevolent Society advises:

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

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

Same-sex foster families, step-parents, need adoption to ensure they also have equal rights and protection under the law. I believe this bill will act in the best interests of children and remove the discrimination in adoption law. The child will be given recognised parental authority, the right to inherit property and superannuation upon the death of their adoptive parents, and rights to child support and workers compensation if an adoptive parent is seriously injured at work—all those entitlements for a child being raised in heterosexual relationships. I have always been involved with children in my community—my own family, school community, sporting community, charity community and my beloved Police and Community Youth Club. The children are our future. We make decisions in this House not for us but for our children and those who have not yet been born. I commend the member for Sydney for introducing this bill, which I fully support.

**Mr STEVE WHAN** (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [10.35 a.m.]: I support this very important Adoption Amendment (Same Sex

Couples) Bill 2010 (No. 2), and I will put onto the record why I support it. A number of people have said to me that as I am in a marginal regional seat I should not support this legislation. My reply is that an important principle for me is to vote in accordance with my beliefs on such matters regardless of whether it will have ramifications in my electorate. Most members have referred to the need for a child to grow up in a loving and nurturing environment. In my view that environment is not determined by whether a child is raised by heterosexual parents in the traditional nuclear family, by one parent or by a same-sex couple but by the attitudes of the parents and their ability to be parents.

As a local member, one of the saddest things I see is children who are not given the right opportunities in life because their carers are living in an abusive or violent relationship, there is too much alcohol in the house or they are not given the opportunity to properly learn to read and write because they are not read to or there are no books in the house. A whole range of matters can be detrimental to a child's upbringing but those things do not include the status of the parents or their sexual orientation. This bill and the Adoption Act make those judgements on adoption very carefully on what is in the best interests of the child and the abilities of those care givers to give a loving and nurturing environment to a child.

I have been impressed by most of the speeches made by members from both sides of the House in relation to this legislation. They have presented their genuine views, which is their right, and they should be admired. An argument that I do not accept from those who oppose the bill is that while ever there are enough heterosexual parents who want to adopt children we should not have a bill like this one. That attitude fails to recognise the fact that so many children are living with parents who may find their homosexuality after they have had a child, or even had a child and are now living in a relationship, or were living in that relationship when they had the child. They are the natural parents to those children and to deny the other partner the chance to take on the responsibilities and legal rights as a parent is discriminatory and very unfair on that child who is denied the opportunity to have a loving parent and, as members have pointed out, legal rights in relation to inheritance, property et cetera. Arguing that for those children as long as there is a heterosexual parent who is willing to take them they should not be given that right is just sticking your head in the sand. That is very disappointing.

Similarly, denying a child who is in a loving relationship with parents who are looking after that child through the work of the Department of Community Services or any other agency the opportunity to be the official legal parent to that child is also, I think, being very unfair to that child's interests. Recently I heard the incredible argument that the bill is promoting abortions. That is just too ludicrous to respond to—in many ways. It is very clear that the legislation takes into account the views of the natural parents of a child when decisions on adoption are made. I want my community to be very clear that those views are taken into account when adoption decisions are made. The most important issue for agencies when considering potential parents for a child is the best interests of the child. A range of issues are considered, including the views of the natural parents, but most important is the quality of the parents the child will go to.

The bill gives us the opportunity to end discrimination. Importantly, it allows children living in relationships with same-sex couples, who are providing them with a nurturing environment, to be legally recognised and to enjoy the associated benefits. All members contributing to the debate share the view that we want children to live in a loving and nurturing environment. This bill helps to achieve that. I will take great pride in supporting the bill when it comes to the vote. The exemption for faith-based agencies is also pleasing. I acknowledge those with faith issues that oppose this bill. I do not share those views and in this conscience vote I have the right to express that. I thank the Premier for allowing us a conscience vote. I admired her speech yesterday in support of this bill. I also admired the speech made by the member for Orange, who has taken a very principled position in this matter, and I congratulate him as I congratulate all participants in this debate. I commend the bill to the House.

**Mr DARYL MAGUIRE** (Wagga Wagga) [10.40 a.m.]: I begin by acknowledging the very powerful contributions that have been made by all members in this place. I wish that all debates could be like this one. Members have approached the issues very professionally. This debate has shown how parliaments can operate. I have struggled with this bill since it was introduced by the member for Sydney. I have given it a great deal of thought. Like all members, I have spoken to family and friends to ascertain their views, but in the end it is my responsibility to cast my vote according to my conscience and not what is politically popular, as the member for Monaro has commented. In recent interviews I have said that I will do what I think is right for the child. I have always held the belief that the best environment for a child is with a mother and father but, as we know, those relationships are not always perfect. As local members we see examples of dysfunction within families every day. Families of all types exist, function and provide a loving environment to children, and in this day and age we need to recognise that children in all types of environments need support.

I have read the bill from top to bottom. I am pleased the member for Sydney withdrew the original bill because I could not have supported it. I am more comfortable with the bill now because it contains exemptions. I am pleased that the member for Rockdale has foreshadowed an amendment, which I will support. That amendment will give greater strength to the bill. I will support the bill and the amendment but I reserve the right to change my mind if the amendment does not succeed. The amendment foreshadowed by the member for Rockdale is a very positive one, which will strengthen the bill.

In my time as a member of this Parliament this House has dealt with a number of bills such as this. It is the responsibility of members to legislate, not to judge people on their sexuality or relationships. That is not my job. I will never do that. We have to deal with legislation to provide better futures for children and I believe this bill will help to do that. I have received correspondence from constituents and peak bodies, and all of them have put forward arguments both for and against. The opinions of others can sometimes be expressed in overenthusiastic ways or be overzealous, but that has not occurred in this place. The debate has been very measured and powerful. As I said, I have enjoyed it. I do not know what the outcome of the vote will be but no matter what occurs I hope we can continue the depth of input and dialogue that has occurred. I hope our parties will continue to allow us a conscience vote when issues such as this come before the House. I thank the Leader of the Opposition for allowing us the opportunity to cast a conscience vote and for the way in which he has withheld his position to not influence members—I purposely have done that as well. I have considered and listened to the debate and formed my opinion, which has changed on a number of occasions from listening to other speakers. I have decided to support the bill and the amendment.

**Mr GERARD MARTIN** (Bathurst) [10.45 a.m.]: I support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). Amendments to the bill have been foreshadowed and although we are not fully aware of their content we have a reasonable idea. Other amendments may be forthcoming that we are not aware of. Notwithstanding that, I cannot perceive any amendment that would sway me from supporting the bill as presented by the member for Sydney. I particularly congratulate the Minister for Community Services, who is at the table, on her contribution to the debate yesterday. She outlined the position with adeptness, a great deal of compassion and intelligence. Many members have said they have wrestled with this bill. I have not had that problem because the proposition we are discussing here is pretty simple.

The bill will amend the definitions of "couple" and "spouse" in the Act to include reference to a de facto partner as defined in the Interpretation Act 1987, which does not specify whether a person is of the same or of a different sex. It will also provide 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. That is pretty much a procedural matter. We are not dealing with complex legislation; we are dealing with something that spreads equality and fairness to people adopting children.

One of the arguments of those opposing this bill is that children have an inalienable right to a mother and a father. I am not sure that claim would stand scrutiny. We all come from different circumstances. I was brought up in a single-parent family. My father deserted my family very early and I was raised by my mother and a network of very loving aunts and uncles. Whilst I probably wish I had had a father throughout my life, I do not think not having one greatly disadvantaged me. Even in the past 10 or 15 years when we have had a much more liberal attitude to people of the same sexual persuasion forming relationships there have been all sorts of issues within families. The criterion is always the environment within those families, not the sexual persuasion of the parents: Is it a loving and caring environment where the children are nurtured, looked after and given every opportunity?

In the past I have heard of no great objection to homosexual people being foster parents—and being wonderful foster parents—yet we balk at the last hurdle and say they cannot be legal parents. It is nonsense! If there were an issue relating to children not having a mother and a father it would have become known during the years that homosexual people have been able to be foster parents. Indeed, a single homosexual person can adopt a child, so why not a couple living in a loving de facto relationship?

What also needs to be stressed is that the Adoption Act is the predominant legislation in this field, so no matter what the orientation or circumstances of the parents they must pass the strict scrutiny of the adoption legislation. We are talking about a very small program—20-plus children per year—which requests that the views of the children's birth parents be taken into account in the placement of a child for adoption. That is not going to change. Birth parents are offered the opportunity to choose from a number of couples assessed as suitable to parent their child. Experience shows that birth parents tend to favour married couples who will

provide the child with a traditional family upbringing which they feel single parents are unable to offer. Those people, particularly those from the far Right, who see this as the end of normal nuclear families would do well to take that on board.

We have heard argument about the normal nuclear family with a mother and father being the only way that a child can get a proper upbringing. The adoption agencies—Barnardos and company, which have a fantastic reputation in this area and have been providing the service for years—see no issue with this. The Catholic Church, of which I am a member, and the Anglican Church take a different view. Probably the most controversial aspect of the legislation is that they have been given the option to opt out if they wish. It appears to me that all parties have had their positions covered. As a Catholic I had a different view on some of the stem cell issues that came before this House, but on this matter I do not see any conflict with my Catholic faith. I think the Premier really gave chapter and verse on this yesterday in what was a pretty intellectual speech. There would not be too many people in this House who have a better understanding of the scriptures, the *Bible* and the teachings of the church than the Premier, because it is part of her vocation in life. I think she made a fairly strong argument.

To a certain extent we try to reflect what the people of our electorates feel. The Bathurst electorate is a fairly conservative electorate. We have both Anglican and Catholic dioceses, with two wonderful bishops. There has been very little opposition—probably 10 or 12—to this legislation in my electorate. There have been scores of people supporting it. At the end of the day it is a decision we have to make with our conscience. The issue is one of fairness and equality. The overriding issue in the legislation brought forward by the member for Sydney is that all children available for adoption should have exactly the same privileges and rights. For that reason I cannot see how I could do anything but support the legislation.

**Mr RAY WILLIAMS** (Hawkesbury) [10.53 a.m.]: In this day and age not to appreciate or respect the fact that there are many different make-ups of families, many different make-ups of relationships, all raising children, would be incorrect and naive. However, I am charged with the responsibility, as an elected member of this Parliament, to make a decision in relation to the bill before me, and I make that decision not based on any deep religious thoughts and certainly not on any discrimination towards same-sex couples but based personally on my experience as the son of a mother and a father, having been raised in a wonderful loving environment, and also as the father of two children whom I hope I have raised in the same manner—who are now of an age as adults where they will be going forward and hopefully providing their father with some grandchildren in the very near future.

I will be opposing the bill as it is at this point in time, and I do so on the basis that I am charged with the responsibility of making a decision in the best interests of a child who has been put forward for adoption. I mean no disrespect to same-sex couples, who I certainly believe are capable of raising children—they are, they do and they will well into the future. But at this time we have a small pool of babies put forward for adoption and a large pool of people in heterosexual relationships, prospective mums and dads, who are quite capable of raising children, and if I have to make a decision on what is in the best interests of a baby that decision is to have that child raised by a mother and father. To suggest that every mother and father or every marriage is absolutely perfect would be wrong. It would be wrong to think that all adopted children will be raised in the very best environment. However, I am unable to base this judgement on anything other than my experience of being raised by a mother and father and raising my children in the same way. I believe it is in the best interests of a baby to be raised with the compassion, care, kindness, love and role models of both a mother and father to give the baby the best and soundest environment in which to grow into a responsible person in the years ahead.

I respect the words of all members in this House. As has already been put, it is a pity that there are not more debates in this Chamber where people can speak from the heart and state what they truly believe. It has been a pleasure to sit back and listen. This has not been a difficult decision for me to make—I made my decision some time ago—but I have listened to many of the thoughts that have been put forward and I respect and appreciate all of them. I also appreciate the thoughts expressed in the torrent of correspondence that has come to my office from both sides of this debate. I also appreciate the democracy of this House with everybody making a decision and then having a conscience vote.

**Mr GEOFF CORRIGAN** (Camden) [10.56 a.m.]: I had not intended to speak on the Adoption Amendment (Same Sex Couples) Bill (No. 2) but, like the member for Bathurst, I did not struggle with this matter at all; I support the bill. I have been listening intently to the views put forward and I congratulate everyone. All the speakers have put forward heartfelt and cogent arguments. Like the member for Monaro,

I come from what is viewed largely as a conservative electorate. People have said to me, "You might lose votes by doing this." What I say is that the people of Camden expect me to do what I feel is right, and I think that this is the right way to go.

The reason I believe it is right is that there are two primary considerations for me in the bill. The first and overriding consideration is the welfare of the child: what is best for the child. Nothing in this bill has changed that at all. I urge people to read the Adoption Act carefully. I know that every member of Parliament has now read it. It will be seen that the primary focus of the Act is to take care of the welfare of the child. This bill does not change that. For me, it also removes the last bit of discrimination amongst the various bills in the New South Wales Parliament. This was very clearly outlined by the Leader of the Opposition as he went through the list of wrongs that have been righted, injustices that have been made right, in the New South Wales Parliament over past years—and I congratulate him on that. I commend the bill to the House.

**Mr PETER BESSELING** (Port Macquarie) [10.58 a.m.]: I speak briefly to the Adoption Amendment (Same Sex Couples) Bill (No. 2). The overriding consideration of members of Parliament in relation to this bill is whether or not the amendments proposed today are in line with the objectives of the current legislation, and particularly whether or not the best interests of a child that is the subject of an adoption order are maintained or advanced. In considering this bill many in this Parliament have been forced to challenge our beliefs and practices and to understand how those beliefs and practices relate to the bill that is before us. My personal commitment to my family, my wife and two children has weighed heavily in my consideration of this issue. I have also sought counsel and opinion from a wide variety of sources.

If nothing else, this legislation has forced many in our community to analyse their current relationships and how they relate to their feelings about other relationships that are different to their own. People have also gained a much broader understanding of the adoption process and perhaps even a new-found respect for the wonderful gift of parenting that many in our community provide to children other than their own. Adoptions within Australia are divided into two categories: unknown and known adoptions. In unknown adoptions the child concerned generally has not had any prior contact with the adoptive parents. This usually occurs when the child has been relinquished by his or her birth parents and is available for adoption by suitable applicants. Known adoptions are where a child has an existing relationship with the prospective adoptive parents, such as relatives, step-parents and carers, including foster carers. In the case of known adoptions, the child is usually not available for adoption by other people.

The Standing Committee on Law and Justice report entitled "Adoption by same-sex couples" notes that from 1 July 2007 to 30 June 2008 a total of 125 adoption orders were finalised in New South Wales. Of those adoptions, 73 were intercountry. Of the remaining 52 local adoptions, 15 were unknown and 37 were known adoptions. Known adoptions for this period comprised 10 step-parent, 22 foster carer, three other relative and two special case adoptions. During this period 19 children were placed for adoption in the local adoption program.

Therefore, using these statistics as a guide to local adoptions, known adoptions outnumber unknown adoptions by a factor of more than two to one. In the local adoption program run by Community Services a rigorous assessment process by accredited adoption agencies is undertaken to determine suitability to adopt, following which prospective parents enter a pool and have a profile prepared for consideration by the birth parents. There is no waiting list or date priority system. The birth parents have an opportunity to consider a full range of criteria that they may deem most suitable for the upbringing of their child. Consideration of the child's physical and emotional needs, and age and maturity are such examples.

Under the proposed legislation this opportunity would remain to consider the nature of the prospective parents' relationship. Single, married, heterosexual, homosexual or de facto can all be taken into account. There is no evidence in relation to unknown adoptions that this bill will weaken the current objective of the Adoption Act to act in the best interests of the child concerned. It is also important to recognise that under current legislation homosexual individuals can and do adopt children in New South Wales. It is therefore beyond the comprehension of a reasonable person to submit that an individual in a safe, loving relationship can provide a better environment than the same couple working together in a safe, loving relationship.

In relation to known adoptions, there are certainly inconsistent approaches to the way society deals with same-sex couples and, in particular, to their roles as parents. Same-sex couples are currently entitled to be foster parents to children in need, fulfilling a much-needed and valuable community service. The role that same-sex couples play as foster parents goes far beyond mere tokenism and can be judged by the fact that they

are actively sought through targeted advertising programs. What does it say about our society that we deem same-sex couples as good enough and suitable enough to be parents for both short-term and long-term care, yet we are unwilling to allow the bonds of family to be legally recognised through adoption based solely on the fact that they are homosexual? This bill under consideration would allow these same couples to establish a more permanent, legally recognised relationship with their foster children should they be deemed appropriate through the adoption process.

If the support for same-sex foster parenting shows that our community deems same-sex couples as worthy of consideration as parents, then it follows that adoption should be available to those same couples. Surely the eligibility requirements for foster parents should reflect as closely as possible those of adoptive parents. I note the comments from both UnitingCare and the Benevolent Society. In a letter dated 18 August 2010 Reverend Harry J. Herbert, Executive Director of UnitingCare, New South Wales and Australian Capital Territory, notes:

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 issues should be established on the basis of the best interests of the child and without discrimination in regard to the potential adoptive parents.

Richard Spencer, Chief Executive Officer of the Benevolent Society, notes:

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

This Parliament acts in the best interests of all members of our society, including those who may not be able to speak up for themselves. I believe that the objects of this bill will advance the cause of children by allowing long-term loving relationships with their parents to be recognised legally, thus providing a more secure future for those children. I therefore support the bill.

[*Business interrupted.*]

## **BUSINESS OF THE HOUSE**

### **Order of Business**

**ASSISTANT-SPEAKER (Mr Grant McBride):** Before calling upon the next member, I would like to clarify proceedings on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I am informed that it is the understanding of both sides of the House that debate on this bill will take precedence of all other business until concluded, unless otherwise ordered. The motion moved yesterday could have been drafted more clearly by the Clerks, and I apologise to the House that that was not the case. To give effect to this intention, with the consent of the House, debate will take precedence of all other business except for the routine of business, including question time and the motion accorded priority. After that, if debate is not concluded, it will be resumed until concluded or adjourned. Private members' statements will then be called upon, after which the House will adjourn without motion being put.

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

#### **Agreement in Principle**

[*Business resumed.*]

**Mr ALAN ASHTON** (East Hills) [11.06 a.m.]: I will not speak at great length on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2), but I owe it to my constituents, my electorate and the wider community to place on record my view on this bill. The fact that this bill is being voted on by conscience vote is highly commendable and entirely appropriate. It is also very rare in this Parliament. Previous speakers have said it may be a good idea if we were permitted a conscience vote more often. All members have been subject to correspondence, mainly emails, in support of and against the bill. The majority run heavily in favour of the bill, but conservative and religious groups and churches have marshalled large numbers in opposition to the bill. Having read the emails and letters both for and against, I have not changed my view, which is to support the bill.

The emails have been polite, non-threatening and in the spirit of this debate. That is important. I am not an expert on religious teachings or interpretation of the holy books of the religions practised in Australia. For me

to admit that, is saying something. However, the arguments most often raised against this adoption bill are, first, the effect on children and, secondly, based on one's upbringing and religious teachings. In relation to the second basis, I entirely respect those views. They are valid. My mother attended church and taught religious classes and she sent me to church until I was 12, when I was able to escape. So I have an understanding from her commitment to the Church of England faith. The members who have spoken about their faith in this debate hold very genuine and passionate views. I was particularly impressed by the speech given by the Premier yesterday. I refer those who may read members' speeches at a later date to the speech by the Premier in which she dealt eloquently with the theological argument in forming her view.

This is a Premier who has made no secret of her theological background and her very strict adherence to the Catholic Church's principles, teachings and beliefs. I listened to her contribution and was very impressed with the way she dealt with the argument. I also refer members and the wider community to the speech of the Leader of the Opposition, who took a slightly different tack. He also made an excellent contribution in support of the bill. The Premier and the Leader of the Opposition have only one vote each and they have played no role in lobbying members one way or the other on their side of the political fence in this debate.

In my 20 years as a schoolteacher before I entered Parliament, in my 14 years as a councillor on Bankstown City Council and in my 11½ years in this place, I have seen no evidence that a gay couple cannot be or are not already wonderful parents of children. This bill legalises and clarifies what has been happening in New South Wales for a long time. In a sense it may well be one of the final bills of a kind that goes back to the days of Neville Wran. Reform was introduced in those times on many of these matters that are in part extraneous to this bill but are nonetheless involved.

As a teacher I taught many students who came from different backgrounds—at schools in the country, in the outer suburbs of western Sydney and where I live. At most schools the teachers just taught the students. But when I taught in tough schools I realised there was a lot more going on at home with these kids. The young kids who came from heterosexual backgrounds, who had a mum and a dad and who had all the things that people often place on the highest plane of appropriateness for a family as we call it, were unfortunately often victims of obscenity, inappropriate behaviour and lack of opportunity. Yet their main claim was, "I'm as normal as you because I've got a mum and a dad." Those mums and dads were not great parents. So the idea that gay people cannot be great parents or that there is some special definition in the world order of things that means that it should be prohibited forever does not make sense.

I will not speak further on the bill because just about every member has spoken on it and all the arguments have been covered. I will not go into all the ramifications of the bill. I place on record for the people who have emailed me, written letters to me and talked to me about this legislation—although there were not too many; maybe they thought my view was already a given—that I have not been lobbied by any other member; no-one has tried to twist my arm one way or the other. I support the bill and wish it well.

**Mr KEVIN HUMPHRIES** (Barwon) [11.12 a.m.]: The Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2) is a bill for an Act to amend the Adoption Act 2000 to enable couples of the same sex to adopt children, and to make related amendments to the Anti-Discrimination Act 1997 and certain other legislation. Adoptions by gay and lesbian adults are permitted in some countries around the world but not in others. For instance, adoption by same-sex couples is legal in the United Kingdom, Canada, Spain and the Netherlands. In the United States of America there is a mixture of support, limitations and prohibitions.

Currently in New South Wales same-sex couples can register their relationship and have the same rights as heterosexual couples under State law. The issue is quite contentious for a number of reasons—as it should be. There is a strong perception within our communities that children need one male and one female parent to achieve full development and that children raised by same-sex parents would experience difficulty. Today families are diverse, ranging from single parents or shared parenting arrangements through to extended family structures. In no way should any family or child feel guilty or disadvantaged because of their family make-up.

What we do know is that children's development is linked to a number of known factors, including the parent-child relationship and the relationship between the parents. There is no doubt that for optimum development a child is best raised in a loving, caring and supportive family environment. The early years are highly formative, and that is when a child, particularly in the first five or so years, develops a strong sense of identity. Will children who are raised in a same-sex relationship experience identity issues, behavioural problems or social disadvantage? The empirical evidence is very minimal at best. Studies commenced to date—

virtually all of them overseas—indicate that children are not disadvantaged by being raised by same-sex couples. However, due to this more recent phenomenon, those studies have not extended to children in their early teen or adolescent years and therefore the research to date, whilst very valuable, is open to criticism on a number of grounds. The area needs to be researched in far more detail over an extended period.

One of the more notable and recent studies entitled "Parenting and Child Development in Adoptive Families: Does Parental Sexual Orientation Matter?" was undertaken in the United States of America and headed by Rachel Farr from the University of Virginia, Stephen Forssell from George Washington University and Charlotte Patterson from the University of Virginia. It is probably one of the very few empirical studies that have been undertaken. The study investigated child development and parenting in 106 families headed by 27 lesbian, 29 gay and 50 heterosexual couples. The findings in this study are quite illuminating. I should state that my comments today are not based on any religious or moral grounds but on the evidence that is available. I will cite a couple of extracts from the study that summarise what I believe probably to be the only empirical study in any length to date—the study needs to be extended. Part of the study reports:

Despite research evidence suggesting that lesbian and gay adults make good parents and that their children are generally happy and healthy, this literature has been subject to several criticisms. First, much less research has focused on families with gay fathers than on those with lesbian parents, so knowledge about children reared by gay fathers is still relatively sparse. In addition, many studies involving lesbian or gay parents and their children have employed convenience samples.

That means people are relying pretty much on self-reporting. The report goes on:

For these reasons, the extent to which previous findings may generalize to other samples is unknown.

No systematic research exists on outcomes for adoptive children of lesbian and gay parents who were placed permanently as infants.

In sum, very little empirical research about adoptive lesbian and gay families has been reported. Existing research, while valuable, can be criticized on a number of grounds. Thus, the appropriateness of lesbian and gay adoptions continues to be questioned, and conceptual questions about the role of sexual orientation in parenting remain unsettled.

In conclusion, the report states that studies to date show that children are not disadvantaged if they are brought up in a gay or lesbian family. But this study extended only to children aged from 13 to 72 months; no research has been done, on any empirical basis, on this issue when a child becomes far more conscious of their own identity during their early adolescent and later adolescent years. The report concludes:

The results of this study point to family processes as being more clearly associated than family structure with positive outcomes for parents and children in adoptive families. Family process variables such as parenting stress, parenting strategies, and couple relationship satisfaction were significantly associated with assessments of child behaviour problems. In comparison, parental sexual orientation was unrelated to children's adjustment. That family process was more closely associated than family structure with outcomes among adopted children is a result that is important both to developmental theory and to family policy.

In terms of family policy, which is really what the bill is about, a lot more research needs to be done. I support the direction in which the research is going, because it indicates that things are going well for gay and lesbian couples who have sought to adopt. However, that has not been extrapolated and the empirical evidence does not support it in any longitudinal sense. People like me would rather see that research extrapolated and monitored closely before we pass legislation. That is why at this point I cannot support the bill.

**Mr RICHARD AMERY** (Mount Druitt) [11.20 a.m.]: I join a number of members in opposing the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I thank the large number of constituents who have written to me about this legislation. I think I signed 14 letters near midnight last night in response to the daily correspondence arriving in my office on this issue. I thank people such as Reverend Elwyn Sheppard, who led a delegation to my electorate office, who have outlined their opposition to the bill. It is not because of the number of my constituents who have voiced their opposition that I also oppose this bill but because I simply do not believe we should support such legislation.

I have read the literature provided by the member for Sydney and I understand why she has introduced this bill. It represents the view of a section of her electorate but, in my opinion, it does not represent anywhere near the majority view in the wider community. I reject the claim made by many—and repeated many times—that the bill is about the best interests of the child. It would be interesting to see how many times that term has been used to justify the introduction of this legislation. Members might dispute my assumptions about community attitude to this issue. I think it was the member for Blacktown who issued the challenge that the proposal be put to a referendum, but we know that will not happen.

I am not a gambler, but if it were to occur I would give the proponents of this legislation a million votes head start and I would still be confident that the outcome would be an overwhelming rejection by the community. I realise that such a proposal would never be put to a referendum, but it is notable—and I emphasise this point—that such issues usually do not appear as part of a political party's election platform. These conscience issues are not debated during election campaigns and promises are never made about them in election policy speeches by the major parties. In effect, the electorate never gets a conscience vote on bills such as this. Of course, we all know why that is the case.

