

LEGISLATIVE ASSEMBLY

Thursday 25 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.

DEATH OF MRS BETTY GIBSON

The SPEAKER: It is with regret that I inform the House of the passing of Mrs Betty Gibson, the mother of the member for Blacktown. Mrs Betty Gibson will be remembered this morning at a memorial service at Norwood Park Crematorium. At this difficult time I trust that it is of some comfort to the member for Blacktown that the thoughts of those at Parliament House are with him and his family today.

FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

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

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2010

NATIONAL BROADBAND NETWORK CO-ORDINATOR BILL 2010

Messages received from the Legislative Council returning the bills with an amendment.

Consideration of Legislative Council's amendments set down as an order of the day for a later hour.

AUDITOR-GENERAL'S REPORT

Report

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the performance audit report entitled "NSW Lotteries Sale Transaction", dated November 2010.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PARLIAMENTARY ELECTORATES AND ELECTIONS FURTHER AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 24 November 2010.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [10.12 a.m.]: As technology changes, no doubt so too does our approach to dealing with government. Two weeks ago, I made a speech in which I talked about the sort of innovative approach to service delivery that is now possible. For example, in New York if citizens want to deal with government, they simply have to remember one number—311—and they get access to the whole range of government service. In Tasmania, a single website enables people to access State, local and Federal government services in a way that suits them, as opposed to the usual advertising-style approach that we see on *nsw.gov.au*. It also includes other technologies. These days, residents of Wollongong, Coogee or south-western Sydney can have an application on their phone informing them when the Wollongong shuttle is due, whether there are delays on the roads, whether the bus routes to Coogee are running on time, when the next bus is due from outside the local newsagency or about a delay on the F5. All of those things are currently available. I think this bill is in the same context.

This legislation will allow people with impaired vision or certain other disabilities as specified who have difficulty voting by reasons of location to vote by telephone or by means of a computer linked to the internet. It is electronic voting, or iVoting. I know the member for Keira will be interested to know, because of his fascination with outer space, that in 1997 in the state of Texas they changed a law to enable astronauts to vote from outer space. Since then six astronauts have voted in presidential elections; two astronauts voted in the last presidential election as they were floating around the earth looking down upon this great God-given mass.

This bill is about ensuring that in particular those with disabilities and those who live remotely are able to cast their vote and engage in the great democratic process that occurs at a State level in New South Wales every four years. The Joint Standing Committee on Electoral Matters canvassed this issue during the review of the 2007 New South Wales election. The Electoral Commissioner, Mr Barry, made the point that trials had already occurred in this space. At the previous election in Victoria, they established kiosk-style voting, which was both poorly used and expensive to operate. At the 2010 Federal election there was a trial of iVoting, internet voting; members of the Australia Defence Forces serving overseas were able to vote online using the Department of Defence secure intranet. In May 2007 in the United Kingdom local government elections, 12 electronic voting pilots took place across 13 local government areas.

So what we are seeing across the board is the use of technology even in something as sacrosanct as voting, a basic right for citizens. The New South Wales Electoral Commission argued that iVoting had the potential to further enfranchise people with a disability, and in that context, it suggested that voters who had a disability could be given the option to register as an iVoter. Along with qualifications as a postal or pre-poll voter, that would enfranchise those electors by increasing their voting options. As local members we know that people vote in a variety of ways. Those who are in nursing homes will vote in those nursing homes as declared institutions. People who are still living in their home but may be less mobile or ill, or indeed may be in a hospital that is not a declared institution, can vote via postal vote. Those who may not have access to a polling place on polling day can, if they are near a polling place in the two weeks leading up to polling day, vote as a pre-poll voter.

