

LEGISLATIVE ASSEMBLY

Thursday 23 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.

DRUG MISUSE AND TRAFFICKING AMENDMENT (MEDICALLY SUPERVISED INJECTING CENTRE) BILL 2010

Bill introduced on motion by Ms Carmel Tebbutt.

Agreement in Principle

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [10.08 a.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce to the House the Drug Misuse and Trafficking Amendment (Medically Supervised Injecting Centre) Bill 2010. The bill provides for the removal of the trial status of the medically supervised injecting centre, which UnitingCare NSW.ACT has been operating at Darlinghurst Road, Kings Cross, Sydney, since May 2001. The bill enables the medically supervised injecting centre to continue to operate as an ongoing service for its target group of marginalised long-term drug users with significant health and social problems. This group is at high risk of drug-related death and morbidity and there is strong evidence that the centre has been successful in reaching these people.

No-one in this House condones drug use; and, as a Government, we will continue to do all in our power to discourage people from this destructive course. But we will not give up on anyone with a drug dependency problem who needs help to get his or her life back on track, and that is why we are introducing this bill. Since the centre opened in May 2001, 12,050 individuals have been assessed and registered with the centre. There have been a total of 609,177 visits by registered clients, with an average of 5,641 visits per month, with most visits made by the group of long-term, frequent drug users that the centre was intended to target. Clinical and psycho-social advice, general medical assistance and drug treatment referrals have been provided to clients on more than 51,000 occasions. While it is not possible to confirm that all those injections would have taken place in the streets without the centre, the 2007 independent evaluation of the centre estimated more than 300,000 public injections had been potentially averted.

As members would recall, the Government established the trial in response to the New South Wales Drug Summit in May 1999. I can still remember the hope and optimism of delegates at the summit, as those with divergent views came together to find better ways to deal with drug addiction and the problems it brings. Recommendation 3.15 of the summit stated:

The Government should not veto proposals from non-Government organisations for a tightly controlled trial of medically supervised injecting rooms in defined areas where there is a high prevalence of street dealing in illicit drugs...

The recommendation generated heated debate. The Government recognised that a new approach was needed to reach marginalised and long-term injecting drug users, many who had never sought treatment before. So a trial of one medically supervised injecting room at one location was commenced, bound by the following Government objectives that the centre: decrease overdose deaths, provide a gateway to treatment and

counselling, reduce discarded needles and users injecting in public places, and reduce the spread of diseases like HIV and hepatitis C. The Government has made the decision to continue the Medically Supervised Injecting Centre as an ongoing program following strong evidence from numerous independent evaluations that the centre is achieving those objectives. Those evaluations were undertaken by the National Drug and Alcohol Research Centre, the National Centre in HIV Epidemiology and Clinical Research based at the University of New South Wales, SAHA International, the New South Wales Bureau of Crime Statistics and Research and, most recently, KPMG. Those organisations have made their findings publically available.

The key findings to date of the evaluations include that the centre has saved lives and avoided serious injury from drug overdose with 3,426 drug overdoses by its clients successfully managed. KPMG has said that it is reasonable to assume that a proportion of those overdose-related events would have led to serious injury or death had they occurred in another location without medical supervision and intervention. KPMG also found that the centre is helping to reduce drug overdose-related events in the Kings Cross area with ambulance call-outs to suspected opioid overdoses during the centre's opening hours decreasing by 44 per cent since the centre opened, compared with a 36 per cent decline in the rest of New South Wales. Those trends also mean significant cost savings for the health system. In fact, the economic evaluation undertaken by SAHA International in 2008 found that the centre saves the health system at least \$658,000 per annum in avoided costs. The centre has been increasingly successful in getting a marginalised group of injecting drug users to treatment with 3,871 referrals to drug dependence treatment accepted by clients since 2001.

I note that reaching this marginalised cohort is a significant achievement in itself given that 40 per cent of clients had not sought drug treatment before using the centre. This is even more remarkable given that it can take more than three years for a long-term marginalised drug addict to start to engage in the concept of treatment and rehabilitation. Most encouragingly, the more frequently a client visits the centre, the more likely they are to accept a referral to a drug treatment service. KPMG found that this demonstrates how the model employed by the centre is successful in engaging with and supporting this particularly vulnerable group of frequent injecting drug users to move towards treatment.

There is continuing evidence of improvements in public amenity in the area with the proportion of residents who reported having observed public injecting falling from 55 per cent in 2000 to 27 per cent in 2010. The proportion of business owners who report having observed public injecting has also declined sharply from 61 per cent in 2000 to 22 per cent in 2010. There also has been a steady decline in the proportion of residents who reported seeing publically discarded syringes, from 66 per cent in 2000 to 46 per cent in 2010. A similar decline has been seen amongst business respondents, from 80 per cent in 2000 to 46 per cent in 2010. Furthermore, the number of needles and syringes collected in the Kings Cross area more than halved between 2003-04 and 2008-09, with the largest reductions in the areas immediately surrounding the centre. Overall there is strong support from the majority of residents and business operators with approximately 78 per cent of local residents agreeing with the establishment of the centre, an increase from 68 per cent in 2000. Similarly, 70 per cent of local businesses now support the centre, an increase from 58 per cent in 2000.

As part of its efforts to help reduce the spread of diseases like HIV and hepatitis C, the centre has provided vein care and safer injecting advice on more than 23,998 occasions, with 97 per cent of surveyed clients reporting that since going to the centre, they now inject more safely. The centre has also dispensed more than 300,000 needles and syringes to clients exiting the centre to minimise health risks, including the spread of blood-borne disease. The centre has saved law enforcement costs and police resources through its positive impact on public amenity in the Kings Cross area and its contribution toward reducing local crime and antisocial behaviour in Kings Cross.

There is no evidence from the Bureau of Crime Statistics and Research that the centre has had a honey-pot effect of drawing drug users and dealers to the immediate vicinity of the centre or causing any increase in local property or drug-related crime. Long-term crime trends reported by the Director of the Bureau of Crime Statistics and Research indicate that since May 2001, theft-related crime continues to decrease in Kings Cross with the most recent data indicating the lowest level since 2001. Trends in robberies have declined, possession or use and dealing or trafficking of narcotics remains stable, and possession or use and dealing or trafficking of amphetamines has also remained stable. I also highlight the view of Superintendent Tony Crandell, the Kings Cross Local Area Commander, who recently described how his officers now encounter far fewer cases of drug overdoses in the back lanes of Kings Cross since the centre started operating.

The evidence is that the number of people who visit the centre is stabilising with an average of 68 new registrations a month. The Government believes it is important to maintain the positive outcomes that have been

identified to date for this marginalised group by continuing to operate the centre while at the same time striving to improve the likelihood of their accessing and remaining in drug treatment and associated social welfare support. As the Premier has said elsewhere, in an ideal world we would not need a supervised injecting centre. But this is not an ideal world and, as a Government, we have been prepared to face up to this difficult issue and develop an appropriate policy response. As many members know, legislation was introduced in 2007 which ensured a formal review of the centre would be undertaken should client attendance fall below 75 per cent of prescribed levels. We want to have in place a mechanism that might help us determine if there was continuing need for this sort of facility. Finally, I confirm that the funding for the centre's operation will continue to be sourced from confiscated proceeds of crime with no funding diverted from treatment programs.

I now turn to the specific provisions of the bill. In order to ensure that the medically supervised injecting centre can continue to operate on an on-going basis, the bill amends section 36A to remove all references to the trial status and the trial period of the centre. The amended section 36A retains the restriction that only one licence can be issued in respect of only one premises. Consequential amendments are made to other sections to remove the references to the trial status of the centre. The objectives of part 2A are clearly articulated for the first time in the amended section 36B. Those objectives are to reduce the number of deaths from drug overdoses; to provide a gateway to treatment and counselling for clients of the licensed injecting centre; to reduce the number of discarded needles and syringes and the incidence of drug injecting in public places, and to assist in reducing the spread of blood-borne diseases, such as HIV infection or hepatitis C.

As the bill removes the references to the trial status and trial period, the current section 36C, which provided for a review of the centre at the end of the trial period, has been amended. Instead, the amended section 36C now provides that there is to be a review conducted by the Minister after five years from the commencement of the bill to determine whether the policy objectives of part 2A remain valid and whether the legislative framework is appropriate for securing those objectives. In addition, the existing requirements for the responsible authorities to review the centre, including its service activity and economic viability, are retained at section 36K. It should be noted that the licensee would separately need to negotiate periodic funding and performance agreements with the department in line with required corporate governance practice. As part of this, and in keeping with all New South Wales Health treatment programs that have a substantial budget, the centre will be subject to further independent evaluation within the next four years.

Further, the Medically Supervised Injecting Centre licence will continue to be subject to conditions imposed by the Act and the responsible authorities and any failure to comply with the licence conditions may result in the revocation of the licence. In fact, the bill strengthens the grounds under which a licence can be revoked. The new section 36KA provides that the licence can be revoked if the responsible authorities are satisfied that the licence should be issued in respect of different premises; if the responsible authorities are satisfied the licence holder is not a fit and proper person, and in other prescribed circumstances. I note that no changes have been made to the licensing requirements and internal management protocols in sections 36E-M except for a new section 36KA which, as already noted, provides additional grounds under which a licence can be revoked. No changes have been made to the exemptions from liability in sections 36N-P or machinery provisions of sections 36Q-S. The amendments to part 2A will apply to the current medically supervised injecting centre licence as provided by the amended section 36T.

The Government has developed an appropriate policy and legislative response in relation to the Medically Supervised Injecting Centre. We are not proposing to establish additional medically supervised injecting rooms in other areas. We will continue to strictly regulate and tightly control the program through the legislative framework and licensing system with the Commissioner of Police and the Director-General of New South Wales Health remaining as the responsible authorities. We will continue to closely monitor and rigorously evaluate the program to ensure its ongoing effectiveness against the Government's objectives. We will also continue to review all available research and evidence to help the Government make informed decisions about how to deal with the drug problem in line with the evidence based approach we have taken in relation to the Medically Supervised Injecting Centre.

In closing, the Government recognises the efforts of the Reverend Harry Herbert, Executive Director of UnitingCare New South Wales-Australian Capital Territory, the centre's current medical director, Dr Marianne Jauncey, and the centre's previous medical directors, Dr Ingrid van Beek—the founding medical director—and Dr Hester Wilson for their leadership and commitment to this important Drug Summit initiative. The Government also acknowledges the work of all the dedicated clinical and other staff at the centre over the past nine years. They have maintained their focus on helping a marginalised group of entrenched drug users in our

society. It is their efforts that have saved lives, provided long-term users with the tools to start rebuilding their lives, and improved the quality of life in the local community at Kings Cross and made the streets of that community safer. I commend the bill to the House.

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

CENTRAL COAST WATER CORPORATION AMENDMENT BILL 2010

Bill introduced on motion by Mr Phillip Costa.

Agreement in Principle

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Corrective Services) [10.22 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to present the Central Coast Water Corporation Amendment Bill 2010 to the House. The bill clears the way for Gosford and Wyong councils to establish the Central Coast Water Corporation to manage the region's water and sewerage services. The creation of the corporation will see local water and sewerage services delivered by a single provider for the first time. The region's water system is currently jointly managed by the Gosford-Wyong Councils' Water Supply Authority, with individual councils providing on-the-ground water and sewerage services. Bringing these services under the control of a single council-owned provider will enable the councils to better manage the Central Coast's water system in the face of challenges like drought, climate change, rising infrastructure costs and population growth.

The Central Coast has the State's third largest water system and it currently services an urban population of 285,000 people. This figure is tipped to increase to 350,000 by 2020. The Central Coast Water Corporation will provide a single focus for the strategic direction of water services on the Central Coast, better utilise the region's assets and water resources, provide stronger bargaining power in the procurement of materials, assets and finance, and engender a business-focused culture that will improve financial performance and service delivery capability. By ensuring that the business of water and sewerage management is operated effectively, it will benefit local households, businesses and industries by keeping water and sewerage bills affordable and ensuring good quality, reliable services long into the future.

In 2006 the New South Wales Government passed the Central Coast Water Corporation Act to provide a framework for the creation and operation of the Central Coast Water Corporation. Since then, the New South Wales Government has been working with Gosford and Wyong councils to develop a smooth and effective transition to the new arrangements. The changes proposed in the Central Coast Water Corporation Amendment Bill clear the way for the corporation to be established. The bill amends the Central Coast Water Corporation Act 2006, with some minor amendments also to the Energy and Utilities Administration Act 1987.

The proposed amendments empower Gosford and Wyong councils to control the transfer of water supply and sewerage related functions, staff, assets, rights and liabilities to the Central Coast Water Corporation, to determine the transfer timing, specifically when councils will cease to be recognised as water supply authorities under New South Wales water management legislation, and to determine the value of councils' assets upon transfer, in agreement with the Central Coast Water Corporation. I have been working with the councils to ensure that we are empowering them to control this process. The New South Wales Government supports local councils and water authorities managing local water and sewerage services.

The creation of the Central Coast Water Corporation is a local, council-driven solution to local challenges. Gosford and Wyong councils have the local expertise and experience needed to create the corporation and transition to the new arrangements in a timely, effective manner. It makes sense that we empower Gosford and Wyong councils to control the transition process, with appropriate oversight from the New South Wales Government. Together with mayors Chris Holstein and Bob Graham, I recently signed a memorandum of understanding between Gosford and Wyong councils and the New South Wales Government on the creation of the Central Coast Water Corporation. I thank the mayors for their support in this exercise.

The memorandum of understanding outlines a five-phase process for the transfer of functions, staff, assets, rights and liabilities to the corporation. The New South Wales Government is focused on ensuring that the transition is cost effective and will not negatively impact on staff or customers. Therefore, each phase will

be subject to a cost-benefit analysis prior to the commencement of the next phase. Each phase has a maximum duration of 15 months and, if all phases demonstrate net benefits, the transition process will be completed over a number of years. Of course, if councils wish they can complete the process earlier.

If this bill is passed, the memorandum of understanding requires Gosford and Wyong councils to take immediate action to approve the corporation's constitution, enter into a voting shareholders' agreement and recommend that the corporation be established within 90 days. Once established, the corporation will be required to report on the status of the transferral process in its annual report and the Auditor-General will scrutinise the process. These requirements will ensure strong oversight by the New South Wales Government and are clearly spelt out in the memorandum of understanding, the Central Coast Water Corporation Act 2006 and this amendment bill.

The five-phase council-controlled transition process will minimise impacts on water and sewerage staff and customers. This means that there will be no disruption to existing water and sewerage services. In fact, customers are only likely to notice a change in the final phase when they begin receiving water and sewerage bills from the corporation rather than their local council, and this was an important part of negotiations with the councils. That is in the short term. In the medium to long term I expect the creation of the corporation to improve Central Coast water security and help keep water and sewerage bills affordable by improving business efficiency. Water and sewerage prices will continue to be determined by the Independent Pricing and Regulatory Tribunal. In regards to staff, their jobs and working conditions are secure. There will be no forced redundancies or transferred staff for three years, during which time they can apply for a job back at the council if they wish. I will also be seeking Commonwealth approval to continue to protect these staff under the New South Wales industrial relations system.

In conclusion, Gosford and Wyong councils, and the New South Wales Government, all agree that establishing a single council-owned water corporation is the best solution to the challenges facing water and sewerage service provision on the Central Coast. While the Central Coast Water Corporation Act 2006 provides an effective framework for the creation and operation of the corporation, it is necessary to make some minor amendments to give Gosford and Wyong councils greater control over the transition process. The corporation is a local, council-driven solution and it makes sense that local councils manage its creation with appropriate oversight from the New South Wales Government. The Central Coast Water Corporation Amendment Bill clears the way for the corporation to be established and to deliver much needed reform to water and sewerage services on the Central Coast. I commend the bill to the House

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

COMMUNITY JUSTICE CENTRES AMENDMENT BILL 2010

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

Agreement in Principle

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

That this bill be now agreed to in principle.

Community justice centres, which are commonly referred to as CJs, have been providing a valuable dispute resolution service to the community for over 25 years. Community justice centres are wholly funded by the Government and provide free mediation and conflict management services to help people across New South Wales resolve their disputes without having to go to court. The mediation process is one in which trained mediators assist those in dispute to resolve the issues between them. The mediator is impartial, has no advisory or determinative role, but rather facilitates discussions between disputants to help them devise their own solutions. Community justice centre mediators assist with a whole range of disputes, including disputes between neighbours, disputes within families, civil and small claims matters and business disputes.

In 2009-10 New South Wales community justice centres opened files in relation to almost 5,000 disputes, up more than 60 per cent from 3,000 in the previous year. In the same year the centres conducted a total of 1,725 mediations. Over 80 per cent of mediations resulted in an agreement being reached. I am sure honourable members will agree that is an impressive track record. There is no secret to the success of this scheme—people who engage in mediation are more committed to the outcome because they take part in the decision-making process. In 2009, recognising the increasing importance of alternative dispute resolution, the Department of Justice and Attorney General established an Alternative Dispute Resolution [ADR] Directorate. The role of the Alternative Dispute Resolution Directorate is to encourage the greater use of alternative dispute resolution in New South Wales. Community justice centres now come under the umbrella of the Alternative Dispute Resolution Directorate.

The reforms before the House today were developed following an internal review of the Community Justice Centres Act by the Alternative Dispute Resolution Directorate in consultation with community justice centre mediators and parties who use the service. The Community Justice Centres Amendment Bill 2010 introduces amendments that will update and further improve the operation of the Community Justice Centres Act 1983 and provide a better framework for community justice centre mediators to operate under the new national mediator accreditation system. Additionally, the bill also repeals the Community Justices Centres Act 2007. The 2007 amending Act contains a number of un-commenced provisions, some of which have now been incorporated into the bill before the House.

I begin by outlining the proposed amendments relating to the service of community justice centre mediators. Currently, the Community Justice Centre Act provides that community justice centre mediators are accredited by the Minister on the recommendation of the community justice centre director for terms of up to three years. The Minister determines their remuneration. The Community Justice Centres Amendment Act 2007 provided for the repeal of these arrangements and for community justice centre mediators to be made employees under the Public Sector Employment and Management Act 2002. The 2007 amendments were aimed at clarifying the employment relationship of mediators and enabling the appropriate supervision and assessment of mediators to ensure continued delivery of quality service. However, these amendments were never commenced.

In 2010 the role of community justice centres in supervising and managing its mediators is not at issue. With the introduction of the national mediator accreditation system, it is clear that accreditation needs to be supported by a legislative scheme that accords with that system and permits flexibility in appointment, conditions and pay. Accordingly, the bill introduces a new legislative framework for the appointment of community justice centre mediators. This is based generally on that successfully used for youth justice conference convenors under the Young Offenders Act 1997, forum sentencing facilitators under the Criminal Procedure Regulation 2005 and the New South Wales Consumer, Trader and Tenancy Tribunal.

The bill provides for, firstly, the appointment of mediators by the Director General of the Department of Justice and Attorney General on the recommendation of the director of community justice centres; secondly, the appointment of mediators as independent contractors for renewable terms of up to three years; thirdly, the bill provides for the determination of mediators' remuneration and allowances by the director general from time to time on the recommendation of the director of community justice centres; and, fourthly, the removal of mediators from office by the director general or in other circumstances, such as where they are convicted of an offence punishable by 12 months imprisonment or become a mentally incapacitated person. The bill also clarifies the status of mediators and the director and staff of community justice centres under the Public Sector Employment and Management Act 2002.

The proposed new arrangements will result in a transparent and workable system that is more adaptive as developments arise in the alternative dispute resolution area. Community justice centres are currently transitioning their mediators to national accreditation under the national mediator accreditation system. The new legislative arrangements will better support this process and allow community justice centres to accredit their mediators in line with the national standard and engage them in a manner which is consistent with other equivalent schemes across New South Wales. Other proposed amendments provided for in the bill will enhance the operation of the Community Justice Centres Act and the services provided by community justice centres.

The bill contains a number of amendments aimed at clarifying and modernising the Community Justice Centre Act with regards to court-ordered mediation. The bill amends the Community Justice Centres Act to clarify that community justice centres can now carry out mandatory court-ordered mediations. The bill also amends the Community Justice Centres Act so that, where there are no secrecy, privilege and liability provisions in the legislation under which the court-referred mediation was ordered, the protections and privileges under the Community Justice Centres Act will apply. Further, where there are secrecy, privilege and liability provisions in the referring legislation and those provisions conflict with those in the Community Justice Centres Act, it is proposed that, consistent with the approach taken with the rest of the legislation, the provisions of the Community Justice Centres Act will also prevail.

This approach achieves simplicity. It will mean that community justice centre mediators will generally enjoy the same rights and obligations when carrying out their functions, irrespective of how a dispute has been referred to them. It will also ensure the specific requirements of community justice centre mediators are accommodated; for example, community justice centre mediators need the exception to the secrecy provisions contained in the Community Justice Centres Act in order to enable them to make the requisite mandatory reports to Community Services for child protection purposes.

The Community Justice Centres Act provides that a mediation session is to be conducted in private, but non-parties may be present or participate in a mediation session with the permission of the director. The director's approval is also required in order for a party to be represented at a mediation session by an agent. The bill removes these outdated restrictions on the conduct of mediations. The Community Justice Centres Act already provides that the procedure for commencing and conducting a mediation session is to be determined by the director. Nevertheless, the bill provides that the director or individual mediators will be able to exclude a person from attending, or continuing to attend a mediation, if, in their opinion, the presence of the person may frustrate the purpose or conduct of the mediation session. This will safeguard the proper conduct of mediations.

The Community Justice Centres Act presently provides that a dispute may not be adjudicated or arbitrated upon at a mediation session. The bill removes this restriction. Community justice centre mediators will continue to do what they do best, which is mediation. It is not intended that community justice centre mediators become arbitrators. However, the amendment contained in the bill removes any uncertainty about the ability of community justice centres to provide their conflict management services, including those with a directive element.

For example, since the inception of the service community justice centre mediators have provided dispute resolution and conflict management services relating to disputes in Aboriginal communities in rural areas. These disputes may involve several families and a considerable number of individuals, and are more directive than the conventional mediation process. Removing the prohibition merely confirms the validity of community justice centre mediators to carry out those types of processes, and is for the avoidance of doubt. The Chief Magistrate has advised that he supports the removal of this prohibition, as it will promote alternative dispute resolution services and provide greater certainty to participants in such processes.

At present, the Community Justice Centres Act expressly provides that agreements reached at community justice centre mediations are not enforceable in any court, tribunal or body. The Chief Magistrate has advised that he supports also the removal of this prohibition. The National Alternative Dispute Resolution Advisory Council also supports this view. The restriction is anomalous in contemporary alternative dispute resolution law and policy. One of the principal objectives of mediation is to enable parties to avoid litigation. Enabling parties to reach enforceable agreements at mediation assists in achieving this objective.

The bill therefore amends the Community Justice Centres Act to remove this restriction. Should parties wish to make an enforceable agreement, they will be able to do so at the community justice centre mediation. Statutory protections such as those provided by the Trade Practices Act 1974 and the Fair Trading Acts in relation to misleading and deceptive conduct, and the protections available in cases of unfair contracts will, of course, continue to apply. As a consequence of this amendment, the bill also provides that, where the parties have agreed that an agreement reached at mediation is to be enforceable, evidence can be given before a court or tribunal to enforce such an agreement.

As previously mentioned, community justice centre mediators have a mandatory duty in relation to reporting children at risk of harm. Legislative amendments introduced following the Special Commission of Inquiry into Child Protection Services in New South Wales—the Wood inquiry—raised the threshold for mandatory reports to Community Services. As a result, rather than making a report where there is a reasonable suspicion of a risk of harm, the relevant parts of the care legislation now refer to a risk of significant harm. The bill updates the mandatory reporting obligation for community justice centre mediators consistent with this new standard.

Community justice centre mediations are generally privileged and confidential. The Community Justice Centres Act provides that evidence of anything said or of any admission made in a community justice centre mediation session is not admissible in any proceedings before any court, tribunal or body. Similarly, a document that has been prepared for the purposes of a mediation session, or produced in the course of a community justice centre mediation session, is not admissible in evidence in any proceedings before any court, tribunal or body. However, these provisions do not apply where the parties to the mediation consent to admission of the evidence or document.

The privilege and secrecy provisions also do not apply where proceedings have been instituted in relation to which a disclosure has been made on the basis that it is necessary to prevent harm to another person or damage to any property. However, there is some doubt over whether evidence or documents from a mediation session would be admissible in care proceedings where a mediator has made a mandatory report to Community Services that a child is at risk. Therefore, the bill amends the Community Justice Centres Act to provide a

further specific exception to the privilege and secrecy provisions where a community justice centre mediator has made a report to Community Services as required under the legislation. Finally, the bill makes a number of minor amendments designed to update the legislation and remove certain anachronistic provisions.

As currently framed, the Community Justice Centres Act requires that community justice centres and the principal office of a community justice centre must be established at such premises as the Governor may determine by order. In practice, community justice centre mediations are carried out in a wide variety of locations as needed from time to time, such as in court premises and community facilities. It is impractical to require the director to give approval for each specific location and the bill therefore removes these provisions of the Community Justice Centres Act. While largely technical in nature, the amendments provided for in the bill will help ensure that community justice centres continue to provide high-quality and progressive alternative dispute resolution services to the New South Wales community. I commend the bill to the House.

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

VETERINARY PRACTICE AMENDMENT BILL 2010

Bill introduced on motion by Dr Andrew McDonald, on behalf of Mr Steve Whan.

Agreement in Principle

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.48 a.m.]: I move:

That this bill be now agreed to in principle.

The Veterinary Practice Amendment Bill 2010 makes changes to the Veterinary Practice Act 2003 in three important areas. The bill will strengthen the complaint provisions in the Act; give the Veterinary Practice Board a greater range of powers to deal with veterinarians who are not meeting, or who are unable to meet, their professional obligations; and introduce more flexible arrangements for corporate veterinary practices. The majority of these amendments arose out of a statutory review of the Veterinary Practice Act 2003 conducted in 2009.

The Veterinary Practice Act 2003 regulates the provision of veterinary services in New South Wales. The Act establishes the Veterinary Practitioners Board, which is responsible for ensuring veterinarians provide a high standard of care to the animals they treat. Specifically, the board is responsible for licensing veterinarians and veterinary hospitals. It also administers the professional standards and disciplinary regimes which apply to veterinarians. New South Wales has the highest number of veterinary businesses in Australia, accounting for around 30 per cent, followed closely by Victoria with 24 per cent, and Queensland with 22 per cent. Fifty per cent of all veterinary practices are located in capital cities.

This is a useful bill when one considers that Australia has one of the highest rates of pet ownership in the world. Throughout Australia there are over 33 million pets of various species, including dogs, cats, birds, fish, horses, rabbits, guinea pigs and other small mammals. At some stage these animals and their owners will require the services of a veterinarian. Add to this the numbers of stock animals such as sheep and cattle, which also require veterinarian services, and it will be of no surprise when I tell members that this year the veterinary services industry employs over 20,000 people and is expected to generate revenue of just over \$2 billion in the Australian economy.

I turn now to the amendments in the bill. The bill makes important amendments to the complaints and disciplinary provisions in the Act. Veterinarians, like the rest of society and other working professionals, are not immune from alcohol and drug misuse and medical conditions such as depression. The Doctors Health Advisory Service is a telephone helpline providing confidential advice to doctors, dentists and veterinarians facing stress and mental illness, drug and alcohol problems, or personal and financial difficulties. Last financial year, 21 veterinarians called this helpline, with 11 of these calls relating to drug use and depression.

Over the past four years, the Veterinary Practice Board has received a number of complaints alleging that the performance of a veterinarian was affected by drug or alcohol misuse or other medical conditions. Currently, the board is unable to take specific action in relation to these kinds of complaints. This potentially compromises a veterinarian's ability to effectively exercise his or her professional responsibilities. The

amendments will give the board the power to direct a veterinarian, who is the subject of a complaint, to have a medical examination. If a veterinarian refuses to have a medical examination without reasonable cause, he or she will be considered unfit to practise.

Currently there is no time limit in the Act for making a complaint about a veterinarian. It is difficult for the board to investigate incidents more than three years after they occur because records of consultations, procedures and treatment only have to be retained for three years. To ensure that records will be available to the board and all parties during the investigation of a complaint, the bill introduces a three-year time limit for making a complaint. This will result in a fairer outcome for all parties involved in the complaints process. Importantly, the board will retain a discretion to accept complaints outside this time period if it considers it just and fair, in the circumstances, to investigate the complaint.

The bill also introduces a protection for any person who makes a complaint to the board, in good faith, against a veterinarian. This provision is designed to encourage members of the public, other veterinarians and staff who work with veterinarians to report legitimate concerns they have about the conduct of a veterinarian. During the investigation of a complaint, the board may ask a person to answer questions or produce documents. A person can currently refuse to cooperate with the board on the basis that it might expose them to a civil penalty or criminal proceedings. This would obviously impede an investigation. The bill will make it mandatory for a person who is being questioned or is required to produce documents to answer the questions or produce the documents. To compensate for this, the Act will be amended to provide a protection against self-incrimination in these circumstances. This will encourage an honest, open and frank complaints investigation process. In addition, this amendment will bring the Veterinary Practice Act into line with the Health Practitioner Regulation (Adoption of National Law) Act 2009 and the Health Care Complaints Act 1993.

If the Veterinary Practitioners Board is satisfied that a veterinarian is guilty of professional misconduct it must currently apply to the Administrative Decisions Tribunal for a disciplinary finding. The tribunal will then consider the matter and take appropriate action against the veterinarian. There are, however, cases where the level of professional misconduct is of a less serious nature and will not result in the suspension or cancellation of the veterinarian's registration; for example, in the case of inadequate record keeping or failure to provide an estimate of treatment costs. In these circumstances the board should be able to deal directly with the matter. The bill provides the board with the power to deal directly with these less serious types of professional misconduct. This will make the process cheaper and more efficient. The bill will also allow the board to suspend a veterinarian's registration immediately in certain limited circumstances; for example, if the board is satisfied that such action is necessary to protect the health and safety of a person or animal or to protect Australia's international reputation in relation to animal exports.

The bill introduces a new test for determining whether a veterinarian is fit to practise or not. The concept of a veterinarian who is not fit to practise because of infirmity, injury or illness will be replaced by the broader concept of suffering from an impairment. The bill provides that a person suffers from an impairment if he or she has a physical or mental impairment, a disability, condition or disorder which detrimentally affects his or her fitness to practise veterinary science. Any conduct by a vet demonstrating that he or she is not fit to practise because of an impairment will constitute unsatisfactory professional conduct. As an additional measure, the bill will allow the board to refuse the registration of a veterinarian or impose conditions on registration if the board considers the veterinarian is not fit to practise because the veterinarian suffers from an impairment.

The bill also makes changes in relation to continuing professional development. Maintenance and enhancement of professional skills and knowledge by veterinarians is important for ensuring the health and welfare of animals. Continuing professional development is expected of all registered veterinarians throughout Australia. All jurisdictions have agreed, through the Australasian Veterinary Boards Council and the Australian Veterinary Association, that veterinarians must complete a minimum number of hours of professional education over a consecutive three-year period. To ensure that veterinarians comply with this expectation, the bill makes it mandatory for veterinarians to undertake continuing professional development as determined by the board. Failure to comply with the board's requirements, without a reasonable excuse, will constitute unsatisfactory professional conduct. In these circumstances the board can impose a fine and/or conditions on a veterinarian's registration.

I move now to the issue of incorporated veterinary practices. The Act currently only allows a corporation to carry on the business of a veterinary practice if the controlling interest is held by one or more registered veterinarians. This restricts business opportunities for veterinarian practices in New South Wales. In line with other jurisdictions, the bill amends the definition of "controlling interest" to accommodate a more

flexible approach to corporate ownership. A veterinarian will no longer be required to be involved in decisions about the financial policies of the corporation. This amendment will encourage corporate investment in veterinary practices. With corporate investment comes increased capital flow into veterinarian businesses, which provides more money for better equipment and facilities. It will also attract more business acumen to the business side of veterinary practices.

It is important to point out that this amendment will not reduce the level of care veterinarians provide. Veterinarians will continue to do what they do best: that is, care for and treat animals. Veterinarians will remain fully accountable for the standard of care they provide. They will continue to be bound by conditions of registration and a code of conduct. Taken together the conditions and the code will ensure that high standards are maintained. The Act includes other measures to ensure that veterinarians are not adversely affected by the business decisions of their employers. The bill extends the prohibition against an employer directing a veterinarian to engage in unethical or unprofessional conduct to all employers of veterinarians. The prohibition currently applies only to employers whose principal business is the supply of goods or materials used in connection with agriculture.

As I have already said, most of the amendments in this bill arose out of a statutory review in 2009. The review highlighted a number of issues with the operation of the Act. Industry and Investment NSW worked closely with the Veterinary Practitioners Board during the statutory review process. In addition, the recommendations in the review report were subject to consultation with registered vets and a number of stakeholder organisations, including the Animal Welfare League of New South Wales, the RSPCA New South Wales, the Australian Veterinary Association and the NSW Farmers Association. In addition, the veterinary science faculties at Charles Sturt and Sydney universities were consulted. Given the board has significant responsibilities in relation to the administration of the Act, it was also closely involved in the drafting of the bill. The bill proposes amendments to the Veterinary Practice Act that aim to ensure vets maintain high standards of care and service. They are sensible amendments that will deliver benefits to vets, the animals they care for and their owners. I commend the bill to the House.

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

COASTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2010 (No. 2)

Agreement in Principle

Debate resumed from 22 September 2010.