A document circulated by the member for Sydney states that this bill is not likely to impact on unknown adoptions. This is the issue about which I have the most concerns. The document goes on to argue that only 15 infants are given up for adoption in New South Wales every year. I am at the loss as to what the number of adoptions has to do with this issue. However, if the number is so insignificant, why are we taking so much time to debate the issue only a few months from the end of this parliamentary term? Given the small number of cases, what is the argument for change? Is there a need to look after the best interests of the child because so many children are being adopted and there are not enough parents to adopt them? The evidence suggests the contrary.

As the member for Sydney said, only about 15 to 20 infants who have no existing relationship with their adoptive parents are adopted each year and there are 600 prospective adoptive heterosexual parents. As such, there is no justification to expand the number of people who are eligible to adopt a child, unless we go to the heart of the purpose of this bill—that is, to have an in-principle debate about discrimination. As the member for Castle Hill said, it is about the adults concerned, not the children.

The document provided by the member for Sydney also states there will be no impact on overseas adoptions because countries with which Australia has adoption agreements do not accept applications from same-sex couples. Many members who have spoken in support of this bill have argued that a couple of Australian States and a Territory and a couple of other countries have passed similar legislation. However, it is significant that the countries that do provide children to be adopted by people in this country will not approve adoption of their children by same-sex couples. That is a significant argument if members want to use what has been done in other countries and regions as justification for supporting the bill.

I will not address all the issues raised by the member for Sydney and the Minister for Community Services. In my view, their arguments are slanted to a minority view in some electorates that we should legislate to make everything equal. That cannot be done. All the legislation in the world can be introduced to ensure that we are politically correct, but the reality is that men are men and women are women, women are mothers and men are fathers. Get over it! It is a fact of life. I have heard arguments that not all heterosexual parents have been perfect parents. Of course that is true. In supporting the bill one Minister said that it would be better to have a loving couple of the same sex than a heterosexual couple who are not loving and caring as parents. That is also true. Are they the only options available for members of Parliament to consider? That very narrow view should be rejected.

I acknowledge that some people are not the best parents. However, the solution is not to change the make-up of the two-parent family. Arguments highlighting the shortcomings of many heterosexual parents are not a reason to advance this bill. We all know, and as some members have argued in this House, that in any community some parents are doing an excellent job and some are coping under difficult circumstances. However, some people fail at parenting because they are affected by drugs or alcohol, they are involved in crime, they are abusive or violent, or they are affected by mental illness.

The sad fact is that the children of those parents are the victims—all too often the silent victims. Of course, those problems exist regardless of whether the parents are both male, both female or heterosexual. This legislation will not address those challenges in our community. This legislation is simply another stage in an incremental claim that has been made for many decades by radical elements of the gay and lesbian community who want their relationships given equal status with the relationship between a male and a female. The term used in the 1980 was "gender neutral", although I have not heard it used recently.

The issue for me is that, all things being equal and none of the shortcomings I mentioned earlier being present, if a child is available for adoption—perhaps as a result of an unwanted or unplanned pregnancy or a baby a few days old has been dumped on the steps of a police station—I believe, and I think most people believe, that the interests of the child would be best served if it were adopted by a couple who will be its mother and its father. Of course, during the child's life one parent could die, the marriage could break down or one of the many other poisons in our society may afflict the family—for example, drugs or alcohol.

However, the interests of the child are best served by him or her being given the chance to be raised by a loving mother and a loving father. It is not to socially engineer some purist, politically correct version of parenthood, free from all discrimination that might be dreamed up in our society. I find that I am in agreement with many people, both inside and outside the Labor Party, on this issue. Fred Nile, MLC, expressed some strong views about the implications of this bill when he said in the *Daily Telegraph*:

Any mother putting up her child for adoption would never imagine that their baby would be brought up by two male homosexuals or two female lesbians.

I never thought that I would ever agree with comments by the Hon. David Clarke in the other place, who said in the same newspaper:

The optimal position is when a child, where possible, is brought up by a mother and a father. We know that always cannot be done, but it is the optimum.

Despite our political differences and affiliations, it is hard to argue against those two views. Bob Harrison, a former member for Kiama, writing in a couple of columns for the *Illawarra Mercury*, expressed a similar view when he said:

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.

Bob Harrison also issued a challenge to have this matter dealt with by a referendum, giving the public a conscience vote on the matter. It is with those sorts of comments that I start to conclude my contribution. I believe the case for change, the case to have this legislation passed by the House, has not been made. Speeches by many members have justified that. That is, we have something like 15 unknown adoptions and we have many hundreds of couples willing to give those children a start in life. There is no need to add to the waiting list by adding another category—that is, adoption by same-sex couples that will come in with this bill.

I oppose this bill. I ask all members to oppose the bill at the agreement in principle stage. In doing so they should answer the first questions in the dissenting report by the Hon. Greg Donnelly. The standing committee report has been used as justification for bringing in this legislation. As we know, not an overwhelming majority of that committee recommended this. The committee comprised six people. The vote was three to three and the chairperson made a casting vote in favour of the recommendations—hardly an overwhelming majority. As I said, I ask members to vote against this bill and answer the first couple of questions asked by Greg Donnelly in his dissenting statement. They are, first:

Does a child have a right to expect to be raised by a mother and a father?

The second question is:

Should New South Wales law recognise such a right and facilitate, wherever possible, children being raised by a mother and a father?

To those questions I answer yes. Therefore, I suggest a no vote to this bill. I do not commend the bill to the House.

**Mr VICTOR DOMINELLO** (Ryde) [11.33 a.m.]: I have come to the view that it is appropriate to support the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). It is a decision that I have honestly wrestled with. I have struggled with this bill, as I find the arguments against it so persuasive. The arguments against the bill sit easily with my own life experiences—life experiences that many people in this Chamber and in our community share, experiences grounded with a loving mother and a loving father. For me, this is the ideal and it would require significant argument to alter the status quo.

The fundamental purpose of the Adoption Act is to provide children with a loving parent or parents who will provide a safe, nurturing and secure family environment. Therefore, my starting point is to understand what a parent is. Every child has a biological mother and a biological father. However, parents come in a variety of forms. There are biological parents, grandparents, step-parents, foster parents and adoptive parents. But regardless of the prefix, a parent can be defined as someone who selflessly loves and cares for a child.

Nowhere in the Adoption Act does it state that every child must have an adoptive heterosexual mother and an adoptive heterosexual father. This is because the best interests of the child, both in childhood and in later life, must be the paramount consideration. There will be some circumstances in which it will be in the best

interests of the child for the child to be adopted by a gay parent—for example, a gay aunt when a child's parents have passed away. For this reason the State has already sanctioned, correctly, that a gay person can adopt a child. Indeed, the State already permits, again correctly, that same-sex couples can provide foster care for children. Some have argued that foster relationships are short-term arrangements. However, if one looks at the Department of Community Services website it also includes long-term or permanent foster care arrangements. In my mind it is an uncomfortable, if not an impossible, reconciliation where the State deems it acceptable for a gay couple to be allowed to foster a child, yet the same State deems it unacceptable for a gay couple to adopt a child.

The reality is that in New South Wales in 2010, we already have a society in which it is lawful for same-sex couples to provide parental nurturing through foster care relationships. We already have a society in which single gay people are allowed to adopt. In New South Wales in 2010 a significant number of single gay people who have already lawfully adopted a child probably are in a loving relationship with a gay partner. Therefore, in reality in New South Wales in 2010 many children are already living in a family structure that includes a same-sex couple. If children are already living under the care and love of same-sex couples, what are we arguing about? I suspect that much of the debate is caught up in definitions.

As I have stated, every child has a mother and a father—that is, a biological mother and a biological father. However, not every child has a parent. A parent is one who raises and nurtures a child. Too many children do not have parents. Too many children are abused. Too many children are subject to neglect. This is why the State clearly has the right—indeed, the obligation—to remove a child from abusive relationships and place the child into the care of the State. For me, defining a parent is more about substance than it is about form. This bill simply permits same-sex couples who have the requisite capacity to be the legal parents of children if, and only if, it is in the best interests of the child. This is why I support the bill.

Throughout my deliberations I have listened carefully to the arguments raised by members who have spoken before me; I have listened carefully to varied views expressed by constituents and representative organisations. I have read the upper House report and the many letters that I have received. We do not live in an ideal world. This world is full of imperfections, suffering and struggles. The fact that we require adoption in the first place speaks of these struggles. Tragically, some children lose their parents at an early age through accident. Some children are placed in the care of the State as their parents are unable to care for them—some children go through unspeakable suffering, whether through the cruelty of nature in illness or misfortune, or the cruelty of our own kind through abuse or neglect. When innocent people, especially children suffer, it challenges me to the core. Mercifully, gratefully, at my core is an unshakable belief that the ideal world comes in the next life, where all suffering will cease, where all questions will be answered and where I will be with my loving God. But until that time comes, in this life I attempt to meet the challenges that I face with humanity and compassion.

I do not know for one moment whether my decision is right or wrong. But I do know that my decision is made in accordance with my conscience. I am proud of my parliamentary colleagues who sit on both sides of the Chamber and who have contributed to both sides of this debate. Debate on the bill has highlighted what an extraordinary honour, privilege and duty it is to serve as a member of Parliament. My contribution must be viewed in the context that, in relation to this bill, members are permitted to vote in accordance with their conscience. In many ways a conscience vote is the heaviest responsibility that each member of Parliament is required to discharge. It is a responsibility that each of us carries alone, a responsibility devoid of the shelter that is derived from the collective.

**Mr GRAHAM WEST** (Campbelltown) [11.41 a.m.]: There has been much debate on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2), so I will keep my contribution short. Families and the structures that support them are incredibly diverse. Some are loving and supportive; others sadly are not. The experience of this place has been that one cannot create a statute that will make loving families. I have no doubt that the individual children referred to in these debates are loved. This will not change whether or not this bill changes. However, the United Kingdom experience saw church-based agencies withdraw from adoption processes following the inevitable legal challenges that followed. The risk is that the same situation could occur here. Already we have seen the bill amended and other members are circulating further amendments. The loss of agencies such as Centacare, CatholicCare and Anglicare from the adoption system will see some very disadvantaged children denied access to the excellent services they provide, for which the children and the community would be worse off. Therefore, I will not be supporting the bill.

**Mr ANDREW CONSTANCE** (Bega) [11.42 a.m.]: I, too, make a brief contribution to debate on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). I reflect also on the way the Parliament has

conducted itself in relation to the debate, given the sensitivity of the issues involved. I make the point that the way in which some of the issues have been reported outside this Chamber by some key influences in the community are pitting the rights of adults and children against each other. I do not think anybody wins from this situation, particularly the parents and children who will be directly affected by the outcome of this debate.

The wider community's understanding of this issue is probably not on a par with those who were in the Chamber today debating it. For instance, I do not believe that most people in the community know that 1,400 children currently reside in same-sex families in New South Wales. I believe that to be the case in the electorate that I represent. I am pleased that we will have a conscience vote on this matter because it enables individual members to draw on their life experiences. The test I apply to this issue is whether any decision we make in this Parliament strengthens the legal protections of children. I am committed to a legal framework that optimises outcomes for any child by providing the best family environment.

My reservation in relation to the bill in its current form is that it does not distinguish between known and unknown adoptions, which I believe to be a vital distinction when considering the best interests of the child. This leads me to not support the bill in its current form. I believe also that the current social science on same-sex carers, as indicated through the various inquiries and debates in other jurisdictions, indicates bias in terms of their outcomes. Despite my reservations about the bill as it currently stands, I believe it would be irresponsible not to keep an open mind to any amendment that might be brought forward that could strengthen the legal protections and safeguards, particularly for the 1,400 who currently reside in same-sex families. I strongly endorse the sentiments of Anglicare Sydney Chief Executive Officer, Peter Kell, outlined in today's *Sydney Morning Herald*, who stated:

The optimal family arrangement is for a biological mother and biological father raising their child in a long term committed relationship and where this is not possible, the next best arrangement should replicate as closely as possible the primary arrangement of biological mother and father.

...

The examples of same-sex parenting cited by those in favour of the amendment refer to known adoptions where a child is already part of a family unit in which the parenting role is undertaken by a same-sex couple.

Herein lies the point. As shadow Minister for Disability Services, I see firsthand the enormous and wonderful role undertaken by foster carers, regardless of their sexuality, relationship, status, race, gender or religion in caring for the most vulnerable children in our State. For some who have served as a foster carer for an extended period, adoption is considered. This is demonstrated by the adoption figures in 2007-08 where of 125 finalised adoption orders, 22 were foster carers. At a personal level, I have friends who have a child through reproductive technology and who are nurturing and caring for the child.

This issue should not be seen as a debate about the ability of those people who are currently parenting to do so. It is about the rights of the child. I am keen for these rights to be strengthened. Last night I was sent information by Simon Moore, a friend for whom I have enormous respect and have had for a very long time. This information spelt out the difference between parenting orders and adoption. I think it is important to reflect briefly on some of those differences. In relation to legal parentage, a parenting order does not grant legal parentage status and has no impact on the child's rights under law. It may grant no entitlement under workers, accident or victims of crime compensation schemes and may provide no entitlement to a share of a parent's estate or superannuation if a parent dies intestate.

In relation to legal parentage as it applies to adoption, it does grant legal parentage across all laws in New South Wales, particularly the Adoption Act 2000. It also grants children full entitlements, including compensation and inheritance rights based on the recognition of the adoptive child-parent relationship. In terms of parental responsibility—that is, the ability to make decisions about a child's care, welfare and development—a parenting order grants parental responsibility unless parental responsibility is removed by the court. In relation to adoption, it grants parental responsibility unless responsibility is again removed by a court. In relation to the durability of status, it does not grant parental status, merely parental responsibility. The order expires when the child turns 18 years. In terms of adoption, the durable parental status continues throughout a child's life—that is, after they turn 18.

Portability of status interstate is another important point. A parenting order does not grant parental status in other State or Territory laws. Under the adoption provisions, adoptive parents are recognised as legal parents across all State and Territory laws: the Adoption Act 1984 of Victoria, the Adoption Act 1994 of Western Australia, the Adoption Act 1993 of the Australian Capital Territory, the Adoption Act 1988 of South

Australia, the Adoption of Children Act 1964 of Queensland and the Adoption of Children Act 1994 of the Northern Territory. In terms of portability of status across Federal law, parenting orders do not grant parental status under Federal law. Under adoption, adopted parents are likely to be recognised as legal parents in most Federal law, including family law and child support schemes under the Family Law Act 1975, and in relation to taxation Acts, including the Income Tax Assessment Act 1936.

With regard to portability of status at an international level, under parenting orders the bill does not grant parental status overseas; whereas, under the adoption provisions set out in the Adoption Act, adoptive parents may be recognised as legal parents overseas, depending upon the Adoption Act of the relevant country. In other words, issues relating to the discrepancy between parenting orders and the adoption provisions set out in the Adoption Act need to be addressed. For this reason I am keen to see what amendments are sought to strengthen the legal status of the 1,400 children who currently reside in same-sex families and whether those amendments are agreed to by the member for Sydney, who introduced the bill.

This is not an easy issue; it is extremely complex. As I indicated on ABC South East radio earlier this week, I will not support the bill. However, I believe it would be irresponsible not to weigh up the potential impact of amendments with regard to strengthening the legal status of children who currently reside in the care of same-sex couples. We will simply have to wait and see what amendments are sought as a result of this debate. Once again, I acknowledge that this House has handled this debate in a very sensitive way, and I applaud members for the way in which the debate has been conducted thus far.

**Mr ROBERT FUROLO** (Lakemba) [11.51 a.m.]: I will make a brief contribution to debate on the Adoption Amendment (Same Sex Couples) Bill (No. 2). I have both looked forward to and dreaded this debate. Making laws that codify issues such as this are the biggest challenges facing elected representatives. But this is why we are here. As many members have done, I will comment on the quality and calibre of the contributions by members in this debate. It has restored some confidence in me about the quality of the people who are members of this place that they have expressed their depth of feeling in putting forward their views in this debate. Today we have to speak for people who cannot speak for themselves: children who will be adopted. We are here to speak not for the well-organised lobby groups, whether they be pro or anti this bill, but for those who are too young to tell us their views, or who may not yet be born. And we must have them at the core of our decision-making.

Like all members of this place, I have been extensively lobbied about the bill. I have been lobbied by religious institutions, gay and lesbian rights groups, and citizens across the State who have either been prompted or are sufficiently motivated to tell me how to vote. I have also discussed the issue with those whose opinions I value and whom I consider to be rational, fair and compassionate. I have discussed the issue with my family, my friends, and also my children. I believe it is instructive, certainly for me, that the innocent mind of a 12-year-old can look at this issue and say that there is no need to put a barrier on people being loving parents.

I know that my decision to support this bill will upset some people. And this has been a challenge. As elected representatives we want our decisions to be reflective of our communities and supported by those in our electorates. However, on this issue I expect that my decision will upset quite a few in my electorate. But I am making it because I believe it to be the right decision. I say from the outset that I respect the views of all people who have expressed their sentiments to me. But when it comes to putting my hand up to support this bill, my decision will be based on my core beliefs. And while people will disagree with my decision, I hope they accept that I must be true to myself—as I expect everybody else to be true to themselves.

The common thread of those urging me to reject this bill is that every child deserves the right to be raised by a mother and a father. But even those who oppose this bill know that for a variety of reasons many children do not have a mother, a father, or either of their parents in their lives. And so, as legislators, we need to ensure that the system of adoption operating in New South Wales is fair, balanced and, above all else, has in mind the interests of children to be adopted. Currently in New South Wales a same-sex couple can foster a child. They can provide a loving, supportive and nurturing environment. And that the child can grow and mature in that environment. But even if the child views his or her foster parents as his or her parents, the law will not recognise that relationship. Also, currently a gay or lesbian individual can, if they meet the strict test of the adoption process, adopt a child. However, if that individual is in a committed, loving relationship their adopted child is not recognised as having two legal parents. It seems to me that in these scenarios it is the children who are being discriminated against, and I do not believe that to be in the best interests of the child. This is why I believe the law should be changed.

The experiences of many adopted children remind us that a loving, nurturing environment can be provided by people who are biologically unrelated to the child. This has not been argued against by those seeking to oppose the bill. So if someone who is unrelated to the child can provide a loving and nurturing environment, should that not be the basis on which a decision is made as to whether they can adopt that child? And if a couple, gay or straight, can demonstrate that they can provide this loving, supportive and nurturing environment—a home where the children will be loved—should not the children be given the chance to live and grow in that environment?

Some people in supporting this bill have expressed to me the need to rectify the inequality that presently exists. They have suggested that the institutions of government should not condone discrimination. While I generally believe this to be so, I am not convinced that this is an argument in favour of the bill. When it comes to the welfare of children, I ask: Is it okay to discriminate or should the rights of prospective parents, regardless of their gender, age et cetera, be protected over the rights of children? Of this I am not convinced. The issue at the heart of this matter is, and must be, what is in the best interests of the children. I believe that decisions about whether a couple can adopt children should be based on their capacity to raise the children in a loving and supportive environment. Their sexuality should not be a consideration in this decision.

I support the right of the children of same-sex couples to be part of a legally recognised family. I support the right of the children of a gay parent to have their parent's partner legally recognised as part of their family. I support an adoption system that allows suitable, loving and nurturing parents, regardless of their sexual orientation, to adopt children who need love and support. For those reasons, I support the bill.

**Mr FRANK TEREZINI** (Maitland—Minister for Housing, Minister for Small Business, and Minister Assisting the Premier on Veterans' Affairs) [11.57 a.m.]: I place on record a brief contribution to debate on the Adoption Amendment (Same Sex Couples) Bill 2010 (No 2). I add my weight to the observation that has been made about the commendable way in which this House has debated the bill thus far. It is a true sign of the strength of character of a parliamentary body that it is able to deal with issues such as this—issues that focus the mind and make us focus on our values. I believe a conscience vote is the right way to go.

We in this House have been elected to represent our communities. Whilst I do not recall the exact words of the quote from Edmund Burke, a famous politician in England many years ago, he said words to the effect that when a person is elected to represent their community it is not just the representation they offer the constituency but also their judgement, and that if they hold that judgement back they are betraying their communities. I believe that is a commendable sentiment. I regret not being able to quote Edmund Burke directly, but that is the effect of what he said. In substance, he said that when a member of Parliament puts their hand up for the job they are paid not simply to represent their community but to exercise their judgement. That is the true nature of representative democracy, and that is what we are here to do. All members of this place are people of goodwill, and we have all focused our minds on the importance and gravity of this bill.

I grew up in a loving, caring family with my mother and father. Although we did not have much material wealth we were flooded with love every day, and we grew up in that environment. I have great memories of growing up with my mother and father, and I was very lucky indeed—much luckier than many other children I heard about or met. All of us value and cherish a loving family environment. It is our job as legislators to make sure we do as much as possible to improve the situation of our communities so that every person gets the best possible opportunity to grow up in a loving family environment.

This bill has presented me with a number of issues that I have struggled with. Having spent many years practising law, I have learnt that the best law to enact is one that is free from passion and emotion, one that deals with addressing issues to make the community a better place in which to live. Here we make the law. I support the bill on the principle that it is our job to not pass judgement on what is a caring and loving environment in a household but to vote on what will improve the lives of the people we represent. We are speaking for people who cannot speak for themselves. Nevertheless, I cannot divorce myself from my role as a parliamentarian. When I leave this Chamber after the vote today I will have done what I can to improve the lives of people in the community. I cannot divorce myself from the practicality and the pragmatism of the issues related to this bill: I will cast a vote to give further opportunity to people, especially children, in the community.

Does that mean that we jettison and cast aside the value of a mother and father in a relationship? Of course not! Does that mean we do not value that anymore? Of course not! But it recognises what has been happening very successfully in the community for many years. If I had been asked 20 years ago about this bill I would not have supported it. But with my experience, and with the many collective experiences of the people

in this House, the way the world has changed, the maturity of the people of the world and the availability of information and access to services as parliamentarians we must recognise that it is our job to divorce ourselves from that emotion. We must concentrate on the benefit we can give to the community in providing children with the possibility of a better chance in life. For those reasons, after some consideration, I am happy to support the bill.

**Mr PHILLIP COSTA** (Wollondilly—Minister for Water, and Minister for Corrective Services) [12.02 p.m.]: I speak on this important bill, the Adoption Amendment (Same Sex Couples) Bill (No 2), as someone who has spent more than 35 years working with young children in a former life, bringing that experience and my personal views to this debate. I thank all for the opportunity to have a conscience vote. This is a very important consideration and one I have deliberated on for many hours. Over those 35-plus years I have found myself in communities that mirrored the varying family structures within our society today. I found the understanding that within a modern, sophisticated society such as ours family structures are complex and varied but all have equal legitimacy. I discovered also in working with young children and their families that all good families have a very common trait. Families that function well and have presented children to the schools I have worked in all, without doubt, had unconditional love and support for their children and each other.

Families that are functional and uncompromising in their love for their children and themselves are the backbone of our nation. Without question, my experience is that the most beneficial environment for children is one that offers love and support with both mum and dad and with those who can deliver good role models and keep their children safe. Adults build upon the foundations of unqualified love to guide them through life. This is especially important at a young age when so much of what we know is being passed on to our children. The impressionable impact on young children goes without question. It is the interest of the child that matters—the person who has no choice but whose future is very dependent upon the actions and relationships developed by the adults and the environment in which they live.

In my view this debate is about the best possible start for children. The need to focus upon the welfare and the interest of the child is of prime consideration. That should always be the basis particularly for adoption. In an ideal world every child would have a loving mother and father to guide them, love them and nurture them as they travel through life in a world that throws so many mixed messages at them. I have personally experienced those messages in a number of places in which I have worked during the 35 years prior to my coming to this place. They include messages that differentiate between right and wrong, good and bad, beauty and ugliness, truth and untruths, and trust. Good parenting in all family structures, irrespective of that structure, will guide children through these challenging times. It gives children the foundations for strong value development. Good parents and carers can come from a range of mixed relationships: single parents, heterosexual parents and same-sex couples. It is not about the form; it is about the substance of a relationship and what brings quality parenting to the family unit. Unconditional love within any family structure will always serve the best interests of the child.

After reading the elements of this very important bill I have found its focus to be on adult relationships. This challenges my personal experiences and beliefs from working with children. I have difficulty in supporting the bill in its present form but I will examine any amendments that may come forward and I may alter my view in due course. A number of members have spoken of the needs of children at risk. I suspect my focus here may be a little narrow, and I do not apologise for that. I accept that that is a problem in our community. I have experienced first-hand working with children at risk and the consequences of poor parenting from a variety of family structures. I do not see this debate as being about those children. Those children need to be cared for, supported and helped by the community. I have not linked this bill or the adoption of children to the needs of children at risk; I have set my views upon the most appropriate family structure for all children to live and grow in. In my career I have always focused upon the needs of every child, looking for the very best settings for their growth and development. It is seeking the very best environment and the very best relationship that brings me to the position that I now hold.

I have also learnt that each child needs not only a loving and caring family to support, nurture and support their growth and development but also a caring community to give support to the family and guidance. That is what is being debated today. We are representing the aspirations of those in the community who wish to broaden the eligibility of adults to adopt children—broadening within the current content of this bill that I cannot support.

My view is not based on same-sex relationships. I have a great deal of regard for people in same-sex relationships. Many of my friends are in same-sex relationships. I admire them and respect their loving

relationships. My view is based on what I believe is the best setting for the adoption of children. I believe a child, where possible, should live with a natural parent. I have warmed to the legislation in Tasmania, particularly when fostering comes into this debate. Some wonderful relationships have been created in fostering. As I said earlier, I look forward to working through the amendments to the bill.

I do not come to my decision lightly. I have spent many years working in communities with children in very difficult family situations. I am grateful to have been involved in this work in places such as Macquarie Fields, where I worked for 13 years with many children and their families to assist those young people to grow and develop into wonderful citizens. In many cases, the cause of the children's problems was the structure of the family and poor parenting skills caused by alcohol and drug abuse or relationship breakdown within the family unit. All members would agree that a good family unit demonstrates caring and unconditional love. But in my experiences I found that having a mother and father in the family unit made a huge difference for many of the children that I worked with. The relationship between a father and a child and a mother and a child is so powerful in the development of children growing up in our world today.

I do not come to this debate without significant exposure to the situation of many children. My experience has shown me that if we had an opportunity to place a child into an adoptive environment—and this debate relates to this issue—the best outcome is for a mother and father to be part of that environment. What we do as adults goes to the heart of a child's existence. The relationship between a mother and a child and a father and a child is so important, particularly in the early days of development up to the age of five. In those early stages so much is passed on to young people in relation to their values and behaviour set, and their trust of and relationships with adults. I understand and accept that many children awaiting adoption are not in that age group. However, I believe that if we have the opportunity to provide it then the best environment for children is one in which there is a mother and a father. Once again, I thank the Premier, the Leader of the Opposition and the Leader of The Nationals for agreeing to a conscience vote on this bill. As a result, we as elected members in this privileged place have the opportunity to share our experiences and beliefs on this important matter we are debating today. I also thank all members for the opportunity to speak on this bill.

