

LEGISLATIVE ASSEMBLY

Wednesday 10 November 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.

HEALTH LEGISLATION FURTHER AMENDMENT BILL 2010

HEALTH SERVICES AMENDMENT (LOCAL HEALTH NETWORKS) BILL 2010

Messages received from the Legislative Council returning the bills without amendment.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2010, Volume Five.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

SHOP TRADING AMENDMENT BILL 2010

PUBLIC HOLIDAYS BILL 2010

Bills introduced on motion by Mr Paul Lynch.

Agreement in Principle

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [10.02 a.m.]: I move:

That these bills be now agreed to in principle.

I seek agreement in principle to two related bills: the Public Holidays Bill 2010 and the Shop Trading Amendment Bill 2010. Although public holidays and shop trading are distinct issues dealt with by separate Acts of Parliament, there is some overlap between each policy issue. This is because the days that are restricted trading days are by and large public holidays also. Further, a number of parties in New South Wales have recently raised concerns about the operation of both public holiday and shop trading legislation. On this basis, proposals for amendment have been developed together and are now presented to Parliament as a package of proposals for consideration.

I will deal firstly with the Public Holidays Bill 2010, which will ensure the modern, clear and consistent determination of public holidays in New South Wales. In 2009 the New South Wales Government commissioned a review by Professor Joellen Riley into the Banks and Bank Holidays Act 1912 requesting that the professor provide a report and recommend "changes to modernise the operation of legislation and other instruments which affect the creation and operation of public holidays and bank holidays in New South Wales".

While the primary concern of the 1912 Act was bank trading hours, it also became the means by which workers in New South Wales came to enjoy the benefit of public holidays. This was largely because industrial awards, and later enterprise agreements, adopted the nomination of bank holidays under the Act as days upon which workers were entitled to paid days off or penalty rates. This adaptation of the Act operated well enough through most of the century since its enactment. However, the commencement of the Howard Government's

WorkChoices legislation in 2006 and the forcible transfer of many New South Wales businesses and their workers into the Commonwealth workplace relations system caused widespread confusion about how the State public holiday scheme interacted with new industrial rights and obligations under Commonwealth law.

The commencement of new public holiday entitlements on 1 January 2010 as part of the Fair Work Act's National Employment Standards, coupled with the progressive relaxation of restrictions on trading by banks, provides an opportune time for New South Wales to reassess and clarify the operation and effect of its public holiday regime. To ensure that any new scheme reflects community expectations, between May and October 2009 Professor Riley of the University of Sydney undertook a full independent review of public and bank holidays. .

To gauge effectively the views of the community, Professor Riley released a discussion paper and later an options paper. A total of 49 public submissions were received in response. A further 222 submissions were received from members of the public, primarily those who work in the retail and banking sectors in New South Wales, indicating how widely and deeply the issue of public holidays is felt in the community. Professor Riley also met with a number of organisations during two rounds of consultations. I would like to thank Professor Riley for her efforts in undertaking the review and providing a comprehensive report of her findings to the New South Wales Government.

The primary purpose of the Public Holidays Bill 2010 is to make predictable and transparent the provisions identifying days of cultural, social and religious significance to the New South Wales community. While the clear and certain identification of the days that are public holidays in this State will assist employers and employees to understand when and how various rights and duties attaching to public holidays will arise, it is essential to emphasise that the State's power over public holidays is limited to providing only for the days on which they occur.

The Fair Work Act 2009 makes it very clear that providing for the rights and obligations of employers and employees is not a matter that State law can deal with. The industrial consequences of public holidays are matters dealt with under the Fair Work Act, both under the National Employment Standards relating to public holidays and under modern awards and enterprise agreements made under that Act. Given that the focus of this bill is on public holidays, the provisions of the Banks and Bank Holidays Act relating to the requirement to keep banks closed on certain days will be transferred to the Shop Trading Amendment Bill 2010. I will address that after I have provided members with an overview of the intended operation and effect of this public holidays bill.

Public holidays are recognised throughout the world as days of commemoration and celebration. The practice in New South Wales is to recognise six periods, encompassing 10 days, of such significance each year that warrant observation with public holidays. Apart from the Christmas-New Year and Easter periods where several holidays are recognised, each within a period of one week, there are four single-day occasions—Australia Day, Anzac Day, the Queen's Birthday and Labour Day—that are interspersed throughout the calendar year. Under this bill, the Government will ensure that the most important occasions for a holiday will be observed on whichever day of the week they occur, including a Sunday. This will apply to Sunday occurrences of Christmas Day and Boxing Day, New Year's Day, Anzac Day and Easter Sunday.

The fact that Easter Sunday is not currently a holiday may come as a surprise to many in the community who work in businesses that never operate on Sundays. The current public holiday law was passed in times before the liberalisation of Sunday trading when it was assumed that business would not be conducted on a Sunday. Apart from the requirement for general shops to remain closed on a Sunday that from time to time is also Christmas Day, Boxing Day, Anzac Day or at Easter, contemporary working patterns have resulted in Sundays routinely becoming ordinary working days in various industries, particularly the services sector, such as those providing public transport and emergency services, hospital staff and the like.

In conducting her review, Professor Riley received many submissions on the impact on family life of the inability of some workers in the services sector to access the long break for Easter available to so many other workers. It is clear that the absence of public holiday status for Easter Sunday, and indeed an Anzac Day, a Christmas Day or a New Year's Day occurring on a Sunday, is an historical anomaly. The current legislation dictates that Sunday occurrences of named holidays are automatically substituted to the next available weekday, usually the Monday. In recognition of the importance of traditional family celebrations over the Christmas-New Year period, Christmas Day, Boxing Day and New Year's Day will, from 2012, be recognised as a holiday whenever coinciding with a Sunday. The customary practice of providing a subsequent weekday holiday for such occasions will be retained to ensure that all workers enjoy the benefit of a holiday on those occasions.

It has also been longstanding practice to grant an additional day when Christmas Day falls on a Saturday. A similar approach was applied to Saturday occurring Boxing Days on six of eight occasions since 1959 and to eight occasions since 1955 for New Years Day. This customary practice will be retained in the new legislation. In practice, that will mean from 2012 when Christmas Day falls on a Saturday or Sunday that day will be a holiday, as will the following Monday or Tuesday respectively. Similarly, when Boxing Day falls on a Saturday or Sunday, that day will be a holiday, as will the following Monday or Tuesday respectively.

The bill proposes a 12-month period before the new practice regarding the addition or substitution of weekend occurrences of standard holidays will commence. A new schedule of standard public holidays is programmed to commence on 31 December 2011. The first weekend occurrence of a standard public holiday will be the following day, 1 January 2012, which is a Sunday. Both the Sunday and following Monday will be public holidays. Boxing Day in 2015 coincides with a Saturday and under this bill will result in an additional holiday on the following Monday.

The delayed commencement of the new practices means that for this forthcoming 2010-11 Christmas-New Year period the public holidays will be as follows: Saturday 25 December, Monday 27 December, Tuesday 28 December, Saturday 1 January and Monday 3 January. Members should note that only the actual Christmas Day and Boxing Day remain mandatory Bank Close Days and are restricted trading days under the Shop Trading Act. The new legislation will provide clarity and certainty so that all residents, workers and businesses in New South Wales know when public holidays will fall. This is a useful piece of law reform. It ensures that employers and employees can prepare for their responsibilities and understand their obligations and entitlements about work on those days.

I now turn to detail of the major provisions in this bill. The enactment of this bill will mean that the Banks and Bank Holidays Act 1912 will be repealed to be replaced by a new Public Holidays Act 2010. The bill at clause 4 names 11 occasions to be observed as a public holiday in New South Wales. Apart from the Easter period in any given year, which is determined by reference to ecclesiastical tables, the bill fixes relevant occasions to the day of the year on which the holidays are to occur. Further, when certain of the holidays coincide with a Saturday or Sunday the bill provides for an automatic additional or substitute day in the following week.

The 11 occasions are New Years Day, Australia Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, Anzac Day, the Queen's Birthday, Labour Day, Christmas Day and Boxing Day. These days include the eight nominated days provided for under the relevant National Employment Standard. The extra days not specifically provided for in the National Employment Standard are Easter Saturday, Easter Sunday and Labour Day. However, because the National Employment Standard recognises public holidays declared or prescribed under a State law to be observed generally as public holidays, the rights and obligations set out under the standard will apply to all of these days.

Clause 5 of the bill provides procedures for the appointment by the Minister of an additional public holiday in a particular year for the whole or a specified part of the State. The Minister will be able to declare public holidays other than those specifically named, including a public holiday for a defined locality or region within the State. A recent example of such a day was the APEC public holiday for local government areas within the greater Sydney region in 2007. Clause 6 of the Public Holidays Bill allows the Minister to substitute another day for any public holiday in a particular year. To ensure consistency across the New South Wales workforce, clause 7 of the bill proposes to apply as laws of New South Wales sections 114 and 116 of the Commonwealth Fair Work Act 2009. This will mean that State industrial relations system employees will have the same rights to be absent with pay on a public holiday consistent with those employees covered by the national industrial relations system. The extension of these particular public holiday entitlements under the Fair Work Act conforms to the principle of harmonising arrangements, where possible.

Clause 8 of the bill provides for the Minister to declare a local event day or part day in an area of the State at the request of the local council. This declaration does not confer the status of a public holiday to that occasion. Since 2006, Federal workplace relations laws have created obligations on all Federal system employers in a region in which a public holiday is declared to allow their employees paid time off on those holidays and, more recently under modern awards, penalty rates if work is undertaken on those occasions. As revealed in the Riley review, Federal law has disturbed customary practices in a way that has created considerable confusion and legal expense. Many local and regional areas have traditionally observed whole or half-day holidays specific to a particular region or community. While the proposed legislation will preserve the

capacity of communities through consultation with their local councils to recognise those occasions with a public holiday, the introduction of local event days provides an option to return, as far as possible, the industrial arrangements for these occasions to those existing prior to 2006.

This legislation will provide for the declaration of certain days for local events, such as show days or race days, for certain localities without calling them "public holidays". This prevents those days from attracting the rights and entitlements on public holidays that are provided for under the Fair Work Act. Where an enterprise agreement or contract specifies employee rights to time off or penalties for the particular local event, those requirements will still apply. Clause 12 provides for a review of the proposed Act five years after the date of assent. This will ensure that the proposed Act remains relevant and does not wait another 98 years to be reviewed. The legislation will maintain holiday declarations that are already in place for 2011. This includes appointed local holidays and the special arrangements for the coincidence next year of Anzac Day and Easter Monday agreed at the Council for the Australian Federation in 2008. Anzac Day will be commemorated on the Monday and the Easter Monday holiday will be observed on Tuesday 26 April.

Businesses in New South Wales will welcome this bill. This bill will provide all businesses and employers with the ability to plan with certainty. That is, rather than having to wait until the proclamation of public holidays by the Governor, businesses will be able to reliably predict when public holidays will occur and when an additional or substitute day will apply. Employees are protected under this bill. As I have already mentioned, employees will continue to enjoy customary public holidays and be able to plan their family and community activities with confidence. This was not secured in New South Wales legislation until now. The community will benefit from this bill by continuing to enjoy the commemoration of public holidays. This bill is good for business, good for employees and good for the community. I feel this bill strikes the right balance. It establishes a public holiday framework that provides businesses with predictability, employees with protections in employment and the community with an opportunity to share in days of celebration, as well as family and community activities.

I now turn to the Shop Trading Amendment Bill, which is being introduced together with the Public Holidays Bill. The main purpose of this bill is to make amendments to the Shop Trading Act 2008 to address a range of issues that have arisen with regard to its operation, particularly in relation to Boxing Day trading in the inner areas of Sydney. The other major aspect of the bill is that it incorporates provisions about bank trading that were previously provided for in the Banks and Bank Holidays Act 1912. As a result, the Shop Trading Act will be renamed the Retail Trading Act 2008. Turning first to Boxing Day, members will recall that under the Shop Trading Act 2008, 4½ days per year are named as restricted trading days. These days are Good Friday, Easter Sunday, Anzac Day until 1.00 p.m., Christmas Day and Boxing Day.

Last year the Act was amended to clarify that an exemption for a shop to trade on any of these restricted days would not be granted unless the Director-General of the Department of Services, Technology and Administration was satisfied that it is in the exceptional circumstances of the case in the public interest to do so. On this basis, very few exemptions have been granted under section 10 of the Act. Shops also are permitted to trade on a restricted day if they have a relevant exemption that was made under the former Shops and Industries Act 1962. These exemptions were preserved under a special provision of the Shop Trading Act 2008.

In December 2009 a transitional regulation was made carrying forward the effect of a ministerial order made in 2007, which provided that Boxing Day trading was permitted for shops in an area called the Sydney commercial business district. This was consistent with the intention of the preservation provisions that exemptions under the old Act should be preserved. However, that regulation was transitional in nature and it expired on 1 July 2010. Thus, without amendment, the current state of the law would be that only those shops with specific exemptions, either preserved from the old Act or granted under section 10 of the 2008 Act, would be allowed to trade on Boxing Day 2010 and in any year thereafter. Given the "exceptional circumstances" requirement of section 10 of the Act, it is likely that very few shops would be able to obtain future exemptions.

Members will be aware of the tradition that has developed of Boxing Day sales in the Sydney central business district and surrounding areas. A range of actions, including ministerial orders such as the one made in 2007 and other orders and declarations made in earlier years, the transitional regulation made in 2009, as well as specific shop exemptions, have led to the general practice of many shops in the central business district and surrounding areas opening on Boxing Day. Boxing Day sales are a well-known and accepted feature of life in inner Sydney. Consumer expectation that these sales will continue is high. On the basis of developed expectation and practice in relation to Boxing Day trading, the Government has decided that it is now time to put this matter beyond doubt and to provide for a new Sydney Trading Precinct, within which all shops that

wish to open on Boxing Day will be free to do so. This amendment in clause 5 of the bill will provide certainty to retailers, their employees and the community at large about the right of shops within the new precinct to open on Boxing Day and for the tradition of Boxing Day sales to continue.

The boundaries of the precinct will be provided for by way of regulation. Schedule 2 of the bill sets out the provisions of that regulation, identifying the boundaries of the area within which Boxing Day trade will be permitted. The regulation contains a map which clearly identifies the boundaries of the new Sydney Trading Precinct. To provide maximum certainty and continuity, the boundary is the same as the boundary that was set out in the 2009 transitional regulation that I referred to earlier. I emphasise that the provision relates only to Boxing Day and relates only to the area within the prescribed boundary. Shops outside the Sydney Trading Precinct wishing to trade on Boxing Day will still be required to apply for an exemption under the Act. Any shop within the Sydney Trading Precinct that wishes to trade on any other restricted trading day will also be required to apply for an exemption under section 10.

Before turning to the bank trading amendments, I wish also to advise members of the other shop trading elements of the bill. Clause 6 of the bill seeks to clarify that nothing in the Liquor Act 2007, or in a packaged liquor licence under that Act, operates to exempt a shop from a requirement in the Shop Trading Act to be kept closed. This amendment gives legislative effect to the finding of the Supreme Court in *Chambers Pty Limited v State of New South Wales* ([2010] NSWSC 271) where it was held that a packaged liquor store had to apply for an exemption to open on a restricted day under the Shop Trading Act, notwithstanding any provisions of the Liquor Act 2007. Of course, any packaged liquor stores within the Sydney Trading Precinct will, like other shops in that area, be able to open on Boxing Day.

Under clause 8 of the bill, the voluntary work conditions that already apply to any exemptions granted or preserved under the Act will be extended to apply to employees in shops that are exempt from the Act. These include, but are not limited to, shops such as newsagents, chemists, takeaway food outlets, restaurants and cafes, video shops and so on. Under the Act, these shops are not required to be kept closed on restricted trading days. The Government feels that it is appropriate and equitable that the employees of these exempt shops, like the employees of shops that have to apply for an exemption, should be able to "freely elect" whether to work on a restricted trading day. Restricted trading days are generally days of celebration on which many employees prefer to spend time with their friends and family. Staff who want to work on such a day will of course be able to "freely elect" to work.

This right will not, however, be extended to the employees of small shops. Small shops are basically shops with four or fewer employees. It would be unrealistic for small shop keepers to find alternative staff if their employees chose not to work on a restricted day. The amendment represents an appropriate balance between ensuring that as many employees as is reasonable are able to "freely elect" whether to work on a restricted day, with the right of small shops to open and continue to provide the community with essentials like bread and milk and other basics.

Clause 10 of the bill will allow an industrial organisation of employees that has members who are employed or engaged in shops to apply to the Administrative Decisions Tribunal for reviews of decisions relating to exemptions granted under the Shop Trading Act. At present, that organisation would of course be the Shop, Distributive and Allied Employees Association New South Wales. This amendment would bring the rights of this union into line with the rights of the union representing workers in banks and other financial institutions, which is the Finance Sector Union, under the bank trading provisions that have been in place under the Banks and Bank Holidays Act for some years.

Clause 14 specifies further circumstances in which shops are taken not to be closed. Shops will not be able to call their staff in to undertake the receipt, unpacking or other preparation of goods for sale, or stocktaking in respect of goods for sale, on days that are restricted trading days. This addresses a not-uncommon practice that is of great concern as it amounts to an evasion of the right of shop employees to not work on a restricted trading day unless the shop has an exemption under the Act. Finally, clause 16 of the bill provides that compensation is not payable by or on behalf of the State arising from certain matters relating to the operation of the principal Act.

As noted earlier, the other significant change proposed by this bill is the movement of the bank trading provisions that have been a part of the Banks and Bank Holidays Act 1912 for many years to the Shop Trading Act 2008, which will, as a consequence of that movement, be renamed the Retail Trading Act 2008. This change arises out of the Government's response to the review of the Banks and Bank Holidays Act 1912 undertaken by

Professor Riley in 2009, about which I have spoken earlier. The review provided an opportunity to consider the best location for the bank trading provisions. Therefore, while the Public Holidays Bill will provide for public holidays, the new Retail Trading Act 2008 will provide for retail trading by both shops and banks. This is logical and rational.

The broad scheme of the bank trading provisions remains similar to what it was when the provisions were located in the Banks and Bank Holidays Act. The provisions clarify the days on which banks must be kept closed. These are Saturdays, Sundays, the Bank Holiday, which is the first Monday in August, and public holidays. In the past, banks have been able to apply for exemption from the requirement to be kept closed on Saturdays and/or Sundays. A major change made by this bill is to extend that right to apply for an exemption to the August Bank Holiday and to some of the public holidays. However, no bank will be able to apply for an exemption to trade on Good Friday, Easter Sunday, Anzac Day before 1.00 p.m., Christmas Day or Boxing Day. These days will always be closed days for banks.

In relation to August Bank Holiday, the Government is concerned that changes in national workplace relations regulation have meant that many non-bank financial institutions that previously observed the August Bank Holiday under awards or industrial agreements have ceased to do so. Significantly, August Bank Holiday is not identified as a public holiday in the Finance Sector Modern Award. This means that many employees in the broader financial sector who have been accustomed to enjoying the August Bank Holiday are no longer able to do so. While the New South Wales Government is not able to affect the industrial arrangements between financial institutions and their staff, it is able to regulate trading hours. Therefore, an important feature of this bill is the extension of the August Bank Holiday provisions to non-bank financial institutions. Like banks, these institutions will be required to close on August Bank Holiday, thereby continuing a practice that most have observed for many years.

This requirement will not apply to financial institutions that provide for an extra or substitute holiday for their staff, or to very small financial institutions. Like banks, however, financial institutions to whom the August Bank Holiday applies will also be able to apply for an exemption from those provisions. Any institution that obtains such an exemption will be required to observe the requirement that staff working on a day to which an exemption applies have freely elected to work on that day. The Government believes that these changes will provide continuity and certainty for employees at financial institutions who have long enjoyed a day off for August Bank Holidays.

Taken together, these two pieces of legislation will provide a clearer and more logical approach to the declaration of public holidays on the one hand, and appropriate restrictions on retail trading by shops and banks on the other. I commend both the Public Holidays Bill and the Shop Trading Amendment Bill to the House.

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

FOOD AMENDMENT BILL 2010

Bill introduced on motion by Mr Steve Whan.

Agreement in Principle

Mr STEVE WHAN (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [10.29 a.m.]: I move:

That this bill be now agreed to in principle.

The Food Amendment Bill 2010 makes a number of amendments to improve the operation of the Food Act 2003 and introduces important new reforms to the disclosure of nutrition information by certain businesses that sell ready-to-eat standard food items. Health protection principles have always been key drivers of our food regulatory system. This emphasis remains appropriate considering the compelling social and economic imperatives to protect the health and safety of consumers. While our food regulatory system has mainly focused on reducing acute health risks, it has yet to fully realise its potential to help minimise or prevent chronic conditions. These are among the most common and expensive problems facing the health system despite being among the most preventable.

Obesity and related chronic illness have been estimated to cost around \$19 billion per annum in New South Wales alone. This cost is borne by the public health system and individuals and families within our

community. These figures clearly highlight the enormity of the food-related chronic health issues we need to tackle. We are dealing with an overweight and obesity epidemic. There are many contributing factors but one of the obvious factors is the increase in the consumption of energy-dense, nutrient-poor foods. Australians now spend about 42¢ in every food dollar eating out of home, with over a third of that spent on fast food. Serving sizes when eating out tend to be larger and contain more saturated fat and salt than meals prepared at home.

There is also a lack of knowledge and understanding about the nutritional content of fast food. This means that those who eat out regularly are not able to consider properly the impact on their overall diet and long-term disease risk. The food regulatory system can help to address these chronic health problems by giving consumers the information they need to make healthy food choices and by supporting consumers' efforts to seek those healthy choices. In other words, we need to make the healthy choice the easy choice. Consumers are also demonstrating a desire to move in that direction. There is increasing demand for healthy food and for food to be labelled in such a way that consumers can understand what they are eating. Standard food outlets such as the major fast food chains are responding to this demand by introducing menu items with lower energy content along with a variety of labelling arrangements to identify and market those items.

This is a welcome response, but it also creates potential challenges and problems. Experience has demonstrated time and again that without direction, uncoordinated industry efforts will inevitably result in a proliferation of different information systems and consumers will become totally confused. That is exactly what happened in the United Kingdom where there was a proliferation of different Front of Pack Labelling and Scores on Doors systems. This type of confusion undermines the potential public health benefits. The importance of getting this right is clearly highlighted by the fact that 4.5 million Australians visit a fast-food outlet each day. These food outlets therefore collectively hold a significant influence on the daily diet of many Australians. They also have significant potential to create confusion if they each present nutrition information differently.

I acknowledge that the industry has proposed a voluntary code of practice for nutrition information. Unfortunately, voluntary codes will not deliver the outcomes we need because each business can opt out if it believes this to be in its commercial interest. We also know that industry-driven codes of practice in related areas, such as marketing to children and television advertising, have had disappointing results. The New South Wales Government has shown time and again its strong commitment to enhancing the health of our community and the Government is continuing its proactive agenda in this area. We are dealing with an overweight and obesity problem of epidemic proportions. This is a chronic health problem, and while there are many factors involved there is a clear and substantial link with food-related factors and particularly the over-consumption of energy-dense foods.

But the food-related factors associated with chronic health problems are very different from those that are addressed by our existing food regulations. They are different issues that require a new approach. That is why the Government is pursuing this initiative and why we have been moving in this direction for some time. Earlier this year the Government's submission to the Blewett Review of Food Labelling Law and Policy clearly articulated our intention to pursue initiatives aimed at reducing adverse health outcomes related to the over-consumption of fast foods, fats and salt. It also identified the need to prevent confusion and to promote consistency by prescribing the labelling format and requirements that businesses must use if they provide nutrition information. I mentioned previously that many standard food outlets are already moving to disclose nutrition information about their food, and in some cases they have already done so.

This bill includes labelling provisions that build on the initiative shown by industry to disclose nutrition information. They have been developed in close consultation with key consumer advocates and sections of the industry to ensure they address the kinds of issues I have outlined. The consultation process to consider and develop this initiative commenced with the Premier's Fast Food Forum in August and continued through the Quick Service Restaurant Labelling Reference Group that was formed following the forum. It became evident through this process that there was a clear need for the Government to take significant steps in ensuring consistent take-up across the full range of industry participants, while still allowing industry the capacity to operate its business.

For this reason it was decided that regulatory underpinning is required to ensure success. However, I must point out that the arrangements in this bill provide flexibility to address any issues that may emerge during implementation. There will be opportunity for further consultation with industry and community stakeholders during the implementation of this nutrition disclosure initiative. The operation and efficacy of the scheme will also be reviewed 12 months after implementation and this will include consideration of whether it is

appropriate to extend disclosure requirements to ingredients such as salt and fat. This will include a formal evaluation based on data collected during implementation. The Government will support implementation of the initiative with consumer education materials to help consumers understand the energy values they see on menu boards. If we are going to have the best chance to change consumer behaviour it is clearly important that consumers have the opportunity to understand what energy values mean and how these values relate to their overall diet.

I turn now to matters of detail in the Food Amendment Bill 2010. The bill introduces the concepts of a standard food item and a standard food outlet. It defines a standard food item as an item of ready-to-eat food that is sold in servings that are standardised for portion and content and that is either listed or shown on a menu or is displayed for sale with a price or identifying tag or label. A standard food item may be a burger that is sold in the same size and with the same standard ingredients and is listed on a menu board in a fast-food shop, or it may be a muffin of a standard size, made from a standard recipe, and displayed for sale with a name and price tag in a cabinet at a retail bakery.

The bill also makes it clear that a standard food item may include a combination of such items. A "meal deal" of a burger, chips and a drink displayed on a poster, for example, could be a single standard food item. The bill also clarifies that standard food items of the same type shown or displayed for sale in different sizes or portions are separate standard food items. For example, a small container of fried chips listed for sale at an outlet is a separate standard food item from a large container of fried chips also listed for sale at that outlet. The bill makes it clear that a standard food item is not an item of food that arrives at the retail premises in the packaging in which it is sold. A can of soft drink or a packet of potato crisps are not standard food items.

Next, the bill defines a standard food outlet as a food business premises at which standard food items are sold by retail and where two criteria are met. First, the business must sell standard food items by retail at more than one premises or while operating in a chain of food businesses that sell standard food items. Secondly, at least one of the standard food items that are sold at the premises must be standardised for portion and content so that it is substantially the same as standard food items of that type that are sold at the other premises or sold by the other food businesses in the chain.

The bill imposes two sets of requirements. The first set of requirements relates to standard food outlets of a class prescribed in the regulations and the second set of requirements relates to standard food outlets that are not. Proprietors of standard food outlets of a class prescribed in the regulations are required to ensure that the nutritional information prescribed in the regulations is displayed for each standard food item. This information must be displayed in the manner and at the locations prescribed by the regulations. Intentionally failing to meet these requirements will be an offence which carries a maximum penalty of 500 penalty units in the case of an individual and 2,500 penalty units in the case of a corporation. Failing to meet these requirements without a proven intention will also be an offence which carries a lower penalty of 100 penalty units in the case of an individual and 500 penalty units in the case of a corporation.

The bill also amends the Food Regulation 2010 to prescribe the classes of standard food outlets that are required to meet these requirements. These requirements will apply to a standard food outlet that is either an outlet of a food business that sells standard food items at 20 or more locations in New South Wales or at 50 or more locations in Australia, or an outlet of a food business that is operating in a chain of food businesses that sell standard food items if together those businesses sell standard food items at 20 or more locations in New South Wales or 50 or more locations in Australia. The bill also amends the regulation to prescribe the nutrition information to be displayed as the average energy content of each standard food item for sale, and a statement, by way of reference, as to the average adult daily energy intake. Both these figures are to be expressed in kilojoules.

The regulation amendments also prescribe the locations for the display of the nutritional information and the manner in which the information is to be displayed. These requirements ensure that the prescribed information will be available to consumers in a legible and consistent format on menus, including menu boards, posters and leaflets at the premises, menus distributed outside the premises, and tags and labels, that is, at the point where consumers decide what to order. Proprietors of standard food outlets that are not of a class prescribed in the regulations are not required to display prescribed nutritional information. However, if they choose to display prescribed nutritional information they are required to ensure that the information is in accordance with any requirements of the regulation and that it is displayed in the manner and at the locations prescribed in the regulations.

For the purpose of these requirements the regulation amendments prescribe the information as the energy content of the food. The bill also establishes an offence of failing to meet these requirements which carries a maximum penalty of 100 penalty units in the case of an individual and 500 penalty units in the case of a corporation. The bill enables regulations to be made which regulate the display or distribution by a standard food outlet of explanatory material about prescribed nutritional information. The bill also enables regulations to be made which provide exemptions from any of the requirements. The regulation amendments exempt convenience stores, service stations, businesses that principally provide catering services, sit-down restaurants with no takeaway services and retail food sold in health care facilities from having to comply with the requirement to display prescribed nutritional information.

The bill also includes a number of miscellaneous amendments to the Food Act 2003 which will improve the administration of the Act. Firstly, the bill inserts a new section to make it clear that the powers of authorised officers and the duties of a food safety auditor may be exercised concurrently. At the Food Authority a food safety auditor may also be an authorised officer under the Food Act. On occasions whilst auditing it may be necessary for that officer to exercise his or her powers as an authorised officer in order to investigate or inquire about a particular matter. The amendment puts beyond doubt that there is no impediment to the officer doing so provided the officer's certificate of authority is produced. This is appropriate for ensuring that the officer exercises authorised officer powers in a transparent manner.

Secondly, the bill makes an offence of threatening, intimidating or assaulting a food safety auditor, which carries a maximum penalty of 500 penalty units. The outcome of a food safety audit or an inspection can have significant consequences for a food business, which may even be prohibited from trading if the problems are serious. This creates potential for authorised officers and food safety auditors to be intimidated, threatened or assaulted in the course of their work. Section 43 of the Act already provides that a person must not threaten, intimidate or assault an authorised officer but currently there is no equivalent offence in relation to food safety auditors. The amendment addresses this anomaly by creating a new offence to threaten, intimidate or assault a food safety auditor.

Thirdly, the bill amends section 119 to extend the time limit in which proceedings may be instituted under the Food Act or regulations to within two years after the date on which the offence is alleged to have been committed. Currently, proceedings for a food sample offence may be instituted only within six months of obtaining the food sample and, for other offences, within 12 months of the date when the offence is alleged to have been committed. The extension recognises the inadequacy of these periods for complex investigations. For some matters the Food Authority has been required to seek an extension of time from the courts to complete the necessary preparation before commencing proceedings. For example, the authority was required to make six such applications in the calendar years 2008 and 2009. All these applications were granted.

Extending the period to two years will minimise the need for such applications in the future and will save the courts and the authority significant time and resources. Finally, the bill amends section 128 to remove a clause that prevents the prosecution relying on analysis as evidence unless the analysis has been carried out by an approved laboratory or by or under the supervision of an approved analyst. This current restriction applies only to the prosecution and not the defence. The investigation of an outbreak or illness typically will involve the analysis of a range of specimens and there may have been a number of tests carried out by non-approved laboratories in isolating a cause. Some laboratories also specialise in a specific type of testing method and may be one of only a few laboratories, or even the only laboratory, that can do this testing.

It is not feasible or reasonable to approve all such laboratories just in case one of their tests is required as evidence. The analyses carried out by a non-approved laboratory might otherwise be admissible as prosecution evidence subject to the established rules of evidence, except that the effect of section 128 (3) is to prohibit their admission outright. Removing this clause will not deter the Food Authority from using approved laboratories wherever possible. There is a strong incentive to do so as a certificate of analysis obtained from an approved laboratory or analyst may be tendered into evidence without the need to call witnesses. The bill commences these Food Act amendments on the date of assent and the Food Regulation amendments, except for the insertion of new penalty notice provisions, on 1 February 2011.

The bill also provides a lead-in period until 1 February 2012 for the new offences, and penalty notices cannot be issued for any of these offences before that date, that is, the nutritional labelling provisions. New South Wales is leading the way with this bill but it is not moving in a different direction to the other States. Our information disclosure requirement aligns well with a similar initiative announced by Victoria. Queensland and South Australia are also understood to be considering initiatives of this kind. New South Wales action on this

issue will help to pave the way for the development of a nationally consistent point of sale labelling system for these foods. New South Wales will advocate strongly on the issue of national harmonisation at the upcoming ministerial council meeting scheduled for 3 December.

The bill before the House introduces important new reforms on disclosure of nutrition information that will work alongside the raft of other New South Wales Government measures already in place to help address chronic health issues. The bill also contains important amendments to improve the operation of the Food Act 2003. These are sensible and well-considered amendments. I look forward to receiving the support of Opposition members and members of the minor parties, in particular, to these important amendments which will enable kilojoules to be displayed by fast food restaurants at the point of sale. That will help us, as a society, to combat obesity, which is so prevalent in young children and in our society. 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 later hour.

ELECTION FUNDING AND DISCLOSURES AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 9 November 2010.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.47 a.m.], in reply: I thank all members for their contributions to debate on the Election Funding and Disclosures Amendment Bill 2010, which has several objectives. Firstly, the bill reduces the risk or perception that access to Government can be purchased, or that donors may be in a position to exercise undue influence. In this way the bill will improve confidence in impartial decision making. Secondly, the reforms provide for a more level playing field for candidates seeking election as well as for third parties who participate in the political process who want their voices to be heard. This will ensure that all interested parties have the ability to engage in political debate.

Thirdly, the adoption of expenditure caps place a limit on the political arms race—a race that has driven the demand for political donations and in which those with the most money can have the loudest voice and simply drown out the voices of all others. Finally, and perhaps most importantly, the reforms will help to give voters a better opportunity to be fully and fairly informed of the policies and perspectives of all political parties, candidates and interested third parties. It protects the rights of the public to hear all sides of the political debate and to form their own informed view about any issues. This bill is not about stifling or limiting political debate; indeed, it is the opposite. These reforms will make elections a true battle of ideas and policies, rather than simply who has the deepest pockets, the most generous donors and the largest advertising budget.

As stated at length in evidence given to the Joint Standing Committee on Electoral Matters, there is a clear constitutional limit on the ability of the New South Wales Parliament to legislate in this area. Any New South Wales law which interferes with Commonwealth elections or which burdens the implied freedom of communication about political matters could be exposed to constitutional challenge. It is of course appropriate when legislating in this area that similar considerations be applied to State political matters.

It is also important to realise that the recognition of this freedom of political communication is ultimately about ensuring that government remains both representative and responsible. Therefore, the bill has been carefully drafted to target State elections. It has also been developed to satisfy the test set down by the High Court in the Lange case. The Government believes that the forms contained in the bill are reasonably and appropriately adapted to serving a legitimate end in a manner that is compatible with the system of representative and responsible government. Indeed, the bill is not only compatible with our system of representative and responsible government but it also achieves the very end to which the bill is ultimately directed; that is, to protect and enhance that system. To that end, the Government is satisfied that the right balance has been struck.

Sensible limits have been set for donations to candidates and parties and the expenditure caps that have been adopted are set at a level that allows for an informative and robust campaign to be run while at the same time imposing an upper limit on spending. Third parties are regulated in such a way as to ensure that genuine third-party campaigners can exercise the legitimate right to participate in the electoral process, but also in a way that they cannot circumvent the caps on parties and candidates. Parties and candidates have also been compensated for the loss of donations by an expanded public funding regime based on a reducing sliding scale

designed to discourage candidates and parties from spending up to their limit just because they can. As such, it is important that this bill be passed without substantial amendment. However, the Government will move some amendments in response to minor issues that have been raised since the bill was introduced.

As was made clear by the Premier when introducing this legislation, New South Wales has taken the important first step towards establishing comprehensive and effective regulation in this area. The Commonwealth must introduce complementary laws to regulate federal donations and campaign expenditure. A number of minor matters have arisen since the bill was introduced. The regulated period will commence on 1 January 2011, but it has been pointed out that some candidates and parties will have already started incurring electoral expenditure before that date. That expenditure will not be claimable under the proposed scheme. The Government will develop a transitional arrangement whereby consideration will be given to funding expenditure incurred between 1 July 2010 and 1 January 2011 if the additional claim does not exceed the applicable expenditure cap for the regulated period. That will be done by regulation.

Further, the definition of "administrative expenditure" in proposed section 97B contains no explicit mention that payments to a party's national organisation are covered. The Government is of the view that proposed section 97B is broad enough to encompass the legitimate administrative costs of running a political party in New South Wales, including payments to a party's national organisation for legitimate and substantive administrative services. Of course, it would not be possible for a federal branch of a party to artificially inflate federal levies to a New South Wales party to take advantage of the public funding that will now be available in New South Wales.

Questions have been asked about what can and cannot be deposited into a State campaign account as covered by proposed section 96. Proposed section 96 (5) details what may be paid into the account and proposed section 96 (6) details what may not be paid into the account. It should be noted that these lists are the subject of a regulation-making power, so it will be possible to add to the list if necessary. However, I foreshadow that the Government will be moving an amendment to expressly include bequests to a party in proposed section 95 (5) as money that can be deposited into the State campaign account.

In conclusion, New South Wales is now leading all other Australian jurisdictions in this regard. In order for there to be effective regulation and control of this area, all other Australian jurisdictions, particularly the Commonwealth, must pass similar complementary laws. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Mr Barry O'Farrell.

Consideration in Detail

Clauses 1 and 2 agreed to.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [10.57 a.m.]: I move Opposition amendment No. 1:

No. 1 Page 2. Insert after line 5:

3 Amendment of donation and expenditure caps by Auditor-General

- (1) The Auditor-General may, before 1 January 2011, amend this Act (and the *Election Funding and Disclosures Act 1981*) to make any changes the Auditor-General considers appropriate to the caps prescribed by this Act on political donations and electoral communication expenditure.
- (2) The amendments are to be made by order of the Auditor-General published on the NSW legislation website.
- (3) This section commences on the date of assent to this Act, despite section 2.

This amendment is the first of four amendments that the Opposition will move and it addresses an issue I raised last night. It provides that the Auditor-General, acting as a third party, can before the legislation comes into

effect assess whether the caps and limits are appropriate. We know that the caps and limits were not reviewed or inserted in the legislation by anyone representing the public interest. They were determined by Sussex Street and were signed off by the State Government in alliance with the Greens.

These caps and limits fail any public interest test. The Parliamentary Secretary said in reply to the agreement in principle debate that one of the key aims of the legislation is to cap expenditure to allow robust debate. One would assume that that would be an advance on what happened during the last election campaign. However, as I pointed out in my contribution to the agreement in principle debate, while the Labor Party spent \$16.7 million on its 2007 State election campaign, under these provisions it will now be able to spend \$18.6 million and its 22 affiliated unions will be able to spend \$23 million. That is a total of \$41.6 million. That does not pass the public interest test in New South Wales.

The public has had a gutful of the money washing around our political system, it believes that there is too much money in the system and it wants a reduction in the amount spent on election campaigns. The people of New South Wales want the money tide to go out and they want individual candidates to make a greater effort to engage with the community in real debate. In the absence of the Government and the Greens applying any public interest test, this amendment provides that the Auditor-General will review the caps and limits to establish that they are in the public interest or that they are not designed to favour the Labor Party, the Greens, any other party or the Independents.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.59 a.m.]: The Government opposes this amendment. Determining caps on donations and expenditure is a policy decision for this Parliament. This bill is a genuine opportunity for real reform and the Government does not want to leave it to anyone else. The clowns opposite may like to jeer and laugh, but we are dealing with important matters for which the Parliament has responsibility. We cannot abrogate this responsibility to anyone other than the Parliament. Once again the Opposition asks: Can somebody else do it? This is a typical tack of the Opposition.

Whenever a difficult situation arises, difficult decisions need to be made or action needs to be taken the Opposition wants to pass the buck to somebody else. That is not right. On a separate note, it is important also for candidates considering contesting the election next March to have certainty for their election campaigns. This reform requires them to be aware of their limitations as soon as possible. The amendment moved by the Leader of the Opposition is an opportunity once again to take responsibility from this Parliament and pass the buck on to someone else. It is not going to work. For these reasons the Government opposes the amendment.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.00 a.m.]: On that basis, the claim from the Parliamentary Secretary would be that murderers should set their own sentences and those convicted of speeding should set their own penalties. It is an absolute nonsense. We need to protect the public's interest. We need to restore public confidence. We cannot do that while the Labor Party's head office determines the caps and limits, because the community thinks they are corrupt. The community thinks that for too long this State has been run as an annex to Sussex Street and not in the public interest. If the member for Riverstone does not understand that, after all the decades he has served in this place, clearly he has failed to learn that what we do is in the public and community interest. As with Caesar's wife, we must just be pure but be seen to be pure. Purity, honesty and integrity should be at the heart of this legislation.

I am surprised that the member for Riverstone of all people is mouthing arguments provided by those who sit in Sussex Street and in the office of the member for Heffron and who seek to impugn the reputation of the State's Auditor-General. If he can find a better independent person to provide advice let him do so. He should not say that we do not need independent advice or that the community is not crying out for some fair rules. The rules should not be set by the players; they should be set by those with no vested interest in the game, because that is precisely what the community wants. No-one seeks to abrogate the responsibility of this Parliament. This Parliament always will make laws, but in doing so it should consult widely. We need independent advice when making laws in critical areas in which we have a vested interest or on amendments that seek to enrich our political parties. That is why someone such as the Auditor-General should determine whether the caps and limits are appropriate or whether this reform is all about feathering the Parliamentary Secretary's nest and that of the Labor Party in opposition.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.03 a.m.]: I am at a loss to understand the argument of the Leader of the Opposition. Is he suggesting that there is any organisation in this State more transparent than this Parliament? Is he suggesting that there is any policy-making body in this State that is more important, more open to consultation and more open to public scrutiny than the Parliament? The

Government says that determining caps on donations and expenditure is a policy decision for Parliament. This Parliament makes the decisions. This Parliament brings in reforms. The Government does not want to leave it to anyone else, as has been proposed by the Leader of the Opposition.

The Auditor-General is not responsible for passing or amending laws. The Auditor-General ensures that laws are enacted properly and appropriately and that expenditures are carried out properly and appropriately. To abrogate the responsibility of the Parliament and give it to the Auditor-General goes totally against the whole institution of Parliament. Again I make the point that the Government wants to make sure that this responsibility rests with the Parliament. There is no more transparent body in this State than this Parliament. There is no more important decision-making and policy-making body than this Parliament. The Parliament is the appropriate body to make this decision.

Mr ANDREW FRASER (Coffs Harbour) [11.04 a.m.]: If the Leader of the House is serious, I ask why we have a Parliamentary Remuneration Tribunal to set the wages and all the bits and pieces of our packages. Is it not independent of the Parliament? Is its decision not an independent public decision? All legislation this Parliament passes is governed by regulation. Are regulations set by this Parliament? No. Schedules to bills govern regulations, which then apply to the responsible departments. Nine times out of ten we have no clue about what the regulations include until such time as the legislation is passed and we see the regulations added to the bills.

All the Opposition asks is that an independent person, the Auditor-General, set the limits on spending by individual candidates in election campaigns. Who sets the limits proposed by this bill? Sussex Street? The Premier? The unions? We need someone independent to oversee this responsibility. At the end of the day, this Government legislation, which is supported by the Greens, will give the Greens a bonus in electoral funding returns. The Premier's office made that decision, not this Parliament. The Parliament's decision will be based on legislation passed on the Government's proposal, not that of an independent body accountable to the people of New South Wales, such as the office of the Auditor-General, which eventually would be accountable to the Parliament. We need a truly independent arbiter to set campaign expenditure limits on money that is awash in this State so that we have true, open and accountable campaign donations to political parties.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.07 a.m.]: I do not wish to belabour the point but wonder whether Opposition members have actually read the amendment. Opposition amendment No. 1 states:

Page 2. Insert after line 5:

3. Amendment of donation and expenditure caps by Auditor-General

- (1) The Auditor-General may, before 1 January 2011, amend this Act (and the *Election Funding and Disclosures Act 1981*) to make any changes the Auditor-General considers appropriate to the caps prescribed by this Act on political donations and electoral communication expenditure.

When has the Parliament abrogated its responsibilities and given any individual the authority and opportunity to amend an Act of Parliament? As the Leader of the Opposition and the member for Coffs Harbour know only too well, regulations eventually are subject to approval by this Parliament. This amendment proposes to amend an Act, not a regulation. There is a big difference between amending a regulation and an Act. I for one would venture that this is one responsibility the Auditor-General would not want because it abrogates the responsibility of the Parliament. We do not give people authority to amend an Act of Parliament willy-nilly. The Parliament, not someone else, has the authority to introduce Acts and the authority and responsibility to amend them.

Question—That Opposition amendment No. 1 be agreed to—put.

The House divided.

Ayes, 32

Mr Aplin
Mr Ayres
Mr Besseling
Mr Cansdell
Mr Constance
Mr Debnam
Mr Dominello
Mr Draper
Mr Fraser
Ms Goward
Mrs Hancock

Mr Hartcher
Mr Hazzard
Mrs Hopwood
Mr Humphries
Mr Kerr
Ms Moore
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piper
Mr Provest

Mr Richardson
Mr Roberts
Mrs Skinner
Mr Smith
Mr Stokes
Mr J. H. Turner
Mr R. W. Turner
Mr R. C. Williams
Tellers,
Mr Baumann
Mr George

Noes, 45

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

Pairs

Mr Maguire	Ms Beamer
Mr Merton	Mr Koperberg

Question resolved in the negative.

Opposition amendment No. 1 negatived.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.19 a.m.], by leave: I move Government amendments Nos 1 to 4 in globo:

No. 1 Page 7, schedule 1. Insert after line 12:

[13] Section 88 Disclosures required to be made
Insert "or made" after "received" in section 88 (1).

No. 2 Page 8, schedule 1. Insert after line 11:

[19] Section 92 (2) (f)
Omit "the Australian Business Number of the entity". Insert instead "the relevant business number of the entity referred to in section 96D".

No. 3 Page 9, schedule 1 [21] (proposed section 95A (2) and (3)), lines 17 and 27. Omit "donation of less than" wherever occurring. Insert instead "donation of or less than".

No. 4 Pages 15 and 16, schedule 1 [21] (proposed section 95G (4) and (5)), line 35 on page 15 and line 5 on page 16. Omit "is less than" wherever occurring. Insert instead "is of or less than".

Government amendment No. 1 ensures that parties, members, groups and candidates will be required to disclose political donations made as well as received. Under the existing scheme parties are obliged to report donations by them, and not just to them, to the Election Funding Authority. The amendment continues that obligation upon parties and extends it to candidates, members and groups. The amendment will enhance the transparency of the new scheme.

Government amendment No. 2 seeks to remedy a drafting oversight by making a necessary consequential amendment. The bill has an expanded definition of what constitutes a relevant business number of a donor. That new definition is not limited to an Australian business number. The proposed consequential amendments simply will reflect the broader definition of section 92. This is another instance of improving transparency. The amendment is consequential upon the previous amendment.

Government amendment No. 3 also is a matter of tidying up the wording of the legislation. Government amendment Nos 3 and 4 seek to achieve the same ends: they seek to remove possible ambiguity

about the way in which donations by the same donor must be aggregated by calculating whether the overall cap has been reached. For the sake of clarity, the amendment will ensure that donations made by the same donor and that are equal to the maximum amount, as well as donations that are below that amount, are to be aggregated. Government amendments Nos 1 to 4 are all aimed at improving transparency and tidying up the wording to remove any ambiguity in the original bill.

Question—That Government amendments Nos 1 to 4 be agreed to—put and resolved in the affirmative.