Mr DONALD PAGE (Ballina) [11.01 a.m.]: I welcome the opportunity to make a contribution to debate on the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2), indicating that the shadow Minister for Climate Change, Catherine Cusack, is in another place and so I will lead for the Liberal Party and The Nationals on the legislation in this Chamber. If the scientific predictions about climate change are correct, the matter of coastal protection and coastal erosion will affect coastal councils, property owners and the New South Wales Government well into the future. Coastal erosion and protection is a complex issue, involving a number of stakeholders. In the past I served on the New South Wales Coastal Council under a Coalition Government, and indeed for three years under a Labor Government.

There is no doubt we need to protect our coastline and our beaches. They are a drawcard for millions of people from New South Wales, Australia and overseas, not to mention the sheer enjoyment that beaches provide for thousands of locals every week. We must always ensure public access to our beaches. I am proud to have been a member of the Coalition Government that introduced the first coastal policy for New South Wales back in the early 1990s, which not only restricted the height of buildings along the New South Wales coastline but also guaranteed access to our beaches, amongst other things. So we need to ensure that our beaches have free and easy access so that all members of the public can enjoy them.

Seaside and coastal communities in New South Wales play a vital role in the tourism industry of this State, and this country. So of course we should factor this into coastal protection legislation. We should also factor into our decisions the best available scientific knowledge about coastal erosion, especially in the context of climate change and sea level rise. We must, however, also acknowledge, recognise and protect the security of private and public landowners who own assets along our coastline and around our estuaries. In many cases individuals and public authorities have made significant financial investments in coastal property. I am advised

that there are some 200 houses in 15 erosion hot spot areas that are currently at risk in the event of significant coastal storms. Of course, the number of properties at risk would rise significantly if the projected sea rises occur over the next 90 years. Indeed, hundreds of thousands of properties, both public and private, will be at risk, not just along our coastline but surrounding our estuaries.

As I have said, the coastal management and protection issue is complex, and I do give the Government credit for trying to solve it, albeit belatedly. It is not an easy task. I know the Minister has been trying to get on top of the issue since his appointment to the portfolio, and I thank him for taking the time to make a personal visit to Byron Bay to inspect Belongil Beach, an erosion hot spot in my electorate, and to meet local representatives, including the mayor of Byron Shire Council, Department of Environment, Climate Change and Water officers, affected landowners and me. I know the Minister has been to Lennox Head to view the coastline and to get a feel for erosion issues in that part of my electorate. He has also been to other hot spots along the New South Wales coastline, as has my parliamentary colleague the shadow Minister, the Hon. Catherine Cusack—albeit they did not go together. The work the Government and the Opposition have done in relation to the Coastal Protection and Other Legislation Amendment Bill 2010 is an attempt to address the complex issues involved in coastal erosion, particularly in the context of projected rising sea levels.

The bill has three main purposes: first, to establish a New South Wales coastal panel to advise the Minister for Environment, Climate Change and Water and act as a consent authority for certain emergency and long-term coastal works that seek to mitigate coastal erosion; secondly, to permit emergency coastal protection work in certain circumstances; and thirdly, to establish a method of funding coastal works through levies on rateable land. I have a number of concerns about the bill in its current form. The first is the power of the Minister. Under the current provisions of the Coastal Protection Act, no council can bring in a coastal management plan without the approval of the Minister. This is an important mechanism by which the State Government is able to ensure a uniform approach up and down the coastline and to guard against radical and widely different actions by particular councils.

For reasons I do not understand, this legislation proposes to remove this power from the State so that the State, via the Minister, is able to check whether the correct procedures have been followed. It will not approve plans; just check whether correct procedures have been followed. If the bill is passed in this form, the State Government will be giving up significant power to control what is happening along the valuable New South Wales coastline. It will sacrifice consistency of policy and lead to increased litigation as property owners apply for development applications to protect their property, have them rejected and then go to the Land and Environment Court. This change of emphasis from State to local government, however, will also have a knock-on effect on the ability to use emergency protection, as the legislation now provides that emergency action must be in accordance with a coastal zone management plan.

I also have concerns about the appointment of authorised officers. This proposed section assumes that a council will want to appoint an authorised officer. Perhaps some may do this, but what if a council elects not to appoint someone to have the training as specified in clause 2? What happens then? Another issue relating to appointment of authorised officers is that any coastal authority may appoint an authorised officer. Such appointment could be made by the Minister for the Environment, Climate Change and Water, the lands Minister or a council, if it wants to. In the case of overlapping responsibilities for an area that contains both Crown and council land, who takes precedence? Who appoints the authorised officer and for what reason? I suggest that a provision for a hierarchy for decisions be included. Clause 1 should be redrafted to say words to the effect that the Minister may appoint a person to be an authorised officer on the recommendation of coastal authorities. If this is not clarified it will be difficult to know who will be responsible for what areas. Proposed section 55C (2) (b) also causes me concern because it allows a coastal authority, including a council, to opt out of a coastal plan. The proposed section currently reads:

A Coastal Zone Management plan must not include proposed actions or activities to be carried out by any public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the plan.

It makes no sense for a public authority, including a council, to opt out of a coastal zone management plan. Why would we entrench in legislation a double standard for private landowners and for coastal authorities when we are trying to manage coastal erosion on both public and private land up and down the coast of New South Wales? I would have thought it better to say that proposed actions or activities to be carried out by any public authority must be included in the plan unless the Minister has agreed to their exclusion on the advice of the coastal panel. Also in relation to proposed section 55L (6), it makes no sense to me to prevent a council from

restraining or giving an order to a State government agency or other public authority. Agencies, authorities and landowners should be treated equally. It is bad policy to allow agencies to do things that have adverse impacts, such as putting rocks on a beach when landowners are explicitly not allowed to do so.

The legislation also provides, in proposed section 55S, that emergency works can be carried out only once by a landowner. Surely no two storm events are the same, and responses for different emergencies therefore may not be the same, and the legislation should recognise this. I acknowledge that the legislation allows repairs to occur to the original emergency works—which, of course, can only ever be the use of sandbags. The legislation does not allow new works to be carried out in the event of a second storm within a 12-month period; it simply allows repairs to be carried out to the original emergency works. In the case of Byron Bay there have been significant storms—indeed, there were two or three in one year. Therefore I believe that provision is a serious weakness in the bill.

I turn now to a number of issues arising from the ministerial requirements that set out details on where and how emergency works are to be carried out. From a landowner's perspective some of these requirements are not workable—that is, they make it almost impossible for anyone to undertake emergency work in order to protect their properties. For example, there is a requirement that the height of any protection works be limited to 1.5 metres. What happens when an erosion face is higher than this? For example, at Belongil in May 2009 the geo-bag protection that failed was at a height of three metres. As a regular early morning beach walker on Belongil and Tallow beaches at Byron Bay, I have personally witnessed substantial erosion events as a result of big seas. Invariably the depth of the face of the eroded area is well beyond 1.5 metres, and is often as high as three to four metres. Having a 1.5 metre height maximum in situations like that will be useless in most circumstances, because the sea will erode behind the sandbags at 1.5 metres, rendering them ineffective in protecting against erosion.

In addition, the requirement that works must not be placed or undertaken when the Bureau of Meteorology has issued a severe weather warning for large waves or damaging surf is not practical for people whose property is threatened by erosion, particularly when another requirement will allow erosion works to commence only when the eroding dune escarpment is less than 10 metres from a residential or commercial building. Typically, the need for emergency protection works occurs as a result of large waves and damaging surf, so it makes little sense to me to prohibit works at a time when the Bureau of Meteorology is predicting these events. Also, most people do not want to wait until erosion is less than 10 metres from their house. Perhaps this criterion should be extended to the border of the property. What happens on a vacant block of land where there is no dwelling? Can emergency protective works be undertaken then? It appears from the Minister's agreement in principle speech and the provisions of the bill that emergency protective works cannot be undertaken unless there is a dwelling adjacent to that block of land. Then there is the restriction that emergency coastal protection can be used only once and is to be removed after 12 months unless an application for permanent works is submitted and approved.

A number of other conditions in relation to the ministerial requirements also concern me. There is the limitation that the emergency provisions can be used only if the property owner currently has no form of coastal protection in place, or if a professional engineer certifies that the existing works provide a lesser degree of protection than the proposed emergency coastal protection. As emergency works have a limit of 1.5 metres in height, this is a condition that may never be able to be satisfied. It seems illogical to me that a property owner with existing but inadequate protection in a storm situation would not be allowed to supplement that protection in an emergency. Another limitation is that excavation of the escarpment is not permitted, even though in most cases some excavation would be necessary to render the sandbag protection safe.

I am concerned that the bill does not seem to recognise that beachfront protection may protect a whole town, or part of a town, or other public or private property. In the case of Belongil at Byron Bay, for example, beachfront protection at Manfred Street will stop the sea from breaking through the Belongil Spit and flooding the central business district of Byron Bay. Beachfront protection can therefore protect more than individual property owners; it can protect a town. It can protect roads and public infrastructure, and other private property. The legislation does not seem to recognise this. I believe there are instances when certain strategic assets, such as Byron Bay's central business district and beyond, need to be protected from flooding on a regular or constant basis. There is no such recognition in this bill.

It must also be said that the bill abolishes the common law right to defend property when there is no adverse effect on beaches, beach access or neighbouring properties. As I indicated earlier, landowners may action emergency works only once. Proposed section 55S specifically prohibits landowners from carrying out

emergency coastal protection works more than once, although proposed section 55S (2) does allow "for repair work to be done during the period allowed for the works", which is 12 months. The Minister states in his agreement in principle speech that the fallback position for unhappy landholders is to submit a development application for permanent works. Whilst this may sound reasonable, I believe that inevitably lots of development applications will be rejected and property owners will take their case to the Land and Environment Court. This will result in a lot of litigation, which is something that this legislation is supposedly seeking to address.

To summarise, I am concerned about the power of the Minister being watered down from approving plans to merely certifying them if due process has been followed. In my view, this will reduce the ability to achieve a uniform approach to coastal management up and down the coast of New South Wales, especially when the coastal panel, which advises the Minister, is dominated by local government representatives. In a coastal panel of seven members, three will be from State agencies, three will be nominated by the Local Government and Shires Associations and the chair will need to have the concurrence of the associations. That is effectively four out of seven members from local government. Why is the Minister handing power to manage the New South Wales coastline to local government? By all means, local government should be a key participant, but it should not be running a statewide policy. The Minister says, "One size does not fit all", but in my view failure to have a clear statewide policy will inevitably lead to confusion, unjustifiable variations, and ultimately litigation by landowners seeking to protect their properties from coastal erosion.

It appears to me that the original statement by former Premier Rees was largely about the balance between recognising the need to adapt to rising sea levels and protecting the sand on our beaches, whilst also recognising that there are important strategic assets on both private and public land that need to be protected. The bill, whilst having some merit in trying to achieve these objectives, is stymied by the ministerial requirements, which would make it extremely difficult, if not impossible, to lawfully implement temporary coastal protection works. In my view these ministerial requirements will need to be changed to make the placing of temporary protection measures simpler and more practical. These ministerial requirements will not be easily changed, as some have suggested may occur, as they are regulations and can be disallowed in the other place, where governments of either persuasion do not have a majority in their own right. There are also several clauses in the bill, which I have outlined, that need to be addressed. This is an important issue, and it is important to get it right. I do not believe the bill gets it right, for the reasons I have outlined. The bill in its current form is not good enough and it needs more work. Therefore, we cannot support the bill in its current form.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [11.19 a.m.]: I am pleased to speak in support of the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). On the Central Coast we have a number of coastal erosion problems. Given that the Central Coast encompasses Brisbane Water and Tuggerah Lakes as well as a number of coastal lagoons at Wamberal, Terrigal and Avoca, the bill addresses an extremely important issue. Over the years councils have allowed people to build very close to those coastal lagoons and to the shoreline. Now when there are storms in the region, some of those properties are put at risk. People are talking about climate change and coastal erosion now, but in 1974 when several houses at Wamberal fell into the ocean following a large storm it was a vivid example of what might happen in the future. Interestingly, houses are still being built on that land, which is crazy. The bill is needed because the councils on the Central Coast—both Wyong Shire Council and Gosford City Council—are looking for direction and some pretty hard decisions are needed on this difficult issue.

For example, Wyong shire is currently dealing with a situation at Cabbage Tree Harbour. Five houses built on top of a compacted sand dune are at risk of falling down a slope that was damaged in the aftermath of a storm. In fact, the erosion has almost reached the window in the front bedroom of one house. The issue is protecting those property owners who were legally allowed to build in that location versus protecting the public who want to maintain the amenity of that beach. It is planned to build a wall along the bottom of the sand dune but locals are concerned about how that will impact on the surf beach. Bill Alexander from Norah Head, a local surfer and business owner, has been—and continues to be—a huge advocate for doing work in the Cabbage Tree Harbour area to maintain the amenity of the beach and to ensure the protection of those houses.

Pleasingly, the Minister for Climate Change and the Environment recently visited the Central Coast to talk to both those councils with me. The Minister was very open in listening to the issues. This bill addresses many of the problems identified to the Minister at that time. As noted by Minister Sartor in his agreement in principle speech, there is no simple answer to this issue; it is about achieving a balance. The Minister and I visited Wamberal Beach and listened to Gosford council's plans for defending the beach. We then visited

Cabbage Tree Harbour to look at some of the problems with Hargraves Beach, which is slightly to the north of the harbour. We also visited North Entrance, where the sand dunes are almost to the houses on that very small sandspit. It was great to have the Minister with me to listen to residents' concerns.

The Central Coast has significant coastal erosion issues. It is also clear that the beaches of the Central Coast are highly valued by local residents, such as Bill Alexander, and by visitors. The Government's coastal erosion reforms and this bill aim to strike an appropriate balance between the interests of beachfront owners whose properties are threatened by erosion and the views of the thousands of people who use our beaches every year. Coastal protection works, including seawalls, need to be carefully planned to avoid beach erosion in front of a seawall and at the ends of the wall. In many cases ongoing beach nourishment may be needed to replace sand eroded from a beach because of a seawall. These potential impacts lie at the heart of the challenge of balancing the interests of landowners and beach users, and the strong theme throughout the bill is achieving the right balance between these potentially competing interests. Cabbage Tree Harbour provides a practical example of challenge.

Landowners will be able to place large sandbags on beaches as emergency coastal protection works in order to reduce erosion threats to their houses. The strict conditions in the bill will allow these works only when erosion is an imminent threat and if they do not erode our beaches, risk public safety or unreasonably limit public access to a beach. Allowing landholders to place sandbags on beaches in an emergency aims to avoid the problems of the past, when landowners and others placed rocks, concrete blocks and even old cars on our beaches to reduce erosion. Some of those emergency works can still be seen today at Belongil, Collaroy and Narrabeen beaches, even though they were placed there some 30 years ago.

To balance the new ability for landowners to place sandbags on beaches as emergency works, the bill makes it tougher for landowners or others to unlawfully place rocks and debris on our beaches. New order powers and significantly increased penalties will apply to these unlawful activities, which can have long-term impacts on our beaches. The proposed amendments to the infrastructure State environmental planning policy will allow landholders to apply for development consent to build a seawall. However, the bill will require a consent authority to be satisfied that there will be suitable arrangements for maintaining the seawall and restoring any beach erosion caused by the seawall. This is another key element of the aim of the bill to achieve an appropriate balance between property protection and beach amenity.

As noted by Minister Sartor in his agreement in principle speech, there are diverse community views on managing coastal erosion impacts on properties. Some landowners understandably want to protect their properties, although the potential consequences of property protection need to be recognised. Other views from the community are that our beaches are precious public assets that should not be sacrificed to the private benefit of a few landowners. This is a big issue on the Central Coast, and even around the lakes. The rise in sea levels has resulted in the councils having to draw a line because of the future potential for these areas to be subject to flood or affected by coastal erosion. This has caused great consternation to landowners who think this will impact on the value of their land.

Unfortunately, if nothing is done—if the bill is not passed and we just stand back and say, "It's all too hard"—those people will not be helped. They need to understand that they are in a zone that could be flooded or affected by coastal erosion. The councils need to be able to put plans in place either to defend those areas or to have a staged retreat. The community cannot afford to spend dollars defending some of those places that eventually will be inundated. We cannot go through the exercise of spending millions and millions of dollars in public money on defending areas that cannot be saved.

Wyong and Gosford councils are experiencing problems putting some of the regulations in place because people are worried. People say to them, "This is our asset. This is our major life investment. Suddenly you have drawn a line and we are on the wrong side of it." But people must understand that even the insurance companies are doing this. For example, with the NRMA if people live outside flood zones or in specified coastal areas they are automatically covered for flooding, but people who live within these zones have to pay extra. The business and insurance industries have recognised the issue. The Opposition is running away from the issue by saying that it will not support the bill. The Opposition is trying to score cheap political points—

Mr Geoff Provost: That is not fair.

Mr DAVID HARRIS: No, the Opposition is preying on people's fears about land values. But at the end of the day that does not help them one bit. A line must be drawn in the sand—pardon the pun—to give

people clear guidelines under which to operate. We cannot keep running away from this hard issue. Governments have to take hard decisions. Governments have a responsibility to future generations. If action had been taken 20 or 30 years ago, when the storms occurred at Wamberal, we may not have been facing some of the current issues. People have been allowed to continue to build in these areas.

The Government has now said that we need clear guidelines. The Opposition should support the bill as a starting point. As the years go by and we see the effects of sea level rises and climate change, the legislation can be altered—things can be added or removed. That is how legislation works. The bill should not be rejected because it is all too hard. I note that Minister Sartor is now in the Chamber. I have thanked the Minister for visiting the Central Coast and meeting with local councils. The Minister listened carefully to the councils as they explained the problems they face. That is what a good Minister does: he or she gets out there and listens to the community.

The Minister invited the shadow Minister but, unfortunately, she did not want to come and talk. The Minister wanted to be bipartisan on this issue and the Opposition wanted to score cheap political points. The bill has been developed acknowledging the diversity of community perspectives on coastal protection. The bill achieves an appropriate and reasonable balance between the interests of beachfront landowners and the many thousands of people who regularly visit some of the best beaches in the world along our State's coastline. At Cabbage Tree Harbour in my electorate there are issues about residences slipping down the slope. People such as Bill Alexander are defending the public's right to access and proper amenity of the beach. This bill goes a long way towards meeting those needs. I fully and wholeheartedly support the bill.

Mr JOHN TURNER (Myall Lakes) [11.30 a.m.]: I will make only a short contribution to debate on the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). The shadow Minister and member for Ballina, who spoke on behalf of the Opposition, went through the bill forensically and covered all the issues. New South Wales has problems with coastal erosion, particularly in my electorate at Old Bar. I do not know whether the Minister for Climate Change and the Environment visited Old Bar—perhaps he could clarify that in his reply. As we know, there are eroding beaches and accreting beaches. Old Bar is a sad case because it is an eroding beach. Three houses have had to be demolished.

I am unsure whether the legislation applies to Old Bar. On my reading of the legislation, Crown land is not covered. The erosion at Old Bar started on Crown land and was irreversible by the time it reached landholders. I should declare an interest, even though I do not support the bill: I have a waterfront property. There is an eight-metre Crown land walkway in front of my front boundary. On my reading of the bill, I would have to sit and watch the erosion of the Crown land before I could do anything to protect my property. The Minister is shaking his head—perhaps he could address that issue in his reply.

I believe the bill has some big holes in it. For example, at Hawks Nest—which was in my electorate but now is in the electorate of the member for Port Stephens—Jimmy's Beach is being continually eroded and has been since time immemorial. The road between the beach and the waterfront properties is continually being eroded. Again, I am unsure whether this bill covers it because it was not included as one of the hot spots. Another major concern is the cost shifting back to councils. As the shadow Minister said, we cannot have a piecemeal approach to this problem; we need a proper statewide plan. Although the bill seems to address it as a statewide issue, it will fall back on local councils to take action in relation to the various problems within their council areas. I am not satisfied with this bill. I do not oppose a uniform approach to coastal erosion but this bill does not contain the appropriate measures.

I am concerned also about the bureaucracy. The bill defines "emergency coastal works", precisely sets out those works and then states there may be other provisions contained in the regulations that have to be considered. If a bloke is watching his house about to disappear into the sea, the last thing he wants to do is search the Internet to find out the latest regulation about emergency coastal protection works. That is basically what the bill says. The bill is so prescriptive that this bloke could get himself into serious problems, particularly taking into account the penalties that can be imposed. He would be more than in his right to be worried. If he did the wrong thing he could face penalties of \$495,000 or \$44,000 a day. Similarly, if he did not remove any works within a certain period he could face fines of \$44,000, just for protecting his assets. The bill has lots of holes in it. The length of time involved in bringing the bill before the House and the number of drafts are indicative of the problems with the bill. As the shadow Minister stated, the Opposition will not support the bill.

Mr GEOFF PROVEST (Tweed) [11.34 a.m.]: I will make a brief contribution to the Coastal Protection and Other Legislation Amendment Bill 2010 (No. 2). The purpose of the bill is to establish a New

South Wales coastal panel to advise the Minister for Climate Change and the Environment and to act as a consent authority for certain emergency and long-term coastal works and some long-term mitigation works; to permit limited emergency coastal protection works, sandbags or sand, and empower councils to order the removal of such works; and to establish a method of funding coastal works through levies on rateable land. Together with the member for Myall Lakes, I also compliment the shadow Minister in the other place and the member for Ballina on his fine contribution. I stand behind them in opposing this bill.

I will outline some of the reasons I oppose this bill. A piecemeal approach is being entrenched when a holistic approach is required. The bill prevents the Minister from enforcing a consistent approach for the whole of the coastline. Block-by-block approvals are needed for emergency works. The bill includes an arbitrary definition of "hot spots". That clearly needs to be resolved. As the member for Myall Lakes indicated, Crown land is not covered by the bill, which makes it virtually impossible to undertake holistic works. The right to defend property is reduced. The bill abolishes common law rights to defend property where there is no adverse effect on beaches, beach access or neighbouring properties. It also fetters the power of the Minister to require councils to protect private property.

Landowners may action urgency subplans only once. Section 55S prohibits landowners from protecting property against subsequent storms. Emergency measures are impractical because they are too bureaucratic. It would be impossible to prepare properties for protection against predicted storms. A requirement to obtain a certificate from council does not oblige the consent authority, the council or coastal panel to issue a certificate in a reasonable or timely way. Further, there is significant overlap with the current infrastructure State environmental planning policy. The electorate of Tweed has 31 kilometres of coastline. In May 2009 we suffered fairly significant beach erosion during large storms. That erosion has continued and in the past six months in the lovely area of Kingscliff there has been a significant loss of beach, up to 40 metres. Only a month ago a large section of the local car park—

Ms Linda Burney: Then you should support the bill.

Mr GEOFF PROVEST: I support a holistic approach, not a piecemeal approach. This legislation has been brought about by landowners and Byron Shire Council. I have been in discussions, even only an hour ago, with Tweed Shire Council. The council has been proactive in this field, which is a matter of major concern for them. I would like to see works such as those undertaken in the area around Cudgen Headland Surf Life Saving Club, which has suffered a large amount of erosion. I have been informed by surf club officials that the club has been chosen to stage an Australian surfing championship but it is concerned about its capability to do so. The club has suffered a 25 per cent drop in revenue as a result of the significant erosion of the beach. It had the foresight to form a partnership with Tweed Shire Council to build a retaining wall in front of the club. They have spent a lot of time and effort on this issue. Tweed Shire Council officers know where the active zones are. They are concerned that the 10-metre retreat is not sufficient because by the time it gets within 10 metres—

Mr Frank Sartor: I already said we are reviewing that.

Mr GEOFF PROVEST: The Minister has indicated that the 10-metre retreat is being reviewed. I am pleased because that is a matter of concern. It is good to see the Minister taking on board comments of local communities. Much of this we can plan for the future. This amendment relates to emergency remediation. What I am proposing is that the Government actively consults with our local communities. Beach erosion is continuing in a fairly significant manner, particularly in my electorate. It is having an enormous impact on property owners and property values. But there are a lot of unknowns and uncertainty out there in the community. While I acknowledge that the Minister is trying to clarify certain issues, I still believe, as the shadow Minister said, that a holistic approach is required rather than what is at times a rather piecemeal and reactive approach—as demonstrated in recent court cases—particularly in the Byron area.

I also support the right of landowners to defend their properties. Beachside properties in certain areas of the Tweed fetch anywhere up to \$2 million or \$3 million. I believe those landowners have the right to be included in consultations. As I have said, beach erosion is fairly significant in my local area and too often I have seen that with quick, piecemeal approaches to the problem councils are forced to spend significant amounts of money. I know that Tweed Council has had to spend many hundreds of thousands of dollars because of beach erosion in front of Cudgen Headland and in the car park there. I witnessed a large number of sandbags being placed there, but within the space of 24 hours the sandbags had virtually disappeared and the erosion continued.

There should be greater consultation with bills such as this. We have heard many expert opinions on beach erosion, retreat, et cetera, but coastal protection continues to be an issue. I agree with the shadow Minister

for Climate Change and Environmental Sustainability in the other place, I agree with the member for Ballina and I agree with the member for Myall Lakes that a lot of issues need to be resolved and that there should be proper consultation with all the relevant stakeholders. I support all coastal communities; I know that beach erosion has a significant impact on them. The Government installed a sand bypass in the Tweed to replenish the sand of the beaches in Queensland, and that was a fairly landmark decision. I think in the year to date \$170 million has been expended on that. Unfortunately, there was very little consultation, particularly with a number of stakeholders.

The Minister is probably not aware that Kirra Point in Queensland was one of the top seven surfing beaches in Australia. It is no more because the sand has not done what the scientists said it would. Because of a lack of consultation with the locals, who know the area and have lived there all their lives, we have lost a significant section of that surf break. There is now a fairly strong lobby group up there known as Bring Back Kirra Point, and I support it completely. Beach erosion has also had a detrimental effect on Duranbah, which is listed in the top five surfing areas in Australia. Many large surfing contests are held there. The sand bypass has caused significant beach erosion down on Fingal Beach, so much so that only six months ago residents took me down there to see it and we saw trees falling onto the beach.

Mr Frank Sartor: Why don't you use this as a private member's statement?

Mr GEOFF PROVEST: This is not a private member's statement; this is about beach erosion. This is about the rights of the local people to have input, as opposed to a piecemeal approach to the issue with a 10-metre retreat and emergency works. This is about taking an active approach.

[Interruption]

The Minister may say that but this Government is renowned for having very brief public consultations, particularly in respect of beach erosion. Beach erosion is a significant problem. People's livelihoods and people's properties are being put at risk. This issue will not go away. We have issues with the climate and we have issues with sea levels. I have lived in the Tweed for just on 23 years and I have noticed during that time that the storms are getting fairly intense and the levels of beach erosion are greater. Yet, we have reluctance by the Government—

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Tweed does not need the encouragement of Government members.

Mr GEOFF PROVEST: I am 100 per cent committed to the electorate of the Tweed. While I appreciate the prompting from the other side, I wish Government members would come to the Tweed.

Ms Linda Burney: I've been to the Tweed.

Mr GEOFF PROVEST: I know the Minister for Climate Change and the Environment and the Minister for the State Plan have been to the Tweed on a number of occasions—although the Minister for Climate Change and the Environment is not always welcomed by various groups. As he said, there must be something in the water in the Tweed. The people who live in the Tweed are deeply committed—

Pursuant to standing orders business interrupted and set down as an order of the day for a future day.

SHORTLAND FESTIVAL

Ms SONIA HORNERY (Wallsend) [11.45 a.m.]: I move:

That this House:

- (1) notes that the success of the Shortland Festival on 20 September 2009 was a credit to hardworking local Ms Kim Hillery; and
- (2) congratulates Ms Hillery for her long-time contribution to junior soccer, and commends all the wonderful volunteers at Shortland Festival.

It is with delight that I pay tribute to one of the hardest-working women in the Wallsend electorate. I thank the House for the opportunity to do so today. Ms Kim Hillery is a very special woman. She is a steadfast promoter

of a working-class suburb called Shortland in the Newcastle City Council area and the Hunter electorate. She also has some valuable workers who have helped her make the Shortland Festival a success over the past 11 years.

The Shortland Festival is an event on the Wallsend calendar that one never forgets. In addition to thanking Ms Kim Hillery, I thank Mr Mark Stephenson, who has been involved with not only the park trust for Tuxford Park at Shortland but also has been involved for 15 years in soccer; Ms Colleen Marjoribanks, who has been involved with soccer for 12 years; Ms Nicole Lindsay, who has been involved with soccer for 10 years; Mr Brian Littlewood, who has had a 25-year involvement and commitment to rugby league in the area; Ms Cathy Abraham, who has had five years involvement in soccer, rugby and the park trust—what a wonderful woman; Mr Kevin York, who has had 11 years at the Shortland Festival; Mr Brian Witt, who has had 10 years involvement with both soccer and the park trust; and Mr Kevin Slade, who has had 11 years involvement with the Shortland Festival.

The Shortland Festival is in its eleventh year this year, which is a tribute to Kim and her hard work, as well as the work of her volunteers and her committee. The Shortland Festival is one of Newcastle's premier community-based festivals that combines fun and sporting achievements. The philosophy of the festival is to promote richness, diversity and quality of life enjoyed by Shortland's working-class citizens and battlers. The program encompasses music, sport, traditional crafts, markets, live performances, displays, exhibits, rides and so much more. Through Kim's hard work, community support and financial support have increased over the years, resulting in a higher quality festival. It is important to remember that this festival attracts many thousands of visitors from all over the Hunter. Shortland is a working-class area, so it is a credit to Kim and her helpers that this festival takes place.

Shortland Festival is held in spring to celebrate the warmth of the season. It is all about encouraging people to walk, ride, play and eat, which reflects the Newcastle City Council's philosophy of encouraging people to get out and about. The Shortland Festival aims to provide an element of entertainment, excitement, education and fun for the community. Daytime events include free stage entertainment, guest appearances and stalls for families and young children. It also gives local entertainers the opportunity to perform on stage to an appreciative audience, which could be the start of a new career.

Shortland rugby league club and Shortland soccer club will again hold their presentations at the festival, as they have for the past 10 years. That gives the community the chance to see the wonderful young people coming through our sporting clubs and receiving their awards. The Shortland Festival raises money for local parks and community developments for the good of the community and sporting bodies. Over the past 10 years it has achieved wonderful goals. It has provided funds for work on the soccer canteen facilities, the meeting room, the dressing rooms and toilets, the lower fields, the upgrade of the netball courts, which cater for both boys and girls, and the new basketball courts. Lights have also been approved for the soccer and netball fields and will be installed at the end of this season. Members all know how important they are for sporting groups. Major upgrades of the rugby league facilities will commence next week, and we are all very excited about that.

I mentioned Kim Hillery's passion for everything that affects Shortland. As a battler, she was extremely concerned about the increase in the soccer registration fees. In fact, she was so concerned that she wrote to then Prime Minister Kevin Rudd asking to meet with him. She sent me a copy of the letter. She wanted to talk to him about ensuring that sport is accessible to everybody—both rich and poor. I congratulate her for having the courage to write that letter. We all have constituents who talk about doing things but never do them. I congratulate Kim on having the courage to stand up for her community.

The Shortland Festival is the brainchild of a local mum who wanted to help the community to grow through its own efforts. She joined the local soccer committee and the park trust committee 12 years ago to encourage local groups to work for themselves. We are all time stretched and to prevent parents from having to attend two meetings—one for the soccer committee and one for the park trust—they were combined. That strategy has been very successful. The soccer club had eight teams on the park. They were supported by parents working out of an old caravan that was towed to games and that was broken into regularly. Today the club has 17 teams on the park and a wonderful facility. They are very proud of that facility because it is the fruit of their own hard work. All the teams are excited about the new lights that will be installed next month. As a result, they will be able to play longer into the evening.

This year the club hopes to raise enough funds through the festival and corporate support to upgrade the canteen, the toilets and the dressing room facilities on the top fields for the rugby league players. No work has

been done on those facilities in the past 50 years, so any improvement will be good—they are definitely showing their age. Hopefully additional lights will be installed in the next 12 months to ensure that all teams can utilise the park when necessary. Applications have been submitted to the council and the State Government for permission to build a toilet facility for the netball players to ensure the safety of female players. The bricks for that building have already been donated, which is fantastic. Paving is also being installed along the front of the park to improve safety and access. That is a good move, but it has created some problems because it will result in the loss of about 100 parking spaces. That issue will have to be addressed in the future.

Kim Hillery has also suggested the establishment of a skating facility in the park. The children have been asking for such a facility for many years. We will see what happens with that proposal. To its credit, Newcastle City Council has encouraged community and sporting bodies to get involved in the park. Its aim is to have people working together to instil a sense of community ownership. The fact that we have such a successful park trust in a working-class suburb is a credit to Kim and her committee. Every year Kim takes the leaders of the various sporting bodies to meet children in the local schools to promote their sport and a healthier lifestyle through sport. That is particularly important given the increasing concern about childhood obesity.

On behalf of the Wallsend electorate, I pay tribute to Kim Hillery. Whenever I am in the Shortland area she is there lobbying me and local government to get the best facilities for the kids in her area. It is great to see a mum like Kim doing so much for her community. She has the support of local parents. I congratulate Kim Hillery and the Shortland community on organising such a successful festival over 11 years.