**Mr MICHAEL DALEY** (Maroubra—Minister for Police, and Minister for Finance) [12.04 p.m.]: I will make a brief contribution primarily to record for the people of my electorate the reasons for my support of the Adoption Amendment (Same-Sex Couples) Bill 2010 (No 2). I welcome the fact that we will have a conscience vote on this bill. Much has been said about the circumstances in which we find ourselves of late in respect of the Federal Parliament and the roles of parties and views held by constituent members of parliaments. A conscience vote is one of those rare occasions when we get to determine what really makes up a member who is speaking in the House. In particular, students and others who will read *Hansard* in years to come will be able to determine what members really believed in, regardless of their party circumstances. I support the bill.

I say at the outset that I am a Catholic, but I have not had to resort to my religious beliefs in the consideration of any issue that I have confronted in this place. My moral compass and the views I hold on various issues have been my guide. I acknowledge that my moral compass has been influenced by my Catholic upbringing, which I am thankful my parents gave me. This debate is not about my moral compass or my judgement on the morality of people's circumstances; it is about children. I am the father of four children, two older stepchildren, who are very much my children, and two very young children. I believe my experience as a father qualifies me well to speak on this bill.

I am inclined to the view that all things being equal—and that is the crux of the matter—the optimal family situation is one in which there is a mother and father. Does that mean that couples of the same sexual orientation do not have the equipment or the wherewithal to provide love, stability and all those things that children require in their nurturing years? Absolutely not. The Minister for Water, the member for Wollondilly, said that he admired same-sex couples. I would agree with that. I admire any family that sets out upon the difficult journey of caring for and nurturing children. My responsibilities as the Minister for Police reinforce my views. In my capacity as Minister for Police I see time and again people who have found themselves in trouble with the law. The common denominator in almost all cases is that they come from a bad home. Their mother or father or both parents are alcoholics or drug addicts. Their parents have abused them sexually or physically. We need to look to couples in any circumstances who do the right thing by children because, ultimately, they are doing the very best they can to ensure the stable and lawful continuation of our civilised society.

I have listened carefully to previous speakers. I am satisfied that all the points they have made reflect genuinely held beliefs. None is right or wrong. I am disappointed about a headline that appeared in this morning's *Sydney Morning Herald* which stated, "Opposing same sex adoption is not bigoted". I acknowledge

that the author of the article probably did not choose the headline. I offer this comment: It is not the case that those in this place who will oppose this bill are bigots, nor is it the case that those who will support it can call themselves progressive. This bill is simply a mechanism that provides a remedy to problems that arise from the realities of life which the law has not yet been able to address.

Those of us in public life with families, particularly with very young children, ask our families to pay a high price for our decision to give up our personal time, and lots of it, to communities. I often head off to work in the morning when my children are asleep and when I get home at night they are asleep. The burden of raising my family all too often falls upon my wife, who generally runs our family single-handedly. I will always love her for that. That fact reinforces to me that four hands are better than two when raising a family. Couples are better equipped to raise a family than single parents. I am not disparaging single-parent families; quite the opposite. Those people who find themselves, through no fault of their own and for whatever reason, raising a family on their own do an incredible job and I do not know how they do it.

But the fact is there is a variety of couples in a wide range of family situations in our community who provide care and stability to children. Some of those couples and families need assistance to provide greater stability for the children they care for. For example, there are children in foster care who, thankfully, are being cared for by gay and lesbian couples. I say "thankfully" because there is a shortage of foster parents. If those people had not volunteered and made themselves available to be foster parents God knows where some of those children might have ended up—they might have ended up coming into contact with the 15,000-odd troops I am proud to preside over.

There are circumstances in which children who have received and continue to receive tremendous care and love from gay and lesbian couples wish to be provided with the long-term stability that is derived from the knowledge that they will remain in their care. The process of adoption provides that stability and comfort, but at the moment the law does not. Such children should be given the opportunity for the care, love and stability that they are receiving to be protected in law. I believe this bill achieves that.

It is also a fact, whether some people agree with it or not, that there are many same-sex couples living with the biological child of one of them. As a matter of biology, in these relationships only one person can be the biological parent. The children in those relationships should be given protection in law to have access to all the rights of children of heterosexual parents, such as the right to have stability in the event that a biological parent dies or is otherwise not able to care for the child, the right to financial security in the event of parents dying intestate, and other similar circumstances that I will not elaborate on because other speakers have spoken about them in detail.

The phrase "in the best interests of the child" is a paramount consideration in adoption matters. The consideration of this bill therefore requires an examination of the legal protections to be afforded to children, to parents or to prospective adoptive parents. Of all the considerations and pursuits engaged upon by members of this place and members of the other place there are none more worthy than those that deal with the provision of stability and protection to children. Puerile suggestions have been put today in some sections of the community that all of us in the Parliament—from which all protections ultimately flow—are spending too much time on this bill, as if the mere seven hours we have spent on this bill is too great an investment in this important subject.

I acknowledge that there are many people in the community, both within and without formal organisations, who are concerned about allowing children, contrary to the examples I have cited that are referred to as known adoptions, to be adopted in the circumstances of unknown adoptions to prospective parents and to same-sex couples. I said what I needed to say earlier in my address today and I will make no other comment on the veracity of those views except to say that I am satisfied that, as a minimum, the exemption for faith-based organisations inherent in this bill provides both a mechanism and, therefore, a comfort for those who hold this view. I commend the bill to the House.

**Mr PETER DRAPER** (Tamworth) [12.23 p.m.]: I make a brief contribution to the debate today on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). Listening to the debate it is interesting that this piece of legislation has brought forward so many very strongly opposing views. Many members from both sides of the Parliament have been struggling with choice and they have to consider the repercussions and implications of the legislation because it involves a conscience vote. I say welcome to the world of the Independents, where every vote is a conscience vote and every piece of legislation must be examined stringently and scrutinised before a final decision is made.

I have given this bill a great deal of consideration before coming to my decision. Unlike many pieces of legislation that come before the House, this bill has aroused a great deal of interest in the broader community. The title of the bill has created an avalanche of protests from people who immediately view it as a threat to democracy or family rights, which, from my research, it is not. Currently in New South Wales gay individuals are allowed by law to adopt children. Under the existing law, however, the partner of a gay person is not legally recognised as having any relationship with the child. The bill would allow the other adults in the relationship to be recognised under the law.

Currently in New South Wales gay people can foster children. In fact, some well-known agencies that oppose the bill have previously advertised in the gay press seeking to find people who are willing to look after children in short-term fostering situations. Those people are apparently well qualified to nurture and support kids in need on a short-term basis but are deemed not suitable to adopt, according to many of the opponents of the bill. I was contacted by an enormous number of people and a number of my local constituents have sought clarification on whether the wishes of birth parents who decide to give up children for adoption would be considered. I have been advised that the wishes of birth parents are definitely taken into consideration. Birth parents can already ask that their child be brought up by a heterosexual couple, by a couple who practice a particular religion or by a couple who do not already have children. In addition, birth parents are currently offered the opportunity to choose between a number of couples that have been assessed as being suitable to parent their child. I have been advised that history indicates that birth parents tend to favour giving their children to married couples who can offer the child a traditional family upbringing, which they as a single parent feel unable to provide.

As somebody who is raising children in the framework of a 27-year marriage I believe very strongly in the traditional family unit as being the most appropriate vehicle to support, love and encourage children. Stability, a parent of both sexes and an unquestioned commitment to the welfare of the children is provided in that arrangement. Sadly, as a member of Parliament I see many children who are the product of the institution of marriage who do not enjoy the stability, safety, love or encouragement that I value highly. However, it is very important to remember that I am here in this place as a representative of the electorate of Tamworth and I have given an undertaking to the people who live in the many communities I represent that I will always listen to their views and act upon them.

As I said, I have received hundreds of emails, letters and telephone calls about this legislation and I have made a point of responding to all of the correspondents who live in my electorate. I have been very appreciative that people have taken the time to express their views, because decisions on important matters like this should not be taken in isolation but should reflect the majority voice of the community. I have also listened carefully to the views of various church leaders, their respective congregations, organisations that work in the adoption field and many other organisations and individuals. From my reading of the legislation the bill does not seem to contain the overtly sinister intentions that some believe it contains. Nevertheless, after taking into account the overwhelming views expressed to me from local constituents, I cannot support the legislation. I will oppose the bill.

**Ms CLOVER MOORE** (Sydney) [12.28 p.m.], in reply: I thank members for their contributions to this significant and, in many cases, moving debate on the Adoption Amendment (Same Sex Couples) Bill 2010 (No. 2). The dominant theme has been that all children have the right to a loving, supportive, nurturing home. This reform has been a very long time coming. In 1997 the New South Wales Law Reform Commission recommended that legislation permit adoption by either a couple—whether married or de facto, heterosexual or same-sex—or a single person. In 2000 the then Carr Government accepted the Law Reform Commission's recommendations in its adoption bill but excluded same-sex adoption. During debate I moved amendments that would have included same-sex couples, which all other members voted against.

Ten years on, debating this bill, the leadership of both the Premier and the Leader of the Opposition and the contributions of many, many members—I particularly mention the member for Orange—show that we have come a very long way over the past 10 years in recognising human rights, particularly the recognition of the rights of the gay and lesbian community and, in relation to this bill, the rights of their children.

I will summarise the key arguments in support of this bill. As I said in my agreement in principle speech, the law needs to catch up with social reality. About 1,300 children already live in families headed by same-sex couples—that is, same-sex couples are the parents of children who are the biological or adoptive child of one parent—and same-sex couples care for vulnerable and disadvantaged foster children. Gay men and lesbians can also adopt as individuals. That is the reality. Families headed by same-sex couples can be loving,

nurturing and secure, and many members have cited examples of that. I welcomed those facts being put before the Parliament. The law should give children in these families the full extent of legal protection and recognition of their relationships with both of their parents.

The law also has a role to play in the social message that it sends. Preventing same-sex couples from adopting tells children with same-sex parents that their families are less significant or inferior, and that cannot be in the best interests of the child. The best interests of the child are what has dominated this debate. My bill does not give anyone the right to adopt; it makes same-sex couples eligible to adopt as a couple—they have a right to get into the queue. The rigorous process that prospective adoptive parents undergo before an adoption agency recommends an adoption order are unchanged under my bill and the Supreme Court will continue to approve adoption orders only if the order is in the best interests of the child.

I remind the House that this bill has the support of many organisations, including the Association of Children's Welfare Agencies, Barnardos, the Benevolent Society, UnitingCare, Women's Legal Services New South Wales, Inner City Legal Services, the New South Wales Council of Social Service, the Aids Council of New South Wales and the Central Coast Community Women's Health Centre. It has their support because it is about children's rights. Children grow up to be happy and to function realising their greatest potential if they spend their childhood in a loving, caring and nurturing environment, and many members have made that point. Their parents' sexuality is not relevant. What is relevant is the support that their parents or parent provide. Where there is love and support the law should provide legal protection.

This bill is particularly important for foster children in the care of same-sex couples. They should have the same right and access to long-term security as children placed in the care of heterosexual couples. It is in the best interests of children if the pool of potential foster parents that can provide permanent homes is as large as possible. They are the key arguments I would like members to consider when they vote on this bill.

I thank Gerard Gooden for his work in assessing draft legislation and instructions and for providing advice. He has been an avid supporter of removing discrimination. I thank the Parliamentary Counsel's office for its work in the preparation of this legislation. I thank the Gay and Lesbian Rights Lobby for its work and the information it provided to members of Parliament. I thank the members who have worked hard on this bill because they want to remove discrimination. I particularly thank the Minister for Community Services and her staff. I also acknowledge and thank the Hon. Penny Sharpe, MLC, who has played an important role in helping us to arrive at this historic point. I thank my terrific research officer, Tammie Nardone. I again thank members for their contributions and urge them to support children in all families. Thank you.

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

[*In division*]

**The SPEAKER:** Order! The Leader of The Nationals has indicated that there was a problem with the lift. Given the circumstances, I order that the doors be unlocked to allow the member in to vote.

**The House divided.**

**Ayes, 46**

Mr Ashton	Mr Furolo	Mr Morris
Mr Ayres	Ms Gadiel	Mr O'Farrell
Ms Beamer	Ms Goward	Mr Pearce
Ms Berejiklian	Mrs Hancock	Mr Piccoli
Mr Besseling	Mr Hazzard	Mr Piper
Mr Borger	Mr Hickey	Mr Rees
Mr Brown	Mrs Hopwood	Mr Sartor
Ms Burney	Ms Horner	Mrs Skinner
Mr Campbell	Ms Keneally	Ms Tebbutt
Mr Coombs	Mr Koperberg	Mr Terenzini
Mr Corrigan	Mr Lynch	Mr R. W. Turner
Mr Daley	Dr McDonald	Mr Whan
Mr Debnam	Ms McKay	
Mr Dominello	Mr McLeay	<i>Tellers,</i>
Mrs Fardell	Ms Megarrity	Mr Maguire
Ms Firth	Ms Moore	Mr Martin

**Noes, 44**

Ms Andrews	Ms Hay	Mr Roberts
Mr Aplin	Ms Hodgkinson	Mr Shearan
Mr Baird	Mr Humphries	Mr Smith
Mr Baumann	Ms Judge	Mr Souris
Ms Burton	Mr Kerr	Mr Stewart
Mr Cansdell	Mr Khoshaba	Mr Stokes
Mr Collier	Mr Lalich	Mr Stoner
Mr Constance	Mr McBride	Mr Tripodi
Mr Costa	Ms McMahan	Mr J. H. Turner
Ms D'Amore	Mr Merton	Mr West
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mr Fraser	Mr Page	Mr R. C. Williams
Mr Gibson	Mrs Perry	<i>Tellers,</i>
Mr Harris	Mr Provest	Mr Amery
Mr Hartcher	Mr Richardson	Mr George

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Consideration in detail set down as an order of the day for a later hour.**

#### **WALLSEND WINTER CARNIVAL**

**Business called on, and postponed on motion by Ms Sonia Hornery.**

#### **COOTAMUNDRA DENTAL CLINIC**

**Ms KATRINA HODGKINSON** (Burrinjuck) [12.46 p.m.]: I move:

That this House:

- (1) notes that the existing dental clinic in Cootamundra caters only to children while adults have to travel long distances for public dental treatment;
- (2) notes the significant need to expand the dental clinic in Cootamundra to cater for adults;
- (3) expresses its concern at the refusal of the Government to recognise the difficulties posed by the need for patients to travel long distances to obtain treatment; and
- (4) calls on the Government to provide equal access to medical services in regional areas as is enjoyed by metropolitan residents.

I gave notice of this motion 12 months ago. As with many issues to do with the lack of services in regional areas that I have raised in this place, in the past 12 months there have been no improvements in the level of service available. The incident that prompted me to give notice of this motion was an email I received from a now 62-year-old gentleman who lives in Cootamundra. This gentleman was made redundant from his work in February 2009, and his wife also has a serious illness. They both hold Commonwealth healthcare cards and they are, like many older people on limited incomes, doing it pretty tough, particularly with the recent increases in electricity and gas prices. In these circumstances a visit to the dentist becomes a luxury that many people just cannot afford. This gentleman contacted me to ask why Cootamundra had a dental clinic that catered only for children and why Cootamundra did not have an adult clinic as well.

There are 1,647 people living in the Cootamundra shire in this age group. Many of them travel to Gundagai to access private dental services. However, many of them are unable to afford the cost of dental services and have to join the long waiting list of people seeking treatment at public dental clinics. I draw the attention of members to the final report of the National Health and Hospitals Reform Commission that was released in June 2009. Amongst its findings it stated that poor oral health can have a major impact on the health and functioning of older people and can contribute to malnutrition. It also found older people are at increased risk of tooth decay and chronic degenerative problems as they are retaining their natural teeth for longer. In

these circumstances one would think the Government would be attempting to improve access to dental health services for older people. This, however, is not the case. Older people make up nearly 40 per cent of all adults who are eligible for public dental care.

As I am sure the Parliamentary Secretary at the table, the member for Macquarie Fields, will be aware, the New South Wales Department of Health Centre for Oral Health Strategy has revealed that access to dental services is a critical issue for older adults because they require more preventative support than younger age groups. That statement applies equally to residents in both metropolitan and regional areas. But when one factors in the effect of living in rural areas one sees that the situation gets significantly worse. Australia's National Oral Health Plan 2004-2013, titled "Healthy Mouths, Healthy Lives", produced by the National Advisory Committee on Oral Health, reveals that elderly rural concession cardholders are three times more likely to have no teeth than city dwelling non-cardholders. It is an incredible statistic, is it not? I refer again to Cootamundra. I made representations to the then Minister for Health, the Hon. John Della Bosca, on behalf of the gentleman who emailed me. The Minister replied:

I regret that the Cootamundra dental clinic does not meet his expectations.

The Minister went on to say that this older couple must travel to another centre to access public dental services because, "This is the way services are delivered for adults in the Cootamundra area." As I am sure members could imagine, this gentleman was understandably very upset by the Minister's somewhat arrogant response, so I undertook to raise his concerns in Parliament.

Page 7 of the Cootamundra Health Service Plan 2006-2011 states that the lack of local adult dental health services is a "significant service gap." The plan also reveals that in 2004-05 dental extractions were the second-most common procedure undertaken as day surgery at the Cootamundra Hospital. The plan also identifies the lack of private dental services in Cootamundra is a concern and was a significant issue that was raised in community consultations during the drafting of the plan. The plan identifies "providing sufficient dental services" as a priority. I ask members to note that this plan is almost complete as it expires next year. Cootamundra now has a brand spanking new, purpose-built Health One facility that opened only recently, yet the sign on the Cootamundra Dental Clinic still reads "For 18 years and under only".

The State Labor Government has failed to meet its own priority in Cootamundra's health service plan. Older residents of the shire are still being forced to travel long distances on less than perfect roads to access very expensive private dental services. Quite often these citizens do not have access to their own private motor vehicles. The situation is made even worse as those people who are least able to afford private dental treatment are the very people that the State Labor Government is saying must travel long distances to access treatment. That is not acceptable. Unfortunately, Cootamundra is not the only place where the public dental system is decaying. A short time ago I received a letter from the then President of the Australian Dental Association, who stated:

Since 1997 the poor state of public dental services in New South Wales has been consistently blamed on the Commonwealth government and, in particular, the abolition of the Commonwealth Dental Health Program.

It is remarkable that a lack of funding for public dental services can be blamed on the abolition of a scheme which ran for three years only, providing top up funding for the State oral health budget.

NSW continues to spend less per capita on public dental services than any other State or territory.

Earlier this year I made representations on behalf of another elderly gentleman from Yass. He had sought a dental check-up from the public dental clinic because he believes that preventative check-ups are much better than repair dentistry. I agree with him. He was most distressed when he came to see me. Because he did not have an existing dental problem he was refused an appointment. I made representations on his behalf and the Minister responded that the position of the dental officer at Yass is currently vacant and they were providing treatments at the Queanbeyan clinic only to high-priority patients. It was only because I raised his concerns that this gentleman eventually was given a check-up by way of a voucher for private dental care. Even when vouchers are provided, they are frequently of insufficient value to have work done to a proper standard.

I have made representations to the Minister for Health on behalf of an elderly couple living about 30 kilometres south of Gundagai. Because the husband had diabetes his doctor recommended the removal of his teeth for health reasons. He was given a voucher to have this done at a private dental practice. His wife also received a voucher for new dentures. However, when they had the work done they found that they both had to

pay a gap fee. When the area health service provided them with vouchers they were given no indication that they would have to pay an additional fee. They are now worried sick about how they will pay this bill, given their very limited finances. In a letter to me the lady stated:

By the time we pay rent and our other bills and food we struggle. Hoping you can help us please.

I am still waiting for a reply from the Minister in relation to that particular matter. Another gentleman from Cootamundra wrote to me saying:

What I would like you to do is please see if you can improve the system to get things done properly—such as the stainless steel or a wire strengthener on my dentures and the job done properly by the dentist in the first place at no cost to us pensioners. We do not need this stress at our age. Government or dentists supplying dentures that are going to break, snapped in two after a couple of weeks, it's plain ridiculous, how would they like it happening to them?

I worked for the government for many years and raised a family of five, could not afford super payments on our wages so had no retirement payouts. We are now only on a bare pension and don't drink or smoke or gamble, can't even afford a holiday. Thought that is what we paid their taxes for over those years to get a few benefits in retirement.

He ended the letter as follows:

It is now May 19 and have not sent this letter as of yet. On May 14th the tooth that the dentist put back in, in November, fell out again while eating. This is past a joke, he is going to fix them for free thank heavens. Who is at fault here the dentist or government? Something needs to be done about this problem, I am not the only one in Coota in this position.

Most members believe I am picking on the Greater Southern Area Health Service. The problem is not restricted to it. Cowra is within the Greater Western Area Health Service. I made representations on behalf of an elderly gentleman who, with a severe toothache, sought an appointment through the Cowra oral health call centre only to discover that the service no longer existed. He finally managed to track down a new number to make an appointment at the better, more efficient, more centralised call centre in Dubbo. His first seven attempts were not answered, with the calls dropping out after about seven minutes. After spending more than two hours on the phone in pain and being able to talk only to a computer, he rang my office and my staff finally managed to get him in contact with a person in the Dubbo health service, who made email contact with the call centre. He finally received an appointment after five solid hours of attempting to contact the call centre, all the time in pain. His final comment to me was:

How does one obtain dental treatment in Cowra through the government system? My experience tells me there will be a lot of suffering people if they have no alternative but to use the government system as it now stands. Once again appreciation for your advice and direction.

I invite other members to contribute to this debate.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [12.56 p.m.]: I thank the member for Burrinjuck for raising this most important issue. I hope and expect that the residents of Cootamundra will read *Hansard* because today is the member's opportunity to do as I am going to do: stand up for what we believe in. I believe that politicians should be judged on what they do, not what they say. I will ask the member for Burrinjuck to publicly support the National Health and Hospitals Reform Commission in its call for Denticare. It is not the policy of her party or of mine but I think the people of Cootamundra deserve to hear the support of their member, that she is prepared to stand up for them rather than for party policy per se.

Nearly one-third of all Australian adults avoid or delay visiting the dentist due to costs. More than 650,000 people are on public dental waiting lists and the dental health of our children is causing concern. To address these problems the National Health and Hospitals Reform Commission, which has been quoted by the member opposite, recommended a new universal health scheme for access to basic dental services, Denticare Australia. I publicly state that I support the calls for it and I will be lobbying my side of politics to do so. I expect the member for Burrinjuck to state her support for it and to agree to do the same.

Concerns have been expressed about the fact that the Cootamundra dental clinic caters only for children, and adults have to travel to Young or Wagga Wagga for dental treatment. Public dental services to adults have previously been provided by public dentists from the Wagga Wagga clinic on a rotational, sessional basis. However, there is a national shortage of dentists and the Wagga Wagga clinic has recently been unable to provide these sessional dental services to adults in the Cootamundra area. Regrettably, neither of the two private dentists in Cootamundra will take up vouchers for dental care. These vouchers can be issued for eligible adults by the Greater Southern Area Health Service. Many of the cases that the member raises would be eligible for these vouchers if the two private dentists in Cootamundra would take them up.

The Government has strategies in place to increase the recruitment of dentists and dental therapists in regional and rural New South Wales but these take time. The two dentists in Cootamundra could start accepting these vouchers tomorrow, which at least would be a start. Under Denticare Australia everyone would have the choice of getting basic dental services—prevention, restoration and the provision of dentists paid for by Denticare through either a private health insurance plan or public dental services. Once fully implemented, Denticare Australia would transfer to the Commonwealth Government responsibility for funding \$3.6 billion per year, which is currently spent privately through private health insurance or directly by consumers. This could be offset by an increase in the Medicare levy of 0.75 per cent of taxable income.

Dental care is not part of Medicare because of the opposition of not only dentists but also the Liberal-Nationals Coalition in 1975. It is time for both sides of politics to adopt a bipartisan approach to dental care. I again call on members opposite to support Denticare Australia. Other recommendations of the National Hospital and Health Reform Commission include the establishment of internships for graduating dentists and oral health professionals, and a national expansion of preschool and school dental programs.

The New South Wales Government's record \$16.4 billion investment in public health services in 2010-2011 has provided communities across rural and regional New South Wales with greater access to high-quality health care. There has never been a larger public health services budget for rural and regional New South Wales. The 2010-11 Health budget provided \$4.4 billion for rural and regional New South Wales, an increase of \$280 million over the previous year. This significant investment will help our doctors, dentists, nurses and allied health professionals deliver quality health care closer to home for people living in rural and regional New South Wales.

It is acknowledged that children's dental care in the Cootamundra area continues to be provided by dental therapists from the Greater Southern Area Health Service and that this valuable service will continue. However, following the cessation of the Commonwealth Dental Health Program by the Federal Coalition in late 1996—the Coalition, both in this State and federally, has denied the fact that funding for the program was removed—someone has to pay dentists to fix people's teeth. Denying the obvious does not help one patient. The Senate blocked the transfer of dental funding arrangements from the Medicare Chronic Disease Dental Scheme to a new Commonwealth Dental Health Program, and this has led to a major gap in Commonwealth funding to public dental services throughout Australia, particularly in New South Wales.

While the Medicare Chronic Disease Dental Program has helped the adults in the Cootamundra area with serious medical conditions to receive dental treatment through private dental practice, it has not assisted the high proportion of low-income adults requiring dental treatment. The member for Burrinjuck referred to those people. Denticare is a snapshot of what medical care would be like if the Whitlam Government had not introduced Medibank. The New South Wales Government supports the Commonwealth Government's ongoing effort to introduce the Commonwealth Dental Health Program at the earliest time. This Government is acutely aware of the oral health workforce shortages in regional and rural New South Wales.

In October 2008 new Oral Health Awards were introduced to recruit and retain public dental providers. Among the improvements are salary increases for dental officers and dental specialists, a new award for oral health therapists that also applies to dental therapists and dental hygienists, and an award for dental prosthetists. The new award also provides career pathways and is complemented by incentives for clinical practice in rural and regional New South Wales. Improving access to dental services for low-income rural and regional adults is a priority of New South Wales Health, and a number of short-term and long-term plans have been put in place to reduce the inequities in access that exist.

Adult patients can access the New South Wales Health Oral Health Fee for Service Scheme and receive vouchers for emergency dental care, general dental care and dentures. This problem could be solved tomorrow if the staff on the ground in Cootamundra were willing to accept these vouchers. The vouchers permit patients to access these dental services at any participating dentist or dental prosthetist. The Government is strongly supportive of the Charles Sturt University courses in dentistry and oral health therapy, to provide rural and regional young people with opportunity.

The Government has a longer-term solution to equitable access to dental care. In 2009-10 NSW Health committed \$4 million towards construction of a major joint dental teaching clinic in Dubbo with Charles Sturt University. Dental clinics will be developed in other regional centres such as Orange, Bathurst, Albury and Wagga Wagga. It is expected that 18 oral health therapists from the Wagga Wagga campus of Charles Sturt University will be eligible for registration in December 2011 and that 36 dental students will be registrable to

practice dentistry in December 2013. This is a start towards reducing the gap; however, the gap does exist and those opposite can support my calls for a bipartisan approach in favour of patient care, rather than playing politics with this most important issue.