Government amendments Nos 1 to 4 agreed to.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.21 a.m.]: I move Opposition amendment No. 2:

No. 2 Page 16, schedule 1 [21]. Insert after line 10:

(6) **Aggregation of expenditure of parties and affiliated organisations**

Electoral communication expenditure incurred by a party that is less than the amount specified in section 96F for the party is to be treated as expenditure that exceeds the applicable cap if that expenditure and any other electoral communication expenditure by an affiliated organisation of that party exceed the applicable cap so specified for the party.

- (7) In subsection (6), an affiliated organisation of a party means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of that party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both).

My second amendment seeks to overcome one of the rorts that exists in this bill: it would not permit an affiliated entity to spend money that was outside the cap of the political party. To put it at its simplest, if the cap on the Labor Party is \$18.6 million—that cap being made up of \$100,000 being spent by a candidate in each of the 93 seats and \$100,000 being spent by the Australian Labor Party across all 93 seats—it would not allow, for instance, the Electrical Trades Union [ETU], an affiliated union—which provides the President of the New South Wales branch of the ALP, Bernie Riordan—to spend its \$1,050,000 and not have that included within the \$18.6 million.

The caps that are imposed in this bill would do Melbourne Storm proud. It is the sort of rort that the National Rugby League and News Limited sought to clean up with Melbourne Storm but this Government is trying to entrench it in this legislation. Twenty-two affiliated unions that get a say in policy making and in preselections are being treated as independent third parties as if they are not connected to the Labor Party. This amendment would apply whether the party is the Labor Party and affiliated unions, the Greens and affiliated unions, or the Liberal Party or The Nationals and any affiliated body, be it a union, corporation or third party interest group, or whether it is an Independent candidate. Mr Speaker, if there is an affiliated entity in your electorate, under these proposals that affiliated entity could spend only within your spending limit of \$150,000.

This is about fairness. It is about calling apples apples and not pretending that an apple is an orange. Under the rules of the New South Wales branch of the ALP those 22 affiliated unions are members of the governing council, they are represented on the administrative committee and are there when policies are made and candidates are selected. So it is nonsense and unfair to claim that a union such as the ETU, the United Services Union or any of the other 20 unions is independent. It is a slight on genuinely independent third parties that this rort is being carried out. It classifies as so-called independent third parties groups that clearly have an allegiance and are affiliated to groups that are as interested in the return of a political party as members of the political party itself.

While I do not accept the argument of the Greens in another House in relation to individual donations, which relates to my fourth proposed amendment, they can support this amendment. This amendment is about fairness. It simply seeks to ensure that no party can use a third party to circumvent, exploit and spend more than the caps that are sought to be imposed on political parties. As the Parliamentary Secretary said in his summation speech, critical to this legislation are caps on expenditure. This legislation is not effective: it will not meet the purpose that the public wants if the caps can be rorted by a party using an affiliated body to run proxy campaigns for it.

As I said, under the proposals in front of us Labor could spend \$18.6 million and its 22 affiliated unions could spend another \$23 million on top of that. That is a cap of \$41.6 million for the Labor Party and its

affiliated unions versus a significantly reduced cap, a third of the cap, for other political parties—Liberal, Labor or the Greens. However, given that union donations to the Greens are banned, perhaps there are no unions affiliated with the Greens. So I say to John Kaye and the Greens in the other House: Here is an amendment that you can support. If the Greens cannot support this amendment, it shows how deep the alliance between the Labor Party and the Greens is in this State.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.26 a.m.]: Once again the Opposition cannot help itself. When it comes to trade unions, members opposite have shown their true colours. They will do anything to restrict the activities of the trade unions and put the trade unions into a straitjacket.

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

Mr JOHN AQUILINA: Maybe members opposite are not aware that unions play an important role in representing the rights of workers. The unions should not be singled out as being unable to represent their members. Surprise! Surprise! What the Opposition is trying to do may be unconstitutional. As the Premier informed the House, in 2008 Professor Anne Twomey was commissioned to report on the constitutional issues surrounding campaign finance reform.

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

Mr JOHN AQUILINA: Page 24 of the Twomey report states:

While limits could be placed upon "associated entities" ... it would be difficult to constrain the political activities of genuine bodies such as businesses, unions and lobby groups.

The report further states:

In the 2007 federal election campaign, significant amounts were spent by unions and business groups on advertising concerning industrial relations. It would be hard to regard these bodies as no more than "fronts" for political parties, as the issues upon which they advertised went to the core of their purposes for existence. It would also be difficult to argue that they should be silenced during election campaigns as their views form a legitimate part of the public debate.

I am advised that not only is the Opposition's proposal likely to be unconstitutional; it is simply a one-sided political stunt. This is another opportunity for the Opposition to attack the unions.

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

Mr JOHN AQUILINA: Conveniently, the Opposition's proposal does not deal with third party campaigners who support the Liberal Party. It is a very one-sided amendment. For example, there is no mention of employer associations having their spending considered part of the Coalition gap. There is no mention of the 500 club having its spending considered part of the Coalition gap. There is no mention of the Warringah club, which was recently outed in the *Sydney Morning Herald* as having failed to disclose its donations or spending, considered part of the Coalition gap. Let us be clear why the Opposition has raised this matter: the Opposition is addicted to donations and is looking for an excuse to vote against this important reform. It is once again using another opportunity to place the unions in a straitjacket.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.30 a.m.]: That should be a salutary lesson to members never to stay here for 29 years. The amendment I have moved states:

No. 2 Page 16, schedule 1 [21]. Insert after line 10:

(6) **Aggregation of expenditure of parties and affiliated organisations**

Electoral communication expenditure incurred by a party that is less than the amount specified in section 96F for the party is to be treated as expenditure that exceeds the applicable cap if that expenditure and any other electoral communication expenditure by an affiliated organisation—

Remember those words—

of that party exceed the applicable cap so specified for the party.

- (7) In subsection (6), an *affiliated organisation* of a party means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of that party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both).

There is no mention of unions; it simply says "organisation", the definition and term that is all-encompassing, drafted by Sussex Street for the Government. It encompasses any organisation affiliated to any political party—and that is the Opposition's point—and it should do so because, whether union or business, if caps are put on how much we can spend, let us be fair dinkum about them. I am the bloke that argued that first, and I will argue it until I go to my grave. Let us do what the National Rugby League did with Melbourne Storm. When there is a rort, let us get rid of that rort. Let us clean up, not the salary cap, but the spending cap that, under these rules, allows affiliated organisations with the Australian Labor Party. I do not care whether they are unions, businesses or GetUp, they are still affiliated bodies. They pay membership fees. They are affiliated bodies that are on the governing council of the Labor Party of New South Wales.

We all remember Morris Iemma's denouement at Darling Harbour and union delegates apparently chanting against the then Treasurer. They were union delegates, and 50 per cent of Labor's governing council is made up of union delegates from affiliated unions and affiliated parties that under this legislation the Labor Party is trying to claim are independent third parties. An independent third party may well be the RSPCA, of which I confess I am a patron, the Heart Foundation, the subject of the previous legislation before the House, or the Independent Grocers Association trying to stand up for IGA supermarkets. They are genuine independent organisations. I am not aware that any of the three I have mentioned are affiliates of any political party, but if they are, they should be caught within the spending cap. The whole point of this legislation is to impose spending caps and donations caps.

As much as I think those caps are too high, they should be respected. They are not being respected when a person who has been a member of Parliament for 29 years has just given the wrong speech. His speech was on individual donations versus third party donations. That was not the speech prepared for him in relation to ensuring that organisations affiliated to any political party are covered under that political party's expenditure cap for the purposes of this legislation.

Finally, because I suspect that I will hear this time and again, I say that I have no problems with the union movement. I was a member of a union. I have stood in this place and praised the efforts of the unions in relation to Bernie Banton, someone for whom I had great admiration, whose foundation I will continue to support and for whom I will always say the unions stood up and did the right thing. I will not stand in this place for business, unions or other third parties who seek to rort public interest and who seek to get a free pass through legislation. That is why this amendment must be supported. That is also why Dr John Kaye should support it in another place.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.34 a.m.]: The Leader of the Opposition made several references to my having been a member of Parliament for 29 years. It is important for members to serve for a long time because one gets a sense of continuity and a sense of the repetition that happens in this place. One is also able to read legislation, and understand what is proposed and its true intent. Let us make no bones about this: The Leader of the Opposition can say what he likes in this Chamber, but his amendment will constrict the trade union movement from exercising its right to make donations while at the same time leave free business associates who are third party donors to the Liberal Party. This amendment will not handicap those people and that is why we need to oppose this amendment. Once again, it is an attempt by the Opposition to manipulate the legislation and this Parliament so as to restrict the activities of the trade union movement.

Mr RAY WILLIAMS (Hawkesbury) [11.35 a.m.]: If ever there were a greater example of how flawed legislation is, it is the Labor Government proposing to ensure that affiliated unions and third parties can still contribute to the Australian Labor Party candidates and their campaigns. The unions are made up of Labor Party members, and Labor Party members are union members. It is an incestuous relationship when two of the same breed get in bed together, and that is exactly what has happened in this case. The affiliated unions have continued to fund the campaigns of the Australian Labor Party. I believe the public of New South Wales should understand how the unions get their money.

I always have hanging on the door of my parliamentary office an article written by Andrew Clennell in the *Sydney Morning Herald* on 10 April 2008. It refers to the "truckloads of donations" from the Transport Workers Union [TWU] directly to the Australian Labor Party headquarters in Sussex Street. How did the TWU get that money? It received public funding from this Government under the guise of safety and training programs. Unions get money from the public purse of New South Wales taxpayers. The taxpayers of New South Wales should be proud today that the Liberals-Nationals are trying to stamp that out with this amendment, and give back some accountability and clarity for them so that they know that the corrupted culture of donations being able to purchase anything that is wanted, whether on behalf of unions or other entities, is stopped.

Will this amendment be supported? No, because this Government will continue to flush money from the public purse from the good people of New South Wales into the unions—an affiliated, associated, incestuous relationship that they have had with this Government for years and years. It will continue while ever the Labor Party Government is in office. God help us. The election on 26 March 2011 cannot come soon enough.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.38 a.m.]: Earlier I said that this amendment is a disguised attempt by the Opposition at union bashing. After the speech of the member for Hawkesbury, it is obvious that that attempt is no longer disguised; it is right out in the open. This is just another way to put trade unions in a straightjacket, and restrict their rights and the rights of their members.

Mr CHRIS HARTCHER (Terrigal) [11.38 a.m.]: It is a matter of supreme irony that the member for Riverstone should talk about his 29 years as giving him a sense of continuity when he denies the whole continuity of the Australian Labor Party since 1891. The Australian Labor Party was founded as the party of the trade union movement after the great strikes of 1891, which even the member for Riverstone will acknowledge. The Australian Labor Party was, and still is, based upon the trade union movement.

Only when Simon Crean, as Federal leader, fought the campaign was the level of attendance at the annual conference reduced from 60 per cent to 50 per cent. Before Simon Crean, 60 per cent of delegates at the annual conference had to be members of an affiliated trade union, and now it is 50 per cent. One-half of all people who attend the annual conference of the Australian Labor Party must be from an affiliated trade union. Every member of the Australian Labor Party must be a member of an affiliated union or must have a dispensation from being such a member.

I ask the member for Riverstone: What union does he show himself as being a member of? Or does he claim a dispensation from union membership? You can look around at the Australian Labor Party and ask its members. The member for Swansea still claims to be a member of the Maritime Union—and he is proud of it. MUA: here to stay! He does not go anywhere near the Maritime Union of Australia, but he keeps an affiliation with it simply to ensure that he is entitled to be a member of the Australian Labor Party. Every member of the Australian Labor Party is a member of an affiliated union and 50 per cent of all delegates at the annual conference come from the trade union movement. Each union is required to pay a per capita fee to the Australian Labor Party based upon its total members, whether those members support the Australian Labor Party or not. At the 1996 Federal election—

Mr David Harris: Point of order—

Mr CHRIS HARTCHER: Which union are you—teachers?

The SPEAKER: Order! The member for Terrigal will reflect on his next attack and resume his seat.

Mr David Harris: The member for Terrigal is misleading the House. I am a member of the Teachers Federation, which is an unaffiliated union.

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

Mr CHRIS HARTCHER: The member for Wyong, who is the only surviving Labor member on the Central Coast—the rest have all fled to the lifeboats—was not even preselected in a ballot of Labor Party members. The national executive had to preselect him in 2007.

Mr David Harris: Point of order—

Mr CHRIS HARTCHER: He was scared of the Labor Party!

The SPEAKER: Order! I do not now know what amendment the member for Terrigal is speaking to. The member for Wyong wishes to take a point of order.

Mr David Harris: My point of order relates to relevance. I was never appointed by the national executive. I stood for preselection a few weeks ago and I was elected unopposed.

The SPEAKER: Order! The member for Wyong will resume his seat. I remind the member for Terrigal of the amendment before the House.

Mr CHRIS HARTCHER: We are talking about the connection between the Australian Labor Party and the trade union movement. There is nothing wrong with that. Everybody in Australia believes that trade unions have an important role to play in the national economy. Trade unions represent ordinary people and they represent them through the Industrial Relations Commission, through the whole process of arbitration and in representation to employers.

What is at stake here is the continuing interaction between the Labor Party and the trade union movement. The trade union movement not only funds the Labor Party as its principal funding base, as it has been since 1891, but the Australian trade union movement, through affiliated unions, supplies workers for polling booths and supplies organisers for the Australian Labor Party at every election. At every election you will see union delegates and organisers arrive to work for Labor Party candidates. There is nothing wrong with that. Nobody objects to that. It is on the public record. But for the Keneally Government to somehow now pretend that that trade union movement, which is interwoven into the structure of the Labor Party at every level, is not associated with the Labor Party for the purposes of election funding, for the purposes of electioneering, is the total denial of more than 100 years of New South Wales history and Australian history.

We have a Government that has lived a lie in aspect after aspect of its own administration for the past 15 years, but this is the ultimate lie. The ultimate lie that it now puts before the House is that it believes that the affiliated unions are not associated with the Australian Labor Party. Everybody knows they are. Everybody knows that that is the whole *raison d'être* of the Australian Labor Party by which it seeks to represent and advance the interests of the affiliated trade unions. We are not objecting to affiliated unions being part of the Labor Party. We are objecting to affiliated unions being separate as far as election disbursements and election campaigning go. That is at the core of the amendment that we are proposing. If ever there is an organisation involved in a political party it is the trade union movement, which is involved with the Australian Labor Party.

As has been pointed out by the Leader of the Opposition, the very fact that the State President of the Australian Labor Party, Bernard Riordan, is also General Secretary of the Electrical Trades Union adds to that. You will see that almost every single person listed on the administrative committee comes from a union. One union has the right to nominate a member of Parliament: the Shop Assistants Union, which nominates a member of the Legislative Council. It nominated John Johnson, it nominated Tony Burke, and it now nominates Greg Donnelly. It does not even go to the affiliated unions or administrative committee. When that seat in the Legislative Council falls vacant the Australian Labor Party writes to the Shop Assistants Union and says, "Who is to take the position?"

The Shop Assistants Union is the largest union in New South Wales and the largest donor to the Australian Labor Party. The Shop Assistants Union gives \$300,000 a year to the Australian Labor Party. That union has the right to nominate a member of Parliament. If you pretend that that union has no connection with the Australian Labor Party as far as political advertising is concerned, you are living in a dream world. Only the member for Riverstone would attempt to justify that.

It is proposed that the election funding system in this State, which was introduced by Neville Wran in the 1980s, be made a public and transparent. The amendment moved by the Leader of the Opposition proposes that associated bodies that are intermeshed with a political party should be part of that political party for advertising and electioneering purposes. That is what is at stake. If the Australian Labor Party believes that an affiliated union can spend \$1 million separate to any other organisation then of course it is giving itself a war chest that is not available to any other political party. The Greens in Victoria received something like \$352,000 from the Electrical Trades Union. However, the Greens in New South Wales would acknowledge that they will not receive any money from trade unions in this State. The Greens in New South Wales will, if they genuinely do believe in a public and fair electoral system, support the amendment. In a sense, the issue now lies at the hands of the Greens. The Greens have the responsibility to ensure that electioneering in this State, which has been rorted year after year, is made fair. This amendment will make it fair.

I conclude on one point. Mr Roozendaal, the former general secretary of the Labor Party, boasted that he raised \$15 million when he was general secretary of the Australian Labor Party, and that \$15 million was raised to an enormous extent through the trade union movement. It was raised through developer donations and decisions for dollars, and every little lever that Mr Roozendaal could pull. At the end of the day, the biggest single source of that vast pool of gold that flowed into the Labor Party under the proud boast of Eric Roozendaal was the trade union movement. For the Australian Labor Party to pretend—I do not think the trade union movement does pretend—that there is no connection is a farce and is a lie.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.48 a.m.]: I thank the member for Terrigal for a run through history. Surprise, surprise: there is a link between the Labor Party and the trade union movement. Surprise, surprise: it has been there for more than 100 years. Anybody who knows anything about Australian history knows that the Labor Party was founded to fight as the political arm of the workers movement and to carry forward the wishes of the trade union movement and workers at that time. That is what the Labor Party has done for more than 100 years, and it is what it will continue to do.

It would be hard to regard trade unions as no more than fronts for the Labor Party. The issues that the trade union movement advertise go to the very core of its existence and quite often the trade union movement has been at odds with the Labor Party, as we have seen here on a number of issues. To argue that trade unions are just a mindless extension of the Labor Party is indeed ridiculous. There are those of us who are members of the Labor Party and are proud to be members of trade unions. I have belonged to the same trade union since 1968 and it is not a union that is affiliated to the Australian Labor Party.

I have had proud continuous membership of that trade union and continue to be a full member today, even though for the past 29 years I did not need to pay my full dues. I am proud to have done so as a full member of the Teachers Federation. It is not an affiliated union and may I say, as a former Minister for Education, it has had plenty of things to say about a Labor Government in the past. For anyone to argue that trade unions are just mere fronts for the Labor Party indicates a gross lack of knowledge about precisely how the trade union movement works, how it allocates its funds and the connection between the trade union movement and a Labor Government. What the member for Terrigal has said may be correct in relation to some aspects of history but it is totally incorrect in its connotations and implications.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [11.51 a.m.]: We have travelled a long way from the amendment before the House, which is about fairness. Picking up the point made by the member for Riverstone, the amendment acknowledges there are unions that are directly affiliated with the Labor Party and that they are not independent third parties. They are not even unaffiliated unions and should not be treated as unaffiliated unions because they are part and parcel of the Australian Labor Party machine. That is not a criticism; that is the arrangement. If the arrangement was between business and the Liberal Party, between farmers and The Nationals, or between whoever and the Greens, this provision would apply equally. It would say that those affiliated organisations should fall within the spending cap that is proposed for the next election campaign.

I refer briefly again to the case of Neil Manson, a member of the United Services Union [USU] and an employee of Coffs Harbour City Council, who last September emailed his union saying, "I do not want any of my membership funds to go to the State ALP. I want to remain a member of the USU and if the price of that is having those funds instead donated to a charity, so be it." What did the United Services Union say? What is the arrangement being defended by the member for Riverstone?

Mr Robert Coombs: They are majority votes. That is how this place works.

Mr BARRY O'FARRELL: That is interesting. Just remember that when we get to amendment No. 4. In the letter Neil Manson got back from Ben Kruse, who is the General Secretary of the United Services Union, as you would know, Mr Speaker, from your previous employment, the pertinent paragraph says:

As the United Services Union is affiliated with the ALP we are required to pay affiliation fees in accordance with our gross membership and, we are unable to make alternative arrangements for individual members, nor can individual members instruct the union not to pay dues to an affiliated entity...

That is unfair. That is the response Neil Manson got. What would be even more unfair would be to treat the USU or the other 21 unions as unconnected with the Labor Party for the purposes of this legislation.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [11.53 a.m.]: What the Leader of the Opposition has said is a non sequitur. If a person does not want to be a member of a union that is affiliated with the Labor Party he does not have to be a member of that union. It is totally inappropriate for that issue to be raised when a person joining a particular trade union knows full well the implications of becoming a member of that union.

Mr CHRIS HARTCHER (Terrigal) [11.53 a.m.]: It is important in the whole history of this debate that the truth be told. You cannot go onto a Construction, Forestry, Mining and Energy Union site without holding a CFMEU card; everybody knows that. You cannot go onto the Maritime Union of Australia wharves

without holding an MUA card. It is false for the member for Riverstone to pretend it is a matter of conscience for everyone in the community as to whether they can take up employment in certain areas without being a member of a trade union. This whole debate is now webbed in a network of falsehoods and lies. This is not about having a go at trade unions. I was a member of a trade union, the Bus Employees Union. I attended a union meeting and voted to go on strike. You cannot get a prouder reputation than that.

The SPEAKER: Order! As revealing as the member for Terrigal's speech is, does it have anything to do with the amendment before the House?

Mr CHRIS HARTCHER: Yes, it has, because the issue that the Leader of the House keeps raising is that this is somehow an attack on trade unions. It is not at all. The issue is fairness and transparency and ensuring that the election legislation in this State presents a true picture for the people of New South Wales, and is not webbed with deceit and a structure that perpetuates the existing regime. That is what it is all about. When the people of New South Wales cast their votes at every election, whether on 26 March 2011 or any election thereafter, they should do so on a level playing field. Political organisations such as unions are required to be part of the political party to which they are affiliated. That is what the amendment is about and that is what I am speaking to. The attempt by the member for Riverstone in his final days in this place—the member has made a fine contribution to this House in many respects—to gloss over the reality of the connection between the Labor Party and the trade union movement is false.

Question—That Opposition amendment No. 2 be agreed to—put.

The House divided.

[In division]

Mr Andrew Fraser: Point of order: Mr Speaker, I draw your attention to Standing Order 176 which states:

A Member cannot vote on any question in which the Member has a direct pecuniary interest not held in common with other citizens of the State.

Government members who are voting today have a pecuniary interest and should be excluded from the vote.

The SPEAKER: Order! I have received advice that it has to be a specific interest rather than a general interest.

Mr Andrew Fraser: Further to the point of order—

The SPEAKER: The Leader of the Opposition will not help the member for Coffs Harbour. I do not think he needs it on this occasion.

Mr Andrew Fraser: Earlier Government members referred in debate to the fact that they were proud card-carrying members of affiliated unions to the Australian Labor Party. Under Standing Order 176, if those unions are assisting them with funding, they have a direct pecuniary interest. Therefore it is my contention that they should be excluded from the vote.

The SPEAKER: Order! I have received advice. I have ruled on that matter.

Ayes, 36

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

Noes, 45

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

Pairs

Mr Merton	Ms Beamer
Mr Souris	Mr Koperberg

Question resolved in the negative.

Opposition amendment No. 2 negatived.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.06 p.m.]: I move Government amendment No. 5:

No. 5 Page 17, schedule 1 [22]. Insert after line 31:

(d) a bequest to the party,

Government amendment No. 5 adds a bequest to the list of funds that can be paid into the State election campaign account. This amendment is consistent with section 84 of the Act, which excludes dispositions of property under a will from the definition of a gift.

Question—That Government amendment No. 5 be agreed to—put and resolved in the affirmative.

Government amendment No. 5 agreed to.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [12.07 p.m.]: I move Opposition amendment No. 3:

No. 3 Page 19, schedule 1 [24] (proposed section 96D), lines 22-34. Omit all words on those lines. Insert instead:

96D Prohibition on political donations other than by individuals on the electoral roll.

It is unlawful for a political donation to a party, elected member, group, candidate or third-party campaigner to be accepted unless the donor is an individual who is enrolled on the roll of electors for State elections, the roll of electors for federal elections or the roll of electors for local government elections.

Yesterday I foreshadowed that I would move this amendment, which will prohibit political donations other than by individuals on the electoral roll. This amendment will remove, once and for all, the stench of corruption that exists in this State, remove the concerns that the community has about decisions being made for special interests not public interests, and remove the concerns that the community has that money buys influence when it comes to this Government. Clearly what has developed across this State under those opposite is a

decisions-for-donations culture. As I have said before, this concern in the community has corroded community faith and confidence not just in politics but also in public administration and the decisions that are made. Too often those decisions are questioned.

We are saying that the best way to end this, once and for all, is to ensure that donations can be made only by individuals—by those who have the greatest stake in the electoral system. As I said yesterday, unions, corporations and interest groups do not get a vote; however, people on the electoral roll do get a vote. Non-citizens, foreign companies and overseas interests do not get a vote. The people that will determine the next election outcome in this State, as they did federally, will be Australian citizens aged over 18 who are enrolled to vote in New South Wales. We are saying that they are exactly the same people who, within reasonable limits—which we would allow to be set by someone like the Auditor-General, but limits of the order of \$1,500 or \$2,000—would be able to donate. They would be able to choose to support a candidate or party of their choice, as they can choose to vote for a candidate or party of their choice when they enter a polling place every four years in this State.

This amendment will ensure that we aim high: it raises standards and sets the bar higher. This amendment is not a patch-up job and is not about doing favours for mates. This amendment puts real rigour into campaign finance laws. This amendment ensures that those of us who have to abide by these laws understand that they are based on public interest and on the interests of people who live in our electorates. Ultimately, it comes down to putting the public back in charge of our electoral system. This amendment gives the people not just the ability to vote and decide election outcomes, but also gives them the option, if they so choose, to decide whether to support financially the party or candidate of their choice directly, indirectly or through donation in kind.

Much has been said in the agreement in principle debate and in question time about constitutionality of this reform. In this country, that hinges on the 1997 High Court case *Lange v Australian Broadcasting Commission*. The test established by the High Court can be summarised in four ways: whether the law at question burdens freedom of political communication; whether that law serves what the High Court says was a "legitimate end"; whether that law is reasonably appropriate and adapted to serving that legitimate end; and whether the manner in which the law serves the legitimate end is compatible with the system of representative government prescribed within our Federal Constitution.

As demonstrated by the debate on the earlier amendment, under the proposed measures it is clear that an opportunity—\$41.6 million worth of opportunity—remains for a tired and, by any measure, incompetent Government supported by its union affiliates to try to buy its way back into office. Clearly, that thwarts the intention of this legislation. This legislation is about trying to restore confidence in politics. In the words of the member for Riverstone in his agreement in principle speech, this legislation seeks to amend the arms race. It is simply nonsense to say it will offend the Constitution to limit entities from making campaign donations because they are not on the Australian electoral roll. It simply is a matter of opinion.

The Government should be prepared to raise the standards, set high marks for itself and its communities, and be prepared to back those high marks with whatever legal resources are required to uphold those rules. In many situations those opposite throw hundreds of thousands of dollars in legal fees at standing up an individual citizen or a small business or dealing with some issue that is of strong interest to them. There is no hard and fast rule about imposing restrictions allowing only individuals to donate to election campaigns, but the High Court's second test would serve legitimately to achieve that end. This amendment would clean up politics and remove the perception of corruption in politics. It would remove once and for all in this State the stench from the donations culture that did not start in Wollongong but was exposed in all its glory within the Labor Party in Wollongong. The Lange case would enable successful legislation to be drafted to restrict donations to individuals. This is the only sure-fire cure of restoring community confidence in the State's political and public administration systems. For those reasons, this amendment should be supported.

I accept that given the deal the Greens have done, which will benefit them to the tune of \$1.5 million in extra public funding under these proposals—those figures were provided by the Government—this amendment is unlikely to succeed in the upper House. However, if it were to succeed, it is an amendment about which we could all be proud because it says to the public that we finally want to be serious about reform, put the public back in charge, and say to those on the electoral roll, "Only you can donate." There will be one vote genuinely and one value. There will not be a special value for those who have deep pockets, those who have access to lots of resources and those who, for too long, have had special access and special interest access through backdoors to this Government.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.15 p.m.]: It is incredible that the Leader of the Opposition raised the possible constitutional legality of this amendment. The advice I have is that the Opposition's proposal to restrict donations only to individuals on the electoral roll will be unworkable and also possibly unconstitutional. Reform to campaign finance rules in New South Wales are complex constitutional implementation challenges that must be factored into the design of any new scheme. There is no point in introducing an unworkable scheme. Legal advice obtained by the Labor Party from Bruce McClintock, SC, notes that the kinds of restrictions proposed by the Opposition risk being unconstitutional.

Mr Steve Cansdell: Oh, it's a risk.

Mr JOHN AQUILINA: The Opposition interjects on this matter. How long does the Opposition think we have?

Mr Andrew Constance: Point of order: My point of order relates to the statement of the Leader of the House. I request that he table the legal advice.

The SPEAKER: Order! That is not a point of order. The member for Bega will resume his seat.

Mr JOHN AQUILINA: The point of order taken by the member for Bega indicates precisely the way the Opposition wants to play with this legislation. The Opposition risks introducing amendments to legislation that will make it unworkable. Clearly, this amendment faces a constitutional risk. If the amendment were to be passed by this House, it would make this legislation open to a challenge that could not be resolved before the next election. Clearly, these are stalling techniques. The point of order taken by the member for Bega indicates exactly how sincere Opposition members are about this proposal. The advice goes so far as to advise that a ban on trade unions, which the Opposition singles out in its amendments, would unquestionably be void under the Constitution.

Mr Rob Stokes: Point of order: The amendment being debated is not the one to which the Leader of the House is referring. We are talking about the prohibition on anyone other than individuals making donations.

Mr JOHN AQUILINA: I will excuse the member because, although he has been in this place for a full term, he remains relatively new to the interpretation of legislation. I was speaking precisely to the amendment of the Leader of the Opposition. The member for Bega may avoid future embarrassment by not taking points of order that reveal him to not know what the Leader of the Opposition is doing. Any reforms imposing bans or caps on donations or expenditure have to be carefully balanced to ensure that they are effective and can survive a challenge.

All of the reforms in the Government's bill have been carefully developed to balance the policy aim of reducing reliance on political donations with the need for the reforms to be lawful and enforceable. The bill is a complete package of reasonable and measured reforms to donation caps, expenditure limits and public funding for campaigns. This is not a smorgasbord of options from which to pick and choose. I am advised that the Opposition's blunt proposal to ban all donations by corporate entities could throw the effectiveness of the whole scheme into doubt by crudely upsetting the balance achieved by the bill.

As the Premier has already advised the House in her introductory speech, she offered the Leader of the Opposition and the Leader of The Nationals a debriefing, but not once was that raised during negotiations. Examination of the amendment in detail shows, according to the Liberal Party's own disclosures to the New South Wales Election Funding Authority, that the Liberal Party raised more than \$7.6 million in the 2009-10 financial year, which is \$3.6 million more than any other political party.

Mr John Williams: That is history.

Mr JOHN AQUILINA: History is very important. As I have been told, the historical perspective is a very important issue in this legislation. The member for Murray-Darling says, "That is history." And, yes, it is history.

The SPEAKER: Order! The member for Murray-Darling might wish to save a few interjections for question time. He is running out of them.

Mr JOHN AQUILINA: I advise the member for Murray-Darling that, as opposed to some of the conjecture that members of the Opposition have put forward, the donations disclosed to the Election Funding

Authority are history and factual. It is not conjecture, to which many members of the Opposition are resorting. As I was saying, the figure includes union affiliation fees received by Labor as donations and that no longer will be able to be used for campaigning under the Government's legislation. If those amounts are excluded, the Liberal Party raised \$5.3 million more than any other political party in the 2009-10 financial year.

The Opposition's amendment No. 3 is nothing more than an attempt to destroy the bill. It has been moved in the knowledge that it would be unacceptable to the Government. If the Leader of the Opposition is truly against corporate donations, why does the Opposition continue to accept them? For the sake of expediency, I will not elaborate. However, I could produce a few figures indicating the types of corporate donations that the Opposition very keenly accepts to fund election campaigns.

Mr Andrew Fraser: What, Medich?

Mr John Williams: Yes. Do you want to talk about Ron Medich?

Mr JOHN AQUILINA: I could talk about tobacco companies. The Opposition's amendment will simply create loopholes.

Mr Rob Stokes: Point of order: My point of order relates to relevance. The Leader of the House has referred to corporate donations. That is precisely what the amendment seeks to abolish.

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

Mr JOHN AQUILINA: Mr Speaker, I do not know how you would rule on that. I thought we were discussing precisely that issue. The Opposition's amendment would simply open loopholes whereby companies could nominate individuals who would donate on their behalf. The Opposition proposes the amendment because it cannot rely on rich friends to donate and simultaneously attempt to sever legitimate ties between the Australian Labor Party and the union movement.

Mr ANDREW FRASER (Coffs Harbour) [12.22 p.m.]: The hypocrisy in this debate is beyond belief. The reality is that the legislation before the House is supposed to improve the accountability of election funding. The Opposition proposes through this amendment that only individuals whose names are on the electoral roll will be allowed to donate. Previously in this debate the Opposition proposed an amendment for an independent arbiter to set caps, and that was opposed by the Government. Nothing could be more even-handed, more accountable or more open to public scrutiny than the two amendments that have been moved by the Opposition.

During consideration in detail of Opposition amendment No. 3, the Leader of the House referred to funds that have been donated to the Coalition or the Liberal Party over a period of years. They amount to approximately \$670,000 from tobacco companies, if newspaper reports I have read are correct. The Government is prepared to accept an amendment from the Greens in another place that will ban donations from tobacco companies. The hypocrisy of accepting the Greens amendment, yet not accepting Opposition amendment No. 3, is unbelievable. In the first place, it was the Greens and the Government that voted to keep the doors of the medically supervised injecting centre at Kings Cross open.

Mr David Harris: And some Liberals.

Mr ANDREW FRASER: And some Liberals. They voted to support a place in which to inject an illegal substance—substances that have been imported into this country illegally and bought off the street—yet the Greens and the Government intend to move an amendment to ban donations from sellers of a legal product. I draw to the attention of the House a report in today's *Daily Telegraph*, which states:

Police were busy again yesterday, charging Greens Leichhardt councillor Alan Cinis with drug cultivation and possession after "green vegetable matter" was allegedly found at his home. While innocent until proven guilty ...

The Greens are the very people who are telling us that we cannot accept funds from tobacco companies because tobacco creates all types of diseases, but it is a known and proven medical fact that the carcinogens in marijuana are far worse than any carcinogens in tobacco. The Greens are advocating that we should get rid of donations from tobacco companies. I support that principle, and Opposition amendment No. 3 supports that principle.

Mr John Aquilina: Point of order: My point of order relates to Standing Order 76, which deals with relevance. Mr Speaker, I ask you to direct the member for Coffs Harbour to confine his remarks to the leave of the bill instead of talking about marijuana and other matters.

The SPEAKER: Order! I remind the member for Coffs Harbour of the question before the House.

Mr ANDREW FRASER: The question before the House is that we restrict the making of election funding donations to individuals. The Opposition proposes to move another amendment that directly contrasts with the amendment proposed by the Greens in the upper House that seeks to remove donations from tobacco companies, which are totally legal, and addresses discrimination. Tobacco companies will be discriminated against, but we are not able to discriminate against unions by acceptance of Opposition amendment No. 3, which provides for donations to be made only by individuals. Rank and file members of a union may not approve of their percentage being directed back to the Labor Party—just as Neil Manson from Coffs Harbour did when he said, "No, we would rather give it to charity."

The hypocrisy is that the Green's amendment seeks to ban tobacco companies, but does not seek to ban others, such as unions, while supporting the Marijuana Party and other political parties that obviously obtain funding from money that has been raised by the sale of illegal drugs. The member for Lismore can attest to that. Nimbin is in the Lismore electorate.

Mr Thomas George: Yes.

Mr ANDREW FRASER: The illegal drug money is utilised to fund election campaigns. For God's sake, if the Greens really want the Government to be honest, open and accountable in relation to this legislation, the Government should support Opposition amendment No. 3 instead of supporting the somewhat biased amendment proposed by the Greens.

Mr Steve Whan: Oh yes, that is their amendment!

Mr ANDREW FRASER: I would hazard a guess that the member for Monaro is a union member.

Mr Steve Whan: Yes.

Mr ANDREW FRASER: Is his union affiliated? Let us get rid of the rorts. Let us make sure that the election funding process is transparent. We must make sure that the legislation will do what the people of New South Wales expect it will do. Let us not have this Government, which has absolutely failed the State and is continuing to fail the State, attempting in its dying days to impose restrictions on the Coalition. I hope the Coalition will win the next election, and all the indications are that we will. Earlier the Leader of the House chided the Opposition and suggested we could have introduced a private member's bill. I assure the House that, as a member of a future Coalition government, even if I have to move a private member's bill, I will introduce the changes that are being proposed by the Opposition to ensure that individuals will be able to donate, but not unions and not other corporate entities. Let us get rid of corporate donations.

As I mentioned during my speech last night, we all remember the decision of the Land and Environment Court in relation to the Hardie's development at Catherine Hill Bay. The information listing donations to the Australian Labor Party includes donations from Hardie and affiliated companies, and the information shows that the donations were huge. No-one can tell me that part 3A and other legislation introduced by Frank Sartor were not introduced to appease those who donated to the Labor Party during the most recent State election. Let us bring political party donations back to individuals only. Let us ensure that corporations, unions and all those associated entities will not exert influence by giving huge slabs of cash to any political party.

Mr STEVE WHAN (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [12.28 p.m.]: I am moved to contribute to this debate by the outright rank hypocrisy shown by the Opposition. Opposition amendment No. 3 proposes to prohibit parties other than individuals donating to campaigns. An earlier Opposition amendment relating to affiliated organisations was defeated. Nothing has been said by the Opposition about the third party campaigns. This is where the outright hypocrisy of Opposition amendment No. 3 is revealed. According to the Opposition, it would be okay for tobacco companies, from which the Opposition still receives donations, to conduct a campaign such as the one conducted in the lead-up to the recent Federal election campaign, which consisted of billboards supposedly organised by grocers that in fact were paid for by tobacco companies who were campaigning against plain-pack cigarettes. We all know what the Opposition, tied to tobacco company donations as it is, would think about that.

We would see nothing done by the Opposition to prevent business groups from getting what they want, such as when the mining industry campaigned against a super profit tax during the recent Federal elections. However, they want to remove the right of a union to run a campaign on workplace health and safety or a public sector union in an election campaign—

Mr Barry O'Farrell: Point of order—

Mr STEVE WHAN: The Leader of the Opposition does not understand his own amendments.

The SPEAKER: Order! The Minister will resume his seat.

Mr Barry O'Farrell: One does not have to be here for 29 years to be stupid. The Minister has been here for seven years. This amendment does not relate to affiliated unions. Nothing in this amendment affects unions, corporations or interest groups. This amendment is about restricting donations to individuals. The Minister missed the debate on two previous amendments. Those amendments would have achieved the fairness we sought, but the Government voted against them.

The SPEAKER: Order! The Minister has the call.

Mr STEVE WHAN: Obviously, 15 years in this place is long enough to be stupid as well. The Leader of the Opposition is a career politician. The amendment to prohibit donations by other than individuals is consistent with the Opposition's hypocrisy in this area. Yesterday the Leader of the Opposition talked about unions contributing millions of dollars to the Labor Party when he was actually talking about third party campaigns. He was consistently confused about this issue. With this amendment, the hypocrisy is that the Liberal Party would be happy to stop, for example, a public sector union campaigning on the number of workers in the public sector or a union campaigning on workplace health and safety.

Mr Andrew Constance: Point of order: It goes to relevance. We are talking about amending section 96D, which relates to a prohibition on political donations other than by individuals on the electoral roll. The amendment clearly states:

It is unlawful for a political donation to a party, elected member, group, candidate or third-party campaigner to be accepted unless the donor is an individual who is enrolled on the roll of electors for State elections, the roll of electors for federal elections or the roll of electors for local government elections.

The Minister is not speaking to this amendment; he is speaking to previous amendments. I ask you to draw him back to the amendment before the House.

The SPEAKER: Order! I will hear further from the Minister. I have extended a degree of latitude during this debate. However, I remind the Minister of the amendment before the House.

Mr STEVE WHAN: As I said, the hypocrisy of the Opposition is that it has constructed amendments to suit its purposes and to ensure that it continues to get favourable third party campaigns while at the same time banning donations in other ways from unions. Talking about donations from corporations, the Liberal Party—yesterday on ABC radio the Leader of the Opposition squirmed as he did not want to mention tobacco—is still happy to accept donations from tobacco companies. The Opposition is happy to continue accepting donations from a range of corporate sources, but it also wants to entrench the ability for third party campaigners to come in and push their points of view.

Mr John Williams: Point of order: I refer to Standing Order 76, relevance. We want the Minister to talk about the amendment, not history. Talk about the amendment!

The SPEAKER: Order! The member for Murray-Darling will resume his seat. I have ruled on that point of order. The Minister has the call.

Mr STEVE WHAN: Clearly the Opposition is dodging one simple thing; for the past 20 to 30 years the Coalition has opposed reform to campaign finances every step of the way. Members opposite have been consistent: they have talked up reform outside but when it came to the crunch in this place they opposed donation and campaign finance reforms. They are continuing to do that today and I expect they will continue to do so when we vote on the substantive legislation. What they are doing with this prohibition is clear. However, as the Leader of the House said, legal opinions show that the proposal is not practical or legal. This is simply another stunt to mask the fact that the Coalition is scared of political donation and campaign finance reform.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [12.34 p.m.]: In response to that contribution on the second amendment, all of the amendments we have crafted would apply equally to all sides of politics.

Mr Steve Whan: Third party campaigns, Barry.

Mr BARRY O'FARRELL: I thought one had to be here for 29 years to be as stupid as the Minister.

Mr Steve Whan: Juvenile comments just reflect on you.

Mr BARRY O'FARRELL: I may be overweight—everyone can see that. The Minister must open his mouth before people realise how stupid he is. As I have demonstrated previously, our amendments use terms that the Government has defined in its own legislation. The amendments would apply equally to third parties and political parties. There is no special interest here. If the Minister had been in the Chamber during the debate he would have learned that fact, as the member for Riverstone learned. For the past 3½ years we have argued to end the stench of corruption in this State. In May 2007 we argued for a joint select committee to reform the State's campaign finance laws, and the Minister led the charge to vote against it.

Mr Steve Whan: You are all talk and no action.

Mr BARRY O'FARRELL: The Minister should join us in supporting our amendments. If he did so, we could leave this Chamber with what even John Kaye says is what we should be leaving here with. John Kaye has described this legislation as "deeply flawed"—that has not stopped him doing a deal with the Labor Party to get extra public funding—but we could achieve everything. We could have our cake and eat it too. The Minister could finally do something for the people of this State. He could say he will no longer accept donations from ski resort operators. Under this amendment future donations could only be made by individuals up to a certain amount, so never again could that slur be used against the Minister. Never again would one see a story in a paper that claimed that the Minister took a benefit from someone with whom he then worked. That is the point of this amendment.

This amendment would make the system fairer; it would make the system more transparent and accountable. It would ensure that no corporation, regardless of the product it produced or the business it operated, could have a financial say in the State's electoral system. It would leave it to individuals: it would leave it only to those individuals on the electoral roll, the people who have the biggest stake in the system. The Minister's contribution was extraordinary, considering that the member for Riverstone and the Premier gave away the real rationale for this legislation. Clearly, the legislation is not about cleaning up politics in New South Wales, because there are so many gaps and rorts in it that it will not do so.

The legislation will not lower the amount of money in politics in New South Wales. It will not apply fairly to all parties, it will not ensure that only individuals can donate, it does nothing about lobbyists, and it does nothing about imposing restrictions on the Government in relation to television advertising. Both the member for Riverstone and the Premier gave it away when they referred to the 2009-10 declarations of donations. What did they say? They said, "The Liberal-Nationals are getting more than the Labor Party." That is what this legislation is about. The Labor Party is terrified because people across this State are voting with their feet. It is terrified not only of opinion polls but also of what the Electoral Funding Authority puts out on an annual basis.

The real motivation is to cripple and to cruel members on this side of politics. However, that will not happen, because no matter what restraints the Government puts on us, no matter how unfair it makes the system, we will carry ourselves around this State and take into every corner, every village and town, the message that change is required and the place to start is by raising standards, lifting integrity and honesty in government, and getting rid of people such as the member for Monaro who argue for rorts.

Mr ANDREW CONSTANCE (Bega) [12.38 p.m.]: One thing we can deduce from the contribution of the Minister for Primary Industries is that he wants to continue to buy his seat in this place. He wants to continue to buy his way into Parliament because he is afraid—

Mr David Harris: Point of order—

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

Mr David Harris: The member for Bega knows that such an attack must be done by way of substantive motion. His contribution is adding zero to debate on this amendment.

The SPEAKER: Order! I remind the member for Bega that members cannot attack other members except by way of substantive motion.

Mr ANDREW CONSTANCE: I point out that the member for Monaro, the Minister for Primary Industries, does not support a ban on corporations, unions or third parties donating to campaigns. He wants to continue to have fundraisers with the member for Fairfield in Leichhardt and to continue to receive tens of thousands of dollars from public relations companies, developers and the like. The people of Monaro and the south-east want to see politics—

Mr David Harris: Point of order: Clearly, the member for Bega is continuing his attack but not by way of substantive motion. He may be trying to veil his attack but clearly he is continuing his attack.

The SPEAKER: Order! I will hear further from the member for Bega. I remind him of my previous ruling.

Mr ANDREW CONSTANCE: The Minister spoke against restricting donations to individuals on the electoral roll. I can only deduce from that that he wants to maintain the donations-for-decisions culture in this State.

Mr Andrew Fraser: Rorts.

Mr ANDREW CONSTANCE: And the rorts. He wants to see members who benefit from incumbency to continue to buy their seats in this House. We should be about grass roots democracy. We should be about door knocking and having debates in community halls. I challenged the Minister to debate health but he did not appear. This Minister has received tens of thousands of dollars of donations from one particular developer, and he wants to continue to buy his way into this place, and I will not tolerate it.

Mr David Harris: Point of order: Clearly it is illegal to accept donations from developers. The member for Bega is again attacking the Minister and he is continuing to flout your ruling.

The SPEAKER: Order! I advise the member for Bega that the direct allegations he is making against another member are inappropriate. If he continues with this allegation, I will sit him down.

Mr ANDREW CONSTANCE: I will clarify the matter. I was talking about donations made prior to the introduction of the developer donations legislation.

The SPEAKER: Order! I have made my position very clear to the member.

Mr Steve Whan: You are just a grub, Andrew, and no-one respects you.

Mr ANDREW CONSTANCE: Are you going to ask him to withdraw that remark?

The SPEAKER: Order! I ask members to cease interjecting.

Mr ANDREW CONSTANCE: I seek a withdrawal of that comment by the Minister.

The SPEAKER: Order! The Minister for Primary Industries was not at the lectern. I will advise the member at the conclusion of the speech of the member for Bega.

Mr ANDREW CONSTANCE: The Opposition has moved this amendment because for once and for all it wants to see politics cleaned up in this State. The Liberals-Nationals have now made the position very clear. There is daylight between us and the Greens and the Australian Labor Party in relation to campaign finance reform for a very clear reason: we do not want to continue to see members buy their place in his House as against a proper grassroots campaign to engage with the community. Nobody in this House should spend hundreds of thousands of dollars to be elected into Parliament.

The SPEAKER: Order! Members from both sides will cease interjecting. The Minister for Primary Industries will cease interjecting.