Mr THOMAS GEORGE (Lismore) [11.55 a.m.]: I am so impressed by what the member for Wallsend said about young Kim Hillery that I wonder whether she is a prospective local member. I am pleased to advise the member for Wallsend that the Opposition will support her motion. The member has highlighted the contribution that many people across the State make to ensure that events such as the Shortland Festival go ahead. These events provide leadership, direction and facilities for many sporting organisations. In this case, the core of the festival is soccer—or should I say "football"? I show my age when I refer to it as "soccer". I must admit that I am wearing a Parramatta Leagues Club tie, but we all support various sporting organisations.

The member for Wallsend has drawn the attention of the House to the recognition that we should afford the people of this State who do so much for their communities. Of course, they do not do it for recognition; they do it to provide opportunities for young people. Each and every member has someone like Kim Hillery in his or her electorate; in fact, we have hundreds of them. This motion recognises Kim, but she represents all the people who support sporting organisations, be they managers, coaches, officials or mums and dads who turn up to support their children.

Football attracts the largest sporting support base in the State. I would not hazard a guess as to the number of people who support it, but I would imagine that it would be hundreds of thousands. Participating in football is a great way for young people to learn about life. It is people like Kim Hillery who have organised festivals that give these young sportspeople the opportunity to participate, to learn how to play, to be part of a team and to respect their fellow team members, their coaches and the referees.

When members of Parliament do not work as a team there are problems. People who are not part of a team but act as individuals know where they will end up. We have seen that recently in politics right across Australia. As I indicated, the Opposition will not oppose this motion. The member for Wagga Wagga indicated that he tried to Google information on the Shortland Festival but unfortunately he could not find anything. I suggest to the member for Wallsend that something should be put on the Internet about the festival and if funds are needed, I am sure the local member will know the appropriate people to contact to arrange funds for that organisation.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [11.59 a.m.]: It is with pleasure that I take this opportunity to speak in support of the motion, which congratulates the Shortland community, recognises the significant achievements over many years of the Shortland Festival and congratulates Kim Hillery on her contribution to the ongoing development of soccer and the festival more generally. There is no doubt that any community deserves recognition and support from all tiers of government, and it is pleasing that the New South Wales Government has been active in the Hunter in supporting our local communities, in particular, with sport.

I make particular reference to the Community Building Partnership Program, which has seen significant funds rolling into sports organisations—including Scouts—who were very much in need of financial

assistance to further develop their sport and to provide important infrastructure to support their players and the community at large. We have a very active Department of Sport and Recreation and an enthusiastic Minister, who is administering the portfolio. He is very happy to put his hand in his pocket and help to develop sport not only in the Hunter but also across the State.

Sport is a strong part of the culture in the Hunter. I make particular reference to the Newcastle Knights and the Newcastle Jets, who are going through a traumatic period at this moment, but I am sure that will pan out for the greater good of soccer. One attribute we do have in the Hunter is a strong sense of community, where people from across the region come together through the various festivals to share goodwill. Communities interact, even through advertising and marketing, to highlight what goods and services are available in various parts of the Hunter.

Most importantly, sport is a fundamental part of the history and culture of the Hunter. It is pleasing that the member for Wallsend has moved this motion because it is a great opportunity to recognise soccer in particular. Two of my young ones are involved in soccer and it is important to them as individuals. We need to continue to support all sports across the Hunter region. Certainly Lake Macquarie City Council has a large task at hand to ensure sport is given the attention it deserves. While we have a strong sports culture, for many years there was not a huge investment in the development of sports and sports-related infrastructure.

Only yesterday I was in dialogue with Charlestown Soccer Club, which for three seasons now has been excluded from its home ground due to the redevelopment of Charlestown Square. The completion dates for the project continue to be delayed and the club is under severe duress. It has not had access to a canteen and has not been able to market or promote the club and soccer. Its membership and participation have dropped significantly, and it will have one almighty job to rebuild the club once the works at the grounds are completed, sometime later this year, we hope. Nevertheless, it will continue, as do all the clubs in the Hunter, to further grow and enhance sport opportunities. The member for Lismore touched on the many benefits provided to people by their active participation in sport, and I will not canvass those again.

The Shortland Festival theme applies right across the Hunter. Warners Bay is another good example of regular festivals bringing communities together. While it has been a little while since the last Charlestown Festival, Charlestown has a strong history of holding festivals. They are great events, and I can only encourage communities to continue to participate in them and recognise the greater good of our communities and our community spirit.

Ms MARIE ANDREWS (Gosford) [12.04 p.m.]: I also have great pleasure in joining my colleague the member for Wallsend in congratulating Kim Hillery on her contribution to soccer in the Shortland Festival. I thank the member for bringing Kim Hillery's efforts with the great sport of football or soccer to the attention of the House. As the member for Lismore said, football is one of those growing sports in our State and it is wonderful that so many young people are involved—young lads and young girls as well. It is great for them to be involved in outdoor activities, as it teaches them discipline, team spirit and many other attributes.

Every electorate would be able to boast festivals of one kind or another. As the member for Gosford, I am proud to inform the House that within the Gosford electorate, the annual Australian Springtime Flora Festival is held each year at Mount Penang parklands. This year was the twenty-fourth such festival. I am pleased to inform the House that the State Government contributed \$300,000 towards the holding of the festival this year. Of that amount, \$120,000 was available to meet power costs and provide temporary fencing around the event, while a further \$130,000 went towards the construction of two new public amenities blocks.

The flora festival had to be moved from its original site in 2009 because the State Government has built a fine high school at Kariong—Kariong Mountains High School—for approximately \$20 million. Fortunately, the Australian Springtime Flora Festival has been able to continue with the support of the State Government. There will be a move to further improve the amenities on the site as well. I pay tribute to the festival development corporation team, which has worked incredibly hard to ensure that the new park was delivered on time for the 2009 event, after the previous site, as I said, was acquired by the Department of Education and Training for the Kariong Mountains High School.

I place on record also my appreciation to Tony Collits, the executive member of the Australian Springtime Flora Festival. Tony has been the main thrust behind this flora festival for many years. I pay tribute also to Nola Parry and her colleagues in the wildflower area. For many years they have had tremendous exhibitions in the wildflower pavilion and I think it is the highlight of the festival.

This year, of course, the local schools participated, as well as other community groups. We also had garden gurus like Don Burke, Sandra and Graham Ross, and Angus Stuart, a local, who grew up on the Central Coast and attended local schools. Now, of course, he is making his name in horticulture. It was wonderful to have all those people there. A further \$45,500 was also allocated to the flora festival this year by the Department of State and Regional Development and that funding was used to upgrade the park infrastructure, including new landscaped gardens and displays, and the employment of an events consultant to ensure the long-term sustainability of the festival.

I pay tribute also to Chris King, who is a well-known identity on the Central Coast. For a number of years Chris has been the master of ceremonies for this event. He does a great job over the four days of the festival. As the member for Lismore pointed out, festivals are indeed held right across our State. They are wonderful for bringing tourism into our respective electorates. They certainly promote local attractions and they play an important part in the culture and promotion of tourism within our various electorates and indeed right across the State. I commend the motion to the House.

Ms SONIA HORNER (Wallsend) [12.09 p.m.], in reply: I thank the member for Lismore, the member for Charlestown and the member for Gosford for their contributions to the debate, which were fantastic. I thank the Opposition for their support for the motion. It is a very worthy and sensible motion, so I am not surprised that they support it. I agree with the member for Lismore that volunteers do not seek recognition but work for the benefit of the local community and the kids. That is so true. The member for Lismore thanked managers, coaches and officials for their contribution, which is often voluntary, and Government members also appreciate the hard work of managers, coaches and officials. He also mentioned the importance of being part of a team, learning to work together and the responsibility that brings because people are responsible for their team mates. It also teaches people to be responsible towards the community.

I thank the member for Lismore for the tip, and I will suggest that the Shortland Festival organisers put some information on the website to further promote the festival. I agree with the member for Charlestown that the sporting and festival culture in the Hunter is well known. I agree also with the member for Gosford that the State Government has made great contributions to sporting and community festivals all over the State and it sounds like the flora festival on the Central Coast is something for us to behold. On behalf of the community and the Shortland Festival, I thank the House for its support of this motion and look forward to the Shortland Festival in 2011.

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

Motion agreed to.

FAMILY HISTORY SOCIETIES STATE CONFERENCE

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [12.13 p.m.]: I move:

That this House:

- (1) acknowledges that the New South Wales and Australian Capital Territory Association of Family History Societies State Conference was hosted in Wyong in 2009;
- (2) congratulates the Wyong Family History Group on conducting an interesting and high-quality event;
- (3) notes that the Government financially supported this conference; and
- (4) congratulates all enthusiasts who record our nation's rich heritage through researching their family history.

I am very pleased to move this motion 12 months after the original conference in 2009 was held at Wyong Race Club. A vast number of people in our community are interested in exploring their family histories. Researching family history gives one's current family context, flavour and colour and it is something that people are very passionate about. In our family we have some quite notable people, some for good reasons and some for less good reasons. For example, we are very proud that although she was not a member of the First Fleet, a member of our family, Miriam Houghton, was a convict. She was transported for seven years for allegedly stealing some lace and some alcohol, I believe. We are glad that she came here and continued our family line, but our family is quite convinced that she was framed because her master had made advances towards her and she resisted those advances. It is quite trendy these days to have a convict in your family ancestry, so we are very pleased about that.

Mr Alan Ashton: Retrospectively, no doubt.

Mr DAVID HARRIS: That is right. Another notable person in our family was my great uncle, Frederick Duncan Chapman. History notes written by Charles Bean in his *History of Gallipoli* show that it is quite possible Frederick Duncan Chapman was the first person to land on Gallipoli. He certainly was in the first boat, as part of the Queensland regiment, and a letter written by Frederick Duncan Chapman to my grandfather's brother clearly stated he was quite confident that he was the first person to land on Gallipoli. Unfortunately though, he was then killed at Pozières where he was given a medal for storming single-handedly a German machine gun nest. That is the sort of thing one finds when researching family history.

This motion, though, is more about the Wyong Family History Group, a very active group in our community, with many members. It is a not-for-profit organisation with research rooms situated in the Wyong township, in the old Wyong public school area. The group was formed on 3 June 1983 under the guidance of Keith Shakespeare and with the full support of Wyong Shire Councillor Rosemary Sheens, who chaired the first meeting. Thirty-two interested members of the community attended that inaugural meeting. The group met at various venues, including Allison Homestead, which is now where the pioneer museum is, Oasis Youth Centre, and also shared rooms with the chamber of commerce, as it outgrew each premises.

The group was then successful in securing permanent premises, as I said, in the form of two rooms at the newly opened Wyong Community Cultural Centre in 2005. In 2008, due to continuing growth, the group was successful in applying for the use of a third room at those premises. The research rooms, which are manned by volunteers, are open to all members and the general public three days a week, as well as one Saturday a month. Two weekends ago I attended the open day of the group, which had a colonial theme. Members dressed up in early pioneer clothing. It was a good day with well over 100 people in attendance.

In 1986 the group, in conjunction with the Central Coast Family History Group, which is situated in Gosford, held the New South Wales and Australian Capital Territory Affiliated Societies State Conference at the now defunct Old Sydney Town site. A conference had already been held in 1986, and 2009 was its second one. Membership continues to grow at about 25 per cent per annum, due to great interest in family research generally and the enthusiastic support provided by the committee and members to promote the value of such an exercise for future generations to come.

In the past two years the group has released a number of publications entitled *Central Coast Roll of Honour Book*, the *Wyong Court House Records*, *Brought in by the Tide*—a guide to researching convicts to Australia—and are in the process of compiling a number of other publications relating to the Wyong area. I was very pleased that they produced a book documenting where people are buried at the Noraville cemetery. That is where my grandparents are buried. I had not been able to find their grave site until they produced this book and numbered it. I was then able to take my children to see where their great-grandparents were buried. The group plays a valuable role in our community.

The Wyong Family History Group conducts fundraising barbecues at Bunnings—as a lot of groups now do; Bunnings is a very good supporter of local groups—and it also runs an annual Rotary raffle. But, like all community groups, the group is happy to raise its own money. The Wyong Family History Group has been named as a finalist in the *Express Advocate* newspaper awards for its services to the community. The group's final venture for 2010 is to finalise an affordable lease with Wyong Shire Council, which will see the group have exclusive use of the Wyong Community Cultural Centre for a period of five years. I fully support the group's lease application, and I hope it is successful.

The Wyong Family History Group applied in 2007 to host the 2009 State conference. The application was successful and the group was given two years to organise the event, which also provided an opportunity for the group to showcase the Wyong area to the people attending the conference. The limited number of venues in the area was inspected by the steering committee before the decision was made that the Wyong Racecourse Function Centre was the most suitable venue in which to hold the conference. Indeed, it was a good venue. As happens with many of these ventures, the Wyong Family History Group started with \$500 in the bank and it had to find sponsors and supporters to be able to put on the event. As the group's patron I was very pleased to make representations to the then Premier, Nathan Rees, and the Government was able to provide \$5,000 to assist the group to hold the event. Indeed, the group was about to cancel the conference; but with that \$5,000 it was able to go on and hold a very successful event, which was pleasing.

The conference was held on 18, 19 and 20 September 2009. There were 230 registrants as well as 60 trading stalls, which consisted of items from fellow societies and commercial traders. Friday 18 September

was a very busy and tiring day for members of the Wyong Family History Group as they commenced to set up for the conference. However, the support of the employees at the racecourse was second to none, this making the task a lot easier. The "meet and greet" as well as a welcome to Wyong by the President of the Wyong Family History Group was held on the Friday night at the racecourse, with approximately 200 people attending. Unfortunately on the Saturday morning the Mayor of Wyong fell ill. However, Kevin Faulks, who recently passed away, stepped in and was able to deliver the opening address. I then presented the Vincent John Crow memorial address on the history of Wyong, before a number of other guest speakers took the stage to speak on a variety of subjects.

On the Saturday night the State dinner was held at the racecourse. I attended the dinner, and it was a most enjoyable evening. The guest speaker at the dinner had everyone in stitches of laughter; she was very funny. The way she spoke about Wyong's history, in particular, was very humorous. Indeed, she had a whole lot of early implements and she told quite funny stories about how they had been used. On the Sunday morning guest speakers took everyone on a journey of history, citing the First and Second Fleeters, the National Museum, and also the Spirits of Gallipoli, before the conference was closed and declared a wonderful success by the State president.

The Wyong Family History Group made a slight profit at the end of the day, which is good because that will help with the group's other activities. Once again I congratulate the Wyong Family History Group not only on running a very successful 2009 conference but also on the work it does in the community in performing that very important role of assisting people in discovering that their family history is alive. I am sure all members of this House would have similar groups in their electorates, and I am sure they are also very supportive of the activities they undertake in their electorates.

Mr GREG APLIN (Albury) [12.23 p.m.]: I make a contribution to debate on this motion regarding the Family History Societies State Conference, which last year was held in Wyong. I join the member for Wyong in congratulating all those who participate in family history societies and the many linked societies throughout this country whose purpose is to bring people together to examine their family histories, bring their family histories alive, and record them for posterity. I note that this year's annual conference is to be held in the Shoalhaven area. I wish the Shoalhaven Family History Society success in bringing together all those interested parties.

The New South Wales and Australian Capital Territory Association of Family History Societies was formed in 1982. From its formation until 1999, the association operated under the name of the New South Wales Association of Family History Societies and from that year it incorporated the Australian Capital Territory into its name to better reflect the interests of the Heraldry and Genealogy Society of Canberra Inc., which had been a member since the association's inception. I note that there are many family history society members throughout the State—including in Armidale, Coffs Harbour, Dubbo, Singleton, the Illawarra area, Inverell and Quirindi. Indeed, family history societies are not simply city-based organisations but exist throughout the country.

In Albury we have the Albury and District Historical Society, which has a broader aim but it incorporates many visits from people who talk about and examine family histories. It is something we should be encouraging. I commend to people the activity of researching one's family history and recording it while people still have those wonderful stories to tell, so they can be documented and kept for the future. Indeed, the website for the Family History Societies gives people ideas about how to start researching their family history—for example, by writing one's life story, interviewing relatives about their life stories, holding a family reunion, and holding a family or local history talk, seminar or information session. I encourage people to access the website if they are wondering how to start researching their family history.

Many years ago I met a person who had a profound impact on people's ability to become involved—indeed, immersed—in family history and to take it that one step further. By introducing the name, I recognise that many people will have fond memories of him and mourn his untimely death in 1983. I refer to none other than Philip Geeves, a man I personally knew as his wife was a friend of my mother. I recall visiting Philip and his wife in their home in southern Sydney on one occasion and being amazed at the number of books that had been crowded into their living room. Indeed, Philip had given up using coffee tables and side tables; instead he used piles of books on which to place cups of tea, perhaps the odd scone or two, or a drink. Indeed, that is the enduring memory I have of a visit to Philip Geeves' house.

One of the stories Philip Geeves told us on that occasion influenced my family to engage in family history research. Indeed, my wife has gone on to become something of a historian. She took it to the point where

she not only interviewed people to record their family histories but undertook a book-binding course so that she could bind the books, illustrate them and incorporate lots of photographs, and on the cover incorporate something particularly personal, and then make a presentation of the book to the individual concerned.

Getting back to Philip Geeves, he told us a story on that occasion about his visit to the Central West, to an old lady who had not been familiar with modern technology. On that occasion he took along his tape recorder. His main object was to find out about her fascinating history and to record some of the details about her early settlement in that remote area in the hills outside Bathurst. Philip Geeves recorded the story the lady wanted to tell about her family history and the days of old when she had lived on a farm in that area, and about the goldmining activities in the area. He then played back to her a little bit of the recording, to check that the tape recording was working. Of course, she had never heard a tape recorder playing. When the recording was played, she did not recognise her voice. She was agreeing with the speaker whose voice came out of this "box" that she had also done that in her life. It was quite an amusing little anecdote. It shows that unless one takes the trouble to record those memories they will be lost to us.

I refer to some of the history relating to Philip Geeves, to recognise the work he undertook in stimulating so much that has now come of age. He was a member of the Society of Australian Genealogists. I record from the association's history that Philip Geeves assisted during the boom time of family history by not only writing copious notes for the *Sydney Morning Herald*, other publications and many books, but also contributing greatly to *City Extra* on the ABC. His radio host, Caroline Jones, wrote the foreword to a history on Philip Geeves. Her acknowledgement of the need for people to identify themselves as members of a specific family or community is a key to the family history movement.

She said that Geeves' public promotion of family history helped the growth and development of the society. He began his regular weekly sessions with Caroline Jones in about 1978. At one stage he was receiving 500 letters per week. He answered many of them personally but it was apparent that it was beyond one person's ability to answer the deluge of letters received through the offices of the ABC and the *Sydney Morning Herald*. A particular interest grew to become virtually a business that we now recognise not only in this country but also throughout the world.

In the electorate of Albury an event was held recently at Savernake. Unfortunately, I had to attend another event and so could not be at the book launch of Alexander and Ann Sloane, two award-winning conservation farmers who are well known throughout the land. They have produced a book that goes to the heart of family history. Anne wrote to tell me that about 60 local residents braved the wild and wintry evening of Saturday 4 September to attend the launch of the book entitled *A Strange Country*. Alexander and Ann Sloane produced this well-illustrated book that is based upon the correspondence of Alexander's grandmother in 1899, and their family assisted greatly in the production of this very attractive volume, of which I bought a copy.

The book contains a series of letters from Jean Sloane, who was of Scottish descent, to her family describing the situation when she arrived in southern New South Wales. Alex provided the historic background to the letters, noting the differences between land tenure legislation of the colonies of New South Wales and Victoria. Selections north of the Murray were generally larger, and large pastoral families retained their selections by nominating children as landowners. On the Victorian side the early runs were subdivided for closer settlement. Alex entertained the gathering with a recording of *Roamin' in the Gloamin'* played on an old phonograph, with the audience joining in the singing. One of the features of historical society meetings is that people not only become engaged in fascinating accounts of history but also enjoy meeting together and sharing good times. On this occasion they were celebrating the Scottish ancestry of Jean Sloane.

Dr Jeff Brownrigg, Associate Professor of Cultural Heritage at the University of Canberra, launched the book. He delivered an entertaining speech on early immigration to Australia, local history and the importance of family connections, which is what this motion is all about. He had visited Mulwala homestead frequently as a child and was impressed with the strong sense of history there. He noted a description of Christmas dinner in 1899, as written by Jeannie, which gave a feeling of what it was like in the Victorian era. The Scots, as we know, were an important part of Australian immigration history. Jeff drew a parallel between Jean's letters and modern international communication via Skype and computers, before officially launching this fantastic book.

I commend to everyone throughout Australia that the time is now for recording history—do not leave it too late. All too often we listen to the fascinating stories told by our friends, our grandparents and other relatives but fail to take the next step of publishing them for the benefit of those who come after us. One of the great

things about the family history society is that it brings people together for a common cause and they have the opportunity to receive assistance with presentations and publication. But, importantly, such societies are preserving history and having a wonderful time socially in doing so. I commend the motion.

Mr ALAN ASHTON (East Hills) [12.33 p.m.]: I congratulate the Wyong Family History Group on last year conducting the 2009 New South Wales and Australian Capital Territory Associations of Family History Societies State Conference. I congratulate the member for Wyong on moving this motion and on the role he has played in facilitating the success of the conference in Wyong. I note that the New South Wales Government contributed \$5,000 towards the conference. Paragraph (4) of the motion moved by the member for Wyong congratulates all enthusiasts who record our nation's rich history through researching their family history. I was a history teacher until elected as a member of this Parliament. Family history was one of the first lessons given to year 7 high school students. Those history lessons involved students preparing a family tree of their ancestors. It was not always easy for some students to research their family tree, while others had a much better idea.

My mother-in-law, Peggy, has for many years now spent countless hours researching our respective family trees and those of others connected to our families. In Australia we are at somewhat of a disadvantage because our records are not always as accurate as they could be. In earlier times in Europe records were mainly kept by churches, but not all of those records survived. Many records were lost during the First and Second World Wars, when churches were bombed. Records were also lost when the Vikings attacked the north of England and destroyed the monasteries and churches there. Records were also lost when churches were rebuilt and cities were built over old church sites. That happened across Europe, not only in Britain.

An example of this sometime confusion can be found in the name of my maternal grandmother, who we think was named Amelia Annie Bearpark. She was born in Melbourne in 1879 and died in 1973, aged 94 years. Some records show—including, I think, her marriage certificate—that her name was actually Annie Amelia Bearpark. This confusion might have been clarified for the family because they called her Millie—probably proof that Amelia was her first name. My mother's name was Gwen. However, no-one in the family much called her Gwen; she was always known as Nancy—and no-one knows, or knew, why. Perhaps it was a nickname that was passed down through the family.

Many families try to name their children with a reference to the names of their ancestors. My wife and I did that. My eldest daughter is named Gemma Isobel Downey Ashton—she will be embarrassed because she is sitting behind me at the back of the Chamber and had no idea that she would be hearing this today. Isobel was my father's sister, who was born in 1901, and Gemma was the first girl born in our extended family since that time. With virtually 85 or 86 years of history, we thought it appropriate to have Isobel as one of her Christian names. Downey is my wife's family surname, and it was added as a Christian name. It was not added with a hyphen—no elongated surnames better belonging to the North Shore. My other daughter is named Breanna Amie Downey Ashton. Her second Christian name was devised by combining the first two letters of my grandmother Amelia's name with the last two letters of "Annie", to create the name "Amie". That is what modern young people like us tend to do.

My aunt Isobel kept a very accurate diary of each day's events throughout her life. When she died I read all her diaries. They were fantastic reading, and I have kept them all. Those diaries revealed wonderful family stories, some of which were tragic. For example, my uncle Joe had two children. His son was run over—which would have been a little hard to do in Dover Heights in the early 1930s—and killed. Later his two-year-old daughter was drowned in the Port Hacking River. People do not tend to remember things such as that unless they are into oral and family history. I was able to learn about those events through my aunt's diaries, and I really appreciate that. The Aboriginal people have maintained their oral history. We have written and oral histories. I am grateful to the groups, particularly from the Wyong area, that took part in the conference. I am also grateful that other groups will continue this work, as the member for Albury mentioned.

Mr WAYNE MERTON (Baulkham Hills) [12.38 p.m.]: I did not intend to speak on this motion but I was so inspired by the performance of the member for Wyong that I decided to make a contribution. The member for Albury contributed to the debate, as did the member for East Hills. I thought the member for East Hills was a descendant of that well-known pastoral Ashton family, but it appears not.

Mr Gerard Martin: No, they're Libs.

Mr WAYNE MERTON: I thought the member for Bathurst would say that. I was very pleased to find out about the family history of the member for East Hills. I was a little confused before he started, but I am

utterly confused now. I wonder what his real name is. That is something for the historians to work out in generations to come. The concept of organisations and committed people coming together to look into the history of their families and communities is a great idea that should be encouraged. I congratulate the member for Wyong on his efforts in his electorate. The trouble about history is that it can disappear. History can be lost forever unless it is recorded along the way. It is moving.

A matter that is regarded as being of great historical significance today was not necessarily worthy of recognition and note 50 years ago. In the Baulkham Hills area every year the council, with my assistance, organises a classic car display. People bring along cars that were made in 1904 through to the 1920s, 1930s, 1940s, 1950s and so on. All generations of cars are on display. When the event was held on 12 September 2010 two cars were awarded the Prize of the Day. The prize was shared by a Rolls Royce Silver Ghost made in 1925, owned by the Vincent family, and a Rolls Royce made in 2009. The cars, which were made by Rolls Royce but 80 years apart, were both classic cars and historical in the sense that they are rare and unique—with the price tags on them, one can understand why! The 2009 Rolls Royce had done only 900 kilometres.

Mr Gerard Martin: The old lady didn't go to church.

Mr WAYNE MERTON: She did not go to church very often. It is essential that we record our history. Apart from the member for East Hills, few members would know the full extent of their family history. Some may not be prepared to look into it. Why not? We are here on our own merit, so we should not let our family history be any inhibition. We need more facilities to encourage community groups in this endeavour. I am closely associated with The Hills District Historical Society. It is obviously interested in this field. The society has released a number of excellent publications. Two recent publications written by Pam Trimmer tell the history of Baulkham Hills and reveal many interesting facts. For example, the first member for Parramatta—whose name was Cook, as I recall—lived in Baulkham Hills. The member for Bathurst will be interested to know that the seat of Parramatta then incorporated Lithgow. Cook started off as a Labor man in Lithgow and went on to become Prime Minister. Then he had a type of mid-life crisis and joined the conservatives.

Mr Gerard Martin: He went down.

Mr WAYNE MERTON: I do not know about that. He later moved to Mosman. Many parliamentarians move to such places, irrespective of the party they represented during their political life. I congratulate this type of endeavour. There should be more of it, and it is interesting to discuss it as a Parliament.

Ms MARIE ANDREWS (Gosford) [12.43 p.m.]: I support my colleague the member for Wyong in his motion before the House in which he congratulates the Wyong Family History Group on conducting the New South Wales and Australian Capital Territory Association of Family History Societies State Conference in Wyong in 2009. I pay tribute to the Wyong Family History Group for the wonderful work it does on the Central Coast. As previous speakers have said, recording family history has become popular today. That is a good thing because, unfortunately, much of our history has been lost. Family history groups are doing their best to record our history and make sure that it is not lost to future generations.

I take this opportunity to talk about the Central Coast Family History Society Inc., which operates out of East Gosford in the electorate of Gosford. I pay tribute to Kay Radford, manager of the Central Coast Family History Society Resource Centre. Kay has been manager of the centre for the past 13 years. Prior to that, for 11 years Kay was the secretary of the State organisation and only stood down from that position on the weekend of the State conference, which was held at Bomaderry Bowling Club and hosted by the Shoalhaven Family History Group. The new president of the Central Coast Family History Society is Jon Fearon. The society meets on the first Saturday of every month at the Gosford Lions community hall at the rear of 8 Russell Drysdale Street, East Gosford. I thank the Central Coast Family History Society for providing me with information that I want to place on the Hansard record. It is not every day that members get an opportunity to pay tribute in this place to such societies, which do such a wonderful job voluntarily within our various electorates.

The Central Coast Family History Society was formed in 1981 when a small group began to meet over coffee to exchange ideas regarding research into their family histories. As interest grew and membership increased, it became necessary for a more formal approach. Thus the first election of officers was held in April 1983. The number of members now exceeds 450. Attendance at monthly meetings averages 70, with 90 being registered in February 2001. Meetings have been held at a variety of venues, as the society continues to

expand. The need became apparent for the provision of resource material covering matters pertinent to members' research. As a result, the society commenced the publication of various guides, which have now been replaced by the "Handy Solution" series.

Available equipment consists of film and fiche readers, printers and a network of computers with access to *Ancestry.co.uk* for members' use. The society works closely with the Local Studies librarian, Geoffrey Potter, at Gosford library. The society and I as the local member are very much indebted to Geoffrey for his support. He has assisted not only the Central Coast Family History Society but also many historical groups within the Gosford City Council area. Over the past almost 30 years the society has undertaken the recording and publishing of all cemeteries within the Gosford City Council area.

The latest publication was the recording and digital photography of Holy Cross Roman Catholic Cemetery at South Kincumber. The first issue of the society's journal, *The Muster*, was published in 1983. This journal, published three times a year, is exchanged with more than 150 other societies throughout Australia and overseas. At present the society is scanning the complete series and it will be available soon on CD. I conclude by once again congratulating my colleague the member for Wyong on bringing this matter to the attention of the House. I place on record my deep appreciation to the Central Coast Family History Society.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [12.48 p.m.], in reply: I thank the member for Albury, the member for East Hills, the member for Gosford and the member for Baulkham Hills for their contributions to the debate on this motion. I noted the passion with which all the members spoke about the concept of family history—also known as genealogy—and how important it is to record not just family history but the history of different areas for future generations. As was mentioned during the debate, this year's conference was held at Shoalhaven. I hope that conference was as successful as the one at Wyong in 2009.

At conferences you see the lengths that people go to in order to trace their family history. It can be quite an expensive pursuit without the assistance of organisations such as the Wyong Family History Group. As the member for East Hills mentioned, a lot of information gets lost over generations and trying to track down family history can be quite difficult. Many people hit dead-ends. I know that a lot of New South Wales residents write to people in England, Ireland and Scotland trying to track down their ancestors. People often write to everyone with a particular surname trying to find out whether they are distantly related.

I have also heard stories—some of which were related at the conference—of how people visit different places to meet distant family relatives. I mentioned some of my relatives in my opening speech. We have been able to track my family back to Scotland, to Clan Duncan—part of the Donnachaidh family, which dates back to the time of Robert the Bruce. One scary fact—which my grandfather is quite proud of—is that the warriors from Clan Duncan went into battle naked. I am sure it was a very scary sight as they charged across the Highlands.

Mr Frank Sartor: We don't want to know your gory details!

Mr DAVID HARRIS: That is what family history is all about; it is what makes it so colourful. "Duncan" is a traditional family name. As I mentioned, my great uncle is Frederick Duncan Chapman, my grandfather is Duncan Chapman and my nephew is also named Duncan.

Mr Frank Sartor: Are you David Duncan?

Mr DAVID HARRIS: No, I am not; my nephew took up the mantle. We have kept that name, which dates back to our original Scottish heritage, through the years. The Wyong Family History Group recently held an open day with a colonial theme—although there was also a multicultural element to recognise that Australian society is changing. On the day, four members of the New South Wales Corps of Marines provided entertainment. There was also a group of Filipino dancers as well as belly dancing. The group made a profit of \$2,000—and, as we know, small organisations rely on such funds to continue their operations. The Family History Group also launched two important publications, the *Wyong and District Next Generation Register 1930-1950*, and the *Wyong and District Pioneers 1910 to 1930 Supplementary Information*. Those two publications are part of an ongoing commitment by the group to preserve the history of pioneer families in the area.

Next Saturday I will be attending the Wyong Pioneer Family Dinner. I know that the member for The Entrance attends that dinner on a regular basis. Interestingly, his wife is closely related to the original pioneers of the Wyong area. Our connection to pioneer families is important to us all and it should be celebrated. Even though our society changes, a study of how our area has developed gives us considerable insight into the way

towns have been formed, the way that families have come together and the way that different infrastructure has moved into an area, following the families who lived and worked there in pioneer days. It is a good topic for discussion. I again congratulate the Wyong Family History Group and thank members for their contributions to the debate.

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

Motion agreed to.

REGIONAL HEALTH INFRASTRUCTURE

Mr GERARD MARTIN (Bathurst) [12.53 p.m.], by leave: I move my motion as amended:

That this House recognises the outstanding commitment of successive Labor Governments in renewing health infrastructure in regional New South Wales.

One of the hallmarks of Labor governments over the past 15 years is the way in which they have basically rebuilt our country and regional health infrastructure. Giving people who live in rural and regional New South Wales greater access to quality healthcare is a key feature of the \$16.4 billion Health budget for 2010-11, as it has been in every year of this Labor Government. In this year's budget there is a record \$4.4 billion for rural and regional New South Wales—an increase of \$280 million on last year. In addition to recurrent expenditure for 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.

For example, people on the North Coast will benefit from a \$1.4 million investment to complete the \$27 million Lismore Integrated Cancer Care Centre, \$10.5 million to complete work on the upgrade of Grafton Base Hospital emergency department and operating theatres, and \$550,000 to complete the upgrade of the Maclean hospital emergency department. In addition, emergency departments are currently being upgraded at Manning Base Hospital at Taree and at Maitland Hospital. The Maitland Hospital emergency department upgrade has an estimated total cost of \$10 million and is due to be completed in the coming months.