Resolving the long-term issues of health professionals in rural and regional New South Wales requires a strong partnership between the State and Commonwealth. The Medicare Teen Dental Plan introduced in July 2008 provides vouchers of \$157 that make it easier for teenagers to access preventive dental check-ups through their local private or public dental provider. The New South Wales Government is aware that adults in the Cootamundra area requiring public dental services presently have to travel to places such as Young and Wagga Wagga for dental treatment. However, this Government is committed to providing dental health services as close as possible to where people live, and to providing long-term solutions to the problem of access to dental care for low-income people, especially those living in rural and regional New South Wales.

Members opposite have a choice today. They can stand up for what they believe in, they can support my call for long-term solutions to the problem of access to dental care for those in rural and regional areas, or they can wimp it and refuse to support major reforms such as Denticare Australia. The people of Cootamundra are waiting to hear members opposite indicate their position on the matter.

**Mr JOHN WILLIAMS** (Murray-Darling) [1.06 p.m.]: I am very happy to speak in support of the motion moved by the member for Burrinjuck. Some would say she is playing politics. The fact is that the member for Burrinjuck is a hardworking member for her electorate who has brought to the attention of this House issues that need to be addressed. The Government needs to acknowledge that there is a lack of healthcare services, particularly dental services, in rural and regional areas. If the Government does not address these issues, we will continue to raise in this House the problems of our constituents with regard to health care services, in the hope that the Government will resolve the matter.

Public dental services are important for people throughout New South Wales. I agree with the member for Macquarie Fields that there is a shortage of dentists in the public system. Unfortunately, the Government chose not to pay dentists sufficiently, to encourage them to practise in the public system. There has been a history of denying dentists a fair wage to work in the health system. There have been examples of trained dentists driving taxis in Sydney, rather than practising their profession.

The member for Macquarie Fields spoke about vouchers for emergency dental care. Vouchers are a good initiative. Unfortunately, however, I can cite an example of a voucher not working well for a constituent in my electorate. A resident of Wentworth who has gone to a private dentist and sought to utilise one of these vouchers for dental care has found that that dentist has a large number of private paying patients—who are obviously paying more than the voucher value—and that in most cases the dentist is not available to provide the dental care the resident requires. I could cite a number of hospital dental facilities within my electorate that do not have a dentist. The facilities are there, but there are no dentists to support them. Residents of Hay need to travel to Deniliquin to access public dental care, and in most cases the waiting lists are prohibitive. It has been identified that one of the biggest single killers of homeless people is poor dental hygiene.

Dental hygiene is a major factor in health. Young children are not accessing dental care as we did in the past. In the 1950s and 1960s it was recognised that dental hygiene was a priority for young people. When I was a student a dentist always visited our school. The Government has shown a lot of neglect in not supporting public health initiatives. Early training and guidance by hygienists and dentists in school environments plays a major role in the recognition of dental care. I feel sorry for the member for Macquarie Fields who has the job in this House of protecting the weak, limp effort of his Government to support dental initiatives in this State. The gap is widening, not reducing. Most people in my electorate do not utilise the available healthcare services because they find them too hard to get. As a consequence, they are missing out on care that is very important to their health and their future.

**Mr ALAN ASHTON** (East Hills) [1.11 p.m.]: People should remember that it was the Howard Government, elected in 1996, that killed off the Keating dental scheme, and that Tony Abbott year after year, as the responsible Minister, cut \$1 billion per year from the Health budget. Australia has just had a Federal election where the people voted that it did not much matter. Labor had the greatest Health plan on the record and the people did not embrace it. The New South Wales Government is committed to improving health services to people living across New South Wales. This means engaging specific strategies to deal with the challenges of service provision in some rural and remote areas.

The member for Murray-Darling spoke about people not accepting vouchers because too many other people pay much more and have private health cover. My file at my dentist at Panania is about as thick as that book—he can go and check it. When I was attending there for dental treatment as a child we could hardly afford to pay a zack, but the dentist did it because my teeth were rather famous—no, they are not that great. My teeth were treated because my dentist had a social conscience. It was not: Where is your money so we can get the job done? It was a matter of doing it and we could pay later on. Since then that dental surgery has made a lot of money out of me for a couple of reasonable dental procedures.

The Government is committed to improving health services and I am sympathetic to those dentists that work in the country because it is an issue. The Government is investing \$16.4 billion in public health services, with \$4.4 billion specifically for rural and regional New South Wales. As the member for Macquarie Fields said earlier, as well as recurrent expenditure for a regional area health services, \$114.9 million in capital works funding will give people in rural and regional New South Wales new and redeveloped hospitals and state-of-the-art medical equipment. An amount of \$4 million is to be put towards a joint dental teaching clinic with Charles Sturt University, capital funding for rural shires and councils to build fluoridation plants, and refurbishment of additional dental chairs for rural Aboriginal Medical Services and public dental clinics.

In 2010-11 the State oral health budget alone will total \$169.4 million—an increase of \$5.9 million on last year's budget. The Government has a strong commitment to improving access to dental services to people in rural and regional New South Wales and working with rural communities to achieve this goal. Since 2007 the Rural Dental Advisory Group, comprised of rural health services and universities, rural community representatives and NSW Health representatives, has provided NSW Health with guidance on improving oral health services to rural and remote communities. Rural health initiatives have included the Dental Officer Rural Incentive Scheme, which allows area health services to offer an additional \$20,000 per annum over the award salary to dental positions being advertised in rural New South Wales.

Another initiative is the New South Wales International Dental Graduate Program, which provides a supervised clinical experience program for up to 12 months for overseas trained dentists who are enrolled with the Australian Dental Council but are not yet fully registered in Australia. This program is now in its fourth year. Of the 28 dentists who have completed the program so far, 20 are now fully registered in New South Wales and eight are working in rural communities. A Rural Dental Scholarship Scheme has also been established, which provides \$7,500 per year to dentistry students in their last two years of study if they commit to at least a year of practice in rural New South Wales—just one year. Dental therapists, oral health therapists and hygienists are also able to apply for undergraduate and postgraduate scholarships and grants up to the value of \$10,000 under the Rural Allied Health and Clinical Placement Grant Scheme.

The New South Wales Graduate Rural Incentive Scheme is available to new dental and oral health graduates from Australian universities to take up employment in the rural public sector oral health services and is worth \$10,000 paid on completion of the first year of practice. The shortage of oral health professionals is a national phenomenon, not only in New South Wales; many people leave Australia to go overseas to obtain cheap, and probably poorly done, dental work in the Philippines, Manilla and other places. It is difficult to get any professional people not only in Health, and dentistry particularly, to move much west of George Street.

In my electorate my general practitioner just celebrated his 70th birthday. I do understand the difficulties being experienced in country areas but what is required are initiatives, which the Government has, and relationships with universities to provide programs. As the member for Macquarie Fields, qualified in many medical areas, has said, governments have faced these problems for many years. This issue could perhaps have been remedied somewhat if people had given a little more thought to the Health debate when they voted a couple of Saturdays ago rather than worrying about alleged boat people and other trivia.

**Ms KATRINA HODGKINSON** (Burrinjuck) [1.15 p.m.], in reply: I thank the member for Macquarie Fields, the member for Murray-Darling and the member for East Hills for their contributions to this debate. I was particularly interested in the comments of the member for Macquarie Fields and Parliamentary Secretary for Health. I refer him to my opening comments, where I quoted from a letter I had received from the President of the Australian Dental Association as follows:

It is remarkable that a lack of funding for public dental services can be blamed on the abolition of a scheme which ran for three years only, providing top up funding for the State oral health budget.

NSW continues to spend less per capita on public dental services than any other State or territory.

The member for East Hills spoke about programs in place at the moment. If those programs are so great why do we still have these problems facing us every day of the week? I thank the member for Murray-Darling for enlightening us on some of the public dental situations occurring in his electorate. My electorate is not an island. Many electorates are facing an absolute crisis in public dental services. We need to ensure that the elderly particularly receive proper attention. It is well-known that dental hygiene is good for overall health and that poor dental hygiene is detrimental to good health. Is it right to treat the elderly like this? Over successive years every situation I have raised with the various Ministers for Health has drawn a written apology, but we need action to fix these problems. The cases I have raised today are a few of the many concerns that have been raised with me by my constituents who are invariably older people on a low income. These are the very people most at risk of adverse health outcomes through a lack of adequate dental treatment.

It is interesting that the Council of Social Service of New South Wales has provided an excellent overview of the problem, saying those people who are eligible for public dental services may have to wait months or, in some cases, years to receive treatment due to large waiting lists for treatment. At least two of my constituents have contacted me after waiting more than 12 months for an appointment, all the while in pain. The State Labor Government provides the lowest per capita funding for public dental services of any State or Territory at \$23.20 per person. This Government did not provide any real funding growth for oral health in the 2010-11 budget. I have, however, noted one change in the very standard responses that I have received from the various Ministers for help over the years.

During the time of the Howard Government the replies I received from State Labor Ministers for Health attempted to place the blame for the public dental problems on the abolition of the Commonwealth Dental Health Program. As soon as Kevin 07 was installed in Canberra, amazingly, those comments ceased, just like that, overnight. We still have the problems. This Government spins everything while it fails to achieve anything. Why has the provision of sufficient dental services in the Cootamundra health service plan not been achieved? Although I speak today on behalf of my constituency—which is a large, rural-based constituency—this problem goes much further than my electorate of Burrinjuck. It also extends into Murray-Darling and applies equally to areas such as Barwon, Tamworth and Dubbo and throughout parts of Wagga Wagga and Albury.

As the member for East Hills said, it also applies to parts of the inner west and western Sydney. The difference is that people who live in metropolitan Sydney can get on a train and probably access dental care in another part of Sydney. People in Cootamundra do not have that luxury. They do not have a regular public transport network. Many elderly people do not have access to motor vehicles. Through loss of vision, many lose their drivers licence because they are not fit to drive. On top of that, they have the tyranny of distance. This issue deserves genuine reflection and a genuine attempt to resolve it. Let us do it for the people of New South Wales who are most in need. The elderly people who live in our rural areas need urgent public dental assistance.

**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	Mrs Hopwood	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Mr Merton	Mr J. H. Turner
Mr Debnam	Ms Moore	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr Page	Mr R. C. Williams
Mrs Fardell	Mr Piccoli	<i>Tellers,</i>
Mr Fraser	Mr Piper	Mr George
Ms Goward	Mr Provest	Mr Maguire

**Noes, 47**

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

**Pair**

Mr O'Farrell      Mr Greene

**Question resolved in the negative.**

**Motion negatived.**

*[The Speaker left the chair at 1.27 p.m. The House resumed at 2.15 p.m.]*

**LEGISLATIVE COUNCIL VACANCIES****Joint Sitting**

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

J. J. SPIGELMAN  
Lieutenant-Governor

Office of the Governor  
Sydney, 1 September 2010

I, the Honourable James Jacob Spigelman AC, in pursuance of the power and authority vested in me as Lieutenant-Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seats in the Legislative Council vacated by the Honourable John Della Bosca, the late Honourable Roy Smith and Ms Lee Rhiannon, and I do hereby announce and declare that such Members shall assemble for such purpose on Tuesday the seventh day of September 2010 at 5.15 pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of the joint sitting, I have this day addressed a like message to the President of the Legislative Council.

I direct that the joint sitting with the Legislative Council for the election of members of the Legislative Council be set down as an order of the day for 5.15 p.m. on 7 September 2010, as appointed in His Excellency's message.

**REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**Ms KRISTINA KENEALLY:** I inform the House that in the absence of the Minister for Gaming and Racing, Minister for Sport and Recreation, and Minister for Major Events, the Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women will answer questions relating to his portfolio. I also inform 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 answer questions relating to his portfolio.

## QUESTION TIME

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

### CABINET MEETINGS

**Mr BARRY O'FARRELL:** My question is directed to the Premier. How can the people of New South Wales believe decisions made by her Cabinet will be made in their interest—not the Labor Party's interest—when the Premier has taken the extraordinary decision to allow Australian Labor Party General Secretary, Sam Dastyari, to participate in Cabinet meetings? Is this the Premier's so-called new approach to government?

**Ms KRISTINA KENEALLY:** The Leader of the Opposition should know not to believe what he reads in the newspapers.

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

**Ms KRISTINA KENEALLY:** General secretaries of political parties on both sides of the Parliament have participated and briefed caucus and Cabinet members. But let me be abundantly clear on this point. I will repeat this for the Leader of the Opposition if he will stop interjecting.

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting.

**Ms KRISTINA KENEALLY:** Nobody except Cabinet Ministers participates in Cabinet decisions, deliberations or discussions.

### ADVANCED MANUFACTURING SECTOR

**Ms CHERIE BURTON:** My question is directed to the Premier. How is the New South Wales Government supporting jobs and investment in our advanced manufacturing sector?

**Ms KRISTINA KENEALLY:** As New South Wales leads the national economic recovery the Government has undertaken that communities that have worked with it to avoid recession will now share the benefits of the next phase of our long-term growth. The communities of Botany are the big winners today. Members will be interested to hear that this Government has secured a \$400 million investment in a new world-class paper recycling and manufacturing facility at Botany. This investment by Amcor Limited will support 130 permanent jobs, including more than 100 existing jobs at Botany. That has been welcomed by the local member—the member for Maroubra—and all other members on this side of the House. The project will also create major building work opportunities, including 800 construction jobs during the building program.

Amcor has a long history in Sydney. It has operated at the Botany site for more than 50 years and papermaking has been carried out there for more than 100 years. However, shifts in international competition saw the Botany mill facing possible closure. There was a real threat that the plant's work would be consolidated elsewhere, putting more than 100 existing jobs in danger. The Government will not stand by during a period of economic growth and allow local jobs to be shifted away from New South Wales. It has stepped in not only to secure but also to expand employment opportunities at Botany and to provide a secure and sustainable future for the families that depend on this industry. It has secured a major upgrade of the Botany mill to bring it up to world-class competitive standards with an assistance package from Industry and Investment New South Wales. This is the kind of business we want in New South Wales. Amcor is a global leader in packaging solutions and employs 35,000 people across the world—approximately 5,000 in New South Wales. It can deliver a positive, world-class addition to the New South Wales advanced manufacturing sector.

**The SPEAKER:** Order! The member for Murrumbidgee will come to order.

**Ms KRISTINA KENEALLY:** That sector is expected to contribute \$32.8 billion to New South Wales gross State product in 2010 and that is forecast to grow to \$48.9 billion by 2020. The sector will grow through integrating design into products and services, the introduction of innovative production methods and the capitalisation of research and development to drive innovation and greater productivity.

That is precisely the scenario we have before us at Botany. The Government is assisting Amcor with a performance-based package from the Major Investment Attraction Scheme. This new investment will enable

Amcor to consolidate its entire recycled paper production for Australia and New Zealand at Botany. The new mill will be the most advanced and environmentally sustainable mill of its type in the Asia-Pacific. It will deliver improved lead times, production volumes and efficiency, thereby enabling Amcor to create new international opportunities for paper and cardboard manufacturing for packaging.

Importantly, this investment will also deliver a positive, world-class addition to New South Wales' advanced manufacturing sector. It is an example of excellence and leadership for this global industry and of the investment-friendly climate in New South Wales. That climate is delivering strong and sustained growth in our economy. It is no wonder that just yesterday we heard more good news about our economic leadership. New South Wales State final demand grew by 5.7 per cent for 2009-10 financial year, which is greater than the national average of 5.3 per cent. New South Wales has now experienced six consecutive quarters of growth in economic activity.

### MINISTERIAL CHANGES

**Mr ANDREW STONER:** My question is directed to the Premier. Given that the people of New South Wales will now see her Government make its fifteenth trip to Government House since the 2007 election—four of which have occurred since she promised when she became Premier to build the Government's "trust with the community"—what confidence can they have that she will not make further trips to Government House to clean up after her wayward Ministers?

**The SPEAKER:** Order! The member for Bathurst will come to order.

**Ms KRISTINA KENEALLY:** I have made it clear that there have been too many examples of ill-disciplined behaviour by individual members of Parliament. If we are to rebuild the trust of the community, that must stop. I made it clear yesterday that I expect the highest integrity in the behaviour of Ministers and I will continue to demand that.

### HEALTH INFORMATION ACCESS

**Ms MARIE ANDREWS:** My question is directed to the Minister for Health. How is the New South Wales Government improving patient access to health information?

**Ms CARMEL TEBBUTT:** The Government is a strong supporter of transparent access to health information. We understand that we need to allow the health system to be scrutinised and its performance to be analysed to highlight what we do well and where we need to improve. The Government already publishes a wide range of information on the performance of the health system, including quarterly performance data for emergency departments and planned surgery. The Bureau of Health Information will take over that data collection role and will provide the next quarterly results. Of course, the Clinical Excellence Commission regularly reports on safety and quality in the health system in New South Wales. New South Wales was in fact the first and remains the only State in Australia that provides for mandatory reporting of infection data.

We understand the need to provide this comprehensive information. It is used by many in the health system, health professionals and the broader community to understand and better connect with our New South Wales health system. We also recognise, despite the comprehensive array of information we provide, that we must continue to do more. For example, the Bureau of Health Information published its first report in May on patients' experiences of the health system and, as I have already said, it has taken on responsibility for publishing quarterly performance reports on the New South Wales health system.

We also recognise that the community is very interested in information on our health system that is easy to understand, easy to access and easily digestible. That is why I am pleased to be able to update the House that from today people in New South Wales will be able to access a new website, Your Health Service. This new website is a practical and easy-to-access website that will provide New South Wales residents with the information they need in order to make informed decisions about healthcare services. The website lists more than 270 public health facilities in New South Wales. It describes the core services provided at each facility. Currently there are dozens and dozens of data sets and records on the Health website, and while they are available they are not always easy to navigate.

The Your Health Service website will take advantage of the health system's comprehensive data gathering and, by consolidating the many reports into an easy-to-use website, it will be a one-stop shop where

consumers will be able to find all they need to know about their local hospital. It will include information such as location and facilities, interactive maps, information on the availability and the location of services such as parking facilities, pharmacy, interpreter services, shopping and ATMs. For out-of-town visitors there is a search facility for accommodation close to the hospital. Of course, the website will have rich information about the performance of individual hospitals and will include waiting times for surgery in various categories and emergency department performance. It will also give a snapshot of how many people are using our emergency departments.

It will also include data on infection control in our hospitals, information that is not available at the moment down at the hospital level. That will be on the website. We know that hospital staff in New South Wales work extremely hard to maintain high infection-control standards, but we also know that healthcare associated infections still occur both in public and private hospitals, and this is an issue for health systems around the world. We believe patients in New South Wales and the New South Wales community deserve to know how our public hospitals are fighting infection. This information will be available on this website. As recommended by Peter Garling, the website will also provide details on hospital budgets. It will provide information on beds and also the contact details of people running each hospital, such as the general manager, the director of nursing and midwifery, and patient care representatives.

This website will give the people of New South Wales the most comprehensive and accessible hospital-based information in the country. I am very confident that it will be welcomed by the people of New South Wales. I am happy to report that a well-known consumer advocate, Betty Johnson, has strongly endorsed the establishment of the Your Health Service website. Betty Johnson provided input into the development of the website and I am pleased she has been most complimentary about the service. This is a great resource for the people of New South Wales. It provides information on our whole system in an easy-to-digest format and an easy-to-access format, and I think it will make a real difference to people trying to connect with the health system of New South Wales.

**Mr Tony Stewart:** Point of order: I draw your attention to the agreed protocol for the use of photographers in the House. Photographers have been panning members not involved in debate. I also draw your attention to the front page of today's *Daily Telegraph*, which involves a photograph of members involved in a condolence motion.

**The SPEAKER:** Order! I have ruled on this matter previously. Photographers are given access to the Chamber in accordance with our policy, which contains strict criteria. I will ensure that that policy is upheld. I remind photographers in the gallery of the policy, which they have agreed to.

### RELIANCE RAIL PROJECT

**Mr MIKE BAIRD:** My question is directed to the Premier. Given her claim to have found \$500 million in the budget bottom drawer of her transport plan to fund the Epping to Parramatta railway, has she also allocated a similar amount to deal with the cost overruns, delays and potential legal mess of the Reliance Rail project?

**Ms KRISTINA KENEALLY:** On the first part of the question, the Epping to Parramatta rail link, the proposal that came to us as a State Government went through a budget committee process. We got advice from Treasury, and I have released a summary of the Treasury advice. On the second part of the member's question, the Waratah trains are expected to start by the end of the year. I am advised the company has complained that New South Wales' higher standards have been hard to meet, but we make no apology—

**The SPEAKER:** Order! Members will come to order. I call the member for Lane Cove, the member for Hawkesbury and the member for Barwon to order.

**Ms KRISTINA KENEALLY:** I find it extraordinary that members opposite are scoffing at the notion that we would insist on the best safety standards on trains and ferries. We make no apologies for insisting on the highest safety standards and crashworthiness. These requirements were clear when the contract was awarded and it is up to the company to deliver on its commitments.

### CLEANING INDUSTRY EMPLOYEE RIGHTS

**Ms ALISON MEGARRITY:** My question is to the Minister for Industrial Relations. How is the New South Wales Government helping to protect the rights of employees in the cleaning industry?

**Mr PAUL LYNCH:** I thank the member for her interest in this singularly important issue. Of course, it is close to the hearts of everyone on this side of the House. There are approximately 44,000 workers in the State commercial cleaning industry. It is an industry that features intense competition, significant work intensity, unsociable hours and underemployment. There are 11,000 men and 10,000 women in full-time employment and 7,000 men and 16,000 women in part-time employment in the sector. It is a workforce that is significantly feminised and often culturally and linguistically diverse. The workforce is often low paid and vulnerable. In short, it is a workforce that a sensible government in a decent society would want to assist and provide protection for. That is something written into the DNA of those of us on this side of the House. I certainly do not claim that for the other side of the House.

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

**Mr PAUL LYNCH:** Talking of under working, I noticed the interjection from the member for Terrigal. He was under working during the Federal campaign, I noticed.

**The SPEAKER:** Order! The House will come to order. The Minister will direct his comments through the Chair.

**Mr PAUL LYNCH:** In April this year the Government announced its support for the Clean Start agreement, which guarantees wages and conditions for government contract cleaners across the sector. Approximately 40 major cleaning companies have now signed up to the Clean Start standard with the Liquor, Hospitality and Miscellaneous Workers Union. The Clean Start campaign is about fair solutions in the industry—fair treatment, fair hours, fair workload and safety, fair wages, fair leave, fair job security and fair rights. As I say, this position is inextricably linked with being a Labor member of Parliament and being in a Labor Government.

In June 2009 the then Federal Government approved support for the Clean Start principles. In New South Wales the whole-of-government cleaning contract contains new obligations including special industry-specific requirements on contracts in line with Commonwealth Fair Work principles. Our position is clear. The same cannot be said for the other side. While it is in our DNA to have fair protection for workers, it is the very opposite for members opposite. The Barnett conservative Government in Western Australia walked away from Clean Start. Until members opposite repudiate the action of their Western Australian colleagues it must be assumed that they too, if in government, would refuse to endorse these principles. Of course, they may be hoping to emulate the political dishonesty of Greiner, hoping to claim power and then implementing all their instinctual and instinctive anti-worker biases. They were more honest before the last State election when they promised to cut thousands of workers' jobs. The member for Vaucluse at least told the truth. Indeed, he is sometimes quite forthright in telling the truth.

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

**Mr PAUL LYNCH:** He was very forthright a little earlier—a week or so ago—saying that the Opposition should perhaps come out and give us a policy and not keep it all in their bottom drawer.

**Mr Barry O'Farrell:** This is history.

**Mr PAUL LYNCH:** It may well be. The Leader of the Opposition should tell us his policy now. How many workers do you want to sack?

**The SPEAKER:** Order! The Leader of the Opposition will come to order. Government members will come to order.

**Mr Adrian Piccoli:** Point of order: Mr Speaker, I refer you to Standing Order 129. Following the announcement made yesterday about one of the Ministers this Parliament is having enough trouble as it is without this kind of answer.

**The SPEAKER:** Order! The member for Murrumbidgee will state his point of order, not debate the matter. I will hear further from the Minister.

**Mr PAUL LYNCH:** In relation to the Leader of the Opposition and history, we know the history. We know what the Coalition did to the school cleaning service. Those of us with a memory understand what the Coalition did to cleaners the last time it was near the Government benches. In relation to this sector, another significant issue relates to long service leave and few, if any, cleaners have access to long service leave.

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

**Mr PAUL LYNCH:** Most cleaners are engaged by a consecutive series of unrelated employers. They are unable to accrue the requisite 10 years of continuous service with a single employer, despite working in the same building, school or shopping centre for 10 years, and indeed often for longer. The contempt with which those comments have been greeted by the Opposition confirms the comments I have made up until now. On 19 August this year, together with the member for Menai, I announced that the Government has committed in-principle support to the establishment of a portable long service leave scheme for the commercial contract cleaning industry in New South Wales.

The announcement was attended by a number of school and shopping centre cleaners, including Barbara Mannix from Menai Public School. Barbara has worked for over 16 years at the same school yet because of the constant change in employers has never been able to take long service leave. The provision was introduced by the Opposition when it was last in power. A portable long service leave scheme will mean that Barbara will be able to take long service leave for the first time and will ensure that workers in the cleaning industry get a fair deal for the hours they put into the job. It is worth pointing out that this is actually not a new entitlement; this simply allows workers to access an entitlement that is already there but they have not been able to access.

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

**Mr PAUL LYNCH:** It is anticipated that, apart from the obvious benefit to cleaners and their families, there will be a number of related positive effects including a boost to industry retention rates and, by retaining skills and experience, increased service standards in industry performance. This is a significant step forward to the cleaning industry, which has often been characterised by a race to the bottom on wages and conditions. The establishment of a portable long service leave scheme will ensure that, regardless of how many employers a cleaner has worked for, they will be able to access their long service leave entitlement after 10 years. The scheme further delivers on the Government's commitment to protect low-paid and vulnerable workers who, through no fault of their own, have been unable to access their entitlements because of the nature of their industry.

**Mr Adrian Piccoli:** Didn't you hear Gorbachev? You both lost.

**Mr PAUL LYNCH:** That interjection from the member for Murrumbidgee suggests that because we have the temerity to protect vulnerable workers we are somehow identified with Gorbachev. Do you want to know who is out of touch? Do you want to really know who has got no idea of what is going on in the real world?

**The SPEAKER:** Order! The Leader of the Opposition and the member for Murrumbidgee will come to order.

**Mr PAUL LYNCH:** As I was saying before we had that burst of Cold War hysteria from the other side, portable long service schemes—

**The SPEAKER:** Order! I call the member for Murrumbidgee to order. I call the member for Murrumbidgee to order for the second time.