Mr ANDREW CONSTANCE: The Liberals-Nationals have made it clear that they want a ban on corporate donations, full stop. The Minister for Primary Industries and others have referred to tobacco. The

Opposition wants to see tobacco donations banned, as well as corporation donations, gaming donations and clubs and pubs donations. We want to see a full corporations ban as well as a full unions and third parties ban in place. It should be up to an individual on the electoral roll with one vote to donate, with a cap in place, to individual candidates and campaigns.

In the past 24 hours the Greens have stated publicly that they cannot possibly support a Liberals-Nationals amendment to this bill because it risks the entire bill not being passed. Well, why have the Greens foreshadowed amendments? Why have they joined with the Government to ban a certain category of corporations, tobacco, from donating but not all corporations? I do not understand the Greens on that matter. In the south-east the Greens are on local radio forever and a day saying that we have got to clean up politics in this State or that democracy is for sale, et cetera. This is an opportunity for the Greens to support an amendment which is just genuine reform.

I remind the Greens that the deal that they have struck, which will ultimately result in their receiving public funding to the tune of an additional \$1.5 million, will also mean that the Labor Party could use about \$22 million to win seats such as Balmain and Marrickville. The Greens will be outspent in those two seats. The way in which the Labor Party will do it will be off the back of the grubby, evil deal that it has struck in this place now. I hope Jamie Parker will call Dr John Kaye and make it clear that the deal he has struck will ultimately undermine his campaign in Balmain.

The member for Riverstone referred to the legal advice of Bruce McClintock. What is Mr McClintock's legal opinion of this amendment? The member for Riverstone says this amendment is unconstitutional but surely, consistent with that legal advice, it is unconstitutional to ban tobacco donations in the same way as developer donations. If bans on corporate donations are unconstitutional I presume that would apply to any form of corporation that currently exists. Will the member for Riverstone clarify the legal opinion on that point? The Labor Party, as highlighted yesterday by the Deputy Leader of the Opposition, made allegations about tobacco advertising, but it receives donations from the Independent Retailers Association? Who funds that association? Tobacco! The Government professes that it does not receive tobacco money, when big daddy tobacco is coming in through the back door. That is simply outrageous and hypocritical.

In conclusion, I am surprised that, with the slim margin in his electorate of Monaro, the Minister for Primary Industries has contributed to this debate. The people of the south-east will be made fully aware that the Minister does not support the Liberals-Nationals who seek to ban corporate donations and that he wants to continue to Americanise politics in this country with democracy for sale. Quite frankly, the Minister does not support this amendment because he does not want people to find out what he is all about. He is part of the Sydney Labor Party machine. He can try to buy his votes as much as he likes in Monaro but in reality he is just a sellout.

Mr JONATHAN O'DEA (Davidson) [12.47 p.m.]: Due to time constraints I did not speak on this bill yesterday but I do wish to speak briefly on this important amendment. I note the irony that the very integrity that the Australian Labor Party purports to promote with this bill has not been demonstrated in its dishonest misrepresentation of the Liberals-Nationals position on political donations. Perhaps that is no surprise from a party that has unfortunately trashed the professional reputation of politicians in New South Wales through a regular and dirty procession of scandals involving members of Parliament, leaving a stench of corruption in its wake. In that I take no personal joy.

The Leader of the Opposition and his team have long advocated greater honesty, integrity and accountability through political donations reform. The Premier had an opportunity to undertake this reform in the right spirit, and acknowledge the efforts of those on this side of the House, under the real and principled leadership of the Leader of the Opposition. Rather, the Premier has chosen to inappropriately and inaccurately attack those who have long advocated genuine finance reform that might help restore public faith in New South Wales.

Mr Steve Whan: Point of order: The time for a contribution to the agreement in principle debate was yesterday. Opposition members set the standard and they should stick to it. We are now speaking to a specific amendment and I ask that the attention of the member for Davidson be drawn to that.

The SPEAKER: Order! I have extended a degree of latitude during debate on the amendments. I will hear further from the member for Davidson.

Mr JONATHAN O'DEA: This overall reform is welcome in that it moves towards more representative and responsible government, albeit inadequately. However, instead of continued political posturing, as we have seen from the member for Monaro and others, the Labor Government should show more good faith and stronger commitment to improving democratic process. To more fairly ensure proper access and a louder voice for those with individual voting rights, access to and influence on political parties by those not on the electoral roll should be limited as proposed in the third amendment from the Leader of the Opposition.

We are elected to represent individual constituents who should be permitted to make modest financial contributions to election campaigns. Influence should not be bought by others if our democratic processes are to flourish. I have heard it said that politics is the art of securing votes from the poor and campaign funds from the rich by promising to protect each from the other. In ensuring that this is not the case, we should also remember the following paraphrased observation of Ronald Reagan: While politics is the second-oldest profession, it risks bearing a very close resemblance to the first.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.51 p.m.]: I again refer to legal advice in relation to the amendments proposed by the Opposition, which says that the Opposition clearly risks making the entire legislation unconstitutional and in fact goes so far as to say that in relation to the ban on trade unions, which again the Opposition is singling out in the amendments, it unquestionably would be void under the Constitution.

Mr STUART AYRES (Penrith) [12.52 p.m.]: I wish to make a short contribution in regard to the amendment. Being the newest person elected to this place, I have been listening to the debate and it has concerned me a lot. I think that on 19 June the people of Penrith elected me with hope that New South Wales might be able to clean itself up. That can only start with suitable campaign reform. Coupled with that is the message that was referred to earlier that we must protect the opportunity for each individual in this State to make representation to their local member. This is about one vote and one value. Companies, corporations and organisations do not belong in this system.

Politics—government in this State—cannot be for sale. On 19 June the people of Penrith made that statement very clear. They were fed up with what was taking place in this State and they were seeking change. The amendment to allow only individuals to make contributions is the single most important change that we can make to clean up this State. I cannot endorse this any more firmly than we have heard today. This change is critically important if we are to progress and represent our constituencies with any degree of respect and honour. Then we can look people in the eye on the street corner or when we knock at their door. We can turn this profession into a noble profession. The only way we can do that in relation to finance reform is if individuals are the only people who can contribute.

Mr VICTOR DOMINELLO (Ryde) [12.54 p.m.]: I also wish to speak to the amendment in relation to the prohibition on donations other than those made by individuals on the electoral roll. As the second-newest member elected to this Chamber I can echo much of what the member for Penrith has said. I came to this place with a set of ideals that I still hold, and I think members on both sides of this Chamber maintain those ideals. When we walk into our electorates and speak to the people who voted for us we want to be able to look them in the eye and say that any decision that we make is not for sale—any decision that we made was not for sale. Nobody can buy any decision that we make. This amendment will ensure that.

When I was giving an address at the Ryde-Eastwood Leagues Club in relation to the nation building and jobs plan legislation and how that steamrolled local residents' rights in relation to their properties, in the gallery there were people who voted Labor, there were people who voted for independents, and there were people who voted Liberal. When I spoke about what we would do in relation to part 3A—that we would scrap it—they applauded. Then one person in the gallery asked, "What else are you going to do if you get elected? What are some of your other policies?" The very first one that I mentioned was this amendment, ensuring that only individuals on the electoral roll would be allowed to donate, because to me that is the shining light. That is our very starting point if the good people of New South Wales elect us into government.

That is where we must start because in this place we cannot make any decision that has a stench about it, and at the moment in this place decisions are for sale. When I mentioned that policy I received spontaneous applause. After I gave that address everybody came up and congratulated me on it. They asked where they could find that commitment and I directed them to the website. They said that it was about time somebody stood up for the people of New South Wales, because in the last 15 years all this Government seems to have stood up for are the members of the Labor Party and their interests.

The Leader of the House indicated that there were potential constitutional impediments in relation to this amendment. To be clear, I think he said that he had an opinion from Mr Bruce McClintock, Senior Counsel, which suggested that there is a risk that this amendment would make the whole legislation unconstitutional. I have not seen the opinion, but, from the bare words of the member for Riverstone, there is a risk. Quite frankly, I have seen thousands of legal opinions in my lifetime and there is a risk in everything. It could be a 5 per cent risk or a 10 per cent risk, or it could be a negligible risk. That is the first point. Really, until we see the opinion the statement that there is a risk carries no weight.

The opinion also suggests that such a provision may be unconstitutional. Quite frankly, who is going to challenge it? I can assure you that if the amendment were passed no-one on our side would challenge it because we believe in it, but is it suggested that the Labor Party would challenge it because it wants a system whereby people can donate money so that they can buy decisions? Who is going to challenge it? Are the unions going to challenge it? No, I think they have a bit more integrity than those opposite give them credit for. The reality is that this amendment is solid—it is solid in principle, it is solid in philosophy and it is solid for the people of New South Wales.

There is one last thing I wish to comment on and it is my concern that the Greens are not coming on board in relation to this amendment. An article by Paul Kelly on 20 October 2010 in the *Australian* caused me concern when I read it because it cast a long shadow on this Government and this Parliament. I quote it:

Welcome to the new politics, once inconceivable yet now on stunning display: the discredited Kristina Keneally NSW Labor government, the ACTU and the Greens in a united troika against the Labor government of Julia Gillard.

Forget new paradigms because this is an unholy mess. It reveals the new forces and shifting alliances that seek to sacrifice quality public policy ...

The article goes on to talk about the harmonisation of occupational health and safety laws that has been much debated in this Chamber, but it concludes on the following note, which is what I would like the Greens to remember when they are voting in relation to this legislation:

There are many morals from these events; the clearest is that the NSW government is radioactive in a political sense and will contaminate anything it touches.

This is what the Greens have to weigh up if they want to get into bed with the Keneally Labor Government in relation to this legislation. I can tell members that when we talk to people out in the real world on a day-to-day basis we find that they are fed up to the back teeth with this Government. They are over it. They wanted to see an end to the Labor Government long before yesterday. For the Greens to come on board and support the Government in this legislation will seriously discredit them in the eyes of the community.

I am happy to go from door to door to talk about our policy and explain this amendment. In fact, I have already done so and will continue to do so, because every time I knock on a door and tell people about this proposal they say it is about time somebody cleaned up the stinking mess that is the New South Wales Parliament. I am very proud of the Leader of the Opposition for the way he has championed this amendment. In my view this is the most important reform that we will carry through Parliament if we have the opportunity to form the Government in 2011.

Mr ROB STOKES (Pittwater) [1.00 p.m.]: Like the member for Ryde I believe this amendment deals with one of the most important issues to come before the Parliament. It is absolutely vital to try to clean up the mess in the New South Wales Parliament once and for all by ensuring that only natural persons are able to contribute funds for political campaigning and electoral communications. I also refer to the advice from Bruce McClintock, which was quoted by the Leader of the House, that this amendment might run the risk of incurring invalidity in a High Court challenge. I endorse the comments made by the member for Ryde about why Mr McClintock's comments need to be read in context. First, any lawyer's opinion will tell you about risk. We want to know how substantial that risk is. As I will point out in a moment, I think the risk is very small. As the member for Ryde said, there is not only the legal risk, but also the practical risk. Who is going to bring the constitutional challenge? I say, bring it on. Let us flush them out. Who is it who seeks to use the power of their bank balance to influence an election?

Mr David Harris: It could be the RSPCA.

Mr ROB STOKES: The member for Wyong suggests the RSPCA will run a constitutional challenge. That is bizarre. The member suggests it is somehow taking rights away from unnatural persons, from artificial persons—

Mr Alan Ashton: What is an unnatural person?

Mr ROB STOKES: An artificial person, a persona ficta, is a person who does not exist, a body corporate. There are two types of people recognised by law—persona ficta and natural persons. There are certain things that only natural persons can do. Only natural persons can get married, vote and run for political office. So it stands to reason and is perfectly logical that only natural persons should be able to give money for political purposes. That makes absolute logical, philosophical sense. That is what the power of a natural person is all about.

I refer now to the "legitimate ends" argument. As the Leader of the Opposition mentioned, in Lange's decision the court talked about laws that sought to interfere with constitutional rights to free speech in relation to election contributions only being read as constitutional if they could be shown to be for legitimate ends. In the subsequent case involving Australian Capital Television, the High Court went into some detail and gave an indication as to its likely view of what a legitimate end might include. The amendment we are debating is clearly directed to a legitimate end. Surely it is legitimate to limit political spending to people who can vote in the election that the money is being spent on. Surely that is entirely philosophically consistent. Surely that makes perfect sense. Surely that gives real value to the votes that only real people have.

If members opposite do not vote for this amendment they will be demonstrating that they do not believe members of Parliament should be answerable only to voters. If they do not support the amendment, then they do not believe that MPs should be beholden only to the citizens of this State. This proposal takes power in this State from the back room, the vested interests and corporates, and gives it back to the Parliament and the people. It is the right thing to do. This amendment makes perfect sense. It will clean up the mess and the stench in this Parliament once and for all. I implore every member of this House to put aside their party affiliation when voting on this amendment because this is the right thing to do.

Mr JOHN WILLIAMS (Murray-Darling) [1.05 p.m.]: This amendment is the litmus test of what this Government is all about. It is a test of this Government's commitment to true electoral reform. This is about returning elections to the grass roots. That is where Parliament started: people had to go out into the electorate and win on their merits, not on the strength of the money that was behind them and supporting them, and with no guarantee that some third party organisation would provide a financial endorsement to ensure they were elected. If members opposite have the guts to try to win an election for a seat in this House on fair terms they will support this amendment. I have the guts. I will put my money down and contest this election based on the financial support that is provided by individuals in my electorate. There is no-one on the other side of the House who has the guts to do it. They are going to oppose this amendment because they do not have the guts to stand for election and win fair and square.

I see that Paul Gibson has announced today he is retiring and will not contest the next election. He is a man who believes in the grass roots of a party that the Government has destroyed with money. It is all about having the big guns. The Labor Government thinks the big guns are going to win the war. Members opposite have sat on the Government benches in total security, knowing that they have the finances to back them. They think they cannot lose because they have the money to throw at an election campaign and they have the unions behind them. This is a test for members opposite: Have you got the guts? If you are fair dinkum about electoral reform you will support this amendment.

Question—That Opposition amendment No. 3 be agreed to—put.

The House divided.

Ayes, 37

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

Noes, 46

Mr Amery	Mr Gibson	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	Ms Keneally	Ms Tebbutt
Mr Collier	Mr Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Ms McKay	
Ms D'Amore	Mr McLeay	<i>Tellers,</i>
Mr Furolo	Ms McMahon	Mr Ashton
Ms Gadiel	Ms Megarritty	Mr Martin

Pairs

Mr Maguire	Ms Beamer
Mr Stoner	Mr Koperberg

Question resolved in the negative.

Opposition amendment No. 3 negatived.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.16 p.m.]: I move Opposition amendment No. 4:

No. 4 Page 19, schedule 1 [24]. Insert after line 34:

96DA Prohibition on political donations to parties by affiliated organisations without approval of members

- (1) It is unlawful for an affiliated organisation to make a political donation to a party unless the donation has been approved by at least 50% of the members of the organisation at a secret ballot that is conducted in accordance with procedures approved by the Electoral Commissioner of New South Wales.
- (2) In this section, an *affiliated organisation* means a body or other organisation, whether incorporated or unincorporated, that is authorised under the rules of a party to appoint delegates to the governing body of that party or to participate in pre-selection of candidates for that party (or both).

Amendment No. 4 will ensure that whichever third party affiliated interest groups we are talking about—and I say this for the benefit of the member for Monaro, who is unable to understand these amendments—and whichever sort of organisation is an affiliated entity under the terms of the Government's own legislation, whether it is a union, a business, a corporation or an interest group, before its funds can be expended to assist the political party to which it is affiliated there shall be a vote of its members through a secret ballot conducted by the New South Wales Electoral Commission to ensure that that donation of membership funds from the affiliated entity, whether it is a union, a business, a corporation or an interest group, is supported by the majority of its members.

This is important because we know that at the last election affiliated organisations spent big to secure the re-election of the then Iemma Government, which turned into the Rees Government and which is now the Keneally Government, but which is still a Labor Government. We know also that in relation to the expenditure of those funds there was little or no consultation with the membership of those unions. I refer again briefly to the situation of Neil Manson, an Australian Services Union member from the electorate of Coffs Harbour, who works for Coffs Harbour City Council—a good union man who wants to remain a union man but who has had a gutful of those opposite and who, in the term of his union membership, does not want one cent "redirected in any way to the Australian Labor Party". Neil Manson has been a member of this union for 20 years. He wants to

remain a member of the union but he does not support having his funds go through the union to the Australian Labor Party. He indicated his offer to donate a similar amount to a charity of the union's choosing. In response, General Secretary Ben Kruse wrote back and said no. He wrote back and said that, as the union was affiliated with the Australian Labor Party:

We are required to pay affiliation fees in accordance with our gross membership.

He also said:

We are unable to make alternative arrangements for individual members, nor can individual members instruct the union not to pay dues to an affiliated entity.

The basis of this place is democracy. People in our electorates have a chance to elect representatives. If we secure 50 per cent plus one of the vote we end up sitting in this Parliament as the people's representatives. Legislation is passed and amendments are approved or negated in this place by a majority of members. Members vote and if there is a 50 per cent plus one majority an amendment or a piece of legislation goes through.

Neil Manson from Coffs Harbour City Council wanted to vote that his money not go to the Australian Labor Party and that the equivalent amount go instead to a charity of his choice. He wanted to remain, and does to this day, a member of the United Services Union. His union bosses, who are completely integrated with the New South Wales Australian Labor Party, said no. The member for Terrigal can explain why they might have said no. The strength of unions affiliated with the New South Wales Australian Labor Party is based on size. When it comes to the structure of the Australian Labor Party, size matters apparently. An ordinary branch member gets no voice and no say. If you are Ben Kruse running the United Services Union in New South Wales, even though your members do not want their membership fees spent on the Australian Labor Party, you have the big muscle because the rules—the Labor Party's rules—say that gross membership is taken into account.

Very simply, this amendment will return some democracy to the way in which affiliated entities—whether unions, corporations or interest groups—expend their money on associated political parties. We are not talking about unaffiliated entities; we are talking about the cousins to the mob. We are talking about those whose dual purpose in life is, first, to look after the interests of their union members; and, secondly, to look after the interests of the State and Federal Labor parties. This amendment says that it is unlawful for one of those affiliated organisations to donate any of its money to its associated political party—the mob to which it is a cousin—without conducting a secret ballot of its members. That is democracy at its best. The process is meant to provide that, whether in electing members to this place or passing legislation through this place. I commend the amendment to the House.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [1.21 p.m.]: Once again, the Leader of the Opposition moves an amendment that is an undisguised and concerted move against the trade union movement. Once again, the amendment is clearly an attack on the trade union movement.

ACTING-SPEAKER (Mr David Campbell): Order! Members will cease interjecting.

Mr JOHN AQUILINA: The member for Terrigal gave the House a history lesson about the association between the trade union movement and the Australian Labor Party. The Labor Party grew out of the need to provide a political arm to meet the needs of the workers and to legislate in support of the trade union movement and its aims. That has been the consistent history of labour in New South Wales and in Australia. Workers have looked to the trade union movement and to its political arm, the Labor Party, for legislative support. To appreciate how vital that link is we need only look back to 2007 and the Howard Government's WorkChoices legislation. The trade union movement was willing to spend its money to support the Labor Party and bring down a Government that was attacking the rights of workers by eroding working conditions and cutting annual wage increases and penalty and overtime rates. Again, the combination of the Labor Party and the trade unions stopped that from happening.

Only yesterday the Leader of the Opposition singled out the Nurses Association. During the last election campaign the Nurses Association spent money because the Opposition wanted to sack 20,000 public servants. That would have affected front-line services such as nursing, which is a core concern of the

association's membership. The irony is that the Nurses Association is not affiliated with the Australian Labor Party. Unions play an important role in representing the rights of workers. They should not be singled out. Indeed, I made the point earlier that such a restriction may not be constitutional.

Like the earlier amendments moved by the Leader of the Opposition, this amendment is nothing but a clear attempt to bring down the trade union movement in this State and to make sure it is well and truly hobbled. The trade union movement is an important movement. Union members know of their union's affiliations with the Labor Party when they join it; there is no need for a referendum. A vote is not necessary to determine whether a union is affiliated with the Labor Party because it is in black and white for all to see when they sign up. This amendment is another attempt by the Leader of the Opposition to bring down the trade union movement and to reduce its links with the Labor Party.

Mr ANDREW FRASER (Coffs Harbour) [1.25 p.m.]: This amendment does not apply just to trade unions. Any association—a chamber of commerce, business association or interest group—will have to conduct a secret ballot of its membership before making a donation to a political party. The Leader of the House defended trade unions. He referred to the nurses union spending \$1.2 million during the last election campaign. Were the nurses consulted about that expenditure? Nurses, especially those on the North Coast, received no union support when 420 of their number from the North Coast Area Health Service and affiliated health workers were summarily dismissed and sacked by this corrupt Labor Government. Where was Mr Holmes? I saw him at one demonstration supporting the nurses, but only after three members of The Nationals said, "We support the retention of the nurses." Those nurses were not given an opportunity to vote on whether to spend \$1.2 million to support the Labor Party at the last election, and they will not be given the opportunity to have a say at the next election unless this amendment is passed.

Mr Manson is not the only member of the United Services Union at Coffs Harbour City Council who does not want any of his union membership fees directed to the Australian Labor Party. When I worked as a young bloke in industries in Newcastle during my school holidays 30 or more years ago John Halfpenny approached me for my union membership. In those days you could donate your membership fee to charity—I gave my money to the Smith Family. You presented the receipt and your membership was accepted on the basis of that donation to a charity. This amendment will give an opportunity for the rank and file of any union and members of any interested parties, such as chambers of commerce, business organisations or interest groups, to say whether their money is spent for their benefit—as it should be—or for the benefit of the Australian Labor Party.

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Government Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [1.27 p.m.]: I move:

That standing orders be suspended to permit Government business to continue beyond 1.30 p.m. to conclude consideration of the Election Funding and Disclosures Amendment Bill 2010.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [1.28 p.m.]: We agree to the suspension motion.

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

Motion agreed to.

ELECTION FUNDING AND DISCLOSURES AMENDMENT BILL 2010

Consideration in Detail

[Business resumed.]

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [1.29 p.m.]: The contribution by the Leader of the House exposes exactly why this legislation, which gives unions an almost unlimited capacity to campaign on behalf of the Labor Party, is so corrupt. It is all about protecting the Labor

Party and Sussex Street. The Labor Party is interested in only two things: power and money—which are very much intertwined. The member for Riverstone stated that during the 2007 Federal election campaign the unions ran a very strong and expensive campaign against WorkChoices.

Mr Andrew Fraser: It was a Federal election.

Mr ADRIAN PICCOLI: Fair enough. The reason that that point is the crux of this amendment is that the unions have never run a television campaign against a Labor Government, State of Federal. They are, and they were at the time, entitled to run a campaign against the Federal Coalition Government, but they never run campaigns against Labor governments. Seven years ago when the Government introduced reforms to workers compensation, there was a big protest at the front of Parliament House in Sydney. Unions blockaded entrances to Parliament House and prevented Labor members of Parliament from entering the building.

Mr John Aquilina: That was the Teachers Federation.

Mr ADRIAN PICCOLI: The member for Riverstone suggests that those unions were not affiliated with the Labor Party. The unions blockaded entrances to this Parliament, but they have never spent a cent on campaigning against the Labor Party. What was the unions' reward? The reward was Michael Costa becoming a member of Parliament. That is what the Labor Party does when unions are upset with it—it puts union leaders into Parliament. That is why this legislation is completely corrupt.

Mr Andrew Fraser: Privatisation.

Mr ADRIAN PICCOLI: Electricity privatisation is another example. The unions kicked up a massive stink about it and complained: we saw the images from the State Australian Labor Party Conference. What did the Labor Party do? It put the head of Unions NSW into Parliament. That is how the Labor Party shuts the unions up; it offers them jobs in Parliament, usually unelected. They go straight into the upper House. The link between unions and the Labor Party is so incredibly close. To suggest that they are not close is completely and utterly ridiculous.

The legislation is aimed at allowing unions to spend \$1 million or more on political campaigns that we know will not be directed against the Labor Party. The money will be spent in campaigns directed against the Liberal Party and The Nationals. That is why the legislation is completely corrupt. The suggestion that this legislation somehow represents bipartisanship and appropriate reforms of the political donations system is a disgrace. The people of New South Wales only wish that the Government had spent the past 15½ years putting as much effort into running New South Wales as it is putting into preparation for its role in Opposition.

The Opposition knows the reason that the Labor Government is introducing this legislation. It is not because the Government has an interest in reforming the political donations system—it has had 15 years to do that, particularly while the Leader of the Opposition has been championing those reforms over the past three years—but because the Government has seen the writing on the wall. Donations to the Labor Party have decreased considerably. When money was washing uncontrolled into Sussex Street, the Labor Government had no interest in this type of reform. When part 3A was up for grabs, when development approvals were up for grabs, and when all that people had to do was join the Labor Party's corporate membership and pay \$100,000, they could just about get anything they wanted from the State Government.

At that stage the Government had no interest in reform of the political donations system, but now that polling has turned and Labor is not receiving the same level of donations as in the past, there is suddenly this interest in reform. However, it is not the type of reform that gives the people of New South Wales any confidence. It is simply reform that benefits the Labor Party financially and supports Labor retaining power or being returned to power as soon as possible. The Labor Party is a completely and utterly corrupt organisation. It deserves the walloping it is going to get in March.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.33 p.m.]: Again I ask Government members: What is wrong with people having a say in how their membership fees are spent? What is wrong with members of a union, a corporation or an organisation such as GetUp, before being affiliated to a political party, conducting a ballot through the New South Wales Electoral Commission to determine that the majority of members support the political party to which the funds will be directed?

It behoves me to correct the longstanding member for Riverstone on his history of the Labor Party. While it is true that the Labor Party in this State was the political wing of the industrial faction of Labor—the

trade unions—it is important to remember that when the Labor Party was first formed there were Labor Electoral Leagues across the State in the lead-up to the 1891 election that were based on localities in Sydney and across the State. They were open not just to trade union members but also to Labor supporters and supporters of the working class. It has only been over the past 40 years that the union hegemony that exists within the Australian Labor Party, about which Rodney Cavalier writes so eloquently in *Power Crisis* that was published last month, began to emerge. The book states in part:

The governance of the industrial side of the ALP evolved from a prince in the Labor Council ruling the principality to a coalition of barons enjoying irresistible powers within their own private baronies. The barons contested hegemony without necessarily acknowledging the principality of the prince. With the creation of monster unions, baronies and enjoy abundant resources and staff, a potential for power at least the equivalent of the once all-powerful Labor Council - which now goes by the cuddly name of Unions NSW. The monolithic Right has developed minor cracks as warring tribes have fought for dominance, expressed in the ability to advance their officials and liegemen into the Senate, Legislative Council and safe seats ... Exit points for the disaffected and the disappointed have decreased: arbitration commissions and industrial courts, the location of some of the plumpest, well-paid, even titled jobs in times past, have disappeared.

The book recounts a story of patronage within the Australian Labor Party that is based on the power of union princes and union barons. As Ben Kruse stated in his letter to the disaffected union member in Coffs Harbour, their power rests on the gross size of union membership and they are not prepared to allow anything to get in Labor's way, even the democratic rights of members of the union—even the democratic wish of a member of the union to have membership funds directed to a charity of his union's choosing instead of to the Labor Party.

The Opposition's amendment is very simple: in circumstances in which a union is affiliated with political parties, it gives effect to the rights of workers, those who have interests in corporations or other interest groups, to be asked their view before the union puts dollars on the line for the benefit of a political party with which it is associated. This amendment represents simple democracy. This should be a no-brainer for this Parliament, even for Government members, who do not have brains. That is why the amendment should be supported.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [1.37 p.m.]: Much of what has just been said by the Leader of the Opposition is irrelevant. However, in response to the points he made about members' affiliation fees, I make the point that under this legislation union affiliation fees that are received by Labor cannot be used as donations. They will no longer be able to be used to fund campaign expenses after this legislation is passed. The point about a person committing their affiliation fees to a union and those fees being used by the union as a donation to the Labor Party is not relevant. The whole point of what the Leader of the Opposition has been saying is irrelevant.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [1.38 p.m.]: Let us not engage in sophistry or false assertions. We are not talking about affiliation fees. What we are talking about is the free pass given by the bill to affiliated unions. Let me personalise it: The President of the New South Wales branch of the Australian Labor Party, Bernie Riordan, is General Secretary of the Electrical Trades Union. Under this legislation, despite an amendment the Opposition moved unsuccessfully earlier, that union is treated as an unaffiliated and independent third party—as though it has no connection to the Labor Party. That means over the 12 weeks leading up to the next election, it can put in \$1,000,050, which will be indexed each year. By the time the 2015 State election is held, that amount will be even greater.

What I am saying on behalf of Neil Manson, who is a member of the United Services Union [USU], and on behalf of members of all of the 22 affiliated unions from the Australian Workers Union all the way through to the United Services Union, is that those members should have the right to determine how the organisation they belong to spends its money on the party with which it is associated. In other words, the Electrical Trades Union's members should have the opportunity to decide whether the Electrical Trades Union will direct money in support of the Labor Party with which it is affiliated. If the Construction, Forestry, Mining and Energy Union [CFMEU]—I note that in the past the CFMEU has given money to the Greens—were formally affiliated with the Greens we would be arguing that its members should be asked their view before their union gives money to the Greens.

If the New South Wales Farmers Association were formally affiliated with The Nationals or country Liberals we would be saying that its members should be asked their view; there should be a majority of 50 per cent plus before money goes from the association to The Nationals or to country Liberals. This is not about unions alone. However, as I said yesterday, the only affiliated entities in this State that I have been able to identify are the 22 unions affiliated to the Labor Party. To be clear about this, the significance is that the legislation seeks to impose caps on political parties. But under the rules set by this legislation—the rules have

not been changed because our amendments have been rejected—those caps can be exceeded to the tune of \$1,050,000 by each of the 22 unions affiliated to the Labor Party—cousins of the mob, as I have described them previously—which adds another \$23 million to the Labor Party's election spending cap.

The Labor Party is the only party that gets that additional funding. However, if organisations, business, corporations or other groups were affiliated to any other political party, this amendment, like all our amendments, would apply to them equally. Ultimately, this amendment simply says, "Ask members for their views". Why should members not have a say before that money is spent? We might have had a command and control government in New South Wales for 15½ years. We might not have had a government that pretends that it knows better than everyone else—certainly, that is the way it has sought to govern this State. We might not have had a government that is now so arrogant and out of touch that it believes the public no longer matters, whether it is ordinary citizens or union members.

We trust people to make good decisions for themselves and on behalf of society. Should we win the election or should the amendment get up, we are prepared to put more power in the hands of individuals across the State to make decisions that affect their lives. That is one key difference between us and members opposite as we head towards the next election campaign. We trust people. We want to give people more say about their lives, and this amendment seeks to do that precisely.

Question—That Opposition amendment No. 4 be agreed to—put.

The House divided.

Ayes, 39

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

Noes, 47

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

Pair

Ms Hodgkinson	Ms Beamer
Mr Stoner	Mr Koperberg

Question resolved in the negative.

Opposition amendment No. 4 negatived.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [1.50 p.m.]: I move Government amendment No. 6:

No. 6 Page 20, schedule 1. Insert after line 28:

[29] Section 96J Recovery of unlawful donations etc

Insert at the end of the section:

- (2) This section extends to a political donation that would be unlawful under this part but for section 95B (5) or 95C (3).

This amendment ensures that the Election Funding Authority can recover a donation that would have been unlawful but for the operation of the statutory defences included in the relevant offence provisions. Although it is entirely proper that a person should not be held criminally liable for an offence if he or she satisfies the statutory defence requirements, it does not follow that the otherwise unlawful donation should be retained by the person or entity.

Question—That Government amendment No. 6 be agreed to—put and resolved in the affirmative.

Government amendment No. 6 agreed to.

Question—That schedule 1 as amended be agreed to—put and resolved in the affirmative.

Schedule 1 as amended agreed to.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [1.51 p.m.]: I move Governments amendments Nos 7 to 10 in globo:

No. 7 Page 24, schedule 2 [3] (proposed definition of *eligible Council party* in section 58 (1)), line 19. Omit "and". Insert instead "or".

No. 8 Page 44, schedule 3. Insert after line 27:

[7] Section 23

Insert at the end of the section:

- (2) For the purpose of ensuring compliance with this Act, the Authority is authorised to make an application to the Supreme Court for an injunction, declaration or other order that is within the jurisdiction of the Court.

No. 9 Page 44, schedule 3. Insert after line 29:

[8] Section 26

Insert ", third-party campaigners" after "groups".

No. 10 Page 51, schedule 3 [13], lines 15 to 20. Omit all words on those lines. Insert instead:

Omit section 51 (1) and (4). Insert instead respectively:

- (1) The Authority is to keep 3 registers, to be called the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents respectively, for the by-election.
- (4) The provisions of Divisions 2, 2A and 4 apply to and in respect of the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents for the by-election in the same way as they apply to and in respect of the Register of Candidates, the Register of Third-party Campaigners and the Register of Official Agents under those Divisions, and so apply as if:

Government amendment No. 7 corrects a drafting error by replacing "and" with "or". The eligibility criteria in this provision should have been expressed in the alternative. Government amendment No. 8 amends the

provision relating to the functions of the Election Funding Authority. This amendment supports and emphasises the authority's new enforcement responsibilities. It makes it clear that the authority has standing to apply to the court for a range of appropriate orders to ensure compliance with the new scheme.

Government amendment No. 9 corrects a drafting oversight by inserting a reference to third party campaigners in proposed section 26. Proposed section 26 is the general application provision for part 4, which sets out the requirements for registration with the Election Funding Authority. These registration requirements should have been applied to third party campaigners as well as other regulated entities and persons. Government amendment No. 10 ensures that third party campaigners will be required to register for by-elections. This amendment is necessary to ensure that the Election Funding Authority is able to enforce its relevant cap for third party campaigner expenditure in a by-election, which is \$20,000.

Question—That Government amendments Nos 7 to 10 be agreed to—put and resolved in the affirmative.

Government amendments Nos 7 to 10 agreed to.

Question—That schedules 2 and 3 as amended be agreed to—put and resolved in the affirmative.

Schedules 2 and 3 as amended agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr John Aquilina, on behalf of Ms Kristina Keneally, agreed to:

That this bill be now passed.

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

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Speaker tabled, in accordance with section 78 of the Independent Commission Against Corruption Act 1988, the report entitled "Investigation into Corruption Risks Involved in Lobbying", dated November 2010.

Ordered to be printed.

[The Speaker left the chair at 1.53 p.m. The House resumed at 2.15 p.m.]

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.23 p.m.]

GOVERNMENT PERFORMANCE

Mr BARRY O'FARRELL: I direct my question without notice to the Premier. In light of the claims of the member for Blacktown that the Government has lost its way, has left Labor's platform and policy behind and is completely poll-driven, how can the Premier continue to claim that her record-low poll figures are all the media's fault because good news is not being reported?

Ms KRISTINA KENEALLY: New South Wales has experienced six straight quarters of economic growth. Members opposite do not like to hear that. The same cannot be said for Victoria, Queensland and Western Australia. Six consecutive quarters of economic growth, and that never occurred during the period of the last Coalition Government between 1988 and 1995. Our economy grew above the national average last year. The New South Wales economy grew by 5.7 per cent for the 2009-10 financial year, according to State Final Demand data released by the Australian Bureau of Statistics. This is above the national average of 5.3 per cent and significantly above the 1.6 per cent growth recorded in Queensland. State Final Demand, of course, is the best and most timely available measure of the State's economic performance, a measure of economic activity and economic growth. Strong economic management and a good strong economy are what allow us to invest in infrastructure and services. I note that the Leader of the Opposition has already said on the record that if economic times are tough then budgets in areas like disability and community services will be cut.

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: I reflect that as New South Wales, with the rest of the country, faced the global financial crisis, unlike the rest of the country, it came through with strong economic growth, with its triple-A credit rating intact and with increased investment in disability and community services. Just today the Minister for Community Services and I met with service providers, public service agencies and non-government organisations and launched the first annual report for the Keep Them Safe reforms that this Government brought to community services. Funding of \$750 million of new money into our community services and child protection is making child protection a whole-of-government responsibility. We have put in place those child wellbeing units that now sit in human services agencies, in police, in health and in education. People who work in our child protection services and people in non-government organisations, for example, Dubbo Family Service, talked about the remarkable improvement that has come about as a result of the Keep Them Safe reforms. Representatives from the police talked about significant changes.

Mr Barry O'Farrell: So, Gibbo is wrong?

Ms KRISTINA KENEALLY: Isn't it typical of those opposite to interject and mock while I talk about child protection?

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: We all know the Opposition managed to put out 65 pages of platitudes masquerading as policy with not one mention of child protection. The Leader of the Opposition should stand ashamed. It is worth reflecting on what a Coalition Government does when it is in office. Judged on its last record, the Coalition cut 1,000 positions from family and community services. The Coalition's record when it was last in government is an absolute disgrace. It has again promised that should economic times become tough it will cut services to the most vulnerable in the community. Let us remember what the Coalition did when it was last in Government: it closed 23 community services offices; it axed 77 child protection workers; it disbanded three police child mistreatment units.

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

Ms KRISTINA KENEALLY: It closed 11 schools in its first year, and 70 schools in total.

Mr Chris Hartcher: Point of order: The question asked by the Leader of the Opposition related to the excellent remarks of the member for Blacktown about the Premier. I ask that you remind the Premier of the question.

Mr Gerard Martin: It was misquoted.

The SPEAKER: Order! The member for Terrigal will resume his seat. Politically charged questions usually result in similar answers. The member for Terrigal will resume his seat. I call the member for Bathurst to order.

Ms KRISTINA KENEALLY: The Coalition stands condemned by its record. Our record shows strong economic growth, six consecutive quarters of growth, a triple-A credit rating and increasing investment in disability and child protection. That is what Labor governments do!

ELECTRONIC MEDICAL RECORDS

Ms SONIA HORNER: I address my question to the Minister for Health. Would the Minister please update the House on e-health?

Ms CARMEL TEBBUTT: There is no doubt that the Government is committed to improving the quality and timeliness of health care that is available to the people of New South Wales and e-health has a critical role to play as we do this. We recognise that we need to work in partnership with the Federal Government if we are to achieve our goals of continuing to improve health care and make it sustainable in New South Wales. Of course, our historic agreement with the Commonwealth earlier in this year with regard to national health reforms is helping us achieve better health outcomes for the people of New South Wales. We are also working closely with the Commonwealth on e-health. We know that e-health is a significant initiative, a significant project that can substantially improve care for patients in New South Wales by enhancing the way that health information is shared amongst healthcare providers, whether it is across hospitals, primary healthcare outlets, or the allied health parts of the system. It will also help patients to have better access to their own health records.

I am very pleased to advise the House that New South Wales is working with the Commonwealth and general practice groups to establish an e-health pilot in the Hunter. This is one of the first areas in Australia to do so. We have committed some \$1.2 million to the pilot, which will link electronic medical records in the Hunter's public hospitals with those of primary healthcare providers, including general practitioners. While we routinely share information between hospitals electronically, this initiative means that hospital-held patient information, such as discharge summaries, can be accessed electronically by a patient's general practitioner or other healthcare providers, wherever they may be.

General practitioners would also be able to send information electronically, such as referrals, directly to hospitals. This will improve the coordination and integration of care across the system. It will particularly help the initiatives that we are putting in place to better align hospital and primary care. Patients with chronic conditions who are usually regular attendees at hospitals and general practices will particularly benefit from this because no longer will they have to take records from place to place, as that information can be transmitted electronically with general practitioners able to understand what hospitals are doing and hospitals able to understand what general practitioners are doing.

The Commonwealth Government's selection of the Hunter as one of just three sites nationwide to lead the implementation of e-health is a significant endorsement of the progress that we are making in New South Wales with e-health. Doctors, nurses and allied health workers in our hospitals are already using electronic medical records to record patient details and other clinical information from the time they arrive in hospital to the time they are discharged. This gives staff in our hospitals a holistic view of patient care. Electronic medical records also provide instant access to critical information about a patient at the time it may be needed by clinicians and the feedback from clinicians is very positive. They have noted significant advantages in being able to electronically access the notes about patients who may have previously been seen in other parts of the hospital or in other hospitals in the same network.

We are progressing well with the electronic medical records rollout, with 80 per cent of hospital beds across New South Wales now covered. We are seeing enthusiastic support from hospital staff with, on a typical day, a peak of 7,000 users concurrently using the system, opening more than 96,000 patient charts, placing more than 84,000 orders and documenting more than 1,300 allergies. This is one of the largest IT programs running anywhere in Australia and one of the world's largest consolidated electronic medical record systems.

We are well ahead of other States with regard to the rollout of e-health. It has significant benefits to the health system and there is no doubt that the pilot in the Hunter Valley will put that area at the cutting edge of the rollout of e-health. It will mean that what happens in the Hunter Valley, along with the other two sites across Australia, will inform the national rollout of e-health, which is of great benefit to patients and people who work in the health system in New South Wales. These sorts of partnerships between the Commonwealth and the State Government would simply not be possible under the Coalition's policy with regard to health care. We know that the member for North Shore pays lip service to e-health. She has been known to describe herself not just as the Minister for Health in waiting, as she said, but the Minister for e-health. The member for North Shore pays lip service to e-health but, as we see on so many occasions, when we go to the substance of the policy documents put out by the Coalition there is no mention of e-health. They might think they are starting the change, but they are not starting the change when it comes to e-health.

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

Ms CARMEL TEBBUTT: There is no reference to e-health in the one-page Start the Change document. It does not rate a mention. I have no doubt that the Coalition in New South Wales is taking its marching orders from Tony Abbott because we know what Tony Abbott did during the Federal election campaign.

The SPEAKER: Order! The Leader of the Opposition will cease his absolute blatant disregard for the standing orders.

Ms CARMEL TEBBUTT: We all remember that Tony Abbott jettisoned a decade-long bipartisan commitment to e-health by saying that he would not spend any more funds on e-health and the Coalition in New South Wales takes its marching orders from Tony Abbott. There is no mention of e-health in its policy document. As with so many areas, the Coalition is looking backwards—not forward—when it comes to health innovation.

POLITICAL DONATIONS

Mr ANDREW STONER: I direct my question to the Premier. Now that she has been forced to freeze the \$260,600 given to her party by alleged murderer Ron Medich and donate it to charity if he is found guilty, will the Premier immediately put the money in trust with the New South Wales Electoral Commissioner in order to give the public confidence that she will, for once, fulfil her promise?

The SPEAKER: Order! Terms such as "alleged murderer" have the potential to be misconstrued. Charges are pending. I caution members in this regard.

Ms KRISTINA KENEALLY: Donations are a matter for the party office and I understand the general secretary has made certain undertakings in relation to this donation. I would on this particular matter acknowledge the police and their diligence. There may come a time when I have something to say about this matter, but I will not do anything that will prejudice the ongoing court processes.

STATE EMERGENCY SERVICE

Ms NOREEN HAY: I address my question to the Minister for Emergency Services. How is the New South Wales Government recognising the contribution of State Emergency Service workers across the State?

Mr Peter Draper: Come on Steve, tell us all about it. Are you having a barbecue?

Mr Andrew Fraser: Having a barbecue at Noreen's?

Mr STEVE WHAN: I thank the member for her question and for her ongoing support of the State Emergency Service and the fantastic work that they do. The member for Wollongong could have a barbecue in her electorate because we have the headquarters there with quite a lot of jobs and she is a very strong advocate for the people in that area.

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

Mr STEVE WHAN: Given that the member for Wollongong does such hard work for the SES in her community it is a shame that the Opposition cannot acknowledge that in a bipartisan way. This week we pay tribute to the thousands of dedicated SES volunteers across the State who stand ready and willing to assist their communities during natural disasters and other emergencies. I have been encouraging people across New South Wales to wear orange today and during SES Week to honour SES volunteers because they are an asset we should be proud of and proud to support. It is a day to wear orange and I am pleased to see the member for Lismore wearing one of the wristbands that I had the pleasure to arrange to be distributed and the Leader of the Opposition is wearing his Nemo tie, which happens to be orange, and supporting the SES. That is excellent.

In the toughest of times the SES's distinctive orange uniforms have become a symbol of hope, friendship and solidarity for those in need. In the worst conditions and at any time of day or night the trained volunteers of the SES are there to help, often at the worst moments in people's lives. This year has been another busy year for the SES, with volunteers turning out to a string of natural disasters and emergencies, including

floods on the north and south coasts and across much of the State's west, the Lennox Head tornado, the Father's Day wind storms that buffeted the Illawarra and the South Coast, and the floods that swamped the State's south-west.

We have witnessed this week the types of violent storms that Sydney can experience in wet summers. When torrential rain produced widespread flash flooding across the south-west in October, SES volunteers rallied to the region to support residents in 18 local government areas affected by wild weather. More than 500 people were evacuated from their homes. The SES was there every step of the way. The volunteers were out in the field performing flood rescues and helping families leave their homes, coming to the aid of those with damaged houses and properties, preparing farmers and residents for further flooding, sandbagging, providing information and helping local communities to pick up the pieces.

Our Government was ably represented by Minister Costa at that time who issued natural disaster declarations for the areas. I note the interjection from the Opposition that I was in Shanghai. That is absolutely right. I was leading a trade delegation on behalf of the State of New South Wales because, as the Premier has just pointed out, we are a State that values economic growth and jobs. I had the privilege of leading a group of primary producers to China to visit the Expo.

The SPEAKER: Order! Members on both sides will come to order, including the member for Barwon.

Mr STEVE WHAN: It was also to talk to a number of Chinese companies that are very interested in investing in New South Wales.

The SPEAKER: Order! I remind the member for Murrumbidgee that he is already on a call to order.

Mr STEVE WHAN: If members opposite had their way with planning there would not be any investment in New South Wales. It will go to other States that have the ability to deal with major projects. The trivial interjections of members opposite, such as the member for Bega, reflect their appalling attitude.

The SPEAKER: Order! The Minister will make his contribution through the Chair.

Mr STEVE WHAN: I would not want to accuse other members of being as trivial as the member for Bega. As I said, we were ably represented by Minister Costa, who issued natural disaster declarations for a number of local council areas and primary producers so they could get the assistance they deserved. The SES volunteers were there on the ground making sure that people had the help they needed. Their commitment to the community was again shown by their response to the floods across much of the State's west, which started on Christmas Eve and continued into the early months of this year. In February and March, as floodwaters crept across the border from Queensland, the SES was one step ahead in establishing air bases at Bourke and three other centres in the region and deploying additional staff to bolster local resources.

That is a prime example of the commitment of these volunteers. Many of them left home on Christmas Day and went to the north-west to assist. That is a great credit to them. They were instrumental in helping to evacuate residents threatened by rising floodwaters and worked closely with local indigenous communities, ensuring that isolated towns such as Goodooga were supplied with essential materials and even arranging to airlift children at boarding school home for the Easter holidays. They showed true professionalism and dedication. There are no better ambassadors for SES Week than those volunteers who work so tirelessly around New South Wales.

Our Government recognises the dedication of our emergency services personnel and is committed to ensuring they have the resources they need to carry out such vital roles safely and efficiently. This year's record funding of \$64.1 million for the SES recognises the enormous contribution of its volunteers to the safety and wellbeing of this State. This record budget included a \$5 million boost for operational, community engagement and volunteer support staff. I am pleased to say that a number of those additional jobs are located in the member for Wollongong's electorate and will boost the local economy. Another \$2 million is provided in subsidies for about 60 emergency response vehicles for units around the State and \$1.4 million for rescue equipment, including about 20 flood boats.