In New England and the north-west, communities will benefit from a significant investment in health facilities this year, including \$843,000 for planning works as part of the \$10.6 million stage two maternity refurbishment at Tamworth, \$21.7 million to continue the \$41.7 million redevelopment of Narrabri Hospital as an integrated multi-health campus, and \$3.71 million to complete planning and commence construction of the \$41.7 million New England and North West Regional Cancer Centre at Tamworth. The new cancer centre at Tamworth is part of a \$16.8 million allocation this financial year from the Commonwealth Government's regional cancer care incentive initiative and New South Wales Government co-funding.

This initiative—with a total cost of almost \$150 million—will also establish new regional cancer centres on the Central Coast and in the Shoalhaven, and will expand existing cancer centres on the North Coast and in the Illawarra. It is very much a part of the Government's targeted cancer care policies and strategies to get treatments out into regional areas to save patients the cost and inconvenience of travelling to metropolitan areas. We have not forgotten our friends in the Illawarra and on the South Coast. There is \$4.4 million for expansion of the renal dialysis unit at Shellharbour Hospital and \$500,000 to undertake planning works for the \$83 million integrated elective surgical unit at Wollongong Hospital.

The New South Wales Labor Government is also making a significant investment in new and upgraded health facilities in the western and south-western parts of the State. The member for Wagga Wagga will be pleased to hear that this year that will include \$5 million to commence work on the \$90 million stage one redevelopment of Wagga Wagga Base Hospital, \$232,000 for progress planning of the \$22 million stage one redevelopment of the Dubbo health service, \$7.7 million to continue work on the heritage building and ambulatory care unit at Bathurst hospital, \$12.9 million for the continued construction of an acute hospital and associated services on the Bloomfield Hospital site, and \$9 million for radiotherapy and dental services. This represents a massive investment in the Central West. The Government's investment of more than \$300 million in the Bathurst and Orange hospitals over the past few years is a record outside the metropolitan area. By any measure, this Government's commitment to health service upgrades, capital works and new infrastructure is outstanding and would be the envy of any Government.

The west and other parts of rural and regional New South Wales will also benefit from continued investment in the construction of new HealthOne and multipurpose services. In small communities these

services bring together Commonwealth-funded residential and community aged care and State-funded acute and community health services. This model is extremely popular and efficient because the collocation of those services creates a one-stop shop, and HealthOne services attract general practice services and community health services to provide a range of primary healthcare services. This year's budget provides \$33.5 million for a range of facilities at Werri Creek, Gundagai, Lockhart, Manilla, Balranald, Coonamble, Eugowra, Cootamundra, Corowa, Pottsville, Quirindi, Gulgong and so on.

Mental health services have also received a major funding boost this year with \$52 million being provided for capital works projects that are now underway. We all know that this is a growing area of need in the health sector. Rural and regional mental health projects include the completion of the child and adolescent inpatient unit at Shellharbour, the non-acute mental health unit at James Fletcher Hospital and the forensic and tertiary mental health units that will be incorporated in the Bloomfield Hospital redevelopment. Parts of rural and regional New South Wales will also benefit from investment in new ambulance stations, which are an important part of our health infrastructure.

This year \$6.6 million will be provided to commence construction of new ambulance stations at Cessnock—which I am sure will delight the local member—and Murwillumbah, and the completion of stations at Coonamble, Murrurundi, Nelson Bay, Batemans Bay and Byron Bay. Rural and regional New South Wales will also benefit from the \$18.9 million that has been set aside for upgrades of the ambulance fleet. The latest in technology and equipment is being provided to ensure that our very professional paramedics have the best of equipment to carry out their important work. We all know that rapid and effective treatment will ensure a much more positive outcome for patients. That is why the upskilling of paramedics is so important. I am a member of the council of Charles Sturt University, which is the largest provider of paramedic training in Australia. I am pleased to advise the House that it is looking to expand its curriculum so that its graduates—who are the first point of assistance for most people with health problems—are as skilled as possible. That will enhance their prospects of a good recovery.

The Government's ongoing investment in health infrastructure will ensure that the people of New South Wales continue to have access to high-quality healthcare in their local area. I take this opportunity to do a tour through my electorate and tell members about some of the health service projects that are underway. I acknowledge that some of them were commenced before I was elected. Since 1999, a new hospital has been built in my hometown of Lithgow, a multipurpose service has been rebuilt at Oberon, a new multipurpose service, an aged care facility and a HealthOne facility have been built at Blayney, and a new multipurpose service incorporating a magnificent aged care facility providing a range of care up to acute dementia care has been built at Rylstone.

The new Bathurst Base Hospital, which is often maligned by members opposite, is a magnificent structure that provides first-class health facilities to the people of Bathurst. I am also pleased to inform the House that the hospital has significantly increased its renal dialysis services. That is a huge benefit to patients who are no longer required to travel to other facilities for those services. This Government can hold its head high with regard to its record in the provision of rural and regional health services.

Mr DARYL MAGUIRE (Wagga Wagga) [1.03 p.m.]: It is fitting that the member for Bathurst has moved this motion given that his electorate has received \$300 million in health funding. Both the Bathurst and Orange hospitals have had major upgrades. Indeed, they have been the focus of extensive media attention. As the member for Bathurst said, some of that attention has been negative. The Auditor-General's report tabled this week in this place refers to the helicopter emergency medical service and recommends that the landing pad be moved because of structural problems and the fact that the helicopters cannot take off when loaded. It was estimated that it would cost \$6.3 million to rectify the problems that have emerged at the hospital. I understand that that work has been done, but no-one has explained to this Parliament what went wrong. The Minister responsible at the time, the Hon. Reba Meagher, said that it was no-one's fault. Of course, we know differently.

Since I have been in this House, new hospitals have been promised for Wagga Wagga, Parkes, Forbes, Dubbo, Tamworth, Bega, the northern beaches and Lismore. Of course, the Bathurst and Orange hospitals have been completed. Enormous amounts have been spent on the planning of those hospitals, and that planning continues, but no bricks and mortar have been seen. The member for Lismore has told me that planning has been in train for the proposed hospital at Lismore since he has been a member of this place—which is almost 12 years. The Government has spent between \$6 million and \$11 million since I have been the local member planning a \$300 million-plus hospital. This year's budget also contains an allocation of \$90 million over four

years and an extra \$5 million for planning. This Government has thrown out the \$11 million worth of planning that has been done over the past seven years. It is now preparing a new plan to patch up the existing hospital; that is, it does not intend to build a new hospital as was promised.

The member for Dubbo has raised the need for new hospitals at Parkes, Forbes and Dubbo. She has expressed her extreme disappointment at not being able to get anywhere with this Government. The member for Bega has also talked about the need for a new hospital in his electorate. The Government announced that \$100 million would be spent, but nothing has happened. The long-overdue northern beaches hospital was also promised, but, again money has been allocated only for planning. This Government has made \$3 billion worth of promises but very little has been delivered.

The member for Bathurst talked about multipurpose services. I acknowledge that they are planned, but the funding for their construction has been provided by the Commonwealth Government. We have also heard about the welcome addition of cancer care centres. Everyone wants to provide linear accelerators and modern cancer care centres. However, as welcome as the funding is, it is being provided by the Commonwealth Government. I am disappointed that the member for Bathurst did not acknowledge that. I am not going to oppose this motion, because I want to encourage the Government to do as much as it can. But I will move an amendment that I hope the Government supports in the spirit of transparency. Communities want to know what else is going to be done for their hospital services. I move:

That the motion be amended by adding the following words:

, and calls on:

- (1) the New South Wales Government to detail publicly to the Parliament all proposed applications by NSW Health to the recently announced Federal Government \$1.8 billion Infrastructure Fund before the fund opens in October 2010; and
- (2) the New South Wales Government and NSW Health to give priority to all previous submissions to the fund which were unsuccessful due to claims of insufficient funds.

I move this amendment because communities were led to believe that submissions would be sought for the previous funding that was made available by the Federal Government. Communities need to understand exactly what the Government is doing on their behalf. I understand that communities such as Parkes, Dubbo, Forbes and Wagga Wagga, in particular, made submissions to the Federal Government, but were, we are led to believe, declined due to insufficient funds. Those communities expect this Government to reapply. Recently on *Insight*, the Federal Minister for Health, Nicola Roxon, made that exact statement. She has been to Wagga Wagga. She sat with me, the local Federal member—Kay Hull at the time—and the mayor and expressed her concern about the provision of health infrastructure in regional New South Wales, particularly Wagga Wagga, because it services such a large area.

This is a number one priority for that region, as are hospitals in Dubbo and Tamworth. They are important. Members and the public want to know what the New South Wales Government and NSW Health are doing about accessing some of that \$1.8 billion recently announced by the Prime Minister, Julia Gillard, and for which submissions open in October. That is why I moved the amendment and that is why I want members on the Government side of the House to support it. But they should be transparent about what they are doing. Communities will receive encouragement if they understand that this Government is fighting hard.

Mr Frank Sartor: Did you discuss it with the Minister for Health?

Mr DARYL MAGUIRE: I note the interjection from the Minister. I have written to the Minister for Health and sought an appointment with her to gain her support for the calls from Wagga Wagga and other communities for Federal infrastructure funding. I have asked to meet with her, with the mayor, with the newly elected member for Riverina, Michael McCormack, and with health professionals. I have asked for a meeting because our verbal and written communications have received a big fat no. We have been told that the \$90 million refurbishment was going ahead and the Minister said, "I have given you all the information and I have met with your mayor."

Mayoral leadership has changed and I feel it is appropriate that we sit down with the Minister and her staff to assess exactly what they plan, the content of the submission and whether the Minister is going to support the previous submissions that we were told were not successful because of a lack of funds. In the scheme of things, \$1.8 billion is not much when you take into account all the needs of the hospitals in the electorates of the member for Cessnock, who is in the Chamber, and the member for Lismore. The member for Hornsby is in the

Chamber. She is desperate for improvements to the hospital in her electorate. The people of Bega, Dubbo, Parkes and Tamworth were all promised new hospitals. Some of them have planning underway but very little to show in the form of bricks and mortar.

The saga of Wagga Wagga has gone on for so long. We have been promised a new hospital. To his great credit, Craig Knowles gave \$400,000 in about 2000 to start that planning process. It has dragged on and on until the Treasurer made an announcement about \$90 million over four years, which is nothing but a band-aid. We still have to expend \$5.6 million completing a new plan that now supersedes the \$6 million to \$11 million that has already been spent on a beautiful set of plans that the community agreed to, the health professionals agreed to—everyone involved in health agreed to—all the councils in the regional areas, such as Murrumbidgee and areas represented by the members for Albury, Burrinjuck and others, agreed to. Everyone agreed on the plan, but what is this Government doing? It tries to hoodwink the public by making an announcement that it would receive \$90 million—if you read the fine print it is over four years—but you have to go back to the planning board.

I understand that the member for Bathurst is pleased with the outcome for Bathurst and Orange, and it is a good thing that health infrastructure is provided for those communities. But what I want from the member for Bathurst is support for communities that are still battling to get health infrastructure. We want some transparency. I am more than happy to meet with the Minister for Health—do not send me a bureaucrat, I want the Minister for Health to sit down with us. I also want the Minister for Health to come with us to Canberra to talk to Nicola Roxon. She said the door was open. We are making appointments with her. I want the Minister to come to Canberra to advocate for regional communities that desperately need more investment in infrastructure and for long-awaited plans to be delivered on.

Enough of the promises and planning; the planning is complete. We want transparency in all of this. I want members to support this amendment. It is not a bad amendment. Surely no-one could object to transparency when dealing with the plans of New South Wales Health for Parkes, Dubbo, Tamworth, Forbes, Lismore, Bega, Tumut, Wagga Wagga and the northern beaches. Those communities have long been disappointed. There are others, but unfortunately time limits do not permit me to tell the House about them.

Mr KERRY HICKEY (Cessnock) [1.13 p.m.]: It is with great pleasure that I support the motion that this House recognise the outstanding commitment of successive Labor governments to renewing health infrastructure in regional New South Wales. It is a good motion considering what has occurred over the past 15 years. During 11 of those years the Howard Government was taking funds out of the health sector and away from this Government in its rebuilding of health services across New South Wales. That is something that is conveniently forgotten time and again.

The New South Wales Government is committed to improving health services for the people living across New South Wales, and this means engaging in specific deals and strategies for rural and remote areas. This commitment is reflected in extra funds being allocated to enhance rural health services. In 2010-11 the New South Wales Government is providing \$4.4 billion for rural and regional health services, an increase of \$280 million on last year. This year's funding continues a commitment to rural and remote health outlined in the Government's New South Wales Rural Health Plan. That plan, which was developed with rural clinicians, community members and health service managers, aims to attract and retain health workers in New South Wales, provide services close to where people live and network services, and provide certainty about rural health services.

During the Howard years medical colleges never trained enough doctors to go out into rural and remote areas, and communities such as Cessnock have real problems. We do not have enough doctors in the Kurri Kurri area because of the remote area classification, which is a Federal issue that needs to be addressed. We need to attract more doctors to that area. Currently we have doctors between the ages of 67 and 70-plus. Those doctors are getting old and will be retiring in the near future. We need to attract new doctors to these areas. New South Wales Health is trying to get incentives to bring doctors to these areas, but it is something the Federal Government really needs to look at under a spotlight. The Howard Government never did.

Much has already been achieved in the New South Wales rural health plan, including a range of initiatives to attract and retain medical professionals in rural areas. The New South Wales Government offers a range of incentive packages to support doctors, nurses and allied health professionals to come and work in the bush and make them a part of those communities. In Caring Together, the health action plan for New South Wales, the Government is investing a total of \$42 million over four years to increase the supply of skilled

doctors to outer metropolitan and rural areas. This includes funding for a further 45 training places in rural areas for doctors in their second and third years of training, and an additional 22 trainee specialists places in outer metropolitan and regional areas.

The 2010-11 budget includes further initiatives to support the health workforce in rural and remote New South Wales, including \$1.9 million for further extensions to night shifts for nurses, which would increase the time available for patient handover between shifts; \$2.1 million to employ an additional 18 nurse practitioners; \$900,000 to recruit additional midwives and provide education for maternity staff; and \$1.64 million to establish 11 new graduate allied health positions and seven allied health education positions. This shows that the New South Wales Government is committed to putting those services out there in rural and remote New South Wales.

In my electorate we have only to look at the outcomes in the Kurri Kurri hospital. Patients have given the Hunter New England Area Health Service emergency departments the highest rating for overall care in the State. Kurri Kurri hospital staff should be congratulated on what they have achieved. The hospital had the highest patient rating in New South Wales. It had the best outcome per patient. Quite frankly, that is a great outcome for the 1,500 constituents who actually rallied against any closure of that hospital. When John Della Bosca was the Minister for Health he was very firm in his commitment to retaining that hospital and keeping it open. I congratulate the community on ensuring that occurred.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [1.18 p.m.]: Modern healthcare is the most complicated thing that the human race has ever undertaken. We have never been able to do more. Patient expectations have never been higher, yet for 15 years those opposite have failed to appreciate or have ignored that complexity. Some 90 per cent of patients who go into a New South Wales hospital are happy with their treatment. However, 10 per cent of patients suffer adverse events, which are a worldwide phenomenon. New South Wales leads Australia and has world's best practice adverse event prevention. Yet what do we hear from those opposite? We hear nothing but rumour, hearsay or innuendo about a health system that is in crisis, when the Americans, under the Commonwealth health studies, rate the Australian health system and New South Wales among it as the second best in the world.

What we would have liked to have heard today from those opposite is what they are actually going to do with health if they achieve government. We have heard lots from them, lots of talk about plans, but we have heard had no concrete plan, even on the most simple measure. I pay tribute to the Wagga Wagga clinicians, who are among the best in the State and are well known around Australia for their high-quality care. However, what I have not heard, and what I am looking forward to the member for Wagga Wagga telling us about, is the firm commitment from the Opposition to build the Wagga Wagga hospital completely in its first term of government. The Opposition needs to be able to make a firm commitment to fully build Wagga Wagga hospital in the first term of the O'Farrell government. I also pay tribute to the NSW Nurses Association, whose representatives are here today to talk about nursing ratios, which is a vital reform that will be under investigation.

We are spending \$4.4 billion on rural health. I visited Lithgow hospital, a new hospital that provides extremely high-quality care. Bathurst hospital had some commissioning problems but they have been fixed and it provides very high-quality care. I know that because I visit it regularly. We have not heard a word of praise from those opposite for the fact that Orange hospital is a world's best-practice hospital. I have been to the \$100,000 door for the linear accelerator. As the member for Wagga Wagga well knows, the landing pad that he mentioned in his speech is due to be relocated with the hospital when it is commissioned next year. He is well aware of that, and he is being tricky when he pretends otherwise. Tamworth has a magnificent integrated cancer centre that I visited earlier this year, and, again, it is world's best practice.

Most hospitals in the State have been upgraded in the past 15 years of this Labor Government. That is something that is well known to all in this place. Yet what do we hear from those opposite? We hear nothing but rumour, smears and innuendo. There is no acknowledgement from those opposite of the reduction in funding during the Howard years, which clearly came off the capital funding, because you have to maintain health services within a health budget. There has been no acknowledgement whatsoever that it is the Howard Government that is largely responsible for the lack of infrastructure funding over the past few years Australia-wide. This is not a New South Wales-only problem. As the member for Wagga Wagga said, the community wants to know what is going to happen, and I agree completely.

Where is the Liberal health policy? The last one I saw was written in March 2009. It has not been updated since March 2009. Yes, it is still on the website, with four of the 90,000 clinicians in the State saying what a good thing it was. There has been no update to the Liberal health policy. Nobody in the Liberal Party has said what its health policy is or what it will do if it gets into government.

Mr Andrew Constance: That is not true.

Dr ANDREW McDONALD: The member for Bega says that is not true. If that is so, where is the commitment from his side to build these hospitals?

Mr Andrew Constance: It's on the website.

Dr ANDREW McDONALD: I have visited the website. I have turned the sod at Balranald, which has a magnificent multi-purpose service. I pay tribute to the people of Balranald for their wonderful multi-purpose service.

Mr GERARD MARTIN (Bathurst) [1.23 p.m.], in reply: I welcome the contributions from this side and, of course, the one contribution from the other side. I have great respect for the member for Wagga Wagga, but obviously he has not had a good day. We will not accept his amendment.

Mr DARYL MAGUIRE: That's appalling.

Mr GERARD MARTIN: No, it is not. Look at the motion. The reason we are not accepting it is that it is a bit disingenuous. He stands up here and criticises the Government over its capital contribution to regional New South Wales, and that is what the motion is about. It is not about the northern beaches of Sydney. He conveniently forgets that we have had a \$16 million budget this year—a record budget. We have had record health budgets all the way through. Since the Labor Party came to Government the health budget has gone up by 192 per cent. I remind people what happened the last time the Coalition was in government: it closed hospitals—well over a dozen, and closer to 20 hospitals. The Coalition closed a hospital in Carcoar in my electorate.

Mr JOHN WILLIAMS: This all about ancient history now.

Mr GERARD MARTIN: A leopard never changes its spots. When the Coalition was in government it rationalised health, as it rationalised schools. Lets us not have this pious hypocrisy from the member for Wagga Wagga or anyone else on that side. As I said, we have record capital works. We are spending \$4.4 billion out in the regions. If, over the preceding decade before the Rudd Government was elected, John Howard had not ripped billions of dollars out of the States through his manipulation of the funding formula, you probably would have had your Wagga Wagga hospital. That is on record. It is undeniable. The Howard Government dropped that ratio. The former Rudd Government, and now the Gillard Government is reversing that and under our national health formula there will be more capital works.

The other stroke of genius by this mob when the Coalition was in government was the privatisation of Port Macquarie hospital. It cost the taxpayers of New South Wales \$150, probably \$200 million. We had to buy it back. It was one of the myriad disasters of Coalition corporatisation—its privatisation—whether it was in health, transport or whatever. Here comes the clown from the northern peaches, the member for Wakehurst, but he is too late. If you want to know why hospitals at Wagga Wagga and elsewhere have not been built I will tell you: it is a matter of priority. The Government has been even-handed. It was not the result of any great representation by the member for Orange that well over \$200 million was invested in his area. He, like the Nationals, has done nothing but whinge, whinge, whinge. I had people coming across the water from Orange time after time to make representations to me, to work with that community. The record on this side of the House is in stark contrast to the record on that side. That is why we will not accept the hypocrisy of this amendment.

[Interruption]

If members opposite want to go to see the Minister for Health, they should use a bit of statesmanship; they should use a bit of good manners. I have no problem getting to see the Minister for Health. It is not really an issue. Nothing has been put forward by members opposite on this issue. All the heavy hitters on the other side—if there is such a thing—have disappeared on this motion. It is a very important motion for us in country New South Wales. We will always consider a motion from the other side if it is based on good faith.

Mr Brad Hazzard: Point of order: My point of order relates to Standing Order 76, relevance during debate. The member for Bathurst is misleading the House. Currently only three members of the Labor Party are in the Chamber. If the motion is so important, the Government should make sure its members are in the Chamber.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! That is not a point of order.

Mr GERARD MARTIN: I am talking about members making a contribution to the motion. Members opposite seem to think that the northern beaches are in regional New South Wales. I have some news for them: they are not. I note that the member for Wakehurst has walked across to the Government side of the Chamber. That is a worry. There has been a defection! I think a couple of others want to do likewise, but we will let that go. Seriously, this is a very important motion. It underlines what a wonderful contribution this Government has made to capital infrastructure in regional New South Wales.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 36

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

Noes, 45

Mr Amery	Ms Gadiel	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	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 McBride	Mr Whan
Mr Costa	Dr McDonald	
Mr Daley	Ms McKay	
Ms D'Amore	Mr McLeay	<i>Tellers,</i>
Ms Firth	Ms McMahan	Mr Ashton
Mr Furolo	Ms Megarrity	Mr Martin

Pairs

Ms Beamer	Ms Berejiklian
Mr Gibson	Mr Kerr
Mr West	Mr Stoner

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

[The Speaker left the chair at 1.39 p.m. The House resumed at 2.15 p.m.]

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I inform the House that the Minister for Police, and Minister for Finance will answer questions today in the absences of the Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs, and the Minister for Roads, and Minister for Western Sydney.

QUESTION TIME

[Question time commenced at 3.18 p.m.]

FORMER MINISTER FOR STATE AND REGIONAL DEVELOPMENT, MINISTER FOR MINERAL RESOURCES, MINISTER FOR MAJOR EVENTS, AND MINISTER FOR THE CENTRAL COAST

Mr BARRY O'FARRELL: My question is directed to the Premier. Given it has now been revealed that following the Premier's reappointment of Ian Macdonald to Cabinet he received flight upgrades from individuals who benefited from his decisions, appointed a personal trade envoy without Cabinet's approval and asked his friend and former boss John Maitland to apply for a lucrative exploration licence, will she now agree to establish an independent investigation into all major decisions made by Ian Macdonald as Minister?

Ms KRISTINA KENEALLY: I note that the activities of the former Minister currently are before the Independent Commission Against Corruption, which is the most appropriate place for them to be considered.

MAJOR EVENTS ATTRACTION AND PROMOTION

Mr PAUL PEARCE: I address my question to the Premier. How is the New South Wales Government attracting and supporting major events?

Ms KRISTINA KENEALLY: Last week we were reminded of the capacity of New South Wales to stage events that are the best in the world. We have just celebrated a decade since Sydney staged the best Olympic Games ever, and how the tributes flowed on the successful delivery of those Olympic Games. One of the most succinct tributes is as follows:

Many Sydneysiders, in fact people from all around Australia, have great memories.

It was Sydney at its best. It was the state at its best. It shows what can be done.

There we have it—Australia and New South Wales at their best. Who was the author of that quote?

Mr Chris Hartcher: It was SOCOG.

Ms KRISTINA KENEALLY: It was Andrew Stoner, the Leader of The Nationals, who is not even in the Chamber today to accept that acknowledgement. That is what the Leader of The Nationals said on 1 September 2010 on radio 2SM. On behalf of the New South Wales Government that delivered the most successful Games ever, I thank the Leader of The Nationals for that comment. If the Leader of The Nationals were in the House today, I would reassure him that the tradition of New South Wales being the home of great major events will continue. As we now approach the National Rugby League Grand Finals we have a very Sydney field: the Roosters, the Tigers and the Dragons are all competing for this year's Telstra Shield. Of course, my own beloved Rabbitohs came remarkably close to joining the finals field this year but they will be back stronger than ever.

Most importantly, the game that began in New South Wales will stay in New South Wales. New South Wales has secured the Grand Final at the ANZ Stadium for the next 10 years, keeping that iconic event in the heartland of western Sydney. That is fantastic news for rugby league fans right across this great State and it is great news for the New South Wales economy. The 2009 Grand Final attracted around 16,500 visitors from interstate and 8,500 visitors from regional New South Wales, injecting \$10 million into the New South Wales economy. This year we are supporting a major Grand Final Festival to attract more fans and more tourists to Sydney in the week leading up to Grand Final day.

If there were a grand final for attracting global investment to Sydney it would surely be the Forbes Global Chief Executive Officer Conference, which returns to Sydney next week on 28 and 29 September. This global conference will see 450 international chief executive officers, entrepreneurs and scholars descending on

Sydney—the leading lights of global finance and investment. It was only five years ago that we last welcomed this peerless business event to Sydney. This is the only time that the Forbes conference has ever returned to a city outside the United States of America for its annual conference. Only Sydney can attract the Forbes Chief Executive Officer Conference not once but twice in five years. This is a massive endorsement from the highest levels of Sydney as a global convention venue.

If we needed further proof of that, on 17 September Sydney was named the best festival and events city in the world. It is an endorsement that seems to have passed the Leader of the Opposition by as just one day later he was out, once again, talking down Sydney. What did he say in his media release on Saturday 18 September—one day after it had been announced that Sydney was the best major events and festival city in the world? He said he was "determined to win back Sydney's reputation as not just Australia's, but the region's, premier convention venue". Shame on the Leader of the Opposition for talking down Sydney! If he does not think that Sydney is Australia's premier convention venue, why does he think the Forbes conference is coming to Sydney next week?

Would the Leader of the Opposition advise us where else the United States television figure Oprah Winfrey should tape the first and only overseas edition of her show? What other State does he suggest she should showcase to an audience of 40 million people in the United States and millions of viewers from 145 countries across the world? While this Government and Tourism Australia have been working on delicate negotiations for months, making out a case to get this publicity coup for our State, the Leader of the Opposition was out in the community doing his best to talk down this city and to drive away that business. Fortunately, he did not succeed.

As former tourism Minister John Brown pointed out: This Oprah show is the greatest coup for Australian tourism since the "shrimp on the barbie" campaign. Who gave us that "shrimp on the barbie" campaign? A Federal Labor Government. Who is bringing this coup to Sydney? A State Labor Government. Who gave us that beautiful building from which Oprah will be broadcasting? A State Labor Government. That is exactly right—just as we also built Darling Harbour and the Sydney Olympic Park, giving Sydney not one but two great locations for major events. Labor delivered the best Olympics ever.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: Labor has also delivered the best Rugby World Cup and the best World Youth Day that have ever been delivered.

The SPEAKER: Order! I call the member for Wakehurst to order. Members will cease interjecting.

Ms KRISTINA KENEALLY: That is why we are delivering the NRL Grand Final. That is why we are delivering the second Forbes conference, we are delivering the Crave Festival and we are delivering Oprah at the Opera House. If there is a best-ever FIFA World Cup 2022 in Sydney, we can guarantee it will be because a Labor Government delivers it.

GOVERNMENT MEMBERS

Mr ADRIAN PICCOLI: My question is directed to the Premier. Now that the Government has lost the member for Heathcote, the member for Keira, former MLC member Ian Macdonald and the former member for Penrith, and the member for Drummoyne is subject to yet another Independent Commission Against Corruption investigation, can the Premier guarantee there will be no more scandals over the next six months under her green light for bad behaviour approach?

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

Ms KRISTINA KENEALLY: I would have thought that on a day that the New South Wales Opposition finally releases something that looks like a policy document—

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

Ms KRISTINA KENEALLY: —that I would have been asked at least a question about one of its ideas referred to somewhere in this document. We are at the second question, and they are in the gutter, muckraking and cannot ask one question about policy.

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

Ms KRISTINA KENEALLY: I refer the House to the Start the Change document entitled "Make New South Wales Number One Again." I have read this document from front to back.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: This document has not one new train carriage, not one new bus, not one new ferry, not one commitment to MyZone and public transport fares, and not one commitment to the western express line. This document commits to not one new hospital bed and not one new nurse. This document commits to not one new respite place for a person with a disability, not one more supported accommodation place for people with a disability and not one new transition to work or community participation place for people with a disability. This document does not commit to one new child protection worker. In fact, this document does not mention community services at all.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, relevance. The question was about the scandals that have wracked this Government—one a month this year.

The SPEAKER: Order! The Premier has the call.

Ms KRISTINA KENEALLY: This document has not one community service child protection worker; there is no mention of community services at all. This document has not one new public housing unit; no mention of public housing at all. This document has not one new national park. This document has no mention of a climate change target. This document has not one more police officer and makes no mention at all of the Police Force. This document is a shameful set of motherhood statements full of audits, reviews and committees. And where they mention specific ideas, it is like reading a Government achievements document.

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

Ms KRISTINA KENEALLY: On page 15, the Opposition says it "is going to accelerate land release and reduce infrastructure costs on new investments." We have slashed State infrastructure charges to \$11,000 per lot. We have put a cap on local infrastructure charges of \$20,000 and \$30,000 in greenfield areas and currently we have 131,000 lots available in various stages of delivery. The Coalition is going to "deliver industry action plans for high-growth industries." Of course, we already have the New South Wales Information Council.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, relevance. The question was about the public having no confidence in the Government because the Premier let the member for Drummoyne, the member for Wollongong and all these other members off the hook for their bad behaviour.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I call the member for Murrumbidgee to order. I have extended a degree of latitude to the Premier because of the nature of the question. The Premier has the call.

Ms KRISTINA KENEALLY: One of my favourites is on page 27. The Opposition is going to "institute an independent health information bureau." Of course, we already have that—it is called the Bureau of Health Information. The Opposition also says that it "will restore confidence in the public health system." Perhaps it failed to notice the latest information from the Bureau of Health Information. It shows that 90 per cent of patients who stayed overnight in our hospitals rated their care as good, very good or excellent, and that 95 per cent of people who had a one-day stay in our hospitals rated their care as good, very good or excellent.

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

Ms KRISTINA KENEALLY: The Opposition says it will deliver an integrated transport authority. Of course, we already have that—it is called Transport New South Wales. It also commits to the "development of workable transport interchanges." I would have thought that if Opposition members could not go all the way to Parramatta to see the transport interchange, at least the shadow Minister, who is not in the House today, could have at least ventured to Chatswood and noticed the Chatswood interchange. This document, which contains not one new train carriage, not one new bus, not one new nurse, not one new hospital bed, not one new respite

place, not one new ferry, no mention of community services, not one new service for people with a disability, of course also commits to—wait for it—building the south-west rail link. As the member for Camden and the member for Macquarie Fields know, that rail link is already under construction. The Leader of the Opposition said he wants to get the State moving again.

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

Ms KRISTINA KENEALLY: New South Wales is not just moving—it is leading the nation. Which State does the *Sydney Morning Herald* describe as the engine room of recovery? New South Wales. That is right. Which State led the nation out of recession? New South Wales. Which State has the highest interest in job ads? New South Wales.

The SPEAKER: Order! Members will come to order. I call the member for Epping to order. I call the member for Bega to order. I call the member for Hawkesbury to order. I call the member for Ryde to order. I have extended a degree of latitude during question time today, but I will not extend any more. The Premier has the call.

Ms KRISTINA KENEALLY: Which State has the highest number of new home sales? New South Wales. Which State is leading the retail recovery? New South Wales. Which State's unemployment figures have just dropped to 5 per cent? New South Wales.

Mr Adrian Piccoli: Point of order: Which State in Australia is the most corrupt—

[Interruption]

Ms KRISTINA KENEALLY: Yet again, the Opposition demonstrates a lack of originality.

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

Ms KRISTINA KENEALLY: I just have a few more things to go through. Which State has the shortest median times for elective surgery? New South Wales! Which State has the highest percentage of—

[Interruption]

The SPEAKER: Order! I call the member for Wakehurst to order for the second time. The House will come to order. The Premier has the call. I am sure the Premier is concluding her answer to the question.

Ms KRISTINA KENEALLY: I remind the Leader of the Opposition one more time: which city has been just named the best festival and events city in New South Wales? Sydney!

HEALTH SYSTEM

Mr GRANT McBRIDE: I address my question to the Minister for Health. Will the Minister update the House on recent initiatives to improve the performance of the New South Wales health system?

Ms CARMEL TEBBUTT: I thank the member for The Entrance for his question and his ongoing interest in the New South Wales health system. I have outlined to the House on many occasions the challenges confronting our health system with a growing and ageing population, the increasing costs of medical technology and the rising rates of chronic disease. New South Wales is not alone in this; it is faced by other Australia States and Territories and across the world. That was one of the reasons why we, with the Commonwealth Government, focused so heavily on national health reform to address some of these challenges.

The Government spends more than \$16 billion on health, or nearly one-third of the State budget. That equates to an increase of about 192 per cent since we won office. If current spending trends continue, it is estimated that health spending will consume the entire State budget by 2045. We face an enormous challenge to ensure that our health system remains sustainable and in order to do that we need to do a range of things. As identified by Commissioner Peter Garling in his report, one way we can improve patient safety is to standardise the way in which patients are treated. Our aim is to ensure that evidence-based practices are used to reduce the unacceptable variations in patient care and deliver high quality, safe and cost-effective treatment to patients.