It is all about increasing voting options. The Electoral Commissioner also argued that iVoting could be extended to rural and remote voters, which, along with the introduction of mobile pre-poll voting and mandated registration as a general postal voter, could improve voting options for rural and remote electorates. This matter was the subject of submission to that inquiry by The Nationals and their chairman, Christine Ferguson. In her submission, Christine Ferguson made the point that the Electoral Commissioner has been talking about electronic voting and a trial of online voting for remote electors for some time. Originally it was hoped that might have been done in conjunction with the 2008 local government elections but that did not occur. In her submission, Christine Ferguson said:

With on-line secure banking services now an established part of society, steps should be taken to test this possibility for NSW elections at least in remote areas. This relatively straight forward transfer of technology would solve the continual problems of distance to travel to a booth, and timing involved in receiving Postal voting forms, and arriving at the Electoral Commission by the due date. With subsidies available for all remote communities to receive the internet via satellite, The Nationals are of the view that most of the problems of access and equity for voters in regional, rural and remote communities could be solved by implementing on-line voting.

The Nationals' recommendation, as outlined in Ms Ferguson's submission, stated:

The National Party recommends that the NSW Electoral Commission examines the Federal Government's initiative in providing on-line voting for Australian troops serving overseas, with a view of replicating this in the first instance to remote NSW residents, where exactly the same issues prevail of distance and access.

It is precisely that point that I want to touch on. Many people with a disability, particularly if they are sight impaired, have indicated their preference for using telephones to vote. That is why the legislation covers both telephone and internet voting. More than those with a disability will make use of this legislation. The small number of people who live in remote and rural areas—estimated in the Minister's agreement in principle speech to be in the order of 10,000—will also use the legislation. But I am concerned that the option of iVoting for interstate and overseas absentee voters is not provided in the legislation. We know the technology works. We know that we are not doing a trial here; we are going straight to the adoption of iVoting. The Opposition will seek in another place to move an amendment to the bill to ensure that the use of electronic voting will be extended to those who find themselves interstate or overseas on polling day.

I recall that during the 2003 election campaign I received a desperate email from a constituent of mine—I do not think the constituent was desperate about being in my electorate but about the fact that he was

about to be fined because he was in north-western Spain and would not return to the State until after polling day. The constituent, who is a single person, wanted to know how he could fulfil his voting obligation. Of course, I said to him, "If you are going to the capital city, you can visit the Australian Embassy and vote there." The constituent said, "No, we won't be there; we are in a remote part of Spain." I said, "Well, you can apply for a postal vote." The constituent said, "Fine." He went online and downloaded a copy of the postal vote application form. When he read the form, he discovered that it required the postal vote application to be signed by an Australian citizen on the New South Wales electoral roll. So the constituent was done at every turn.

We need to make it as simple as possible for people who are on the Australian electoral roll and who want to fulfil their democratic obligations to do so. This legislation, insofar as it provides for people who live in remote areas of New South Wales and those with a disability the access they rightly deserve to the State's voting system, is good and is supported. However, we believe the legislation should be amended to ensure that provision is made at the next election for those who travel interstate or overseas to vote easily.

As we know, the circumstances in State elections are different from those in Federal elections. In a Federal election, if a person finds himself or herself caught in another State they only have to go to the closest school—even though in some cases that school can be quite a distance away—in order to vote absentee for his or her electorate. That is not available to New South Wales residents who find themselves out of the State on polling day and who may have left the State before pre-poll voting started at airports and local locations and will not return to the State before polling day.

We do not oppose the legislation. In fact, we positively support the extension of this modern technology to assist people with a disability to get on with their lives, and to share with the rest of us the capacity to live our lives to the fullest, but we believe that unnecessarily this legislation ignores its application to interstate and overseas voters. In conclusion, I know that the Electoral Commission undertook a report into the issue of iVoting and electronic voting. I note that the legislation only covers, as I have said, people with a disability and people who live in remote areas of the State. I would be interested to know from the Parliamentary Secretary or the Minister in reply what, if any, recommendations were made by the Electoral Commission in relation to the use at the coming State election of iVoting or electronic voting for people who find themselves out of the State or overseas on polling day.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.24 a.m.]: I speak in support of the Parliamentary Electorates and Further Amendment Bill 2010. This bill represents a milestone in democratic inclusion in New South Wales. Many people who currently need help to vote because they are blind or have another disability will now be able to cast their vote in secret by telephone or the internet. The New South Wales iVote system is an Australian first. Other governments in Australia have trialled e-voting, whereby vision-impaired voters access computerised voting terminals at polling booths. However, the iVote system can be used by voters from a private location, such as their home. This "at-home" character of iVoting provides independence and empowerment for electors whose disability may otherwise be a barrier to a genuinely secret vote.