In order to encourage the next generation to join its ranks, the SES is running a successful cadet program in a number of schools around New South Wales, along the same lines as the Rural Fire Service cadet

program. That helps young people in schools to see the benefits of volunteering for the State's emergency services. It has already boosted volunteer numbers and greatly raised awareness of emergency safety in dozens of schools across the State.

Our State's tireless SES volunteers are one of our proudest assets. They embody all the Australian values of team spirit, mateship and generosity, offering a helping hand to those affected by circumstances beyond their control. They serve our communities without asking to be thanked for it and that is why they deserve our praise and admiration. National SES Week is a great opportunity to do that. It gives everyone the opportunity to wear a little bit of orange, such as a wristband, to show support and, if people get the opportunity, to say thank you to an SES volunteer.

RETIREMENT OF THE MEMBER FOR BLACKTOWN

Mr BARRY O'FARRELL: My question is directed to the Premier. How can the Premier continue to claim she is seeking renewal within her parliamentary ranks when the member for Blacktown is likely to be replaced by senior Minister John Robertson, who brings no new talent to the team, just the option of a new Labor leader?

Ms KRISTINA KENEALLY: Peter Debnam, Russell Turner, Michael Richardson, John Turner, Malcolm Kerr, Judy Hopwood, Wayne Merton: these are all the people who have voted no confidence in Barry O'Farrell and decided not to contest the next election. I express my appreciation and best wishes to the member for Blacktown.

The SPEAKER: Order! Opposition members will come to order. The member for Wyong has the call.

KEEP THEM SAFE REPORT

Mr DAVID HARRIS: My question is addressed to the Minister for Community Services. Will the Minister update the House on the annual report of Keep Them Safe?

Mr John Williams: What did Alan Jones say this morning, Linda?

Ms LINDA BURNEY: It was Ray Hadley.

The SPEAKER: I will tell you what the Speaker says: I call the member for Murray-Darling to order.

Ms LINDA BURNEY: The member also does not know what radio station he is listening to.

Mr Adrian Piccoli: It is the same radio station.

Ms LINDA BURNEY: I should have said the member did not know who he was listening to. It just shows I am not a slave to any of those things.

The SPEAKER: Order! Members will cease interjecting.

Ms LINDA BURNEY: I thank the member for Wyong for the question and acknowledge his familiarity with these issues. Wyong has one of the highest domestic call-out rates in New South Wales. In fact, it is one of the three highest. The Premier has referred already to an event that we attended this morning, but I want to acknowledge the Premier's leadership and steadfast support for child protection reforms in New South Wales. The member for Wyong was present, as was the resident doctor, who had been attending to patients just before coming to the event.

The member for Macquarie Fields also was there along with some of his colleagues and general practitioners from south-west Sydney. I was honoured and pleased also to welcome to the House today the Hon. James Wood, along with our partners from the non-government organisations and peak bodies. The event that was held in Parliament House was to mark the release of the first Keep Them Safe report. This report categorises and informs people about what we have done in the past 12 months in reforming the child protection system. Members of this House would understand that there are few areas as heartbreaking and as challenging as child protection.

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

Ms LINDA BURNEY: Let me give members an example of how the new system works. A principal from Woniora Road School who attended the event told us about one of his students who had not been attending school. He contacted the child wellbeing unit of the Department of Education and Training and he was able to establish that there had been severe domestic violence in that boy's home and that the family had fled to a refuge. Before the new system was in place no-one would have known where that boy was and he could have been suspended from school. The good news is that today he finished his Higher School Certificate. I am the first to admit that there is a long way to travel. Things are not perfect and we still have a lot of work to do. But this annual report conveys a sense of commitment and a sense of momentum.

This morning we met staff and professionals who come into contact with children every day, including specialist nurses from the children's hospitals at Westmead and Randwick, police officers from the Central Coast, and community service caseworkers. As the Premier said, Angie Weir, Manager of the UnitingCare Burnside Family Referral Service, came all the way from Dubbo. Angie is having a baby in two weeks time but she believed this event to be so important that she drove for five hours to attend it. This morning her message to us was a simple but encouraging one. She said, "What an exciting time to be working in this field." These front-line staff members are inspiring and their stories are about lives that have been turned around and lives that have been changed. Because of our child protection reforms these staff members are supported by new policies, new laws, new programs and, importantly, a renewed commitment.

In the past any matter concerning a child at risk ended up at Community Services. But because of the changes we have put in place over the past 12 to 18 months, those referrals now go to a range of different government agencies. What Justice Wood told us is what we have followed. Justice Wood said that the safety and wellbeing of children is everyone's business and that it is everyone's responsibility. It is important to understand that all jurisdictions are struggling to meet demand. Many members would have read recent reports—and I know that would include the member for Goulburn—highlighting the dimensions of these issues in places such as the Northern Territory, Victoria and Tasmania. In New South Wales extremely disturbing and serious matters are still being referred to Community Services. Many matters are so serious that members could not possibly imagine that those things could happen to children. It is a constant balancing act for Community Services to reach the most critical cases and to spread its resources as far as possible.

Over time our investment through Keep Them Safe will make a difference. I inform members that two new family referral services were announced this morning. I informed the member for Tamworth that one of those services would be located in Tamworth and I informed the member for Wollongong that the other family referral service would be established in Wollongong. Three family referral services already are located in Dubbo, Newcastle and Mount Druitt.

Mr Andrew Fraser: What about the North Coast?

Ms LINDA BURNEY: I will refer later to the North Coast. These services help parents to care for their children properly and they might prevent those children from being removed. Removing children must always be the last resort. Along with our non-government partners we want to reduce—we must reduce—the number of children going into care. I inform members also that this Government is creating whole family teams in Lismore, Newcastle, Wyong and Nowra. This service is run by NSW Health. I acknowledge the role of the Deputy Premier, and Minister for Health in driving these reforms. In his report the Hon. James Wood acknowledged that drug addiction and alcohol abuse by parents pose a significant threat to child safety. This is one of the many innovative programs in Keep Them Safe that is making a difference. In my view, after having been in this portfolio for close on two years, the holy grail of child protection is to stop that cycle of intergenerational disadvantage. Keep Them Safe and this Government's commitment towards stopping that cycle are starting to show results.

PASMINCO SMELTER LEAD ABATEMENT STRATEGY

Mr GREG PIPER: My question is addressed to the Minister Assisting the Minister for Planning. Given the intense concern in communities surrounding the former Pasminco smelter site at Lake Macquarie, will the Minister require the Department of Planning to conduct a public information session on the proposed alteration to the lead abatement strategy within the now extended exhibition period?

Mrs BARBARA PERRY: I acknowledge the member's ongoing advocacy for his community. As members may know, operations at the Pasminco Cockle Creek smelter commenced in the 1890s until Pasminco went into voluntary administration in September 2001. The site is now administered by Ferrier Hodgson. On 24 February 2007 the then Minister for Planning approved a major project for the remediation of the former smelter. A condition of the approval requires remediation of nominated residential properties and public spaces in the surrounding community. An application to modify the terms of that project was lodged with the department by Ferrier Hodgson on 15 October 2010.

The application, which is currently on exhibition, was originally scheduled to conclude on Thursday 18 November 2010. However, the Department of Planning, at the request of the Minister, currently is making arrangements to extend this period for a further two weeks to allow greater community input regarding this matter. In addition, the Minister has requested that the proponent facilitate an information day for the local community, which will be attended by representatives of the department, Lake Macquarie council and other key public authorities and interested community members.

WORKPLACE RIGHTS INFORMATION

Mr MATT BROWN: My question is addressed to the Minister for Industrial Relations. How is the New South Wales Government supporting young people in the workplace?

[Interruption]

The SPEAKER: Order! The behaviour of members is unparliamentary. Members who continue to behave in such a manner will be removed from the Chamber without warning.

Mr PAUL LYNCH: It is unparliamentary but it is entirely predictable and it is entirely typical. I acknowledge the member's longstanding interest in this topic. Of course, this matter is stuck in the DNA of Government members. Getting a first job should be a positive experience for young people. However, it is vital for young people who are entering into the workforce to be aware of their rights and responsibilities so that they are not taken advantage of by employers who should know better. While most employers do the right thing and stick to the rules, some business operators set out to exploit this group of vulnerable workers.

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

Mr PAUL LYNCH: The member for Terrigal is far too cynical.

Mr Steve Whan: He has a guilty conscience.

Mr PAUL LYNCH: Indeed, he has a guilty conscience. NSW Industrial Relations is engaged in a number of initiatives to support young job seekers by helping them to understand their workplace rights. It is essential that young workers have a thorough and practical understanding of common issues such as illegal unpaid work trials or probation periods, casual and part-time entitlements, wage deductions and workplace bullying before they start their first job. NSW Industrial Relations has developed a one-stop-shop website specifically for young workers. The Young People at Work website provides information and assistance about the full gamut of work cycles, including looking for work, getting a job and knowing the right thing to do when someone wants to leave that job. The website contains warnings about unpaid work trials, as well as practical tips on resolving workplace issues and, if needed, how to lodge a complaint. The website can be accessed at www.youngpeopleatwork.nsw.gov.au.

New South Wales Industrial Relations has a handy, pocket-sized booklet called "Offered a Job? Know your workplace rights". It gives young people entering the workforce a run-down on their rights and responsibilities in bite-sized, easy-to-read sections. It covers important information such as at what age a young person can start work, the fact that unpaid trial work is illegal and how to keep a work diary, and it offers some tips on how to make a good impression at that first interview—something the Leader of The Nationals would never be capable of doing. The booklet is being distributed through career advisor networks and youth events. Copies can be downloaded also from the Young People at Work website. The issue about keeping a detailed work diary is an important one for young workers.

New South Wales Industrial Relations encourages young workers to record details after each shift, such as hours of work, meal breaks and who their supervisor was, in case this information needs to be referred to at a

later point. That is especially important for those who feel they are being underpaid or not receiving the correct award entitlements, or who may be having problems at work. To promote this point to young people, New South Wales Industrial Relations circulates brightly-coloured, practical work diaries and pens that are small enough to be kept in a backpack—but much larger than the Opposition's policies. The work diaries feature the Young People at Work website address, prompting recipients to head to the site to ensure that they know the deal on workplace rights. They are being distributed at a range of youth outlets and events together with the "Offered a Job" booklet.

The SPEAKER: Order! The member for Murrumbidgee will cease interjecting.

Mr Chris Hartcher: These are the achievements of the Keneally Government.

Mr PAUL LYNCH: These questions always are interesting. Things about workers rights and young people's rights are part of our DNA and why we are in this place. They represent the core of the Labor Party. That side has absolute contempt for workers and disregard for young people.

Mr Andrew Stoner: We have contempt for you.

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

Mr PAUL LYNCH: It is entirely predictable and appropriate that the Leader of The Nationals says he has contempt for me when I speak about young workers because he has disregard and no sympathy for workers. One advantage of the work diary would be to give it to those opposite, but it would be largely blank. No work is being done over there. There are almost no policies, except for the solar bonus scheme for which those opposite have 15!

The SPEAKER: Order! Members will cease interjecting.

Mr PAUL LYNCH: New South Wales Industrial Relations is developing a series of policies. A number of documents are being distributed at a range of youth outlets and events together with the "Offered a Job" booklet. For the third year running, New South Wales Industrial Relations challenged high school students to create a two-minute video aimed at engaging their peers and highlighting some of the key tips and information all young people should know when starting a new job. This is called the North Coast Area Health Service "Know the Deal" video competition. This competition is a fun and creative way for students to learn about their workplace rights while also meeting syllabus objectives. The competition has three key aims: to provide teachers with a project that would tie in with school work, to raise awareness of the Young People at Work website and to offer a creative way for students to develop a message about workplace rights that would appeal to their friends.

The wide distribution of laptops in our schools now means that more students than ever have access to computers and software, allowing them to meet these creative challenges. Cash prizes were awarded—\$500 for the winning entry and \$1,000 for the school with prize categories for both metropolitan and country schools. I presented the awards to the winning schools on 18 October. Special mention should go to the students at Macquarie College, Wallsend, who had three winning entries from their school. The member for Wallsend has been a strong campaigner for workplace rights and would be pleased to see students from her electorate making such a contribution to ensuring young people know their rights at work. The creative messages prepared by the winning schools will help to attract more visitors to the Young People at Work website, which in turn, assists in educating young workers about their rights and entitlements.

New South Wales Industrial Relations also runs presentations at various New South Wales TAFE colleges. It is important that all young jobseekers know their rights before entering into any type of contract or agreement. New South Wales Industrial Relations has established a wide range of tools and resources to help young workers starting out in the workforce. Through these initiatives, New South Wales Industrial Relations is finding new ways to reach out and support this vulnerable sector of the workforce, helping to ensure young workers know the deal on workplace rights and, most importantly, where to turn for help. They are the sorts of things a Labor Government does; it looks after vulnerable workers and has regard for workplace rights, which is in stark contrast to the exploiters opposite.

BLACKTOWN ELECTORATE CANDIDATE PRESELECTION

Mr ANDREW FRASER: My question is directed to the Premier. If she is genuine about her thought bubble for community preselections, as undertaken by The Nationals in Tamworth—

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

Mr ANDREW FRASER: —will she agree to a community preselection in the Blacktown electorate ahead of the next State election, rather than the installation by head office and factional heavyweights of a former unions boss?

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

Ms KRISTINA KENEALLY: Of course, preselections are a matter for the party office, just like for those opposite. Clearly, preselections are a matter for the religious right wing of the Coalition as demonstrated in Castle Hill on Saturday. No wonder Mr O'Farrell wants wealthy individuals to be able to make political donations. How else would Liberal Party members try to get themselves preselected? Buy yourself a Liberal Party preselection. If you cannot buy yourself a preselection or make political donations to the Liberal Party, then join David Clarke's extremist right wing of the party and count on its members to push you through the preselection process.

STATUS OF WOMEN

Ms ANGELA D'AMORE: My question is addressed to the Minister for Women. How is the New South Wales Government recognising and supporting women across the State?

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

Ms JODI McKAY: I thank the member for Drummoyne for her question and her ongoing interest in a critical issue. On this side of the House our Government has a long and strong record in enhancing the status of women. In 2007 the Government released our "Commitment to Women". This document demonstrates the progress of the Government on issues important to women, which include health, safety, education, work and family balance, financial independence and leadership. This document introduced also what were then the Government's future plans. To ensure that the contribution of women in New South Wales continues to be recognised and supported, the Government is developing a new Women's Plan that will guide women's policy in New South Wales into the future.

I am pleased to be able to answer the member for Drummoyne's question and advise the House that a draft of the Women's Plan has been released for consultation. I encourage the community and members to visit the Office for Women's policy website at www.women.nsw.gov.au and provide their thoughts on the draft plan. The community can have its say about this plan until Wednesday 17 November. Further to developing the New South Wales Women's Plan, I am pleased to advise the House that we are continuing to raise awareness of the challenges women still face.

Members would be aware that each year the New South Wales Government organises and supports a range of activities to mark International Women's Day, including the New South Wales Woman of the Year award, the International Women's Day public lecture and our International Women's Day grants program for local councils. In 2011 we will be celebrating the 100th anniversary of International Women's Day. To celebrate this centenary, we are expanding our activities for 2011. For the first time the New South Wales Government will be holding a poster design competition that is open to all New South Wales high school students.

With this initiative the Government hopes that more young people will become involved in International Women's Day celebrations. To enter, students are asked to create a poster that reflects the theme of International Women's Day 2011, which is "Celebrating 100 Years". The subject could include a reflection on the history of the women's movement or a representation of one of the many achievements for women over the past 100 years. Entrants placed in the top five will have their posters uploaded onto the Office for Women's Policy website. The winner of the competition will receive \$500 and their school will receive \$1,000. In addition, the winning entry will be used as the official New South Wales Government International Women's Day 2011 poster and will be printed in the 2011 New South Wales Woman of the Year Honour Roll book. The guidelines and application form for the competition are available on the Office for Women's Policy website. Entries close on 3 December 2010.

Mr Barry O'Farrell: What is that website again?

Ms JODI McKAY: I note the attention that the Opposition is giving to issues that are important to women in New South Wales.

Mr Barry O'Farrell: What is the website address?

Ms JODI McKAY: It is *www.women.nsw.gov.au*. I mention the Opposition's "Start the Change" document because it is important to understand what the Opposition's policy is in regard to women. I looked through the document.

Mr Adrian Piccoli: No you didn't. You can't read.

Ms JODI McKAY: I have had a look through this document. In particular, I was looking for some key words, such as "equality".

The SPEAKER: Order! Members will cease interjecting. The Minister has the call.

Ms JODI McKAY: A lot of what the Government is doing in regard to women's policy is about making sure that we have equality and parity in the treatment of women. "Equality" is not mentioned at all in the Opposition's document "Start the Change", so I thought I would check to see whether "domestic violence" is mentioned. As members would know, the Government has committed \$50 million to a five-year action plan to prevent domestic and family violence, so one would think that providing assistance for the most vulnerable women would be mentioned in the Opposition's document. Guess what? There is no mention of domestic violence. So I went further and checked whether "women" are mentioned in the document. Guess what?

Mr Michael Daley: The computer says no.

Ms JODI McKAY: That is right—the computer says no. There is not one mention of women in the Opposition's document.

Mr Michael Daley: It is only half of the population, isn't it?

Ms JODI McKAY: Yes, but there is not one mention of women. In spite of women representing 50 per cent of the population, they do not rate one mention in the document "Start the Change".

The SPEAKER: Order! Members will cease interjecting. The Minister has the call.

Ms JODI McKAY: Given that women constitute 50 per cent of the population, one would think the Opposition would have given women some attention. I will leave it to the Leader of the Opposition to work out how he will remedy that omission within this document. In conclusion, I ask all members to encourage students of local high schools in their electorates to participate in the poster competition and to learn more about the achievements and contributions that women have made to society over the past 100 years. If the Leader of the Opposition wants to submit a poster in the competition to demonstrate what he knows about women and the contribution they have made to society over the past 100 years, I am sure it will be accepted.

Question time concluded at 3.13 p.m.

PETITIONS

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

Sydney Harbour Planning

Petition requesting an inquiry into development processes on the Barangaroo site and the creation of a dedicated Bays Renewal Committee to coordinate redevelopment around Sydney Harbour, received from **Ms Clover Moore**.

Mental Health Services

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

The Clerk announced that the following petitions signed by more 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**.

Warriewood Redevelopment Conception Plan

Petition opposing the current redevelopment conception plan and stage 1 project application at 14-18 Boondah Road, 23-27 Warriewood Road and Macpherson Street Warriewood under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Rob Stokes**.

Newport Residential Flat Building

Petition opposing the proposed residential flat building under the Affordable Rental Housing SEPP 2009 at 9-11 Beaconsfield Street Newport, received from **Mr Rob Stokes**.

Pet Shops

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

BUSINESS OF THE HOUSE

Reordering of General Business

Mr ANDREW STONER (Oxley—Leader of The Nationals) [3.16 p.m.]: I move:

That General Business Notice of Motion (General Notice) given by me this day [Medich Donation] have precedence on Thursday 11 November 2010.

I seek reordering of priorities to give precedence to the motion of which I have given notice because the people of New South Wales know that the Keneally Labor Government simply cannot be trusted when it comes to donations. Who can forget the awful tawdry saga of the Labor Party and its developer mates in Wollongong?

Mr Barry O'Farrell: And the table of knowledge.

Mr ANDREW STONER: The member for Wollongong knows about the table of knowledge better than all the rest of us because she was up to her neck in it. She should tell us about the omissions from her pecuniary interests declaration, and let us not forget the carport. Recently we heard of revelations concerning massive donations from the developer, Ron Medich, to New South Wales Labor—the same man who has been charged by the police after a lengthy investigation into the execution-style murder of Michael McGurk. This motion deserves precedence because while there is a question mark over the legitimacy of donations received by Labor, it should not use the money it received from Mr Medich to try to get itself re-elected to government in 2011. There are serious doubts about the legitimacy of the money.

We recall the tape to which Michael McGurk referred immediately prior to his murder. Supposedly it was evidence of corrupt payments that had been made to senior members of the New South Wales Labor Government. Added to that is the involvement of the New South Wales Labor fixer, Graham Richardson, who is author of the book, *Whatever It Takes*, and who is a self-confessed liar and a lobbyist for Medich. He has been saying that there was nothing in the tapes, and he is a credible, independent third party—not!

The saga is the stuff of yet another *Underbelly* series and it involves senior Labor Party figures, donations and murder. The New South Wales public expects high standards of propriety from government. That is why the Liberals and The Nationals today call on the Keneally Labor Government to hand to the Election Funding Authority the \$260,600 that Labor received from Ron Medich pending the outcome of the trial of Mr Medich. Debate on this matter should take precedence tomorrow because the community needs to know that not 1¢ of that money will be spent by Labor on its election campaign, at least until the outcome of the trial is known. Until this matter was revealed in the media today Labor was happy to leave its hand in the cookie jar until it was sprung in receipt of more than \$250,000 from this particular person.

Mr Barry O'Farrell: A Noreen Hay oversight!

Mr ANDREW STONER: As the Leader of the Opposition says, oversighted by Noreen Hay. After a lengthy and detailed investigation the New South Wales police have brought the most serious charges against this person. The people of New South Wales will feel confident that the money donated by Ron Medich will be put aside and not spent for political purposes by this mob only if the money is given to the Electoral Commission for safekeeping, to be held in trust. We know that this mob is sneaky and willing to do whatever it takes to retain power. That has been a defining feature of this Government over the past 15½ years. That is why my motion deserves precedence tomorrow. The people of New South Wales have a right to know that this money, which has question marks over its legitimacy, will not be spent by the Labor Party in its efforts to cling to power in New South Wales. This matter is urgent and should be publicly debated, and it should be debated tomorrow.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.21 p.m.]: Apart from this not being an urgent matter, the Leader of The Nationals is treading on dangerous ground by bringing this matter forward. Earlier today the Premier indicated that it would be irresponsible to comment on matters currently the subject of a police investigation and a court case.

The DEPUTY-SPEAKER: Order! Opposition members will come to order. Hansard is having difficulty hearing the member with the call.

Mr JOHN AQUILINA: This is a serious matter. I was loath to take points of order on the Leader of The Nationals, but several things he said could be prejudicial and in some way complicit. I simply urge him to be extremely careful about what he puts on the public record, particularly in this place, in relation to serious issues that are the subject of a police investigation and a court case. Donations are a matter for the ALP head office, just as donations to the Liberal Party are a matter for its head office. I have no problem putting in *Hansard* a statement issued by ALP head office today. I quote:

NSW Labor today confirmed that any donations from Ron Medich would be frozen, pending the outcome of the criminal case against him.

General Secretary Sam Dastyari said: "Without prejudicing the outcome of this case, we will freeze any donations received from Ron Medich or companies of which he is a Director. Should Mr Medich be convicted, these funds will be donated to charity."

That is now a matter of public record. That is a public statement on an undertaking given by the General Secretary of the New South Wales branch of the Labor Party, Sam Dastyari. As I said, this is a matter for the ALP, and I have quoted the response from the ALP. At this point it would be totally irresponsible for the Parliament to debate this matter. Indeed, it would be dangerous to do so as some prejudicial matters may be mentioned in such a debate should it occur. The motion is opposed.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 40

Mr Aplin
Mr Ayres
Mr Baird
Mr Baumann
Ms Berejiklian
Mr Besseling
Mr Cansdell
Mr Constance
Mr Dominello
Mr Draper
Mrs Fardell
Mr Fraser
Ms Goward
Mrs Hancock

Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mrs Hopwood
Mr Humphries
Mr Kerr
Mr Merton
Ms Moore
Mr O'Dea
Mr O'Farrell
Mr Page
Mr Piccoli
Mr Piper
Mr Provost

Mr Richardson
Mr Roberts
Mrs Skinner
Mr Smith
Mr Stokes
Mr Stoner
Mr J. H. Turner
Mr R. W. Turner
Mr J. D. Williams
Mr R. C. Williams

Tellers,
Mr George
Mr Maguire

Noes, 47

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

Pairs

Mr Debnam	Ms Beamer
Mr Souris	Mr Koperberg

Question resolved in the negative.

Motion negatived.

MEMBER FOR WOLLONGONG**Personal Explanation**

Ms NOREEN HAY, by leave: I wish to make a personal explanation. It seems I have to regularly correct knowing lies from, in this case, the Leader of The Nationals. Once again he has sought to mislead this House by suggesting that I was at a table of knowledge.

The SPEAKER: Order! I ask members to come to order.

Mr Adrian Piccoli: Point of order: This was not raised.

The SPEAKER: Order! The member for Wollongong will state her personal explanation.

Ms NOREEN HAY: It was definitely raised by the Leader of The Nationals. I have had to ask for comments to be withdrawn a number of times.

Mr Chris Hartcher: What was said? Is it in *Hansard*?

Ms NOREEN HAY: He said that I was involved with the table of knowledge and that I was up to my neck in it, implying some wrongdoing and impugning my reputation and knowingly lying to this Parliament, as usual.

The SPEAKER: Order! Members will show courtesy to members making personal explanations. I have heard every personal explanation for the past four years.

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

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.33 p.m.]: I move:

That standing orders be suspended at this sitting to permit:

- (1) The passage through all stages of the Food Amendment Bill 2010.
- (2) The following routine of business after the consideration of the motion accorded priority:
 - (a) Government business;
 - (b) the Speaker to leave the chair at 6.30 pm;
 - (c) the Speaker to resume the chair at 7.30 pm for the consideration of Government business;
 - (d) private members' statements at the conclusion of Government business; and
 - (e) the matter of public importance at the conclusion of private members' statements.
- (3) the House to adjourn without motion moved at the conclusion of the matter of public importance.

It is the intention of the Government after debate on the motion to be accorded priority to proceed to debate the Surrogacy Bill 2010, which I hope will be completed prior to dinner. I know a number of members have already foreshadowed amendments to that legislation, which will be the subject of a conscience vote. After the surrogacy legislation has been dealt with we will move on to the Food Amendment Bill 2010 and then complete one other matter of Government business prior to moving onto private members' statements and the matter of public importance. Sitting will conclude at approximately 10.00 p.m. or 10.30 p.m.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.35 p.m.]: The Opposition supports some, but not all, aspects of this motion.

Mr Paul Gibson: Sit down!

Mr ADRIAN PICCOLI: Haven't you said enough today, Paul? I know you have been misquoted.

The SPEAKER: Order! I thought he was talking to the member for Riverstone!

Mr ADRIAN PICCOLI: The Opposition does not support this motion because it provides for the Food Amendment Bill being passed through all its stages. As the Opposition has said many times before, as part of the parliamentary process the Opposition and crossbenches should have the opportunity to consider legislation before a vote is taken in the House on it. This Government has moved similar motions over and over again. On this occasion I understand why members have not been given enough time: it is because the Government has been preoccupied with retiring members and all of the scuttlebutt and the comments of the member for Blacktown. The Government has occupied the time of Parliamentary Counsel with legislation designed simply to keep the Australian Labor Party in office and to keep money flowing to the Labor Party.

Today we have debated the Election Funding and Disclosures Amendment Bill 2010. If only the Government paid as much attention to the issues of running New South Wales, solving the problems with the cost of living, affordability, transport and hospitals as it does to feathering its own nest after the next election this State would be in a better place. The Government has preoccupied Parliamentary Counsel and this Parliament with matters that are about keeping Labor in office, keeping it resourced and keeping the unions happy. The Government has done an excellent job in that respect; if only it had paid more attention to the important issue of food labelling, which forms part of the Food Amendment Bill 2010. It has been completely preoccupied with its own problems.

In the past couple of months the Government has concentrated only on what is in the best interests of the Labor Party if it does not win the election in March. That is why this legislation is being rushed through at the last minute—and I am sure it is not the last bill that will be introduced. That is why the Government is doing so badly in the polls. It will be thumped at the next election and, to quote the member for Blacktown, it has completely lost its way. It has completely lost its moral compass, despite all the posturing by the Minister for

Industrial Relations that "we represent the working class". I do not see too many of them stumping up \$100,000 to turn up to its corporate fundraisers. It has been a long time since the Labor Party properly represented working people. That is the problem with Labor and that is why the Government is doing so poorly in the polls. We all understand why there has been a last-minute attempt to curry up to the unions—because they are the only place their members come from! They do not come from grassroots anymore, they are not train drivers anymore; they come from the senior bureaucracy of unions.

Mr John Aquilina: The son of a carpenter.

Mr ADRIAN PICCOLI: Yes, and the member has been here for almost 30 years; he was the last one who had a proper job before he came here. I have a bit of news for the Labor Party: being a union bureaucrat is not a proper job. Paul Howes is another one.

The SPEAKER: Order! Members will come to order.

Mr ADRIAN PICCOLI: Don't they get excited when you criticise union bureaucrats or senior union people? If only for 15½ years they had put as much effort into trying to solve the problems that faced every single person in New South Wales instead of trying to keep themselves in power and keep the donations from unions coming this would be a lot better place. The House should have the opportunity to consider the Food Bill. We will not support the motion to suspend standing orders.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 47

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

Noes, 40

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

Pairs

Ms Beamer
Mr Koperberg

Mr Debnam
Mr Souris

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Notices of Motions (General Notices) Nos 1087 to 1095 will lapse on Thursday 11 November 2010 pursuant to Standing Order 105 (3).

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Interest Rates**

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [3.49 p.m.]: My motion deserves priority because it concerns working-class people struggling with mortgages and increased interest rates, which are clearly having a severe impact on families in New South Wales. Unlike the Opposition, the New South Wales Government is constantly trying to assist and talk up New South Wales, encourage investment, encourage jobs and encourage participation in the business sector. By doing so we are trying to assist working people to retain jobs and then cope with the everyday cost of living. Increased interest rates and statements of the type made by the Chief Executive Officer of the Commonwealth Bank, Sir Ralph Norris, about the impact of mortgages on family homes are just appalling. They are insulting to working people in New South Wales. How dare they treat them with that kind of contempt!

To suggest it is all right that some families might be exposed to losing their properties is purely and simply a disgrace. My motion deserves priority because of the commitment by this Labor Government and the desperate need for support and representation for working families who are struggling to pay their mortgages. These kinds of increases in mortgage rates, which are well above the Reserve Bank's increase, show great disregard for the customers of banks such as the Commonwealth Bank. The bank has upped the ante even though the banks were assisted through the global financial crisis and were provided with guarantees in order to maintain a strong banking sector. Frankly, by this action the bank has taken a couple of bites from the cherry and made life very difficult for working people—

Mr Brad Hazzard: You don't think you're a week too late?

Ms NOREEN HAY: Of course, members opposite do not want to hear about anything that might help working families. They spend their entire time in this place talking down New South Wales. They disregard the electorate and are now even talking about what they will do when they form their government and are in the ministry. They are not even giving people the opportunity to exercise their choice at the ballot box. That is another form of contempt for the people of New South Wales. I am not surprised members opposite make those comments when we are talking about the Commonwealth Bank taking an additional bite of the cherry and raising interest rates by more than the Reserve Bank rate increase.

Mr Brad Hazzard: This is the queen of the table of knowledge.

Ms NOREEN HAY: That is typical. It is unfortunate that members opposite say they are going to form a government, never mind what the electorate might think, and come in here and make allegations and smears. They are nasty and low. How anyone can suggest that members opposite could form a government is beyond me. They lie, they deceive and they use the Parliament to make unparliamentary comments and engage in unparliamentary behaviour.

Mr Brad Hazzard: Point of order: For the queen of the table of knowledge and the person who knifed Col Markham to be calling us liars—

Ms NOREEN HAY: You are a liar.

The SPEAKER: Order! The member for Wollongong will resume her seat. The member for Wakehurst will state his point of order.

Mr Brad Hazzard: I think you just heard it again, Mr Speaker.

The SPEAKER: Order! I have not heard a point of order.

Mr Brad Hazzard: I ask that the honourable member—and I use that term in its widest definition—

Ms NOREEN HAY: You're a liar.

The SPEAKER: Order! The member for Wakehurst will state his point of order. The member for Wollongong will cease interjecting.

Mr Brad Hazzard: There are some things that just belie any capacity for common sense at all and the member for Wollongong is one of them.

The SPEAKER: Order! The member for Wakehurst will resume his seat. The member for Wakehurst is on his final warning.

Ms NOREEN HAY: Mr Speaker—

Mr Brad Hazzard: You're gone at the next election.

Ms NOREEN HAY: There you go. It is not surprising to see that kind of behaviour from members opposite.

Government Performance

The SPEAKER: Order! Before I call the member for Murrumbidgee and Deputy Leader of The Nationals, I state that I have some concerns with regard to the wording of the notice of motion to be accorded priority given by him. I am prepared to listen to his reasons why his motion should be given priority, but I direct for the record that the notice be amended by deleting the word "shrinking" in paragraph (4), and the words "and calls for the House to pick the odd one out" as the first word is argumentative and the second words are proposed in the spirit of mockery.

Mr ADRIAN PICCOLI (Murrumbidgee—Deputy Leader of The Nationals) [3.54 p.m.]: I accept those changes to my motion. We are happy to cooperate with the Speaker and the Parliament. This is an important motion and it should be given priority because there are still four or five months remaining of the Government's term in office. The member for Wollongong is quite right: the election is still to be held and the Government has not yet changed. Labor is still in power, unfortunately, but the Government has taken its eyes off the ball completely. It is totally focused on what might happen in the event of a change of government. Today the political donations legislation has passed through this House and a dirty deal has been done with the Greens in another place. Some sensible amendments were put up by the Liberals and The Nationals and supported by most, if not all, of the crossbenchers to try to get genuine reform.

That is an important point because my motion is about criticisms that have been levelled at the Labor Party by significant members of that party—Greg Combet, a Federal Labor Minister, Karl Bitar, the National Secretary of the Labor Party, and John Della Bosca, the former State secretary, former senior Minister and Leader of the Labor Party in the upper House. Today we heard the member for Blacktown level serious criticism at the Labor Party because it has completely and utterly lost its way. That is why the Labor Party's priorities are all about how best to prepare the party in the lead-up to the next election. Its priorities are not about the best way to help New South Wales or sort out any of the State's problems; it is focused on the best way to prepare Labor for the possibility of losing the next State election.

We have seen that demonstrated in the legislation for donations reform and the Parliamentary Budget Officer Bill. The Government has had an opportunity for years to establish a Parliamentary Budget Office and provide additional resources to all members of Parliament, but it never took up that opportunity until now, six

months before the next State election, which Labor thinks it might lose. Suddenly there is great generosity and the Government wants to provide resources for the Opposition. There are proposed changes to the standing orders and suddenly five-minute answers are a great idea. Quite coincidentally and conveniently for Labor, the change in standing orders will not occur until the next Parliament.

Mr Ray Williams: It doesn't affect the next three weeks.

Mr ADRIAN PICCOLI: It does not affect the next three weeks; it is for the next Parliament. I am sure we will hear about a couple more changes before the end of this parliamentary session that will only benefit Labor. As I said earlier, if only Government members had paid half as much attention to solving some of the problems in New South Wales how much better off the State would be. We have been advised in the last few minutes that the upper House member John Robertson, a former secretary of Unions NSW, has said he will stand as a candidate in the seat of Blacktown.

Another former senior union official assumes he is going to move to the lower House. Labor has a margin of about 22 per cent in the seat of Blacktown, but when somebody such as John Robertson says he is going to stand you can be assured that no Labor people from Blacktown will be happy about that. He will be a shoo-in. He says he will stand for preselection, but I assume there will be no preselection process as they tend not to happen in these situations. He will be shoe-horned into the seat at a time when there is plenty of anger about the way Labor has handled matters, particularly in western Sydney. I think Mr Robertson will find the seat of Blacktown anything but safe. He can be assured that when every Liberal and Nationals supporter in New South Wales hears that John Robertson, a former leader of Unions NSW, is going to be shoe-horned into a seat such as Blacktown it will be a clarion call to all those members. There would be nothing sweeter than to see John Robertson lose that seat for Labor on 26 March next year.

I do not think Mr Robertson will get the endorsement of the current member. I believe they are not great fans of each other. This is what Labor has been reduced to: it is all about the Labor Party, all about Sussex Street and all about what to do in the event it does not win. The election is still to come but Labor has lost its way and it has lost the way for New South Wales.

Question—That the motion of the member for Wollongong be accorded priority—put and resolved in the affirmative.

INTEREST RATES

Motion Accorded Priority

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

That this House:

- (1) expresses its concern about recent comments made by the Commonwealth Bank Chief Executive Officer, Sir Ralph Norris, about the impact of mortgages on family homes; and
- (2) notes that the average mortgage in New South Wales is around \$60,000 higher than the national average—leaving New South Wales families more exposed to interest rate movements than any other State.

This week Sir Ralph Norris, Chief Executive Officer of the Commonwealth Bank, finally said something with which we all agree. He said, "My job is not to be popular." He is certainly meeting his employment key performance indicators! Yesterday Sir Ralph Norris conceded that his bank's mammoth 0.45 per cent interest rate rise would cost some of his customers their homes. He flippantly said it would cost some of the bank's customers their homes—the people to whom the bank is supposed to be supplying a service. This unacceptable comment was made by someone who earns multimillions of dollars a year and who would have no idea of how families in this State struggle to pay off their mortgages. What profits does the Commonwealth Bank declare each and every year?

In defence of his bank's Melbourne Cup Day interest rate hike, Mr Norris said it was better to see a few foreclosures than to have an economy hamstrung by a low-profit banking system. This will be tough on families the banks foreclose on. If families manage to survive a foreclosure this time around they might be hit with foreclosure on another occasion when there is an interest rate hike. On 9 November 2010, in an article in the *Daily Telegraph*, Sir Ralph Norris is reported as stating:

I understand that people are hurting, I am seeing it. I'm not totally insulated.

The Government rejects the very premise of Sir Ralph Norris's comments. Under no circumstances is it better to see any family lose its home. The families of New South Wales are more exposed to interest rate movements than are families in any other State. We feel the effects of interest rate movements first and hardest. We know that the average mortgage in New South Wales is around \$60,000 higher than the national average, and an increase in interest rates of 25 basis points means an extra \$70 a month in repayments for New South Wales families. This compares with increases of \$56 for Victorian households and \$55 for Queenslanders. Banks must think carefully when making decisions on interest rate rises, especially in the lead-up to Christmas, when even the best planned family budget can be stretched.

Last year the world suffered a terrible recession. Australia has become an international curiosity because it survived with very little impact on jobs and livelihoods. This was not an accident. State and Federal Labor governments cooperated to deliver a stimulus program to ensure that people stayed in work, kept their businesses afloat and, importantly, mortgage holders kept their homes. To the enduring shame of those opposite, they said then and they have repeated since that they would not have done it. They have done nothing but carp about Building the Education Revolution. They fail to recognise that not only does every child receive essential educational infrastructure; many kids have the extra benefit of their mothers and fathers staying in work due to the direct and knock-on impacts of these projects.

Given the willingness of those opposite to see average families suffer through the global financial crisis without government intervention, it is disingenuous to the point of being offensive to hear members of the Liberal Party now calling for a social compact with the banks. The banks need a kick and only Labor is equipped to do that. It has been Labor policy for decades to put competitive pressure on the banks to deliver more affordable finance for homes and businesses. Recent consolidation, in particular, since the global financial crisis, is reason enough to re-examine the case for supporting continuing improvements in favour of competition. We need not pay too much heed to their hurt feelings on this issue. The regulations that banks resist in the good times have served them well in the bad times.

Australian banks and customers have done well from Labor's reforms and the continuing prudent regulation of all Australian governments. There has been no Northern Rock or Fannie May here. Governments need to take note of concerns that the ritual chatter in advance of interest rate announcements amounts to a deliberate rustling through the undergrowth, if not active collusion. The banks argue that their cost of borrowing has risen. On a simple basis that is true. However, they have a choice as to how much to pass on to customers and how much to accept in lower profits. Those choices can be influenced only by customers favoured by competition. Labor should be continuing to exert pressure on the banks. We represent the customers and their best interests are served by a genuinely competitive market.

The New South Wales Government is also supporting the people of this State to live the great Australian dream and to own their own homes. The New South Wales Government continues to provide some of the most generous benefits to first home buyers in Australia, including the \$7,000 First Home Owner Grant and stamp duty exemptions worth up to \$17,990. Over the past 10 years New South Wales homebuyers have received more than \$7.11 billion in benefits. These include the payments of 464,600 grants worth over \$4 billion, and over \$3 billion worth of stamp duty exemptions. Because of these great measures New South Wales leads Australia in building approvals for new houses, further strengthening this State's \$17 billion housing sector. Data released on 3 November by the Australian Bureau of Statistics shows that private sector house approvals in New South Wales increased by 8.1 per cent in September 2010, seasonally adjusted.

Mr RAY WILLIAMS (Hawkesbury) [4.06 p.m.]: I move:

That the motion be amended by adding the following new paragraph:

- (3) applauds Joe Hockey and his strong stance against the Commonwealth Bank increasing interest rates beyond that of the Reserve Bank.

It comes as no surprise that the entire Australian population is incensed about the move by the Commonwealth Bank of Australia to increase interest rates well beyond Reserve Bank rates. I place on the record that while Peter Costello was Treasurer in the former Howard Government the banks never increased interest rates above Reserve Bank rates. Peter Costello, who was strong with the banks, always held the whip hand and ensured that the Reserve Bank and not the banks set monetary policy in this country. Unfortunately, because we now have a weak and somewhat tainted Federal Labor Government—the Federal Treasurer has limited knowledge of financial and economic matters—banks are riding roughshod over Australian residents. Paragraph (2) of the motion moved by the member for Wollongong states:

- (2) notes that the average mortgage in New South Wales is around \$60,000 higher than the national average—leaving New South Wales families more exposed to interest rate movements than any other State.

It is fair to say that mortgagees are suffering high interest rates but we cannot blame the banks specifically for the cost of their homes. Increases in the price of housing are due largely to the failure of the New South Wales Government. It has failed to roll out enough housing in a timely manner to ensure that demand does not outstrip supply. Over the past 10 years demand has outstripped supply in New South Wales. House prices have gone through the roof, which has resulted in higher mortgages. The recent interest rate hike has only compounded that problem. My heart goes out to first homebuyers who are struggling to pay off their homes. I am one of those people who had to contend with having to pay 17.75 per cent in interest rates in the Hawke and Keating years. We can only hope that we never return to those interest rate heights, but the trend is heading that way under the current Federal Australian Labor Party Government.

The comments by Commonwealth Bank chief executive officer Ralph Norris that it is okay that we will see foreclosures because the country would prefer to have a bank with a good profit margin are disgraceful, outrageous and contemptible. Certainly, such comments could come only from a person on a yearly salary of \$16 million—someone completely removed from the average person—accepting foreclosures as a direct result of the massive interest rate increases that the Commonwealth Bank applied over that of the Reserve Bank. The Commonwealth Bank's actions have impacted on family mortgages and on small business, which sometimes is missed, and they can include small schools. I have been fighting for and advocating on behalf of a very small school in my area known as St Gregory's Armenian School—a wonderful school that has operated for 26 years and achieved results placing it in the top 50 New South Wales schools. Michael and Daniel Ghougassain commenced the school on property they had purchased.

A few years back Michael and Daniel approached the Commonwealth Bank of Australia for a loan to construct the high school that always had been proposed as a component of St Gregory's so it would have a primary and high school. The Commonwealth Bank agreed to that loan of \$6.8 million. The bank forwarded \$600,000 in bridging finance and agreed to the next stage of providing \$200,000. When the global financial crisis hit the bank examined its exposure with this particular loan and how the interest rate component and the capital would be paid. The loan was a typical funding structure of independent and private schools in that no payment is received until the buildings are occupied. Instead of progressing with that loan, the bank chose to reduce its risk and took the school to court to try to claim back the \$600,000 it had provided. It was a despicable action during the course of which the bank froze the school's bank account containing \$160,000. The school could not pay any of its bills.

A subsequent court case in which Maurice Blackburn Lawyers represented teachers seeking to obtain their wages from the school's account resulted in the school being placed in liquidation. Last Friday in the Supreme Court action was taken to remove Michael and Daniel Ghougassain as the owners of the property so that the Commonwealth Bank of Australia could sell the property and receive the entire profits. I have condemned this disgraceful action in the press along with good people like Alan Jones who have taken the time with me representing the school to meet with the Minister for Education and Training. That advocacy has gained invaluable legal representation and financial support for the school. We will continue to fight this case. I hope one day that we will be able to prove this disgraceful and despicable action by the Commonwealth Bank and that the school once again will resume as the wonderful education facility it was for the past 26 years for well into the future.

Mr RICHARD AMERY (Mount Druitt) [4.12 p.m.]: I support the motion moved by the member for Wollongong expressing concern about the comments by the chief executive officer of the Commonwealth Bank and the disproportionate impact of that bank's interest rate increase. People who live not only in Sydney but throughout New South Wales have mortgages higher than the national average, despite the comments of the member for Hawkesbury, because Sydney and New South Wales are the most desirable places to live. Sydney has been voted the number one city in the world. That is why our house prices and mortgages are higher. However, that is a side issue to the indifference shown to borrowers by the chief executive officer of the Commonwealth Bank. As a customer of the Commonwealth Bank since I was a young man I am somewhat embarrassed about its performance in recent years. Slowly I have been drifting more and more to using credit unions, like the Police Credit Union and the Country First Credit Union based in Griffith and Leeton, as my source of banking, a trend that will continue as a result of the last round of comments by the bank's chief executive officer.

I have firsthand experience of the indifference of the Commonwealth Bank towards people in western Sydney when it flippantly closed its Rooty Hill branch in my electorate. I wrote many letters to Mr Norris, but only underlings responded. No courtesy or loyalty has been provided to the many residents in my electorate who supported that bank branch—the bank just shut it down. It is typical and not surprising for the *Daily Telegraph*

to get stuck into the Commonwealth Bank and its chief executive officer when yesterday it highlighted Mr Norris's comments that it would be better to see a few families lose their homes, as if those families are just numbers on the balance sheet and not real people living in a home. That demonstrates a complete lack of the bank's respect to its customers and does not return the loyalty customers gave that bank when it was established in 1911 by a Labor Government.

Of course, suburbs in my electorate of Mount Druitt always top the list of the matters referred to by the member for Wollongong. Suburbs such as Glendenning, Hassall Grove, Plumpton, Rooty Hill and parts of Mount Druitt quite often top the suburbs that access stamp duty concessions offered by this Government and the \$7,000 First Home Buyer Assistance grant. I was surprised to hear the member for Wollongong say that \$18,000 is the maximum stamp duty benefit. One of my criticisms of the Reserve Bank's policy regarding interest rates is that it is always the homebuyer who must bear the brunt of correcting the glitch when the economy is running away, inflation is getting high or other issues come into play affecting the economy. It is unfair that interest rates for homebuyers appear to be the only way to control those issues. I reject almost all the political comments made by the member for Hawkesbury. As a Labor Party and Government member over the years, I am proud of our history of intervening to support prudent investors and promoting responsible competition to improve outcomes for consumers, whether it was through the establishment of the Commonwealth Bank by a Labor Government or the introduction of moratorium legislation by the Lang Government.

Mr Ray Williams: Who sold it?