**Mr PAUL LYNCH:** The contempt that the member for Murrumbidgee is demonstrating for cleaners will stand us in very good stead. Portable long service leave schemes have been progressively introduced in all States and Territories since the early 1970s. These statutory schemes cover the building and construction industry and the coal and maritime industries. A portable long service payments scheme for the New South Wales building and construction industry commenced on 1 February 1975. The reason for portability arrangements in the building and construction industry stems from the short-term project-based nature of the industry, which means that workers are unlikely to complete sufficient qualifying service with a single employer for the purpose of accruing an entitlement to long service leave or equivalent benefit. Despite these circumstances being similar to the cleaning industry, there is still no provision for cleaners to access their long service leave entitlement.

Agreement in principle to the establishment of such a scheme means that the detailed work to construct the scheme can commence. Commitment from peak industry bodies is also vital, given that they play an

important role in informing and educating their members. For this reason NSW Industrial Relations intends to undertake comprehensive consultation with employee and employer bodies, including the Liquor, Hospitality and Miscellaneous Union, the Building Services and Contractors Association of Australia and the Australian Cleaning Contractors Association. Preliminary research has already been undertaken with policy officers from NSW Industrial Relations holding discussions with the administrators of similar schemes in other jurisdictions. That aims to obtain valuable advice regarding policy and structural considerations and important feedback from their experiences.

NSW Industrial Relations will also liaise closely with the Long Service Payments Corporation to explore opportunities to integrate the proposed scheme within their existing corporate framework. The issues in relation to the finances of this will be closely examined by an independent actuary, who will examine the projected costs and liabilities of the proposed scheme. The report will be provided to the Government next month. It is anticipated that the cost of the scheme will be borne by larger businesses operating from commercial premises. It is also envisaged that the scheme will operate on a self-funded basis by its fourth year of operation. It is likely that initial start-up capital will be repaid by future earnings. I conclude by noting that—

*[Interruption]*

It is always predictable when someone is getting up to defend workers rights members opposite are glad to hear the end of it. WorkChoices lives over there. A core responsibility of government is to provide protection for vulnerable workers. Government members regard that as a central responsibility of what we do. That cannot be said for members opposite, who have nothing but contempt for ordinary workers.

#### NEPEAN HOSPITAL

**Mr STUART AYRES:** My question is directed to the Minister for Health. Can she explain why an 84-year-old war veteran was forced to sit for 12 hours in the Nepean Hospital emergency department and then when he got home he found a cannula was left in his arm?

**Ms CARMEL TEBBUTT:** I do not have any specific information about the case raised by the member. I am pleased to follow the issue up on behalf of the member and get back to him. I point out that questions asked during question time on such a specific individual case are often hard to respond to adequately because one does not have the details. However, I am happy to take the matter on board on behalf of the member. I point out that Nepean Hospital emergency department is one of the busiest. It treats more than 51,500 patients each year. Emergency department attendances for the December 2009 quarter were up 2.3 per cent on the same quarter the previous year.

During October-November-December 2009 Nepean Hospital achieved waiting time benchmarks for patients in triage categories one, two and five and there were improvements in categories three and four. A range of strategies are in place to improve the performance of Nepean Hospital in its emergency department, including the fast-track zones, staffed with clinical initiative nurses, improved discharge planning, increasing the capacity of outreach programs to extend the service to the older and frail in the community, and an advanced practice nurse working evenings and weekend shifts. Nepean Hospital has utilised an increase of nine beds open from 16 May 2010 to address increased presentations and demand. I will follow up the issue raised and undertake to get back to the member as soon as possible.

#### DUBBO GUN SHOP INSPECTION

**Mrs DAWN FARDELL:** My question is directed to the Minister for Police. Last week in Dubbo the Sydney Firearms Squad of approximately 10 officers entered a long-established gun shop owned by a respected elderly couple. No charges have yet been laid; however, a police media release issued at the time gave sensationalism fodder to the media despite the fact that many of the items reported had been there for at least 30 years of police inspections. Will the Minister call for an internal inquiry into this situation?

**Mr MICHAEL DALEY:** The question of the member for Dubbo goes to the heart of police operational matters. As I have reminded the House on many occasions, I do not interfere with, and do not intend to interfere with, police operational matters. I am advised that the matter is before the courts, and naturally therefore I wish to be circumspect in the comments I make. However, I acknowledge that the member for Dubbo has expressed concerns to me about this matter. I acknowledge that she has received representations from people in her electorate about the matter. I indicate also that the Hon. Robert Brown from the Shooters

Party has made similar representations to me. I will not at this time call for an internal inquiry into the matter. I have asked the Commissioner of Police to provide me with a briefing with regard to the matter. I undertake to the member for Dubbo that when that briefing is to hand I will respond directly to her.

### SYDNEY WATER SUPPLY

**Mr BARRY COLLIER:** My question is addressed to the Minister for Water. How is the Government securing Sydney's long-term water supply?

**Mr PHILLIP COSTA:** What a great question! What a wonderful surprise! I thank the member for Miranda for his question and his interest in Sydney's water supply. A secure water supply is a must for any city and the Government recognises the importance of ensuring that Australia's largest, and I believe best, city is not at risk of running out of water. That is why just this morning I released the Keneally Government's 2010 Metropolitan Water Plan, a detailed plan that ensures this great city continues to have a secure and reliable supply of water for people and for the environment well into the future. This Government has a strong track record on water security, one we are proud of and the community can have complete confidence in. Over the past four years we have built up a robust and diverse water supply for the people and environment of Sydney, the Illawarra and the Blue Mountains, backed by investment that has seen us through the most severe drought in 100 years.

**Mr Andrew Stoner:** What about Barraba?

**Mr PHILLIP COSTA:** I sorted that out this morning. Some investments made by this Government include \$119 million to access deep water storage from Sydney's dams, \$39 million to upgrade dams and weirs throughout the Hawkesbury-Nepean River system to allow new and improved environmental flows, and \$255 million in recycled water projects across greater Sydney, to name but a few.

I want to cite some of the more detailed improvements we have made over this time. For example, over 33 billion litres of water is recycled every year through numerous recycling and stormwater harvesting schemes across Sydney. We will continue to invest \$100 million a year in reducing water leaks and breaks in Sydney Water's pipe networks. We will have incidents, but we are spending a significant amount of money on the networks. This investment has reduced leaks and breaks by 40 per cent over the past 10 years and is saving 30 billion litres of water a year. More than one in four households across Sydney now use water-saving devices, and close to one million conservation rebates and offers have been provided. We are on target to ensure that by 2015 recycling will meet 12 per cent of Sydney's needs, desalination will meet up to 15 per cent of Sydney's water needs, and water efficiency will reduce our overall water needs by 24 per cent. We have worked extremely hard with the community and we have made much progress.

I look forward to some positive commentary from the other side of this place in relation to our Metropolitan Water Plan. I am sure my friend the member for Burrinjuck will be quick to back up her comments in Cowra—we love comments of a positive nature. On 23 July this year the member for Burrinjuck, who is also the shadow Minister for Water, said, "Sydney has a world class water supply as far as water quality goes." We thank the member for Burrinjuck for that ringing endorsement and her bipartisan acknowledgement of our successful water management. The member is also quoted as saying Sydney has "an already excellent metropolitan water supply". We agree. Sydney Water is a world-class, award-winning organisation. The 2010 Metropolitan Water Plan has been released this morning for all to see. I will be scouring the media clippings tomorrow morning in anticipation of welcoming comments the Opposition may add to its already supportive comments.

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

**Mr PHILLIP COSTA:** After all, to adopt somebody else's policy is far better than continuing on without a policy of one's own. The Opposition is more than welcome to share the wonderful successes we have had. The Keneally Government's Metropolitan Water Plan means that we will continue to provide a secure supply of water to meet the needs of our growing city, help protect and continue to improve the health of our precious rivers, ensure our water supplies will be secure during future droughts, and ensure that the community continues to receive a reliable and cost-effective water supply.

Within our scheme we have in the past put significant resources and assets into the supply of water to the Sydney Basin, the Illawarra and the Blue Mountains. Our plan is extremely robust. Today we have launched

the 2010 plan. The plan builds on the success of the 2006 plan. It offers security. It is an adaptive plan, one that can be modified quickly if there is the need—we cannot always predict when the next drought might occur. We are very confident that we can supply the people of Sydney with water until 2025 and beyond. We have an enormous opportunity for expansion if necessary.

For example, we have a wonderful desalination plant, which was constructed on time and under budget, and it is powered by green power. Those windmills on Lake George are doing a fantastic job. One can see that beautiful vision as one drives past. The windmills are whipping away there producing power. The desalination plant is running at full steam. As we all know, the desalination plant is currently operating at full strength. It can produce 250 million litres of water a day. Together with the vision of this side of the House, people who have a vision for the future have constructed this desalination plant so that its capacity can be doubled within two years. If one day the Government's vision becomes reality the plant will be able to produce 500 million litres a day.

**The SPEAKER:** Order! The member for Hawkesbury will come to order.

**Mr PHILLIP COSTA:** In conclusion, I thank the people of Sydney for working with this Government to deliver the secure water supply we have across Sydney. Without their support we would not be in the good position we are in. We are ably led by a Government with vision that puts its money where its mouth is, and we have put the infrastructure on the ground. I commend that all members read the 2010 Metropolitan Water Plan.

### **BREAKFAST ON THE BRIDGE**

**Mr PAUL PEARCE:** I address my question to the Minister for Tourism. Will the Minister update the House on Breakfast on the Bridge and its impact on tourism?

**Ms JODI McKAY:** Breakfast on the Bridge is the centrepiece of the Crave Sydney International Food Festival. This festival combines 31 days of extraordinary food experiences in Sydney throughout October. Both Breakfast on the Bridge and the Crave Sydney International Food Festival are designed to celebrate Sydney's unique outdoor lifestyle. It is a fantastic event for the people of Sydney and New South Wales, and for visitors from all over the world. Using a much-loved icon to promote New South Wales and Australia, the event proved to be an outstanding success last year. As a result of the success of that event Breakfast on the Bridge will again be held, on 10 October 2010. The event will again be free to the general public through a ballot process. The Sydney Harbour Bridge will be closed to traffic and transformed into a giant park for the breakfast. It will be covered in grass from pylon to pylon, with a football theme to show that Sydney and New South Wales are supporting the bid to bring the 2022 FIFA World Cup to Australia. People always ask: What will happen to the grass? After the event the grass will be reused by Sydney schools and parks.

**The SPEAKER:** Order! There are a lot of advisers to the Minister on this subject. They should allow her to conclude her response to the question.

**Ms JODI McKAY:** I am always happy to take information on board. Breakfast on the Bridge captures the spirit of New South Wales and Australia. It also brings major benefits to the State in terms of our national and international profile, and it will provide significant support to Sydney and Australia's FIFA bid. Promoting a unique lifestyle in this innovative way can help attract millions of dollars in investment, tourism and business to this State. In 2009 Breakfast on the Bridge alone generated more than 300 international media articles in 16 of our key tourism and trade markets. The estimated financial value of the publicity created for New South Wales from Breakfast on the Bridge was calculated to be up to \$10 million. The impact and authenticity of an event such as Breakfast on the Bridge is difficult to create in any other way.

Breakfast on the Bridge will be held on Sunday 10 October 2010 from 6.30 a.m. to 8.30 a.m. The ballot for those New South Wales residents who want to enjoy a morning having the world's greatest picnic on the Sydney Harbour Bridge closes at midnight on 5 September. I would urge anyone who has not put their name down for the ballot to go online at [www.breakfastonthebridge.com](http://www.breakfastonthebridge.com) or call 1300 825 529 and get involved in this great spectacular event. New South Wales residents can enter the draw once each, with the lucky winners notified on 28 September. Last year I had the great pleasure of knocking on doors and letting people know of their success in last year's ballot and that they would be participating in Breakfast on the Bridge. This really is a rare opportunity to spend a Sunday morning—

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

**Ms JODI McKAY:** The member for Wakehurst has no support for tourism or the value of this event. I would appreciate his support for this event and our promoting Sydney and regional New South Wales to the world. Despite what the member for Wakehurst says, this really is a rare opportunity to spend a Sunday morning eating breakfast while sitting on fresh grass on the iconic Sydney Harbour Bridge. I strongly encourage people from across New South Wales to register so this once-in-a-lifetime experience—

**The SPEAKER:** Order! Members will cease interjecting. I call the member for Wakehurst to order for the second time. The Minister has the call.

**Ms JODI McKAY:** Ironically the Opposition is always talking up Melbourne and always talking down Sydney—except Thomas George. But the most important thing to remember is that Sydney has some incredible events on its calendar for this year. This month we have two great sporting events—

**Mr Barry O'Farrell:** How was the Bledisloe function?

**Ms JODI McKAY:** The Bledisloe?

**The SPEAKER:** Let's not bring the Bledisloe into this!

**Ms JODI McKAY:** I actually attended a wonderful event this morning but I had a seat beside me that was empty. I missed the Leader of the Opposition. He did not show up. This month we have two great sporting events that anyone can get involved in: the tenth anniversary of the Blackmore's Sydney Running Festival is to be held on 19 September and the Golden Oldies World Rugby Festival from 26 September to 3 October. Sydney will also exclusively host *Ben Hur—The Stadium Spectacular* on 22 and 23 October. This is a monumental \$15 million production—

**Mr Steve Whan:** Bigger than Ben Hur!

**Ms JODI McKAY:** It is the biggest theatrical event ever seen in Australia.

**The SPEAKER:** I call Minister for Primary Industries to order for that appalling interjection!

**Ms JODI McKAY:** As the Minister said, it is bigger than Ben Hur. Between 4 and 8 November Parramatta will host the inaugural Parramarsala Australian Festival of South Asian Arts, an event the member for Parramatta feels strongly about. This will feature Indian and South Asian music, culture, art and dance at venues across Parramatta Park. There is a lot happening in Sydney. But I encourage anyone in New South Wales who is interested in taking part in Breakfast on the Bridge on Sunday 10 October to get their name in the ballot soon.

**Question time concluded at 3.06 p.m.**

#### **MINISTER FOR WATER, AND MINISTER FOR CORRECTIVE SERVICES GRANDCHILD BIRTH**

**Mr PHILLIP COSTA:** I inform the House that today I am a grandfather for the first time.

**The SPEAKER:** Congratulations!

**Mr PHILLIP COSTA:** It is also my daughter's birthday. Happy birthday Les Lee Ann.

#### **STANDING COMMITTEE ON BROADBAND IN RURAL AND REGIONAL COMMUNITIES**

##### **Report**

**Ms Sonia Hornery,** as Chair, tabled report No 4/54 titled "Are you connected? Inquiry into telecommunications availability in rural and regional communities", dated September 2010.

**Ordered to be printed on motion by Ms Sonia Hornery.**

## PETITIONS

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

### **Bus Service 389**

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

### **Inner Sydney Light Rail**

Petition requesting the development of an integrated light rail network through inner Sydney, received from **Ms Clover Moore**.

### **Mosman and Neutral Bay Ferry Timetable**

Petition opposing the revised timetable for ferry services from Mosman to Neutral Bay, received from **Mrs Jillian Skinner**.

### **Pet Shops**

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

### **Mental Health Services**

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

### **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**.

### **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**.

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

### **Fencing of Tongarra Road, Albion Park**

Petition requesting the removal of the Tongarra Road fence at Albion Park, received from **Mr Barry O'Farrell**.

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### **Crime and Policing**

**Mr MATT BROWN** (Kiama) [3.08 p.m.]: The issue in the motion I read this morning is of great concern to the people of New South Wales, and particularly to the people of my electorate. This week that terrific journal of record the *South Coast Register* ran a story highlighting the needs of police in this State. My motion deserves priority.

### **Government Performance**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.09 p.m.]: If one lesson has come out of the recent Federal election it is the public's distaste for the useless faceless men of the New South Wales Labor Party, people such as Karl Bitar and Mark Arbib, the geniuses who pulled down Kevin Rudd and

inserted a new female Labor leader in the hope that she would get them across the line. We still wait—how many days after the Federal election?—wondering who will govern this nation. The message since that election, which may start to be felt in Labor Party offices next week, has been firm: The public wants an end to the apparatchiks and the influence peddled within the Labor Party by the Karl Bitars and the Mark Arbibs.

We have seen that influence in this place over the past five years, where three Labor Premiers have been made and unmade by the same people. They were made and unmade not by the people of New South Wales but by those who control those opposite—those who sit in Sussex Street, those in the union movement and those who sometimes sit in the back of the Chamber and upstairs, Eddie Obeid and Joe Tripodi. What was the Premier's response to the latest opinion polls? It was that the real Kristina promises a new approach to Government. On Monday of this week we saw an example of that new approach—that was to invite into her Cabinet Sam Dastyari, one of the smaller faceless men who exists within the Labor Party.

Like Mark Arbib and Karl Bitar, he seeks to influence from the shadows. He operates on the basis of what is determined in focus groups and by research, not on the basis of the public interest. The Premier was clear when she said today that Sam Dastyari was at Cabinet. There were no assurances that he would not be at Cabinet in the future. That speaks volumes about a Premier who is not listening and has failed to heed the messages.

**Mr Gerard Martin:** Point of order: The Leader of the Opposition should state why his motion should be accorded priority. He is talking to the substantive motion. He is abusing the processes of the House, as he always does.

**The SPEAKER:** Order! I will hear further from the Leader of the Opposition.

**Mr BARRY O'FARRELL:** My motion is urgent—

**Mr Gerard Martin:** We don't have urgency.

**The SPEAKER:** Order! The House will come to order. The Leader of the Opposition has the call.

**Mr BARRY O'FARRELL:** My motion is important and deserves priority and urgency because we need a Government that is listening to the public. We need a Government that takes up the messages the public sent so firmly at the last Federal election campaign and since. We have had enough of the focus groups, the research and the faceless men. Let us start to focus on the public interest. People want real leadership. They want basic plans executed regardless of their political impact. They want infrastructure projects announced, not to prop up the Minister for Education and Training in her seat of Balmain but to deliver the services that businesses and people need to get on with their lives. Real change means a new government with a strong mandate, not another coat of paint on damaged goods. Real change is not about Labor clinging to power with the help of a few marginal seats.

The public could not have delivered a stronger message over the past 10 to 15 days. In my view, there could not have been a stronger message delivered in New South Wales over the past 3½ years. When Kristina Keneally talks about a new approach and her agenda for change, it is simply the Australian Labor Party's new black, its latest political trick. In December last year Kristina Keneally promised an opportunity for a new beginning. Less than 12 months later she is telling us that she is going to change again. When Julia Gillard became Prime Minister she promised to move away from the machine control of the Labor Party. Two weeks later we saw the real Julia allegedly take control and put her own stamp on the leadership.

The confessional admission that a leader will be different and ignore the Australian Labor Party's traditional poll-driven approach to media is the latest version of Labor spin. It is spin on spin. Morris Iemma promised a new direction. Nathan Rees promised a red hot go. Kristina Keneally promised a new beginning. The only consistency across New South Wales is that nothing has changed. We see the same scandals. We see the same approach that puts political interest ahead of public interest. We see the same refusal to concentrate on the issues and problems that people across the State face on a daily basis. Nothing is changing. Nothing has changed in the past 12 months and nothing looks as though it will change over the next seven months. This Government seeks to pretend that it embraces change, yet it puts into its inner sanctum one of the key faceless men of its political party.

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

**The House divided.****Ayes, 47**

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

**Noes, 40**

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Ayres	Mr Hazzard	Mr Roberts
Mr Baird	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mrs Hopwood	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 R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Page	
Mr Fraser	Mr Piccoli	<i>Tellers,</i>
Ms Goward	Mr Piper	Mr George
Mrs Hancock	Mr Provest	Mr Maguire

**Pair**

Mr Greene

Mr J. H. Turner

**Question resolved in the affirmative.****CRIME AND POLICING****Motion Accorded Priority****Mr MATT BROWN** (Kiama) [3.21 p.m.]: I move:

That this House congratulates the Government for providing record funding and resources to help the New South Wales Police Force drive down crime.

The facts speak for themselves. The last annual report on crime statistics published by the Bureau of Crime Statistics and Research reported that crime is either stable or falling in all 17 major categories of crime over the 24-month trend to December 2009. Eight of those 17 categories showed a downward trend in the 24 months to December 2009. I know that my colleagues in the House want to hear these great details: steal from motor vehicle is down a whopping 18.8 per cent; break and enter from a non-dwelling is down 16.3 per cent; robbery without a weapon is down 15.7 per cent; fraud is down 10.7 per cent; robbery with a weapon not a firearm is down 10.6 per cent; motor vehicle theft is 8.5 per cent; break and enter of a dwelling is down 6.4 per cent; and steal from a person is down 4.8 per cent. They are amazing statistics and a real credit to our New South Wales police.

For the first time in five years there were no upward annual trends in any major category of crime. We need to put that in perspective because 10 years ago the same research annual report showed that crime was rising or stable in every major crime category. Moreover, the report demonstrated a 50 per cent reduction in property crime across New South Wales since 2000. That result alone shows that 215,000 people were not victims of break and enter, stealing, motor vehicle theft or fraud offences in 2009, despite our State's population growing 6.4 per cent since 1994 and the growing avenues for crime that have emerged in the past 15 years with increased globalisation, the growth of the Internet and the use of mobile phones, as well as the impact of the global financial crisis on New South Wales families. It shows that crime rates do not fall by themselves; they are falling because of the fantastic and outstanding work that is being done for us by the police in New South Wales—the best police force in the world—work that can only happen when a government is prepared to put its money where its mouth is.

I am proud that since 1995 this Government has supported New South Wales police with the resources they need to keep criminals off our streets and in our prisons. Instead of threatening to conduct audits of the police force, as others in this House have this financial year, the Government is about investing a record \$2.8 billion in the police budget. That money includes a whopping \$166 million worth of capital funding. We are seeing some fantastic capital works programs right across New South Wales, including the building of a new police station in my home area of Lake Illawarra.

**Mr Michael Daley:** And Windsor.

**Mr MATT BROWN:** We are also seeing it in Windsor, Riverstone, Tweed Heads, Wyong—you name it; new police stations are being built everywhere. The Government has invested \$3 million for prisoner handling upgrades, \$1 million to construct a tactical police training facility and \$2.3 million for the design and the start of construction work on three new police stations at Parkes, Deniliquin and Walgett, as well as extensive refurbishments at Tenterfield. In just this term of government we have embarked on a program to build or substantially upgrade 37 police stations in communities across the State. That includes a refurbishment that was completed in my electorate of Kiama in May 2008. Ten of these brand-new police stations have already been delivered, with 20 more on the way and seven more due to be refurbished.

In this financial year alone the Government will be funding major works on 20 police stations. We are also seeing the rollout of more than 30 mobile police commander vehicles to target crime whenever and wherever it happens. This initiative is welcomed right across New South Wales, including in my area of the Shoalhaven, which will receive a brand-new, state-of-the-art mobile police command valued at \$150,000. That mobile command will be used to conduct targeted, high-visibility operations within the community and will be a constant, visible deterrent to any would-be criminals.

The Lake Illawarra Local Area Command and the Shoalhaven Local Area Command now have trail bikes so our police can pursue crooks no matter where they are going, particularly if they are escaping through the bush or scrub. In the Shoalhaven Local Area Command 15 out of 17 major crime categories are falling. The authorised strength has increased over the years to 133, and recently three new officers joined the area command. I welcome them to that command; it is a fantastic command. I enjoy working with the police in the Shoalhaven. I congratulate Mark Ross, Belle Withers and Tanya O'Connell. I know they will enjoy a rewarding career servicing the Shoalhaven area. In the Lake Illawarra Local Area Command crime rates have fallen or remain stable in all 17 major categories and, again, our authorised strength has increased significantly since the Liberal Party was in power.

We have a record authorised strength across our State. We have record numbers in our local police stations—actual numbers are above the authorised strength, new police joined our area commands recently and we know that there are more on the way later this year. Together with our extra resources and powers that means that the police can continue doing their wonderful work.

**Mrs SHELLEY HANCOCK (South Coast) [3.28 p.m.]:** I completely understand the desperate need for the member for Kiama to find a reason to justify a motion that congratulates his Government. Given the scandals over the last days, weeks, months and years, he has to move a motion congratulating the Government. However, I am a bit disappointed that right from the start the member for Kiama did not congratulate the men and women of the NSW Police Force. The police are the ones who are out there fighting crime and in many cases bringing down those crime statistics. The member for Kiama should have

congratulated them first and foremost instead of the New South Wales Government. However, I understand his desperate need to do so. Given that I am disappointed in the wording of this motion, I am compelled to move an amendment. I move:

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

this House calls on the Government to appropriately resource the NSW Police Force, audit police resources throughout New South Wales, and ensure that rural and regional local area commands are fairly resourced.

Unfortunately, the motion moved by the member for Kiama and his contribution demonstrate a remarkable and breathtaking lack of understanding of the challenges faced by the men and women of the NSW Police Force on a daily basis. Those challenges were reflected in a newspaper article to which the member alluded in an earlier debate. The article referred to the fact that New South Wales Police Association representatives are concerned about the lack of resources in the Shoalhaven Local Area Command. They spoke about the urgent need to increase the authorised and/or actual strength of the command. In fact, they meet with me regularly to discuss this issue. They have also raised the urgent need to increase the number of detectives. The member for Kiama thinks he understands the Shoalhaven Local Area Command. He should note that police officers in that area have been on the verge of industrial action many times over the past two years because of the difficulties and challenges they face.

I understand that the member for Kiama does not visit the Shoalhaven very often. If he did, he would be aware of the need for a new police station in the Sanctuary Point area. I have asked various Ministers for Police, including the member for Kiama when he held that portfolio—although I acknowledge that it was only for a few days—but not one has accepted my invitation to talk to local communities about their concerns. Only the shadow Minister for Police came to a public meeting that was attended by 300 local people. We have real concerns in the central Shoalhaven area about the impact that the tyranny of distance has on the ability of the police to deliver services.

We have a large police station in Nowra, but there are many outlying towns and villages. It is therefore difficult for police to respond immediately to an urgent call for help. It sometimes involves an hour's drive to respond to a call for assistance. We must address the needs of rural and regional areas. It is inappropriate to apply an authorised strength formula that reflects crime statistics in the local area command. Consideration must be given to the local geography and the distances that must be covered. Rural and regional areas should be treated fairly and they should be given appropriate resources.

The member for Kiama made reference to the refurbishment of the Kiama police station. However, constituents at public meetings in his electorate have called for the establishment of a police station manned around the clock. He has not been able to address that issue or to relay those concerns to the various Ministers for Police over the past few years. The mayor of Kiama and others have also raised concerns about the lack of police officers in Gerringong and the closure of the Bomaderry police station. The member for Kiama talks about record crime statistics, but there are real problems in his electorate and serious problems in my electorate.

I remind the member of the strength of the New South Wales Police Force: in June 2010, there were 15,633 police officers and in July, just one month later, there were 15,502, which is a reduction of 131. There is natural attrition, but there is also a morale problem in the Police Force that the member for Kiama is completely ignoring. That has developed because officers are getting no support from this Government. Despite that, the member for Kiama, in his desperate need to congratulate the Government for anything and to divert attention from the scandals of the past few days, weeks, months and years, has failed miserably to recognise the problems in his electorate and the Shoalhaven Local Area Command—which, of course, covers part of my electorate.