In past elections in New South Wales, as in many other democratic systems, some disabled voters, and most electors who are blind or vision impaired, voted by appointing another person to mark the ballot paper on their behalf. The secrecy of their ballot is not assured, and this situation will be remedied by the Government's decision to roll out iVoting. The iVote initiative is the result of careful and detailed research and planning, including extensive consultation with organisations representing people with vision impairment and other disabilities. Earlier this year the Parliament amended the Parliamentary Electorates and Elections Act to insert a new section 187, which required the Electoral Commissioner to investigate the feasibility of providing internet voting for vision-impaired and other disabled people. The Electoral Commissioner's report was provided to the Premier in July and was tabled in the Parliament on 2 September 2010. The iVote report concluded that technology-assisted voting for people with vision impairment and other disabilities is feasible, and it went on to set out a road map for the implementation of iVoting at State parliamentary elections.

In preparing the iVote report, the Electoral Commissioner consulted organisations concerned with participation of people with disabilities in elections. These included the New South Wales Electoral Commission Disability Reference Group, the Australian Electoral Commission Disability Advisory Committee, and the Electoral Council of Australia's Blind and Vision Impaired Reference Group. The Electoral Commissioner also canvassed two key organisations representing people who are vision impaired: Vision Australia and Blind Citizens Australia. As part of the iVote feasibility study, Blind Citizens Australia agreed to conduct a survey of its members, as well as blind or vision-impaired non-members, on attitudes towards technology-assisted voting.

The survey was supported by an email campaign to the membership of Blind Citizens Australia and an advertising campaign through media aimed at the blind and vision impaired, such as "Radio for the Print Handicapped". The results of the survey provided important insights for the Electoral Commissioner as he contemplated the architecture of the iVote system. Firstly, it is important to recognise that 95 per cent of the people in the Blind Citizens Australia survey are on the electoral roll and that 96 per cent of these voted at the last State General Election in 2007. When asked, "Where would you prefer to vote?" almost three-quarters, 73 per cent, said they would prefer to vote from home before or on election day and almost one-quarter, 24 per cent, said they would prefer to vote at a polling place on election day. When asked, "How would you prefer to vote?" almost half, 47 per cent, said they preferred the telephone, 36 per cent expressed a preference for a standard paper ballot and 18 per cent said they preferred the internet. In other words, 64 per cent would choose to vote via the telephone or internet rather than using a paper ballot.

The preference for telephone voting over internet voting by the respondents from the vision-impaired survey group is reflected in their pattern of use of technology-assisted banking services: 42 per cent of respondents already use telephone banking and 30 per cent use internet banking. So, while the Electoral Commissioner's investigation initially had concentrated on using personal computers connected to the internet for iVoting, the consultation process with citizens who are vision impaired led to a broadening of the iVote system to include telephone access. However, there are strong grounds for developing the internet channel of iVoting as well. From the Electoral Commissioner's consultations with other disabilities groups, internet voting is preferred over telephone voting by a majority of stakeholders.

We have learned from the iVote report that people with disabilities have a variety of needs and preferences when it comes to casting a vote in a New South Wales election. The architecture of the iVote system for next year's election gives people with disabilities greater choice as equal participants in our democratic system. The Electoral Commissioner estimates that 7,000 vision impaired electors and 3,300 people with other disabilities will use the iVote system at the State general election in March next year. The election marks the beginning of a new and important form of voting—iVoting. It has the potential over time to allow greater levels of independent participation in elections for all citizens in New South Wales. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [10.30 a.m.]: I refer to the Parliamentary Electorates and Elections Further Amendment Bill 2010. The contributions so far have indicated the Government's intent behind this bill and the reforms do seem very sensible. However, as the Leader of the Opposition said, there was a lack of consultation in relation to this bill that fundamentally affects the rights of people to vote. Nevertheless we are asked by the Government to take the reforms on trust, and have little choice but to do so. I also note that any legislation dealing with the voting rights of people needs very careful scrutiny as our whole system relies on one vote, one value and already the Electoral Commissioner has produced a report on irregularities from the last election.