Mr RICHARD AMERY: Who sold it? The Federal Labor Government sold the Commonwealth Bank. It was the State Coalition Government that sold the State Bank. I do not know what we gain from that exchange. Whether it was the Moratorium Act by the Lang Government in the 1930s or whether it was the farm debt mediation legislation that the Labor Party in New South Wales introduced from the Opposition benches against the wishes of the then Coalition Government, our history for supporting competition, bank customers et cetera is second to none. Of course, it is disappointing that the deregulation of banks by the Hawke-Keating Government appears to have failed; big banks now have roughly 90 per cent of the lending market, which is up from 50 per cent 20 years ago. Many could argue that perhaps deregulation did not work. I support the motion strongly.

Mr STUART AYRES (Penrith) [4.17 p.m.]: I should like to talk a little about the motion and Ralph Norris's comments that can only be interpreted as a significant slap in the face for the people of New South Wales, particularly the people of western Sydney. It is hard not to think that we are trapped in some sort of 1987 time warp with Ralph Norris, or maybe the new Gordon Gecko, telling us all that greed is good and that banks can have \$6 billion profits and continue to raise rates above the Reserve Bank of Australia increase because everything can go along swimmingly regardless of who loses their home or their job or what type of pressure gets placed on families who struggle to live with increasing costs.

To a resident of western Sydney who has a mortgage and who, as an aspirational person, is trying to create a better life for their family, the comments that have been made by the chief executive officer of the Commonwealth Bank are simply not acceptable. People are faced with all types of increased costs, such as increased costs of groceries and foodstuffs, and I do not think any member of this place would finish a week without constituents mentioning the increased costs of electricity. Increasing costs are matters of critical importance to our constituents. Banks increasing home loan interest rates above the rate set by the Reserve Bank is pretty much a slap in the face for the hardworking people of our communities.

When we consider that banks have been able to strengthen their position in the market over the past few years in spite of the global financial crisis on the back of a taxpayer guarantee from the Federal Labor Government, that slap in the face has come straight at us. The taxpayer has been supporting banks and strengthening the banks' position, thereby enabling banks to subsume competitors. That all has been done on the back of the guarantee provided by the taxpayer. In return, the taxpayer has been hit with higher mortgage interest rates on top of all the other cost increases and pressures that people are experiencing currently.

People who are keeping track of the wider debate must acknowledge the exceptional work being undertaken by the people's champion in Canberra, Joe Hockey, who is the only person who has been developing any type of idea to create competition among banks. Joe Hockey has produced a nine-point plan which includes giving the Australian Competition and Consumer Commission power to investigate collusive price signalling, which could be extended to banks; encouraging the Australian Prudential Regulation Authority to investigate whether major banks are taking unnecessary risks; formally mandating the Reserve Bank publishing regular,

rather than irregular, reports on bank debt interest margins, returns on equity and profitability so that we can all determine whether major banks extract realistic or monopolistic profits and whether taxpayers are subsidising supernormal returns; and investigating David Murray's proposal to use Australia Post and its 3,800 branches as distribution channels for smaller lenders to bring people closer to finance, thus increasing competition literally at the suburb-to-suburb level.

The Federal shadow Treasurer's nine-point plan also includes asking Treasury and the Reserve Bank to investigate ways to further improve liquidity, which essentially is what the banking system is all about. Liquidity sets prices, so we should be closely examining ways in which to improve liquidity. The plan also includes continuing reform of the Financial Services Reform Act; allowing the Australian Prudential Regulation Authority to explore whether risk weightings on business loans secured by residential properties are punitive; commissioning a resolution to the debate about whether banks should be able to issue covered bonds in the same way that other jurisdictions allow banks to do so; and wrapping up all of the work with a full review of the financial system. All the measures outlined by the Federal shadow Treasurer will lead to greater competition throughout the banking sector.

I note that over the past few years the Australian Competition and Consumer Commission has overseen mergers involving banks such as St George, BankWest, RAMS and Wizard, which now are wholly or partly owned by major banks. Reform of the banking industry is absolutely critical. The only way to reduce prices of the cost of living and reduce interest rates is by bringing back competition to the banking sector.

It is important to acknowledge that the price of housing and land in New South Wales is higher than in other States. The State Government should take some responsibility for that, particularly in relation to section 94 contributions and the insufficiency of land releases. In a growth district such as the Penrith local government area the simple fact is that the council cannot provide the quantity of land releases at the price that developers contribute. The State Government should take responsibility for increasing the cost of housing in the State.

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [4.22 p.m.], in reply: I acknowledge contributions to the debate made by the member for Hawkesbury, the member for Mount Druitt and the member for Penrith. The member for Mount Druitt dealt effectively with political comments made by the member for Hawkesbury, who suggested we should not blame only the banks but the New South Wales Government as well. I suppose that is what opposition parties do, but the facts are that the Commonwealth Bank increased its home loan interest rates by more than the rate set by the Reserve Bank—a deliberate decision that was designed to satisfy the Commonwealth Bank's corporate needs and wants.

I remember, quite some years ago before banks became the regular recipients of the entirety of people's wages through electronic funds transfer that banks such as the Commonwealth Bank had branches everywhere and they competed for business. Sadly, now everyone is paid through electronic funds transfer and banks take possession of people's money without having to first earn the privilege. It is very difficult for some people to change banks because their salaries are being paid straight into their bank accounts and all their financial arrangements have been set around that account. The banks that do not have to work to earn deposits should be giving more back to their customers. Banks should show more loyalty as well as support for customers who deliver salaries into bank accounts without one jot of effort being contributed by banks to win their custom.

I agree with comments made by the member for Mount Druitt, who pointed out that recently Sydney was voted as the number one place to visit in the world. When so many people want to live and work in Sydney the effects of supply and demand drive prices up. We should make sure that competition continues to exist and that pressure is maintained on banks to ensure that they do not become greedy. In response to comments made by the member for Penrith and the member for Hawkesbury on the Federal shadow Treasurer's nine-point plan, I point out that the Federal Treasurer, Wayne Swan, discussed exactly those types of reforms weeks before Joe Hockey said anything. Of course, when in government, Treasurers have to follow the correct procedures. They cannot simply blurt out all their policy proposals.

As I stated earlier, statistical information released on 3 November from the Australian Bureau of Statistics shows that private sector house approvals in New South Wales increased by 8.1 per cent in September 2010, seasonally adjusted, which is the highest of all States and compares with a 2.2 per cent decline nationally. On a trend basis, since April 2010 New South Wales has experienced growth in owner-occupiers taking out mortgages. The number of people who took out home loans in New South Wales increased by 1.1 per cent in August on a trend basis. That is the highest rate of all the States and it is higher than the national average of 0.3 per cent. In New South Wales we want people to feel secure in the homes they have worked so hard to buy. We want New South Wales residents to be able to manage their mortgage repayments, without banks increasing interest rates above the official rate set by the Reserve Bank.

As I stated at the outset of this debate, comments by Sir Ralph Norris that it is better to see "a few" foreclosures is a slap in the face for hardworking Australians who are paying off their mortgages. We know that New South Wales homeowners in particular are susceptible to interest rate increases. That is why the New South Wales Government wholeheartedly welcomes the Federal Treasurer examining ways in which to increase competition in the banking sector. The Federal Treasurer, Wayne Swan, has signalled that Labor welcomes a discussion on banking reforms, including a suggestion by the Australian Competition and Consumer Commission of restricting banks from publicly suggesting to each other what they intend to do in relation to rates as well as other measures that will shield mortgage holders from the impact of interest rate increases.

I reiterate a point on which the Opposition and the Government concur: the actions taken by the Commonwealth Bank are disgraceful. Increases in mortgage interest rates above the levels set by the Reserve Bank have hurt New South Wales families. Major banks such as the Commonwealth Bank must stop to check greed and absorb some costs. After all, any business will experience fluctuations, and some impact of that must be absorbed. It is appalling that major banks are jumping in to increase interest rates, just in case they experience increased costs, so that they can pass on the increased costs to consumers more quickly. In my patch, that is called greed. Members have referred to the need for a strong banking sector, and I do not disagree. Government stepped in to provide support to banks during the global financial crisis, and it is the banks' turn to provide assistance and help for New South Wales families to survive.

[Interruption]

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

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 38

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

Noes, 48

Mr Amery	Mr Gibson	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 Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Ms McKay	
Ms D'Amore	Mr McLeay	
Ms Firth	Ms McMahan	<i>Tellers,</i>
Mr Furolo	Ms Megarrity	Mr Ashton
Ms Gadiel	Ms Moore	Mr Martin

Pairs

Mr Souris
Mr Stoner

Ms Beamer
Mr Koperberg

Question resolved in the negative

Amendment negatived.

Motion agreed to.

SURROGACY BILL 2010**Agreement in Principle**

Debate resumed from 28 October 2010.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [4.38 p.m.]: From the outset I express concern that the Surrogacy Bill is yet another controversial piece of legislation that requires members to exercise a conscience vote on an issue that will have a huge impact on the personal lives of a large number of individuals in this State. I note that only a few members have opted to contribute to debate on this bill. That is not surprising because I think members are feeling emotionally exhausted from the substantial amount of legislation that is being brought forward that requires them to look deeply into their consciences and to provide a personal response to issues that will have a huge impact on the individual lives of many people in this State. Also, the legislation has the potential to substantially alter the structure of our society. Members went through a lot of soul searching on the same-sex adoption legislation. It must be noted that a number of members spoke in debate on that legislation and various amendments proposed to it; and the legislation was passed narrowly in this Chamber.

At that stage there was no, or very little, hint that the Surrogacy Bill 2010 would be introduced. People can understand the concern of members about the Adoption Amendment (Same Sex Couples) Bill 2010 but they could not have conceived that it would be followed by adoption in relation to surrogacy, which raises a number of further concerns for them. I put it that the two items of legislation together face some very serious moral issues. I opposed the same-sex adoption legislation, but it can be seen that it has had a somewhat limited impact upon society because in reality very few children are being offered for adoption in this State in this day and age, unlike when I was the Minister for Youth and Community Services in the late 1980s, when about 2,000 children a year were being offered for adoption. A few hundred children were affected within a same-sex relationship, perhaps with a lesbian couple or a male gay couple who could have had children from a previous married relationship, and in order to provide a stable family environment for the children they may have wanted to adopt them.

The Adoption Amendment (Same Sex Couples) Bill 2010 coupled with the Surrogacy Bill 2010 raises a number of additional concerns. The same-sex adoption legislation and now the legalisation and the facilitating, in a sense—I will qualify those terms—of surrogacy will enable same-sex couples to quite legitimately arrange for the birth of surrogate children so that they can be adopted into that same-sex relationship. I think that of itself is a formula for social engineering in this State. I know a lot of people, including myself, will say we should have compassion and concern for all persons who are childless, which is traumatic for them. Infertile couples are a matter of grave concern to all of us and I have had many friends in a married relationship who are infertile; but the desire to be a parent, as deeply natural and good as it is, and as much as the infertility causes suffering, does not create the right to a child. There are ethical limits to the extent that people should go in order to become parents.

I suggest that to give, in a sense, the green light to surrogacy as a prime consideration of enabling people to have children is of itself putting an incorrect emphasis upon the whole situation as far as our society is concerned. Some would argue that through this legislation what is already legal in this State—there is no doubt that surrogacy is legal—would be better controlled because of the various legal requirements such as counselling, the forbidding of commercial arrangements in relation to surrogacy and also the protection of young people in that proposed surrogate mothers must not be younger than 25 years of age. Again, this issue is more about the parents than it is about the child. I, for one, am very concerned that even though we are

introducing legal guides which will assist children who are the subject of surrogate relationships, nonetheless this legislation seems to give a green light to more and more surrogate arrangements being provided for. There are further complications as well.

When the Attorney General introduced the Surrogacy Bill 2010 he said it would govern the process by which parties entered into surrogacy arrangements by requiring independent counselling and legal advice, facilitating the transfer of parentage from birth parents to the intending parents and also allowing same-sex couples and single persons to enter a surrogacy arrangement. The Surrogacy Bill prohibits commercial surrogacy but nonetheless makes provision for the reimbursement of reasonable costs of the pregnancy and birth to the birth mother. Allowing reimbursement of those costs effectively, in a sense, permits de facto commercial surrogacy by introducing a monetary element into the relationship between the intending parents and the birth mother. An important reason why Australia continues to resist the reimbursement of expenses to living organ donors is that reimbursement for financial losses may be indistinguishable from direct payment for an organ, especially for those who are unemployed. In what way is it not similar for reasonable costs to be considered in the same way in relation to surrogacy?

I have already touched on why infertile couples should not be allowed to commission a child by surrogacy. I believe marriage should be seen as the setting which most fully acknowledges the dignity of the child, and which establishes the relationship of equality between a child and his or her parents, and respects the child's right to enjoy an immediate and enduring link with those natural parents. Surrogacy arrangements are particularly disturbing because they involve deliberately deciding to bring a child into existence with the intention of separating that child from his or her birth mother. I touch upon the concerns that relate, for example, to the birth mother and to the child. Surrogacy instrumentalises children by placing the process of their conception, birth and upbringing under a contract.

A child becomes the object of an arrangement aimed at fulfilling the needs of the commissioning parents. Furthermore, in the absence of conclusive empirical evidence about the immediate and long-term effects of surrogacy upon children, surrogacy becomes an experiment in child welfare. The jury is out. We do not know what impact surrogacy will have on generations of the future. We simply do not know enough about the effects of surrogacy to judge it, in a sense, as a social good. It also instrumentalises women who, for complex reasons, may feel a duty to volunteer their wombs for those purposes. No woman should ever be treated as a means to other people's ends yet, with all the good intentions no doubt involved, that may be the case in relation to surrogacy as far as many women are concerned.

As I indicated earlier, surrogacy already occurs in New South Wales. The argument might be put: Is it not better for all parties, especially the children involved, to regulate the practice of surrogacy? The law should function to educate people about appropriate behaviour for living well together in the community. There is a real risk that regulating the practice of surrogacy will imply that it is socially and legislatively condoned and thereby contribute to its normalisation and encouragement. If altruistic surrogacy legislation is introduced it should at least strike a balance between protecting the best interests of the parties involved with children as the first priority and not promoting surrogacy as a social good. I make the point repeatedly that, although the intention of the legislation is to bring in legal requirements in relation to surrogacy which will be seen to be advancing the welfare and interests of all parties concerned—the children, birth mothers and parents who have contracted the surrogacy—it will be seen that we are now, through this legislation, giving a green light for surrogacy to become a way of being able to bring children into this world, and I do not think our society is ready to accept that.

Having said that, and expressing my serious concerns in relation to many of the issues involved with the legislation, I think it is sad that so many of us feel emotionally exhausted, having to legislate in this way in relation to these matters and exercise conscience votes. In recent times we have had a bit of a flurry of conscience vote legislation coming through, and there seems to be more and more coming on to the agenda—we know, for example, that euthanasia is an issue being mooted at the moment. I make this point: We are elected as members of Parliament because we stand for certain policies and ideas. Most of us belong to a party and the policies and platforms of each party are well known. People expect us to vote in relation to those policies and platforms because of the mandate that we have. I do not believe people really vote us in as members of Parliament so that we can exercise our conscience in a way that makes us the conscience of other people. I have very serious concerns about that matter. I find it difficult that, in exercising my conscience vote on this matter, I am representing the conscience of other people. I do not think that Parliament was legitimately intended for that. Although we may pass legislation, as members of Parliament, had these matters gone to an open referendum perhaps the outcome would have been different.

Mr JONATHAN O'DEA (Davidson) [4.53 p.m.]: It is interesting that in recent times we have considered a series of pieces of legislation involving issues with a moral component that have prompted conscience votes of members. It seems more than a coincidence that this is occurring at the end of a session immediately prior to the next New South Wales election. There are potential legal, psychological and emotional difficulties that arise from surrogacy, not just for a child, although the interests of children should be paramount. I do not wish to repeat specific arguments of previous speakers in speaking against the legislation but I will ask one additional question of those proposing or supporting this bill. Under the formalised surrogacy arrangements in the proposed legislation, where an unborn baby in utero was injured or died due to the criminal act of another, to whom would the right to compensation extend? This is particularly relevant given the recent Campbell report recommending such compensation be possible and the Government's in-principle support for those recommendations. The report in question followed retired Supreme Court judge Michael Campbell's examination of the case of unborn baby Zoe from the Central Coast.

I support the banning of commercial surrogacy and believe that the foreshadowed amendment from the member for Canterbury does improve the bill. Although I have serious concerns about surrogacy per se, it might be dangerous to entertain legislation that sought to completely ban all surrogacy arrangements of both a commercial and a non-commercial nature. I have concerns about the legislation in that it would have the effect of the State condoning or encouraging certain forms of surrogacy, and in my view this legislation, doing that, means that I cannot in good conscience support it.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [4.56 p.m.]: The issue of surrogacy is an important and complex matter, which has significant ethical implications. I understand the immense physical, emotional and psychological hurdles that many infertile couples go through in their quest to create a family and the new horizons that have opened up due to medical and scientific breakthroughs. A situation where an infertile couple forms a family through the involvement of a surrogate has been happening for centuries and is now also feasible involving the couples as biological parents. The involvement of an altruistic friend or relative is a gift that this bill makes less complicated and troublesome. At the core of the bill is the parentage order. This is different from the existing parenting order under the Family Law Act. A parentage order changes a birth certificate to reflect the parents as being the commissioning parties. The parentage order transfers parentage. It creates new parents and nullifies the existence of other parents.

This bill will provide more certainty than ever before for those that choose to avail themselves of its provisions. I note, however, that the bill, for the most part, provides a voluntary framework which people may choose to follow or opt out of at their discretion. I think this is a critical issue that needs to be considered. Under the Adoption Act a child exists and society seeks to find an adoptive parent or parents in the best interest of the child. In this framework a child does not exist before a surrogacy agreement is entered into, but parents may choose to have children under surrogacy arrangements whether or not such an agreement exists. To put it another way, in modern times it is neither practicable nor desirable for the State to systemically prevent people from having children. Hence, the proposed Surrogacy Act is really about improving on existing arrangements and circumstances rather than allowing for a new arrangement. For this reason I support the bill.

One of the few areas where the bill will provide a mandatory requirement concerns the amendment foreshadowed by my colleague, the Hon. Linda Burney, which I support. This will also have the effect of making all commercial surrogacy arrangements illegal in the State of New South Wales. With the enactment of these laws it is likely that families created through surrogacy will increasingly use this legislation for the benefits it provides and also because it will make many overseas commercial surrogacy arrangements illegal. I note that this may have implications for the number of surrogacy agreements expected under this legislation annually in New South Wales.

The benefits of the bill are that it will provide greater certainty for people seeking the full scope of legal recognition of their parental authority; it will significantly speed up the process of acquiring these parental rights to potentially under a year from preconception agreement to parentage order; it will address the shortage of children available for traditional adoption; it will provide a framework for the protection of the rights of children born into surrogacy arrangements and guarantee them a greater degree of access to their genetic heritage; and it will provide the birth mother and the intended parents with a more structured process and will require access to legal advice and counselling.

There is a clear benefit of surrogacy over adoption because a fundamental point in New South Wales adoption law is that adults do not have a right to adopt. Surrogacy on the other hand, while not conveying a

"right" does make it easier for couples to address the overwhelming shortage of babies available for adoption and in many cases to establish a genetic link with their child. I note that there are a number of safeguards in the bill. For example, the bill seeks to make it abundantly clear that legal advice and counselling are a prerequisite throughout the process. The need for counselling is obvious when all the risks to all the parties are considered. The court will grant the parentage order upon application when it can be demonstrated that the prospective parents and the surrogate mother satisfy the conditions.

The court must also be convinced that the parentage order is in the best interests of the child, as outlined in division 4, section 21. Therefore, there is no guarantee that even if all the conditions have been satisfied the court will grant the parentage order. I point out that the existing criteria in this bill include many legal, counselling and financial criteria. The conditions imposed include informed consent, preconception agreements, the age of the birth mother and the prohibition of commercial surrogacy. However, I note that there are many potential risks associated with the process of surrogacy and that no law can foresee and address all of these risks. I would like to list some of the potential risks.

The birth mother may decide to keep the child. The birth mother may decide to abort the foetus. The child may have a disability. The prospective parents may decide not to go ahead with the arrangement. The birth mother may not want the child; the prospective parents may not want the child. The prospective parents may split up and one or both may want the child. The child may become a ward of the State. The court may not be satisfied about the preconception arrangements but is faced with the existence of a child on whose future it must now decide. The court may feel that it does not have the right to be unsatisfied given the above if this is based on doubt about the original counselling. There is not sufficient time in the process for the birth mother to change her mind. Unlike adoption, there is not an extensive waiting period.

The bill already provides in proposed section 26 that a birth mother must be 25 years of age unless the court grants otherwise. Given these risks, I foreshadow an amendment to match the need for greater maturity in the birth mother with that in the intending parents. The bill currently provides that intending parents must be over 18 years of age when they enter a surrogacy agreement. The additional conditions would be placed on intending parents where they are over 18 but under 25 and a new section 28 would be added whereby the maturity of the younger intending parent must be demonstrated. The new section 28 will require that the court be satisfied that the maturity of the younger intending parent is demonstrated at both the time of the application for a parentage order and the time the preconception surrogacy agreement was entered into.

My amendment will provide even greater confidence about the maturity of persons entering into surrogacy arrangements. The imposition of one more age-related condition is not unreasonable and may mean intending parents will be older and more mature when they consider a surrogacy. With my amendment in place some of the more obvious pitfalls associated with youth, inexperience and lack of maturity can be avoided. The court can still grant a parentage order to people under 25 but there will be an added safeguard. We are being careful when we say the birth mother must be 25 years of age in order to protect those few who experience second thoughts. Surely it should be acceptable that the intending parents should also be able to demonstrate this level of maturity.

There is considerable difficulty with the permissible age for surrogacy agreements, because the State cannot mandate to stop pregnancies. Nevertheless, the system that is put in place should do everything it can to encourage maturity of age before such far-reaching personal choices are made. The evidence supporting a preferred age of 25 years for such decisions is significant. According to a University of Pittsburgh study in 2005, "During adolescence, the brain begins its final stages of maturation and continues to rapidly develop well into a person's early 20s, concluding around the age of 25." The study is called "Brain and Cognitive Processes Underlying Cognitive Control of Behaviour in Adolescence", published by the University of Pittsburgh. According to Dr Paul Thomson of the National Institute of Mental Health, and the University of California in May 2004, "The prefrontal cortex, which governs the executive functions of reasoning, advanced thought and impulse control, is the final area of the human brain to mature."

A study by Linda Spear called "Neurodevelopment During Adolescence" found that adolescents generally seek greater risks for various social, emotional and physical reasons, including changes in the brain's neurotransmitters, such as dopamine, which influence memory, concentration, problem solving and other mental functions. Dopamine is not yet at its most effective level in adolescence. The United Nations defines "youth" as persons between the ages of 15 and 24 years. In the United States of America 29 States expressly define the legal age for alcohol consumption as 21 years. According to the American Bar Association adult appearances

are deceptive. It says, "The evidence is now strong that the brain does not cease to mature until the early 20s, in those parts that govern impulsivity, judgement, planning for the future, foresight of consequences and other characteristics ... indeed age 21 or 22 would be closer to the biological age of maturity."

In New South Wales we have different rules for this crossover age group. Our Legislature recognises that it is not just experience but age that influences ability and behaviour. In New South Wales one in five of all speeding drivers involved in fatal crashes between 2001 and 2005 were aged between 17 and 20 years of age and 16 per cent were aged between 21 and 25 years of age. That is, 36 per cent of all fatal crashes are attributable to 17- to 25-year-olds. The Roads and Traffic Authority discriminates against those under 25 with its provisional licence system. A learner driver under 25 must bear an L-plate for at least one year. Our own adoption law requires an adopting person to be 21 years of age.

Parenthood at 18 may well turn out to be hugely successful, but there are risks. With this amendment we are not denying people the ability to start a family. We are adopting the precautionary principle that we use increasingly in other areas of policy. In the areas of new social policy I believe we must always be cautious. The lives of children that are created are precious, as are those of children who are adopted. It is for this reason that I foreshadow this amendment during consideration in detail.

Mr RUSSELL TURNER (Orange) [5.06 p.m.]: I will speak briefly on the Surrogacy Bill 2010. I was not sure how I would begin my speech on this bill but it came to my mind that my wife, Diane, and I had three lovely children quite easily with no complications and they are great kids. My daughter had three lovely children with no complications and they are great kids too. One of my sons and his wife had three children and I am going to the youngest one's christening in the next couple of weeks. Again, they are lovely healthy children and there were no complications. Not all families and parents are so lucky. We have had debates in this House on a number of occasions about the success of in vitro fertilisation around the world and how many children have been born to couples who would otherwise have been childless, and it gets quite a lot of media attention. We hear of the occasional situation where perhaps a mother is the surrogate for a daughter who cannot have children. I know that is not common but it does happen.

We have had a number of conscience votes in this House over the past few years. I supported the same-sex adoption bill that went through the House recently. I had grave doubts about the benefits of the Kings Cross injecting room and I voted against that bill. I voted for other bills to give gay people equal rights, which has been accepted to varying degrees within The Nationals. I made that decision and I have been comfortable with every decision I have made. Now another social issue has arisen—surrogacy. It is an emotional issue around the world, not just in Australia. I refer to some comments in the *Sydney Morning Herald*, which said:

A parliamentary inquiry that looked into the subject a few years ago was hit hard by lobbying from religious groups who were opposed to the door being opened to surrogacy at all, with submissions and a number of groups arguing their case in public hearings. But for the medical profession, the case is clearer cut.

I will quote from a statement made by Associate Professor Mark Bowman from the IVF Clinic—the largest provider in New South Wales. I, along with members of The Nationals, have visited that clinic. Amongst other things Associate Professor Mark Bowman said:

You have a couple with a desperate need in front of you, and the only other way to redress it is to take the commercial alternative in the US, which I don't think is appropriate.

The article goes on to state:

Despite the emotional heat generated by the issue—in large part due to concerns over commercial surrogacy, which is banned—it will be banned if we consent to this legislation—

the number of cases that take place in NSW each year is minute. About 10 in all—

I remind members at this point that we are talking about 10 cases each year throughout Australia. The passage of this legislation will not result in hundreds or thousands of surrogacy cases. I believe there are about 30 surrogacy pregnancies in Australia each year, and in about 20 cases couples go overseas to enter into surrogacy arrangements. The New South Wales legislation will bring clinics offering surrogacy services into line with those operating in the Australian Capital Territory, such as the Canberra Fertility Clinic, which benefits from surrogacy laws that are already on the books.

Most women seeking surrogate arrangements are unable to carry a child either because their uterus has been removed as a result of cancer or other serious medical conditions, because they cannot carry a child full term or because they cannot fall pregnant. Dr Christopher Copeland, the clinic's scientific director, said that for the Canberra Fertility Clinic these comprise about 70 per cent of cases. The next largest group are women who have unsuccessfully tried IVF, followed by women with heart and some kidney conditions for whom pregnancy is a grave risk. Dr Copeland goes on to say:

We probably see about 10 cases a year.

As I said earlier, we are talking about only a small number of cases compared with other important issues that are happening in Australia. I do not believe that this issue and the emotions involved deserve wider recognition. A condition imposed by the clinics is that the surrogate mother must have an ongoing relationship with the intended parents of the child. Dr Copeland said:

It is about ensuring that the woman carrying the baby knows it is not hers. It avoids a lot of the problems seen in the US with no link between the two.

Under the Surrogacy Bill 2010 parents of children born through surrogacy are to be given full and legal recognition of their parentage for the first time. As I mentioned earlier, couples will also be able to enter into surrogacy arrangements abroad. Both the birth mother and the intended parents must undergo counselling and receive legal advice before they can apply to the courts for a parentage order. Last year's parliamentary inquiry recommended that surrogacy legislation be introduced to strengthen the legal position of intending parents. At present, intending parents must apply to adopt the child or to seek parental responsibility orders from the Family Court, which are not permanent and do not apply once the child reaches adulthood—an important part of this bill.

This legislation will make it easier for couples with children born through surrogacy arrangements to gain full recognition as parents so that they do not have to face obstacles when they seek to do things that we often take for granted, such as enrolling their children in school, obtaining a passport, or making decisions about the health of their children. Somewhat unusually, the law will apply retrospectively to parents who are lawfully raising children under the age of 18 if the court is satisfied that the arrangement was entered into before conception, is not a commercial arrangement, and all parties consent to granting the order. The New South Wales Gay and Lesbian Rights Lobby welcomes the introduction of this legislation, but it is no surprise that the Catholic Archdiocese of Sydney and the Australian Christian Lobby are against it.

At times I am bewildered when religious groups deny people the right to have children. What keeps the world going around is the desire to raise, love and rear children who will then go on to become adults. I am not sure why those bodies are so negative in relation to this issue. In his contribution to debate on the bill the member for Rockdale referred to surrogacy implications. However, as I said earlier, there are only 10 surrogacy cases each year in Australia. All the implications to which he referred—and I think there were more than 10—are unlikely. We will deal with those implications as they occur. In most cases individual couples will deal with those implications if they occur.

I acknowledge that this is a highly emotional issue with which not everyone agrees. It is my understanding that if a mother who is pregnant decides to keep the baby she has the right to do so. She has the right to back out of any surrogacy arrangement. I would like to know whether that is the case. I support this legislation because parents have the right to have a child or children. As a member of Parliament I am aware of happily married couples and I am aware of de facto couples who are desperate to have children. In some family groups children are physically abused or children witness their parents physically abusing one another because of alcohol consumption, drugs or emotional problems. In some families young children are sexually abused. Heterosexual relationships comprising a husband and a wife do not always work out perfectly.

Life is not perfect but we must try to make it better wherever we can. This legislation will give couples an opportunity to have children through surrogacy arrangements—arrangements in which all parties are comfortable. Those children will be raised in loving relationships and they will go on to play important roles in our community. We must support those parents who wish to enter into such arrangements. We should support them and give them every opportunity to become parents.

Ms CLOVER MOORE (Sydney) [5.17 p.m.]: I support the comments of and the sentiments expressed by the member for Orange. I support the Surrogacy Bill 2010, which will provide a framework for people who make surrogacy arrangements so it is easier and quicker to transfer legal parenting from birth parents to

commissioning parents. It is important to emphasise that under the framework of this bill a parentage order will be transferred only if the Supreme Court is satisfied that it is in the best interests of the child and all parties agree to the transfer. Other safeguards include the child living with the intended parents, the application to the court is made within 30 days and six months of the birth of the child, the birth mother is at least 25 years old, and medical or social reasons why the intending parent or parents cannot conceive or safely give birth.

All parties, including the birth mother and her partner and the commissioning parents, will need to receive legal advice and counselling before entering into a written agreement prior to conception if the Supreme Court is to issue an order. While the written agreement is a necessary factor it places no legal obligation on the birth mother to give up the child. I have said in this House on other occasions that it is in the best interests of the child to have the relationship with his or her parents legally recognised. Adoption is the only way in which legal parentage can be transferred away from a birth parent to a person who cares for the child. But adoption was not designed for surrogacy. There can be delays of up to five years before an adoption issue is ordered and this is not appropriate in cases where a child was conceived and born in order to be cared for by his or her commissioning parents.

A number of medical and social reasons mean that some people cannot conceive or safely give birth. This can be heartbreaking for those who want to raise a family. If medical advancements can help these people, it is not the role of Parliament to prevent it. However, it is the role of Parliament to ensure that there is a framework for the courts to do what is in the best interests of the child in such arrangements. This bill achieves that.

This bill is not talking about commercial surrogacy where surrogate mothers are paid to conceive. That is illegal in New South Wales. Under the amendments foreshadowed by the Minister for Community Services, it will be an offence to make overseas commercial surrogacy arrangements. I will support that amendment. In the majority of cases we are talking about a family member or a friend recognising that someone who would not otherwise be able to conceive has the love, patience and capacity to be a good parent and that family member or friend wants to help them become a parent. Therefore, I strongly support this bill and commend it to the House.

Mr VICTOR DOMINELLO (Ryde) [5.20 p.m.]: I speak to the Surrogacy Bill 2010. Before I detail the many arguments for and against the bill, I shall outline my concern regarding the history of this bill. When we examine the following chronology, it appears that the bill has been presented to the Parliament prematurely. In November 2006 the Federal Attorney-General announced that the Standing Committee of Attorneys-General [SCAG] would work towards harmonising surrogacy laws. In March 2008 there was an agreement amongst the Attorneys-General for a national harmonisation on surrogacy.

In January 2009 the Standing Committee of Attorneys-General released a discussion paper on views towards developing a national model for surrogacy laws. In November 2009 the Attorneys-General agreed to a set of 15 basic principles and they intended to refer these principles to their respective State health and disability services Ministers. In December 2009, following a request by the New South Wales Standing Committee on Law and Justice to legislate on surrogacy laws before the completion of the Standing Committee of Attorneys-General process, the New South Wales Attorney General wrote to the standing committee and stated:

The Government's position is that New South Wales should wait for the outcome of the SCAG process before legislating as it would be undesirable for New South Wales to enact legislation that is inconsistent with the national model provisions.

I remind the House that it was the New South Wales Attorney General who indicated the undesirability for this State to legislate on surrogacy law because it would seem to be inconsistent with national model provisions. In May 2010, following review of the 15 principles by the various States, the Standing Committee of Attorneys-General prepared draft provisions and agreed to refer these provisions to their respective State health and community services Ministers for comment. However, the next day, on 8 May 2010, the New South Wales Attorney General issued a media release announcing his intention to implement New South Wales surrogacy laws.

The New South Wales Attorney General has taken a shortcut. Logically, two more steps remain in this process of national harmonisation: first, at the next meeting of the Standing Committee of Attorneys-General the various Attorneys-General should have reported on the response of their respective health and community services Ministers to the draft provisions; and, secondly, subject to no adverse response, one imagines there would then be an agreement by each Attorney General to enact the surrogacy laws in each respective State. A similar process was adopted in relation to the Electronic Transactions Amendments Bill 2010.

In my view, one of the most important aspects of our system of federation is that it enables competition of ideas. The Standing Committee of Attorneys-General process capitalises on this system. For example, a health Minister in Western Australia may identify a potential problem in the proposed surrogacy bill, which the Minister for Health in New South Wales failed to identify. The concern may be significant, thereby necessitating changes to the proposed national model. The Standing Committee of Attorneys-General process, through the collective wisdom of all of the States, provides a very robust method of introducing important legislation such as the Surrogacy Bill.

Australia has six States and two Territories. With the exception of the Northern Territory, seven laws touch upon the practice of surrogacy, none of which is identical. Consequently, the Standing Committee of Attorneys-General can draw upon seven different approaches to regulating surrogacy in developing a new national model. If there were few discrepancies between the existing surrogacy-related laws, it would be safe to assume the consultation process would not take too long, but these laws have many differences in the different jurisdictions. The proposed New South Wales bill and the Queensland bill appear to be in line with one another and favour a more open approach, as opposed to Western Australia and South Australia where the laws are far more limited. New South Wales and Queensland do not have restrictions on the criterion for infertility as they do in Western Australia, where the criterion for infertility is defined medically and not socially.

New South Wales and Queensland do not have restrictions on the relationship status of the commissioning parents as they do in South Australia, where only long-term heterosexual couples can benefit from the surrogacy laws. New South Wales and Queensland do not have restrictions on the genetic connections between the child and the surrogate mother as they do in Victoria, where there is a prohibition on the surrogate mother donating her egg. New South Wales and Queensland do not have restrictions on the genetic connections between the child and the commissioning parents as they do in South Australia, where at least one of the commissioning parents is generally required to provide a gamete for the embryo.

These discrepancies can be used to inform the new surrogacy law. We need to know the experience of each State on whether to adopt, modify or drop a provision. We need to understand what provisions have and have not worked. Those States with recent changes to their surrogacy laws could be particularly instructive about the advantages and weaknesses of their reforms with the benefit of hindsight. In light of what I have outlined, a serious question remains as to the timing of the Surrogacy Bill. Why is the Attorney General pressing full steam ahead in relation to the New South Wales Surrogacy Bill before the Standing Committee of Attorneys-General has completed its process? Why is the Attorney General backtracking on his words to the director of the standing committee?

If the Standing Committee of Attorneys-General process experiences difficulties, for example, failure to meet deadlines or inability to reach consensus, this would be a legitimate basis to depart from the process and for New South Wales to implement its own laws. However, if this is the case, one would first expect the Attorney General to explain the problems he encountered in the Standing Committee of Attorneys-General process, the steps he has undertaken to attempt to remedy the problems and, if still unsuccessful, the reason for his departure.

I have read the Attorney General's second reading speech to the Surrogacy Bill, together with his speech in reply and his contributions during the committee of the whole debate. I cannot find any such explanation. Further, given that the initial intention of this bill was to be framed within a national model, I would also expect an explanation from the Attorney General as to why New South Wales is adopting this particular surrogacy model, as opposed to the models in other States. Given the importance of this bill, I expect a detailed explanation from the Attorney General.

For example, I would like to see the Standing Committee of Attorneys-General's conclusion on whether it is appropriate to incorporate into the national model the Victorian requirement that all parties to a surrogacy arrangement undergo criminal record checks and child protection order checks. I will also be keen to hear the New South Wales Attorney General's view on why the Victorian provisions, which appear to be sound, have not been incorporated in the bill before the House.

I now propose to examine some of the main arguments against the bill. Submissions have been made to the effect that the legislation will encourage and endorse surrogacy arrangements. The concern with encouraging persons to undertake surrogacy arrangements is that there is certainly no shortage of children in modern-day orphanages. There are approximately 1,500 children in New South Wales adoption institutions. There appears to

be a minimal number of surrogacy arrangements a year in New South Wales. On 28 October 2010 the *Sydney Morning Herald* reported that there are 10 surrogacy births a year in New South Wales whereas the largest number submitted to the standing committee was "less than 100".

Submissions have been made on the adverse impact of surrogacy arrangements on family units. It has been argued that surrogacy arrangements confuse the relationship between the child and a parent. The nuclear family is no longer the only acceptable model. However, what has remained the same is the belief that the family unit is the foundation of our society, and so the concerns of groups should not be dismissed so easily. Consider the situation in which the surrogate mother is the mother of the commissioning mother. If the surrogate mother's egg was used, the commissioning mother is genetically the half sister of the child she intends to adopt. If that sounds bewildering in words, it must be even more bewildering in reality.

I will also briefly mention recommendation 4 of the briefing paper by Family Voice Australia on the New South Wales Surrogacy Bill 2010. What if the surrogate mother falls pregnant to her partner by intercourse while she is undergoing in vitro fertilisation [IVF] or artificial insemination [AI] processes for the surrogacy agreement? The timing of the two events may make it impossible to tell, without genetic testing, whether the baby conceived is the natural child of the surrogate mother and her partner, or is a child born from the donated gametes of the surrogacy agreement. Family Voice advocates that, if the bill is passed, it ought to be amended to include a requirement for the child to undergo compulsory genetic testing before a final order for parentage transferral to ascertain his or her biological parentage is made. I ask the Attorney General to respond to this issue during his reply. [*Extension of time agreed to.*]

I will now briefly outline the arguments in favour of the bill. Submissions have been made to the standing committee about the inadequacies of the current parent transferral process. In New South Wales it takes at least two years for familial adoption to take place and a minimum of five years for a non-familial adoption. Obstacles are encountered by prospective parents as a result of a two-year to five-year adoption process. I wish to examine some of the obstacles. Submissions were made that we need a Surrogacy Bill because a commissioning parent cannot automatically add the child to Medicare. However, that can be overcome. The commissioning parents, as carers, can provide the necessary documentation, from the court or from the Department of Community Services [DOCS], as proof that the child is in their dedicated care.

Submissions were made that we need a Surrogacy Bill because a commissioning parent cannot add the child to their existing private healthcare fund. That can also be overcome. The commissioning parents can draw up a separate private healthcare agreement by providing additional documentation. I acknowledge that that will impose additional cost. However, considering that the commissioning parents will be obligated to pay the birth mother for reasonable expenses associated with the surrogacy, I doubt that this additional healthcare cost would act as a serious impediment. Submissions were made that we need a Surrogacy Bill because a commissioning parent is faced with having to explain the family situation to prospective schools and day care centres. A commissioning parent has to write down the child's actual name as opposed to writing "my child" on some applications, such as inheritance papers. However, that appears to be a minor issue in the greater scheme of things.

Submissions were made that we need a Surrogacy Bill because the child could be denied inheritance, if the commissioning parents die during the limbo phase of the adoption process without having put a will in place. However, that could be overcome with some simple housekeeping. The commissioning parent should put a will in place upon the birth of the child. Indeed, as the commissioning parent is required to obtain independent legal advice to obtain the benefits of this proposed Act, one would assume that their lawyer would advise them to make a new will that takes into account the new circumstances. Nevertheless, if no such will was in place, the child could still make an inheritance application under the Succession Act 2006.

Submissions were made that we need a Surrogacy Bill because the child would not be eligible to workers' compensation if the commissioning parent died or was seriously injured. However, it is very likely the court would consider this surrogate child as a dependent child of the worker under the Workers' Compensation Act for death benefits and as a person under the age of 16 to whom the worker stands in the place of a parent under the Workers' Compensation Act for total incapacity benefits, considering judicial interpretation of this definition. Over all, some of the difficulties encountered as a result of the current parentage transferral mechanism can be described as difficult but not insurmountable. I acknowledge the current mechanism is imperfect, but I also point out that many of the difficulties submitted to the standing committee can be overcome.

The strongest argument for a Surrogacy Bill that resonates with me is the submission made in relation to child support. The argument was advanced that children could be excluded from the child support regime if the commissioning parents separated during the limbo phase of the adoption. It seems that this shortcoming in the current transferral mechanism cannot be overcome. It would be wrong to deny a right—a right that would otherwise be afforded to children who have been conceived naturally—to a child, simply because he or she was born in a surrogate circumstance through no fault of his or her own. It is in the best interests of the child to ensure that the law holds both his or her mother and father responsible for the child, for only they could make the decision to bring this child into this world.

One other submission resonated with me in reasons to support the Surrogacy Bill. It was said that should the commissioning parents die during the limbo phase of the adoption process the child would remain the responsibility of the legal parents, the birth mother and her partner, who never wanted the responsibility of being parents to the child. I would never wish upon a child living in an environment where they are unwanted or where their presence is resented. If the Surrogacy Bill is in force and the commissioning parents die then it will be easier for relatives of the commissioning parents to obtain legal custody and to secure the welfare of the child. There have been various community consultations on the issue of New South Wales surrogacy law reform. I seek a brief extension of time.

Extension of time not granted.

The responses have been wide and varied. However, there were no submissions made supporting or alleging the current parentage transferral mechanisms to be sufficient for surrogacy circumstances. The response made in relation to the parentage transferral mechanism has been unanimous. I note that in recommendation 8 the committee, which is composed of parliamentarians from a spectrum of political philosophies who hold views on surrogacy that are at odds with each other, agreed that a parentage transferral mechanism ought to be specific to surrogacy arrangements. The Department of Community Services, which conducts the adoption process, believes the adoption process to be an inappropriate mechanism for surrogacy arrangements. Simply put, the current mechanism concerning surrogacy is inadequate.

Fundamentally, the bill is designed to provide certainty in surrogacy arrangements. To that end, the bill achieves its purpose and should therefore be supported. However, the fate of the bill will be decided by a conscience vote. As much as I have tried to succumb to the logic, there is an element of my conscience that remains concerned about the bill. On deeper reflection, my concern is not really about the bill; my concern is more about the science. The science of human design casts a very long shadow over this bill. People now look to science as a source of hope. We hope that science one day can find a cure for cancer; that science will one day help the crippled to walk, the deaf to hear, the mute to talk, and the blind to see. We hope that science will provide a way for women to become mothers when they face biological adversity.

However, when science makes incursions into the realm of creation, warning bells toll loudly. If there is ever an area where we must tread cautiously and tread slowly, this is it. No doubt in the not too distant future science will be able to engineer not only the gender of a child but also the colour of a child's eyes and the intellect of a child's mind. However, just because science can does not mean that science should. History has too often shown us the dark side of science. I do not want to live in a society where armies are created. It is bad enough that we live in a society where armies are formed. If science is a plane, then ethics is our parachute. We cannot allow the plane to take off without the parachute; to do so is sheer recklessness.

The issues that shadow this bill are profound. Ethical issues still surround surrogacy. While the main issue has been resolved through the prohibition of commercial surrogacy, some issues still remain. For example, what are the rights of the commissioning parents in circumstances where the birth mother has decided to consume significant amounts of alcohol, potentially placing the child at risk? I will oppose the bill on this occasion as I believe it is being unnecessarily rushed. However, if the bill is presented again, after the Standing Committee of Attorneys-General process has been completed, and subject to any concerns raised by State Ministers being addressed, at that stage I will be minded to cautiously support the bill.

Mr GRAHAM WEST (Campbelltown) [5.40 p.m.]: I shall make a few short remarks about the Surrogacy Bill. First, I acknowledge the genuine desire many people have to have a child. As a father I know that the experience of having children is an enriching one and an amazing journey. So I can appreciate the desire that leads people to want to consider surrogacy. Surrogacy is not a new practice or even, I am told, an illegal one currently. People go through the adoption path to have children, and the surrogacy option remains open, even with or without the passage of this legislation. I am concerned about this bill for a number of reasons but I will give only a few examples of my concerns.

Although the bill refers to counselling, I do not think you can ever fully counsel someone on the enormous and emotional experience of having a child. For this reason I am particularly concerned that the involvement of courts, documents, professionals and others will create a moral pressure on a birth mother to surrender a child for surrogacy even where she may develop doubts about the process. This may result in women feeling compelled to complete the arrangement in spite of the impacts it may have on their own wellbeing. This is an even greater risk as a woman who has not had a child, regardless of age, can be a surrogate.

I am also concerned about the inclusion of costs. This will be incredibly hard to define. For example, if a mother requires air conditioning because of the heat she is facing, is this an exemptible cost? Or how will we separate the genuine donation by a couple after they have their parentage order to a birth mother that is simply in appreciation from a pre-arranged donation? Birth is also an incredibly risky process, even in today's age. Who, for example, is responsible for complications that may occur during the birth that require the birth mother to have ongoing care? I am concerned about what happens if the child has a disability and the couple chooses not to proceed. The mother may not want an abortion but she may not be prepared to raise the child either. Once again they may feel compelled to enter into a situation they do not support. This bill raises more concerns that it addresses. I am concerned about the long-term impacts of this bill, and I will oppose it.

Mr GERARD MARTIN (Bathurst) [5.43 p.m.]: I came down to the Chamber to listen to this debate; I did not intend to speak. However, having listened to other speakers, I have decided to make a contribution. The member for Ryde made some interesting comments. I was surprised to hear him say that 1,500 children in orphanages in New South Wales are available for adoption. I was not aware that there were any orphanages in New South Wales. Certainly, I understand that that is not the case. Without getting into the argument about engineering armies of babies and so on, I think that is far removed from what we are talking about. Surrogacy exists in New South Wales. The key factor is that the bill will provide legal certainty in terms of the rights of children born through the surrogacy process. That outcome is important.

The overview of the bill states that all surrogacy arrangements will be unenforceable except to the extent that they provide for the payment of a birth mother's costs and commercial surrogacy arrangements are prohibited. That is important because it removes the element of opportunism from those who might consider developing an industry around surrogacy. The legislation is structured in such a way so as to ensure that people enter into surrogacy arrangements for the right reasons. I agree with the member for Orange that probably the best thing that can happen to a couple is to have a child. As someone who has just become a grandfather for the first time, I can understand starting all over again.