The member referred to trail bikes. For six years I have been lobbying for the Shoalhaven Local Area Command to be provided with trail bikes so that officers can patrol the extensive local bushland areas in which trail bike riders are causing havoc, and have been for a long time. The command has been given two second-hand trail bikes, which were taken from another local area command. I understand that that command is concerned about the pilfering of its resources. While the Government is swapping and changing resources around the State, communities are becoming increasingly concerned about the incidence of crime.

Crime statistics have declined in many instances, but the Shoalhaven Local Area Command is confronting a serious increase in the incidence of domestic violence. What has the member for Kiama had to say about that? Not a great deal. He is simply trying to take credit for what police officers in New South Wales are doing on a daily basis. They are doing their very best without this Government's support. They work in

incredibly difficult circumstances. They are the thin blue line and they confront threatening situations when we are all tucked up safely in our beds. The member for Kiama should not try to take credit for what other people are doing in this State.

**Mr RICHARD AMERY** (Mount Druitt) [3.35 p.m.]: I support the motion moved by the member for Kiama. This is a most appropriate motion because it refers to police resources, effort and work. Our police officers should be congratulated, as should the Government and the Minister for Police. They should be recognised for the work that the Labor Government has done for the New South Wales Police Force. There has been much interesting debate about the history of the Police Force and its relationship with governments in this State for many years. The rhetoric is that the conservative parties—the Liberal Party and The Nationals—are pro-police and that Labor governments are anti-police. Of course, the fact, as opposed to rhetoric, is that Labor governments support the police and take action while the Coalition governments say they support the police but do nothing. That has been the history of the relationship of New South Wales Liberal governments with the Police Force.

I remember when the Police Force was seen as a pro-conservative organisation. In days gone by, if officers left the force early they were paid no interest on their superannuation contributions. Who corrected that injustice? Of course, it was a Labor Government. Police officers lamented for decades about the time involved in dealing with domestic violence disputes. They would attend a "domestic" and because of the legislation in force at the time unless the victim—invariably it was a woman—was prepared to press charges no action could be taken. Who responded to the call to amend the legislation so that police could take action irrespective of the evidence provided by the victim? Of course, it was a Labor Government.

I congratulate the police officers in my electorate, who are led by Area Commander Wayne Cox. He operates one of the busiest police stations in the State when one takes into account the charge rate. He is doing an excellent job, as are the officers of the Mount Druitt police station. The member for Kiama provided details indicating that the crime statistics are either stable or falling in 16 of the 17 major crime categories. That is an important achievement and it should be recognised. The member for South Coast spent some time talking about troublesome trail bike riders. They are annoying and they are also a problem in my electorate. I have called on the council and the police to deal with them on many occasions. However, we are having a serious debate about police resources and declining crime rates. Surely the information provided by the member for Kiama about break and enter a dwelling, stealing with a weapon, robbery and so on is a tad more important than annoying trail bike riders. They seem to be a major issue for the member.

Interestingly, the views of the member for South Coast are not supported by her Coalition colleagues. I acknowledge that the member for Tweed Heads is always 100 per cent for the Tweed. He recently joined the Tweed Heads Police Association in welcoming four new police graduates to the Tweed-Byron Local Area Command. The member for Tweed said:

The four new probationary constables will make a real and positive difference to the law-and-order situation on the Tweed, and I look forward to welcoming them to what must be the best posting in New South Wales.

The member for Clarence made a similar comment in welcoming new police to his area. When this Government came to office in 1995 we set about a program of rebuilding Police Force numbers. In that time we have increased police numbers in New South Wales by over 20 per cent—over a fifth—a record number of 15,556. I heard the Minister say the other day that the NSW Police Force is now the third or the fourth largest police force in the English-speaking world. The rhetoric from the Liberals is that they are pro-police but they do nothing. Their rhetoric is that Labor Governments are not pro-police but the crime results and the growth in police numbers show that Labor governments do something. I congratulate the Minister and the Government on this great achievement, as well as my area commander, Wayne Cox, and the local police who do a great job in bringing down crime.

**Mr RAY WILLIAMS** (Hawkesbury) [3.40 p.m.]: It is extremely embarrassing for the New South Wales Government to pat itself on the back for putting record funding into the Police Force across New South Wales. If the Minister for Police, who is at the table, were to take the time to travel around the Hawkesbury Local Area Command, the Hills Local Area Command or even the Hornsby Local Area Command—three commands that service my electorate of Hawkesbury—I am sure he would not find one police officer who feels that the Police Force is receiving record funding. The facts speak for themselves. In June and July this year a record number of more than 100 police officers left the force.

My electorate of Hawkesbury is 3,000 square kilometres in size. That area is serviced by the Hawkesbury Local Area Command. Police will tell you that sometimes only two police are on duty to service the entire area. Fortunately the area has benefited from a new police station—not before time; it should have been built 15 years ago—and it has what is known as a custody suite. In layman's terms, a custody suite is a lock-up. It is where dangerous criminals are locked up. When that police station was opened we received a leaked document from the police in that area. I will not name names. You know that local police are discontented when they go to the Opposition and say: We have a new police station, but we are about 15 officers short of what we need to effectively operate the police station.

That is why it is embarrassing for the Government to state this afternoon that it is putting record resources into policing. As the leaked document given to the Opposition states, at any one time about six police are required to man the custody suite. If specific police are not available to man the custody suite when criminals who are waiting to attend Windsor courthouse or have been captured throughout the evening are in the suite, they are drawn from local police, which draws from the resources of the local area command. Criminals are sent to the custody suite on a weekly basis to attend court. If there is a drain on local police because they are being used to make up the numbers to man the custody suite then police are unable to fulfil their role of servicing the area. Over the past couple of months Shannon Tonkin, a very good journalist, has had six front-page stories in the *Hawkesbury Gazette* showing that antisocial behaviour, malicious damage and assault had risen drastically in that time in that area. According to this report, a lack of police to service the area and keep crime rates low was the reason for that rise, pure and simple.

Another thing that demonstrates a lack of resources is the installation of speed cameras. Speed cameras across New South Wales are doing the job of police. Nothing substitutes for having police on the street. Because these police are ill-equipped and because resources have not been provided, record numbers of experienced police officers have left the force. As our very good shadow Minister for Police, Mike Gallacher, a former policeman, will say, nothing substitutes for experience in any department. Police with 10, 15 and 20 years experience are leaving the force because they are disgruntled and they are upset that they are not getting resources. However, young police are coming through. While we welcome any addition to police numbers, the sad fact is that we are losing experienced police officers.

Another sad thing is that ministries are going round and round like a revolving door. One does not know who the police Minister is at any time—there has been a variety over the past couple of years. Even if you have Ministers' numbers on speed dial you cannot keep up with who has what portfolio, so you cannot make representations to them. The only time you can make representations to Ministers in New South Wales is if you are at Government House when they are being sworn in by the Governor.

**Mr MATT BROWN** (Kiama) [3.45 p.m.], in reply: I thank the members who have made a contribution to this debate. However, I am saddened that the Opposition is trying to politicise the debate and continually criticised the work of the commissioner and the police. I found Opposition members' contributions nothing short of offensive. I find the amendment offensive to the professional police officers in the State. The Opposition thinks it can run the Police Force better than the professional police running the Police Force at the moment. The Opposition amendment shows that. That is why we will reject the amendment, which talks about auditing police resources. How offensive is that? Are members opposite suggesting for one minute that the commissioner and his staff do not know where police officers are in this State, that they do not know where certain vehicles are?

**Mr Michael Daley:** Don't know where the stations are?

**Mr MATT BROWN:** That they do not know where the stations are? We have one of the most professional police forces in the world, but the Liberal Party and The Nationals want to dump on them from the highest of heights, saying, "Tell us all the information about what you are doing out there and we will run the Police Force instead of you." I find that highly offensive to the police in this State. Members opposite are saying that the commissioner and his staff cannot resource country and regional areas appropriately. When we see record figures of crime coming down in all categories across the State—

**Mrs Shelley Hancock:** That is not true.

**Mr MATT BROWN:** The member for South Coast says that the independent research that says the major categories are reduced is wrong as well. Not only are members opposite criticising the Police Force, they

are also criticising independent research. The commissioner and our professional police officers would not be able to get those fantastic results across New South Wales if they were not well resourced. I take my hat off to the wonderful work our police officers are doing to actually reduce crime rates. The member for South Coast has referred to police numbers. Since Labor came to office it has increased police numbers by 20 per cent, as the member for Mount Druitt stated, yet the population in New South Wales has increased by only 6.4 per cent. The member for South Coast criticises police numbers. The attrition rate in the New South Wales Police Force is half that of the general public service. The member for South Coast and other Opposition members have been propagating fear in the community by their irresponsible comments. The member for Hawkesbury has suggested that the Minister should go out and meet the local area command. The Minister has been there twice already.

**Mr Michael Daley:** When the station was opened he wasn't there.

**Mr MATT BROWN:** I do not know where the member for Hawkesbury was. He was obviously not in his electorate because when his local station was opened he was not even there. He did not turn up to one of the most significant events for any local member.

**Mr Michael Daley:** It was an \$11 million station.

**Mr MATT BROWN:** It was an \$11 million station and he was not even there. He said the station should have been built 15 years ago. The Opposition was in government then, so the Opposition should have built it.

**Mr Ray Williams:** Point of order: The electorate of Hawkesbury does not have a police station; it does not have a local area command. The local area command is actually in the electorate of Riverstone.

**The DEPUTY-SPEAKER:** Order! That is not a point of order. The member will resume his seat.

**Mr MATT BROWN:** The member for Hawkesbury does not even know the standing orders of this Chamber. Our police are doing wonderful work. They are doing wonderful work in the electorate of Kiama, served by the Shoalhaven and Lake Illawarra local area commands. They are doing amazing work right across New South Wales. We are giving them the resources they need to do that wonderful work. The police will not trust the Liberal Party one bit. That is why I encourage the House to support my motion.

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

**The House divided.**

**Ayes, 46**

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

**Noes, 41**

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

**Pair**

Mr Greene

Mr Stoner

**Question resolved in the affirmative.****Amendment negatived.****Question—That the motion be agreed to—put.****The House divided.****Ayes, 46**

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

**Noes, 41**

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

**Pair**

Mr Greene

Mr Stoner

**Question resolved in the affirmative.****Motion agreed to.****ADOPTION AMENDMENT (SAME SEX COUPLES) BILL 2010 (No. 2)****Consideration in detail requested by Mr Frank Sartor.****Consideration in Detail****The DEPUTY-SPEAKER:** By leave, I propose the bill in groups of clauses and schedules.**Clauses 1 and 2 agreed to.****Schedule 1 agreed to.****Mr FRANK SARTOR** (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [4.05 p.m.]: I move:

No. 1 Page 5, Schedule 2.1 (proposed amendment of Anti-Discrimination Act 1977), lines 3-11. Omit all words on those lines. Insert instead:

**Section 59A**

Insert after section 59:

**59A Adoption services**

- (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.

**Note** Section 8 (1) (a) of the Adoption Act 2000 requires decision makers to follow the principle that, in making a decision about the adoption of a child, the best interests of the child, both in childhood and in later life, must be the paramount consideration.

- (2) Subsection (1) does not apply to discrimination against any child who is or may be adopted.

I will not repeat what I said in the agreement in principle debate; I will simply summarise my comments briefly. In my view the Adoption Act is a wholesome Act that covers the relevant issues concerning adoption. The amendment removes the Anti-Discrimination Act from the adoption process, except with regard to the rights of children. If the amendment is carried, the Anti-Discrimination Act will continue to apply in respect of children.

The intention of this amendment is to provide a measure of recognition that our community has many diverse values, and we should respect this diversity. During this debate members have engaged in much soul-searching and have expressed their concerns as they wrestle with their consciences, the views of their constituencies, and what is in the best interests of children—which, fundamentally, is what the bill is about. I acknowledge that tension, that difficulty and that conflict. It is not an easy issue for anyone. The debate has been fantastic: members have been mature in the way they have analysed the issue.

The amendment seeks to ensure more regard for the diverse values in our community by, first, providing more flexibility for adoption service providers and, secondly, allowing the views of biological parents to receive greater weight. I acknowledge that these matters are considered under the Adoption Act at present, but in my view the processes that must be adhered to under the Anti-Discrimination Act constrain the ability for the authorities to meet the wishes of biological parents where those wishes are relevant and appropriate. Earlier today the House voted in principle to remove a statutory restriction in relation to same-sex couples. I supported that vote in principle. Given that we have done that, it seems to me that we should give the community more say in being able to find its own processes and to judge what weight it puts on various values. That is the reason for my moving the amendment.

The amendment I have moved is similar to an amendment that was carried in Western Australia some years ago and has been in operation since. No evidence has been provided to me that the Western Australian experience has led to a major problem. That State has excluded the entire Anti-Discrimination Act. I propose to exclude the entire Anti-Discrimination Act, except in relation to the rights of children, because I do not believe a child should be discriminated against in terms of adoption services. All children should be able to have access to adoption services.

I draw to the attention of the House that today I met with representatives from Anglicare who came to see me and wanted to discuss my amendment. The Anglicare representatives left the meeting quite content that the amendment achieves everything they need. I subsequently received an email from Jude Hennessy of the Office of the Catholic Bishop of Wollongong, which reads as follows:

The Catholic Church remains opposed to the Bill. We insist that this is an issue about the rights of Children and what provides the best outcomes for them, not of prospective adoptive parents. Notwithstanding our opposition to the Bill the Catholic Diocese of Wollongong is happy to endorse the amendments [proposed] by Mr Frank Sartor.

I have spoken with head of CatholicCare in Diocese of Wollongong. I have also had a message from Jim Wakert (Head of Anglicare, Sydney). In response to your request for urgent feedback on the proposed amendments I can state the following. In our opinion and from the legal advice received by Anglicare, the Amendments proposed by Frank Sartor are most welcome by faith based agencies.

Without them, the ongoing involvement of Agencies in the provision of Adoption Services becomes questionable due to the distinct possibility of Litigation, as has been the case in the UK. From our perspective these amendments provide greater certainty, thus enabling Faith Based agencies to continue to provide this service.

I reiterate that this amendment both supports the exclusion already in the bill and provides even more flexibility. That should allay the concerns of some. I commend the amendment to the House. I acknowledge that for some it is slightly uncharted territory but it has been done in Western Australia. I urge members not only to support this amendment but also to support the bill when it is finally voted on.

**Ms CLOVER MOORE** (Sydney) [4.09 p.m.]: The amendment aims to prevent the Anti-Discrimination Act from affecting the decision of birth parents giving their children up for adoption who may request that their child not be raised by same-sex couples, or make any request about the raising of their children that could be considered discriminatory. I do not believe this is necessary because relinquishing parents are not providing a service and therefore the Anti-Discrimination Act does not apply to them. That is why birth parents already have a say on who their child is given up to, including issues such as marital status, whether or not the mother is a stay-at-home mother, religion and sexuality.

I note that gay men and lesbians can already adopt as individuals. I am also concerned that it could allow discrimination by adoption agencies in ways that this Parliament does not intend. But the amendment will not change provisions in my bill that will allow children with same-sex parents to have legal protection and recognition of their relationship with both their parents. As we have all said in this debate, it is about the rights of children. It is vital that same-sex couples be eligible to adopt as a couple. I understand that the support for my bill by some members relies on this amendment and I will not oppose it.

**Ms KRISTINA KENEALLY** (Heffron—Premier, and Minister for Redfern Waterloo) [4.10 p.m.]: I support an exemption for faith-based organisations from the provisions in the Anti-Discrimination Act regarding adoption services. I still support this because it represents the important contribution these organisations make to our community, and the belief that underpins their great work. This amendment does not remove this exemption for faith-based organisations. I understand that there are some concerns about unintended consequences that might arise from this amendment, and I am concerned about that. However, it is my view that the Parliament can deal with any unintended consequences arising from this amendment in the future and that it would be very unfortunate if the bill failed due to the amendment not being supported. I want to see the Adoption Amendment (Same Sex Couples) 2010 (No. 2) pass this House, and for that reason I support this amendment.

**Ms LINDA BURNEY** (Canterbury—Minister for the State Plan, and Minister for Community Services) [4.11 p.m.]: The main objective, as most of us agree, is the overriding principle of advocating the best interests of the children involved, especially those in longstanding families with same-sex parents. The amendment preserves this main objective. I am calling on members to keep their focus on the needs of the rights of the children. I support the amendment.

**Mr GREG SMITH** (Epping) [4.11 p.m.]: The amendment does improve the position of relinquishing parents, such as a single woman who has a child out of wedlock and hands the child over to the department. As I understand the Act, there is currently no right in that person to have her choice accepted. She can make the comment but ultimately it is up to the decision-maker who provides the service, the department or the adoption provider. I will be opposing the last reading of the bill but I support the amendment.

**Mr DARYL MAGUIRE** (Wagga Wagga) [4.12 p.m.]: During my original address I said I would be supporting the amendment. I believe this amendment further strengthens the bill. It does everything I envisaged it would. The member for Rockdale has brought to this place an amendment that will deliver benefit. I note that correspondence has been received. I urge all members to support the amendment, which further strengthens the bill. Thank you for allowing me the time to make these brief comments.

**Mr RICHARD AMERY** (Mount Druitt) [4.12 p.m.]: I make a comment in relation to those members opposing the bill. I am quite happy to support the amendment being included in the bill but the amended bill does not address the issue and should be defeated. The bill should not pass this House and become law. To avoid confusion for the people who may be listening to this debate, I agree that the amendment tabled before the House should be included in the bill. The amended bill will then be put to a vote. I will then be voting against the amended bill at the conclusion of the consideration in detail discussion.

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

**Amendment agreed to.**

**Schedule as amended agreed to.**

**Consideration in detail concluded.**

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

**Ms CLOVER MOORE** (Sydney) [4.14 p.m.]: I move:

That this bill be now passed.

**Question put.**

**The House divided.**

#### **Ayes, 45**

Mr Ashton	Ms Gadiel	Mr O'Farrell
Mr Ayres	Ms Goward	Mr Pearce
Ms Beamer	Mrs Hancock	Mr Piccoli
Ms Berejikian	Mr Hazzard	Mr Piper
Mr Besseling	Mr Hickey	Mr Rees
Mr Borger	Mrs Hopwood	Mr Sartor
Ms Burney	Ms Hornery	Mrs Skinner
Mr Campbell	Ms Keneally	Ms Tebbutt
Mr Coombs	Mr Koperberg	Mr Terenzini
Mr Corrigan	Mr Lynch	Mr R. W. Turner
Mr Daley	Dr McDonald	Mr Whan
Mr Debnam	Ms McKay	
Mr Dominello	Mr McLeay	
Mrs Fardell	Ms Megarrity	<i>Tellers,</i>
Ms Firth	Ms Moore	Mr Maguire
Mr Furolo	Mr Morris	Mr Martin

**Noes, 43**

Ms Andrews	Ms Hodgkinson	Mr Shearan
Mr Aplin	Mr Humphries	Mr Smith
Mr Baird	Ms Judge	Mr Souris
Mr Baumann	Mr Kerr	Mr Stewart
Ms Burton	Mr Khoshaba	Mr Stokes
Mr Cansdell	Mr Lalich	Mr Stoner
Mr Collier	Mr McBride	Mr Tripodi
Mr Constance	Ms McMahan	Mr J. H. Turner
Mr Costa	Mr Merton	Mr West
Ms D'Amore	Mr O'Dea	Mr J. D. Williams
Mr Fraser	Mr Page	Mr R. C. Williams
Mr Gibson	Mrs Perry	
Mr Harris	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr Amery
Ms Hay	Mr Roberts	Mr George

**Question resolved in the affirmative.**

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

**BUSINESS OF THE HOUSE****Order of Business**

**The SPEAKER:** Pursuant to an announcement from the Chair earlier this morning, private members' statements were to be taken after the conclusion of the debate on the Adoption Amendment (Same Sex Couple) Bill 2010 (No. 2). However, there is time remaining for General Business Orders of the Day (for Bills) in the usual routine of business. With the concurrence of the House, we will now proceed to private members' bills.

**CHARTER OF BUDGET HONESTY AMENDMENT (INDEPENDENT ELECTION COSTINGS) BILL 2010****Agreement in Principle**

**Debate adjourned on motion by Dr Andrew McDonald and set down as an order of the day for a future day.**

**OMBUDSMAN AMENDMENT (REMOVAL OF LEGAL PROFESSIONAL PRIVILEGE) BILL 2010****Agreement in Principle**

**Debate resumed from 24 June 2010.**

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [4.28 p.m.]: I am pleased to speak in support of the Ombudsman Amendment (Removal of Legal Professional Privilege) Bill 2010. The Government is committed to ensuring that agencies with the mandate of upholding integrity in government, such as the Independent Commission Against Corruption and the Ombudsman, have all the powers they need to properly fulfil their functions. The Government, therefore, supports the Ombudsman's request to be given the power to obtain legally privileged material from government agencies. I am advised that the Independent Commission Against Corruption and the Police Integrity Commission already have this power.

I understand that the Government has previously consulted extensively with the Ombudsman in relation to his request. Any abridgement of legal professional privilege, of course, should not be taken lightly. Legal privilege is a fundamental protection that serves the public interest in the proper administration of justice. The High Court of Australia has long held that the protection should apply to government agencies in the same way as it applies to anyone in our community. It is particularly important that government agencies are on an equal footing whenever they may be engaged in litigation with third parties.

Like all litigants, government agencies need to be able to obtain confidential legal advice without the risk that that advice will be disclosed to the other side. However, the Government also recognises that, in appropriate cases, the Ombudsman may need to obtain access to information over which government agencies claim legal privilege in order to fully investigate allegations of potential misconduct or maladministration. These reasons have been clearly spelt out by the Ombudsman himself as well as by the parliamentary Committee on the Ombudsman and the Police Integrity Commission. I note that ombudsmen in other States and the Commonwealth have been given a similar power to obtain privileged material from government agencies.

It is important to note that the disclosure of privileged material to the Ombudsman under this bill will not constitute a waiver of that privilege with respect to third parties. That is, a third party will not be able to compel the production of the information in court just because the Ombudsman has seen it. I also note that the bill does not give the Ombudsman a general authorisation to publish privileged material that he obtains from an agency. The Government expects that the Ombudsman will take steps to ensure that privilege is preserved, and will be circumspect before disclosing the substance of any privileged information in any investigation report.

Obviously, any decision by the Ombudsman to disclose an agency's privileged material should not be taken lightly, given the importance of privilege in our legal system. Due regard would also need to be given to the implications that such disclosure could have on the agency and on the broader public interest, particularly with respect to current or possible future third party litigation. The Government is committed to transparency and accountability of its agencies. The Government is pleased to support the bill.

**Mr DONALD PAGE** (Ballina) [4.31 p.m.]: I support the Ombudsman Amendment (Removal of Legal Professional Privilege) Bill 2010 because it will stop government agencies hiding behind legal professional privilege as their reason for not releasing information that ought to be made available to the Ombudsman when he is conducting investigations in the public interest. Whilst the impetus for this bill has come primarily from the Ombudsman's recent report entitled "Removing Nine Words", I point out that I first raised this issue in a speech I made in this Chamber on 23 June 2009—well over a year ago—when addressing the Government Information (Public Access) Bill 2009 and I welcome the fact that the Government has changed its position since that time. On that occasion I said:

The Ombudsman has stated on numerous occasions that government agencies have hidden behind the provisions of clause 10 of schedule 1 of the Freedom of Information Act, to prevent information which it is in the public interest to release from being released. In his review of the Freedom of Information Act 1989 the Ombudsman stated at page 57, under the heading "Busting the Myths", in relation to claims for legal professional privilege:

Legal professional privilege is an important legal principle but it is not an inalienable right. Many of those who have made submissions to this review reacted very strongly to the suggestion that a public interest component be included when an agency is considering refusing access to documents on the grounds of legal professional privilege. They suggested privilege is claimed as a matter of course, seemingly without consideration of its appropriateness. Only one submission recognised that an agency can choose to waive privilege, even where the documents legitimately attract the protection. We have published guidance around some of the situations where it may be appropriate for an agency to waive privilege.

I went on to say:

Rather than taking heed of these comments of the Ombudsman, the Rees Government has brought down its Iron Curtain. In the future, a decision by an agency to refuse to provide access to a document that is subject to legal professional privilege will be unchallengeable. Rees' brave new world of "transparency and integrity of Government in New South Wales" is actually a step backwards in time.

That is why I welcome the fact that the Government has recognised that this is a serious issue and has taken heed of the Ombudsman's recommendations and changed its position. Having pointed out the problems of enabling government agencies to hide behind legal professional privilege, the bill amends sections 21 (3) (b) and 21A (2) of the Ombudsman Act by omitting the words "other than a claim based on legal professional privilege" where it occurs in those sections. The Ombudsman, to his credit, has been on this case for many years. The New South Wales Ombudsman is the only Ombudsman in Australia operating under the current restrictions. He has made repeated approaches to both former Premier Rees and current Premier Keneally to reform the Government's approach to freedom of information, without success. These fob-offs by two Labor Premiers have significantly hindered the Ombudsman's ability to investigate government agencies.

In his most recent report the Ombudsman outlined three case studies where this was the case. One involved getting information from the Roads and Traffic Authority, another involved getting information under freedom of information from the Department of Education's Board of Studies, and the third involved accessing documents about the legal costs of a council. In each case the two agencies and the council claimed legal professional privilege when refusing the Ombudsman's request for relevant information. It is relevant to note

that in New South Wales neither the Independent Commission Against Corruption nor the Police Integrity Commission suffer the same constraints as the Ombudsman does under the Ombudsman Act. Even though the Ombudsman holds royal commission powers of investigation, under the current legislation he is hamstrung by a legal loophole that does not apply to any other Ombudsman in Australia, nor does it apply to the Independent Commission Against Corruption or the Police Integrity Commission. The Independent Commission Against Corruption and the Police Integrity Commission are not prevented from accessing any type of document. I note in the foreword to his report in June this year the Ombudsman says:

Sometimes Government agencies are intent upon preventing us from doing our job, challenging our involvement in matters and where possible preventing us from accessing information. One of the most frequently used tools is a claim of legal professional privilege. These claims are quite often shown to be without foundation, and appear to be primarily aimed at frustrating our investigations.

He goes on to say:

It is clearly in the public interest for my office to be able to access all relevant information we need to conduct full and thorough investigations, drawing on all, not only some, of the facts.

It is important to point out also that currently there are two lawful reasons why an agency can refuse to provide the Ombudsman with information requested. One is that the document is a Cabinet document and the other is the claim of legal professional privilege over the document. This bill does not affect the situation in relation to a document being a Cabinet document. It does, however, remove from the Ombudsman Act the right of government agencies to claim legal professional privilege as a method of not releasing documents requested by the Ombudsman that would otherwise be available to the Ombudsman. I should point out that legal professional privilege is a legal right that should be maintained in most circumstances. However, the Legislation Review Committee states at point 18 on page 11:

However, the Committee notes that legal professional privilege is not an absolute right and there are examples where it would be considered fair and reasonable that legal professional privilege be set aside, the granting to an oversight body the power to obtain information from a public authority to serve the public interest arguably being one such example.