I note in the electorate of Pittwater some people voted more than once as a consequence of what I believe is an archaic system of voting which is not electronic. There is no way to ensure that someone who votes at one booth does not then move on to another booth, another booth and then another booth. There are insufficient protections against fraud in our voting system. It is a matter that every member of this place should be concerned about. I note that the concept of iVoting in empowering people with particular disabilities is very important but my question is: Is it time to look at those sorts of technologies being spread more widely to everyone in the community? Is it now time to properly look at preventing institutional fraud in elections by rolling out a system whereby, for example, one person could not vote more than once in an electoral district under a perfectly technically feasible program? Once a person has voted their name would be locked out of voting again in any of the other booths in that electorate. I encourage the Government to look at what I believe is a very sensible course to pursue.

This bill gives me an opportunity to raise a concern of a constituent of mine. New section 21AH, in item [3], and the provisions in items [5], [6] and [10] of schedule 2 to the bill make amendments consistent with the Commonwealth Electoral Act 1918 to provide that 16-year-olds may enrol under the Elections Act yet they will not be able to vote until they turn 18 years. My constituent, Phillip Longley, the son of a former member for Pittwater, Jim Longley, has urged me to look at the idea of optional voting for 16-year-olds and only making voting compulsory after the age of 21 is attained. I pass that on to the Parliament and recommend that Phillip follow up on his idea. It is great to see that interest in matters democratic runs very strong and thick in Longley blood. They are my comments on this bill.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [10.33 a.m.]: I support the Parliamentary Electorates and Elections Further Amendment Bill 2010. This bill provides for the roll-out of the iVote system,

where certain voters in New South Wales parliamentary elections may cast their ballots by telephone or Internet from a private location. The key categories of voters are those who are vision-impaired, have other disabilities or live in remote parts of the State. The Electoral Commissioner may determine that classes of eligible electors from these categories may vote at a parliamentary election, beginning with next year's State general election. From 2012, subject to determination by regulation, electors outside New South Wales may also be eligible for iVoting.

The types of electors who may benefit from this extension of the iVote arrangements are those located a long way from interstate or international centres where polling facilities are available, for instance in the mining centres of Western Australia such as Kalgoorlie or Karratha or in Glasgow or Cardiff in the United Kingdom. Whether this wider use of iVoting eventuates will depend, in part, on the findings of the Electoral Commissioner in the report on iVoting following the 2011 State general election. The bill inserts a new section 120AM into the Act which requires the Electoral Commissioner to conduct such a review as soon as possible after the return of writs for the election, deliver it to the Premier no later than 26 September 2011 and then table it in the Parliament.

The bill gives powers to the Electoral Commissioner to approve procedures for iVoting. However, these procedures must follow the fundamental frameworks for other forms of voting in New South Wales parliamentary elections. For instance, the procedures must provide for an eligible elector to register for iVoting, for the checking off of the eligible elector when they have voted, for the authentication of their vote, for the secrecy of their vote and for the secure transmission of the vote to be stored and produced by the Electoral Commission as a printed ballot paper. These are important democratic safeguards that protect the integrity of the iVoting process.

The procedures for iVoting at next year's election are yet to be developed by the Electoral Commissioner. However, in the iVote feasibility study which was tabled in the Parliament in September, the Electoral Commissioner has signalled the kinds of experience that New South Wales iVoters can expect. Eligible electors will firstly need to register for iVoting and will then be given a secret code to access the iVote system at the election. When iVoting by telephone, a voter will be given easy to understand instructions on how to cast ballots for their Legislative Assembly district and the Legislature. Their choices will be entered by the telephone keypad. Spoken instructions and the names of candidates and political parties will be provided by the New South Wales Electoral Commission using Australian pronunciations and accents, with all names spoken in a neutral form. The voting interface will wait for the voter and provide simple linear steps with neither too many instructions nor too many choices at one time.