We should not deny women the opportunity to have a child because of a medical condition. We are not talking about gender engineering or anything like that. At the end of the day it is a natural birth process, and if it delivers for couples who cannot have a child without surrogacy it is a good thing. It is important to note that surrogacy has been around for a long time. I disagree with the member for Ryde; I do not think there is a dark side to the science involved. Indeed, Australia has been leading the world in terms of developing the in-vitro fertilisation program and so on and ensuring that medical science protect mothers, et cetera.

All the other issues were fully canvassed in the upper House debate on the surrogacy inquiry report. Surrogacy has been debated at length and in depth, and that is important, especially with the two amendments before the House. One amendment relates to the age limit of a surrogate mother being raised to 25 years. I believe that is reasonable. The Minister's amendment relates to banning overseas surrogacy arrangements. That will also remove the element of opportunism that could arise. Members will take a moral stand on surrogacy. Some members will oppose the bill purely on religious grounds, and I accept that; that is their right. However, at the end of the day, looking at surrogacy objectively and compassionately, I think the Surrogacy Bill deserves support, and I intend to support it.

Ms KATRINA HODGKINSON (Burrinjuck) [5.46 p.m.]: As has been mentioned, members have a conscience vote on the Surrogacy Bill 2010. The member for Riverstone said that he feels as though he has been snowed under with conscience votes in this session. Indeed, during my years in the House I do not think I have had as many conscience votes as we have had recently. Another oddity relating to the bill is that for the first time with a conscience vote I have not been snowed by third party interest groups wanting to let me know their opinion on surrogacy. I found that a little strange. I had to do research on this bill without the added weight of being lobbied by various right-wing or left-wing groups. I thought that was a little unusual. I do not know if all members are in the same situation or if some members were lobbied heavily and others were not. I think the

only thing I received was a media release from the Hon. Greg Donnelly about an hour ago and a couple of emails from the Minister for Community Services. I thank her for including me on her email list relating to her proposed amendments.

The member for Bathurst alluded to clause 26 of the bill, which makes it a precondition to the making of a parentage order that the birth mother was at least 25 years of age when she entered into the surrogacy arrangement. For pre-commencement surrogacy arrangements the birth mother must have been at least 18 years of age. In all cases it is a mandatory precondition that the birth mother was at least 18 years of age when she entered into the surrogacy arrangement. Obviously that is an improvement. I tend to think that we expect too much of young people. They think they know everything. I certainly knew everything when I was 16, but as I get older I am less sure. We put too much pressure on young people by giving them too much responsibility too early in life. There are some things that one can only gain from experience.

I say that now as a mother but would not have said it as a teenager. I have held the shadow Community Services portfolio in the past and have seen so many unloved children abandoned, uncared for or abused by their parents and left in foster care or with relatives, grandparents, other people who are good enough to take those children into their homes or, more often than not, into the State system. It strikes me how cruel some people can be. If somebody wants to enter into a surrogacy arrangement, is that baby not going to be extremely well loved? Is that baby not extremely wanted? I believe that the child would be.

Families certainly come in all shapes and sizes, or makes and mixes. I note the recent comments of the member for Ryde about the science in relation to this particular matter. Should it be that a woman who wants to become a mother of a child should wait until the science is developed, if the IVF does not work, to enable her to do that? We know that is just not possible in every case. That is idealistic thinking and I understand where the member is coming from. I look forward to listening to further debate on this bill. At this stage I do not oppose the bill. Only time will tell if there are further amendments but I look forward to seeing them.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [5.52 p.m.]: I will make a short contribution to debate on the Surrogacy Bill 2010 given that a lot of members have already canvassed the main issues on both sides of the argument and I agree with them in some way, shape or form. We should all approach this type of social-issue legislation very carefully. I am pleased that a conscience vote is allowed on this bill because often when we deal with technical issues in legislation there are unintended consequences, but with social issues unintended consequences can be very serious. I know that legislation can be amended down the track but it is better had the mistake not been made in the first place. In principle I support surrogacy for most of the reasons already articulated. However, I have significant concerns with parts of the bill and, subject to any further amendments, I will not be able to support it at this stage.

I have a significant problem with clause 21 of the bill. I am not concerned if a mother cannot have a child because of a medical issue. I know some fantastic people who would make excellent parents but for medical reasons they cannot have children. I support their right to seek out medical intervention to have a child that I know would be raised in a safe and stable relationship. What has not been explained sufficiently is the phrase in the bill "medical or social need". I have a real problem with what "social need" means. To me social need means that it becomes a lifestyle choice, and I have an issue with that at a very deep level. If people choose to have children, adoption is already available to them. However, if a woman cannot physically have a baby surrogacy may be an option. In principle, I cannot support people going down the surrogacy path when the child will be created to meet a social need.

I also have issue with the age of the intended parents who, the bill states, have to be at least 18 years old and I believe that is far too young for them to make these types of decisions. I know they can have children naturally at 18 years, or even earlier. We also know neurologically that the brain development of males is slower than the brain development of females. Males do not reach the age of maturity until approximately 24 years of age, but I stand to be corrected on that. I do not believe the age should be set lower than 25 years of age. I feel comfortable with the amendment moved by the Minister for Climate Change and the Environment that deals with additional counselling, et cetera. I hope that amendment is agreed to. For those two reasons—the age of intending parents and that people can go down the surrogacy path for social need—I cannot support the bill in its current form.

Mr CHRIS HARTCHER (Terrigal) [5.56 p.m.]: Laws in a democratic society tend to be reflective of the culture of that society. We are not in a totalitarian society where governments seek through the laws to enforce a social code upon people. Our laws tend to reflect the social mores that develop within the society

itself, and that is appropriate and important. One of the fundamental beliefs of our society is that the protection of children is both a virtue and a necessity, and one of the paramount needs to be considered is the protection of the rights of a child. I find that the architecture of legislation that we have been developing in recent years has tended to minimise the rights of the child. I think people pay lip-service to it. People in this Parliament and in other parliaments and forums always assert the rights of the child but then argue a different case.

As I have said in this House before, I am appalled that people who believe in the rights of a child can stand by idly and take no action against late-term abortions—I acknowledge that the member for Macquarie Fields, a doctor, is present—where the baby is quite capable of living outside of the womb and yet is killed to satisfy what is overwhelmingly a social desire rather than a medical need. I had trouble with the recent Adoption Amendment (Same Sex Couples) Bill 2010, which I did not agree to, not because I have any trouble with adults who adopt a gay lifestyle, that is their right, but because I believe that the issue is not one of gay rights but that the fundamental rights of a child need to be acknowledged.

Associated with the paramount rights of the child is the right of a child to have a mother and a father. In an ideal world every child would be cared for by a mother and a father. In the society that has been created in Western democracies, not just in Australia, in the past 50 years tens of thousands of children do not have, for whatever reason, the opportunity to be reared by a mother and a father. Whether the law should simply acknowledge that or whether the law should ignore it is not the issue because the argument is the law should reflect the paramount needs for the rights of children. The law should take every step it can to ensure that children do have that fundamental right.

I also find the Surrogacy Bill 2010 difficult because, tested against the fundamental proposition that the rights of the child should be paramount, this legislation would allow adults, people over the age of 18 years, as the member for Wyong so well illustrated, the right to have a surrogate child simply to fulfil a social need. A social need is really an expression of a personal wish because there is no requirement financially, culturally or legally in our society that people have children. The Prime Minister herself is famous for her well-publicised decision not to have children and that is a right that is respected. Social need simply becomes a lifestyle choice and to subordinate the right of a child to a lifestyle choice is to me unacceptable.

I do not anticipate that my opposition or the opposition of others who think with me will be successful. I anticipate that this legislation will pass, and I think that is a matter for regret. On conscience issues I think many members of this House allow themselves to be influenced by what they see as strong social pressure—we have seen that in other legislation which passed recently—and do not really reflect upon what is the paramount need for the child's rights. I, like the member for Burrinjuck, have not received any representations on this matter. It is a matter for me wholly to consider. Nobody has made representations to me.

I acknowledge the excellent work done by the Hon. Greg Donnelly. I think the Hon. Greg Donnelly does outstanding work on many social issues. He is a fine man and a fine representative in the New South Wales Parliament, and I place that on the public record. Were he standing for a Labor lower House seat I would probably be more reticent in making that remark—

Mr David Harris: In Terrigal.

Mr CHRIS HARTCHER: The threat of the member for Wyong that he should stand in Terrigal sends somewhat of a chill of horror down my spine, but notwithstanding that, the Hon. Greg Donnelly is a fine person and the many efforts that he makes to uphold children's rights and the moral values associated with children's rights I believe should be commended.

I cannot support the bill. I cannot support legislation that I believe overlooks the child's fundamental rights. I cannot support legislation that would allow, as the member for Wyong so well expressed, a lifestyle choice to be the determining consideration. I acknowledge that there are many people in our society who desperately want a child. One of the tragedies of our world is that there are people who do not care about children and have them. That we know only too well in the electorate of the member for Wyong where children were left to burn while their parents went off to play poker machines. These tragic incidents reflect a lack of parental concern, and yet there are other people who desperately wish to have children and are denied that right. That is one of the tragedies of our society. If we are going to be a legislator that seeks to enforce the fundamental values of our society, then the fundamental value must be the protection and enhancement of the rights of the child. With those words, I express my opposition to the legislation. I do not doubt the conscientious beliefs of others who may wish to uphold the legislation, but I do not believe that I can support it.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.03 p.m.], in reply: I thank all members for their contribution to this debate. I would like to respond to the concerns of the members for Epping, Davidson and Ryde. In response to the member for Epping, he said that this bill does not deal with the best interests of the child other than to state that those interests are paramount. This complaint simply does not make sense. The bill very clearly deals with the best interests of the child, not only by stating that this is a matter to be taken into account but, as the member for Epping has acknowledged, by stating that this is the paramount consideration, the consideration that is to take precedence over all others.

Not only is the bill subject to this overriding principle, but section 21 of the bill also cements the importance of the child's best interests by providing that the court may make a parentage order only if satisfied that the making of the parentage order is in the best interests of the child. This is a mandatory precondition. The court has no power to make a parentage order unless satisfied of this. Far from the child being pushed aside, as the member for Epping suggests, the child is placed at the very centre of this bill.

The member for Epping also said that the child's rights with respect to their biological parents and families are not recognised in this bill. That is not the case. In fact item 14 of schedule 2 deals extensively with information about surrogacy arrangements. It creates a register of surrogacy information to be administered under the Artificial Reproductive Technology Act 2007, the likes of which exist in no other jurisdiction in Australia. This register should ensure that information about a child's biological inheritance is safely recorded, and is an important step to protect the child's right to know who its biological parents are. Counselling before the surrogacy arrangement should address the importance of parents being open with children. We expect to address this through regulations. However, the bill also creates safeguards for the situation where parents are not open with children, including the register and a notation on any new birth certificate issued to a surrogate child after they are 18 years old. That notation will indicate that further information is available about their birth record should they wish to seek it.

The member for Epping also referred to the right to be with one's mother, and to the abuse of this right and the re-engineering of families through this bill. This fundamentally misconceives what the bill does. The bill does not create surrogacy arrangements. Surrogacy arrangements are happening now and they will continue to happen. The bill recognises this reality and takes steps to ensure that children who are born into such arrangements can have the benefit of parentage orders. Parentage orders will enable those who take care of them to have their full legal status as parents, with the full capacity to make decisions in their interests.

Finally, the member for Epping has alluded to the uncertainties that are inherent in surrogacy arrangements; the fact that those who enter into the arrangement, even with the best of intentions, may come to feel differently as a pregnancy progresses and a child is born. That is undoubtedly true. That is why this bill seeks to ensure that parties thoroughly consider the arrangement and all its potential outcomes by making it a precondition to the grant of a parentage order that the parties obtain counselling and legal advice before entering into the arrangement.

In reply to the member for Davidson, who raised some concerns, the Surrogacy Bill 2010 does not change the position that only the birth mother has legal rights in relation to a child until a parentage order, for which the bill provides, is made. The member for Ryde said that this bill is premature because the Standing Committee of Attorneys-General has not put the final stamp of approval on its draft principles and provisions. However, the principles are at an advanced stage and this bill draws on the extensive work done by the Standing Committee of Attorneys-General. All mainland States, except New South Wales, already have comprehensive surrogacy legislation. In the preparation of this bill the legislation of other jurisdictions was thoroughly examined.

The member for Ryde has asked why this particular model of surrogacy legislation was adopted over others. Each aspect of the bill has been very carefully considered and a policy position was formed drawing on the extensive consultation that has occurred. This includes drawing on the expertise of Community Services and the recommendations of the Legislative Council Standing Committee on Law and Justice in its inquiry on this matter. The committee, for example, recommended that New South Wales thoroughly examine eligibility criteria in other States. This was done and the current test of medical or social need for a surrogacy arrangement draws on the position adopted by Queensland, taking into account that children are born into surrogacy arrangements for male same-sex couples who may not meet a test of infertility alone. These children should not be excluded from the benefits of parentage orders.

In relation to criminal record checks, they are not required of anybody else who seeks to become a parent. It would be intrusive and unnecessary to take advantage of the fact that a person or couple is turning to a surrogacy arrangement to require a criminal record check.

In conclusion, this bill addresses a need in the community arising from the fact that current legal mechanisms are not appropriately tailored to deal with the transfer of parentage in surrogacy situations. In creating new parentage orders for surrogacy situations the bill will provide comfort and greater legal certainty for those who are parenting children born into surrogacy arrangements, provided they are not commercial. It will also provide comfort to those who wish to use surrogacy arrangements because they cannot have children of their own. It is an important step towards protecting the interests of children born into a surrogacy arrangement. I commend the bill to the House.

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

The House divided.

Ayes, 54

Mr Ayres	Ms Gadiel	Mr O'Farrell
Mr Baird	Ms Goward	Mr Pearce
Ms Berejikian	Mr Greene	Mr Piccoli
Mr Besseling	Mrs Hancock	Mr Piper
Mr Borger	Ms Hay	Mr Provest
Mr Brown	Mr Hazzard	Mr Rees
Ms Burney	Mr Hickey	Mr Sartor
Ms Burton	Mrs Hopwood	Mrs Skinner
Mr Campbell	Ms Hornery	Mr Stokes
Mr Collier	Ms Keneally	Ms Tebbutt
Mr Constance	Mr Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Dr McDonald	Mr R. W. Turner
Mr Costa	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	
Ms D'Amore	Ms McMahon	
Mr Debnam	Ms Megarrity	<i>Tellers,</i>
Ms Firth	Ms Moore	Mr Ashton
Mr Furolo	Mr Morris	Mr Martin

Noes, 31

Mr Amery	Ms Hodgkinson	Mr Roberts
Ms Andrews	Mr Humphries	Mr Shearan
Mr Aplin	Ms Judge	Mr Smith
Mr Aquilina	Mr Kerr	Mr Stewart
Mr Cansdell	Mr Khoshaba	Mr J. H. Turner
Mr Dominello	Mr McBride	Mr West
Mr Draper	Mr Merton	Mr R. C. Williams
Mrs Fardell	Mr O'Dea	
Mr Fraser	Mr Page	<i>Tellers,</i>
Mr Harris	Mrs Perry	Mr George
Mr Hartcher	Mr Richardson	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Consideration in detail requested by Ms Linda Burney.

Consideration in Detail

The SPEAKER: By leave, I shall propose the bill in groups of clauses and schedules.

Clauses 1 to 10 agreed to.

Ms LINDA BURNEY (Canterbury—Minister for the State Plan, and Minister for Community Services)
[6.21 p.m.]: I move my amendment No. 1:

No. 1 Page 7. Insert after line 34:

11 Geographical nexus for offences

- (1) This section applies for the purposes of, and without limiting, Part 1A of the *Crimes Act 1900*.
- (2) The necessary geographical nexus exists between the State and an offence against this Division if the offence is committed by a person ordinarily resident or domiciled in the State.

Note. Section 10C of the *Crimes Act 1900* also provides that a geographical nexus exists between the State and an offence if the offence is committed wholly or partly in the State or has an effect in the State.

The effect of this amendment is to extend the prohibition on commercial surrogacy that exists in the current bill to jurisdictions outside New South Wales. This amendment would simply ensure a consistent standard: commercial surrogacy is not supported in New South Wales, therefore citizens in New South Wales should not be able to circumvent the law by engaging in commercial surrogacy arrangements overseas. As I mentioned in my agreement in principle speech in this place two weeks ago, I wholeheartedly support the intent of this bill. I commend the Attorney General for the work and consideration he has put into this important piece of legislation.

The SPEAKER: Order! The House will come to order. There is too much audible conversation in the Chamber.

Ms LINDA BURNEY: Before speaking in detail to my amendment I acknowledge that there are few desires stronger than the desire to love and nurture a child. People are willing to go to great lengths in order to have children. My comments today do not disregard the experience of people in this position. However, the desire to start a family must not override all other considerations when it comes to the welfare of children. I turn now to my reasons for moving this amendment. In June 2007 the National Health and Medical Research Council issued its ethical guidelines on the use of assisted reproductive technology. The guidelines prohibit commercial surrogacy. This is in line with the objective of the Assisted Reproductive Technology Act 2007 to prevent the commercialisation of human reproduction and to protect the interests of those involved in assisted reproduction.

In the case of surrogacy, that means protecting the interests of children born out of these arrangements, intended parents and surrogate mothers. The Standing Committee of Attorneys-General as well as various speakers in this House have reconfirmed the position that commercial surrogacy is not in the best interests of children born out of these arrangements. As Minister for Community Services I fully agree with that position. I also feel strongly about this issue as an individual member of this House. That is why I support the prohibition in the Surrogacy Bill on commercial surrogacy in New South Wales. In my agreement in principle speech I explained that the Surrogacy Bill includes a central register held by NSW Health. This register enables people to access information about their genetic heritage. The right of a child to know about the identity of his or her birth parents is crucial.

When someone does not have the whole story he or she cannot put together all the pieces of the jigsaw. When pieces of the jigsaw are missing something of that person is missing. A possible consequence of an overseas commercial surrogacy arrangement is that some pieces of the puzzle will be lost forever. As the Attorney General said in his second reading speech in the other place, children should have access to information about the circumstances of their birth and their genetic history. This is important for a child's psychological wellbeing and his or her sense of identity. It enables children to avoid what the Attorney General called genealogical bewilderment. The right of children to know who they are and where they come from is fundamental. Surrogacy arrangements that Australian citizens might enter into overseas are likely to be commercial and they are likely to lack most of the safeguards that this bill requires for altruistic arrangements.

In moving this amendment I am motivated by my personal views as a member of Parliament taking part in this conscience decision. I am also acting on strong advice from my department concerning the interests of children—advice from people with expertise and many years of experience in child development. My amendment will strengthen the bill in relation to commercial surrogacy by making sure that the offence of commercial surrogacy has extraterritorial application for citizens in New South Wales. While the bill in its current form makes it clear that commercial surrogacy is prohibited in New South Wales, it is silent on

commercial surrogacy that occurs overseas. My amendment will thus rectify a serious gap in the bill by being absolutely clear that commercial surrogacy is not supported no matter where it takes place. In other words, it will not be possible to get around the prohibition on commercial surrogacy by going overseas and entering into a commercial arrangement in another country.

As I have already mentioned, it is generally considered that most overseas surrogacy arrangements are commercial in nature and that any related evidence or documentation largely is unverifiable. Further, overseas surrogacy arrangements result in an inability to undertake proper appeal mechanisms or properly uphold the rights of the child or the birth mother. Without an extraterritorial clause prohibiting overseas surrogacy arrangements the principle of altruistic surrogacy and the requirements for the gathering of a parentage order may be undermined. It is possible that it may encourage people to make these arrangements outside Australia where measures to promote the best interests of the children and prevent exploitation of persons for commercial gain may not be in place. The inclusion of an extraterritorial clause regarding commercial surrogacy arrangements strengthens the legislative framework of the bill.

Moreover, the proposed clause is consistent with the provisions already in place in Queensland and in the Australian Capital Territory. It reinforces and clarifies the Government's position that commercial surrogacy is not in the best interests of children or surrogate mothers and, therefore, it is an offence for citizens in New South Wales and anywhere else. It is crucial to the long-term psychological wellbeing of children to know who they are and where they come from. As Minister for Community Services I see evidence of this time and again. My amendment relates also to the issue of women's rights and to the potential for exploiting women in a vulnerable position, especially women in poor or developing countries. By making commercial surrogacy an extraterritorial offence we will help to prevent exporting this exploitation of women overseas. We do not support it here so why should we support it overseas?

In some countries where commercial surrogacy is allowed, such as the United States, some regulation is in place to protect the wellbeing of surrogate mothers. In other countries regulation is mostly absent. In my mind it would be irresponsible and indeed immoral to legislate in New South Wales but to be silent on the potential exploitation by our own citizens of vulnerable women overseas, especially in the face of mounting evidence that commercial surrogacy is a growth industry in many countries.

I have said already that the Australian Capital Territory and Queensland have similar clauses in place. It may well be that other jurisdictions will consider similar moves upon review of their respective surrogacy Acts, most of which already prohibit commercial surrogacy arrangements. I have discussed this matter in detail with the Attorney General and he supports this amendment. I am pleased to support this legislation. The amendment I propose strengthens the bill's framework for altruistic surrogacy and, in particular, clarifies the prohibition on commercial surrogacy arrangements. I commend the bill and the amendment to the House.

[Business interrupted.]

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Extension of Sitting

Motion by Mr John Aquilina, by leave, agreed to:

That standing orders be suspended to permit the consideration in detail up to and including the conclusion of the Surrogacy Bill.

SURROGACY BILL 2010

Consideration in Detail

[Business resumed.]

Ms PRU GOWARD (Goulburn) [6.30 p.m.]: In addition to the reasons the Minister advanced for including in this bill and specifically outlawing international commercial surrogacy, certainly we are obliged to ensure that all children understand clearly their heritage and parentage. The strong moral reason for supporting this amendment is the exploitation of women in countries such as India and parts of Asia where the sex trade and organ sale industries flourish. Sadly, the surrogacy industry in particular would be attractive to women in those extremely poor countries. No doubt it would be an issue of conflict for them, but it says very little about

Australia and its values if we are prepared to outlaw the exploitation of Australian women for the purposes of commercial surrogacy but we are not prepared to outlaw the exploitation of women in poor, developing countries for exactly the same purpose.

Women are not cows; they are not animals and their job is not to bear children for money because other people want children. If it is good enough to ensure that Australian women cannot be exploited commercially for this purpose, out of respect for women around the world—particularly the vulnerable women of Asia and other countries where commercial surrogacy flourishes—we should be particularly mindful that if we do not support this amendment, effectively we are saying that there is one rule for our women and another rule for women in poor countries. That is not good enough. Whilst this Parliament does not have a leading role in international relations and affairs, it should, as much as it is able, uphold Australian values, which must mean respect for all and the rights of all to live lives free of exploitation. Voting the right way will reflect our commitment to women in those poor countries and reinforce their rights as human beings.

Question—That the amendment of Ms Linda Burney be agreed to—put and resolved in the affirmative.

Amendment of Ms Linda Burney agreed to.

Question—That clauses 11 to 27 be agreed to—put and resolved in the affirmative.

Clauses 11 to 27 agreed to.

Mr FRANK SARTOR (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [6.33 p.m.]: I move my amendment:

No. 1 Page 13. Insert after line 8:

28 Maturity of younger intended parent must be demonstrated

- (1) If an intended parent was under 25 years of age when the surrogacy arrangement was entered into, the Court must be satisfied that the intended parent is of sufficient maturity to understand the social and psychological implications of the making of a parentage order.
- (2) An intended parent who was under 25 years of age when the surrogacy arrangement was entered into must provide evidence to the satisfaction of the Court:
 - (a) that he or she received counselling from a qualified counsellor about the surrogacy arrangement and its social and psychological implications before entering into the surrogacy arrangement, and
 - (b) that the counsellor was satisfied that he or she was of sufficient maturity to understand the surrogacy arrangement and its social and psychological implications.
- (3) This precondition is a mandatory precondition to the making of a parentage order.
- (4) This precondition does not apply to a pre-commencement surrogacy arrangement.
- (5) If the Court grants leave to an intended parent to make a sole application in respect of a surrogacy arrangement that involves 2 intended parents, it is not necessary to establish that the intended parent who is not a party to the application meets this precondition.

As I said in my earlier comments, risks are associated with surrogacy and any law cannot foresee or address all of those risks. Clause 26 provides for a birth mother to be at least 25 years of age unless the court grants otherwise. I have added in clause 27 that the intended parents must be 18 years of age when they enter a surrogacy agreement. Given the risks outlined in my earlier comments, I propose an amendment that prescribes additional conditions on intending parents where they are over 18 but under 25 years. Clause 28 will require that the maturity of the younger intending parents be demonstrated to the satisfaction of the court and be the case at both the time of the application for a parentage order and when the preconception surrogacy agreement was entered into. The court can still grant a parentage order for people under 25, but this amendment is an added safeguard. In my agreement in principle speech I listed the range of significant evidence that maturity occurs in the mid-twenties. We also recognise New South Wales driving laws as an example of that maturity. On the basis of the precautionary principle, I move that the amendment be accepted.

Question—That the amendment of Mr Frank Sartor be agreed to—put and resolved in the affirmative.

Amendment of Mr Frank Sartor agreed to.

Question—That clauses 28 to 58 be agreed to—put and resolved in the affirmative.

Clauses 28 to 58 agreed to.

Question—That schedules 1 and 2 be agreed to—put and resolved in the affirmative.

Schedules 1 and 2 agreed to.

Consideration in detail concluded.

Passing of the Bill

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.40 p.m.], on behalf of Ms Carmel Tebbutt: I move:

That this bill be now passed.

The House divided.

Ayes, 53

Mr Ayres	Mr Furolo	Ms Megarritty
Mr Baird	Ms Gadiel	Ms Moore
Ms Berejikian	Ms Goward	Mr Morris
Mr Besseling	Mr Greene	Mr O'Farrell
Mr Borger	Mrs Hancock	Mr Pearce
Mr Brown	Ms Hay	Mr Piper
Ms Burney	Mr Hazzard	Mr Provest
Ms Burton	Mr Hickey	Mr Rees
Mr Campbell	Ms Hodgkinson	Mr Sartor
Mr Collier	Mrs Hopwood	Mr Stokes
Mr Constance	Ms Hornery	Ms Tebbutt
Mr Coombs	Ms Keneally	Mr Terenzini
Mr Corrigan	Mr Lalich	Mr Tripodi
Mr Costa	Mr Lynch	Mr R. W. Turner
Mr Daley	Dr McDonald	Mr Whan
Ms D'Amore	Ms McKay	<i>Tellers,</i>
Mr Debnam	Mr McLeay	Mr Ashton
Ms Firth	Ms McMahon	Mr Martin

Noes, 27

Mr Amery	Mr Harris	Mr Roberts
Ms Andrews	Mr Hartcher	Mr Shearan
Mr Aplin	Ms Judge	Mr Smith
Mr Aquilina	Mr Kerr	Mr West
Mr Baumann	Mr Khoshaba	Mr R. C. Williams
Mr Cansdell	Mr McBride	
Mr Dominello	Mr Merton	
Mr Draper	Mr O'Dea	<i>Tellers,</i>
Ms Fardell	Mrs Perry	Mr George
Mr Fraser	Mr Richardson	Mr Maguire

Question resolved in the affirmative.

Motion agreed to.

Bill passed and returned to the Legislative Council with a message requesting its concurrence in the amendments.

AUSTRALIAN JOCKEY AND SYDNEY TURF CLUBS MERGER BILL 2010**TOTALIZATOR AMENDMENT BILL 2010**

Messages received from the Legislative Council returning the bills without amendment.

[The Speaker left the chair at 6.47 p.m. The House resumed at 7.30 p.m.]

FOOD AMENDMENT BILL 2010**Agreement in Principle**

Debate resumed from an earlier hour.

Mr NINOS KHOSHABA (Smithfield) [7.30 p.m.]: I support the Food Amendment Bill 2010. In doing so, I will explain why point-of-sale nutrition labelling is such an important step forward for standard food outlets and why the New South Wales community needs to take this step now. The bill deals with standard food outlets rather than fast food outlets because the Government wants to be extremely clear that all businesses with the required number of outlets are within the scope of the scheme. The scheme is not limited to what we think of as fast food outlets. It also covers snack bars, juice bars and coffee chain outlets, right through to barbecue chicken outlets. The Government's intent is exceedingly clear: a business or a business chain with 20 or more outlets in New South Wales or 50 nationally that sells these energy-dense foods will be required to provide nutritional information at point of sale.

Being overweight and obesity cause serious, chronic medical conditions that have an enormous impact on the lifestyle and wellbeing of those who are affected, their families and the community. Many takeaway meals and fast foods are considered to be energy-dense, nutrient-poor foods that are high in fat, salt and sugar. A diet high in such foods carries an increased risk of obesity and chronic diseases such as diabetes and heart disease. In 2008 Access Economics estimated the total net financial impact of obesity, including the impact on health costs and wellbeing in the New South Wales community, at \$19 billion per year. Access Economics estimated the impact on community wellbeing at \$16.3 billion per year. This is an enormous impact by anyone's standard.

Being overweight or obese also has specific health consequences for those who are affected. Being overweight or obese substantially increases the risk of both acute health problems and chronic diseases such as type 2 diabetes and heart disease. These conditions account for a high proportion of illness, disability and premature death. They also create significant costs through the need for healthcare services. The Access Economics study estimated the health impacts associated with obesity in New South Wales to be \$2.7 billion per year. The link between obesity and the overconsumption of energy-dense foods is clear. Research shows that regular consumption of fast food at least once per week can lead to a weight increase of at least 1.5 kilogram per year.

In our time-poor society we rely on fast food as a matter of convenience, yet we fail to consider the long-term cost that this may have on our health. It has an enormous impact on our health and wellbeing—a total net impact of \$19 billion per year in New South Wales alone. These very significant numbers paint a grave picture of our overweight and obesity problems. But the overweight and obesity issue is not just a set of anonymous impacts. It is not just a \$19 billion impact on the New South Wales community. It is an issue that affects the lives of each and every one of us. We know that more than half the New South Wales adult population—nearly 53 per cent—fit the definition of overweight or obese. Almost 60 per cent of New South Wales men and nearly 46 per cent of New South Wales women are overweight or obese. These figures are not just significant numbers; they are a clear call for action.

We know there is no single cause of overweight and obesity. We know that a number of key dietary and behavioural factors increase the risk of being overweight and obesity. This is a multifactorial problem that needs a multifaceted approach. It is no surprise that the Childhood Obesity report released by the Productivity Commission last month suggested that effective policy solutions may involve a mix of tools acting on a range of levels. This information is not new. The New South Wales Government is already pursuing this approach. For example, we have implemented a Plan for Preventing Overweight and Obesity in Children, Young People and Families. The plan includes 34 actions that collectively aim to change behaviour and promote healthy lifestyles through improved nutrition and physical activity and reduced inactivity.

The plan provides community information, promotes healthy food, active lifestyles, and sport and recreation infrastructure, and reflects the principles of prevention and early intervention. One of the specific commitments in the plan is to help consumers make healthier food choices through better food labelling. The Access Economics report states that reliable evidence is fundamental to the success of overweight and obesity prevention efforts. I note in this regard it does more to point out information gaps than it does to provide firm answers. Again, this is not new. It is often the case that the community needs to deal with new and emerging issues where there is less evidence than we would like or where the evidence base is imperfect or inconsistent.

The overweight and obesity issue is no different. That is why monitoring the progress of key overweight and obesity initiatives and building the evidence base for intervention is a key priority. I acknowledge that some players in the quick service food industry are already providing nutrition information about their food either in store or online. This is welcome, but as the overweight and obesity figures and impacts show, it is also clearly not enough. The requirement for point-of-sale disclosure of nutritional information contained in the Food Amendment Bill 2010 is another very important and necessary component in the suite of New South Wales Government measures to target overweight and obesity.

We need to act and we need to act now. The display of nutritional information by standard food outlets will enable consumers to make their menu choice on an informed basis. This is vital if we are going to reverse the existing overweight and obesity trends. This will also provide clearer market signals and linkages between consumer preferences and menu options. This in turn will allow consumer choice to exert a greater influence on the move toward lower fat, lower salt and lower kilojoule menu options. I have explained why this initiative is so important, so necessary and so urgent, but I also strongly support the 12-month lead-in period before enforcement kicks in.

I support this lead-in period for a number of reasons. It provides an opportunity for appropriate and comprehensive consultation with businesses in relation to implementation; it provides an opportunity to establish the monitoring and evaluation required to build our evidence base and to inform future decisions regarding disclosure of nutritional information; and it provides an opportunity to support implementation of the initiative with consumer education materials to help consumers understand the energy values they see on the menu boards. I will come back to this point in a moment.

The labelling requirements in the bill will initially be limited to energy—kilojoule—content. While excessive intake of salt and fat are also public health issues, limiting the labelling requirements to energy in the first instance has a number of benefits. Labelling for energy content is a relatively simple requirement for businesses to implement. The linkage between energy content and overweight and obesity is a relatively simple message for consumers to take in. Any subsequent consideration of disclosure requirements for salt and fat will benefit from evaluation of the energy content requirements. I mentioned previously that the Government will support implementation of this point-of-sale labelling initiative with consumer education materials to help consumers understand the energy values they see on the menu boards. I am sure there will be some people who already know about kilojoules and dietary energy requirements and the need to balance energy consumption and expenditure, but I also have no doubt that there will be many people who do not.

To have the best chance of changing the amount of energy consumed from food, people need the opportunity to understand what energy content values mean and how to apply those to the food they eat. Consumer education will therefore help to make this nutritional information initiative effective. Overseas experience has shown that mandating the disclosure of nutritional information in standard food outlets needs to be accompanied by evaluation to examine the impacts on consumer behaviour. I have already acknowledged the importance of monitoring to evaluate effectiveness and to build the evidence base for future decisions. That is why the Government will undertake a comprehensive evaluation of this new information disclosure requirement. This will provide evidence to help inform further considerations such as whether the initiative should be expanded to include salt and fat and the potential for national adoption.

While industry participation is obviously critical to any evaluation, the Government will provide leadership and oversight to ensure its objectivity and impartiality are beyond doubt. The point-of-sale labelling requirement in this bill represents an important and necessary next step in this Government's effort to combat obesity and chronic disease. This adds to the arrangements already introduced by this Government to tackle obesity and other chronic health issues. In addition, the bill also makes important and appropriate amendments to improve the operation of the Food Act 2003. These are sensible measures responding to a clear need. I commend the bill to the House.

Ms KATRINA HODGKINSON (Burrinjack) [7.43 p.m.]: I speak on the Food Amendment Bill 2010. The member for Barwon and shadow Minister for Healthy Lifestyles—who has a very healthy lifestyle himself that many of us try to emulate—will lead for the Opposition on this bill. The Minister for Primary Industries introduced this bill this morning. I find it extraordinary that it is being rushed through all stages in one day. Over the past several weeks there have been many occasions when this legislation could have been introduced, which would have given Opposition members—and probably Government members—the time necessary to consult with third parties, with industry, with the general public and with each other. It is another example of how disorganised this Government is.

This is not a trivial piece of legislation; it is very serious legislation that will impact on many businesses throughout this State, particularly small businesses. The legislation will have extreme regulatory consequences on business operators, who will all have to be apprised of this legislation. For example, small businesses that may not be impacted on currently may be impacted on in the future. It is important for all businesses to be aware of regulations and legislation that impact on them now or may impact on them in the future. It is important that businesses are allowed sufficient time for consultation on this bill, which the Opposition would have afforded them and which they would have had if the appropriate procedures of the House had been followed. But, once again, this is another example of the Government throwing the rules of this place to the wind, totally disregarding traditional parliamentary practice and ramming this legislation through the House tonight.

My colleague the member for Barwon will put the formal position of the Opposition. I listened to the Minister's agreement in principle speech earlier today and I had the opportunity to read it—he gave me a copy because we will not get *Hansard* until tomorrow. On the surface there seem to be a number of items in this legislation that will provide regular consumers with significant benefits. Although I pre-empt the concerns of the business community in the State that has not had the opportunity, as far as I am aware, to properly review this legislation, as a consumer, as a mother, as a member of Parliament, and as somebody who cares deeply for the welfare of children and travel regularly around the schools in my electorate, I have witnessed firsthand the ever-increasing epidemic of obesity, particularly in children.

I recently visited a rural school in my electorate and I noted that it was not just the children who were obviously having weight problems, but the teachers were also having problems. I raised this issue with my Nationals colleagues. Just from my visual observation, they appeared to be incredibly overweight. The mums also seem to be struggling with their diets. In many cases what you see in your environment and in your family is what you become. Things need to change and we need to be encouraging children to have a healthier lifestyle. Obviously, diet is a significant factor in obesity. The five food groups need to be understood and followed. Fresh fruit and vegetables should be part of any child's diet. But sport also plays an important part in weight control. People know that I have a passion for sport and I enjoy the knowledge that my children are out playing sport three or four times a week—that is very important to me as a mother. I encourage other parents to at least get their children outside. Boot them out the door instead of letting them stay inside playing Nintendo or PlayStation games and watching television. While it may be a big, dangerous world out there, it is vital that children get the exercise they need to grow in a healthy way.

The bill includes labelling provisions that build on the need to disclose nutritional information. It introduces the concepts of standard food items and standard food outlets. It defines a "standard food item" as an item of ready-to-eat food that is sold in servings that are standardised for portion and content and that is either listed or shown on a menu or displayed for sale with a price or identifying tag or label. A standard food item may be a burger sold in the same size and with the same standard ingredients and listed on a menu board in a fast-food shop. Or a standard food item may be a muffin of a standard size made from a standard recipe and displayed for sale with a name and price tag in a cabinet of a retail bakery.

The Minister in his agreement in principle speech said that a standard food item is not an item of food that arrives at retail premises in the packaging in which it is sold. For example, a can of soft drink or a packet of potato chips is not a standard food item. I note that those items already have the nutritional value and calorific details on their pre-packaging. The bill defines a "standard food outlet" as food premises at which standard food items are sold by retail and where two criteria are met. The standard food items sold at a premises must be standardised for portion and content so that they are basically the same as standard food items sold at other premises or by the other food businesses in the chain.

That will be difficult to police. It will also be difficult for businesses to have an accurate measurement of the fat, sugar, salt and calorie contents that are listed on the products when they are made by different

individuals, different shopkeepers. Obviously there will be differences in style. I hope that any policing of the labelling provisions takes that into consideration and is not too prescriptive in terms of what may end up being guesstimates on some occasions. At present the Roads and Traffic Authority is being extremely vigilant in setting fines for overloaded transportation vehicles.

For example, the latest case that has been brought to my attention involves trucks carrying wool bales. The Roads and Traffic Authority has been pulling them up for being marginally oversized. Wool bales are extremely flexible items. I am getting a little off the track; I will return to the content of the bill momentarily. My point is that sometimes things are overdone and over-regimented. The thrust of this legislation is targeted towards consumers so that consumers have an idea of roughly how much sodium, calories, et cetera, they are consuming in a meal. I note that many fast-food industries are currently doing this. For example, McDonald's provides access to calorific content and other nutritional information within its food suppliers. I am not sure about some of the other major fast-food chains. I am not a regular at fast-food outlets, but I will bow to the expert, the shadow Minister, who may make a contribution in that regard.

These requirements will apply to a standard food outlet that is either an outlet of a food business that sells standard food items at 20 or more locations in New South Wales or at 50 or more locations in Australia. Or it is an outlet of a food business that is operating in a chain of food businesses that sells standard food items if together those businesses sell standard food items at 20 or more locations in New South Wales or 50 or more locations in Australia. As I said, I hope there is some flexibility in terms of policing the labelling of nutritional information because it will be difficult to be entirely accurate. The bill establishes an offence of failing to meet these requirements, which carries a maximum penalty of 100 penalty units in the case of an individual and 500 penalty units in the case of a corporation. It also enables regulations to be made that provide exemptions from any of the requirements.

The regulation amendments exempt convenience stores, service stations, businesses that principally provide catering services and sit-down restaurants with no takeaway services, and retail food sold in health care facilities, from having to comply with the requirement to display prescribed nutritional information. I am wondering whether this is the first step of something that will happen further down the road. Will these businesses be included at a later date? Is this the beginning of a Government plan to incorporate these organisations later? I would appreciate the Minister's advice on the overall plan. The bill includes a number of miscellaneous amendments to the Food Act 2003. I recognise what the member for Smithfield said about the commencement date of the bill. Similar initiatives in Victoria, Queensland and South Australia are understood to be considering similar legislation. Once again, I reserve the Opposition's position and leave it in the hands of the shadow Minister during his contribution to this debate. I thank the House for its attention.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [7.55 p.m.]: I am pleased to speak on the Food Amendment Bill 2010. The object of the bill is to amend the Food Act 2003, firstly, to require certain prescribed food businesses that operate in more than one premises or in a chain—called standard food outlets—to display certain nutritional information in relation to standard food items that they sell. Secondly, to require other standard food outlets that voluntarily display certain nutritional information to meet certain requirements in relation to the display of that information. Thirdly, to make other changes to improve the administration of the Act. The bill also amends the Food Regulation 2010 accordingly.

In supporting the bill, I want to spend a little time on the important public health initiative contained in the bill. Recent studies have shown that as a society we are making little headway on the chronic health problems associated with obesity and overweight. This is despite concerted attempts by both State and Commonwealth health professionals. It is time for a new approach. A problem of epidemic proportions needs a solution of equal magnitude, and a recent working paper by the Productivity Commission highlighted the fact that there is a strong case for the Government to take a leading role. The requirement for mandatory disclosure of nutritional information contained in this bill is part of that new approach.

The Government needs to be both practical and proactive. We need to require more of businesses, consumers and ourselves. We have heard that voluntary steps taken by industry in nutrition labelling of fast food have not achieved across-the-board improvements. We also know that industry-driven code of practice approaches in related areas such as marketing to children and television advertising have had disappointing results. The New South Wales Government has listened to public health experts, such as the Heart Foundation and the George Institute for Global Health. This is a serious food-related public health problem, and this bill represents a serious step forward.

Some may say that the obesity problem can be solved by encouraging exercise. Others may claim that the solution lies in forcing companies to sell healthy foods. In truth, each of these things has a part to play but a long-term improvement can only be achieved if we start by informing consumers about what they eat and encourage them to make behavioural changes. There is a clear link between overconsumption of energy-dense fast foods and obesity. So it is appropriate and necessary that the New South Wales Government now leads the way by introducing practical, workable requirements for the fast-food industry. The initiative contained in this bill cannot be relegated to something that is merely "nice to know". Chronic illnesses associated with overweight and obesity present a clear risk to the health and wellbeing of New South Wales consumers.

We must therefore adopt a new way of looking at nutrition, that is, food safety over the long term. This is not a job that health professionals can tackle alone as food regulation has a key role to play. New South Wales has Australia's only fully integrated food regulatory agency. The New South Wales Food Authority was formed some six years ago, with the motto of "Safer food, clearer choices" for the community of New South Wales. Since then it has demonstrated time and again its capacity to deliver important new initiatives to protect the health and safety of New South Wales consumers. This has included over the years formalising the role of local councils in enforcing food safety and properly coordinating the regulatory scheme that underpins this critical work. Following that was this Government's introduction of the name and shame register, which provides consumers with information about businesses that have been prosecuted or have paid a penalty for unacceptable food safety performance.

The Government took a proactive approach to reduce food-borne illness in New South Wales by improving food handler skills and knowledge. It did that in 2009 by introducing the Food Safety Supervisor initiative, which is now being implemented. Food handlers are the critical link between food and consumers. The food safety supervisor program creates a mechanism to improve food safety across the board by requiring relevant businesses to appoint properly trained food safety supervisors. The food safety supervisor program is a practical proactive initiative that further strengthens food regulation in New South Wales. Practical and proactive are the two key elements of the approach of the Food Authority, delivering safer food and clearer choices for New South Wales. The Government has proven time and again that it has an ongoing commitment to improve food related public health outcomes. The Food Amendment Bill 2010 is the next and necessary step in this Government's strategy to further improve food regulation in New South Wales and, in turn, to improve public health outcomes. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [8.02 p.m.]: I do not lead for the Opposition on the Food Amendment Bill 2010 but I will make some comments in relation to it. The overview of the bill states:

The object of this Bill is to amend the *Food Act 2003* ...

- (a) to require certain prescribed food businesses that operate at more than one premises or in a chain (*standard food outlets*) to display certain nutritional information in relation to standard food items that they sell, and
- (b) to require other standard food outlets that voluntarily display certain nutritional information to meet certain requirements in relation to the display of that information, and
- (c) to make other changes to improve the administration of that Act.

The Bill also amends the Food Regulation 2010, the principal regulation, in various ways. I note that the 2009 New South Wales population health survey showed that more than half of New South Wales adults are overweight or obese. In fact, New South Wales has the highest percentage of obese males anywhere in Australia. I highlighted that fact recently in a private member's statement about men's health. There is clearly a need for this Parliament and the Government to address what is becoming an epidemic of obesity, particularly in males in New South Wales. That undeniably constitutes a huge strain on our health services and more needs to be done to educate and assist people to eat in a healthier way. I acknowledge that the Government has some initiatives in terms of education and other activities to address this issue but more needs to be done because obesity is set to be the single biggest disease of this century.

I became aware when I was a non-executive director of the health insurance company HCF for 14 years that obesity was identified as an issue that had to be addressed in not only the public sector but also the private sector in terms of health treatment and preventative health. As I am no longer associated with HCF, I feel free to praise the organisation for not only issuing special reports on obesity and weight loss, but also proactively encouraging people who had excess weight to address that issue in a positive and practical way. I emphasise that while the Food Amendment Bill 2010 appears to address important issues in a positive way, the bill was introduced only today with an attempted passage through all stages in this House on the same day. That

constitutes a clear abuse of parliamentary process. In each of the past three sitting weeks we have seen the Government cast aside standing orders to rush through legislation in this House. As a consequence, there has been inadequate analysis of important legislation.

The Legislation Review Digest, which was published this week and is an important aid for members to consider legislation, does not cover this bill, just as it does not cover two other bills we dealt with in the previous two parliamentary sitting weeks. That is an issue of concern that was noted in the take-note debate when the digest was tabled. As a consequence, sensible debate is impeded in this House. While there may be exceptional circumstances where it is necessary to fast-track legislation—and certainly the solar power rebate scheme potentially fell within that category—it is difficult to fathom how the Food Amendment Bill warrants denial of proper parliamentary and consultation processes. I seek a proper explanation from the Minister as to why this legislation is being fast-tracked in what appears to me to be a clearly inappropriate way. Certainly those concerns are not being raised for the first time in this House; they have been raised repeatedly but have been clearly ignored time and again by an arrogant Labor Government which appears more intent, quite frankly, on political media headlines than good governance practice.

I note that on the weekend the media foreshadowed this legislation in a general sense. It is interesting that the Premier and this Government chose to brief the media in detail on political media headlines but failed to let this Parliament know the details of legislation which we only became aware of today. Certainly at an absolute minimum, if there were some extenuating circumstances, which I fail to see, why was this bill not tabled yesterday? Members did not even have 24 hours to consider this bill. It is a clear abuse of process in my view. I did a little research on this matter before I came into the Chamber and I was not surprised to read online a comment on a newspaper article from someone who calls himself RealMediaMike in response to the proposed New South Wales food labelling law. He said:

The Government should also be made accountable for all the crap they continue to shove down our throats.