I have outlined on many occasions the range of measures the Government is undertaking to implement the recommendations made by Commissioner Garling in his comprehensive review of our acute care system. In order to advance the implementation of best practice models of care, the Government asked the Independent Pricing and Regulatory Tribunal of New South Wales [IPART] to conduct a detailed study of the health system. This study is the first of its kind commissioned in Australia. It is yet another example of how we on this side of the House give thoughtful and considered approaches to the complex issues confronting our health system. The study looked at various aspects of the New South Wales health system, including clinical practice, patient numbers and mix, and configurations of care and cost. Its primary objective was to provide us with information that clinical experts could use within the New South Wales public health system to promote best practice, improve efficiency and deliver positive change. The report has done this in an unprecedented level of detail, providing us with an unparalleled wealth of information.

The report focused on five major New South Wales hospitals: Royal Prince Alfred, Bankstown-Lidcombe, Royal North Shore, Gosford and John Hunter hospitals. It looked at how these hospitals managed various costs in relation to providing patient care such as staff, prostheses, imaging, pathology, pharmacy and operating theatres. The report examined 11 clinical conditions or procedures, including hip joint replacement, stroke, cardiology and obstetric delivery, to compare similar hospital activities and variables such as patient numbers, lengths of stay, selected costs, how care is configured, safety, quality and outcome indicators. A high-level clinical reference group and clinical consultants assisted IPART. The findings of the report once again confirm the high quality of care that is delivered in our hospitals.

The report highlighted the way in which New South Wales hospitals are providing innovative care. It highlighted areas of best practice, including prosthesis management at Bankstown and Royal Prince Alfred hospitals, imaging and pathology management at John Hunter Hospital, and the practice of discharge with home support after breast surgery at Royal North Shore Hospital. In identifying areas of best practice in this report, we had the opportunity to spread these practices more broadly to benefit patients across New South Wales. The Agency for Clinical Innovation, which is the agency charged with the responsibility for developing evidence-based models care, along with the Clinical Excellence Commission, are well placed to assess the findings in the IPART report and will play a pivotal role in implementing the recommendations agreed to by the Government.

The IPART study is particularly timely in light of the move towards activity-based funding, which was outlined in the health reform agreement between Commonwealth and State governments earlier this year. The IPART report has made a total of 40 recommendations across a number of areas, including data collection and management, procurement, clinical coding practice and management of clinical services. The Government will consider each and every one of those recommendations. The Government will convene a cross agency steering group to assess the report's recommendations. We will be guided by the advice of the Clinical Excellence Commission and the Agency for Clinical Innovation but the whole idea is to roll out improvements in high-quality care across the health system in New South Wales to benefit patients.

HEALTH SYSTEM

Mrs JILLIAN SKINNER: I direct my question to the Premier. How can the Premier mislead this Parliament by claiming that the health system is the best in Australia and our hospitals have enough beds when this leaked report to the Coroner shows a patient delivered via ambulance, with severe dehydration and gastroenteritis, became unresponsive and subsequently died, causing the doctor issuing this report to write: "Delay in getting access to a bed in the ED of more than three hours."

Mr John Aquilina: Point of order: My point of order is, first, the question of the Deputy Leader of the Opposition is far too long and, second, the question commenced by making a slur on the reputation of the Premier by saying, "How can the Premier mislead this House". That is unparliamentary and the question should be ruled out of order on that basis.

The SPEAKER: Order! The Deputy Leader of the Opposition will restate her question in order.

Mrs JILLIAN SKINNER: I direct my question to the Premier. How can the Premier claim that New South Wales has enough hospital beds and is the best health system in Australia when this leaked report to the Coroner shows a patient delivered via ambulance, with severe dehydration and gastroenteritis, became unresponsive and subsequently died, causing the doctor issuing this report to write: "Delay in getting access to a bed in the ED of more than three hours."

Ms KRISTINA KENEALLY: I thank the member for her question. I am unable to comment on the specifics of the case the member has raised. I am unaware of this case. I encourage the Deputy Leader of the Opposition to contact my office and provide us with that information. I am more than happy to investigate the circumstances she has raised and provide a response.

[Interruption]

I am unable to verify the information she has provided here today and I encourage her to contact my office and provide us with that information. We can then look into the situation she has described and provide her with a response.

CENTRAL COAST SMALL BUSINESSES

Mr DAVID HARRIS: I address my question to the Minister for Small Business. How is the New South Wales Government supporting small business on the Central Coast?

[Interruption]

Mr FRANK TERENCEZINI: Go back to your book, Chris! I thank the member for Wyong for his question and his great support of small business on the Central Coast. I take this opportunity to acknowledge the work of the member for The Entrance and the member for Gosford in supporting small business on the Central Coast. I am very pleased to announce that today a central business showcase that places on display the very best of businesses on the Central Coast is being held in this Parliament building as we speak.

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

Mr FRANK TERENCEZINI: I invite all members to visit the exhibition, which showcases the innovative and creative businesses on the Central Coast. I hold out a special invitation to the Opposition spokesperson for Small Business, now that we know who he is. He has been diligently reading his correspondence, which he goes through every question time. I want to make sure that he knows about this expo so that he can go and have a look and come up with a policy. It would be great to get a policy from him.

Mr Donald Page: There's the policy, mate. You read it. You might learn something.

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

Mr FRANK TERENCEZINI: One thing we know about the Opposition spokesman, now that we know who he is, is that he is all class.

Mr David Harris: And he is awake.

Mr FRANK TERENCEZINI: He is awake. I extend an invitation to him to attend the expo and to come up with a policy on small business. Our policy is out there, \$23 million to help small businesses. The Central Coast has a lot to offer small businesses. It is geographically situated for easy access to Maitland, the Hunter and the Sydney area. It has high schools, a skilled workforce, advanced infrastructure and an attractive lifestyle. It has many things to offer.

Mr Chris Hartcher: It has a great man—

The SPEAKER: Order! The member for Terrigal will come to order and he will refrain from self praise.

Mr FRANK TERENCEZINI: My attention has been drawn to comments by the member for Terrigal, the Opposition spokesperson for the Central Coast.

The SPEAKER: Order! I call the Minister for Police to order.

Mr FRANK TERENCEZINI: It is timely that I remind the House that the people of the Central Coast are looking for loyalty and support from their local members. The member for Wyong, the member for Gosford and the member for The Entrance show their electorate loyalty.

The SPEAKER: Order! Members will cease interjecting. The member for Wakehurst and the member for Bega will cease interjecting. I call the member for Terrigal to order. The member for Baulkham Hills will come to order.

Mr FRANK TERENCE: There is a good reason why they are making so much noise. Let us remind ourselves: When the Central Coast was in need of support from politicians during an election where was the member for Terrigal? He was on safari in Africa. He fled, went away, left the scene. That is his idea of loyalty. "I'm out of here", he said, "I'm going. I don't want anything to do with this."

The SPEAKER: Order! The Minister will resume his seat. The House will come to order. I have extended a degree of latitude today, but I will not extend any more. The Minister will make his contribution through the Chair.

Mr FRANK TERENCE: The member for Terrigal is one of the many politicians on that side of the House who look so comfortable after 15 years in Opposition.

Mr Chris Hartcher: Point of order: I was photographing wild animals. I could have stayed here and photographed the lot of them.

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

Mr FRANK TERENCE: The member for Terrigal is still carrying around that regulation lettuce leaf that they give new Liberal members of Parliament. I am talking about that lettuce leaf that they try to hit us over the head with, which he is still carrying around after 15 years in Opposition. It has been a very comfortable 15 years. He should go back to reading his book. I will return to the advantages on the Central Coast for small business: a highly skilled and motivated workforce; centralised and cost-effective market access; a broad range of industrial and commercial property options; affordable commercial rent; and high-speed and high-capacity telecommunication links.

The event being held today is one of more than 520 events being held across New South Wales as part of Small Business September, one of our major projects for small business people throughout New South Wales. This year's theme is "Connect for Profit" to make sure that small businesses are using the latest technology. The brand names that the Central Coast has to offer include Sanitarium, Sara Lee, MasterFoods, Kellogg's, Bluetongue Brewery, Barden Produce and Broken Bay Oysters. The Government will continue to support small business in New South Wales. We will ignore the continual negativity that comes from the shadow Minister for the Central Coast. We will continue to make sure that small businesses have available to them all the services they need to run and grow their businesses.

THOROUGHBRED RACING INDUSTRY

Mr GEORGE SOURIS: My question is directed to the Minister for Gaming and Racing. In view of the Minister's statement on 22 July 2010 about securing the future of New South Wales racing and the livelihood of the 50,000 people engaged in the industry and given its significance to the deal he struck, does his failure to introduce trackside legislation or to lock in a guarantee for the loan mean that the deal is now in doubt?

Mr KEVIN GREENE: Tempted as I am to give a monosyllabic answer—

The SPEAKER: Order! Members will come to order.

Mr KEVIN GREENE: It is appropriate to put this in context. Unfortunately, the shadow Minister for Gaming and Racing again has shown that he has no idea. In July the Government stated firmly and forcefully that the Government does support the racing industry and the 50,000 people who are employed in that industry. As part of that, we have been working with the racing industry on a proposal for a merger of the Australian Jockey Club [AJC] and the Sydney Turf Club [STC].

The SPEAKER: Order! The member for Hawkesbury and the member for Toongabbie will cease interjecting.

Mr KEVIN GREENE: For the benefit of the member for Hawkesbury, the AJC is the Australian Jockey Club, which looks after racing in Sydney at Warwick Farm and Randwick racecourses, and the STC is the Sydney Turf Club, which looks after racing at Canterbury and Rosehill racecourses. I just thought I needed to educate the member for Hawkesbury.

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

Mr KEVIN GREENE: As part of our commitment to racing, the Government has indicated that \$174 million will be injected into racing in this State through the potential merger of those two clubs. Currently, the AJC and STC members are deliberating on whether to accept the offer and merge. I can assure the House that those meetings of members will take place in early October. We believe that the merger, if it takes place, will help to underpin the strength and solid foundations of racing in this State. In supporting that merger, the financial injection that will come as a result of the merger will also assist the provincial and country racing clubs that are very much a part of racing in this State. Tempted as I am to give the shadow Minister for Gaming and Racing a lecture in the House on how it would work, I am prepared to do so outside the House. Most importantly, any legislation that would have to be brought in to underpin it—

Mr George Souris: Point of order: I know that the Speaker has been listening as intently as I have to the Minister. We have enjoyed the tour of the racecourses and the issue about the merger. The Minister is not being relevant. It was a simple question. The question was whether the Minister and the Government have put in place a guarantee for this loan so that the taxpayers of New South Wales are not left with a dead cat.

The SPEAKER: Order! I have heard enough on the point of order. The member for Upper Hunter does not have the opportunity to ask a supplementary question.

Mr KEVIN GREENE: The previous Minister commented about people being hit by wet lettuce leaves. I think I have just been hit by a dead moggy. The Government has given a guarantee to members of the Australian Jockey Club and the Sydney Turf Club that before any legislation is introduced we would need to have the support of their members for our proposal. As I clearly indicated not just to the shadow Minister but also to other members of the Opposition, those meetings of members will not be taking place for another week to 10 days. Once those meetings have taken place and the members have had the opportunity to put forward their views we will introduce legislation, obviously predicated on the decision of those members. Unlike the Opposition, the Government is a strong supporter of the racing industry in New South Wales, and we are clearly on the record not just saying that but, more importantly, doing it.

HUNTER MEDICAL RESEARCH INSTITUTE

Ms SONIA HORNER: My question is directed to the Minister for Science and Medical Research. What is the latest information on the Wallsend electorate's Hunter Medical Research Institute?

Mr Andrew Fraser: That caught her by surprise.

Ms JODI McKAY: Completely by surprise, but I am very pleased to be able to talk about the Hunter Medical Research Institute. I thank the member for Wallsend for her question. The Hunter Medical Research Institute is located within her electorate and she is a passionate supporter of medical research in the Hunter and, indeed, all of New South Wales. It is important to note that this State boasts the biggest research sector in Australia and that intensely contributes to our reputation as the clever State. The Hunter Medical Research Institute certainly plays a very important role in that leadership position.

The institute, or HMRI as it is affectionately known, is a partnership between the University of Newcastle, the Hunter New England Area Health Service and the community. It was established in 1998 and it is at the cutting edge of research, contributing valuable knowledge about diseases and illnesses that affect us all, such as cancer, heart disease, asthma, mental illness, premature birth and stroke. The institute's Stroke Research Group, which is led by Associate Professor Chris Levi, has demonstrated that the window for administering effective clot-busting treatment could be extended to up to six hours after a stroke. Professor Levi's research will benefit an additional 5,000 Australian stroke patients a year. That is just one example of the excellent work being undertaken at the institute.

The Hunter Medical Research Institute has more than 900 researchers like Professor Levi who are actively engaged in high-quality, knowledge-intensive jobs. That is an extraordinary achievement for the people

of the Hunter region when this research institute only began in 1998. The Government is investing in the Hunter Medical Research Institute by providing more than \$3 million in funding for operational support in the 2010-11 financial year. That funding is provided through the Government's Medical Research Support Program, which provides assistance for essentials like laboratory equipment and salaries, and it helps our State's medical research organisations undertake effective and high-quality medical research. This year the New South Wales Government has provided baseline funding of \$17.3 million for the Medical Research Support Program, and we have recently announced a further \$10 million to supplement that baseline funding. Welcoming the Government's additional \$10 million investment in medical research, last week the Director of Hunter Medical Research Institute, Professor Maree Gleeson, said:

The medical research sector is appreciative of the efforts of the state government for recognising the importance of investing in medical research to NSW.

She went on to say:

This announcement directly benefits resources in our region and the continuation of medical discoveries and cures. It provides the foundation that allows our researchers to attract additional funding for their work.

She was not the only research director of the medical research institutes who spoke about the Government's additional \$10 million investment in medical research. The President of the Association of Australian Medical Research Institutes, Professor Robert Graham, said:

This funding will enable NSW research institutes to continue to translate fundamental discoveries into life saving clinical practice.

This Government recognises and supports our medical researchers, in stark contrast to the Opposition, which has once again shown that it does not care and does not understand the State's research sector.

[Interruption]

Now they wake up; now they react! Members opposite do not even know that medical researchers work in medical research institutes. In fact, during budget estimate hearings last week, the Leader of The Nationals in the upper House referred to medical research institutes as "various agencies and interested bodies". It got worse. The Hon. Melinda Pavey did not even know about the Medical Research Support Program; she had no idea what that was about. She thought the Medical Research Support Program was for constructing buildings. Let me spell it out. The Medical Research Support Program, importantly, provides operational support for our institutes and, on top of that very important program, the Government provides funding for institutes' capital needs. We have committed some \$25 million towards the new Hunter Medical Research Institute building, which is currently under construction. The Government's investment in medical research certainly shines the spotlight on our State's position as Australia's clever State.

PUBLIC SERVICE INTEGRITY LEGISLATION

Ms CLOVER MOORE: My question is directed to the Premier. Will the Premier act upon the recommendation of the NSW Ombudsman and introduce a legally enforceable public service integrity Act?

Ms KRISTINA KENEALLY: I am aware of the Ombudsman's comments in this regard. When we talk about the public service we are, of course, talking about real people—some of the most respected, trusted and committed public servants. They are our doctors, nurses, teachers, police officers and social workers. They already abide by a comprehensive framework of ethical guidelines and processes consisting of codes of conduct and legislation that establishes standards. They are already accountable to a number of related Acts, including the Freedom of Information Act, the Protected Disclosures Act, the Independent Commission Against Corruption Act, the Ombudsman Act, the Election Funding and Disclosures Act, and the Public Finance and Audit Act. That being said, I am always happy to consider any further measures and suggestions that might further improve, even in a symbolic fashion—

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

Ms KRISTINA KENEALLY: —the integrity of our Government and our public service. So I am happy to consider the Ombudsman's suggestion. But that consideration will be in the context of what we already have: one of the most stable, integral and respected public sector workforces in the world. In that context I regard with great suspicion comments from the Leader of the Opposition, who suggests, according to his

website on 21 September, that a public sector ethics Act is required in order to "restore trust and confidence in our public service and rebuild the appeal and respect of a public service career". I take with caution this statement because I believe trust and confidence in our public servants does not need restoration; it is sound.

I believe that building appeal and respect in a public service career is best served by not maligning the work ethic of the more than 300,000 men and women who in the vast majority of cases serve our families and communities to the highest standards. What else would explain the Leader of the Opposition's desire to leap on radio, as he did on 12 April, and launch an outstanding broadside against the public servants of this State? I am sure members remember that. The Leader of the Opposition went on 2GB at 6.00 a.m. and said, "I'm putting the RTA on notice and I'm putting the whole bureaucracy on notice, frankly." The real threat to the integrity of the New South Wales public service is on that side of the Chamber. The integrity of our public service will be smashed by a party that is happy to malign it if it helps it to gain power. If that occurs, the integrity of our public service will be smashed and the support and services it provides to the community will be decimated by the slash-and-burn approach that defined the last Coalition Government in this State.

Who can forget how that Government closed, downgraded, privatised or attempted to close 30 hospitals? It cut the number of public hospital beds by more than 7,000 and axed 2,500 teaching and 800 ancillary positions from the public education system in its first year alone. It also cut 1,000 positions from the Department of Family and Community Services and closed 23 of its departmental offices. It disposed of \$1 billion worth of public assets at well below their market value during its first term in office, terminated 30 country rail services and closed 13 country rail lines. The Leader of the Opposition is the man who said, "The public service has nothing to fear." Really?

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129 relevance. The question of the member for Sydney was straightforward.

The SPEAKER: Order! I remind the Premier of the question before the House.

Ms KRISTINA KENEALLY: Who offered this sweeping generalisation about the benefits of privatising public services: "It is clear that the private sector is and almost always will be more efficient at delivering services"?

Mr Adrian Piccoli: Point of order—

Ms KRISTINA KENEALLY: They do not like to hear the words of their own leader.

Mr Adrian Piccoli: I refer to Standing Order 129.

The SPEAKER: Order! I have ruled on the matter.

Mr Adrian Piccoli: But the Premier is canvassing your ruling.

The SPEAKER: Order! I have already ruled on the matter.

Ms KRISTINA KENEALLY: I will repeat that for the benefit of the House: "It is clear that the private sector is and almost always will be more efficient at delivering services." That was the Leader of the Opposition on 28 November 2001.

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

Ms KRISTINA KENEALLY: They can run but they cannot hide.

WARRAGAMBA DAM FIFTIETH ANNIVERSARY

Dr ANDREW McDONALD: My question is addressed to the Minister for Water. Will the Minister update the House on plans to commemorate the fiftieth anniversary of Warragamba Dam?

Mr PHILLIP COSTA: I thank my colleague for his question and his keen interest in water issues—he is more than simply a doctor. It is now 50 years since the Warragamba Dam was commissioned and it is still the backbone of this city's world-class water supply. It is a piece of iconic infrastructure almost as old as the member for Clarence. Happy birthday, Steve!

The SPEAKER: Warragamba Dam is 50; the member for Clarence is 60 today. Congratulations!

Mr PHILLIP COSTA: Although the Opera House and the Sydney Harbour Bridge are the city's glamour sites, the engine room—

Mr Paul McLeay: We want the short answer!

Mr PHILLIP COSTA: This is the short answer.

The SPEAKER: I note that those interjections are coming from Government members!

Mr PHILLIP COSTA: The water that that engine room provides is the foundation of this truly international and wonderful city. Warragamba Dam is one of the most popular pieces of infrastructure in our city, and many people visit it. In fact, since it was reopened in November last year more than 100,000 people have visited the site. The dam was opened 50 years ago and the official celebration of its golden anniversary will be held on Sunday 17 October. It will be a fantastic event and I encourage the people of Sydney and all members to attend. A great deal of planning has been done in preparation for this celebration.

The Warragamba community and the Sydney Catchment Authority have been working together to make it a memorable event. Families will be able to access the site easily and avoid the expected congestion thanks to the provision of free bus services leaving from Penrith and Campbelltown railway stations. I suggest that attendees leave their car at home and head to the Penrith or Campbelltown railway station to take advantage of that free transport. Construction of the Warragamba Dam began in 1942 and the project involved 1,800 workers. It took only 20 years to build—about the same time as another dam I am trying to build.

The SPEAKER: Order! Members will not encourage the Minister.

Mr PHILLIP COSTA: That workforce played a vital role in enriching the fabric of our city because many of them stayed on in Sydney. Migrant workers from around the world participated in the dam's construction. I am very proud to say that my Uncle Sid worked on the dam and I am looking forward to him and Auntie—

The SPEAKER: The Minister will leave Uncle Sid out of this!

Mr PHILLIP COSTA: Workers from at least 30 different nations came to Warragamba to construct this very important piece of infrastructure. Many of the workers and their families will be returning to the dam next month to reunite with former colleagues and friends. Most importantly, we will pay tribute to those workers who tragically lost their lives during the arduous construction process. That will be a very solemn occasion. Sydney has grown dramatically since the completion of the dam 50 years ago, but the engineering marvel that those workers helped to create still plays a pivotal role in our water supply. The dam has certainly undergone change over the years.

As important as it is to our Metropolitan Water Plan, we have still had to spend a significant amount to ensure its security and safety. The Government has invested \$240 million in a series of major upgrades to ensure that the dam remains a secure and reliable source of water for the more than 4.3 million people who live in Sydney. We are very pleased with the outcome and I highly recommend a visit by members. In recent times the New South Wales Government has unveiled a number of state-of-the-art picnic facilities for families at the dam and at the Burragorang Valley lookout. It is near Wooglemai, which is a wonderful place that is also worth a visit.

A couple of weeks ago I participated in the soft opening of the new Warragamba Dam exhibition centre, which includes state-of-the-art electronic graphics and computer-generated displays. The Government is very proud of this important facility. We also appreciate the work that the community and the Sydney Catchment Authority have done to make the anniversary celebrations a success. I encourage Sydneysiders and members to catch a free bus from Penrith or Campbelltown railway stations to Warragamba Dam Fest 2010 on Sunday 17 October. I am sure everyone will enjoy themselves. I look forward to seeing many members there.

Question time concluded at 3.20 p.m.

JOINT STANDING COMMITTEE ON ROAD SAFETY**Report**

Mr Geoff Corrigan, as Chair, tabled the report entitled "Report on Heavy Vehicle Safety", dated September 2010, together with transcripts of evidence relating to the report.

Report ordered to be printed on motion by Mr Geoff Corrigan.

PETITIONS

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

Wagga Wagga Base Hospital

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

Bus Service 389

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

Protection of Native Animals Near Roadways

Petition requesting capital works on main roads in proximity to national parks to accommodate the transit of native fauna across roadways, received from **Mr Rob Stokes**.

Shoalhaven Police Station

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

Belmont Skate Park

Petition requesting the construction of a skate park at Belmont, received from **Mr Robert Coombs**.

Burrill Lake

Petition requesting the opening of Burrill Lake, received from **Mrs Shelley Hancock**.

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 petitions signed by more than 500 persons were lodged for presentation:

Mona Vale Hospital Maternity Unit

Petition requesting that the maternity unit be restored at Mona Vale Hospital, received from **Mr Rob Stokes**.

Pet Shops

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

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Women in Senior Positions**

Ms TANYA GADIEL (Parramatta) [3.21 p.m.]: I am pleased to have the opportunity this afternoon to speak about women's representation in New South Wales. This matter should be accorded priority for a number of reasons. Women represent half the population of New South Wales and should be equally represented in leadership positions, including on New South Wales government boards and committees. Increasing the proportion of women on government boards and committees has benefits beyond fairness. Research has shown that boards with a strong representation of women deliver better financial returns to shareholders; can provide more informed decision-making; can provide stronger governance; and can provide improved strategic thinking and ability to anticipate and manage risks.

Improving gender diversity allows New South Wales government boards, committees and departments to be more representative of the New South Wales community. In an environment that has an ageing population and a skills shortage, it is also important that New South Wales businesses benefit from a full range of talents on offer in the community. I am pleased to note there have been significant gains in gender equality in recent years. However, more needs to be done. That is why this motion deserves to be accorded priority.

Government Members

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.23 p.m.]: My motion should be given priority because the Government continues to be racked with allegations of corruption, with members of the Labor Party appearing before the Independent Commission Against Corruption. When one talks about corruption in the Labor Party, one must ask the question: Where does one start? Let me start up the back in the left-hand corner of the Chamber. During question time I looked across the Chamber and thought about the scandals that have racked this Parliament and the Labor Government, in particular. The member for Fairfield needs no introduction whatsoever. The member for Cabramatta was famously on the record as saying that he thought his role as a member of Parliament was pointless. I do not see that as my role, but I can understand that as a Labor member of Parliament—

Mr Michael Daley: Point of order: My point of order is under Standing Order 73.

Mr ADRIAN PICCOLI: The motion goes to whether New South Wales can afford another six months of this rabble of a Labor Government. It is instructive to look at some of the members of Parliament who have embarrassed New South Wales. We know about the latest example of the member for Drummoyne—

Mr Michael Daley: Standing Order 73 is quite clear. It says:

Personal reflections on members of either House are disorderly other than by substantive motion.

Rulings have been made on numerous occasions—

Mr ADRIAN PICCOLI: Mr Assistant-Speaker—

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the member for Murrumbidgee to order. The Minister has not finished taking his point of order.

Mr Michael Daley: Several rulings have been made, the latest in the last sitting week, that the stage of the proceedings we are currently engaged in is not a substantive motion.

Mr ADRIAN PICCOLI: This is ridiculous. He is just wasting time. I refer to the comments by the Premier last week—

Mr Michael Daley: He has not been given the call.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! Members cannot make personal attacks on other members except by way of substantive motion.

Mr ADRIAN PICCOLI: Last week the Premier was going on about deadwood, having preselections, and so on. Part of the problem—and this is why the public of New South Wales has had enough of these people—is that they have not had a grassroots preselection in New South Wales for 10 years.

Mr Gerard Martin: That's untrue.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Bathurst will cease interjecting.

Mr ADRIAN PICCOLI: Getting all your bra boys to turn up to a preselection does not count. The Premier herself, the hypocrite for talking about preselections, was shoehorned in on an N40. She never had the guts to run, nor would she have won a preselection, against former member Deirdre Grusovin.

Mr Alan Ashton: Point of order—

Mr ADRIAN PICCOLI: They speared her and shoved her in there.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Murrumbidgee knows that he must resume his seat when another member takes a point of order.

Mr Alan Ashton: My point of order relates to Standing Order 73, and it has been well enunciated. I have won four preselections in a row, all by rank-and-file ballot. So has the member for Bathurst. So have we all.

Mr ADRIAN PICCOLI: You don't have enough people for a rank-and-file ballot.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Murrumbidgee will cease interjecting.

Mr ADRIAN PICCOLI: The member who has made a couple of decisions is the one who has been shafted by the Labor Party. That is the Minister for Education and Training. She made a decision about replacing unflued gas heaters and she got slapped down by the Premier. She made a decision about replacing some classrooms in a school in Hurstville and she got slapped down for that as well.

Mr Gerard Martin: Point of order—

Mr ADRIAN PICCOLI: She is doing the job and she gets slapped down.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I remind the member for Murrumbidgee that he must resume his seat when a member takes a point of order.

Mr Gerard Martin: Once again I refer to relevance. The member is straying from the leave of the motion. He is seeking to besmirch people; smear people. He should start looking in his own closet because a few people are starting to rattle it.

Mr ADRIAN PICCOLI: When you mention deadwood, they come running.

[*Interruption*]

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Bathurst will resume his seat. The member for Murrumbidgee has the call.

Mr ADRIAN PICCOLI: It is like cockroach bait. As soon as one puts it out, they all come running out. He is a classic example, and the member for East Hills is another classic example. [*Time expired.*]

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

The House divided.

Ayes, 44

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

Noes, 37

Mr Aplin	Mr Hartcher	Mr Richardson
Mr Ayres	Mr Hazzard	Mr Roberts
Mr Baird	Ms Hodgkinson	Mrs Skinner
Mr Baumann	Mrs Hopwood	Mr Smith
Mr Besseling	Mr Humphries	Mr Souris
Mr Cansdell	Mr Merton	Mr Stokes
Mr Constance	Ms Moore	Mr J. H. 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 Provost	Mr Maguire

Pairs

Ms Beamer	Ms Berejiklian
Mr Gibson	Mr Debnam
Mr West	Mr Stoner

Question resolved in the affirmative.

WOMEN IN SENIOR POSITIONS**Motion Accorded Priority**

Ms TANYA GADIEL (Parramatta) [3.35 p.m.]: I move:

That this House:

- (1) notes the Government has doubled the proportion of women in the senior levels of the Public Service between 1995 and 2010; and
- (2) congratulates the Government on working to increase the number of women on Government boards and committees.

There have been some significant advances in relation to women's leadership in New South Wales. In New South Wales we now have a female Premier, a female Deputy Premier and, of course, a female Governor, Marie Bashir.

Mr John Williams: And a female Deputy-Speaker.

Ms TANYA GADIEL: Thank you for that interjection. We also have our first female Deputy-Speaker, who is, of course, me. I thank the member for Murray-Darling.

Mr Richard Amery: Modesty prevented her from saying it.

Ms TANYA GADIEL: I am blushing.

Mr Michael Daley: He is an unreconstructed feminist.

Ms TANYA GADIEL: He is an ardent feminist, just like the member for Mt Druitt.

Mrs Shelley Hancock: No!

Ms TANYA GADIEL: It is true, and I will go into that in a minute. Women's representation in Parliament has been steadily increasing over time. In fact, we have come a long way. Women now hold 25.8 per cent of New South Wales Legislative Assembly positions and 31 per cent of Legislative Council positions. Some 30 per cent of the New South Wales Cabinet is female, including the Premier and the Deputy Premier. I point out that the New South Wales Government is boosting these figures. One-third of New South Wales Government members are women, compared with just over one-fifth of Opposition members. Women also constitute 30.1 per cent of members of Parliament—upper and lower houses—at the Commonwealth level.

Ms Pru Goward: Where are the public service figures? I thought that's what we were debating.

Ms TANYA GADIEL: I am coming to that. More broadly, the New South Wales Government supports women's leadership in other areas of public life. Since the 1990s the number of female school principals has increased significantly. Women now make up almost 50 per cent of principal positions in primary schools, which is an increase from just over 30 per cent in 1997. Similarly, women represent just over 35 per cent of secondary principal positions, which is more than double the 16 per cent of positions in 1995. I just referred to the member for Mt Druitt.

Incidentally, when he became a Minister in 1995 he realised that the dairy industry pricing committee, which set the price of milk, was entirely male dominated—there was no woman on it. One of his first acts as Minister was to conduct a review and appoint Jane Singleton to the committee. So when I said that the member for Mount Druitt is an ardent feminist, I was not joking. During his time as Minister for Agriculture, the member for Mount Druitt appointed the first woman regional director of the Department of Agriculture, Ellen Howard. He also appointed the first woman to the executive of the Department of Agriculture.

Mr Michael Daley: Did he write this speech?

Ms TANYA GADIEL: I was busy during question time. That department had existed for more than 100 years. Dr Helen Scott Orr was the first woman in more than 100 years to be appointed to its executive. In 1995 a Premier's circular was issued to ensure that women were accorded the priority they deserved and were recognised and appointed to such positions. Women are also doing well in the legal profession. Twenty-four per cent of judges in New South Wales are women and women constitute 38 per cent of magistrates. This is a significant increase from July 1997, when 10 per cent of judges and 15 per cent of magistrates in New South Wales were women. Women now constitute around 37 per cent of all members of New South Wales government boards and committees. This is significantly better than in the private sector, where women are dramatically underrepresented.

I am proud that the New South Wales Government already has a number of initiatives in place to improve women's access to leadership roles. I will refer to just a few examples. Across the New South Wales public service we are implementing strategies to increase the number of women in senior positions, grade 12 and above, as part of our five-year public service women's strategy, Making the Public Sector Work Better for Women. The New South Wales Government is also committed to the Lucy Mentoring Program, which is supported by the Office for Women's Policy and operates in most universities in New South Wales. The Lucy Mentoring Program is an innovative leadership program that aims to encourage the development of young women who, given the right opportunities and support, will become future leaders. Its primary focus is on young women studying business, finance, economics, accounting and law at university. The University of Technology, Sydney, is also piloting the Lucy Mentoring Program for engineering and information technology students. The program seeks to redress the underrepresentation of women in leadership and decision-making roles by matching women students with mentors in the private and public sectors.

When it comes to government boards and committees, New South Wales is doing better than Queensland, Western Australia, the Northern Territory and the Commonwealth. Although that is good news,

there is so much more we can do, and we should be able to do it better. That is why we are currently consulting on a package of initiatives to increase the number of women on our boards and committees. One option we are looking at is legislation. In 2005 South Australia passed legislation—section 36A of the Acts Interpretation Act 1915—that requires relevant bodies making statutory appointments to boards and committees to nominate at least one man and one woman and, as far as practicable, to nominate equal numbers of men and women. A 50 per cent target for increasing women's representation on boards and committees is part of South Australia's strategic plan. In 2008 the South Australian Government reported that it had achieved 45 per cent representation of women, an increase from 33.6 per cent in January 2004.

Ms PRU GOWARD (Goulburn) [3.43 p.m.]: On behalf of the Opposition, I move:

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

this House:

- (1) congratulates those women in New South Wales who now work at senior executive levels of the public service and welcomes the significant increase that has occurred over the past 20 years; and
- (2) calls on the Government to institute a robust register of board-ready women that extends beyond political patronage and would result in increased appointments of women to Government trading enterprise boards to the benefit of New South Wales.