The telephone iVote system will confirm the elector's voting choices once completed, by reading back the selected candidates in preference order. It will provide the option of going back to modify choices, before providing a clear step to confirm and cast the vote. The iVote Report notes that it may be difficult for a sighted person who is familiar with the Legislative Council ballot paper—which included 324 candidates in 2007—to contemplate interpreting and navigating the ballot paper over the telephone. While the iVote Report acknowledges that it is not an easy proposition to vote below the line for the Legislative Council without seeing the ballot paper, this is precisely the difficulty faced by an elector who is blind, whether they are in the polling place on election day with a person assisting by reading the ballot paper, or if they are at home with someone assisting them to complete a postal vote.

The experience of electronic voting trials by the Commonwealth and Victoria shows that while voting below the line can take a person who is blind or vision impaired as long as an hour, many have been pleased to do this since they are able to complete their vote in secret without taking up the time of an assistant. As the principal purpose of iVoting is to provide assistance to blind and vision-impaired voters, the design of the computer interface for Internet iVoting incorporates features such as audio instructions. It will also, however, be easily used by sighted electors who are eligible for iVoting.

The web-based ballot papers, authentication, instructions and security will be compatible with various screen magnifier and screen reader applications used by vision-impaired people. iVoting on the Internet will feature a simple and direct linear voting interface that guides the voter towards submitting a formal vote, but which allows them to quit at any time before completing a vote and start again if they wish or vote another way. iVoting at next year's State general election is an important first step in making secret voting more accessible in New South Wales.

The State is leading the nation by adopting this system. This underlines the Government's commitment to the principles of democratic processes and social inclusion. While just 10,000 people are expected to iVote at

next year's election, the Electoral Commissioner estimates that many more may benefit in the long-term. The Electoral Commissioner estimates that there are approximately 70,000 electors who are blind or vision impaired and 330,000 electors who have other disabilities. There are also electors living in remote parts of the State and outside the State who may also benefit from iVoting. This bill provides for an innovative use of new technology to support a very important longstanding democratic principle: the right to a secret vote. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [10.40 a.m.]: I make a brief contribution to the Parliamentary Electorates and Elections Further Amendment Bill 2010. In particular I support new section 120AB (1) (c), which reads:

(c) the elector's real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place,

One of the greatest frustrations in the electorate of Murray-Darling is that the postal vote system does not work for many voters. At the last election—with the declaration of the poll being announced so close to the election—some voters living in remote New South Wales who rely on air service for their mail delivery only received their postal vote slips the Saturday prior to the election, and their next mail delivery was not until after the actual election day. Their votes were ineligible because of lodgement after polling day and this has been an issue for voters in remote New South Wales for a long time. I have received a lot of complaints about it. This bill gives those voters the option to place an electronic vote, which will be of huge benefit to them. It will reduce the frustration of never having their votes counted.

More and more in recent elections in remote New South Wales we have seen a reduction in the number of polling booths. Murray-Darling has also seen a reduction in polling booths, which has been primarily due to the numbers of voters polling at them. I understand that, but this is making it even harder for those voters who do not have a polling booth nearby and have to travel to the next one. Those people will now be able to vote online. These amendments are much needed. It is a step in the right direction and the benefit of it to the people of remote New South Wales will be seen on the next polling day. I look forward to those historical voters being able to vote online and have their votes counted.

Mr JONATHAN O'DEA (Davidson) [10.43 a.m.]: I make a brief contribution to the Parliamentary Electorates and Elections Further Amendment Bill 2010. The purpose of this bill is to enable persons with impaired vision or with certain other disabilities and persons who may have difficulty voting by reason of location to vote by telephone or by means of a computer linked to the Internet. I wish to place on the record the efforts of Graeme Innes, AM. Graeme is a constituent of mine. He is blind. In July 2009 he was appointed Australia's Disability Discrimination Commissioner and Race Discrimination Commissioner. In 1995 he was made a member of the Order of Australia, and in 2003 he was a finalist for Australian of the Year.