That is exactly what we are doing here today. The review committee observed at point 19:

The Committee is also of the understanding that New South Wales is the only state to retain legal professional privilege in its equivalent Ombudsman legislation and that the New South Wales Joint Parliamentary Committee on the Ombudsman and Police Integrity Commission has backed the removal of privilege rights for public authorities appearing before the Ombudsman.

At point 20 the review committee states:

The Committee notes that rescinding the right to claim legal professional privilege for the purpose of the Ombudsman Act 1974 is unlikely to trespass on individual rights, as the party adversely affected by the rescission will always be a public authority. In these circumstances, the Committee would not ordinarily regard the removal of privilege as an undue trespass on individual rights and liberties.

I also note Justice Michael Kirby's comments in relation to legal professional privilege where he said in the *Osland* case in the High Court in August 2008:

Simply addressing questions or documents to lawyers does not necessarily cloak all of the matters discussed, or all of the documents then produced, with immunity from later production to a court on the basis of legal professional privilege.

He went on to warn:

It would be a mistake to assume that all communications with government lawyers, no matter what their origins, purpose and subject matter, fall within the ambit of the State's legal professional privilege. Advice taken from lawyers on issues of law reform and public policy does not necessarily attract privilege. Especially in the context of the FOI Act, and legal advice to government, courts need to be on their guard against any inclination of lawyers to expand the ambit of legal professional privilege beyond what is necessary and justifiable to fulfil legal purposes.

As the Ombudsman says in his report:

Justice Kirby's warning is an important one. While there is no questioning the importance of the privilege when applied correctly, it should not be used as a device to delay or frustrate attempts to get to the facts of a matter. It is certainly not in the public interest to rely on it to avoid fair, reasonable and appropriate scrutiny by an independent watchdog body.

In summary, for the reasons I have argued, I strongly support this legislation and commend its introduction by the member for Port Macquarie. It will enable the Ombudsman to do his job properly in his investigations of public authorities, it will increase transparency and accountability in our government agencies—which is

definitely in the public interest—and it will end years of frustration for the Ombudsman, whose investigations of government agencies has been hindered by the inappropriate use of professional legal privilege provisions in the Ombudsman's Act.

**Mr PETER BESSELING** (Port Macquarie) [4.41 p.m.], in reply: I do not intend to go back through every detail of why the Ombudsman Amendment (Removal of Legal Professional Privilege) Bill is so important and why it has been supported unanimously by this House. However, I acknowledge the speakers for the Government and the Opposition, the member for Miranda and the member for Ballina, respectively, who contributed to this debate. I thank them for their input and support. This bill is yet another step towards responsible governance in New South Wales, where the ideals of transparency and accountability are more than mere dot points of a vision statement and more than simply ideals to strive for but never really achieve. The more open our systems of government, the more access the general public has to the processes and the more confidence they will show in our truly wonderful democratic way of life.

The Ombudsman, in the role of departmental watchdog, is a vital link in the crusade to ensure the best possible delivery of government service to the community and that that service is free from incompetent or corrupt influences. To deny such an officer in that role the ability to freely investigate issues of concern to State agencies denies our community the systemic rigour and public scrutiny that we so rightly deserve and unwaveringly demand. The basic tenets of our legal system must be protected, including the ability of all individuals to seek the advice of their legal representatives free from fear that such advice and discretionary confessions will be the subject disclosure in any subsequent judicial process.

However, this protection should not extend to New South Wales departmental officers who seek to deny information and frustrate the abilities of the publicly appointed gatekeeper to do his or her job. I applaud the current New South Wales Ombudsman, Bruce Barbour, and his executive project officer, Tom Millet, for their vigour in pursuing this issue in the best interests of the people of New South Wales. I also acknowledge the wonderful efforts and research abilities of Melanie Kallmier from the Port Macquarie electorate office, and the efforts of the New South Wales Parliament's Joint Committee on the Office of the Ombudsman and Police Integrity Commission. 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.**

**ACTING-SPEAKER (Ms Diane Beamer):** It being before 5.30 p.m., the House will now proceed to private members' statements.

#### **PRIVATE MEMBERS' STATEMENTS**

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#### **SHERATON HOUSE**

**Mr DONALD PAGE** (Ballina) [4.45 p.m.]: My electorate of Ballina is one of the fastest growing areas in New South Wales. It is popular with people wanting to retire and families looking for a life outside the hurly-burly of Sydney and other large metropolitan centres. At face value, Ballina, which includes Byron Bay and surrounds, is perfect. It has a great climate, beaches, the hinterland, regular air services and is close to major hospitals—Lismore Base Hospital and St Vincent's Hospital—and a university is half an hour away. However, one need only scratch the surface to see that the Ballina electorate has a number of significant social problems, including high unemployment, a desperate lack of affordable housing and a significant homeless population.

The 2006 Census found that the rate of homelessness on the North Coast between Taree and the Queensland border was extremely high. Of the population of homeless people in New South Wales, 11 per cent

were living on the North Coast—3,138 men, women and children. It is important to note that this figure did not include residents living in caravan parks, which in 2006 were home to 1,912 people. The rate of homelessness on the North Coast was the third highest in New South Wales, behind western New South Wales and western Sydney. Breaking those figures down further, the number of homeless people in Byron Bay and Ballina is significantly higher than in other parts of the region, with 553 people living with friends, in boarding houses, improvised dwellings or assisted accommodation.

I welcome the recent rollout of the 10 Regional Homelessness Action Plans for New South Wales. The North Coast will receive \$9.5 million for a North Coast accommodation project, young people leaving care support services and young people exiting juvenile justice centres. These programs are all worthy and welcome. However, I ask the Government to consider providing funding for Sheraton House, a service in Ballina that provides eight crisis beds and two medium-term beds for homeless men. Sheraton House is open 365 days a year and clients are provided with accommodation, meals, washing facilities and supplies. It was set up by the St Francis Xavier Catholic parish in 2004 when a number of men were found to be sleeping rough around the vicinity of the church. A block of units was purchased and Sheraton House was born.

Sheraton House is funded entirely by donations from the parishioners of that parish, and its staff do a wonderful job working with the clients, who have problems with mental illness, alcohol and/or drug abuse, gambling addictions and intellectual disabilities. A large number of clients are Aboriginal men who have nowhere else to go. It costs approximately \$220,000 to operate the facility each year. That provides an average of 2,500 bed nights a year, caters for 200 to 300 clients, provides 10,000 meals and pays for seven staff. Importantly, this is the only service between Taree and the Queensland border that caters specifically for single, homeless men. There are 32 services across 12 local government areas that are funded under the Supported Accommodation Assistance Program, including emergency shelters, hostels and refuges. Sheraton House is the only service for single men. Single men are the most discriminated against people in society, making up 54 per cent of clients in the North Coast area.

As the only service catering specifically for single, homeless men, Sheraton House was hoping to receive some funding as part of the 10 Regional Homelessness Action Plans, but it has not been forthcoming. For the past six years the service has been set up and funded by donations, accompanied by a small contribution from Aboriginal Hostels Limited. For Sheraton House to continue its work into the future, it needs financial assistance from the New South Wales Government. The staff at Sheraton House do an amazing job with the few resources they have. In addition to looking after clients, they also help them to access other services, including mental health, drug and alcohol rehabilitation, gambling counselling, and hospital and medical services. They also help clients to obtain permanent accommodation and to establish them with furniture, bedding, kitchen supplies and groceries. A follow-up and support service is also provided to clients of Sheraton House.

I ask the New South Wales Premier, Kristina Keneally, to find some funding to enable this vital service to continue in Ballina. As I said, it is the only service of its type between Taree and the Queensland border catering for homeless, single men—some of the most vulnerable members of our society. Sheraton House has requested funding assistance from the New South Wales Labor Government on several occasions, but requests have been denied. The response from the Minister for Community Service states:

Departmental regional staff continue to work closely with organisations to ensure services are provided to respond to the issue of homelessness in Ballina and that the required accommodation and support options are available.

This is code for doing nothing and it is not acceptable. I reiterate that Sheraton House is the only facility of its kind in the region. The staff and clients of Sheraton House, the parishioners of Ballina and I would welcome some recognition by the New South Wales Government of the work it does with homeless men. We would also welcome appropriate funding.

### FERNLEIGH TRACK

**Mr MATTHEW MORRIS** (Charlestown—Parliamentary Secretary) [4.50 p.m.]: I draw to the attention of the House the status of Fernleigh Track. I have mentioned the track in this place on previous occasions. The popularity of the project across the Hunter never ceases to amaze me. It is a regional asset and resource that provides recreational opportunities for many people in the community. Never has a project of this nature been so strongly supported across the region. That is fantastic.

The track is nearing completion. Work is currently underway on stage four. Stage five, which will see the track connected to the suburb of Belmont, will commence shortly. We are all very eagerly awaiting the

completion of the track by December this year. That date is subject to weather and construction progress, but that is a fantastic target date to be working towards. The track is a little over 15 kilometres long. It commences at Adamstown. It predominately runs through the Charlestown electorate and is now into the electorate of Swansea and, as I mentioned, will connect with the suburb of Belmont.

There have been some engineering issues along the way in regard to the construction of the track and there have been some challenges. They obviously brought about additional cost and it is just a matter of throwing enough money at it in an engineering sense—you can engineer around anything these days. Nevertheless, work is progressing well. I inspected stage four of it last week and talked to some of the contractors on the job. I congratulate all the people who have been involved to this point because the quality of the product is quite amazing. Once we have the last two stages completed and opened the general community will not only use it very well but will also appreciate the quality of the finished product and, in my view, that is just as important as getting the project finished.

The funding arrangements in place for the last two stages are pleasing. Funding for stages one, two and three was met by the State—some funding through the Department of Planning that has the Cycleways program, and other funding straight from the Roads and Traffic Authority. We also had contributions—and healthy contributions, I might say—from both Newcastle and Lake Macquarie city councils. This has been terrific because it has enabled the track to progressively roll out through the construction phase and we have not lost too much time at all between getting one stage completed and commencing the next stage.

What is really good news is that the Federal Government has chipped in on stage four and stage five. I have said to many people that it is about time we saw some healthy funding coming from the Federal Government for these types of public infrastructure projects. That has come about given the change in the Federal Government. On stage five we had some issues around finalising the funding arrangements. I am pleased to share with the House that last week the member for Swansea and I announced the commitment of \$1.5 million from the State to allow the final funding jigsaw, as I call it, to be completed. It will now see that track fully funded. It is just a matter of time, going through the construction process, until we hit Belmont.

The track is unique. It is a former rail corridor. It runs through some quite sensitive environmental settings, and that all adds to the look and the feel of that facility. Certainly that is part of the attraction. The southern end, stage five, will run through the Belmont Wetlands State Park. The creation of that park is another initiative of the New South Wales Government, along with the plan of management and the allocation of \$250,000 to get that plan underway. This project has been very well supported across the community and has now been well supported across the three tiers of government. It is a shining example of what can be achieved when we put politics aside, when we put the variations in the tiers of government aside, and when we work together for the greater public good. This track will be a legacy for many years to come and a model of what we should be aiming for as we further expand our public infrastructure and resources. I congratulate the council, and the State and Federal governments. It is a great project. Well done to the community.

### **SHOWGROUND ROAD, CASTLE HILL**

**Mr MICHAEL RICHARDSON** (Castle Hill) [4.55 p.m.]: The most pressing roads issue in the Castle Hill electorate—indeed, in the whole of The Hills shire—is Showground Road. This road is the major link between Old Northern Road and Windsor Road. It carries more than 45,000 vehicles a day. Yet for 1.2 kilometres of its length it is a two-lane goat track, little changed from the days when Castle Hill was a sleepy farming community on the outskirts of Sydney. Showground Road has an appalling accident record. Statistics I obtained under freedom of information a few years ago indicated it has the highest accident rate of any comparable road in Sydney. Between March 1999 and December 2004 there were 516 crashes, resulting in 233 injuries and three deaths. The crash rate of Showground Road of 169 accidents per million vehicle kilometres travelled is more than three times as high as that for Windsor Road between Garfield Road and Pitt Town Road and twice as high as that for Menai Road, Sutherland.

For the last decade I have been trying to get the Government to widen this stretch of road to four lanes to match the rest of the road and to remove the biggest bottleneck in north-western Sydney. Traffic engineers have put the cost of carrying out this work at as little as \$8 million—small change in a Roads budget of \$4.7 billion and probably giving the most value for money of any road project in Sydney. Yet the Government estimate for upgrading Showground Road is—wait for it—\$70 million. That immediately propels it from the junior league to the big league. The Hills Shire Council has been given a million dollars just to plan the project! Members will be bemused to hear of this massive discrepancy and will quite rightfully be asking: Why is it so? The answer lies, paradoxically, in the Government's desire to get the work done for nothing.

The Queensland Investment Corporation has agreed to contribute towards the cost of upgrading Showground Road as part of the conditions of consent for stage three of the Castle Towers shopping centre, which will be located at the top end of Showground Road. I understand that the Government wants to use Queensland Investment Corporation's money not only to widen the road and to improve the intersections around Kentwell Avenue and Pennant Street, but also to build bus lanes along Showground Road as part of its mooted Blacktown to Castle Hill T-way. Queensland Investment Corporation, quite rightly, believes the T-way is part of the overall public transport infrastructure for north-western Sydney and does not accept that building it is its responsibility. The T-way would cost a lot because it would require some land acquisition, whereas the four-lane road would not.

The question is: Do we really need a T-way to Blacktown? Several years ago I asked my constituents whether they would use it. The answer was an overwhelming no. Existing Busway buses between Castle Hill and Blacktown run empty much of the time. Even allowing for increased patronage as the result of a superior service, patronage on the route would be extremely light. If the Government scrapped the T-way and concentrated on widening that 1.2 kilometres of road between Cheriton Avenue and Carrington Road, the work could be completed within 12 months. The other changes to the top end of the road would be completed during the Castle Towers expansion. There is a potential saving of \$50 million to \$60 million here, money that could go into the North West Rail Link for which we have been waiting for 12 years. Three years ago a spokesman for then roads Minister Eric Roozendaal told the *Hills Shire Times* that the eastern ring road would relieve traffic congestion on Showground Road. This prompted me to write to the Minister in the following terms:

I am wondering exactly how the Castle Hill Ring Road will relieve traffic congestion on Showground Road when the Eastern Ring Road is a north-south bypass around Castle Hill Town Centre, paralleling Old Northern Road, while Showground Road runs east-west between Old Northern Road and Windsor Road. The bottleneck has nothing whatsoever to do with Old Northern Road or the Eastern Ring Road, as a five-second investigation of the Gregory's would show.

Mr Roozendaal's spokesman went on to say that "further development of Showground Road will be in line with growth". As I wrote at the time:

How much growth does this area need to force your hand?

Showground Road is already operating well beyond capacity—and growth is continuing in the suburbs west of Kellyville. It never ceases to amaze me how a Government that is so short of cash can squander money on projects the local member of Parliament and council do not want. The classic example of this is, of course—and I am pleased to see the member for Balmain present—the defunct CBD metro, on which \$500 million of taxpayers' money was wasted to no benefit to anyone. The member for Balmain might have wanted this white elephant built, but no-one else did. The project has become a symbol of the incompetence of this Government. Agreeing to widen Showground Road to four lanes to alleviate the bottleneck would earn some real brownie points for the Government at a time when, frankly, it needs all the brownie points it can get.

I have spoken to the current Minister for Roads—this week's Minister for Roads—the member for Granville, who has been very forthcoming. He has agreed to a meeting with Hills Shire Council to discuss this issue. I really do commend the idea that we widen Showground Road now, we get bang for our buck and we do not wait for the Queensland Investment Corporation do the job before the Government acts. In the last budget the Government agreed to spend \$500,000 on roads in my electorate. Out of a Roads budget of \$4.7 billion, that \$500,000 is woefully inadequate to do the jobs that are needed. This is the most pressing roads issue in the whole of north-western Sydney and it needs to be fixed now, not in 10 years time.

#### HUNTER TAFE WORLDSKILLS AND STEVEN HORNERY

**ACTING-SPEAKER (Ms Diane Beamer):** I welcome to the gallery Kaye Hornery, Nicole Cook and Phil Carroll, TAFE representative.

**Ms SONIA HORNERY (Wallsend) [5.00 p.m.]:** International, rich and diverse skill based, worldwide training and diplomacy, youth opportunities—these terms describe the TAFE WorldSkills Australia program. Commencing in 1982, Workskills responded to a global need to raise the status and standards of vocational skills and training. The Hunter, in particular, embraced the program and it was at this embryonic stage that Steven Hornery, also known as Buck, head teacher of bricklaying, became a regional committee member of Workskills. Within three years the program developed to such an extent that Australia had captured its first medal in Osaka, Japan, in 1985 and—you guessed it—the medal was in bricklaying.

A testament to his belief in the program was the awarding of a certificate of excellence in the 2009 World Skills Olympics to Justin Laidlaw from Glendale TAFE, which is proudly situated in the Wallsend

electorate. Joel Bryant, Nash Mason, Mitchell Edwards and Ashlee Farrell are all Hunter locals of note, who were winners in the 2008 national competition. At the peak of his involvement with TAFE WorldSkills, Buck was selected to be a judge of the WorldSkills Olympics in 1995. Buck was incredibly proud to tell me that Australia has competed in every international event since it started, such was his pride in the program and our Australian competitors. Not only has WorldSkills broadened to cover 56 competitive categories, the program has also helped to develop Australian craftsmen at a regional base.

Buck always acknowledged and was very grateful for the terrific Hunter volunteer base, which greatly contributed to the program's success through fundraising, assisting in the very important nuts and bolts jobs at competitions and through working bees. WorldSkills and TryATrade were a family affair for the Hornerys. Kaye, Nic and Dan opened their home for meetings and rehearsals. Mum and Jak were number one gofers. My job was to attend local events, lobby State Government for a fair share of funding for WorldSkills and present speeches to Parliament extolling the virtues of our Australian competitors. Shelley was chief organiser, administrator and helped the hyperactive Buck to calm down in the quiet and efficient manner that we all love about Shell.

Buck wanted me to acknowledge how hard his colleagues have toiled. The A Team comprised a group of colleagues who shared Buck's zeal and commitment to make WorldSkills the success it is today. Kay Sharp, Hilton Jones and Dave Arnold deserve special acclamation. Troy Everett, a respected colleague and mate, mentions Buck's high standards as a brickie, and says:

At each level Steve took the trade to a whole new standard of workmanship and professionalism. At international level, all the best brickies in the world held him in very high esteem. At these competitions officials and competitors do absolutely everything they can to get a competitive edge, and often diplomacy goes out the window, but under Steve's tenure there was more unity and fairness than there'd ever been! He was the most popular and revered chief judge the category has had.

TryATrade is a great example of where TAFE teachers have branched out to school students, thus allowing them to experience trades. This particular venture was close to Buck's heart and reflected his keenness for kids to have a nice taste of the craft. Ian Vickery, another good mate and colleague, spoke about Buck's involvement with TryATrade, and stated:

A teacher at a local TryATrade asked who this Steve Hornery was, he'd heard that Buck was the head of TAFE World Skills NSW, and looking around for a man in a suit, he was politely told, Steve's back there in his work clothes setting up work stations, just like he does in every event. He led by example and never asked anyone to do anything he wouldn't.

Buck's hands-on attitude and passion for maintaining and improving craftsmanship for future generations, combined with the support of his colleagues, resulted in Australia becoming ranked fifth in the world. Ultimately, TAFE WorldSkills not only has changed people's lives but also has improved Australia's relationships with Asia by increasing Asia's respect for our skills and professionalism, through the sharing of knowledge, as well as wonderful interaction between teachers and competitors. I am very proud to acknowledge Steven Hornery as my brother, for his enormous contribution to TAFE WorldSkills and to TryATrade, and the lasting legacy that it brings. Thank you.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training) [5.05 p.m.]: As Minister for Education and Training, I am privileged to pay tribute to Steve Hornery. I, too, acknowledge Kaye Hornery, Nicole Cook and Philip Carroll in the gallery. Steve made an enormous contribution to TAFE New South Wales during his career of almost 30 years as a teacher and champion of WorldSkills. Steve began his career in TAFE in 1979 as a part-time casual teacher of bricklaying at Newcastle TAFE. In 1981 he was appointed a full-time permanent teacher of bricklaying at Coffs Harbour TAFE. Steve began his association with WorldSkills in 1983 when one of his apprentices showed an interest in competing. Steve organised his participation and even drove him to Newcastle to compete.

In 1988 Steve was appointed head teacher of bricklaying at Newcastle TAFE and in the same year became the Newcastle College Captain for WorldSkills. Steve's enthusiasm for WorldSkills was contagious. He involved as many of his work colleagues and students as he possibly could. In recognition of his passion, expertise and commitment to WorldSkills, Steve was chosen as one of the seven Australian judges to the 1995 International Youth Skill Olympics in Lyon, France. Steve was appointed as TAFE New South Wales WorldSkills Coordinator in 1996. During his career he mentored generations of WorldSkills competitors and is dearly loved and missed by his colleagues. I place on the record a message from Mark Callaghan, Chief Executive Officer, WorldSkills, Australia, who stated:

Steve was an exceptional, caring, positive and hard working man who had an impact on many people as evidenced by the many messages we have received from around Australia and indeed from around the world [since his passing] ...

He will be sadly missed by all of us who have had the privilege of knowing him and who have been touched by his dedication, energy, enthusiasm and love of life.

I know that Steve will be sadly missed by his loving family. We can see that he will be missed by his loving sister, his TAFE colleagues and the WorldSkills community.

### NORTH SHORE FERRY SERVICES

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [5.07 p.m.]: On 10 October 2010 ferry commuters from Mosman, Cremorne and Neutral Bay in my electorate could be waiting up to twice as long for a ferry under changes proposed by the New South Wales Government. This is outrageous when Sydney Ferries admits patronage is not decreasing. Rather, a precinct meeting that I attended on 18 August was told the reason was increased demand elsewhere and is a further demonstration of the Government's inability to manage its resources. This is not the first time services have been cut; ferry services have been declining for many years.

Indeed, I have raised concerns about the reduction in ferry services, including closure of the school run to Rose Bay, the abandonment of night and weekend services, axing of bus routes such as the Musgrave Street Wharf route, and last-minute changes. One typical example is the morning Taronga Zoo ferry, which frequently does not arrive. The Government frequently mouths platitudes about trying to get cars off the road and providing more public transport options, yet it has cut 89 ferry services a week in my electorate—15 in Mosman and 74 in Neutral Bay. Despite the 2,500 submissions the public has sent to the Government, it has not engaged in consultation, apart from sending a couple of hapless bureaucrats to meet with very angry constituents when they have demanded their presence. I refer to two meetings held with the mayor of Mosman and the mayor of North Sydney. My constituents are as one in protest at these changes.

I refer to an article that appeared in the electronic version of the *Sydney Morning Herald* on 31 August under the heading "No Minister, don't ferry services—let us run them, say private firms". Private ferry operators are saying they would be very happy to be invited to participate in providing these services. What they have done with the Manly run is what they would like to do with the ferry services in my electorate. When I wrote to my constituents about this matter I referred to a press statement issued by the New South Wales Liberal-Nationals on 24 March this year. In that statement we spoke about Sydney's ferries being not just an efficient form of transport; they are iconic, they are part of our history, they provide a very important means of transport, and they also provide a means of social access for people in my electorate. Indeed, the residents of some parts of my electorate are absolutely cut off socially without them.

The Coalition has said that in government it will look to involve business in the leasing, maintenance and operation of the Sydney ferry fleet. Our goal will be about restoring and increasing ferry services, rather than cutting them back. This model in delivering ferry services is consistent with that undertaken successfully in Brisbane. The potential for government to enhance quality and affordability of ferry services by working with the private sector has been demonstrated through the success of the privately run Manly fast ferry.

New South Wales Labor axed the JetCat services to Manly in November 2008. The Government said the JetCat services were unviable and inefficient. However, after a lot of pressure the JetCat services were reinstated, with a private operator delivering the services. Since then commuters have been enjoying better customer service, more environmentally friendly vessels and significantly improved reliability. I conclude my contribution with a quote from one of the private sector operators who would be interested in running these services. He said:

You'd put different boats on it, it wouldn't be a fast service [like in Manly]. It'd be a 12-knot boat, but we do have other boats that could be put on to do it.

Sydney Fast Ferries, the company chosen to take over from the axed Manly JetCat in December, also says it would "absolutely" look at taking over the Mosman and Neutral Bay routes if the government put them out to tender.

It strikes me that this is a government that talks the talk but does not deliver on what it says.

### WOY WOY HARDYS BAY ETTALONG RSL SUB-BRANCH

**Ms MARIE ANDREWS** (Gosford) [5.12 p.m.]: June 2010 marked the sixtieth anniversary of the beginning of the Korean War. I place on record my tribute to all those Australians who participated in that almost forgotten war. In remembering this sombre occasion I speak about the Woy Woy Hardys Bay Ettalong RSL Sub-branch and the wonderful work its members do within the community. In particular I will focus on the dedication of the current secretary of the sub-branch, Jack Carney.

The Returned and Services League of Australia [RSL] has a proud history in Australia. It is one of Australia's oldest and most respected national organisations. Founded in 1916 in the midst of World War I, the

RSL supports serving and ex-service members of the Australian Defence Force and their families. The Woy Woy Hardys Bay Ettalong RSL Sub-branch has a long and proud history on the Woy Woy peninsula on the Central Coast. The sub-branch was established in 1927 and currently has approximately 350 members. Unfortunately, over time many members have passed away so numbers have decreased.

I acknowledge past and present executive members of the sub-branch, including past presidents Bill Hall and Percy Lee, who are now deceased; John Ward and current president, Bevan Router; current vice-president, Merv Heath; current treasurer, Ian Corbett; and current secretary, Jack Carney. The sub-branch is responsible for the successful Anzac Day Service and march on the Woy Woy peninsula each year. A dawn service is held at Woy Woy Memorial Park from 5.30 a.m., followed by a special breakfast at the Ettalong Beach War Memorial Club. The success of the Anzac Day march on the Woy Woy peninsula would not be possible without the hard work of the executive of the sub-branch. I might add that approximately 800 people attend those marches each year.

In 2001 there were concerns that the march would not go ahead due to the occupational health and safety requirements. I was approached by members of the sub-branch and, with the co-operation of the then Commander of the Brisbane Water Local Area Command, three police officers were made available as well as seven traffic controllers from the State Emergency Service to ensure that the march could go ahead. This is an example of the tenacity of the local sub-branch in making things happen.