I note that the member for Parramatta took three minutes to get to the representation of women in the New South Wales public service. Perhaps that is because the Government does not feel it has a lot to say on that issue. It is generally recognised that the increased representation of women at senior executive levels in the private and public sectors has basically been driven by improved education standards. Of course, this has taken some time: it often takes a generation to produce an increased number of graduates who are capable of doing senior executive work. We have seen that occur at all levels in Australia over the past 20 or 30 years.

Another reason we have seen an improvement in the proportion of women in the senior levels of the New South Wales public service, and indeed all public sector organisations, is the preparedness of the public sector to contemplate family friendly work arrangements in exchange for market rate wage increases. Instead of paying the large salaries that are available in the private sector, the public sector has been prepared to offer family friendly work practices. The public sector has also been more closely bound by sex discrimination legislation and other anti-discrimination legislation, and that has produced an environment that is much more conducive to employing women. Finally, we have to congratulate the top 200 Australian Stock Exchange [ASX] companies on reaching that magic 10 per cent board level mark with regard to the representation of women.

In amending the motion we need to congratulate all women in New South Wales who have reached the upper echelons of the New South Wales public service, whilst recognising what a great struggle this can be for women with children. Even after having completed their education, many of those women do not start to have their children until they are well into their professional careers. We all know how much more difficult it is for such women, and the sacrifices they and their families have to make. Public service managers are also required to exercise flexibility in order to manage family friendly work arrangements.

The second part of my amendment calls on the New South Wales Government to institute a robust register of "board ready" women. This has been done by the Australian Institute of Company Directors with tremendous effect. As the ASX 200 index shows, the institute has been able to increase the number of women on boards by around 20 per cent in a single year because its register is much more robust than that of the New South Wales Government. Sadly, the New South Wales Government register has hundreds of women on it but there is no real appraisal and no evaluation of the women who work and those who do not.

The reason my amendment goes to the issue of government trading enterprise boards is that, despite the fact that New South Wales has a reasonably high level of women on boards and committees overall—not as high as South Australia, but about the national average of 35 per cent—New South Wales women are grossly underrepresented on the boards of commercial trading enterprises. That is where the problem lies. It is very easy to increase the percentage of women on boards and committees by creating lots of unpaid committees in the areas of child care and social services, which are essentially advisory committees without any real executive authority. It is much more difficult to create properly constituted boards that take proper financial responsibility for government trading enterprises. That is where New South Wales, by the standards of other governments in Australia, is well below the national average.

This is evident from the Developing Women's Leadership Program in the New South Wales public sector. It is clear that although a lot of women are going into development programs such as the Executive

Master of Public Administration, where the proportion of women is about half, when it comes to the Executive Fellows Program, which is for women who are two levels below chief executive officer level—in other words, women in commercial government trading enterprises who have fiduciary and financial skills and are able to be given rigorous responsibilities—the proportion of women undertaking such courses in New South Wales, even in 2008, was only 33 per cent. By contrast, the representation of women in travelling fellowship scholarships is 100 per cent. In other words, the attitude is: When it is easy to do, give it to women. However, when it comes to commercial enterprise boards the old boys' club inside New South Wales Labor remains, because only 30 per cent of the people in those training programs are women. That is where change needs to be made if women are to improve their representation on the boards where there are real and effective opportunities to change and manage an organisation.

Numbers can be pumped up by creating lots of advisory committees, but when it comes to boards that decide the financial outcomes of government trading enterprises and make a difference to the profitability of government enterprises and their effectiveness, this Government has failed absolutely. I commend my amendment to the House. It is essential that the Government takes a leaf from the book of the Institute of Company Directors and has women ready to be appointed to boards. When it comes time for board appointments the Cabinet should do more than say, "Do we know this sheila or not? If not, she does not get on anything that is paid." Cabinet should be made to go through a proper, rigorous process that considers the attributes of each woman closely and seriously.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [3.50 p.m.]: I support the motion. This is a significant time for the New South Wales Government to be debating the issue of women on New South Wales Government boards and committees. The Government recognises that this is a complex issue. Currently, approximately 2,200 boards and committees and Crown reserve trusts exist across the New South Wales Government. While this is a vast area to investigate and explore, the benefits of improving gender diversity on New South Wales Government boards and committees are likely to have a significant long-term impact across government and for society as a whole.

Women currently make up around 37 per cent of the membership of New South Wales Government boards and committees. In 1995 the New South Wales Government established the New South Wales Government Register for Boards and Committees. The register provides a list of potential candidates to fill board and committee positions, and is consulted by Ministers and government departments. The New South Wales Government encourages women to place their names on the register. As at June this year, 693 women were registered. This is good compared with the private sector, where just 10 per cent of the top 200 Australian Stock Exchange listed company directors are women. But, as the member for Parramatta said, we can do better.

While New South Wales is doing well in comparison with other jurisdictions in the proportion of women on boards and committees, we are committed to improving our position on this issue. That is why the New South Wales Government is undertaking a targeted consultation process to encourage more women onto our boards and committees. The Government is taking action on this issue by working to develop a package of initiatives to improve women's representation on government boards and committees. As part of this process we are undertaking consultation with government and external stakeholders. The key external stakeholders being consulted include: Ms Elizabeth Broderick, Federal Sex Discrimination Commissioner; Women on Boards, a non-government organisation; the Australian Institute of Company Directors; the Hon. Patricia Forsythe, Sydney Business Chamber; and Chief Executive Women, a member-based organisation aiming to facilitate greater representation of women at senior levels of Australian business, government and the not-for-profit sector.

A consultation paper on strategies to increase the proportion of women on New South Wales Government boards and committees, which forms the basis of the consultation process, was released recently. It explores a number of potential initiatives that the Government is considering, including setting an overall target of women representing 50 per cent of new appointments to government boards and committees by 2012; introducing a requirement to consult the New South Wales Government Register for Boards and Committees; introducing a requirement to nominate at least one person from each gender for board vacancies where practicable; introducing a requirement to declare a board's or committee's existing gender ratio when making new appointments; and expanding the Department of Premier and Cabinet website to include more information about women on boards and committees, as well as developing a page on the website of the Office for Women's Policy to provide information sheets and case studies.

The Government is also considering recording details of new appointments to New South Wales Government boards and committees, which would enable the appointment of women to New South Wales

Government boards and committees to be monitored and trends to be identified; revising the Crown Reserve Trust Handbook and Crown Lands NSW Circular to include a focus on increasing gender diversity; and introducing a legislative requirement to nominate one person from each gender where practicable and/or introducing a legislative requirement that, as far as practicable, 50 per cent of new appointments to New South Wales Government boards and committees be female. This may occur if a policy approach and other supporting initiatives do not result in the target of women representing 50 per cent of new appointments to government boards and committees being met within a designated time.

We will also involve the private sector in this consultation process, working together to ensure that women gain greater representation on boards and committees. Throughout the process we will investigate a range of issues, including the benefits of gender targets, family friendly guidelines, or even legislating. The outcomes of these discussions will assist the Government, and possibly the private sector, to develop policy proposals in this area. The consultation will build on measures that the New South Wales Government has already taken to increase the representation of women on boards and committees. I move:

That the amendment be amended by leaving out "20" in paragraph (1) with a view to inserting instead "15" and leaving out paragraph (2).

Mrs SHELLEY HANCOCK (South Coast) [3.55 p.m.]: It is with pleasure that I contribute to this debate and congratulate the member for Parramatta on moving this important motion. However, the absence of male members in the Chamber this afternoon, except for the Assistant-Speaker and the Minister for Police, is disappointing because we need to have these types of debates in this place. I do not disagree with the thrust of the motion, given the decades of male domination and exploitation of women by men in the New South Wales public service or in any other area. Some of the statistics referred to by the member the Parramatta were very gratifying. However, I indicate at the outset that I will be supporting the amendment moved by the member for Goulburn. It is not appropriate for the New South Wales Government to take the credit for those sorts of statistics or achievements. Rather, the credit should go to those women who have made those achievements and, from time immemorial, overcome challenges and impediments to their education and career paths not only in this State but in this country and around the world.

It has been a real battle for women to achieve equality. When talking about women's achievements we should be thanking those women in history who fought for women's rights—who fought for women's right to vote and for equal pay and access to education; all very tough battles. Whilst I agree with the thrust of the motion, today we should look back in history and thank the many women who have paved the way for women to succeed today. The women who hold positions today at senior levels in the public service or on government boards or who have risen to the upper echelons of their profession—are doctors or lawyers or excel in other professions—should look back and be thankful to those women who fought for them.

Women should also be grateful for the evolution that has occurred in education because past generations paved the way for access to, and equity in, education. In my mother's day women left school at 15, to become mothers and stay at home. Of course, women can still make that choice today. When I was growing up I attended a very good school, North Sydney Girls High School, where we were offered all sorts of choices. But, in reality, we were encouraged to be nurses or teachers as they were considered to be good professions for girls—and that is what we did. When my daughters were going through the education system they were encouraged to achieve at any level and enter any profession they wanted. I am proud that one daughter is now a lawyer and the other is a veterinarian.

Many challenges still exist in the workforce for women today. While the member for Parramatta said that things need to be done, she did not say much about what she was going to do except refer to a package of initiatives and legislation that might be coming forward. A press release was issued on 16 September this year asking for suggestions on how to increase the number of women on boards and committees. After 15 years the Government could have achieved more in this area. I am disappointed that the press release was issued with only six months to go before the next election. The consultation process will probably take that long. Rather than speaking to a motion to congratulate the New South Wales Government, we should congratulate women generally. I am sure all the men here would agree that the education system has changed the way that girls can achieve. They can do anything, and they do.

We should congratulate everyone who has contributed to the status of women in this country. In other countries women have a long way to go to achieve equal status. In this State women have a long way to go to achieve equal status and break the glass ceiling that exists for many women in corporations and businesses. I know that the member for Parramatta is committed to achieving equity for women. I congratulate her on moving this motion. I look forward to hearing more from her about a package of initiatives and further legislation that will achieve improvements in this area.

Ms TANYA GADIEL (Parramatta) [4.00 p.m.], in reply: I thank the member for Goulburn, the member for South Coast and the member for Wollongong for their contributions to the debate on this motion. I was a little disappointed with the contributions from the member for Goulburn and the member for South Coast because of the politics that came into their speeches. We are in the bear pit and they took the opportunity to have a shot. I strongly believe in giving credit where it is due. I gave examples across two areas since 1995. In the legal profession we have seen an increase in the representation of women appointed as judges and magistrates. In 1995 under a Coalition Government representation by women was 10 per cent of judges and 15 per cent of magistrates. Now it is 24 per cent of judges and 38 per cent of magistrates.

Ms Noreen Hay: That is a significant increase.

Ms TANYA GADIEL: It is a significant increase, under a Labor Government. Equally, there has been an increase in the number of women who have become principals in the school system. In 1997 it was 30 per cent and it is now up to 50 per cent. I understand that Coalition members would not want to discuss those figures because when they were last in government they sought to sack thousands of teachers. Women who were teachers at that time probably would not have had jobs in the profession and certainly would not have been promoted to the position of principal. I appreciate that it would be a sore point for them. It is probably also a sore point that women represent 33 per cent of New South Wales Labor's elected members of Parliament. On that side it is 20 per cent. When John Howard came to office the Liberals said they had a high percentage of women in Parliament. As it turned out, they were in the marginal seats that they could not hang onto in the long term. The allegation that a Labor boys' club is stopping women from getting promoted is false.

Ms Noreen Hay: The figures don't back that up.

Ms TANYA GADIEL: That is right. The member for Goulburn would not have been interested in the facts and figures and the Government's actions in appointments and opportunities for women. It was raised that opportunities for women was a result of education. That is a huge factor. Another factor is the role that women have played and the example they have set. Education is also a big part of that.

Ms Noreen Hay: Who provided higher education?

Ms TANYA GADIEL: I acknowledge the interjection of the member for Wollongong. Who opened up the higher education system in this country? It was Gough Whitlam.

Mr Michael Daley: He opened it up.

Ms TANYA GADIEL: He completely opened it up with a free education system. It was not just for the privileged. It was for people who were not from the elitist bastions of a privileged minority. It meant that children of tradespeople suddenly had access to higher education. This new generation of children who previously would never have had access to higher education were able to access it. It was not just for the children of lawyers and doctors, and the wealthy and elite in our society. Suddenly children like me, whose parents were nurses and plumbers, were able to obtain law degrees. I am very grateful for what Labor has done.

Question—That the amendment to the amendment be agreed to—put.

The House divided.

Ayes, 44

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

Noes, 35

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

Pairs

Ms Beamer	Ms Berejiklian
Mr Gibson	Mr Debnam
Mr West	Mr Stoner

Question resolved in the affirmative.

Amendment to the amendment agreed to.

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

Amendment as amended agreed to.

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

Motion as amended agreed to.

The SPEAKER: Debate on the motion accorded priority having concluded, the House will now proceed to General Business Orders of the Day (for Bills).

SURFACE COAL MINING PROHIBITION (LAKE MACQUARIE) BILL 2009**Agreement in Principle**

Debate resumed from 13 November 2009.

Ms CLOVER MOORE (Sydney) [4.17 p.m.]: I support the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009, which ensures that surface coalmining does not take place in Lake Macquarie. Lake Macquarie residents are concerned about the health and environmental impacts of surface mining. Surface mining produces dust and particulate matter and Lake Macquarie residents have understandable concerns that it would seriously reduce local air quality. Recently we heard concerns from Hunter region residents that high levels of respiratory illness and clusters of cancer in their community could be linked to surface coalmining operations. Dust and particulate matter from open-cut mining can also pollute water supply and in Lake Macquarie I understand that residents are concerned about impacts on local creeks. They are also concerned that surface mining will result in the loss of high-conservation bushland.

The Government confirmed that surface coalmining is not appropriate in Lake Macquarie, with its large and growing population, and banned the practice in its State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. However, I understand that the Department of Planning was considering an application for an auger mine in Lake Macquarie that the community largely saw as surface mining. Despite proposed operations mostly being above ground, the proponents argued that the mine could technically be considered underground. While the proponent withdrew its application, there is no indication that the proposal would have been refused, and the community wants to ensure that no future proposals for surface coalmines will be considered.

This bill will give the Lake Macquarie community that certainty by introducing simple definitions for underground and surface coalmining based on where the mining operations actually take place—either below or above the ground. It will protect Lake Macquarie residents from the impacts of open-cut mining. The bill will close a loophole that may allow some mines to bypass the Government's policy to prevent open-cut mining in Lake Macquarie. It will not prevent underground mining in Lake Macquarie, which I understand is an important part of the local economy. The bill clarifies a Government commitment in legislation. If that commitment were genuine, the Government would support the bill. I commend the bill to the House and urge the Government to support it.

Mr JOSEPH TRIPODI (Fairfield) [4.20 p.m.]: The Government opposes the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009. While well intentioned, the bill essentially seeks to address a non-problem and has been initiated on the basis of an incorrect understanding of the law. The bill seeks to prohibit all surface mining of coal in the local government area of Lake Macquarie, apart from the area of the existing Westside open-cut mine. In doing so, the bill would also prohibit auger mining, which is a form of underground mining where the auger machines may be located on the earth's surface. The State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) already prohibits open-cut mining in the local government area of Lake Macquarie. While open-cut mining is prohibited under that policy, auger mining is permissible on merit and with development consent as a form of underground mining regardless of whether the auger mining machines are located on or below the earth's surface.

In April 2008 Centennial Coal lodged an application with the Department of Planning seeking approval for the Olstan project at its Newstan mine in Lake Macquarie. The project was controversial and involved the establishment of a series of access pits over 2.5 kilometres and the operation of auger mining machinery from those access pits to recover coal and extract up to 1.4 million tonnes of coal over three years. I am aware that the community strongly opposed the Olstan project. It argued that it should be classified as open-cut mining because of the extensive access pits and the fact that the auger machines would be located on the earth's surface.

The Department of Planning's view was that the size of the access pits meant that the proposal should be characterised as two independent uses—that is, the auger mining and the open-cut mining. This view meant that the open-cut part of the Olstan project was prohibited by the mining State environmental planning policy [SEPP]. This view was confirmed in independent legal advice obtained by the department. The Government will make a summary of that legal advice available to the member for Lake Macquarie and the general public so that they can understand that the mining State environmental planning policy was effective in preventing an inappropriate project. Members will be pleased to know that Centennial Coal decided not to proceed with the Olstan project.

The other difficulty with this bill is that it seeks to prohibit all forms of auger mining within the local government area of Lake Macquarie. Such a prohibition is too broad and is unwarranted. While auger mining and any ancillary access pits are a form of underground mining and are therefore permissible with development consent under the mining State environmental planning policy, the SEPP only allows auger mining proposals to be considered on their merits and does not guarantee that such proposals will be approved by the Minister for Planning. Equally, excessive proposals, such as the Olstan project, which can be characterised as including large elements of open-cut mining, are clearly prohibited under the mining SEPP and therefore the appropriate safeguards are already in place. To move now and prohibit all forms of auger mining in the Lake Macquarie local government area is unwarranted. The Government therefore opposes the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009.

Mr PETER DRAPER (Tamworth) [4.25 p.m.]: I will make a brief contribution in support of the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009. This bill will remove the possibility of future open-cut mines being allowed to proceed in the Lake Macquarie local government area. Contrary to the contribution made by the member for Fairfield, trench auger mining is simply an attempt to get away with a mine that is in contravention of the intention of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries).

Following community outrage about the proposal, the State Government banned open-cut mining in the Lake Macquarie local government area through the State environmental planning policy [SEPP]. That SEPP usually enables mining operations within New South Wales, but it includes a specific clause prohibiting open-cut mining in Lake Macquarie. Given that, I am surprised at the Government's opposition to this bill, which is in accord with its own policy. It leads one to question the strength of the mining industry in this State and the influence it is able to exert with regard to planning decisions. I am also surprised that no Opposition member is in the Chamber to support this legislation.

The bill provides a simplified definition of underground coalmining to prevent open-cut mining by stealth, which is what the proposed Olstan auger mine most certainly appears to be. The mine would see a substantial trench created to allow access to the coal seam. The member for Fairfield mentioned the tonnage of coal that would be taken from the trenches. If it smells like an open-cut mine and it looks like an open-cut mine, it is an open-cut mine. The trench would have yielded about 45 per cent of the coal extracted from the mine. That is a substantial component of the company's mining activities. The proponent behind this proposal viewed augering as an underground operation—and the member for Bathurst clearly agrees—while the community unanimously saw the mine as an open-cut operation supplemented by surface augering. Although the application was withdrawn—which is a good thing—the possibility of such a mining proposal being successful in Lake Macquarie remains.

I am not opposed to mining, provided it happens in the right place. In my local area I have publicly supported mines in Gunnedah, Boggabri, Werris Creek, Mauls Creek and Narrabri. I have also written letters of support for applications on behalf of people wishing to extract coal and I had a meeting yesterday with representatives of Aston Resources about one of that company's projects. I do not oppose mining per se, but I remain strongly opposed to mining activity in inappropriate places such as this and also on the black soil of the Liverpool Plains. I joined the Caroon Coal Action Group and residents of the Liverpool Plains to prevent BHP accessing the incredibly rich and fertile black soil that is underpinned by amazing underground water resources. Everyone appreciates the growing pressure on the world's food production. It is therefore critical that we protect this State's food bowl.

The bill introduced by the member for Lake Macquarie aims to protect another invaluable resource from open-cut mining—that, is the 200,000 people who live in his electorate. Almost 80,000 of them would have been living in close proximity to the mine if it went ahead. If passed, the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009 would remove the current uncertainty surrounding open-cut mining in this area and define mining by where it actually occurs—either underground or on the surface. The bill defines an underground mine as a place where people are employed beneath the earth's surface when the mine is being worked and in which the working environment is completely enclosed by the earth around it. That is beautiful in its simplicity and it addresses the concerns that the Government's SEPP does not. It supports the status quo of underground coalmining in Lake Macquarie, which enjoys the support of council and the community, and even allows for further development of similar mines, but would prevent open-cut activities taking place.

Mining is an important contributor to regional New South Wales and it generates much-needed jobs and economic activity provided it is in an appropriate place and form. Coalmining remains an important industry with strong growth potential, even though our use of energy is changing and transitioning into renewable sources of energy. That transition away from coal does not diminish its importance to the State. The member for Lake Macquarie has indicated his support for the use of existing coal reserves and the infrastructure already constructed to facilitate its extraction. He supports mining in this district where it is carried out using traditional methods—that is, underground mining using longwall or bord and pillar mining techniques. We are hearing of regular occurrences of dust and particle problems in the Hunter Valley, and around Cessnock in particular. The Lake Macquarie community has expressed serious concerns about the potential health impacts of fine particulate matter. I support those concerns and I support this bill. I commend the bill to the House.

Mr GERARD MARTIN (Bathurst) [4.29 p.m.]: I support the Government's position in opposing the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009. I come from a coalmining area. I will put my credentials on the table lest people think I am biased. Before I came into this place in 1999, I spent 30 years working in the coalmining industry in the western coalfields, which is predominantly underground mining. We do have a number of open-cut mines around the Lithgow area—small compared with the Hunter Valley open-cut mines. In and to the north of my electorate is the Ulan open-cut mine and the new Moolarben open-cut mine, which are major mines.

Our worry is that this bill will set a precedent by banning all forms of open-cut mining, as well as auger mining, which is a form of underground mining where the auger machines may be located above ground. It is no secret that the coalmining industry plays a critical role in the New South Wales economy. Apart from major investment and, importantly, regional job creation, it is Australia's major export, generating significant export revenue. The years of Australia riding on the sheep's back are long gone. For many years now the coal industry has taken up the mantle.

Coal makes up about 85 per cent of mining income, more than 25 per cent of that being exports. In the year 2007-08 coalmining in New South Wales generated more than \$10 billion and through the royalty system

the State Government collected \$490 million. Over the decades that welcome revenue has been spent on roads, hospitals, education and all those public infrastructure projects that governments have a responsibility to finance. Importantly, 13,500 people work directly in the coalmining industry and we know the multiplier effect from the mining industry is much higher than for any other profession. Many regional towns and communities in my area and in the Hunter Valley are dependent on the jobs generated by mining and associated industries. Therefore, we need to be measured in our approach to where and how we prohibit that mining.

Despite the insinuation by the member for Tamworth that the Government is directed by mining companies and developers on planning these things, we have a very open, transparent process for mining approvals. When I talk to mining companies they express frustration at all the hoops they have to jump through, but they do comply. No project gets to the production stage without meeting all those criteria, particularly in relation to environmental matters. Electorates other than Bathurst will be seeking to copy a very blunt instrument if this bill becomes law. The bill, if passed, will also compromise the integrity of the mining State environmental planning policy as the primary policy document in the State for determining the permissibility of mining.

The bill introduces a new concept of surface coalmining, which is not a defined term in the mining State environmental planning policy. Surface coalmining is defined in the bill to mean the operation of a coalmine that is not an underground mine. This is pretty simple. An underground mine is defined to mean a coalmine in which persons are employed underneath—pretty simple, once again. Where the coal is mined beneath the surface it is a more expensive and more dangerous form of mining but under the occupational health and safety laws and the Coal Mines Regulation Act in New South Wales we have probably the safest mine-working environment in the world. We are now exporting our safety regulations, procedures and equipment to countries like China, which has had a horrid safety record. The development of mine safety in New South Wales—underground and surface mine safety—has been leading edge and world class.

These definitions are inconsistent with the current definitions of open-cut and underground mining in the State environmental planning policy. When read together with the proposed prohibition on surface coalmining, the definitions in the bill may well prohibit surface-level activities that are essential to the workings of any underground mines, such as shafts, adits, drill holes and surface rehabilitation works. There is a fundamental gap in the proposed definitions and if the bill is passed there will not be any certainty as to whether such surface-level activities are allowed in Lake Macquarie. No doubt this uncertainty will affect existing coalmining operations in Lake Macquarie. While the State environmental planning and assessment legislation makes provision for existing-use rights, such rights do not extend to prohibitions under Acts of Parliament but rather apply only to prohibitions under environmental planning instruments.

The prohibition on surface coalmining in the bill will have major policy and legal implications for existing coalmining operations in Lake Macquarie and may expose the Government to compensation claims where existing operations are affected. The bill also seeks to prohibit surface mining in Lake Macquarie, but the mining State environmental planning policy already prohibits open-cut mining in Lake Macquarie and it is not considered appropriate or necessary to set a precedent for dealing with these sorts of issues using special legislation. The Government suggests that this would be overkill.

I have no doubts about the bona fides of the member who is bringing this forward. He sees an opportunity to touch a nerve of public opinion in his electorate on this issue, and a private member's bill is a way to garner support. Accusations have been levelled against the Government but they have never been proved and there is no need for this legislation. All members know that we should be streamlining systems. When I was a member of the Regulation Review Committee—which existed before the Legislation Review Committee—our job was getting rid of red tape and unnecessary legislation. It is pointless to introduce legislation when the protections exist in our environmental planning legislation.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [4.35 p.m.]: It is with pleasure that I speak on the Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009. As we have heard, the Government opposes the bill. In his agreement in principle speech the member for Lake Macquarie said:

The bill supports the strongly held contention that any form of surface mining is in this day and age unacceptable in Lake Macquarie.

The question is: Is this true? Is it really unacceptable to have any form of surface mining in Lake Macquarie? I know there are differing views across Lake Macquarie as to whether that statement is valid. What about other

parts of New South Wales? This bill is specific; it singles out the Lake Macquarie local government area, but why are other parts of the State not considered if this attempt to prohibit mining is genuine? A review of the facts suggests that this is a dramatic overstatement of the current state of affairs.

I give the example of Westside open-cut mine, a mine that has been in existence for many years but which is excluded by this bill. Why is it excluded? Is this an each-way bet? Is Westside open-cut mine operating in accordance with its approvals and in an environmentally sound way? We do not know, but for the purposes of considering this bill it has been excluded. I suggest if the member for Lake Macquarie is that desperate to introduce this bill to single out the Lake Macquarie local government area and the issue of mining, why not take some positive step in relation to Westside open-cut mine also?

Westside open-cut mine has been operating in Lake Macquarie for many years. It continues to operate in the area without causing any unacceptable impacts, which is something the member for Lake Macquarie himself acknowledges in both his speech and this bill. There are also various underground coalmines in the area—Mandalong, Chain Valley, Mannering, Tasman and West Wallsend. All these mines have surface coalmining operations and they are all currently operating without have any unacceptable impacts. Certainly the member for Lake Macquarie has not raised any issue to do with those mines to my knowledge. Clearly it is possible to have some form of surface activity around mining in Lake Macquarie in this day and age without causing unacceptable impacts.

What precisely is the problem? Why should we suddenly prohibit all forms of surface mining in Lake Macquarie when even the member for Lake Macquarie acknowledges that this mining represents an important part of the economy and provides a considerable number of jobs? That is something every member in this place should keep in mind. Surely it is a question of fact and degree; a question of finding the right balance between the obvious economic benefits of mining and the impacts it can have on both people and the environment.

Surely it should come down to the type of mining, the place and whether the impacts of this mining are acceptable. However, these are standard merit assessment issues, the sorts of issues considered every day in New South Wales when assessing the merits of development proposals under the Environmental Planning and Assessment Act, not dissimilar to the many development applications that Lake Macquarie City Council administers. The mining State environmental planning policy [SEPP] currently allows underground mining and associated surface facilities to be carried out on all land within New South Wales, including Lake Macquarie, but only with development consent or, with coalmining, only with the approval of the Minister for Planning. This means that all mining proposals that are defined as underground mining in the SEPP—surface impacts are generally quite minor compared with open-cut mining—and any associated surface works can be assessed on their merits.

However, this does not guarantee such proposals will be approved. It simply allows them to be assessed on their merits for good policy reasons because auger mining is a useful way of extracting coal that is generally uneconomic to mine using traditional open-cut or underground mining methods. If there are less intrusive ways to access mining resources, then they should be at least considered. The policy prevents the unnecessary sterilisation of coal and the loss of any potential benefits that may flow from the extraction of this coal. However, it is important to emphasise that this policy does not allow the extraction of this coal at any cost. It must be assessed on its merits and if an auger mining proposal is found to be unacceptable, then it will be refused. It is as simple as that.

The Government essentially opposes this bill for a very simple reason; it is unnecessary. This is all about finding the right balance between mining proposals, the environment, the economy and having those proposals, most importantly, considered under the Environmental Planning and Assessment Act, which is perfectly capable of giving fair and due consideration to any proposals. Although the member for Lake Macquarie may have been well intentioned, the bill is not warranted. We already have a process, with safety nets, in place. Rather, it is more about an opportunity to stimulate public debate for political advantage. The current planning process can deal with applications for mining activities. If the member for Lake Macquarie were genuine in his approach, he would acknowledge that in the first instance and let the process run its course with the safety mechanisms that are already in place.

Mr GREG PIPER (Lake Macquarie) [4.42 p.m.], in reply: I thank the members representing the electorates of Sydney, Fairfield, Tamworth, Bathurst and Charlestown for their contributions. First, I note the effort that the Minister's staff have put into preparing notes for Government members who have contributed to the debate. If they had given even a small proportion of that effort to discussing the matter with me, we may

well not be here. This is an issue that is of great concern to residents in Lake Macquarie and those residents, like their local member, have not been able to engage with the Government, with the Department of Planning or with the Minister's staff to resolve or clarify these matters.

I accept the views expressed by the member for Bathurst, who spoke very strongly in support of the mining industry. His comments were echoed by the member for Charlestown. Once again, I place on record that I am strongly in support of coalmining in my area. This is not about vilifying an industry that has been in the area for many years and was largely responsible for opening up the area and increasing the population to 200,000 people. The mining industry has, in many ways, become a victim of its own success, in that the Australian coal industry, in New South Wales in particular, has a very strong record of mineral extraction and now mineral export. The world and the planet are moving on and concerns are being raised about other issues to do with the coal industry. The mining industry should have not to bear responsibility, and certainly not for the past.

The Surface Coal Mining Prohibition (Lake Macquarie) Bill 2009 applies a simple definition of underground coalmining to the Lake Macquarie local government area and it will prohibit all other forms of coalmining. There has been discussion about prohibiting auger mining generally but that is not the case. It is only where the earth is open in this form, as proposed, to use all the mining in a very unusual manner. Certainly, on my advice, it could not impact on the operation of existing mines or underground coalmines that might apply for and go through a merit-based assessment.

It will achieve what the Government set out to do when it introduced the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. It has neither the intention nor the capacity to affect underground mining in any way. It was not when it introduced the State environmental planning policy [SEPP] but when it was modified, which occurred at the very last moment. It was a significant open-cut mine proposal to sit between Awaba and Cooranbong. That was hugely condemned by the community. It saw a coalition of people from across all spectrums, all ages, political persuasions I dare say, and certainly from areas that would generally be considered to be very conservative, condemn this particular proposal. This bill simply defines mining by its location: it is either underground or on the surface. This makes arguments about particular processes irrelevant. It removes technical or semantic arguments about large access pits, methods associated with auger mining or about any other innovative mining method.

I brought this bill to the House in response to the uncertainty about whether a recent contentious application for the Olstan mine near Blackalls Park was permissible or prohibited, and we hear the Government saying that the State environmental planning policy worked and that it was prohibited. But this bill provides a clear definition and will give much longer protection than the existing SEPP. The State environmental planning policy allowed debate on whether the recent proposals for surface auger mining were permissible, and many requests for clarification went unanswered. This is the root of the problem. An Act of Parliament will provide certainty that the SEPP did not or could not. Environmental damage and public health impacts from surface mining are a huge concern for people in this rapidly developing area. The Government intended the 2007 State environmental planning policy to protect against this, but a new Act will provide greater certainty.

Debate about this bill centres entirely on whether the SEPP actually prevents all forms of surface mining and would therefore protect the Lake Macquarie community from the impacts of fine particulate matter blown from a mine site. There would, of course, be a range of other significant impacts from any such mine, but dust impacts would be the principal concern for the broader public. This is the matter that defines the relevance and importance of the bill. If the Government had produced conclusive evidence of the claims it makes about the State environmental planning policy, this debate would be unnecessary. The effectiveness of the SEPP is unproven because both the projects that it might have disallowed were in fact withdrawn by the applicant. The Awaba open-cut proposal was clearly for an open-cut mine and would have been caught by the SEPP. However, the Olstan auger mining proposal was conceived and planned specifically as an operation that would be permissible in the full knowledge of the SEPP.

It was a way around the State environmental planning policy. It was repeatedly described by the applicant, and by Ministers, as being an underground mine. The former Minister for Planning and current Premier, Kristina Keneally, described it as underground mining at the community Cabinet meeting at Hillsborough on 7 April 2009. The current Minister for Planning, Tony Kelly, has written letters saying exactly the same thing.

As I have said, the bill results from an application for a high-impact surface mine and the precedent that this application would set. Information provided by the proponent at one of its public information sessions

shows that meetings had occurred with the Department of Planning and that there was a mutual expectation that such a project could be approved. There was a huge public response against the auger mining proposal, and on 5 May 2009 community representatives met with the department's Chris Wilson, the executive director major project assessment, and David Kitto, the executive director major development assessment, to discuss the proposal's permissibility under the SEPP. The department undertook to seek a legal opinion and to provide an answer. We now know that an opinion was sought, but after the application was withdrawn by Centennial the department ultimately declined to respond to the community and no answer was provided.