Graeme has pursued the cause of voting by people with blindness and vision impairment for some time. Indeed, he welcomed the opportunity to vote in secret in a past Federal election. I know he will be delighted with this iVoting initiative. I acknowledge Graeme's contribution within both the broader community and my local community. In the past he has served as a local councillor on one of the councils in my electorate. I welcome this initiative by the New South Wales Government and I know that Graeme and many others with vision impairment will do likewise.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.45 a.m.], in reply: I thank the Leader of the Opposition and the members representing the electorates of Macquarie Fields, Wyong, Murray-Darling and Davidson. I note that the Opposition supports the bill. The bill is an important reform and an Australian first. The bill is a comprehensive response to the Electoral Commissioner's investigation earlier this year into options for technology assisted voting for electors with a disability. The bill greatly enhances the democratic process in New South Wales. The bill makes a number of other small but very useful refinements to the New South Wales electoral law, which were requested by the Electoral Commissioner. These other changes mainly ensure that our electoral processes are consistent with the Commonwealth processes and reflect the introduction of automatic enrolment in New South Wales.

The Leader of the Opposition raised the issue of the rollout of the iVote system for the upcoming election to be held in March 2011. It is appropriate for the iVote system to be rollout to be staged. The step to iVoting interstate and overseas is provided for in the bill for those elections after 2012. The iVote system should be proven in New South Wales before being rolled out for interstate and overseas voters. The bill provides for the Electoral Commissioner to investigate the feasibility of iVoting interstate and overseas after we experience iVoting in New South Wales in 2011. Interstate and overseas iVoting can then be introduced by declaration under a regulation, which is provided for in new section 120AB (4).

The member for Pittwater spoke of the consultation involved in the preparation of this legislation. The groups that undertook that consultation are set out on page 5 of the report on the feasibility of the iVote remote electronic voting system, published by the New South Wales Electoral Commission. The initial consultations included participation in briefings at a number of forums in regard to electoral issues for people who are blind or vision impaired or with other disabilities including: the Disability Reference Group of the NSW Electoral Commission; the Electoral Council of Australia, including the Blind and Vision Impaired Reference Group; and the Disability Advisory Committee of the Australian Electoral Commission. Direct consultation also occurred with two key groups representing people who are blind or vision impaired: Vision Australian and Blind Citizens Australia. To take advantage of the prior experiences of other Australian electoral jurisdictions, the NSW Electoral Commission also engaged in direct consultation with the Australian Electoral Commission, the Victorian Electoral Commission, the Australian Capital Territory Electoral Commission and the Western Australia Electoral Commission.

The member for Pittwater also raised the issue of fraud and vote security. This has been addressed in the architecture of the iVote system. In the iVote report, the Electoral Commissioner foreshadowed prevention measures to address security for the iVote system including: network security provisions for network infrastructure and services; audit trails and system logs recording all activities and changes to the system; and quorum-based access control for election administrators—that is, three or more authorised people must jointly enact certain technical changes.

Further, the bill requires an independent audit of the iVote system before and after each general election, which will include checks that it is secure from hacking and other malicious interference. The bill contains an offence provision for any person who destroys or interferes with technologically assisted voting. The maximum penalties for breach are 100 penalty units or three years imprisonment, or both, and those penalties are equivalent to those under the Act concerning bribery and intimidation.

The member for Murray-Darling noted the problems of people in rural and remote areas. Under the iVoting system, eligible voters may include people in New South Wales who reside more than 20 kilometres from a polling place, subject to the commissioner's discretion, and those electors may well be assisted by the iVote system. The bill is yet another demonstration of this Government's commitment to modernising electoral law and increasing opportunity for participation in the democratic process of the State, and I commend the bill to the House.

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

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.52 a.m.]: I move:

That standing orders be suspended at this sitting to permit:

1. The resumption of the adjourned debate and passage through all remaining stages of the Public Sector Employment and Management Amendment Bill and the Plumbing Bill.
2. The following routine of business to apply after the conclusion of the motion accorded priority:
 - (a) Government business;
 - (b) Private members' statements at the conclusion of Government business; and
 - (c) The House to adjourn without motion moved at the conclusion of private members' statements.