While I would not use that language myself, it is symptomatic of the way this Government not only treats this parliamentary process but also the public of New South Wales. It is an important issue, and it is being mishandled in the debate on this legislation. The Opposition has had very little time to consider this legislation. It appears to build on existing nutritional labelling requirements under Fair Trading and food laws. Those laws include requirements that ingredients should be listed from the greatest in weight to the smallest, the different ingredients listed by percentage or certainly by ranking, and that no information must mislead consumers. Applying such an approach to describe the ingredients of New South Wales Labor, we could arrive at the following list: 50 per cent spin, 25 per cent corrupt or rotten, 15 per cent process abuse—

Mr Steve Whan: Point of order: I ask that the member be brought back to the leave of the bill, not make insulting comments that make him look a little silly.

ACTING-SPEAKER (Mr Thomas George): Order! I am certain that the member for Davidson will confine his remarks to the leave of the bill.

Mr JONATHAN O'DEA: I am criticising the way that the Labor Government has handled this bill and drawing an analogy or comparison with the way that food laws require a ranking from greatest to smallest. If the Minister cannot appreciate that, not only does he lack a little bit of humour, he also lacks an appreciation of the fundamental point I am trying to make.

Mr Steve Whan: I do not think that being called corrupt is humorous.

Mr JONATHAN O'DEA: The Government has proven itself repeatedly to contain members on your side of the House who have been found to be corrupt or rotten. That is a fact.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Davidson will direct his comments through the Chair.

Mr Steve Whan: I ask you to ask the member to withdraw the imputation against members on this side of the House.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Davidson has been asked to withdraw his comment.

Mr JONATHAN O'DEA: I do not withdraw the comment because it is a factual finding of the Independent Commission Against Corruption and other entities, so I will continue.

Mr Steve Whan: I do not believe a member can refuse to withdraw a comment on that basis. I certainly take personal offence at his characterisation of members of the Government as being corrupt. As a member of the Government, I find it personally offensive and I ask you to ask him to withdraw it.

Mr JONATHAN O'DEA: If the Minister is offended by my comments, I make it clear that they did not apply to him, but they did relate to public findings. They were not directed at him personally, nor indeed some other capable members on his side. In summary, I must emphasise that while the bill itself appears to contain some sensible and welcome initiatives, it requires further consideration in the other place due to the lack of time we have had to consider it. The way the bill was rushed to debate in this place was an abuse of process, which deserves to be condemned.

Mr KEVIN HUMPHRIES (Barwon) [8.12 p.m.]: I lead for the Opposition on the Food Amendment Bill 2010. At the outset, I contribute two points. After 15 years in government, finally we have a party that takes issues around lifestyles somewhat seriously. It took 15 years for the Government to work out that issues around obesity, cardiovascular disease and lifestyle-related issues were serious. After 15 years, we finally have some legislation on the table. A year and a half ago, when the Coalition set up the healthy lifestyles portfolio, the people in Government could not understand and questioned what "healthy lifestyles" meant. They did not understand issues around preventative health and nutrition, about engaging people in physical exercise to try to drive down some of the chronic disease that has crippled this State—indeed this country—through lack of leadership at a government level. Finally, in the death throes of the Government, they have worked it out, so congratulations! It has only taken 15 years for the Government to work out that obesity and nutrition were issues.

After 15 years, the Government has contravened just about every protocol that has existed in this place to try to ram through, in a quick and dirty fashion, the Food Amendment Bill 2010. The Government should really hang its head in shame for the process it has undertaken in trying to introduce this bill. The Nationals and Liberals would always have supported—and will always support—better outcomes for the people of New South Wales, but there needs to be general consensus and general uptake. On 7 November the Minister responsible, who is sitting opposite, had the audacity to put out a media release challenging the leaders of the Liberal Party and The Nationals on what our stance was in relation to the legislation that the Government was putting forward. I had to wait until 11 o'clock today to see the legislation, and there was absolutely no briefing by members of the Government.

The media release on Sunday challenged Barry O'Farrell on new food laws. No-one had seen the food laws that the Government was proposing. Were they going to be voluntary? Were they going to be mandated? Did they apply to all of the industry or part of the industry? This is a moving feast of shambolic policy and legislation. That is the way this bill will be treated, to the point where it was not even members of Parliament in the form of the Government that led the debate. They had to draw on the strategy of a premier that was, from memory, four or five premiers ago—Bob Carr—who spiked this Government over the last two years to try to do something in relation to nutrition in New South Wales. I was not invited to attend the food task forum, but one of my staff attended. This is about more spin and lack of substance.

If the Government was genuinely concerned and wanting to drive down issues around obesity and better nutrition in this State, it would have sought a bipartisan approach. We all know that there is an obesity problem in this State, and indeed in this country. New South Wales has by far the largest amount of fast food and takeaway outlets in the country. We know some of the practices of the many and varied fast food outlets—single shop owners, service stations, large quick-service restaurants. Those opposite could have sought a bipartisan approach, but they chose not to do that. They have decided to come through the back door to be able to say at the next election, "We have done something about obesity, we have ticked that box". These statistics have been in front of us for years and years. This is a multibillion dollar problem that has been staring the Government in the face. Why has it taken so long to introduce the bill? The question should be and certainly will be asked in the upper House: why has the Government chosen this process and why has it not taken a wider bipartisan approach.

The answer to obesity is better foods. Why does New South Wales in particular have the highest rate of uptake of consuming takeaway food? Why have the people of New South Wales in effect not been led down a path where they should be seeking more information, more skills, more uptake and more showcasing of the fine

foods that we have in this State and how they could be incorporated by mums and dads and families in households around this State? I can tell you why it has not happened. The Government has failed on two fronts. It has failed to support the industry that backs the mums and dads in kitchens in this State and this country. Last year this country, led by this State, for the first time in our history except probably for the first 20 years of the colony's post-European settlement, imported more food than it exported. The food that we imported is what goes on our supermarket shelves.

This State has driven more businesses offshore than any other State in Australia. We noted earlier today that the Minister at the table was in Shanghai to do business with our Asian partners. Good on him. That is where our business is going. Through overregulation and virtually an anti-agricultural stance by this Government we are forcing people out of business in this State and driving them overseas. It has reached a point where we are exporting cheap primary agricultural product to be processed overseas rather than in New South Wales. Not only is our primary produce going overseas into the very countries the Minister visited but we are importing it as a much more highly processed product that is at least two weeks friendly on the supermarket shelf and full of salt, sugar and some preservatives that are not so good for us. Do not worry about labelling some of our quick-service restaurants. Instead we should look at some of the ingredients that go into products that are fundamentally making us ill.

Why would anyone back a government—this is what the community needs to be asked—that continually drives our business offshore? Why would anyone back a government that makes doing business in this State harder? Why would you back a government that continually drives agriculture into the ground through overregulation and a shut-down policy? It is not the way we should be going in this State. The Government needs to take responsibility for the obesity issue. It needs to take responsibility for the increasing health-related issues and the budget it has let get out of control. After 15 years the Government is finally waking up. Well, hello! I think the rest of the State has finally woken up too, including the member for Blacktown who said today on Macquarie Radio that the Government has lost its way. What do they stand for, he asked?

To introduce a bill in this way is an absolute insult to the Parliament and the people of New South Wales. I hope the Government gets curried when the bill gets to the Upper House. I suspect that is what will happen. We have avoided the issue of better food and nutrition in this State for too long. Not only have we forced businesses offshore but those that remain are overregulated. That is what this bill is all about. The bill targets not quite 50 per cent of the fast food market. It has nothing to do with improving standards at the corner takeaway shop or with improving standards through Coles and Myer who own most of the service stations in this State and the food outlets they contain. The bill has nothing to do with 50 per cent of the industry. This is about overregulation. What happens when you over-regulate a State and a country? People move out. That is one thing that happens and we have already seen the mass exodus of business that has been driven offshore.

In his agreement in principle speech the Minister said, "I acknowledge that the industry has proposed a voluntary code of practice for nutrition information." Here are the key words: "Unfortunately, voluntary codes will not deliver the outcomes we need because each business can opt out if it believes this to be in its commercial interest." Fifty per cent of the industry has already opted out because it is not even included in the bill, so how can the Minister say that this is an industry-wide issue? It is not. This is a furphy. The Government is conning the people of New South Wales.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Barwon will direct his comments through the Chair.

Mr KEVIN HUMPHRIES: The bill is not about introducing better outcomes for the people of New South Wales. What happens when you introduce more regulations and say, "Sorry, we don't trust you. We're going to introduce more regulations"? This State is so overregulated that people are cutting corners to the point where the Government has become totally irrelevant. This Government has introduced so many laws, regulations and rules that they cannot keep a tab on them now. Look at the occupational health and safety regulations. How many people do we see arrested for not wearing harnesses on roofs?

ACTING-SPEAKER (Mr Thomas George): Order! The member for Wyong will have an opportunity to contribute to the debate.

Mr KEVIN HUMPHRIES: The Government cannot regulate all industries across the board. Here we go again. The Government is going to put the problem back onto local government and the NSW Food Authority. Those bodies do not have the resources, the capacity or the know-how to administer the regulations

currently in place yet the Government is proposing to apply the legislation to 50 per cent of the industry. The way this bill has been introduced is a disgrace. The Government could have had much greater bipartisan support. They know that Coalition members were talking with industry members about voluntary codes for nutrition and better foods. They know that we were not talking to industry about ramming regulations down its throat, which is only going to make doing business in this State harder. That is why the Government has come up with this bill in a quick and dirty process. It is all about trying to stay in Government next year. I can tell members opposite now that it will fail. We will not oppose the bill but we will certainly speak vehemently about the process and the upper House will have a lot more to say about it when the bill reaches that Chamber.

Mr DARYL MAGUIRE (Wagga Wagga) [8.25 p.m.]: The Food Amendment Bill 2010 was introduced into this place this morning and I have had limited time to read it. I will not go over what the shadow Minister and others have said except to say—

ACTING-SPEAKER (Mr Thomas George): Order! I remind the member for Wyong that he will have an opportunity to contribute to the debate.

Mr DARYL MAGUIRE: —that when it comes to regulation I am alarmed when I read schedule 1. There are 12 mentions of regulation in this bill. The devil is always in the detail. I see no mention of who will manage the regulation—whether it will be under the Minister's hand or whether it will be his appointed director general or whoever carries out the bureaucratic operations of administering the bill. The parts of the bill dealing with regulations interest business and others because they want to know how the Minister requires them to operate under the Act. Not a lot has been said about that.

Proposed section 16R on page 3 refers to the inclusion in the bill of owners of food outlets that sell standard food items at 20 or more locations in New South Wales or at 50 or more locations in Australia. There are a number of exemptions listed on page 11 under proposed section 16W, including convenience stores, service stations selling petrol or other fuel for motor vehicles, food businesses that primarily provide food catering services, and food businesses that only sell food that is intended to be consumed on the premises at which it is sold. Food sold by retail at a health care facility is exempt from the operation of the bill. I understand the last point.

The aspect I want to raise is that when you consider the geographical location of many businesses, particularly in smaller towns, it is obvious that many of those towns are not exempt from the epidemic of obesity. One can go to any town, whether it be in my electorate, the electorate of Murray-Darling, the electorate of Barwon, or indeed the Minister's electorate of Monaro, and one will find examples of small communities that do not have the benefit of a chain store or an outlet that has 50 or more outlets across Australia or 20 in New South Wales. Those communities rely on the local service station to provide fuel, cigarettes, petrol and, quite often, fast food. I know you, Mr Acting-Speaker, travel many miles around your electorate as I do in mine and quite often we go to a function where no meal is provided and we need to find some sustenance while we are travelling. The ability to obtain healthy food is very limited. Many people in small communities have only the corner store or a service station outlet to rely on.

Remote towns such as Wilcannia do not have the benefit of large chain stores. Independent operators in Wilcannia run the fuel outlet and the local cafe, as they do in my old hometown of Ivanhoe and in towns such as Tarcutta, a major trucking changeover point. Tarcutta has a large privately owned outlet that operates under a banner and it has a cafe that produces fast food. An outlet that sells fuel and fast food and is part of a major chain, for example, a fuel outlet chain, will be subject to these rules, but another outlet only 200 metres down the road might not be subject to these rules. Industry relies on those outlets to provide food and sustenance for the trucking industry.

This bill has been cobbled together to appease someone. I will not cast aspersions on who that someone might be as the Government might be trying to win favour with someone. I will leave it to others to draw a conclusion. When bills such as this are debated in this House they are cobbled together in such a fashion that they often require amending at a later stage. On many occasions this Government has had to amend its own bills. Only outlets such as McDonald's and others will be enamoured with this legislation. I am sure that most members will be working at McDonald's on McHappy Day.

Mr David Harris: This Saturday.

Mr DARYL MAGUIRE: As the member for Wyong said, he will be working at McDonald's on McHappy Day, but his Government just introduced a bill that will segregate McDonald's and other fast food

chains. The Government has not really thought about this legislation. Will Government members say to the people at McDonald's, "You will have to comply with this legislation", which is what they are already doing voluntarily? On the last occasion I visited McDonald's I was shown the new menu that has been produced by McDonald's, which displayed the kilojoules and the food content. McDonald's management was proud of its new menu and great credit goes to the organisation for taking that step. Those chains exist but the Government and those who formulated this bill did not think seriously enough about these issues.

This Government is not introducing something that will deliver benefits for people right across this State; it will only benefit organisations in towns such as Wagga Wagga where a number of major chain stores are operating—good chain stores with good employers who are good corporate citizens. Franchisees who are excellent corporate citizens support organisations such as Ronald McDonald House. That building would not be in existence today if it were not for Tony Aichinger and others who raised funds for it and contributed money to it. Other organisations have good employers, et cetera. Under this bill, smaller communities that do not have the benefit of those chain stores but that provide a service will be exempt. That means they will not be burdened with the cost of implementing this regulation.

This Government should try to achieve better outcomes for Aboriginal people in Wilcannia who suffer greatly from diabetes and who die at a much younger age than average Australians. Communities such as that would benefit from menus displaying kilojoules, fat content and other food content. They would benefit also from eating healthier food. Those communities should benefit from legislation such as this. The death rate from diabetes is appalling and it is increasing. The number of people with diabetes in regional communities is increasing but this bill will do nothing to help them. The Government is rushing this bill through the Chamber when we have not had an opportunity to discuss all these issues in the community. This Government wants us to believe that it is doing something when this is just spin and all it is doing is appeasing someone.

Mr Steve Whan: You are such a cynic!

Mr DARYL MAGUIRE: It is easy to be cynical when only today the Government rushed legislation through this Chamber that will enable unions to spend \$23 million on top of the \$9.8 million that this Government can spend. It is easy to be cynical when such appalling legislation is introduced in this place. It is easy for people in the gallery to understand why Opposition members have become cynical.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Wagga Wagga will direct his remarks through the Chair.

Mr DARYL MAGUIRE: If the Minister wants to wind me up I am more than happy to respond to him. The Government has not thought through this bill, which is all about spin. The Government could have done much more. It could have brought many benefits to communities that have no other option. We want people in our communities to be fitter and to eat healthier foods. This Government has failed yet again. The Opposition will not oppose this bill but all rights will be reserved in another place, which is fair and reasonable for this hastily introduced legislation.

Mr BRAD HAZZARD (Wakehurst) [8.35 p.m.]: The Food Amendment Bill 2010 will amend the Food Act 2003. I am concerned that this legislation is being rushed through this House in the dying days of this Parliament. The problems being experienced in New South Wales at the moment can be attributed to the poor governance of the Labor Party over recent years. This Government is regulating business in this State almost to extinction. Making certain information available can be helpful to some people. All members are aware that information about kilojoules and nutritional content, or the lack of it, often are available on pre-packaged material. This bill is being rushed through this Parliament, which precludes members of Parliament from having a sensible dialogue with the community, in particular, the business community, about how it will impact on them.

The bill contains various provisions that will define the food to which those provisions apply. Proposed section 106L defines standard food item as meaning "an item of ready-to-eat food that is sold in servings that are standardised for portion and content and that is shown on a menu (whether on a board, leaflet or the like or in electronic form) or displayed with a price or identifying tag or label". However, much of that detail will be revealed only in the regulation. There will be substantial new additions to the Food Act but there has not been time for proper consultation and we do not know what regulations will be introduced as a result of these amendments to the Act.

Whenever we introduce new regulations and new legislation there must be a clear benefit to the community. At this point I am not convinced that this bill will produce the benefits that the Government seems

to think it will produce. I believe it will place a heavy burden on businesses and only a small section of the business community that is involved in the delivery of food. Not all those businesses in the business community will be affected by this bill. In a sense we will be creating an arena in which some businesses might be subject to this legislation and the regulations, and some will not.

What the bill seeks to do may be understandable and in some cases may be possibly beneficial, but the quid pro quo, the downside of this bill, is that the regulatory framework it sets up is more of a regulatory impost on business in this State. I am not convinced that the provisions of this bill will provide the benefit that the State Labor Government tells us it will. My concerns are confirmed by the fact that the Government introduced this bill today, literally giving the Opposition about seven hours to examine it and telling us that it will ram it through the Parliament. The business community in this State is fed up with regulation being imposed upon it without adequate opportunity for consultation. Certainly, as indicated by my colleagues, the Liberal and National parties will reserve their position to the upper House. Obviously, the Liberal and National parties do not have the numbers in the Legislative Assembly to prevent the bill proceeding tonight in order to enable adequate debate, but certainly we will have more time to properly consider the issue when it goes to the upper House.

This bill seems to go much further than simply requiring the display of, for example, the calorific or kilojoule content of food. The bill requires businesses to somehow become experts in knowing where to find the calorific, nutrient or kilojoule content of every item they will display in their shop. Under new section 106P the bill even goes to the point of tying businesses in knots as to how they will display that information. Unfortunately, this bill was not given adequate consultation time by the broader community or the Parliament so we could make informed decisions on whether it is in the best interests of the entire New South Wales community. I suspect it is one more step in a nanna State and one more step towards not necessarily producing the outcomes State Labor says it will. However, that is not surprising as that has been the approach State Labor has adopted over 16 years.

Mr PETER BESSELING (Port Macquarie) [8.42 p.m.]: I raise a point about the introductory process of the Food Amendment Bill 2010, not so much about its content. Many members have noted that we have not had much time to read this bill. I cannot see why this bill was tabled today in order to ram it through the Parliament. Surely, much time and effort was taken to put the bill together, yet as parliamentarians who need to consider its detail to determine whether it is in the best interests of the community and our local electorates, we have a matter of only five hours in which to examine it. Under the Standing Orders, Chapter 16 for Bills, Standing Order 188 (9) and (10) state:

- (9) Immediately following the mover's speech the debate shall be adjourned.
- (10) The mover shall ask the Speaker to fix the resumption of the debate as an Order of the Day for a future day which shall be at least five clear days ahead.

Recently that requirement seems to have been replaced with the bill standing as an Order of the Day for five hours. The same thing happened last week with the Electricity Supply Amendment (Solar Bonus Scheme) Bill. However, for weeks prior we debated the budget estimates and related papers, which is the default setting for the Parliament where no bills are in place for consideration. This is a disgraceful way to conduct business in this State. It is a disgraceful way to introduce legislation. If we are to be serious about achieving good laws and not just imposing extra laws on existing laws, all bills need to be considered thoroughly not only by the community but also certainly by the members of Parliament who will vote on it.

Mr STEVE WHAN (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [8.44 p.m.], in reply: I thank the members representing the electorates of Smithfield, Miranda, Burrinjuck, Davidson, Barwon, Wagga Wagga, Wakehurst and Port Macquarie for their contributions. A number of Opposition members suggested that the bill has not undergone adequate consultation. While the bill was introduced today and will proceed through all stages this evening, there was a significant amount of lead-up in its preparation and in consultation with industry. Formal discussions were initiated with industry and other relevant bodies at the New South Wales Fast Food Forum on 18 August 2010, which was hosted by the Premier, the Deputy Premier and me. Over 40 different food businesses in the New South Wales quick service restaurant industry were invited. Although a number did not come along, the most prominent ones did. The forum was well attended by a cross-section of industry, public health professionals, academics and consumer advocates. The relationship between fast food consumption and public health was a particular topic of discussion.

The Premier announced at the forum her intention to form the Quick Service Restaurant Labelling Reference Group to be chaired by the New South Wales Food Authority. Since that announcement the reference group has been working and considering this issue. It has involved a number of organisations including Choice, Boden Institute of Obesity, Nutrition and Exercise, the George Institute for Global Health, the Australian Food and Grocery Council, representing its Quick Service Restaurant Forum members, McDonalds and the Yum! restaurants. The group also was formed to deal with technical aspects and possible approaches to menu labelling. The group was chaired by the New South Wales Food Authority's chief scientist and has met via teleconference on three occasions. The composition of that group was almost identical to the labelling reference group, although it included additional representatives who were specialists in technical aspects.

These groups went through the process and determined how to proceed. We have a plan that takes these measures forward to ensure stakeholders have an opportunity to provide feedback along the way. This bill will come into force in February, but it will have a 12-month period during which its implementation and measures will be assessed. It is hard to argue against these measures and I appreciate that the Opposition has indicated its support, although at times some Coalition members seem to turn 180 degrees during their speeches and head almost entirely in the opposite direction.

Compliance enforcement was raised by the member for Burrinjuck and the member for Wagga Wagga. These requirements will be assessed by the Food Authority and council food inspectors across the State at the same time as food safety inspections, which already are conducted in all these businesses. The Food Authority's graduated compliance policy is in force. This means that there is available flexibility, as mentioned by the member for Burrinjuck. As I said, the bill will undergo a 12-month implementation period during which further consultation will be held with industry. Until that time has expired, we will not look to further expanding the provisions of the bill.

A number of interesting and odd matters were raised by the member for Davidson, apart from his attempt to be clever about ingredients lists. Ingredients lists are on packaged foods. It is important to understand that in many food outlets where the provisions of this bill will not apply the foods are packaged and the customer can remove them from the shelf to read the ingredients list on the label. When a customer enters a quick service restaurant they do not get to see the product or hold it in their hands before they buy. They have to look at the menu board, which might be positioned above the cash register, and make a decision on what to purchase. That is where the information will be needed to be displayed to help them make that decision. That seems to be something many Opposition members do not understand.

The member for Barwon suggested that we had not briefed the Opposition. The shadow Minister is the Hon. Duncan Gay, who was fully briefed yesterday on the proposal. I recognise that the bill has proceeded quickly through the Parliament. Only a few weeks of parliamentary sittings remain and we have a very heavy legislative program, as this Government has each year. We always have a lot of legislation, a lot of reform, and a lot of important matters that need to be attended to. By dealing with the bill tonight we will be able to ensure that it will be in place to operate from February, as discussed and as intended.

The member for Barwon spoke at length and suggested that this is the first time in 15 years the Government has done something about obesity and cardiovascular disease. That is a ridiculous assertion. The bill is not intended, as some members of the Opposition very cleverly suggested, to solve the obesity problem outright. Some members opposite said, "This isn't going to solve the obesity problem." Although the bill will not solve the obesity problem per se, it makes a contribution to solving it. This legislation represents a contribution by giving people the information and power to make decisions in their own interests that may assist them in overcoming obesity or to improve their nutritional intake. This bill represents one measure among a totality of measures.

Over the years the Government has implemented a number of programs, such as physical exercise. The member for Barwon railed about spin and lack of substance in government programs, but he forgot to mention the Government's innovations such as healthy school canteen food and that the Government has led the way in those types of reforms. He also forgot to mention that the Government consistently engages in health care planning and constantly refers to ways in which practices and occurrences that cause ill health may be avoided. The Opposition's health policy completely fails to mention primary health care and preventive health measures, which demonstrates the Opposition's hypocrisy.

It was quite bizarre that the member for Barwon commenced his contribution to the debate by suggesting that the Government has not done enough, but went on to say that the Government is overregulating.

He suggested that this legislation would apply to only 50 per cent of the fast food market and would not apply to takeaways, which was not good enough; but he also suggested that the Government is overregulating. The contradiction was quite amazing. I really find it difficult to comprehend how someone could take himself so seriously while advancing that type of argument.

Mr Michael Daley: He argued with himself, and lost.

Mr STEVE WHAN: Yes, and at times that really seemed to be the case. The bill does not apply to only 50 per cent of the industry; it applies to the vast majority of quick service outlets in the State. I very carefully make a key point so that the Opposition understands it. The legislation applies to food that is sold in standard portions by restaurant chains that have more than 20 outlets throughout New South Wales or 50 across Australia. The reason the legislation does not include the local takeaway shop is that such an establishment does not sell standard portions; rather, the food is prepared on the premises and its characteristics can vary. Corner takeaway outlets are not included in the legislation because it is not practical to do so. Service station food outlets are not included because most of the food is pre-packaged. As I said earlier, people can take the food out and examine the labels.

After 12 months of operation of the legislation the Government will review its implementation and particularly whether its scope should be extended. The member for Wakehurst raised issues about the two levels of supply. It was evident that he also did not understand the point I made earlier. He argued against the bill, which is interesting as the Opposition indicated it would support it. The member for Wakehurst spoke about regulating businesses to death, yet his colleagues suggested that the legislation should apply to corner fast food and takeaway shops. I apologise for not giving members of the Opposition enough time to confer and agree on the same lines of argument, but I suppose that is one of the difficulties that can occur.

Mr David Harris: Phone a friend.

Mr STEVE WHAN: Indeed. The member for Wagga Wagga expressed alarm about the regulation but also expressed alarm about the exemptions. He seemed to be advocating extension of the exemptions. The Government intends to implement legislation that has been discussed with the fast food industry. For example, the Government discussed with the industry whether we should have a trial implementation period. The industry came back to us and said, "No, don't go with a trial; introduce the regulations. We know it is coming. We accept that stating kilojoules on the menus is something that will have a positive effect on health." The major fast food chains, to their credit, are all on board with this legislation and are keen to have it implemented because they recognise the demand for its provisions in the community. I believe this legislation will enhance their businesses and in particular will assist them to market healthier options. A number of Opposition members referred to costs, but the major fast food chains know the kilojoule, fat and salt content of their food and are more than capable of providing that information on menus.

The regulations will be managed by the New South Wales Food Authority. The scope of the legislation is not restricted to McDonald's, but McDonald's support it. The Premier and I announced the legislation at a McDonald's store. Businesses that are covered by the legislation include pizza chains, Gloria Jean's, Subway, Boost Juice, bakery chains, and even chains of salad bars that meet the standard food item conditions. The legislation will apply to a range of businesses. It is an important step in giving consumers the information and power they need to make healthy decisions. For the information of an Opposition that likes to talk about overregulation and competition I point out that one of the key tenets of competition that we all learn in economics is that it works well when we have perfect information. Through this legislation the Government is providing consumers with the information they need to make healthy choices. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

POLICE REGULATION (SUPERANNUATION) AMENDMENT BILL 2010**Agreement in Principle****Debate resumed from 29 October 2010.**

Mr MIKE BAIRD (Manly) [8.56 p.m.]: I participate in debate on the Police Regulation (Superannuation) Amendment Bill 2010 on behalf of the Opposition. While the shadow Minister for Police will provide a detailed response to the bill in the other place, there are some points that I wish to make. The Opposition notes that the bill is intended to amend the Police Regulation (Superannuation) Act 1906 in relation to the discharge of police officers who were employed prior to 1 April 1998, who have been on long-term sick leave and whose health is unlikely to improve to enable a return to duty and who, on medical advice, are determined by the trustees of the Police Superannuation Fund, which is known as the SAS Trustee Corporation, to be incapable of continuing to exercise the functions of a police officer.

The bill will allow the Commissioner of Police to apply for such a determination by the trustees, thereby entitling the officer to superannuation benefits depending on whether the infirmity was, or was not, caused by the member having been hurt on duty. As the Opposition has pointed out on prior occasions, to date the Commissioner of Police has been unable to exercise power to medically discharge an officer without running the risk of the officer losing membership of the scheme and consequently access to benefits. The legislation addresses that anomaly. The bill will enable the Commissioner of Police to apply for a determination by the trustees without running the risk of a loss of entitlements for the member concerned. The Opposition's comments during this debate are predicated on the understanding that the bill addresses that anomaly.

The amendments will apply to officers who have been on sick leave for at least 12 months of the previous 18 months and in relation to whom a medical practitioner is of the opinion that their health is unlikely to improve sufficiently to allow them to return to work. The Opposition seeks clarification from the Minister during his reply of the qualifications of the medical practitioner that will be required for the purposes of this legislation. The Opposition is prepared to assume that a medical practitioner does not include an uncle of the officer but rather is someone who has studied medicine in some way, shape or form. The Opposition assumes that the medical practitioner will hold some general medical qualifications, but we would like the matter clarified by the Minister during his reply.

The Opposition notes that officers will be paid a higher rate if their infirmity is deemed to have been suffered while they were on duty. They will be able to take their entitlements under the scheme as a pension or as a lump sum, or a combination of both. I seek clarification also from the Minister of whether, once an officer has made the election to receive a lump sum, they are able to rejoin the scheme. In other words, would an officer be able to accept a lump sum, go away, and then rejoin the Police Force? Based on the information I have been given, officers will not be allowed to do that. The Opposition is eager to obtain clarification of that point from the Minister during his reply. The Opposition would not necessarily want an officer to take a lump sum and then later return to the Police Force. I am not saying that that is necessarily a practice that would be undertaken, but the Opposition certainly seeks clarification of that point.

The Opposition also notes information provided by the Minister for Police in 2006 that there were approximately 9,000 current and former police officers covered by the pre-1988 scheme. The Opposition requests information concerning the amount involved and the numbers of officers who will be directly impacted by that provision in the short term. There must be a known number that justifies action being taken by the commissioner under the terms of this legislation. What are the long-term financial implications that may impact on the budget? It is not clear in the analysis whether a decision, whether it is favourable or unfavourable, will have an impact on the State's finances in the short term, the medium term and the long term. What are the expected financial implications that would flow from this decision?

Importantly, the bill highlights a potential lack of communication between the police commissioner and an officer. It will allow the commissioner, without consultation, to apply for the removal of an officer from the Police Force. If an officer has been on sick leave for the deemed period the police commissioner could, without consultation, seek their removal. However, we think there is an onus on the police to put in place communication processes and channels to ensure that every party, obviously including the officer, is fully informed of the decisions that are being undertaken. A decision should not come as a shock; it should be part of a considered process and timing. Importantly, the Police Association has indicated that it supports the bill. On

that basis we are happy to support it. However, I ask the Minister to address some of the points I have raised. The shadow Minister in the other place will detail similar concerns about bill. The Opposition does not oppose the bill as proposed.

Mr NINOS KHOSHABA (Smithfield) [9.01 p.m.]: I support the Police Regulation (Superannuation) Amendment Bill 2010. The hardworking men and women of the NSW Police Force do an outstanding job of protecting the communities in which they serve. This Government has a proud record of supporting our police officers by ensuring that they have all the powers, equipment and resources they need to keep our community safe. We have also done all we can to ensure that injured officers who are willing and able to return to work are fully supported to do so. I am pleased to note that, as part of the 2009 salaries award, agreement has been reached between the NSW Police Force and the Police Association on a range of new measures to improve injury management within the Police Force.

Along with the amendments proposed in this bill, one initiative being undertaken in conjunction with the Police Association are welfare scoping interviews to actively engage injured officers in a degree of self-determination in managing the injury. These interviews are designed to assist officers in their return to work or further management of their medical conditions. The objective is to help these officers address any needs relating to their respective injuries, in consultation with a Police Association representative, an injury management adviser and an independent senior police officer. For those officers who are unable to return to work, the Government is committed to measures that provide suitable compensation which will allow these officers to retire not only with dignity but also with some financial security.

Under the current arrangements the SAS Trustee Corporation, or STC, as trustees of the Police Superannuation Scheme, can only accept medical discharge applications from an individual officer. Should the commissioner exercise his power to medically discharge an officer, there would be a risk that the officer would no longer be a member of the Police Superannuation Scheme. This bill will change that by allowing the commissioner to make that application on behalf of the officer, and in close consultation with that officer. The proposed amendments to the Police Regulation (Superannuation) Act 1906 will allow for the commissioner to nominate a pre-1988 officer for medical discharge in certain circumstances: the officer has been on sick leave for 12 months of the last 18 months; the condition of the officer in question is unlikely to improve sufficiently so that he or she may return to work; or the SAS Trustee Corporation has determined that, based on medical advice, the officer is incapable of continuing to exercise the functions of a police officer as prescribed in the Police Act 1990.

The commissioner or his delegate will be able to make this nomination without risking the entitlements of the officer under the Police Superannuation Scheme. In my opinion that is the most important feature of the bill. I also note that in the agreement in principle speech the member for Miranda said that the proposed application to the SAS Trustee Corporation would be provided to the member by personal service, and that the member would be afforded the opportunity to nominate any other infirmities that require consideration. Pre-1988 officers have served the people of New South Wales for at least 22 years—in most cases more than that. They deserve our respect; they have earned that respect. It is only right that they be given the opportunity to actively participate in the application process. I understand that extensive consultation has been held with the Police Association. Those discussions have led to the bill before us today. The Minister for Police has advised me that the association has indicated its approval of the proposed amendments. I am pleased to be part of a Government that is committed to ensuring the rights and entitlements of our hardworking police officers. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra—Minister for Police, and Minister for Finance) [9.05 p.m.], in reply: I thank the member for Manly and the member for Smithfield for their contributions to this debate. The bill is a simple one; accordingly, my comments will be brief. I turn to two questions put by the member for Manly. First, in relation to the qualifications of medical practitioners, there is no change to the definition and therefore no change to the qualifications of medical practitioners. No changes are proposed. Secondly, as to the likelihood of a discharged officer returning to the Police Force and therefore being re-engaged in the scheme, I remind members that this bill will apply to officers: first, who have been on long-term sick leave; secondly, whose health is unlikely to improve to enable a return to duty; and, thirdly, who have been deemed by the trustees of the Police Superannuation Fund, on medical advice, to be incapable of continuing to exercise the functions of a police officer. If they are not fit for duty they will not be re-fit for duty. The likelihood of them seeking to return to the Police Force is miniscule.

However, even if their prayers to Mary MacKillop are answered and a miracle occurs to enable them to be medically fit once again, I remind members that this bill relates only to officers who were employed prior to

1988 and therefore the scheme is now closed. The proposed amendments will enable pre-1988 police officers who are genuinely injured to be nominated for discharge by the NSW Police Force, allowing the organisation to maintain suitable levels of front-line policing. Most importantly, the amendments will assist injured officers to exit the organisation with dignity. The Police Association has welcomed the changes as they will allow the NSW Police Force to assist those officers who are unable to make an application for discharge of their own volition. I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

ACTING-SPEAKER (Mr Wayne Merton): Government business having concluded, and pursuant to resolution, private members' statements will be proceeded with.

PRIVATE MEMBERS' STATEMENTS

NORTHERN BEACHES HOSPITAL SERVICES

Mr MIKE BAIRD (Manly) [9.08 p.m.]: I am pleased to make my private member's statement while the grand cocky is in the chair. I share my community's outrage at the persistent downgrading of health services at Manly and Mona Vale hospitals over the past decade while we wait for the long-promised new northern beaches hospital. This issue has moved beyond politics. Constant cutbacks at Manly and Mona Vale hospitals have demoralised staff, compromised patient care and led the community to complete frustration. Enough is enough! Back in May we put out our call to arms. We were inundated with offers from people across the community who are determined to fight for better health services on the northern beaches. The northern beaches community is almost the same size as the Canberra community.

The Peninsula United to Secure a Hospital [PUSH] campaign was formed. The aim is to get the new northern beaches hospital built and to stop the haemorrhaging of services at Manly and Mona Vale hospitals. PUSH comprises a group of passionate individuals, from clinicians and nurses to patients and relatives of patients. Today PUSH launched a petition to get the level of health care the northern beaches deserve. A local constituent, indeed a granddad, joined PUSH along with his partner and gave a tragic story of his daughter losing her first baby due to a bacterial infection hours after birth at Manly Hospital. He said he will do whatever it takes to ensure no other family has to endure the loss they faced. A tragic loss, whatever the circumstances, such as that is completely unacceptable. He also said this is not about the nurses, doctors, clinicians and other staff who do an unbelievable job—and we cannot thank them enough for it—but it is about providing them with the facilities they and the community deserve.

Yesterday a rally for Mona Vale was held, and I pay tribute to the passionate mums fighting. They are devastated by the Government's decision not return maternity services to Mona Vale. This frustration continues to bubble up in my community. They feel they have been let down in relation to health services. Despite the Government's promise when it announced the new northern beaches hospital that Mona Vale and Manly hospitals will not be downgraded while it is being built, that is exactly what has happened. In May 2010 the aged care and rehabilitation units were axed at Manly with a loss of 20 beds and 22 full-time staff. Dr Michelle Franks from Manly Hospital expressed her disappointment. She told the *Manly Daily*, "We have a lot of aged care patients who need rehabilitation services and it's a resource that has always been used." A petition with hundreds of signatures was collected in less than a week, which was ignored by the Minister for Health.

Recently I held a community fundraiser in Manly to buy electric beds for Manly's maternity unit that are desperately needed by both mums and midwives—beds that are standard in hospitals across the State. The funds raised will mean that nine beds will be delivered to that maternity ward next month. Nurses have had to bend down to operate the beds manually, and that involves occupational health and safety issues for them. The

impact of the operation of a bed moving up and down smoothly, particularly for mums who have had a caesarean operation, is great. We are glad we can provide them but it is a sad indictment of the Government that local communities have to fundraise to fill the gaps for essential equipment in our local hospitals. PUSH is not partisan; it is about getting the health facilities on the northern beaches that are already available in comparable communities across the State.

The population on the northern beaches is close to 270,000. Comparable population centres were given this level of health facility years ago. A level five hospital is what is required to treat the population of the northern beaches and we deserve that. We understand that there are budget constraints but the Opposition is committed to providing such a facility. Certainly that commitment was made by the State Labor Government. It should get on with it and start building the hospital. In October 1999, 11 years ago, the chief executive officer of the area health service, Dr Stephen Christley, came to Mona Vale and announced that Mona Vale and Manly hospitals would be replaced with a brand new hospital for the northern beaches. We understand the community is cynical after years of empty promises. When the Government announced Frenchs Forest as the site for the new hospital in 2006, just prior to the last election, the Premier said in this place:

This project will provide in excess of \$200 million to build a new high-level hospital that will service the needs of all residents of the northern beaches, from both ends of the peninsula. The Government announced today a massive commitment to increase health services for the people of the northern beaches. There will be a new hospital and Mona Vale Hospital will be retained.

We continue to wait. Health services on the northern beaches have been neglected for too long. The Government must deliver on its promise. The project is supported by the community, the Northern Sydney Regional Organisations of Councils and the health community. The Royal North Shore upgrade was done on the basis that there would be a new hospital on the northern beaches. I call on the Government today to honour its commitment and respond to the frustration of the community. I call on it to support all the nurses, doctors and other medical staff on the northern beaches and, for goodness sake, get on and build the new hospital.

GREYSTANES PUBLIC SCHOOL SPRING FAIR

Mr NINOS KHOSHABA (Smithfield) [9.13 p.m.]: On 30 October 2010 Greystanes Public School held its annual Spring Fair, which I had the privilege of attending. The fair has been held for more than 40 years now and has evolved from a rather humble event on a Friday night to a great extravaganza now held on a Saturday. The Spring Fair is the parents and citizens' major fundraiser for the year. Last year the parents and citizens raised enough money to install five interactive whiteboards valued at \$38,000 for their classrooms. The Spring Fair is solely organised and run by the Greystanes Public School parents and citizens, which is made up of the president Atul Singh, vice-presidents Danielle Kowaliw and Donna Markulin, treasurer Maddie Harrod, secretary Annette White, fundraising co-ordinator Marieka Battiato, together with Diane Pawlak, Angie Mathew-Singh, Derya Gionta, Bettina Jones, Charmian King, Raymond Chau, Michael Shiels, Kim Shiels, Matt Bates, Mark Dring, Doris Lennon, Janelle Warner, Belinda Nichols, Nancy Fakhoury and the canteen coordinator Mrs Heather Peatman. I named them all because of their great work.

Mrs Heather Peatman has been involved with Greystanes Public School for 39 years and has attended every Spring Fair held at Greystanes Public School. Mrs Peatman has volunteered on the canteen since her children attended the school until today when now her grandchildren attend the school. I congratulate Mrs Heather Peatman on her years of voluntary service to Greystanes Public School. Mrs Peatman is a fine example of dedication and commitment; she has contributed so much to the school. I commend Mrs Peatman for her years of service. Greystanes Public School parents and citizens work long and hard from term one to create what truly is a great day out, filled with fun activities for all ages, young and old, with a warm community feel about it.

The school oval transforms into a theme park with rides for all ages—pony rides, bungee jumping, sand art and a barbecue by Outback Steakhouse. There were also the wonderful stalls with cakes and craft. Farm animals were there and lots of entertainment on the day. Parent volunteers, schoolteachers and staff, both administrative and maintenance, all pitch in to help to make the Greystanes Public School Spring Fair a great success every year. All money raised from the Spring Fair goes towards providing and buying resources that enable better learning for the students, which is the primary aim of fundraising at Greystanes Public School. Some of the major achievements recently are the two covered outdoor learning areas and covered walkways. The parents and citizens have also subsidised courses such as Going into Teen Years, year 6 fun day, providing tea orientations and helped out in many other events held at the school. The Spring Fair also attracts support from many local small businesses and parents who sponsor the fair and provide vouchers and prizes that are used at the fair. A special thank you must go to Delfin, which supported the Spring Fair once again with its generous sponsorship.

The goal for this year's fair was to raise enough money to install audiovisual equipment in the new school hall and new equipment for the new canteen—both built under the Federal Labor Government's Building the Education Revolution project. All that would not be possible without the support of a strong and cooperative principal, Mr Stuart Anderson, who has been the motivating force behind the parents and citizens drive and commitment to fundraising. His enthusiasm, together with the wonderful teachers who have enriched and will continue to enrich all the students' learning lives. Greystanes Public School is offering and will continue to offer not only a great education but also opportunities in performing arts, sports and a commitment to the environment through its environment program and water-saving initiatives. I commend the principal, staff, parents and citizens and students of Greystanes Public School, who are the true definition of a fine quality public school. Well done!

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.17 p.m.]: I thank the member for Smithfield for bringing to the attention of the House Greystanes Public School Spring Fair, which began with humble beginnings on a Friday night and is now a full-day extravaganza. I am sure all members are aware of the wonderful work done by parents and citizens in schools throughout the State, and obviously the group at Greystanes Public School is no exception. I also thank the member for drawing attention to the long service and dedicated commitment of Mrs Heather Peatman, who has been involved with the school for some 39 years. I ask the member for Smithfield to pass on the Government's thanks for her work within her community. Obviously, the parents and citizens association is committed to the school, its students, the principal and staff, who all work together with the school community to develop and provide resources to the school, for example, a covered outdoor learning area. I thank the parents and citizens association for its commitment to the school, and the member for Smithfield for bringing this matter to the attention of the House.

ACTING-SPEAKER (Mr Wayne Merton): I also commend Greystanes Public School for its tremendous efforts over so many years.

STUDENT INSURANCE COVER

Mr THOMAS GEORGE (Lismore) [9.18 p.m.]: Every school and every parents and citizens association in this State does a wonderful job. I encourage the member for Miranda, the Parliamentary Secretary, who should be a Minister, to take up the issue I am about to refer to as I have raised it with Ministers but it has fallen on deaf ears. In March it was brought to my attention that young Lehman Espley was representing Wollumbin High School in the North Coast soccer trials on 10 March. After tackling another player, he damaged his right knee. An ambulance was called and he was taken to Tweed Heads hospital. After consultations with various doctors, he was told that he needed reconstructive surgery to gain full movement of his knee and leg. He was told that surgery could be done privately or publicly. Privately it would take two to three weeks at a cost of \$8,300. Publicly he would go on a waiting list and could wait up to 12 months.

He had his operation yesterday, some eight months later. His mother and other parents that she has spoken to were astounded to learn that children who attend public schools are not covered by insurance during their school time, even when representing the school. His mother was told that if the Department of Education and Training was found to be at fault then out-of-pocket expenses for Lehman's operation would be paid, but only if negligence was found. How do you prove negligence in a soccer game? You can't!

Another school principal contacted me in the same week requesting that I make representation on the school's behalf regarding reciprocal rights for ambulance cover when students travel interstate, including to the Australian Capital Territory, on school excursions. Currently many schools do not have their students covered under those circumstances and therefore run a risk. Most schools are covered in New South Wales, in his case by a yearly subscription paid by the parents and citizens association. However, when they cross a border and an accident occurs parents are up for considerable sums for ambulance support. A simple solution would be the reinstatement of reciprocal ambulance rights for students on school excursions, especially across border areas.

I approached Ms Verity Firth, the Minister for Education and Training, and she sent back a response and attached a copy of an ambulance school cover bulletin that was issued to principals. The bulletin states that if schools do not have ambulance school cover, only students whose parents have a Commonwealth Government health care card or who hold private health insurance with ambulance cover are covered for ambulance costs relating to injury or illness. This school even considered cancelling its major year 6 excursion to Canberra and a year 4 excursion to Brisbane because of the potential cost to families.

Parents simply do not know, which is clear from the many examples that have come through my office and from stories appearing in the local media. Recently two dads have been trying to make parents aware that

they are responsible if their children are hurt at school. They are currently on a crusade to warn other parents that children in public schools are not insured against injuries at school, particularly during sport. In response the New South Wales Department of Education and Training has stated that parents of children injured at school will be compensated for medical costs if the school is at fault, but in games of football, rugby league, rugby union, Australian rules, netball or whatever, no-one is at fault—no-one goes out of their way to cause damage to someone else.

I call on the Government to reinforce the need for schools to advise parents that their children are not covered, even if they are representing the school. In addition, parents need to be advised that children are not covered for an accident interstate if they are required to be transported by ambulance unless they have private health care cover. Parents need to be advised of this. It is one thing to send bulletins to schools, but the schools must get the information to parents. I again make the plea for parents to be advised in this regard.

CANLEY HEIGHTS RSL ARTS GROUP

Mr NICK LALICH (Cabramatta) [9.23 p.m.]: Tonight I speak about a fabulous group that works within my electorate of Cabramatta: the Canley Heights RSL Arts Group. This art group is made up of 17 talented artists who meet once a week for approximately three hours at the Canley Heights RSL Club to work on and perfect their artistic styles. The group has not had a teacher for about five or more years. They are self-taught and help one another as a team, a notion that is an example of how things are in my electorate. The Canley Heights RSL Arts Group classes offer the group an opportunity to socialise and interact with one another. Some of the artists are elderly and are battling various illnesses, but these artistic sessions offer the group an opportunity to have some time out and get together.

On 28 August I had the pleasure of attending and opening the Canley Heights RSL Arts Group annual art show. It was their ninth annual art show and I have been to nearly every one of them. On exhibition were some amazing displays and pieces of art. I was extremely impressed with the range of work on display and the quality of the artwork. I believe art appreciation is important. Art allows people to communicate and express their thoughts and feelings in a unique and individual way. The expression of art is also a great way to help people cope with change and to become better at communicating ideas. This is why the art show was and has been a great success for so many years.