On 3 December 2009 I asked the then Minister for Planning, now the Premier, about the legal advice provided and whether that advice would be made public. The Minister's answer was that the legal advice showed that the mining SEPP operated exactly as it was supposed to operate in this circumstance—something stated by members of the Government in this debate—that is, it prohibited open-cut mining in the Lake Macquarie local government area. The Minister also stated her preference that the Government should release this advice, and said that she was currently seeking advice from the department on how that might be done. The legal advice still has not been released, despite many requests, including my own application under freedom of information.

The Minister's statement about the legal advice and about the SEPP prohibiting the mine is directly contradicted by Centennial Coal. That is a very important point. I knew that this advice was directly contradictory to the reasons Centennial Coal gave for withdrawing its application, so I sought clarification from managing director and chief executive officer Bob Cameron. Mr Cameron responded in a letter dated 1 March 2010. He stated:

Centennial was at no time advised by the Department of Planning (DoP) that the proposed Olstan Auger project would not be permissible under the SEPP

The letter continued:

Centennial met with DoP on June 16 to discuss the Olstan Auger project. During the course of this meeting Centennial was advised that the Department had received legal advice on the project and suggested Centennial should review the project to ensure there were no "grey" areas. DoP did not inform Centennial of any specifics within the advice or provide a copy of the advice to Centennial.

I confirmed this just yesterday in a meeting with Centennial Coal's managing director, Mr Bob Cameron, when he reiterated that the company made an economic decision based on a number of factors, but largely on cost constraints in dealing with noise impacts—not because the department had advised against the project. If the department had given Centennial Coal such advice, it begs the question as to why numerous items of correspondence from residents opposed to the proposal were not answered in those terms. As I have said to the Minister before, if the mine proposal had been ruled out under the SEPP the Government would have been cock-a-hoop about this, having defended the rights and security of the people of Lake Macquarie. But it simply did not happen.

The Government has provided no evidence that the SEPP would prevent auger mining, and the statements it does make are unconvincing, maybe even false. The Government has clung to its claims about having rejected the mine proposal. On 9 September the member for Wyong said in this House:

The Keneally Government's merit-based decision-making processes using independent experts has produced significant economic outcomes for the State, whilst also not allowing inappropriate developments such as the Somersby sand mine, the Bickham mining project and the Awaba Auger mine.

The reference to Awaba in referring to the auger mine is obviously in error, as this was the site of the previous open cut that was also withdrawn in the face of strong public opposition. This was well before the Keneally Government existed, and even before the current Premier had the Planning portfolio. The fact is that the Department of Planning did not reject the mine by merit-based assessment or by applying the SEPP, because the applicant withdrew the application.

Mr Matthew Morris: It was withdrawn.

Mr GREG PIPER: The applicant withdrew the application for other reasons, which it has stated categorically were not to do with any advice from the Government. In late 2009 I lodged a freedom of information application for all documents providing advice on Olstan's permissibility, and in March this year I received some information. I was provided with eight documents, some with sections deleted, and 13 were

withheld as exempt under "legal professional privilege". The documents I received gave no documentary answer to the question of whether the mining SEPP actually prevents surface mining. The document trail presents an unconvincing story about the Department of Planning's handling of the project.

It is significant that so many documents were withheld. Obviously the Department of Planning had not taken seriously the then Minister's statement that she would like the information released. It is difficult to avoid the conclusion that the information could not be released because it did not support the claims that had been made. Nonetheless, some of the documents released point very strongly to the auger mine being permissible under the SEPP. An email message from David Kitto to Colin Phillips on 23 March 2009 refers to an opinion on the proposal and instructs the recipient to:

Prepare Clause 6 paperwork confirming permissibility and that it is a Part 3A proposal
Ask the agencies to provide their requirements by 13 May 2009
Prepare the draft [director general's requirements] for my review by 20 May 2009

That is a lot of effort for an application that is not permissible. What it is, in fact, is the usual process on the path of assessment. This step should not have happened if the SEPP prohibited the development. If this obvious and compelling conclusion is wrong, the Government has missed a lot of opportunities to say why. I am advised that the community representatives who met with Mr Wilson and Mr Kitto on 5 May 2009 were told that the department had not previously sought a legal opinion. This is verified by the freedom of information papers, which show that the department did not seek a legal opinion until that afternoon.

Again, this supports the case that the SEPP was not an impediment and the application was proceeding. The freedom of information papers show that there was then an eight-day interchange of emails until the wording for a letter to a barrister was agreed on 12 May. The crescendo of email communication came on 1 June 2009, when Elizabeth Lamb emailed Robert Moses to say, simply, "Here is the Olstan opinion." There followed one line of text that had been obscured by the department in the release of the document under freedom of information. What a joke!

That one line of information was withheld by the Department of Planning. But whatever it contained cannot have been the death of the project, because 11 days later when Centennial met with the department as I have previously described the company was told to get its application in order. After that crescendo the flaccid finale was the opinion of a counsel on the department's staff. His view was that the excavation of trenches would not be subordinate to the augering process because a "not insignificant amount" of coal would be won from the trenches. This statement was made without reference to any threshold at which the surface excavation would actually become significant. We know that the trenching would have delivered some 46 per cent of the coal—and I agree that this is a "not insignificant amount"—but this advice raises the question as to just what amount might have been acceptable: 40 per cent, 30 per cent, maybe 20 per cent? I am not a lawyer, but I am pretty certain that broad terms such as "not insignificant amount" leaves plenty of wriggle room and argument for a merit assessment.

One of the most noteworthy aspects of this advice is that it is undated and could even have been written in response to my freedom of information request. Who would know? The expert opinion obtained, that of a senior counsel who specialises in planning law, was withheld from the freedom of information response. This was to have been the "trump card" that would answer the question that was so important to Centennial, the community and me as their elected representative. When challenged, the Department of Planning has absolutely failed to produce convincing evidence that the Olstan project was unlawful. More than this, it provided a series of email messages showing that the project was proceeding.

My freedom of information request was for opinions on the legality of the auger mine proposal. Thirteen documents were withheld from the freedom of information process, and these were withheld simply because they were legal opinions—and this is from a department whose then Minister said she wanted the material released. It is implausible that the mining SEPP will prevent auger mining if the current Minister for Planning consistently applies the information in his letter to Mr and Mrs Moors of Blackalls Park of 18 March 2010.

In his letter the Minister said that there were good policy reasons for allowing auger mining in Lake Macquarie. This reasoning would hold true only if a distinction were accepted between underground augering and surface augering—a distinction that the Department of Planning has consistently denied. This is a tenuous

position to hold, because the maker of the machinery proposed for the augering operation draws this distinction and manufactures different machinery for the two applications. Nonetheless, with or without this distinction, it is the surface impacts that should decide whether a mining operation is permissible in a developed area. That is exactly what this bill proposes.

I wrote to the Minister for Planning on 29 April and 7 July this year to explain the benefits that this bill would deliver in providing certainty and in cementing what is at face value already Government policy under the mining State environmental planning policy. I also pointed out that it was the issue of surface mining that delivered the election outcome in this electorate in 2007. This is a serious matter in my electorate. I also pointed out that the thousands of residents who opposed open-cut mining in 2007 have not diminished in number in view of their recent opposition to the auger trenches. As well as asking the Minister to give serious consideration to supporting the bill, I indicated—very generously, I thought—that I would be pleased to amend it to address any concerns that may be held for any subsequent and unintended impacts on underground mining operations. I stated that I would be equally pleased to support the Government should it wish to sponsor a bill that had been so amended—you cannot be fairer than that.

I even raised the option of enacting further amendments to the State environmental planning policy to once and for all, unequivocally, remove any doubt that accessing coal deposits by utilisation of trenching techniques would be prohibited within the local government area of Lake Macquarie. Despite the urgency and extreme depth of public concern over this issue, the Minister has not yet replied to either of these letters, nor have I had a response to numerous personal requests to the Minister and his staff, including a further direct approach yesterday morning. Today I have been told the reasons why I am wrong and the resources that have gone into the Government's rebuttal, yet I was not given the courtesy of a simple response from the Minister or his staff.

Centennial Coal was sold recently. Yesterday, the day on which Banpu Public Company Ltd finalised acquisition of Centennial Coal, I met with the new owners. Whilst I have a strong hope and some confidence that there will be a bond of goodwill, the issue still needs to be resolved so that it is equally applicable to any future application by any mining company. This bill was never about Centennial Coal or the current owner. I have always found Centennial Coal to be upfront in its dealings with me, and I expect that relationship to continue. However, no-one knows who might acquire coal rights in Lake Macquarie in the future, and I know of no certainty that locations other than the Olstan site would not be able to yield coal using surface augering techniques. Supporting this further protection is a reasonable goal for one of the State's fastest-growing local government areas and the many thousands of people potentially affected by dust fallout.

The bill deserves the support of this House because it delivers a benefit at no real cost. It will convincingly clarify what has become a clouded issue. It will provide protection to the public—the exact certainty that was intended under the State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 2007. I really do have a responsibility to pursue this issue, having been elected on matters pertaining to this issue. That is why I am so disappointed that neither the Minister nor his staff have seen fit to negotiate or discuss the concerns of the local community in a fair dinkum way. It is disappointing that the Government will not support this bill because all it does is confirm a protection that the Government claims already exists. The difference is that the Government's claim is untried, unproven and contrary to all evidence provided so far.

Some Independent members and three Government members spoke on this bill, but there are no Opposition members in the Chamber. Although I have tried to hold discussions with Opposition members about the bill they have not seen fit to enter into this debate, which is also disappointing. Even if the vote on the bill is lost comprehensively—as I expect it will be—I still believe I have done the right thing. This matter is not going to go away. I noted the issues raised by those members who contributed to the debate but I do not wish to make any personal attacks because I think all of us who have taken part in this debate recognise the importance of the coal industry. I am very disappointed, not that I have not won support for the bill from the Government, but that I was not given the courtesy of having a proper discussion with the Minister and his staff. I commend the bill to the House.

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

Division called for and Standing Order 181 applied.

Ayes, 5

Mr Besseling
Mr Draper
Mrs Fardell
Ms Moore
Mr Piper

Question declared resolved in the negative.

Motion negatived.

Bill not agreed to in principle.

CHARTER OF BUDGET HONESTY AMENDMENT (INDEPENDENT ELECTION COSTINGS) BILL 2010

Agreement in Principle

Debate resumed from 23 April 2010.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [5.13 p.m.]: I move:

That this debate be now adjourned.

Question put.

The House divided.

Ayes, 41

Mr Amery
Ms Andrews
Mr Aquilina
Mr Brown
Ms Burney
Ms Burton
Mr Campbell
Mr Collier
Mr Coombs
Mr Corrigan
Mr Costa
Mr Daley
Ms D'Amore
Ms Firth

Ms Gadiel
Mr Greene
Mr Harris
Mr Hickey
Ms Horner
Ms Judge
Mr Khoshaba
Mr Koperberg
Mr Lalich
Mr McBride
Dr McDonald
Ms McKay
Mr McLeay
Ms McMahan

Ms Megarrity
Mr Morris
Mr Pearce
Mrs Perry
Mr Rees
Mr Sartor
Mr Shearan
Mr Stewart
Mr Terenzini
Mr Tripodi
Mr Whan
Tellers,
Mr Ashton
Mr Martin

Noes, 34

Mr Aplin
Mr Baumann
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock
Mr Hartcher

Mr Hazzard
Ms Hodgkinson
Mrs Hopwood
Mr Merton
Ms Moore
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Piper
Mr Provest
Mr Richardson

Mrs Skinner
Mr Smith
Mr Souris
Mr Stokes
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams
Tellers,
Mr George
Mr Maguire

Pairs

Ms Beamer	Mr Ayres
Mr Gibson	Ms Berejiklian
Mr West	Mr Kerr

Question resolved in the affirmative.

Motion for adjournment of debate agreed to.

Debate adjourned and set down as an order of the day for a future day.

JOINT SELECT COMMITTEE ON PARLIAMENTARY PROCEDURE**Establishment and Membership**

The SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 22 September 2010 relating to the appointment of a Joint Select Committee on Parliamentary Procedure with the following amendments, in which amendments the concurrence of the Legislative Assembly is requested:
 - (1) In paragraph (4) omit "9 members" and insert instead "12 members".
 - (2) Omit paragraph (4) (b) and insert instead:
 - (b) Six members of the Legislative Council of whom:
 - (i) one must be a Government member,
 - (ii) two must be Opposition members,
 - (iii) two must be cross-bench members, and
 - (iv) one must be the President who is to be an ex officio member.
 - (3) In paragraph (6) omit "Chair of the committee" and insert instead "be a Joint Chair of the committee".
 - (4) Insert after paragraph (6):
 - (7) That the President be a Joint Chair of the committee.
2. That notwithstanding anything contained in the resolution, the time and place of the first meeting of the committee be determined by the Joint Chairs.

Legislative Council
23 September 2010

AMANDA FAZIO
President

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Routine of Business**

Motion by Mr John Aquilina agreed to:

That standing orders be suspended to permit the consideration forthwith of the Legislative Council's message in relation to a Joint Select Committee on Parliamentary Procedure.

JOINT SELECT COMMITTEE ON PARLIAMENTARY PROCEDURE**Establishment and Membership**

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [5.23 p.m.]: I move:

That the Legislative Council amendments to the resolution for the appointment of a Joint Select Committee on Parliamentary Procedure be agreed to.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.23 p.m.]: I oppose the proposals put forward by the upper House. A number of issues were canvassed in the discussions that the Leader of The Nationals and I had with the Premier 10 days ago. The first issue was whether, given that we were considering changes to the standing orders of the lower House, this should be done by the existing committee that reviews standing orders—in other words, whether the standing orders of this House should be determined by members of this House rather than by a blend of members from both Houses. There was no suggestion at that meeting, and there was no suggestion in the Premier's announcement of these reforms, that the proposals put forward by the Independents in Canberra would apply to both Houses. The expectation from that announcement and the reforms—which, of course, in Canberra apply only to the House of Representatives—was that they would apply here.

Mr Speaker, as I believe you made clear after the Premier made her announcement, a number of those reforms had been made in this Chamber previously. For instance, we acknowledge the first communities at the commencement of each sitting day and we have made changes to the way in which bills are progressed. But in the spirit of the need to always check our performance and to always ensure that we modernise practice—as we did in the last rewrite of the standing orders—we were happy to give our support to and participate in the process. In those discussions the Premier stated that she thought it would be better for this matter to be handled by a committee that comprised representatives of both Houses. It was agreed between us, and we subsequently confirmed it, that a nine-person committee made sense. As I remember, that nine-person committee was to comprise six members of this House and three members of the other House. I do not understand why those numbers would be changed. Given my initial concern about members of the upper House trying to influence the standing orders of the lower House—something they would never allow us to do with the upper House standing orders—I do not understand why we should increase the number of upper House members on this committee.

Secondly, it made sense, Mr Speaker, to have you chair the committee—it makes as much sense as allowing this work to be done not by a new committee but by the committee that you currently chair. That was the other point that the Leader of The Nationals and I made at the meeting. Given that the standing orders we are reviewing are the standing orders of the lower House, I see no reason why the President of the upper House should be co-chairman of this committee. There is no logic in that unless it is a partisan action. There is no logic in that unless it is an attempt by some to ensure that Labor has influence through the chairmanship of this committee. That, of course, makes a mockery of the original intent that the Premier explained in relation to these reforms.

The reforms have come from Independent members in the House of Representatives in Canberra. They have been put forward as part of a process that saw a government formed after the 21 August election—and we are talking about them on the day on which they have apparently collapsed in Canberra. The reforms that this committee is being established to consider are reforms put forward by Independent members of Parliament and the Premier made her decision, as stated in her press release, to appoint you, Mr Speaker, an Independent member, to chair this committee. There is a synergy in that. You know I do not have the greatest affection for Independent members; I prefer members of the Liberal Party and The Nationals over Independents any day.

The SPEAKER: Your preference is duly noted!

Mr BARRY O'FARRELL: But I do not understand, and I think this House should oppose, a change to these procedures that would give the upper House President co-chairmanship of a committee that is all about the standing orders of this place. My past views about the other place are well known, and I do not want to get into that today because it is not the point of this debate. The point is that in the Westminster system both houses have always been in control of their own affairs. Under the Westminster tradition this House acts independently of the upper House in the way in which it considers legislation and in the way in which it considers issues. Yes, we are tied with the upper House and with the Governor when it comes to enacting legislation and delivering responsible government in New South Wales. But the way in which I am allowed now to stand and speak, the way in which you are elected, Mr Speaker, and the way in which members are meant to behave in this House are all determined by the standing orders of this place—standing orders that are accepted by this Chamber and that have not been subject to a vote in the upper House.

The motion should be rejected on two bases. First, the original proposal gave the upper House representation on the committee—against my view but, nevertheless, I was prepared to accept it. Secondly, the original committee gave you, Mr Speaker, the chairmanship of this committee, as announced by the Premier. Mr Speaker, I do not know what discussions you had with the Premier before that announcement was made, but that was the most surprising component of the amendments moved today. I understand that the Presiding Officer and

the Clerk in the upper House raised concerns with all groupings in the Legislative Council about the original motion. I also understand that there may well have been, in lower House terms, lobbying and arm twisting, and members of the Liberal Party and The Nationals in the upper House may have been a part of that. My point is that the Leader of The Nationals and the Leader of Liberal Party in this State sat down with the Premier and confirmed our support for a nine-person committee, the terms of reference and for you, Mr Speaker, to be the chairman of the committee. That is our position today.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [5.32 p.m.], in reply: When the Premier made the announcement about the Joint Select Committee on Parliamentary Procedure she was explicit that this was to be a joint committee comprising members of both the lower House and the upper House, and that the reform processes were to apply to the entire Parliament, not to only one Chamber or the other. It is true that we discussed terms of reference relating to the formation of that committee, and that we voted on them yesterday and then sent them to the other place. However, the members of that Chamber, as is their right, chose to amend them. I believe that a member of the Liberal Party moved the amendments, which were unanimously agreed to.

The Government has heard the concerns of the Leader of the Opposition and it has considered them. Understandably, some members are concerned that members of the other place may want to dictate to the Legislative Assembly precisely what should be the processes and procedures of this place. However, if members were to peruse the *Hansard* report of the debate in the other place they would see that precisely the same concerns were expressed—that is, that the Legislative Assembly would want to dictate to Legislative Council what processes and procedures it should adopt. For that reason members of the Legislative Council sought equal numbers of upper and lower House members on the committee to maintain its integrity. In pursuit of the Premier's aim of reforming the entire Parliament, the Government urges acceptance of the Legislative Council's amendments.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 41

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

Noes, 35

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

Pairs

Ms Beamer	Mr Ayres
Mr Gibson	Ms Berejiklian
Mr West	Mr Stoner

Question resolved in the affirmative.

Motion agreed to.

Legislative Council amendments agreed to.

Message sent to the Legislative Council advising it of the resolution.

The SPEAKER: Order! It being just after 5.30 p.m., the House will proceed to private members' statements.

PRIVATE MEMBERS' STATEMENTS

STOCKTON CENTRE

Ms JODI McKAY (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women) [5.40 p.m.]: The Stockton Centre in my electorate of Newcastle has been part of the local and broader Newcastle community for a century and last week saw the celebration of its 100th year. The Stockton Centre is the largest of Ageing, Disability and Home Care's large residential centres and received its first client on 13 September 1910. The centenary anniversary was marked with a number of events for residents, their families and carers, and staff past and present. On Friday last week—17 September 2010—I was pleased to attend an event with the Minister for Disability Services to mark the occasion of the centenary and for the launch of a book which chronicles the Stockton Centre's long history. The function was well attended by many members of the community.

The Stockton Centre has a diverse history, operating as a quarantine centre, an institution for elderly women, refractory girls, women with mental illnesses and then men, women and children with intellectual disabilities. Thankfully, many past practices of care have changed for the better over the course of the centre in its variety of functions. Today the standard of care and support for residents and the commitment of staff to the centre's residents is second to none. It is the residents and staff of the Stockton Centre that make it the place it is today. Sadly, there are people who reside in care facilities who are out of sight and far too often out of mind. Residents have needs that cannot always be met by their diligent carers and health professionals. However, the residents of the Stockton Centre are an integral part of the Stockton community and held very dearly in the community's hearts.

I know how fiercely loyal Stockton is to this facility and those who call it home. There are now fewer residents than there were in the past: I understand just over 400 people are currently in residence. In the early 1960s and 1970s more than 1,200 people lived at the Stockton Hospital, as it was known then, and many thousands of people have lived and worked there since. The Nurse Unit Manager, John Naylor, who has been at the centre for just under 40 years, told ABC 1233 Newcastle that many changes have taken place during his time in the centre. He said:

With the reduction in numbers and the smaller apartments there is a more homely atmosphere here ... You've only got five or six people in an area where you used to get 40.

These improvements over the years have done much for the dignity of residents and have been welcomed across the board. Many of the current residents have lived in the Stockton Centre for most of their lives. This is their home and the long-term workplace for many staff members. Like any home, there is a great sense of pride in the place. Observing the passage of 100 years of history over the last week or so has provided a great opportunity for Stockton to reflect on the significance of the centre to the local community and also to Newcastle and the Hunter region more generally.

I indicated at the commencement of my remarks that Minister Primrose visited the centre on Friday last week to join in the celebrations and also to launch a history of Stockton Centre. *Beneath the Pines*, as the book

is called, was produced by historian Laila Elmoos and supported by the New South Wales Government through Ageing, Disability and Home Care. It is an impressive document which tells the amazing stories of many of the people who have called the centre home and work over the last century. I will be presenting a copy of the book to the Parliamentary Library and would encourage all members to take some time to look through this great book and to reflect on the history—some good and some not so good—of this important residential facility. Finally, I pay tribute to the loyal staff of the Stockton Centre—both past and present—for their devotion to the people they care for and, importantly, the families and carers of residents who have lived at the Stockton Centre over the years.

HUNTINGTON'S DISEASE

Mr RAY WILLIAMS (Hawkesbury) [5.45 p.m.]: Today I speak about one of the saddest issues that I have ever had to deal with. A week ago two lovely ladies visited my office to advise me of the hardship being suffered by a family in Rouse Hill. They told me about the youngest son of a family who had recently passed away after being diagnosed with a terminal degenerative condition known as Huntington's disease. This disease is rare in juveniles. When this young boy was diagnosed it was the very first case Westmead Hospital had ever witnessed. The young boy was diagnosed in 2005 and passed away in 2009 at the tender age of just 14. The suffering he encountered throughout this ordeal is almost unspeakable.

The mother of this young lad had to give up work to become his primary carer, which she gladly did. He was the youngest of four children living in the family home, all under the care of their brave and loving mother. The family's father left them more than eight years ago and has had no contact with them ever since. Mum currently receives a carer's pension and has no other income source or support whatsoever. Even friends and family have ceased contact, given the difficulties they have dealing with this illness and its devastating effects.

Juvenile Huntington's disease is a rare, severe and much faster progressing disease than the adult form diagnosed in patients in later life. What was once a bright, bubbly and active 10-year-old boy quickly turned into a fully dependent patient whose health deteriorated rapidly—he lost the ability to eat, speak and move. He regularly had life-threatening seizures and episodes of choking requiring constant, 24-hour supervision and care. In March 2009 he had a massive seizure requiring hospitalisation. The family was then advised to take their son home to die. His condition fluctuated between bouts of unconsciousness, muscle spasms causing severe pain and massive seizures of more than 10 minutes duration. At times he was unable to recognise his family or surroundings. He was unable to swallow his saliva and choking episodes increased to a point where he would become exhausted and terrified at not being able to breathe. Remember: this is a young boy now 11 or 12 years old, faced with an incurable disease.

During this time his mother never left his side, and throughout the ordeal she had only limited sleep. She would close her eyes for a couple of hours at a time whilst lying next to her son, as she was constantly awoken by signs of choking, distress and seizures, placing enormous pressure on her own health and wellbeing. The care and love that this boy received from his mother at all times throughout this ordeal was nothing short of exceptional. Sadly, he passed away in December 2009, surrounded by his loving family.

As if this family had not been through enough, two years after their first son was diagnosed their eldest son, who was 24, was also diagnosed with Huntington's disease and is now deteriorating along the same path. This mother is faced with watching her second son die and has become her eldest son's primary carer. Prior to the second son's diagnosis, this lad was enrolled at university and was completing a bachelor's degree in computer science and networking. He had represented New South Wales in swimming and was playing soccer in Superleague. But that has all since disappeared with the onset of this disease. He has watched how the disease took his younger brother and now understandably has bouts of depression. He is already experiencing deterioration in speech and soon all communication skills will deteriorate to the point where he will be unable to verbalise at all.

Huntington's disease is characterised by deterioration in all gross motor skills, leading to a total loss of mobility. He now requires full support for daily living and personal care. As his condition deteriorates he will not be able to sit up in bed, roll over, walk, stand or complete any movements without full physical assistance. He will lose all control of continence and he will require the use of hoists, lifts, wheelchairs, a hospital bed and other specialist equipment. He will be unable to get dressed, eat food, go to the bathroom or clean his teeth without full assistance. He will have difficulties eating, drinking and managing saliva, which will cause frequent bouts of severe choking. In time a feeding tube will need to be inserted in his stomach as he will not be able to eat or drink orally.

Given that this young man is over six feet tall, he will also require two people to assist him with even simple movements. How can we predict all this? Because the family have just witnessed it firsthand with their younger son. Some time ago the family applied for funding under the Community Participation Program, which would have enabled their son to undertake some physiotherapy and massage to ease his condition and improve his quality of life, albeit for a short time. The family have been waiting to hear the outcome of the application for over eight months. The funding for the program would allow this young man to participate in activities that would enable him to maintain his independence and basic skills for as long as possible. In April this year the family were verbally informed by the Regional Director of the Ageing, Disability and Home Care Post School Options Program, Mr Martin Daly, that the application for funding had been successful. The family were extremely excited and motivated by the prospect of being able to commence activities that would allow their son to maintain independence for as long as possible.

However, in July this year Mr Daly informed the family that the funding was not approved, due to some anomaly between State and Federally funded programs. Mr Daly also indicated that they were no longer eligible to apply for funding as their son had turned 26 and was therefore too old to apply. However, he was conducting a final review of the matter and would be in touch. That was in July. It is now September and the family have still not heard a thing. If ever a family have received a kick in the guts, it was this family. Their mother is so upset she cannot bring herself to tell her son and is beside herself with grief. I should also point out that her friends came to me; she never approached me. I asked them to bring this lady to my office so I could meet her. We discussed the letter that I had just sent to the Minister for Ageing, and Disability Services, which I sincerely hoped would give them some funding opportunities that could help them. I told her what a very special person she was to give such love and care to both her sons in their greatest hour of need. I hope the Minister finds it in his heart to help this family. They certainly deserve a break.

AMBARVALE HIGH SCHOOL

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Corrective Services) [5.50 p.m.]: I rise to share a little information about one of the high schools in my electorate, Ambarvale High School. This very progressive high school is located in Rosemeadow and over the years it has supported the young people of the area with distinction. The school motto, "New horizons", is a fitting focus for such a good school, giving young people, through education, hope, inspiration and a positive future. The school values of trust, respect, responsibility, excellence and cooperation are traits that support the development of young people who will one day make a significant contribution to our community.

I have visited Ambarvale High School a number of times during my short term in office and have always been impressed with the friendly, respectful and positive tone of the school. The principal, Ms Barnott-Clements, and her team are to be congratulated on the wonderful work they do at their school. They have come through some very difficult times recently but they have never failed their students. There are many great programs delivered by highly skilled and motivated teachers. Today I would like to mention a couple of the engagement programs Ambarvale High School has with the wider community. I am pleased to see my colleague the member for Lismore in the Chamber. He will be very interested in what I have to say.

I refer to the excellent partnership with the local Neighbourhood Meeting Place, for example, where the students and community workers come together for the benefit of others. Engaging students with a community focus is to be commended. The Broaden Your World project is funded by Housing NSW and involves Open Family Australia, Housing NSW and Ambarvale High School. The students spend some time at the meeting place and are currently participating in work experience. We hope that the students will end up on a pathway to employment. This proactive program is an excellent example of how Ambarvale High School reaches out into the community on behalf of its students.

Only last month I had the pleasure of attending the school as a guest for the formation of a Leo Club within the school. This is an excellent leadership program with a significant community service focus. I congratulate both Ambarvale High School and the Lions Club of district 201 N2, ably led by district governor Warren Woods, and in particular Lion David Snape of Campbelltown Club and Lion Martin Peebles, Leo Club adviser, for their leadership and vision. The Ambarvale High School Leo Club will add a new dimension to preparing our young people for leadership within our community. Special congratulations go to the new members of the club, particularly the president, Natalie West, vice-president Shannon Luxford, secretary Alicia Jeffrey and directors Kyle Anderson, Trent Craig and Meena Zazy. I also congratulate Ms Michelle McKenzie, deputy principal of Ambarvale High School, on her assistance and commitment to the students in her care as she has helped charter this new club.

Programs such as this in which the school reaches out into the wider community and in this instance brings the community into the school will deliver excellent outcomes for some fine young people in the Ambarvale High School precinct. This is a glowing example of the wonderful things happening at a great school. We can all be very proud of the work the students, teachers and community leaders perform in our places of learning. Congratulations to them all. I wish Ambarvale High School and all its community projects great success.

REPCO RALLY

Mr THOMAS GEORGE (Lismore) [5.55 p.m.]: As president of the New South Wales Parliamentary Lions Club I congratulate the Minister on his comments and on the formation of the new Leo Club. If the members come into the Parliament we in the Lions Club will be very pleased to see them.

Mr Phillip Costa: Thank you, I will pass that on.

Mr THOMAS GEORGE: Tonight I call on organisers of the FIA World Rally Championship round, which was held in the Northern Rivers last year, the Confederation of Motor Sports [CAMS], Events NSW and the Minister for Major Events to ensure the 2011 World Rally is retained in the Northern Rivers area. The organisers should listen to the overwhelming majority of the community who support the event and not let a small minority of anti-rally protesters prevent enormous economic benefit from being delivered to the region. I understand a decision to relocate the rally is imminent as a result of threats made by small groups of people to the FIA and car manufacturers to sabotage the event if it returns to our region.

Prior to the rally the main concerns were about making sure the pristine environment was left in good condition. Now those issues have been addressed the focus has shifted to economic concerns. According to an independent report tabled in Parliament recently, the 2009 Repco Rally generated up to \$16.9 million in new economic activity in the Northern Rivers region. The report also found other positive economic evidence supporting the event, including the fact that around 20,000 visitors travelled to the Northern Rivers region in September 2009 to attend the rally. The event attracted 2,145 international visitors and 12,388 interstate visitors. The report also showed the event was well on track to delivering up to \$100 million in direct benefit to the Northern Rivers region over its lifespan to 2017.

It is clear the Repco Rally delivered a significant boost to regional tourism, not to mention the positive economic benefits arising from the profile delivered through local and international media coverage. The rally, as part of the World Rally Championship, attracted a global television audience of more than 50 million viewers according to industry reports. Independent research from TNS Sport showed that news broadcasts of the event showcased the Northern Rivers region to a global audience of more than 53 million viewers on 264 channels, with 862 individual broadcasts in 107 countries.

Tweed Shire Council and Kyogle Shire Council invested heavily in this rally on the basis that it would be held there for 10 years. It will not be tolerated if the Government, CAMS or Events NSW walk away from their commitment to this area and to the shire councils over that period. The community will not accept their turning their backs on the Northern Rivers. A small group of people is against the rally but the community at large and the shire councils went into negotiations on the basis that it was not a one-off situation. It was put to the community, the councils and the Government that there would be five rallies over 10 years. That is the condition on which the community supported the rally. There is a flow-on effect that could affect the Northern Rivers and especially the top end of my electorate, the Tweed, because the organisation concerned has recently taken over responsibility for the Festival of Speed on Tweed, a community event that has been held in the Tweed for a number of years. It is very professionally run and the way the community has supported the event is a credit to them.

If the world rally leaves the area and goes elsewhere, perhaps out of Australia it will have a devastating effect on not only the two councils that have supported the event but also Speed on Tweed. I am pleased to see Chris Bastic in the gallery tonight. Chris was involved in the Motor Sports (World Rally Championship) Bill that went through the Parliament last year. The community is well and truly behind the world rally event and they will be absolutely disgusted if a decision is made not to keep the event in the Northern Rivers region because the two councils involved have invested a lot of time and money in making sure the event is held every two years. The threat of losing this event is not acceptable and the community are certainly looking forward to holding the rally in the Northern Rivers.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [6.00 p.m.]: As Parliamentary Secretary Assisting the Minister for Sport and Major Events I would like to reply to the important comments made by the member for Lismore. His comments will be referred to the Minister. Events NSW has run this the world rally event and it is pleasing to hear it has had such an economic benefit and a stimulus for the local region. Importantly, that is what Events NSW is about, promoting opportunity for New South Wales. Today the Premier stated during question time that events in this State are at the peak of those of any State in the country. This is the State that people seek out. This is the place where people want to run their major events. With that perspective, I know that Events NSW will be working carefully to ensure that these sorts of events continue in New South Wales and get the opportunity that they properly deserve.

CORRIMAL COMMUNITY MEN'S SHED

Mr DAVID CAMPBELL (Keira) [6.01 p.m.]: Last Friday afternoon I accompanied the Premier to the opening of extensions to the Corrimal Community Men's Shed. It is an initiative of the Uniting Church in Corrimal and has been supported by Uniting age care over the last couple of years with some funding to employ a part-time coordinator, a gentleman called Bruce Anderson. Most importantly, the Government's Community Building Partnerships Program, in its first round in the 2009-10 financial year, provided \$65,000 for an extension to the men's shed.