I know that it has been a difficult week, as it always is coming towards the end of a session, irrespective of what session it is. However, I extend my thanks to all for the cooperation that we have had in getting through the business of the Government, an outstanding amount of legislation. I also thank members of the Opposition for their cooperation in assisting with the routine of business. I particularly thank the departmental officers, who have often been needed to assist Ministers and Parliamentary Secretaries at very short notice in relation to the bills being passed through the House.

This fairly straightforward and relatively simple suspension of standing orders today will enable us to deal with other items of legislation, so as to bring forward and again provide a good routine of business as far as the House is concerned. It will also take away the dinner break that had been scheduled for this evening because it is now foreseen that there will not be a need for that and we will have the opportunity to adjourn the House this evening pretty much at the time we would normally adjourn on a Thursday.

Mr DARYL MAGUIRE (Wagga Wagga) [10.53 a.m.]: I have been consulting our shadow Minister for Fair Trading and he informs me that the bill that the Leader of the House wants to bring on and debate was introduced just last night by the Minister for Fair Trading. Importantly, he has advised me that the Master Plumbers Association has been in contact with him and is very concerned about the bill. It has very far-reaching implications. What the Leader of the House is proposing is the same as yesterday. Yesterday we did not even have time to consult with industry. Overnight we have had the opportunity to do that. We have a shadow Minister here who desperately needs time to talk with the industry. We have had communication from the industry disagreeing with the words of the Minister for Fair Trading in this place last night.

We have had enough of this. It is just ridiculous when you consider that there is another week to go of this Parliament. There is time for logical debate. The bill can sit on the table for five days to give members of the Opposition and independent crossbenches time to consult with community and industry leaders. Mr Acting-Speaker, I do not know if you have had time to read the bill. I have read it briefly. We have in our midst people who have been involved in the building industry who are alarmed at the content of this bill, yet the Leader of the House intends to ram the bill through. I say to the Leader of the House that we will oppose the motion on the ground that we have not had time to consult, unless he agrees that it can be postponed and brought on next week.

A reserve week is available in the parliamentary sittings. I understand that would be a cost to taxpayers, but the cost to taxpayers, including business owners and homeowners, will be far greater if the Government gets this bill wrong. What concerns us most are the words of the Minister for Fair Trading last night, who said that there had been wide consultation and that the industry was agreeable. The information that has been given to our shadow Minister, the member for Albury, is contrary to the advice that the Minister for Fair Trading gave this House. We are going to oppose it on those grounds and because there remains time next week.

The suspension of standing orders has occurred on a regular basis. We understand that at the end of a sitting year there is a need for the Government, whose members run around like startled chooks as the fox circles the chook house, to look like it is actually doing something. . We understand that they are going to be subject to the scrutiny of media and others. But let me say this: The bill needs the scrutiny of industries that are the powerhouses of the economy, and they are not getting a say on this bill.

Last night the bills were transmitted to the upper House and were amended. We are going to deal with those amendments and we will have something to say about that. Indeed, the Water Management Amendment Bill was brought before this House but there had to be 23 amendments to the Government's own bill before it passed this House. This is bad government. It is not the way that this Parliament should operate and it is not the way that the Westminster system was designed to deliver good legislation to the people of this State. Time and time again we have to amend bills before they leave this place to go to the other House. We are going to oppose the motion. We are going to vote against the motion unless the Leader of the House agrees that the bill can lie on the table so that we can adjourn the debate until next week, because to do otherwise will create dire consequences based on the information that has been given to me by our shadow Minister regarding the alarming calls that he has received from industry and others.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [10.57 a.m.], in reply: The member for Wagga Wagga paints a picture of the sky falling on the Parliament if we debate the Plumbing Bill today. The reality is that the Parliament has two Houses and both Houses have the option of reviewing, debating and amending legislation. I understand that the Plumbing Bill, about which the member for Wagga Wagga has spoken, has had a long gestation period. As the Minister explained last night in the agreement-in-principle

speech, there has been wide consultation. No doubt as the debate proceeds, as is always the case with parliamentary legislation, there will be continued consultation because new information emerges during the course of debate. It is appropriate, therefore, for us to debate it in this Chamber.