It was a fantastic opportunity for the artists to take some time out from the stress of day-to-day life and just relax. As beautiful as the paintings on show were, the most wonderful thing about them was that the artists worked together and came up with different ideas, styles and techniques to create the masterpieces displayed at the exhibition. The quality of the artwork produced by the Canley Heights RSL Arts Group was amazing and is indeed a testament to the wonderful work that this talented group can achieve together. I place on record my thanks and appreciation to the Canley Heights RSL Club, which has offered the group a venue that provides its members a safe and relaxed atmosphere in which to work together and enjoy each other's company.

This is again an example of what my electorate is all about—a diverse community that comes together to work together in a positive way—and I was saddened by recent media statements about Cabramatta. Those statements were made by ill-informed sources portraying our community in an unreal and negative way, and stereotyping the local community. I know that by referring in this place to real-life examples, such as the Canley Heights RSL Arts Group and their great work, I can give a true and honest reflection to my colleagues and the wider community of the positive and progressive community in my electorate of Cabramatta. I commend Mr Kevin Mullin, President of the Canley Heights RSL Club, who is a great advocate for the artists. I thank him for his ongoing support in providing a venue for the art group to continue working together. I commend Canley Heights RSL Arts Group and all its members. I encourage them to stay creative and keep up the fantastic work. I look forward to attending next year's art show.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.28 p.m.]: I thank the member for Cabramatta for bringing to the attention of the House the Canley Heights RSL Arts Group and its work and exhibition. As he said, art appreciation is important to the community. Even tonight in Parliament House there is an exhibition of outback art, which is absolutely fabulous. I could see the enjoyment on the faces of people viewing those pieces of work. Clearly, the president of the club, Kevin Mullin, is playing an active role. Art is important and we need creative people in our community from all walks of life. Supporting the arts is important.

Tonight we have heard from a member who has had the guts to come here and stand up for his community of Cabramatta. It is important for local members, despite the negative press we all get in our

electorates from time to time, to stand up and say what is good about their communities, which we can do because of the experience we have dealing with people across the community, from all walks of life and in every community group. I congratulate the member for Cabramatta on bringing to the attention of the House the Canley Heights RSL Arts Group and on standing up for his community in a positive way.

RIVERINA RED GUMS RESERVATIONS

Mr JOHN WILLIAMS (Murray-Darling) [9.29 p.m.]: On 19 May 2010 the National Park Estate (Riverina Red Gum Reservations) Bill was passed in this House. We were vehemently opposed to it, and justifiably so. This very unjust action affected the people of southern Riverina. The promises that were made about the process the Government was going to follow in converting these forestry areas into national park recognised that some compensation had to be paid. Compensation was to be paid to people directly employed in the milling operations as well as those employed in reliant businesses.

It was clearly evident from the outset that no work had ever been done to establish what the reliant businesses were in the forestry areas. One would have thought that before the Government engaged in the process of converting the forestry operation to a national park it would have gone into the area, looked at how things worked and recognised the businesses and individuals who were dependent on the forestry operation for their income but not directly employed by it. They supplemented the forestry operations.

A range of concerns have been raised with me. A forest assessor by the name of Patrick Taggart has been in contact with me out of sheer frustration with the way he has been dealt with by the department. There is no doubt that he has a claim that needs to be considered by the Minister. To date he has received zero satisfaction. The fact is that this Government made a commitment to ensure reliant businesses were recognised and justifiably compensated. According to departmental officials an amount of \$5 million was allocated by Treasury to compensate reliant businesses. Most recently Mr Taggart has been advised by departmental officials that the amount is \$1 million. It is questionable whether \$1 million will go even part of the way towards compensating those people adequately for the income that was provided to them by the forestry operations.

The situation is ongoing. Patrick Taggart has been advised by the department, despite him seeking legal advice, getting representation from a solicitor and providing all financial information to the department, that he must put in an application form. He will go through that red tape but he needs to be assured, as do all the other reliant businesses, that there is adequate compensation available to recognise their legitimate claims. In the Mathoura and Deniliquin areas I can easily recognise so many of the affected businesses.

Unfortunately, far too many people have said to me the red tape is impossible. They are simple hardworking people and they believe too many hurdles have been put in front of them. If only \$1 million is available it will not go anywhere near the sort of money that is needed to provide these people with recognition of the loss of income caused by the Government's decision. It was all well and good and there was hand pumping, clapping and fists in the air when this legislation went through. Now the Government has to back up its promises. This is the pointy end of the matter. If the Government says is going to do something it should do it right.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.34 p.m.]: The member for Murray-Darling has raised the concerns of Mr Patrick Taggart in relation to the compensation to reliant businesses. I encourage the member to take those concerns directly to the Minister as soon as possible and to provide him with a copy of his private member's statement in the House tonight.

UKRAINIAN WOMEN'S ASSOCIATION

Mrs BARBARA PERRY (Auburn—Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health)) [9.35 p.m.]: I place on the record my deep appreciation for the Ukrainian community of greater Sydney, which is centred in Lidcombe, home to the Ukrainian Catholic Church headed by the wonderfully intelligent, warm and deeply caring Father Simon Ckuj. On 21 October I had the privilege of hosting the fortieth anniversary of the Ukrainian Women's Association Olha Basarab Lidcombe branch in Parliament's Jubilee Room.

It was also the first time that the welcome to country has been presented in a community language, Ukrainian. These women paid their respects to the Gadigal people of the Eora nation and their ancestors past and present. It is also a Ukrainian tradition to respect their elders and those who have died. It was an immensely enlightening and rewarding event, and I take this opportunity to convey to the House my great respect and admiration for the work of the association, in particular the legacy of its founding members, who are now in their eighties and nineties.

Ukrainian women are exceptionally vivacious, intelligent, committed and often have a unique sense of humour. They also possess incredible strength of character and I am endlessly fascinated by the tales of their lives, particularly the older members, including their survival stories. Many were forcibly taken from their Ukrainian villages and towns as teenagers to work as slave labour, or Ostarbeiten, on farms in Austria and Germany throughout World War II from 1940 to 1945. In fact, the overwhelming majority of women who formed the initial association in the migrant holding camp in Cowra in 1949 had no immediate family, were often single, and were displaced persons or refugees from camps at various sites around Germany and Austria prior to their arrival in Australia.

The founding president, the late Mrs Sophia Goot, who sadly died earlier this year aged 97, was a mother, grandmother and great-grandmother, and a local resident. She embodied the wealth of life experiences and knowledge of Ukrainian culture, language, history and energy that she and the founding members shared. Always a warm and generous woman who never stopped giving of herself, Sophia was proud and aware of her Ukrainian identity and faith. An integral component of their work was fundraising for organisations that supported the education, health and wellbeing of women and children in Australia, the Ukrainian diaspora and in Ukraine. Until this very day they have never sought grants to undertake their charitable and community work. This fact alone speaks volumes about how dedicated, selfless and resourceful the women of the Lidcombe branch are.

These women were also often involved in other Ukrainian community organisations and their churches, as well as caring for their families and working full time in the workforce. Over 40 years they have accomplished a diverse range and number of activities, each important and impressive in its own right. Cultural initiatives included organising annual balls, lunches, dinners and cocktail functions where Ukrainian culture was presented in theatre, opera, bazaars, fashion parades and soirees. As well, they participated in community events such as Carnivalé, the Orange Blossom Festival, the Waratah Festival and the Royal Easter Show, and gave demonstrations of Ukrainian embroidery, Easter egg decorating and historical costume parades across New South Wales in schools and shopping complexes.

Educational activities included providing information, publications and presentations to schools, communities, universities and libraries such as the State Library, Macquarie University and Auburn Library. This was a major focus of the branch as many of the younger members were bilingual and were supported by the senior members who were keen to address some of the misunderstanding surrounding the Ukrainian community and Ukraine's place in history. Members of the branch worked together to source materials from international universities and academic institutions that provided factual information to support their submissions. They were systematically and professionally distributed.

Charitable initiatives and fundraising were woven into every activity undertaken by the branch. Over the years about 700 packages have been sent to women and children in Poland, Argentina and Brazil and, since 1991, Ukraine. Complementing these substantial packages, funds have also been continuously donated to young women to further their education to achieve their life goals in Ukraine, Poland, Argentina and Brazil. Australian charitable bodies that provide support and services to women and children who experience disadvantage or abuse have also continuously received donations.

Regarding human rights, association members have actively taken their causes to the streets of Sydney and Canberra. The Ukrainian Holodomor of 1932-33, where over seven million Ukrainians died, and the Chernobyl nuclear disaster of 1986 are events that have always had a place on their agenda. These women, known for telling their stories in a unique way, chained themselves together and marched to Martin Place to demonstrate to the community the human rights abuses experienced by the women and children in Ukraine. Complementing these events, a core of members actively drafted submissions, publications and speeches that were presented to members of Parliament, Amnesty International, the United Nations and at forums in New South Wales.

As the member for Auburn and as a Minister in the New South Wales Government, I sincerely thank the founding members and the young members of the Ukrainian Women's Association for their selfless, tireless contribution to the Australian-Ukrainian community and the greater community of New South Wales. These women are part of the history of New South Wales and part of the present. They will be remembered by future generations.

BREASTFEEDING

Mr MICHAEL RICHARDSON (Castle Hill) [9.40 p.m.]: Breastfeeding is probably the most universal maternal image that we humans—and indeed all mammals—know. The bond that is formed between

mother and child at the breast is one of the most profound bonds in nature. But the rationale for supporting breastfeeding goes well beyond the psychological. Breastfeeding imparts important antibodies to the baby that help it to strengthen its resistance to infectious disease. The World Health Organisation recommends that infants be exclusively breastfed for the first six months of their lives to achieve optimal growth, development and health. A study published in the journal *Pediatrics* earlier this year estimated it would save 900 lives and \$13 billion a year in the United States if new mothers breastfed their babies for those critical first six months of life.

Breast is truly best, yet in the United States only 74 per cent of women start breastfeeding and only 14 per cent are exclusively breastfeeding after six months. Fortunately, the rate of breastfeeding in Australia is considerably higher. Eighty-four per cent of women breastfeed when the baby is born, 61 per cent are breastfeeding at three months and 49 per cent are breastfeeding at six months. This is still below the Commonwealth Government's target of 80 per cent at three months and 60 per cent at six months, and there are concerns that the rate may be trending downwards. There is, however, a small army of women—the Australian Breastfeeding Association [ABA]—that is determined to ensure this does not happen.

The New South Wales branch of this organisation, formerly known as the Nursing Mothers Association, is located just a few hundred metres from my office in Castle Hill. It provides a 24-hour-a-day, 365-days-a-year service to mothers who are experiencing troubles with breastfeeding. It has just two full-time equivalent staff members supplemented by 500 volunteers, who are happy to take phone calls from anxious mothers at 2 o'clock in the morning. They even make house calls and groups of mothers visit the local office, located somewhat ironically in the same building as the Castle Hill Senior Citizens Centre. Many of these calls come from women in the bush who would otherwise have to go to doctors and to nurses who should be dealing with medical cases.

The ladies tell me that nothing beats talking to a mother who has breastfed her own children and who is willing to pass on her acquired knowledge. The ABA's 1800 Breastfeeding Helpline, which is now in its twenty-second year, is Australia's fourth busiest counselling helpline, with 1,600 calls a week, or 228 calls a day. The sorts of issues women contact the helpline about include sore breasts or nipples, information on feeding patterns, as well as reassurance. New mothers want to know that they are doing the right thing. Callers usually have one child and those callers are aged between 30 to 34 years. The ABA performs an invaluable service in giving new mothers the confidence to continue breastfeeding.

Many breastfeeding counsellors also run meetings of local support groups, provide education to expectant mothers, promote breastfeeding to the wider community and liaise with health service providers. They are all mothers themselves with family responsibilities, but they see the task of passing on their knowledge to other mothers as something for which it is worth giving up their time. The ABA runs an online service known as the Online Breastfeeding Cafe. This enables mothers and fathers across the State to be part of a virtual ABA group. The association is also starting to produce material for non-English speakers, including a booklet in Chinese. The ABA recently trained three Chinese community educators who present antenatal classes at North Shore Hospital. Two Korean women have started running the first Korean breastfeeding classes, also at North Shore Hospital. The ABA hopes to roll out an Early Parenting Program in western Sydney targeting socioeconomically disadvantaged mothers.

Most breastfeeding issues do not require medical intervention, so the ABA is perfectly equipped for the role. The association saves government money in two ways: first, by providing an alternative contact point for women suffering problems with breastfeeding—women who would otherwise go to a public hospital—and, second, by promoting and encouraging breastfeeding which helps to create that optimal growth, development and health spoken about by the World Health Organisation. Despite this, the association receives very little in the way of public funding from governments at any level. According to branch President Louise Duursma, the total recurrent cost of running the New South Wales branch and of maintaining all its current projects and responsibilities is \$183,000. That is the absolute bottom line for two full-time equivalent staffers, the helpline manager, the rent and other office expenses.

In addition, there is \$265,000 in non-recurrent costs—things such as an administrator for the online cafe and a three-year lactation consultant program. The Government contribution to the association is \$30,000 in non-government organisation funding, plus \$80,000 to \$95,000 per annum over three years. That money will run out at the end of the financial year. Currently, the association has to dip into its savings to keep going. The lack of financial certainty is also slowing or curtailing the rolling out of new programs, such as the non-English

speaking background brochure and consultants. Migrant women, in particular those without older family members in this country, may be at a particular disadvantage because they do not know where to go for information about breastfeeding. This program should be expanded.

The ABA also recently launched a breastfeeding and parenting confidence program, promoted through hospitals, general practitioners and early childhood centres, and it is ready for a regional rollout. The association has made a detailed funding submission to NSW Health. I strongly support that application, as I am sure every member in this House supports it. Every member has constituents who benefit from the work of this marvellous organisation.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.45 p.m.]: I thank the member for Castle Hill for bringing to the attention of the House the work of the New South Wales branch of the Australian Breastfeeding Association. This remarkable and committed organisation, which operates 24 hours a day, seven days a week and provides services for mothers experiencing trouble with breastfeeding, has an amazing volunteer workforce of 500 people who impart important experience and knowledge to mothers who are experiencing difficulties. There is no better knowledge than the knowledge that is developed through the experience of others—knowledge that is passed on.

The member for Castle Hill said that the association received 228 calls a day, which is exceptional. I ask the member for Castle Hill to pass on this Government's thanks and congratulations for the work done by those members of the New South Wales branch of the Australian Breastfeeding Association. The member made reference to a submission to Government, which I am sure he strongly supports. I am sure every member in this place wishes the New South Wales branch of the Australian Breastfeeding Association every success with its application in the future.

ST JOSEPH'S PRIMARY SCHOOL GREEN DAY

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [9.46 p.m.]: On Friday 5 November 2010 it was a great thrill for me to witness the first official Green Day at St Joseph's Primary School, Moorebank. Prior to that day, Principal Carol Luc said that the event was planned to highlight people's awareness and responsibility as stewards in caring for the environment. After the event I was able to tell Mrs Luc that, from what I could see, the event certainly achieved its stated objectives and that it would continue to bring benefits not only to the school but also to the wider community. The day commenced with a moving liturgy that focused on our collective responsibility to look after our precious Earth. The students then swung into action, wholeheartedly participating in a wide-ranging program of Green Day activities.

Many students potted sunflower seeds and others planted trees and shrubs that will greatly improve the appearance of the school grounds. Students who planted the veggie garden are already looking forward to the time when they can taste the result of their efforts. Visiting students from All Saints Catholic Senior, All Saints Catholic Boys and All Saints Catholic Girls colleges willingly helped primary schoolchildren with planting and creating artworks with reusable materials. Michelle Catley from Liverpool Council gave the kids a truly hands-on lesson in making worm farms and composting. Council also donated two worm farms to the school. Anne Turnbull from the NSW Wildlife Information Rescue and Education Service Inc [WIRES]—an outstanding volunteer wildlife rescue organisation—gave a talk that held year 6 students so spellbound that one could have heard a pin drop in the classroom.

The younger students enthusiastically responded to a performance by entertainer Mic Conway, who delivered a critical message to "reduce, reuse and recycle" as much as possible. Members probably recall Mic from his 1970s Captain Matchbox Whoopee Band. This is what is stated in his professional biography:

This Aria Award winning performer has been alternatively mistaken for a singer, a musician, songwriter, screen composer, actor, magician, juggler, instigator of oddball sight acts and even a creator of musical instruments.

Almost every one of those talents was demonstrated in Mic's performance last Friday, and like the students I thoroughly enjoyed every minute of it. A few parents were able to volunteer some time to help on the day and a number of families donated valuable materials and equipment. I acknowledge the generous assistance of local businesses and other organisations to Green Day. Able Mobile Bins delivered soil, garden pots and plants and it provided manual labour. Bankstown Airport Bunnings donated gift vouchers and plants, and I am sure I saw at least three staff members helping students on the day.

Flower Power at Moorebank also donated plants and staff time. Shepherd's Garden Centre at Prestons supplied soil and mulch, while Yates Australia donated seeds. Materials in the Raw at Revesby donated soil and

Garden City Plastics at Rouse Hill supplied 420 planting pots. Downes Wholesale Nursery at Theresa Park and the Bonnyrigg Garden Centre both supplied plants. Even the *Daily Telegraph* made a contribution by supplying leftover seed packets from its *Sunday Telegraph* promotions. Origin Energy, Sydney Water and Energy Australia provided promotional material and Pizza Hut donated 100 pizza boxes for the solar powered pizza oven activities.

As I reluctantly departed St Joseph's to attend to other commitments, I sincerely thanked the principal for the opportunity to share this wonderful experience. Under Mrs Luc's impressive and progressive leadership, this school that is close to my home and my heart has been going from strength to strength. I know that Mrs Luc would want me to acknowledge the commitment demonstrated by all staff members on Green Day and to specifically mention Mrs Braden, Mr Wells and Mr Love for their efforts in coordinating the whole event.

However, tonight I give the final word to Sylvia Braden, who deserves special recognition for her part in making Green Day a reality. She told me that she felt the initiative was "a positive step for the school and the community". Well, Mrs Braden, during my school years I never challenged a librarian's view and I am not about to start now. All I will say is that in making such a humble remark, Sylvia is understating her efforts and the long-term significance of the event. It was nothing short of a terrific demonstration of caring and community spirit. Everyone involved was thinking globally and acting very locally. I am sure that all members will agree that every student, adult, business and organisation participating in or contributing to St Joseph's Primary School, Moorebank's first official Green Day deserves to be heartily congratulated.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [9.50 p.m.]: I take this opportunity to thank the member for Menai for bringing to the attention of the House the Green Day activities of St Joseph's Primary School, Moorebank. Clearly, it was a marvellous effort with the support of many local businesses and the council, and principal Mrs Luc doing a terrific job, as well as Sylvia Braden, to bring about an obviously important day for the school and the community. It is important that our children have the benefit of learning about their environment by talking about recycling and worm farms.

I take this opportunity also to thank the member for Menai for the wonderful work she has undertaken over the 12 years as the local member. It has been my pleasure to work with her during that period and to see the fabulous infrastructure projects for which she has been responsible, including the Woronora Bridge, the Bangor bypass and the Alford's Point Bridge duplication. The member for Menai has been a marvellous advocate for her community in everything from big projects to small and in supporting her school communities. I congratulate her and thank her for the privilege of working alongside her as the member for Miranda for the past 12 years.

SOLAR BONUS SCHEME

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [9.52 p.m.]: The phones stopped ringing at solar businesses in my Northern Tablelands electorate on Tuesday 26 October after the Government dramatically announced the previous day that it would slash the New South Wales Solar Bonus Scheme by two-thirds from midnight. A number of solar operators have reported to me they have had no orders since that date although people were ringing until midnight on 27 October hoping to get a last-minute order in place. This was a disgraceful way for the Government to treat a fledgling industry that had been progressing so well. Clipping its wings without consideration or consultation reflects panic, policy on the run and poor judgement. As many people have pointed out to me, the justification for the decision to cut the feed-in tariff from 60¢ to 20¢ is based on figures that do not stand up to proper scrutiny.

The majority of industry players concede that the 60¢ tariff was too high. It was the most generous in the nation and also was unsustainable. However, to backflip from the most munificent scheme to the most miserly also is unsustainable and will decimate many small businesses as well as an industry that is vital to meet the challenge of reducing carbon emissions in this State. I urge the Government to listen to the industry and set the gross feed-in tariff at 40¢ to 45¢. This would continue the positive momentum of solar uptake, restore public confidence and send out a much-needed signal that regional New South Wales is committed to reducing carbon emissions. The Government's unfortunate kneejerk reaction to a questionable set of figures could plunge the State into a three-year to four-year dead zone for microgeneration of solar and wind power in New South Wales.

Ironically, the feed-in tariff change will not save the Government money, and will address only 6 per cent to 8 per cent of the cause of current electricity price rises residents are paying. The other 90 per cent of the cause of electricity cost increases is the upgrading of the State's outmoded and degraded coal-based infrastructure. The State is now considering applications for two 2,000 megawatt fossil fuelled power stations at

Bayswater in the Upper Hunter and Mount Piper near Lithgow. The need for these carbon polluting utilities could be drastically reduced if businesses and householders generated more of their own energy through solar and wind power. A figure of \$17 billion over the next five years, higher than the cost of the State's national broadband rollout, has been estimated for the cost of new network infrastructure in New South Wales.

The Government should seek independent expert advice through a thorough review of what alternative energy uptake would counterbalance the need for more polluting power stations. The community seeks this dialogue. We need also to be certain about where the Government sources its advice from and whether city-based consumers, business and householders, without the capacity to generate solar, are unduly influencing its decisions. Electricity costs are significantly higher in regional areas compared with metropolitan centres. An argument put to me is that the electricity branch line infrastructure in country New South Wales is ageing and voltage flow is boosted through solar and wind. If that is so, feed-in tariff incentives could offset many future upgrade costs emerging.

When the New South Wales Government announced the gross feed-in tariff in November 2009 the industry responded positively, as it needed some incentive following the Federal Government's cancellation of its Solar Homes and Communities Plan that offered an \$8,000 rebate. The State Government's gross feed-in tariff generated interest from day one. Small businesses took on extra staff and invested in accreditation and training. Now all of those businesses are looking at cutting their staff numbers by 80 per cent to 90 per cent. One local business has gone from signing up one to two systems a day to nothing since 28 October. It was hoped that New South Wales would follow the Australian Capital Territory lead when it made an adjustment to the scheme. The Australian Capital Territory has the only other scheme in Australia that offers a gross feed-in tariff. It began in March 2009 and was reviewed recently. Consumers now pay 45.7¢ per kilowatt hour for systems up to 30 kilowatts, and the program is set to run for 20 years. I call on the Government to review its hasty decision and take objective independent advice on how the solar uptake can affect overall energy generation, and on the most effective feed-in tariff rate to continue the positive momentum of alternative energy take-up in New South Wales.

PASMINCO SMELTER LEAD ABATEMENT STRATEGY

Mr GREG PIPER (Lake Macquarie) [9.57 p.m.]: The Department of Planning currently is exhibiting for comment a proposed alteration to the Lead Abatement Strategy for the former Pasminco Cockle Creek Smelter and surrounding suburbs at Boolaroo. The application, lodged by administrator Ferrier Hodgson on 15 October, was originally to be exhibited for 14 days, a time frame that led to immediate concern from residents who may be affected. At its meeting on Monday night, Lake Macquarie City Council unanimously supported my mayoral minute calling for the exhibition period to be extended to 28 days—a fair and reasonable request for a matter with legal, technical and health implications. Many residents turned to council as a source of information and advice when this should rightly have been provided by the Department of Planning and the proponent.

Many residents felt great relief today with the news of the Government's agreement to extend the period for submissions to 28 days. I know that I speak on behalf of many concerned landowners in thanking the Government for that decision. Today in this House I asked the Minister assisting the Minister for Planning whether the Department of Planning would conduct a public information session. I was delighted with her response that the applicant would be asked to undertake this task. The proposed change has been described by the applicant as a minor modification, but that description is viewed by many as an understatement for a proposed change that would weaken the previously imposed conditions aimed at protecting the community from continuing impacts of the now closed smelter. Those conditions were imposed by the Department of Planning as part of the consent for the site's redevelopment and a lead abatement strategy was required to be developed and implemented.

The strategy's objective is to reduce exposure to limits acceptable for everyday living: a fair and reasonable goal for people living around the former smelter site that should be free of the hazards and risks of an industry that ceased operating in 2003. One of the most concerning of the proposed changes is the removal from the remediation strategy of properties known to contain smelter slag. This waste material was freely available until near the end of the smelter's operation and was used at many sites in the local area and beyond. It would be reasonable to expect that many of the properties would have this material.

The smelter was effectively cast adrift as Pasminco morphed into Zinifex and based itself offshore. This left a contaminated site in a contaminated neighbourhood with limited funding for remediation. The

administrator, Ferrier Hodgson, and its land management contractor, the Fitzwalter Group, previously stated that they have the community's interest at heart. The opening paragraph of its August 2006 community report states that they are "...committed to keeping the local community informed about what's happening at the Pasminco Cackle Creek Smelter (PCCS) site." The same newsletter stated that the administrator had voluntarily proposed a lead abatement strategy, but that strategy remained confidential until recently, despite being a requirement of the Department of Environment, Climate Change and Water.

It is therefore no surprise that last week residents and landowners were shocked to discover that the liquidator was seemingly moving to absolve itself, or at least to reduce its responsibility, under the lead abatement strategy. This shock was compounded by correspondence they received which was confusing as to its legal and technical implications, and in which the liquidator asked them to accept a change that may leave their property with a detrimental legacy. I am advised that more than one landowner has reported to my electorate office that they did not understand the letter they received, but signed and returned it as requested.

The administrator for Ferrier Hodgson, Mr Peter McCluskey, contacted me today and expressed some concern over comments I have made in the media regarding the process and the company's intention in relation to the amended scheme. I understand that there needs to be some finality to the administration and for all to be able to move on, which includes redevelopment of the site. I hope to be meeting with the administrator soon to discuss this and other matters, but note for the record that Ferrier Hodgson has expressed to me that it is supportive of the extension of the exhibition time.

While this has been a complex and expensive process, the lead abatement strategy was designed to protect the residential areas around the former smelter. The major concern for our community is the potential for lead toxicity to exist in children. But the goal of protecting children and adults from lead and other residual contaminants must remain paramount. There seems to be no moral justification for weakening this protection. I repeat the community's gratitude for the Government's extension of the comment period. I call on the Minister to ensure that no disadvantage is suffered by this community as a result of any proposed changes.

DISABILITY AND RESPITE SERVICES

Ms GLADYS BEREJIKLIAN (Willoughby) [10.01 p.m.]: I draw to the attention of the House an issue that I know all members of the House care about passionately, and that is the care of children with a disability. A few weeks ago a desperate mother came to my office to outline the plight of her family. She asked me to read her email onto the record of Parliament, which I undertook to do. She asked for her name to be omitted to protect the privacy of her family, but I could tell from the meeting how distressing the situation is for her. I know that her situation reflects the circumstances of many families throughout the State.

My constituent told me at our meeting in my electorate office that she would like to raise the issue in Parliament not for her sake but for the sake of so many families throughout the State who are coping with raising a child who has severe disabilities. In the case of my constituent, her daughter is now 20 years of age but is in desperate need of assistance. As my constituent outlines in her email, her daughter has just turned 20 and left school last year. She was at a special school five days a week from 9.00 a.m. until 3.00 p.m. This year she started a community participation program. Unfortunately, this site was not suitable because it was not secure and had unfinished building works, thereby endangering my constituent's daughter. The lack of security also led to her daughter absconding from the site.

Her daughter did not transition well from school. Neither the staff changes associated with the program nor a lack of progress with the assistance of visual communication aides improved her situation. My constituent's daughter's behaviour deteriorated, and she was expelled without notice in mid-July. Consequently, her daughter had nothing to do each day, despite a previous commitment. The situation is that this 20-year-old young woman was in a structured program from 9.00 a.m. until 3.00 p.m. each day, but then went into a program that was unsuitable. Consequently, her family has been unable to cope. My constituent's daughter's in-home hours were reduced from approximately 480 hours a year to 148 hours this year. This year's 148 hours were meant to last until next June, but were used up by September. That means that there is no in-home assistance for this family.

The family's support has been reduced from a structured routine from 9.00 a.m. until 3.00 p.m. every weekday to zero structure and zero in-home assistance. My constituent's daughter is one of 1,000 people who have applied for Leisurelink packages that fund a carer to take her daughter out for a few hours, usually on Saturdays. Only 380 people out of 1,000 were allocated the package, due to a lack of funding. Regrettably, the

family was unsuccessful in its application for funding this year. In addition to losing all the support, family members do not even have anybody who is able to take out their 20-year-old daughter for a few hours a week to provide family respite and to ensure that my constituent's daughter has some quality of life.

My constituent feels fortunate, compared to many other struggling families, to have a caseworker at Ageing, Disability and Home Care. Other families who care for a relative with a disability do not even have that. My constituent expressed gratitude for that, but highlighted the point to illustrate the difficulties confronting many other families. Given the change in circumstances, the most pressing issue is that my constituent is now no longer able to work. She is a very intelligent and hardworking member of the community. However, because of her daughter's needs and because of a lack of support in caring for her daughter, she is no longer able to continue working. As much as she loves her daughter, she says that being together 24 hours a day seven days a week is a strain on everybody. The only option she has, which she feels is not a real option, is to commit her daughter to respite care. However, that means that her daughter could be moved by the department to anywhere in New South Wales at very short notice.

My constituent emphasised, and asked me to place on the record, that if she told me she was taking my car and moving it anywhere in New South Wales, I would be upset, let alone someone taking away a close family relative. My constituent feels helpless in the situation she is in. She is calling on the State Government to reassess its commitment to people in similar situations who are struggling to cope as a result of the loss of a structured daily program, the failure of respite options and a lack of support. Under normal circumstances, these family members would do everything possible to be self-sufficient and to give their daughter the best chance in life. Unfortunately, they have been advised that no group homes are available and that there is no support for in-home care as well as no supporting respite care and no support for carers. They have been left in a desperate situation. As I stated earlier, apart from my constituent having to give up her job, her daughter is not receiving the support that she needs. I urge the Government to consider their situation and to address the issue.

SOLICITORS TIME-BASED BILLING PRACTICES

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.06 p.m.]: In a paper presented in July 2007, Legal Services Commissioner Steve Mark noted:

Most people have a story about how their lawyer has charged them exorbitant fees, and every person has a joke about a greedy lawyer. Even lawyers themselves are making jokes about their billing practices.

Mr Mark noted that approximately 80 per cent of complaints made to his office include some grievances about overcharging. I recently spoke to a constituent who is faced with a large bill from his solicitor that he can ill-afford to pay. My constituent said that the solicitor's charges were completely over the top and included items he had not asked for, items he had not expected to be charged for, and photocopying charges that were simply outrageous. I advised my constituent first to discuss his concerns directly with the solicitor and, if he remained dissatisfied, to consider the options of cost assessment and complaint to the Legal Services Commissioner.

Sadly, this constituent's complaint is not unusual, but there appears to be a common thread underlying dissatisfaction with lawyers' charges, and that is the time-based billing method that is often used by lawyers to calculate their fees. Such was the case in relation to my constituent. To illustrate the point, take the scenario of a partner in a medium-sized law firm that charges, say, \$500 an hour. This amount is broken down into 10 units of six minutes each and the client is charged \$50 for every six minutes "or part thereof". It is those three words, "or part thereof", that are the killer. If a solicitor takes a two-minute phone call from his client, the client is charged \$50. What does the solicitor do in the remaining four minutes? He or she works on another client's matter. So is the first client subsidising the second, or does the solicitor double up and charge the second client as well as the first—thus receiving a total of \$100 for six minutes work? The perception, if not the reality, is that the client is being overcharged.

What my constituent did not realise is that, despite the cost disclosure given to him upfront, the solicitor could charge for virtually everything she did, no matter how seemingly trivial, at a cost of \$50 per six minutes "or part thereof". My constituent also did not realise that he would be charged for work of junior solicitors, administrative assistants and clerks at their hourly rates per six minutes "or part thereof". Take the instance of a phone call to my constituent by the solicitor's secretary. My constituent was charged \$12 for the 10-second message left on his mobile phone for him to call the solicitor's office. Then there is the junior litigation solicitor with a charge rate of \$300 per hour who went to court for my constituent. In addition to the hour at court, the solicitor charged \$300 for an hour she took to drive to court and \$330 for the hour and six

minutes she took driving back. One expects to pay a solicitor for his or her knowledge, skill and expertise in the law, but none of these is required to drive a car. A person does not need a four-year law degree to drive a car, but simply needs a valid drivers licence.

To add insult to injury, the constituent was charged another \$300 for the solicitor writing a letter about what happened in court, although the constituent was there throughout the proceedings. All too often the use of the time billing system leads to a loss of faith in the solicitor and in the legal system. Indeed, there are some good arguments as to why time billing should be abolished. In a 1988 paper the Chief Justice of the High Court, Murray Gleeson, said:

Charging for professional legal services on the basis of the time taken to render those services rewards delay, inefficiency and slow thinking. Time costing is an appropriate mechanism in-house for checking upon the efficiency of a lawyer's operations. It is not, I believe, an appropriate basis for charging professional legal services.

In a 1996 article High Court Justice Michael Kirby said:

The system of billable hours ... can penalise the experienced, wise and efficient [lawyer].

In October 2008 His Honour is reported as saying that such billing rewards slow lawyers but can increase the stress felt by more diligent practitioners. He said the system of time charging "puts a lot of pressure on lawyers, including young lawyers" and "may be exacerbating the already high incidence of depression among lawyers". Mr Steve Mark, in his paper, noted that "hourly billing penalises the efficient and productive lawyer who is able to complete a matter in less time than his slower counterpart". In 2004 New South Wales Chief Justice Spigelman said:

It is difficult to justify a system in which inefficiency is rewarded with higher remuneration.

This view is shared by former High Court Chief Justice Murray Gleeson. In addition to those already mentioned, time charging is criticised as discouraging speed and efficiency, as encouraging increasing billable hours targets to boost profits and as a means of promoting quantity over quality. In *Law Society of NSW v Forman* Justice Kirby said:

Time charges have the distinct potential to result in overcharging.

There is no doubt that the perception, if not the reality in some cases, is that time billing in lots of 10 minutes by solicitors leads to overcharging. Certainly, that is the perception of my constituent. In 2004 Chief Justice Spigelman of the Supreme Court of New South Wales is reported to have called for an end to the "tyranny of the billable hour". No doubt my constituent would agree, as on a personal basis do I.

Private members' statements concluded.

STATE EMERGENCY SERVICE

Matter of Public Importance

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [10.11 p.m.]: I ask members to note as a matter of public importance that this week is National State Emergency Service [SES] Week, in recognition of the tremendous commitment of volunteers to protecting the community during natural disasters and other emergencies. This year has been particularly busy for the SES, following storms and floods on the North Coast and the mid-North Coast, and in the State's south-west. This week we have witnessed the types of violent storms that Sydney can experience in wet summers. The service has also provided the largest interstate assistance in its history, assisting after the Victorian bushfires in February and the Brisbane storms last November.

According to advice received by the State Emergency Service from the Bureau of Meteorology, this summer is likely to be the wettest for many years. We are currently in a La Nina period, which brings an increased likelihood of flooding, severe storms and cyclones. In New South Wales storms and floods are by far the most costly natural disasters, both in loss of life and destruction of property. This summer, more than ever, we will rely on the members of the SES. If the predictions hold true I fear that our volunteers are in for a busy summer around the State. In only the past two days severe storms with hail, damaging winds and torrential rain tore through many areas of the State, including Sydney.

Flash flooding and minor property damage have been reported, and more storms are forecast for coming days. Catchments around the State are already saturated. For the first time in more than a decade some

of the largest dams in the State, including Hume, Burrinjuck, Pindari and Burrendong, are full. Flooding has already caused damage and threatened lives. Just last month, following torrential rains over the State's south-west, more than 500 people were forced from their homes because of flooding. The rains were the worst for 25 years in some areas. Rain inundated houses and businesses, washed away roads, damaged other infrastructure, crops and pastures and drowned livestock. Our emergency services carried out 60 flood rescues.

In the tiny village of The Rock, south of Wagga Wagga, raging floodwaters tore through the town in the dead of night, flooding dozens of homes and forcing the evacuation of the local aged care facility. The SES, assisted by the Volunteer Rescue Association, received 17 flood rescue requests in just an hour. It is a tribute to the professionalism and training of our SES volunteers that not one life was lost. As these 500 people were evacuated from their homes the SES was there every step of the way. Volunteers were out in the field performing flood rescues and helping families leave their homes; and coming to the aid of those with damaged houses and properties. They were preparing farmers and residents for further flooding, with sandbagging and information, and helping local communities pick up the pieces in the wake of the destructive weather.

For 55 years the people of this State have relied on the trained and dedicated members of the SES to offer a helping hand to those in need, often in the very worst weather and at all hours of the day and night. The theme for this year's National SES Week is fitting: "They're generous with their time, be generous with your thanks". Today I am sure all members will join me in extending heartfelt thanks to the 10,000 or so volunteers across the State who give their time so freely and work so hard to assist their communities during natural disasters and other emergencies. Along with our thanks, in the face of the predicted poor summer conditions, it is crucial that the SES volunteers have the resources they need for their vital work.

I can assure members that no government is more aware than the New South Wales Government of the hard work of our dedicated emergency services personnel. We are committed to ensuring that they have the equipment, training and other resources they need. Our Government recognises the dedication of our emergency services personnel and is committed to ensuring that they have the resources they need to carry out such vital roles safely and efficiently. This year's record funding of \$64.1 million for the SES recognises the enormous contribution of its volunteers to the safety and wellbeing of this State. This includes \$2 million to assist with the cost of some 60 emergency response vehicles; \$1.4 million for rescue equipment, including \$600,000 for about 20 flood boats; a further \$1.4 million for communication and paging systems; and \$930,000 towards the cost of headquarters around New South Wales.

The SES also received a boost in staffing, with 20 new staff to be based at the Wollongong State headquarters. There will also be another 12 SES staff in other regions working in areas such as strategic and operational planning, warning systems, community engagement, training, and easing volunteers' administrative load. Our SES volunteers are a force for great good and one of this State's greatest assets. In keeping with the spirit of National SES Week they fully deserve our admiration, support and grateful thanks. As I said, this week we pay tribute to the more than 10,000 dedicated SES volunteers across the State who stand ready and willing to assist their communities during natural disasters and other emergencies. I have been encouraging people in my electorate of Wyong to wear orange today in honour of our SES volunteers, because they are an asset that we should all be proud of and proud to support.

In the toughest of times the distinctive orange SES uniforms have become a symbol of hope, friendship and solidarity for those in need. In the worst conditions and at any time of the day or night the trained volunteers of the SES are there to help at a point that for many is one of the worst days of their life. In conclusion, I was pleased to visit my local SES two weeks ago, where I presented the volunteers with a generator that will be put into their storm trailer. They greatly appreciated getting the equipment. I was also able to present some certificates for training. Many people in the community do not realise how many hours volunteers spend on training. I was pleased to hear that they were holding a training day on the following weekend and I provided them with meat for a barbecue so that they could enjoy lunch while putting in many hours. It was only a small way of saying thank you. In some cases volunteers may be helping other people while their own property is damaged. They are fine people and members of the community should shake them by the hand at every opportunity.

Mr ANTHONY ROBERTS (Lane Cove) [10.18 p.m.]: I am pleased, on behalf of the Liberal-Nationals Coalition, to pay tribute to the New South Wales State Emergency Service during National SES Week. During my time as shadow Minister for Emergency Services and currently as shadow Minister for Volunteering I have been fortunate to meet so many wonderful and generous volunteers throughout New South Wales. On behalf of the House I take this opportunity to pay tribute to the SES Volunteers Association, which does a wonderful job of representing all the SES volunteers.

I am very proud to have in my electorate the Lane Cove and Willoughby SES and the Hunters Hill and Ryde SES. Even closer to home, my wife is an active member of the Hunters Hill State Emergency Service. Approximately 10,000 members across the State serve with the State Emergency Service. They continue to serve and protect our community in their various combat roles. That statistic highlights what a marvellous job the 10,000-plus SES members do all over the State and often interstate. It is hoped that promotion of National SES Week will attract other members of the community to volunteer for the State Emergency Service.

The State Emergency Service represents the best of Australian traditions—mateship, courage, loyalty and duty. Every time there is a bushfire, hail, or floods, when someone is missing, or at accident sites the SES is there. I will briefly bring to the attention of the House a snapshot of what occurred in August 2010 when in their various combat roles the SES responded to the following incidents: 54 flood, 2,033 storm, 44 community first responder, five flood rescue, 50 road crash rescue, 35 other rescue, 142 community, 56 search and 325 other—a total of 2,744 incidents to which the SES was deployed. In relation to road crash rescues, I have met some incredible and remarkable individuals who in rural and regional New South Wales are quite often first on the scene of the most horrific accidents. They save lives before the ambulance and police arrive. All SES volunteers are remarkable in themselves. These everyday heroes are often first on the scene. They witness disaster, death and destruction and they do not turn away. They climb roofs, ford raging rivers, and battle the elements when others are in need of help.

On behalf of the New South Wales Liberals-Nationals Coalition I acknowledge, thank and pay tribute to the partners and families of SES volunteers as they endure sleepless nights and anxiety as they pray for their family members who have put themselves in harm's way to protect life and property to return home safely. The State Emergency Service is a streamlined, well-run, efficient organisation dedicated to helping others at the risk of their own safety. Technology and training have improved over the years but at the heart it is still people that make the difference. When people see those orange overalls they know help is near and they are grateful. If we thanked those dedicated volunteers of the SES every hour of every week we would still not be able to show our true appreciation or measure the debt our State owes them. The message I extend to the people of New South Wales is: Next time you meet an SES volunteer take his or her hand and thank them profusely. And, finally, on behalf of the New South Wales Coalition I extend our thanks once again, wish them safety in their respective combat roles and wish them gentle rains, clear skies, quiet breezes and warm nights.

Mr PAUL McLEAY (Heathcote) [10.23 p.m.]: I support this matter of public importance. In the worst of weather and at all hours the trained volunteers of the State Emergency Service are there to provide a helping hand at what for many is one of the worst days of their life, whether it be cutting an injured child from a vehicle at the scene of a serious road accident, rescuing elderly residents from their homes amidst swirling floodwaters or making temporary repairs to a storm-ravaged house. Sometimes, as I have experienced on many occasions, it is the smile of the victualling team when my brigade is fighting bushfires and need a hot or cold drink and a muesli bar when there is a break. This is what our SES teams do. That is where we will find the well-trained, community-minded local heroes that live next door, work on the other days, play soccer on weekends. They give hours, they risk their lives, they give to the community for no financial reward but because they care.

John Gonzales is my local controller and he has a team of about 80 local volunteers in the shire. In the storm and tempest that Mother Nature blows our way he and his team of volunteers are always there. The State Emergency Service has been a constant source of help and protection in the face of disastrous conditions. Even this very week they were called out when the ferocious storms hit southern and south-western Sydney. They were there. This is National SES Week, which is an opportunity for us all to thank the volunteers in orange for their hard work and commitment on behalf of us all. In addition to our thanks, as a community we can also support our volunteers by preparing now for the coming summer storm season and the potential bad weather.

One of the greatest advantages for our emergency services is an engaged and prepared community which has readied itself for the risks that might lie ahead. In the case of storms and flooding rainfall, people can take some simple steps now to prepare their homes and help reduce the risk of damage, including: clearing out debris from gutters and downpipes, checking that the roof is in good repair, cleaning up and putting away from yards and balconies loose items that could easily become projectiles in high winds and trimming back overhanging trees and branches. With the emergency services performing 60 flood rescues during the recent flooding in the State's south-west, it is also hard to overestimate the importance of never entering floodwater. If the road is closed it is closed—and a four-wheel drive is no guarantee of a safe crossing of a flooded causeway. Parents should never let their children play in swollen creeks, drains or other floodwaters.

Our SES volunteers work hard for their communities. In National SES Week, and with the prospect of these brave men and women facing their busiest summer in many years, the least that we can do to support them

is to prepare ourselves and our homes and to act safely and responsibly. In order to encourage the next generation to join its ranks the SES is running a successful cadet program encouraging another generation of dedicated achievers to reap the benefits of volunteering for the State Emergency Service. This has already boosted volunteer numbers and greatly raised awareness emergency safety in dozens of schools across the State. Our State's tireless SES volunteers are one of our proudest assets. They embody all the Australian values of team spirit, mateship and generosity, offering a helping hand to those affected by circumstances beyond their control. They serve our communities without asking to be thanked for it, and that is why they deserve our praise and admiration.

In this, National SES Week, as always, our volunteers can remain assured of this Government's staunch and steadfast support. They do not do it for our thanks. But, as a community, we do not often get a chance to say thank you. This week we do. Thank you all the wonderful volunteers—and the families who loan them to us—of the State Emergency Services.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [10.27 p.m.], in reply: It is always good in this House when we have bipartisan support for our volunteers, and members proudly talk about the activities of their local volunteer groups. SES Week allows us to bring specific attention to it. Most members have a significant habit of regularly visiting their local unit to make sure their SES has the necessary equipment and to support them in any way they can. Recently I said at the Wyong SES that often the community takes for granted that volunteers will turn up in an emergency. Sometimes some people forget to say thank you.

During the June 2007 floods on the Central Coast the SES cut down trees that had fallen on people's houses. Some people were upset because the volunteers had cut down trees but did not take them away. The volunteers point out that the job of the SES is to make the property safe and not to clean up yards. They are not landscape gardeners. When the rain is pouring, lightning is striking and the floodwaters are rising the volunteers put their own lives on the line. They do not just like to put on the uniform and have the flashing lights on the car and drive around looking important; they actually put their lives on the line.

As the member for Lane Cove said, we have to be thankful to the families who let them go out and perform those activities, often leaving their own homes susceptible to damage. These people do not complain. We all have volunteers in our electorates who have been working for 20 years or more. The other day I met a gentleman who had served as a State Emergency Service volunteer for 40 years, which is an incredible contribution to the local community, given that it is not just about turning up when there is a storm but also all the training that goes with it. The member for Heathcote mentioned that even in times of bushfire they support the Rural Fire Service people in doing their job. I think the community should use a week such as the State Emergency Service Week to reflect on the great job that those volunteers do.

The member for Heathcote also mentioned the new cadet program, which is an important initiative because we must encourage our young people to become volunteers in the community. In many of the units some volunteers are getting on in years. Those who have been around for 30 or 40 years want to pass on their knowledge to younger people, but it is sometimes hard getting recruits and keeping them. The Wyong State Emergency Service unit had a membership drive and picked up about 20 new members. The unit is very hopeful that it will be able to keep those people in the longer term, because the unit is such an important part of our community.

I thank the member for Heathcote for stating how members of the community can help the State Emergency Service by preparing their own premises for the upcoming storm season. There are things that people can do around their homes to make them safer. There are things that people can do so that, if there is damage, they are more prepared for it. That is one way that we can help these organisations. If a storm or flood hits, or there is some sort of event, our volunteers are stretched to the limit. They are out there trying to help everybody. It is all right worrying about yourself, ringing up and expecting help to come 10 minutes later, but these people are out on the road working in very tough conditions—and often because people have not taken proper precautions, done the work themselves, and this has added to the issue. It gives me great pleasure to raise this matter of public importance. I know that all members of the House will join me in thanking State Emergency Service workers and wishing them the very best.

Discussion concluded.

**The House adjourned, pursuant to resolution, at 10.32 p.m. until
Thursday 11 November 2010 at 10.00 a.m.**