Another example of the sub-branch members' hard work was in 2004 when the sub-branch moved to build a new memorial wall at the Memorial Park at Woy Woy to complement the existing wall. The memorial at Woy Woy is surrounded by an Australian flag garden and a wall with around 1,300 plaques commemorating the peninsula's war dead from all conflicts since World War I. The sub-branch saw the need for a new wall when the number of places left for future plaques dropped to four, whilst the demand for places was standing at around 30 per year. The sub-branch set out to raise the \$17,000 needed to build the wall and petitioned Gosford City Council, which maintains the park, for \$5,000 towards the project. Unfortunately, Gosford City Council maintained that it did not have enough funds to contribute to the cost of the wall. The sub-branch set to work fundraising, and I am pleased to say that the State Government, under the then Premier, Bob Carr, contributed \$6,500 towards the wall, with the Federal Government contributing as well. It was the hard work of the sub-branch members and the public campaign of the secretary Jack Carney that eventually led to Gosford City Council capitulating and subsequently contributing the \$5,000 initially asked for.

Jack Carney, the current sub-branch secretary, joined the Royal Australian Army in 1942, serving in New Guinea-New Ireland. He was discharged in 1946 with the rank of gunner. Jack has been a member of the RSL for many years and has held numerous executive positions. He is a league life member and has received the RSL Meritorious Award. Jack has been a valuable member of the RSL, looking after the welfare of fellow members and their families, and giving his time freely for the local community. Jack has also been a volunteer with Woy Woy Community Aged Care for more than 15 years.

This year it was my pleasure to present Jack Carney with a Community Service Award for his years of dedication to the welfare of RSL members and their families at my annual Seniors Week Concert held during Seniors Week in March. In more recent years the sub-branch, with assistance from the State branch of the RSL, established a day centre on the Woy Woy peninsula. The centre is well patronised by a number of senior citizens on the peninsula. In concluding I pay tribute to all the current and past executive officers of the Woy Woy Hardys Bay Ettalong RSL Sub-branch. I wish them well for the future.

### **SHOALHAVEN POLICING**

**Mrs SHELLEY HANCOCK** (South Coast) [5.17 p.m.]: This is not the first time I have raised police resources within the Shoalhaven Local Area Command. It is important to note that many of the resources issues I raise today are commonplace in local area commands across rural and regional New South Wales where distances between towns and villages exacerbate the problems of police resourcing in country areas. As we are all aware, local area commands are allocated police according to a formula apparently derived from crime statistics, and this allocation is referred to as the authorised strength of the command. Should the numbers within the command exceed the authorised strength, then the Minister regularly boasts that an area command is above authorised strength and this figure is known as the actual strength of the command.

My long-term concerns relate firstly to the fact that authorised strength and so-called actual strength numbers may be publicly available on the Police Force website but that the real figure reflecting a command's

operational numbers is not available. If the public were aware that out of the 133 authorised strength of the Shoalhaven Local Area Command regularly there may be up to 30 officers unfit for duty due to injury or stress, or that they may be on parental leave or sick leave, they would be horrified. Unlike the teaching profession, in which a casual pool of employees are contacted to fill vacancies on a daily or more long-term basis, the duty inspectors within a police command are expected to fill rosters with or without all available police resources. Discussions around authorised strength are meaningless, and are simply a method by which the Minister justifies police resources within a command without care or consideration for the operational strength nor in fact knowledge of it.

I have received numerous representations from Police Association representatives in many areas over the past almost eight years and always the issue arises as to the need to increase the authorised strength in the Shoalhaven Local Area Command. Many of the resourcing problems relate to the difficulties in servicing an area with more than 30 towns or villages, many of which have no police station and many of which are more than an hour's drive from the Central Nowra police station. I am pleased to state that a New South Wales Liberal-Nationals Coalition, if elected in March 2011, will conduct an extensive audit of police resources to ensure our regions are receiving appropriate services. The formula for ascertaining the authorised strength of a local area command must consider not only crime statistics but also the particular challenges of an area, such as distance, geography and crime hot spots within a command, or any other specific characteristic that affects a commander's ability to allocate resources or fill rosters.

I refer now to the central Shoalhaven and the problems being experienced in that area on an almost daily basis. These problems range from break and enter, domestic violence, vandalism and traffic offences to sieges and drug arrests. The central Shoalhaven area has grown rapidly in recent years and so too has its crime problems, partly due to the absence of a police station in the main growth areas. A small police station is situated in Huskisson but with only two or three officers to service a large and growing area. Police deployed from Nowra have to drive a considerable distance when incidents occur. In 2008 I convened a large public meeting at the St Georges Basin Country Club at Sanctuary Point, which the shadow Minister for Police and prospective Shoalhaven City councillors attended. We listened to the concerns about crime in the area and the lack of police presence without a police station in Sanctuary Point. Despite the best efforts of police, the problems described at that meeting have not abated—in fact, they have worsened.

The problems experienced in the central Shoalhaven are not isolated. Many other areas experience the problem of police being deployed from Nowra to their village, which may be some considerable distance from it. Even in Ulladulla, where there is a large police station, there are insufficient resources to man the station 24 hours a day, seven days per week. Indeed, the tyranny of distance is experienced throughout this State with respect to police resources, and the current and previous Ministers appear to be oblivious to the problems. I have invited successive police Ministers, one after the other, to the area to meet with the local council, constituents, concerned residents and, of course, police. All have refused, citing that their busy timetables would not allow a visit to the South Coast electorate. That is unacceptable.

The State Labor Government needs to heed the warnings of the local police and local communities regarding inadequate police resources in rural and regional electorates where there are clearly additional challenges. Sadly, as we approach the end of this parliamentary term the Government continues to ignore the welfare of police and the safety of communities in rural and regional New South Wales. I have been concerned for many years that the local police association has been very close to taking industrial action. Its members are generally convinced not to do so by their superiors, but they have been very close to doing so because they are absolutely short of police numbers. I am sure this problem is commonplace amongst all of the local area commands in rural and regional New South Wales where the tyranny of distance is far worse than in the Shoalhaven Local Area Command.

### **TRIBUTE TO GEORGE NAYLOR**

**Mr DAVID CAMPBELL** (Keira) [5.22 p.m.]: Tonight I pay tribute to the late George Naylor. George was the father of Illawarra Premier League football. When I use the term "football" I mean soccer—the round ball game. George and his wife, Mavis, migrated from England. They lived in Sydney for awhile before moving to Wollongong in 1970. George had been a football player but when he arrived in Wollongong he was a referee. At George's funeral, Rex Layton, the current President of the Illawarra Football Referees Association, gave a moving tribute to the work George did as a referee. George and Mavis brought a couple of sons with them from England and then had another couple after they arrived here. David, Martin, Steven and Andrew are all involved in football.

In 1978 George became President of the Illawarra Football Association—a role that he held for 15 years. During that period he led from the front. He argued the case for improved facilities for teams playing in the Premier League. He argued to improve the standard of football. He also encouraged the development of the game as a junior sport as well. As patron of the Illawarra Football Association I have the pleasure of attending its annual presentation evening. The Player of the Year award is now named in honour of the late George Naylor. In 1987 George was made a life member of the Illawarra Soccer Association, and he was also a life member of the Illawarra Referees Association.

Mavis Naylor has been a sterling supporter of George in his work for football. At one stage George was president and Mavis was a director of the Illawarra Soccer Association, which demonstrates the commitment of the family. George argued passionately for his sport but always in a gentlemanly way. He always argued politely and often, notwithstanding his passion, in an understated way. I had the privilege to listen to George speak about the needs of football many times in my previous life as a councillor, an alderman and Lord Mayor of Wollongong. During my time as a member of this House I have also had many a lesson from George Naylor as to what was needed for football to thrive at the regional level.

As I have said, many people refer to George as the father of Illawarra Premier League football. I note that the grand final of Illawarra Premier League football is to be held this year on the same day as Breakfast on the Bridge. I intend to stick with the grand final, as I have done for a number of years. Through George's leadership, and Mavis and George's upbringing of their four children, the Naylor family have played a significant role in football in the Illawarra, which is all the better for the leadership and contribution of George Naylor. Many suburban football grounds in our region have been brought to a standard that would never have been achieved without George's input. I am delighted that over a number of years I have been able to argue for government funding to assist with the provision of lights at a number of venues—at Corrimal or Fern Hill, the list goes on—to try to bring grounds up to the standard George thought appropriate.

George Naylor was a leader in his sport and a leader in our community. Notwithstanding that he had retired from active administration of the game some years ago, his legacy and input continues in that game today. Sadly, George Naylor passed away in July at the age of 80. I attended his funeral. I place on record my condolences to Mavis, David—the current chief executive officer of the Illawarra Football Association—Martin, Steven, Andrew and their 10 grandchildren.

### **SILVERLEA, BROKEN HILL**

**Mr JOHN WILLIAMS** (Murray-Darling) [5.27 p.m.]: During the weekend of 7 and 8 August I was fortunate to be asked to commence the celebrations in honour of the fiftieth year of service by Silverlea to the Broken Hill community. The first meeting to establish Silverlea was held on 20 April 1960. Freddie Trebilcock, one of the original instigators of that meeting, attended the fiftieth anniversary celebrations. During the course of that evening Fred was asked to say a few words and he gave a very interesting presentation. Fred is a Second World War veteran. After the Second World War he returned to Broken Hill, where his wife gave birth to a little boy. They were concerned about the child's state of health so they consulted a paediatrician in Adelaide who gave them some very bad news.

It is unbelievable to think that 50 years ago a husband and wife would be told that their child was a Mongoloid, that he was severely handicapped and that he would not live to 16 years. They were told that they should walk away and leave him. It is great to think we have come so far today from that situation. Fred had a new determination to ensure that his son, Robert, got the best from life. Fred met with a group of people who had children with similar disabilities and said: "We need to establish an education facility for our children."

Fred instigated the proposal and the first classes operated from the Church of Christ hall. Later they were given a property on South Road, where they opened a school. Over time Silverlea has evolved from an organisation that provided support and educational services to an organisation that also provides early childhood services for children who suffer from Down syndrome to severe disabilities, and employment and training. As a result of its work over the past 50 years, the Silverlea organisation has a great reputation in Broken Hill. The organisation has been totally committed to ensuring that people with disabilities have a life that most of us enjoy and take for granted. Many of the clients of the employment and training facility attended the dinner and enjoyed the evening. Fifty years ago these children did not have a social life. They were unable to develop and generally were locked in a room. Fred told me that one of the biggest problems when he started the school was to get parents to bring their children and engage in the process.

Fred is an amazing gentleman. His son, Robert, who they were told was destined to die at 16, lived to 52 years of age and celebrated a great life. He brought great pleasure and enjoyment to Fred and his wife, who is now deceased. Ten years after the establishment of Silverlea, Fred and his wife moved to Geelong because his wife wanted to pursue a career helping children with disabilities. Fred has celebrated his eighty-fourth or eighty-fifth birthday and he is still working with disabled children today. He derives thorough pleasure from it. Fred told me that having a disabled child either makes or breaks a marriage. He said it strengthened his marriage. He also said he had a better life for it and he has had a great time being involved with these children.

**Dr ANDREW McDONALD** (Macquarie Fields—Parliamentary Secretary) [5.32 p.m.]: I thank the member for Murray-Darling for drawing to the attention of the House the achievements of Fred and his family. We often speak of bravery and courage. Fred is an example that needs to be known throughout the State of a life well lived. The member has made a wonderful tribute to Fred and his family. Fred is a great man. I once again congratulate the member on bringing the achievements of this wonderful man to the attention of the House.

### **EAST HILLS BOYS TECHNOLOGY HIGH SCHOOL MIND MARATHON**

**Mr ALAN ASHTON** (East Hills) [5.32 p.m.]: Today I want to talk about East Hills Boys Technology High School, which I will call a "lighthouse" school but it is not officially. It is one of the oldest high schools in the State, the first school being built outside of Tempe on the East Hills line. A couple of weeks ago I had the privilege of visiting the school, where I watched students compete in the Mind Marathon, which is organised by the school. The Mind Marathon is an event of academic rigour that runs over four days. It is a bit like the *Einstein Factor* meets Eddie Maguire's *Who Wants to be a Millionaire?* As someone who likes to participate in trivia nights, I found it very interesting. I congratulate the principal, Rod Brooks, his staff and the many other people who were involved in organising the event.

The Mind Marathon began in 2007 as a two-day event for years 5 and 6 boys only. They would visit the high school and take part in question and answer sessions. In the third year of the event a third day was added for years 7 and 8 boys. The students who participated came from not only East Hills and local schools but also much further afield. In 2010 the Mind Marathon was held over four days—two days for primary school boys and two days for secondary school boys. The Mind Marathon is a day of extension and enrichment for boys from Department of Education and Training schools across New South Wales. As I said, it is not only local students who get involved. The challenges include art, drama, English, science, maths and general knowledge. Students compete in a team of six in the school hall. Members would know the size of the large halls in old high schools. There were a lot of boys taking part in the event.

Schools represented in 2010 were from Smith's Hill, Gorokan on the Central Coast, Singleton, Ulladulla, which the member for South Coast would appreciate, Erina Heights, Windsor Park, James Busby, a school where I taught, and Katoomba, and also local schools, Picnic Point Primary, Panania Public School, East Hills and Tower Street schools. Most of these schools are return groups. On the Monday and Tuesday of this year's Mind Marathon 640 boys attended from many high schools. At lunch, which I also had the privilege of attending, 160 kilograms of mince, 40 kilograms of rice and 1,400 drinks was consumed. The event was good for the economy, which Mr Acting-Speaker (Mr David Campbell), a former Minister for Small Business, would appreciate. On the Thursday and Friday 340 students consumed 80 kilograms of mince and 70 packets of nachos. Students from East Hills Boys Technology High School's gifted and talented program, which is called Kensai—Japanese for "wise man"—assisted with the smooth running of the event. They helped with registration, introductions and food preparation.

At East Hills Boys Technology High School, through the State Government's program, \$7.7 million is being spent on new facilities, including a new administration block. The old administration block has been torn down. A new library and other facilities are also being built. I had a wander around the school and I saw other areas that need painting and other work. Another one or two million dollars will provide a few extra facilities that will bring this older school to a standard where it can operate as an efficient educational facility, given the academic rigour the East Hills Boys High School seeks to achieve. While work is currently underway on the school, now is the best time to continue with the extra work that is needed.

I mention the school's parents and citizens association, which organised a trivia night last Saturday that I attended with my wife and one of my daughters. I congratulate the president, Dianna Brankovic, Vicky Bursill, Judith Liddell and Debbie Doonan on organising the trivia night. The trivia night, which included games and competitions, was held at Panania Diggers club. I thank Panania Diggers for making the venue available. I also

congratulate everyone involved. There was a good turnout of staff, students and parents on the night. Panania Diggers, formerly Panania East Hills RSL Club, was packed. I sat on the winning table, which I always enjoy. Congratulations to East Hills Boys Technology High School.

### MILLERS POINT PUBLIC HOUSING

**Ms CLOVER MOORE** (Sydney) [5.37 p.m.]: The latest decision to sell long-term leases on another 20 Millers Point homes is causing serious anxiety to my constituents in the Millers Point community. I oppose these latest sales. I opposed the 2006 sale of 16 Millers Point homes. At the time the then Minister told me that no more would go and successive Ministers have given similar commitments. Tenants feel it is a real betrayal that the Government is now reneging on those commitments. The latest sales were disguised in the 2010-11 budget papers, which reveal that they are a "phase" in a sales program that will see the continuing release of a number of properties throughout this financial year. This indicates a long-term plan, but we do not know how many properties will be on the list to sell. Many tenants justifiably fear that their homes could be sold. They report rumours that more than 100 social housing homes have been assessed for sale. With only two properties identified so far, tenants understandably worry about the future of their homes.

While the most recent Minister has said there will be no forced evictions as part of the sale, because of past broken promises tenants distrust commitments and believe that the Government will find reasons to move them out and earmark their homes for sale once they are vacant. The tenants also believe that the maintenance backlog is part of a long-term plan to significantly scale back Millers Point housing. Tenants report that both tenanted and vacant properties in Millers Point suffer from "vandalism by neglect". While these are sales of 99-year leases, it will be very difficult to ever get these properties back as social housing at the end of that time—and none of us will be around anyway.

While the Government says the proportion of single people or couples on the Housing NSW waiting list has grown, the waiting list has tens of thousands of people with different housing needs, making it unlikely that any housing stock is surplus to need. In fact, I understand that Housing NSW is building new three- and four-bedroom homes in inner-city Redfern. The former Minister for Housing told me that the funds would be used for new housing in the inner west, and the current Minister has confirmed that they will be used for Glebe public housing.

I welcome the plans of Housing NSW to redevelop social housing in Cowper Street, Glebe, but that is part of a 2008 commitment at a time when the then Minister for Housing assured me there were no further plans to sell Millers Point houses. The Commonwealth Government has put significant new money into low-cost housing over the past two years, and the Government should be building on this investment to expand social housing, not selling off existing homes. Tenants believe funds should be reinvested in Millers Point to address long-term maintenance concerns. Housing NSW owns and is responsible for many heritage buildings in Millers Point and it should maintain and look after them. It should repair existing vacant homes to house people on the waiting list.

More than 60 tenants attended my public housing meeting and on a wet winter night more than 200 residents from the wider Millers Point community came to the rally to oppose these sales. Millers Point sustains a supportive and caring community for many tenants and I share their concern that their community should not be broken up. This tight-knit and caring community was described by the National Trust as a "living treasure". There is little information about the current and future plans to sell properties in Millers Point, and tenants say that letters from Housing NSW were unclear and scared them. In fact, some tenants called my electorate office in tears because they believed they would lose their homes. Tenants tell me a follow-up letter contradicted the previous letter, but they remain alarmed.

I have written to the Minister for Housing and asked to meet with him with a delegation of tenants. The Sydney City Council passed a motion formally opposing these sales and I am submitting petitions to Parliament. Inner city social housing is vital—people on very low incomes, whatever their situation, and especially those with a mental illness, drug and alcohol problems, or suffering from trauma and abuse, cannot afford the private market in Sydney. Social housing in the inner city allows tenants in need to live close to health and welfare support services and good employment opportunities, helping them to get back on their feet.

The 2006 census lists 1,195 dwellings in Millers Point, of which only 212 are occupied public housing. This precinct already has a significant proportion of people on higher incomes, with

development in Walsh Bay. There is a small and stable community in Millers Point with a long history of connection and high levels of social support. It is not a large public housing estate with problems that needs to be broken up. I call on the Government to maintain and retain social housing in the inner city to ensure that viable and socially diverse communities can remain there, and to withdraw its plans to sell Millers Point homes.

### SOLAR BONUS SCHEME CREDIT TREATMENT

**Mr GREG PIPER** (Lake Macquarie) [5.42 p.m.]: I wish to bring to the attention of the House a seeming anomaly in the implementation of the Solar Bonus Scheme and the financial disadvantage it causes some customers of EnergyAustralia. The matter was brought to my attention by Mr and Mrs Sercombe of Cooranbong, who reported to me the impact on their modest income following their investment in a domestic photovoltaic system. Living on pensions, they could see benefits to their own finances and the environment offered by the Solar Bonus Scheme. On this basis they cashed in an insurance policy to buy a photovoltaic system, with the expectation of recouping costs within approximately four years. Instead, they find that EnergyAustralia's handling of their account affects their pension entitlements because the price of the electricity produced can only be given to them as a direct payment, not as a credit on their electricity account.

As any reasonable person would understand, an increase in someone's income will affect their pension entitlement. Centrelink has clarified this point, with its website explaining that such payments will be averaged over the year and regarded as income for the purpose of calculating the pension. Given that one of the constituents is in part-time work, there is a significant threat of a reduction in her pension because of the way EnergyAustralia handles the couple's account. Centrelink's website states, "Feed-in tariffs paid as an electricity account credit will not be assessed as income for pension purposes." Therefore, the losing situation in which EnergyAustralia has put these people is avoidable.

In the section on the Solar Bonus Scheme the New South Wales Government's Industry and Investment website poses the question: "How do I receive the gross payment?" and answers explicitly that customers can receive gross credits for their generation. On the same website one of the key points stated for the Solar Bonus Scheme is, "It credits eligible customers with a gross meter with a 'gross' feed-in tariff rate". The mechanism of a credit to the electricity account is clearly on offer and would address the needs of this couple. The website of the Department of Environment, Climate Change and Water states that one objective of the Solar Bonus Scheme is to encourage and support people who want to act on climate change by generating renewable energy locally. Mr and Mrs Sercombe are not feeling any encouragement and support at present from EnergyAustralia.

The other State-owned electricity retailers, Integral Energy and Country Energy, both make it clear that they can provide credits to customers' accounts, as do other privately owned electricity retailers. Although Mr and Mrs Sercombe report a rigid approach, EnergyAustralia's website has contradictions. A page headed "Solar Bonus Questions and Answers" states, "You will receive a gross feed-in credit for all the electricity your solar power system generates." This clearly states, in line with the Government's published policy, that there will be a credit rather than a payment. Elsewhere on the page the question, "How will I be paid my NSW Solar Bonus?" is answered with, "EnergyAustralia will pay the solar bonus direct to your nominated bank account."

The contradictions and inflexibility continue through any personal approaches made by customers or their representatives. My office made inquiries to EnergyAustralia and was told that customers could simply change to an electricity credit by telephone. At my suggestion Mr and Mrs Sercombe tried this just yesterday and found that they once again hit a brick wall, with their request seemingly impossible. I have had this experience corroborated by other consumers who resolved the matter by changing to another retailer. Despite the Government's policy of payment by way of an electricity credit, despite EnergyAustralia's website presenting contradictory and conflicting information, and even though I was told that the change was not only possible but easy, EnergyAustralia's only available mode of managing the solar bonus is to make gross payments—even where this disadvantages customers.

The Solar Bonus Scheme is an incentive for consumers to take personal action on climate change and the Government deserves credit for such an enlightened scheme. Because of its value to the State and its appeal to the public the Solar Bonus Scheme should be workable and equitable. The State's energy retailers have a pivotal role in this and EnergyAustralia's methods need to be improved. I have written to the Minister for Energy on this matter and I feel the reasonable course of action is for him to ensure EnergyAustralia implements and publicises the policy that it now claims to have. If, as EnergyAustralia says, there is a mechanism to credit solar bonus payments to a customer's account, then that mechanism should be made clear and accessible for customers such as the Sercombes. I call on the Minister to ensure that this is done.

## MANLY COMMUNITY FUNDRAISER DINNER

**Mr MIKE BAIRD** (Manly) [5.47 p.m.]: Last Friday I held an annual Manly community fundraiser dinner. It was a fantastic night and it showcased to me what Manly is all about. The event focused on what unites us rather than divides us. I articulated at the dinner that often we tend to look at the things that we are arguing about rather than what unites us. In Manly there are many fantastic people, events and causes, and that was what the night was about. I thank the community for their support. The fundraising dinner exceeded the target of \$40,000 for two important local causes: youth housing provider the Burdekin Association, which does an unbelievable job, and the Manly Hospital maternity unit.

Manly Hospital Auxiliary, which has been fundraising for the hospital since its inception, told me it wanted to raise money for the hospital and asked what it could do. It is an unbelievable organisation and it has huge respect for the tireless work of all of the staff at Manly Hospital, and I share that respect. Despite diminishing resources, Manly Hospital staff do an incredible amount of wonderful work. Half of the funds raised from the dinner will be used to purchase, hopefully, six electric beds for the maternity unit. The maternity unit currently has 20 manual beds and the midwives pleaded for electric beds because they assist them to lift patients without straining their backs and it also helps new mothers—particularly those who have had Caesareans—because the beds can be raised and lowered. One of the hospital managers said that electric beds are a blessing for patients and staff alike: patients can easily change positions themselves, and manual handling injuries to staff are obviously reduced. That is six beds, and it is a start, but we need 14 more. I ask the Minister for Health to consider this as a formal request for another 14 electric beds at Manly Hospital maternity unit. I pay tribute to Maureen Dillon and Marjorie James. They have done an incredible job with the Manly Hospital Auxiliary. They said:

The Auxiliary will continue to work for Manly Hospital until such time that we are finally given a hospital fit for the 21<sup>st</sup> century.

The other half of the funds will go to the Burdekin Association, which does an unbelievable job preventing youth homelessness on the northern beaches. It is an inspiring organisation in my community. It provides accommodation, care and support to young people and families across the northern beaches and has done so for 27 years. Several staff who joined at the outset are still there today. I particularly acknowledge the efforts of Warren Welsh, the youth housing coordinator, and Karen Berman, executive officer, and the incredible case workers. A former client of Burdekin said, "Without Burdekin my life would be big dramas—I would have totally lost it." I was delighted on the night to meet Lanai Vasek, a former client of Burdekin, and now in the Canberra press gallery as a journalist for the *Australian*. She spoke passionately about the difference that Burdekin makes. It was an inspiration. I was very proud to support Burdekin and to hear Lanai and everyone involved with Burdekin.

The local talent was there as always and it was incredible. Jack Vigden, a student from Balgowlah Boys High School, sang an unbelievable rendition of *Hallelujah*. I encourage every member of the House to listen out for Jack Vigden: he was incredible. He is going to be a super star. Hannah Glassman and her dad were there. Hannah has the voice of an angel as well. She was unbelievable. I also want to thank Suzi Rose for the fashion parade and the Manly Brazilian Church Band. The Brazilians in Manly are known for their partying, but this particular band was very much worth listening to and I thank the Reverend Wilson Fernandes for providing them and for their coming together.

There were three community heroes to be announced. That is another tradition of the dinner that is fantastic. The first was Anneliese Hermann, who was a case worker at Burdekin for almost a decade. She still contributes to the management committee. Lanai was one of her clients and Lanai has described her as her guiding voice and says that Anneliese is one of the few constants in her life. She credits Anneliese with getting her life on the right track. So we were delighted to give Anneliese an award. The second recipient was Barry Golding. He is 56, lives in Dee Why, and has been a running coach for 36 years. He is the founder/coach of the Manly Running Academy. He has completed 59 marathons—crazy man—and recently competed in a desert marathon, raising money for breast cancer. He was running for his friend Jaynie, who is battling breast cancer.

Indeed, he also provides the local community kids with running activities down at the oval pretty much every day. He gets a gold coin donation and donates all of that money to charity. So we were delighted to give Barry an award. The last award recipient was Kate Christensen. Kate is a senior welfare officer and domestic violence counsellor at the Manly Community Centre. Her passion and skills have earned her the respect and admiration of many in the community. We think that she is fantastic and a real asset to Manly. We thank all the businesses and sponsors that supported the evening, and members of the wider community who came along. I thank Renee and Amanda in my office for all they did, and the community for supporting such worthwhile causes.

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [5.52 p.m.]: I congratulate and acknowledge the member for Manly for making the House aware of the fundraising activities that were undertaken. I assure him that I will make sure that the Minister for Health is made aware of his comments. I congratulate the people whom he mentioned individually, congratulate the three heroes and congratulate him on his efforts.

**The House adjourned, pursuant to standing and sessional orders, at 5.53 p.m. until  
Tuesday 7 September 2010 at 1.00 p.m.**

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