The building was the original cooperative stores in the suburb of Corrimal and it was very much a tin shed at the back of the cooperative stores. It has been extended in that theme, using corrugated iron as a cladding, and you would not quite know it was an extension. The \$65,000 grant work has been completed and I want to acknowledge all of the members of the men's shed. To name all of them would be difficult but some people who have put in a significant effort here are: Bob Richardson, Alf Graham, Brian Gillette, Dennis Hamilton, John Burnard and Col McIntyre. Of course, the local minister of the Uniting Church, Andrew Smith, has been a supporter of the Corrimal Community Men's Shed.

Also present was my colleague Sharon Bird, the Federal member for Cunningham. Sharon was successful a couple of years ago in obtaining some money from the Commonwealth Government under a volunteering program, which has also supported the men's shed. I ran into an old friend, a member of the men's shed, a guy called David Wheeler, there and it was great to catch up with him. I might say the men's shed has also been supported by the Illawarra Mutual Building Society Foundation and the foundation chairman and deputy chair of the IMB board, Lynton Nicholas, was also at this event last Friday.

The Corrimal Community Men's Shed provides a supervisor and equipped workshop space where retired men can meet in a work environment. They learn new skills, they learn to feel useful while supporting local community projects and, of course, they have a great deal of fellowship while they are about it. The extension of the building has enabled the men's shed to take more members and has enabled them to continue their work with other local organisations, such as Life Without Barriers, Vision Australia, Illawarra Community Options and the Illawarra Disability Trust, to name just a few. I want to point out particularly that they have also made a significant contribution to an organisation known as the Annex School. All of those other community groups have been supported by the men's shed with repair of equipment, modifications for people with disabilities of some of the equipment in their homes and parts of their homes. There have been a number of toys made for charity, particularly Christmas toys. Some local preschools and childcare centres have been provided with sandboxes and those sorts of things, which have been particularly helpful.

I acknowledge that earlier this year the then Minister for Disability Services, the Hon. Paul Lynch, provided funding of \$5,000 to enable the men's shed to continue, to build on its work with those other organisations in the local community. I certainly wanted to acknowledge that contribution. I mentioned Bruce Anderson, the very enthusiastic coordinator of the men's shed. He has been the go-to person that I have worked with in a number of capacities to support the men's shed. As I said, last Friday the Premier, the Hon. Kristina Keneally, visited the men's shed, opened a \$65,000 extension and provided a further \$5,000 to the men's shed, which will cover the cost of some access upgrades that became evident during the renovation and the extension of the men's shed.

I was particularly pleased to receive an email from the men's shed thanking me for visiting the men's shed with the Premier, asking me very nicely to convey to the Premier the thanks of the men's shed and saying that they would put to good work and good use the funding that they have received. I place on record the thanks of the broader community to the members of the men's shed for the contribution they make to all those other community organisations. I also acknowledge the camaraderie and mateship they provide to each other.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [6.06 p.m.]: I thank the member for Keira for bringing to the attention of the House this afternoon the wonderful news in relation to another fantastic men's shed project in his electorate. Without a doubt, the shed concept is proving extremely successful in providing lots of opportunities for members of our communities to get together, share some social time but also share some productivity together and undertake a range of projects in support of the broader community.

In the Charlestown electorate the Windale Men's Shed has been established for several years now. The men's shed is quite busy because organisations approach it for assistance—for example, to undertake repairs to equipment and to fabricate new items. It is fantastic to see and hear about what is happening more broadly across the State with other men's shed projects. It is pleasing to hear that the Government has been supportive of the project to which the member for Keira referred, as it was in relation to the Windale shed.

I note that the Australian Men's Shed Association has recently been established. Some Federal money was put into the establishment of that organisation, which just happens to be located in Windale. It is fostering shed projects right across the State. In fact, the shed concept is rapidly moving right across the nation. It is fantastic to see so many different organisations right across our community picking up the concept of a men's shed, recognising the benefits that come out of it and being part of that particular style of program. I thank the member for Keira and wish him well with this particular shed project and any others that might develop in his electorate. I congratulate the men's shed movement for the great work it does.

SELECTIVE SCHOOLS

Mr MICHAEL RICHARDSON (Castle Hill) [6.08 p.m.]: As somebody who was educated at North Sydney Boys' High I strongly support selective schools and the important role they play in public education, although I do think the Government has latterly created too many places. The net effect of this has been to dilute the worth of a selective placement while unnecessarily stripping comprehensives of some of their most able students. For example, Birrong High School lost its top two classes when Sefton Selective High School was created, and a student who had been sixty-first in the year in maths suddenly came first. No such caveats apply to James Ruse Agricultural High School in my electorate, which has for the past 14 years been the undisputed leader academically in the State. It is always a pleasure to visit the school and talk to the students, who are bright, enthusiastic, energetic and unfailingly polite. The school recently did its trial Higher School Certificate exam. I was told that students "just about failed" if they got a university admission index score of below 99.35. Most schools would be ecstatic if they had just one student with marks in the top 0.65 per cent of school leavers in the State.

Going to James Ruse Agricultural High School is like watching elite athletes train at the Australian Institute of Sport [AIS]. One cannot help but admire the extraordinary standards that are set. And, like the AIS, James Ruse is training the champions of tomorrow—only these students will be champions in medicine, law, engineering, science, dentistry, pharmacy and every other profession that one could name. One would think that the Government would be seeking to reward such a standard bearer for public education. I note that the Minister for Education and Training is always keen to get herself photographed with James Ruse students when the Higher School Certificate high achievers list is released. However, the Government seems to have set out consciously to penalise the school for being what it is—a place of excellence; a place where our best and brightest push one another to ever higher achievements.

Because of the ability of the students it is common practice at the school to accelerate their learning. Virtually all students at the school end up doing HSC or HSC preliminary courses two or even three years early. For example, as James Ruse is an agricultural high school, all students study agricultural technology, but the curriculum is compacted into three years. Currently six year 10 classes are enrolled in preliminary HSC agriculture. Year 9 classes are also enrolled in preliminary HSC software and design, and preliminary HSC information processes and technology, and year 10 classes are enrolled in HSC software and design, HSC information processes and technology, and HSC earth and environmental sciences. Until recently, these students were counted as senior preliminary or HSC students because that is what they are. As members may know, HSC class sizes are significantly smaller than those in years 7 to 10—24 students verses 30 students in the junior years.

The department, in its infinite wisdom, has now decided to count these senior students as juniors. The net effect of this is to reduce the number of teachers at the school by 0.8 plus 0.4 of a support staffer. Under the arcane formula used by the department, the number of students at the school used for the purpose of calculating teacher numbers varies. If the students are counted as preliminary HSC students, there are 871 students at the

school. However, if the subjects in which they are enrolled are ignored and the students are counted as if they were doing school certificate electives, there are only 845 students at the school. Either the school has to find the resources to pay for another teacher, or teachers are required to teach HSC courses to classes of more than 24—something that teachers at other schools who have not accelerated their students do not have to do. The higher class sizes penalise both students and teachers who have an increased assessment and marking load.

Principal Larissa Treskin regards this as discrimination against gifted and talented students. She says that the school community is not asking for special treatment, but only that the rules that apply to all HSC and preliminary HSC students should be applied to the HSC and preliminary students at James Ruse. The department sees things differently. In July Trish Kelly, General Manager of Human Resources at the Department of Education and Training, wrote in the following terms to Trevor Allison, President of the School Community:

The allocation of teaching staff in NSW public schools is in accordance with formula based on student enrolments that have been determined for the particular needs of each type of school.

That is hogwash. The staffing formula the department has determined for James Ruse clearly does not fit in with the needs of the school. And I am told that the same situation pertains to other high schools in both my electorate and elsewhere in the State. The net saving to the Government across the State is \$2 million, which is chicken feed from an education budget of \$12 billion. Mr Allison says:

If any of our children has the ability to undertake a higher level of study at an earlier age than set out in your regulations, we expect that child to be placed in a class with the appropriate number of students. We do not see it as fair that they should suffer the disadvantage of larger classes of 25 to 30 students when, if they undertook the work one year later, they would be in one of two classes with 13 to 15 students.

For the welfare of our children, we request that you remove this anomaly and give the opportunity that they deserve.

For me, the issue is not just one of equity, important as that is; it is about rewarding effort. Students who have a demonstrated ability to fast-track their study should be applauded and not penalised. It makes one wonder about the Government's commitment to all those selective places that the Minister has created. Have those places been created to advantage the children, or have they been created because the Government thinks it will look good in the eyes of the public? I call on the Minister to accept the validity of this claim by James Ruse and to go back to calculating teacher number entitlements at all schools in the State based on the subjects in which students are enrolled.

SIR JOSEPH BANKS HIGH SCHOOL FIFTIETH ANNIVERSARY

Mr ALAN ASHTON (East Hills) [6.13 p.m.]: Tonight I speak about the fiftieth anniversary of Sir Joseph Banks High School, which is located in Revesby in my electorate. I congratulate all those involved in organising and celebrating the fiftieth anniversary of Sir Joseph Banks High School, or Joey Banks as we know it in our area. Last week I had the pleasure of attending a reunion cocktail party held at Bankstown Sports Club, where over 450 former students and staff and community members attended the grand ballroom. It was an exciting night of good music, brief speeches and friends catching up with friends after many years. One man to whom I spoke had come from Southampton, England, to attend the celebrations, and there were many attendees from interstate and intrastate.

I congratulate Mr Brad Mitchell, principal of the school, on enthusiastically embracing the reunion. Not only is he an excellent principal—I have had a lot to do with him over the past three years since he was appointed principal—but also he was an excellent history student at Busby High School. I know that because I taught him. I congratulate also Ms Sandra Coombes and Mr Mark Piddington on the role that they played at St Joseph Banks High School. They were principals at St Joseph Banks High School in the time I have been the member for East Hills. For a few months after Sir Joseph Banks High School opened in 1960 it was called Padstow North High School. However, community pressure led to the name change. Most members would be aware that schools normally are named after suburbs and not prominent figures. However, Sir Joseph Banks High School and James Busby High School—a school at which I taught—are exceptions to that rule.

Last Saturday, the day of the reunion, was open day at Sir Joseph Banks High School. That event attracted hundreds of people, many of whom were young people. There were exhibitions, open classrooms, stalls, a band and a choir, and performances in the hall. On that day I had the honour of officially dedicating the new science laboratory as the Jack Pollock Science Centre. Jack Pollock was appointed in 1961 and retired in 1984. Jack passed away in 1992 aged 66. Jack Pollock held the view that a good school was not just a collection

of buildings; it was a collection of great teachers and good students. Jack Pollock, a very innovative teacher who was somewhat eccentric—which was allowed in those days—used to keep his pet snake, Pythagoras, in the school laboratory. In later years Jack's sister bequeathed a great deal of money to the school for a scholarship system that encouraged science at the school.

I will mention the names of some of the famous former students who attended that school, though there are countless others that I cannot mention tonight. Included amongst those students were Andrew Scipione, the New South Wales Commissioner of Police; Warwick Kidd, who currently represents Australia at the United Nations Training Advisory Committee for Disaster Management; Alan Thompson, a student and teacher at Joey Banks and former Australian Olympic swim head coach who won more medals for us at the Beijing Olympics than any other swim coach; Tas Repousis of the Justice Crew, who recently won first place in *Australia's Got Talent*; Gary Gudgeon, a well-known Paralympic swimming champion; Phil Boulton, Senior Counsel, and a friend of mine who was school captain in the mid 1970s; Steve Graham, world sprint car champion; and Vico Thai, a young actor.

Those are just some of the people who have been identified in the *Semper Adore* magazine that was produced for the event—a history of Sir Joseph Banks High School that was published to commemorate the school's fiftieth year. I pay tribute to Sue Jarman, the editor; Brad Mitchell, the principal; Judy Reed, a former student and for a long time an administrative assistant at the school; Brian Musgrave, the science head teacher and a former student at the school; Roxanne Mackay; Luke Kovacs; Helen Castenado; Ken Swan; Lynda Roberts; and Leonie Swindels for the assistance that they gave Sue Jarman in presenting this excellent glossy magazine. This excellent production follows in the tradition of the *Mad* magazines, about which I have spoken in this place on other occasions.

I congratulate those many hundreds of teachers who have served at Joey Banks and made a difference by educating students in my electorate. I congratulate also those thousands of students who helped to make the St Joseph Banks High School a really great school. Some years ago Sir Joseph Banks High School won the national award for its anti-bullying strategies. This school has achieved at every level and it has done a good job. I acknowledge also Ms Linda Downey, an excellent careers adviser at Sir Joseph Banks High School for 12 years. Well done, Joey Banks. I hope that you celebrate another wonderful 50 years.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [6.18 p.m.]: I congratulate Sir Joseph Banks High School, Revesby, on its fiftieth anniversary. Sir Joseph Banks High School, a fantastic local school, is amongst the best in Australia. When I was practising teaching I taught first at Sir Joseph Banks High School—something that I never regretted as it gave me an excellent background and the basis from which to further my opportunities in other public schools in New South Wales. I thank the member for East Hills for his perspective on Sir Joseph Banks High School—a centre of educational excellence of which we are very proud, which has magnificent teaching staff, great students and fantastic parents.

YASS DISTRICT HOSPITAL EMERGENCY DEPARTMENT SERVICES

Ms KATRINA HODGKINSON (Burrinjuck) [6.19 p.m.]: Today I speak of the concerns that I am sure every resident of Yass and the surrounding district shares with me about the availability of emergency department treatment at Yass District Hospital. I have spoken in this place on countless occasions about the failure of this Government to deliver adequate public health services to regional New South Wales. So far this month Yass District Hospital has been without an on-call emergency department doctor for two days, and I am aware of at least nine more occasions this year. As from today we expect that the hospital will have six straight days with no emergency department doctor available.

I digress slightly to pay tribute to the excellent work done by the nursing and administrative staff at Yass District Hospital. They, along with the front-line staff in every other hospital in the Burrinjuck electorate, work desperately hard to deliver quality services to their patients. They do wonders every day, but they are not properly supported by the State Labor Government. I can say with confidence that my statements condemning the State Labor Government for its failure to support front-line nursing and administrative staff will have the staff's complete support. My office frequently receives phone calls from doctors, nurses and other area health service employees pleading with me to raise their concerns. But they are worried about keeping their jobs because, as we all know, anyone in the health system is threatened with dismissal if they say to someone like me anything about the problems they face on a daily basis.

The staff of Yass District Hospital have been aware of this break in emergency department coverage for a reasonable period. I was first informed that in-patient care and emergency department availability at Yass

hospital was to be closed for six days in the very early hours of last Monday morning. Family members of patients were told they would have to be moved to another facility. I was further informed that the basis for the hospital closure was an attempt to make a saving in the area health service's budget. I immediately raised these concerns, which were picked up by the media. As a result, by Tuesday morning I was informed the decision had been reversed and that Yass District Hospital would remain open. However, the Greater Southern Area Health Service announced, in a media release on Tuesday, that the emergency department would have no doctor on call and would be staffed by a nurse practitioner and registered nurses.

Following statements by Greater Southern Area Health Service staff in local news broadcasts, I received several phone calls from very angry Yass residents who were livid about attempts to deceive the community. The Keneally Labor Government is pushing the falsehood that no locum can be found to fill the gap in emergency department coverage. I stated earlier that staff at Yass hospital were aware of the impending break in coverage. They had identified a suitable doctor to act as an emergency department locum for the six-day period. I have been informed that a locum doctor attending Yass hospital can expect to receive about \$2,000 a day in remuneration, accommodation, and probably some travelling allowances. In all, a locum would be entitled to a little more than \$12,000 for that six-day period.

What had angered the people who contacted me was the attempt by the Greater Southern Area Health Service to deceive the Yass community by saying no locum was available when the area health service had already rejected the locum recommended by Yass District Hospital. The Yass community cares deeply about its hospital: it is a community facility. More than 500 people attended a protest rally in November 2004 when the State Labor Government moved by stealth to close both the maternity unit and the operating theatre. The Yass Valley shire is becoming very much a feeder area for the Australian Capital Territory. There are several new housing developments proceeding in Yass and the Murrumbateman area, and beyond in Bowning and Bookham, all designed to cater for the increased demand for rural lifestyle living. Yass should be getting more and more services as its population expands. However, the reality is that the State Labor Government continues to cut services because of its failure to manage the budget.

The State Labor Government has already stripped the Yass community of an operating theatre and the maternity ward, and now it is refusing to pay a locum a little more than \$12,000 to keep the emergency department fully operational. What is worse is that the Government is lying about the matter and trying to spin a falsehood to disguise its venality. I ask: What is the life of a Yass District Hospital patient worth? According to the State Labor Government, \$12,000 is too high a price to pay to potentially save the life of one of my constituents from the Yass district. For the next six days patients attending the Yass District Hospital emergency department will be seen by a nurse practitioner or a registered nurse, with more serious cases facing delays of at least 40 minutes before getting treatment while an ambulance takes them to either Canberra or Goulburn Base Hospital, or even further afield depending upon bed availability. Yass District Hospital is not the only hospital facing this problem; many other hospitals across New South Wales face similar cuts to emergency department services. I call on the Government to act immediately to solve this crisis.

ALCOHOL USE

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.24 p.m.], by leave: All electorates in New South Wales have a problem with alcohol. I have received many emails in my office from constituents such as Carol Wright, Michael, Louise Russell, Glenn Griffiths and Jason Savic asking me to take a stand on this issue. The emergency departments of both Campbelltown and Liverpool hospitals are significantly affected by alcohol-induced violence, often in company with other drugs, either from victims of accidents or crime. Increasingly, they have to deal with drug-affected and alcohol-affected patients.

Alcohol consumption is a major risk factor contributing to the burden of disease in Australia, with 3.8 per cent of deaths globally being attributable to alcohol use and 6.2 per cent of the disease burden in indigenous communities being alcohol related. In 2003 the total net tangible cost of alcohol use—which includes loss of productivity, health care, and road accident and crime-related costs—was \$10.8 billion per year. That equates to about \$50 for every man, woman and child in Australia. The total economic value of the alcohol industry in 2006 was about \$29 billion, of which Australian governments received \$6 billion.

The 19 April copy of the *Medical Journal of Australia* states that the major aims of alcohol control should be a combination of strategies, including education for consumers and health professionals, product regulation and taxation reform. Much of the current debate has arisen from recent Senate inquiries. The alcohol industry, as big as big tobacco, is very well organised and a fierce lobbyist, as all members would be well aware.

The industry's push towards "self-regulation" is one that causes the workers in the drug and alcohol field the most concern. As it is, much of the industry's profits now come from poker machines rather than from the sale of alcohol. This gives the hotel industry an incentive to lobby fiercely for prolonged opening hours.

The most cost-effective strategies regulate the environment in which alcohol is marketed. Making alcohol more expensive and less available, and banning alcohol advertising are the most cost-effective strategies. The New South Wales Liberal Party policy of day care for drunks is both dangerous and expensive. From a purely economic standpoint, the most cost-effective measure for reducing alcohol intake is volumetric taxation, a Federal decision. The next most cost-effective measure is advertising bans, then an increase in the minimum drinking age to 21, then brief interventions by primary care physicians, then licensing controls, and then drink-driving mass media campaigns. Random breath testing, which costs \$71 million per year, is less cost effective than other interventions listed above but is a measure that has widespread community support, with good reason.

The easiest interventions are one-off legislative changes—for example, to taxation and the minimum drinking age. By contrast, even though public education is useful, school-based interventions are much less cost effective than the measures listed above. Given the political obstacles to increasing the drinking age, the authors of the *Medical Journal of Australia* article propose that licensed drivers should need to maintain a blood alcohol level of zero below the age of 21, similar to the rule currently in place in Victoria. In Australia in 2003, such a policy would have saved 17 young Australian lives, and prevented many more serious injuries. If the zero blood alcohol level were maintained until age 25, that number would be 50. What price a life?

With this in mind, I believe that yet again we need to re-open the debate about alcohol availability. This is not a problem that will go away. The easiest measure in south-western Sydney is to further limit the opening hours of our highest-risk venues. In south-western Sydney there are very few shift workers who need to drink at 4.00 a.m., and the mixture of excess alcohol and disinhibition from sleep deprivation is a potent driver of the violence that is a problem in our local emergency departments. I support any measures that strike a balance between entertainment and public safety. A trial of lockouts in south-western Sydney would seem to me to be the best start.

I was working in the emergency department of Mount Druitt hospital on the night random breath testing was introduced. It was a Saturday night, and it was as if someone had turned off a tap. The violence we had become used to suddenly had gone, and at 10 o'clock that night I was able to see the two little children who came to the emergency department with fever. When introduced, random breath testing was unpopular in many quarters, but it is now accepted by the wider community as being for the common good. Like any patient who has a drinking problem, we in New South Wales need to admit we have a problem in the first place.

INNER CITY POLICING

Ms CLOVER MOORE (Sydney) [6.29 p.m.], by leave: I speak tonight to record my appreciation of the important work of police in my electorate, and to call for more police on the ground to address inner city needs. Local police commanders are increasingly strategic, responsive and effective, showing strong leadership, inspiring officers and ensuring good customer service. Intelligence-led policing has focussed resources on problems that have a major impact on the community. I commend inner city commanders for their work in protecting the community. They work cooperatively with me, as the local member and Lord Mayor, and the City of Sydney to address local concerns, such as noise, homophobia and safety in public housing estates. Police face significant challenges in the inner city associated with major entertainment precincts holding major events, including 24-hour trading areas and the sporting stadia. Police and emergency services resources are overloaded; workers risk serious harm every weekend when large crowds become intoxicated and engage in risky and antisocial behaviour.

More than 600,000 workers and visitors come to the central business district every day, and thousands of visitors come to the central business district, Kings Cross and Oxford Street-Taylor Square precincts for licensed venues that operate late into the night. City of Sydney research has recorded 6,000 people at Bayswater Road, Kings Cross, between 1.00 a.m. and 2.00 a.m. on a Saturday night. This is equivalent to Sydney Town Hall's capacity of 2,000 people moving through Bayswater Road every 20 minutes and equivalent to the morning peak in Martin Place. On the same night Darlinghurst Road had around 5,500 people between midnight and 1.00 a.m., the majority of whom had been drinking. Up to 10,000 people party in Oxford Street each Friday and Saturday night. The City's research identified 3,000 people an hour in Oxford Square late at night, resulting in congestion and conflict.

Inner city police have to roster large numbers of officers late on weekend nights and for major events to manage significant levels of alcohol-related crime and antisocial behaviour—we are fortunate that police officers work these late shifts. Local commanders also have put more officers into licensing units to respond to this overwhelming problem. The Commissioner of Police has been reported as saying that 70 per cent of police time spent on street offences is a result of alcohol-related crime. Additional officers are needed for inner city commands to help them cope with these problems and to protect community safety and amenity. Residents regularly raise concerns about alcohol-related noise and antisocial behaviour that are difficult for police to address when they are in the streets dealing also with serious assaults and large numbers of intoxicated and often dangerous people.

The New South Wales Government has improved coordination of major events such as New Years Eve by linking policing, transport and other agencies to ensure these events are safe and enjoyable. Similar resources must be allocated for police in Kings Cross, Surry Hills, The Rocks and city central where every weekend a major street party is held attracting thousands of patrons. Police enforcement capacity does not match the high level of need, and I believe that the Government should treat late-night trading precincts as weekly major events. New South Wales is not alone with this problem. The Victorian and South Australian governments have held inquiries and examined research on the same concerns. These are serious problems in all big cities. The Queensland Government has identified drink safe precincts and provides increased police during peak periods, using a place-management approach to address alcohol-related crime and antisocial behaviour. I understand that this could mean an additional 40 police officers for Brisbane's Fortitude Valley.

There is widespread community support for action on alcohol-related violence and antisocial behaviour. The current campaign calling for lockouts reflects serious community concern about the impact on safety and amenity. The New South Wales Government's Hassle Free Nights plan promises better regulation of party buses and party boats, improved late-night transport and another 12-month freeze on liquor licences in hot spots. These are only interim measures; the community needs to see practical outcomes from the new Precinct Liquor Accords. I have called on the Government and the Opposition to support establishing Cumulative Impact Precincts where no new high-impact liquor licences are allowed, a late-trading licensing permit system is in place, automatic extended trading hours precincts are removed and there is a more efficient, integrated complaint system. These measures would help prevent alcohol-related violence and antisocial behaviour.

The Turning Point Alcohol and Drug Centre report identified that alcohol abuse results in massive harm to other people—each year 367 people die, 14,000 are hospitalised, more than 70,000 are assaulted and 20,000 children are abused. Addressing this harm requires cultural change, removing national competition policy requirements that encourage new licensed premises and taxation reform. Until preventive measures are taken, police must have adequate resources to pick up the pieces when problems occur, and to protect community safety.

MANLY-FRESHWATER NATIONAL SURFING RESERVE

Mr MIKE BAIRD (Manly) [6.34 p.m.], by leave: As a Manly local, today I speak for all those who are proud of their community and their beaches. For those of us who live in the Manly and Freshwater communities, surfing and surf lifesaving are a central part of who we are and what we enjoy. Tonight I proudly speak about the Manly-Freshwater region being formally recognised this coming Saturday as a national surfing reserve at a ceremony to be attended by the Minister for Lands. I remember watching and later reading with great interest when Angowrie was recognised as a national surfing reserve. I have visited Angowrie many times and consider it a special place. It was entirely appropriate that the great surfing culture in such an incredibly special place was recognised and has been protected and celebrated. At that time I thought that the Manly-Freshwater region should be similarly acknowledged. However, time passed and it was not until my dear friends in the shire achieved similar recognition for Cronulla Beach that I believed it was time something was done to propose the incredible area of Manly-Freshwater as a national surfing reserve.

Certainly the concept is simple. The dedicated area is protected for use by the general public and the surfing community. Many criteria must be met to award a national surfing reserve; Manly and Freshwater qualify on all without question. National surfing reserves honour surfing and the role it plays in the Australian way of life. I certainly believe that Manly and Freshwater cannot be separated and their recognition as a national surfing reserve should be as one. The reasons to qualify as a national surfing reserve include persistent quality of waves, a place revered by surfers, long-term use of the beach and wave environment by the local surfing and surf lifesaving community, and contribution of the site and local service to the broader Australian surfing

culture. As I said earlier, Manly and Freshwater qualify on all accounts. The area has been a popular surfing location for over a century; it has iconic beaches and its history of surfing is linked closely with the history of Manly.

I proudly consider Manly the birthplace of Australian surfing. Since 1906 it has held the title as Surf City. Manly also is the site of many Australian surfing firsts. It was one of the first areas in the country where body surfing was practised in the 1890s; it was the first area to use official surf patrol boats in 1907; it was first to practice stand-up board surfing in the 1910s, although there is some dispute about the exact date; it organised the attendance of the Duke, whose famous board surfing demonstrations were held in 1914-15 together with the legendary Isabella Latham; and it hosted the first world surfing championship in 1964, when an incredible 65,000 fans came to watch an amazing event when "Midget" Farrelly was successful.

In 1903 surf bathing officially commenced in Manly. Numerous rescues were performed by Australia's first professional bodyguard, Edward "Happy" Eyre. The first surf carnival was held in 1907. Manly and North Steyne surf clubs also were formed in 1907, with Freshwater formed in 1908. In 1911 the Manly Life Saving Club was formed, followed by Queenscliff Surf Life Saving Club in 1924, of which I am happy to be a member, along with a former Leader of the Opposition and the current Leader of the Opposition. We are home also to local world champions: "Midget" Farrelly, whom I have mentioned already; Stuart Entwistle, who actually used to live on my street, was the world long board champion in 1987; Barton Lynch, who was well known for an incredible backhand surfing style; Pam Burridge, who dropped in on me at Green Island one year—I was proud to be on the same wave as Pam Burridge; and Layne Beachley, an incredible Australian and terrific friend of mine who is a seven-times world champion.

I give special thanks and congratulations to all who were involved in seeing this special recognition come to fruition to protect the Manly-Freshwater region for future generations. I thank all the members of the steering committee: Megan Clancy, Brendan Condie, John Filocarmo, Lisa Harrington, Anthony Hewton, Rafiqul Islam, Mark Maddox, Lucinda Millsom, Ray Moran, Chris Moss, Neil Ohlback, David Piper, Lynden Riley, Clinton Rose, Sybil Walsh, Peter Warr, Naomi Wilson, Brad Farmer, "Rabbit" Bartholomew, Andrew Short and many others who contributed. I thank Manly council for all the work it has done. It has been terrific, as has Warringah council, the Aboriginal Heritage Office, the Metropolitan Local Aboriginal Land Council and the Land and Property Management Authority.

I encourage all members to attend the ceremony on Saturday 25 September at 11.15 a.m. I conclude simply by saying that being awarded the title of a national surfing reserve is a badge of honour for our whole community. It reminds us of the historic role surfing and surf lifesaving has played in this crucial part of Sydney, New South Wales, Australia and the world. This is an important step to ensure that we preserve the great beaches and surfing of Manly-Freshwater for many future generations. Congratulations to the community. May we enjoy and celebrate this very special event.

LAKE MACQUARIE CONTAMINATED SEDIMENTS

Mr GREG PIPER (Lake Macquarie) [6.39 p.m.], by leave: Tonight I speak about contaminated sediments in Lake Macquarie. In 1821, at the beginning of Lake Macquarie's modern history, Captain John Bingle wrote:

On arrival I was enchanted by its beautiful scenery and can never forget it. The whole surrounding countryside and the lake were serene and still; solitude reigned, no tree disturbed, and no trace of white man's civilization, and all in a natural state.

Today Lake Macquarie remains a beautiful area, providing a wonderful quality of life for some 200,000 residents. But these days it is difficult to ignore the traces of "white man's civilization". Development in the lake's catchment has benefited the State and local economy but it has come at a high environmental cost, with industrial pollution, erosion, sedimentation and loss of natural vegetation. A lot has been done to reverse the damage and I have previously informed the House of the tremendous improvements to water quality achieved through the Lake Macquarie Improvement Project and to the catchment through the efforts of many dedicated volunteers, including those in the Landcare movement.

The lake undeniably suffers from the continuing impacts of power stations and the past smelting of heavy metals. More needs to be done to reduce current impacts and to deal with the legacy of past industry. The former Pasminco smelter to the north of the lake released a range of toxins in effluents, stack emissions and dust. Waterways were affected by discharges of heavy metals known to cause serious health problems. The main concerns were lead, zinc and cadmium, but emissions also included arsenic, selenium and sulphur dioxide.

Many decades of smelting left Cockle Creek and Cockle Bay heavily contaminated. Both these places were named for their plentiful supply of shellfish, but the New South Wales Department of Health has advised against human consumption of shellfish from this area.

A 2003 study conducted by the New South Wales Environment Protection Authority showed that the contamination has been capped with cleaner sediments, and advice says that it should be left with that cleaner material on top rather than being dredged. Despite this, the health warnings remain and it is understandable that some feel that not enough has been done to deal with the toxic contamination. A 2006 study conducted by the University of New South Wales found higher levels of heavy metal contaminants now occurring unexpectedly in the south of the lake. The study extrapolates a possible 75 per cent increase in lead by 2020. I am not sure what these findings are indicating for the future, but the study has added to our understanding of our impact on the environment and should trigger a review of existing information by the Environment Protection Authority and the Department of Health to ensure that risks to the environment and to public health are appropriately understood and addressed.

I referred previously to power stations, of which there are currently two—Vales Point and Eraring—that make use of lake water for their cooling processes. Both have very substantial amounts of ash that are stored nearby. These storage areas, or ash dams, release selenium and other contaminants via surface and groundwater to the lake. A 2006 study by the Department of Environment and Climate Change and the University of Canberra comparing the levels of heavy metal in fish from Lake Macquarie with three other estuaries found elevated concentrations of selenium, lead, cadmium and zinc. Significantly, these results occurred near the power stations as well as the area affected by the smelter. Selenium is present in its highest concentrations near the power stations and it occurs at levels that will cause deformities and may impair fish reproduction. For fish caught in the north of the lake, Hunter New England Health recommends a maximum intake of 1.35 kilogram per week for an adult. It is concerning that this limit is still in place in 2010, but it is even more concerning that contamination trends in the south could lead to a similar limit.

These recommendations came from a study by the Hunter Public Health Unit carried out in the late 1990s and published in 2003. The recommendations by Dr Craig Dalton and Dr Gavin Bird were based on the best data available at the time but this has now been added to and it would be appropriate to have NSW Health and the Environment Protection Authority re-examine the issue so that our community can be assured of the best possible advice in relation to the consumption of fish and the impact of contaminants on the natural environment. The main body of the lake is within the electorate of Lake Macquarie, but I also note the interests of the member for Wyong, the member for Swansea and the member for Charlestown, whose electorates also form the foreshore of the lake, as well as the member for Wallsend and the member for Cessnock, parts of whose electorates are within the catchment. I hope to have their support in seeking to have this matter reviewed.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [6.44 p.m.], by leave: I thank the member for Lake Macquarie for bringing these important issues to the attention of the House. I also congratulate him on his masterful use of his iPad in difficult circumstances. The issues the member has raised highlight the attention that has been given to Lake Macquarie, particularly in the past 10 or 12 years, with the involvement of the Environment Protection Authority under the stewardship of the New South Wales Labor Government. The Government has been proud to work closely with the community of Lake Macquarie to achieve these results but, as the member has said, there is still more to be done. I will refer the member's comments to Minister Sartor.

Private members' statements noted.

**The House adjourned, pursuant to standing and sessional orders, at 6.45 p.m. until
Friday 24 September 2010 at 10.00 a.m.**