It will then go to the other Chamber and there will be a process of review. One should not make a big thing about the fact that legislation is amended. That is what the whole process of debate is about and that is why we have a House of review. From time to time the House of review does have amendments, some of which may be appropriate and some of which may not be. That is the sort of thing that we do. Later we will be debating amendments to legislation that passed through this House yesterday and was debated and amended in the other place last night. That legislation will come back here and we will consider those amendments. There is nothing extraordinary about that. It is a process that has been adopted by this Parliament since 1856 and will continue to be adopted by this Parliament hopefully well into the future.

That is the proper way to conduct debate. There are always grounds for more consultation. But eventually the taxpayers of the State expect us to move on and get on with the job. NSW Fair Trading has been consulting with the appropriate organisations since 2008. This bill is required to bring conformity throughout the State, rather than having a hotchpotch of different requirements in different parts of the State. I was Minister for Fair Trading from 2001 to 2003, and I recall that we debated these issues then.

Mr Daryl Maguire: At least you would have been decent enough to brief the shadow Minister.

ACTING-SPEAKER (Mr David Campbell): Order! The member for Wagga Wagga will remain silent.

Mr Greg Aplin: Point of order: I point out to the Leader of the House that I am still awaiting a full briefing on this bill from the Government.

ACTING-SPEAKER (Mr David Campbell): Order! That is not a point of order.

Mr Greg Aplin: He is misleading the House.

ACTING-SPEAKER (Mr David Campbell): Order! That is not a point of order.

Mr JOHN AQUILINA: The member for Albury should be grateful that this Government in its 15 years has provided the Opposition with briefings on legislation. When I was in Opposition for seven years, we were not told what legislation was to be introduced, let alone given a briefing. Leaders of the House would table bills and agreement in principle or second reading speeches. Thankfully, that practice has changed. This is a plumbing bill. Who would have thought that a plumbing bill would cause so much consternation? The Plumbing Bill 2010 will be debated today in this place. I trust that the member for Albury will have the opportunity to consult and discuss the bill. The member will be able to continue consultation once the legislation has left this place to go to another place, where the bill will be reviewed and debated and no doubt further consultation will occur.

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

Motion agreed to.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL 2010

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 24 November 2010

Page 3, Schedule 1 [1] (proposed clause 26A). Insert after line 17:

- (3) A payment withholding request must include a statement in writing by the claimant in the form of a statutory declaration declaring that the claimant genuinely believes that the amount of money claimed is owed by the respondent to the claimant.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [11.02 a.m.]: I move:

That the House agree to the Legislative Council amendment.

Mr GREG APLIN (Albury) [11.02 a.m.]: I speak to the Legislative Council amendment to the Building and Construction Industry Security of Payment Amendment Bill 2010. This bill was introduced yesterday afternoon and rammed through the House last night. It arrived in the other place even later in the night and at 11:40 p.m. the Legislative Council moved an amendment to the bill. In relation to the amendment, the Hon. Greg Pearce stated:

Just as the legislation was introduced by the Government in a manner that did not allow for proper scrutiny or consultation—

Mr Paul Lynch: Point of order: This is not the time for a rerun of the agreement in principle debate. The scope of this debate is the amendment that was moved last night in the upper House, which I have moved be adopted by this House. So far the member for Albury has not touched on the amendment. He is doing a rerun of yesterday's speeches.

ACTING-SPEAKER (Mr David Campbell): Order! Given the member for Albury has just commenced his dissertation, introductory remarks are in order. I remind the member of the point made by the Minister that this is not a rerun of the agreement in principle debate. This is a debate on the Legislative Council amendment.

Mr GREG APLIN: The sensitive Minister, who obviously was not listening, would not have recognised that I did refer to the amendment at the beginning of my speech. I am talking to the amendment, not the agreement in principle speech. He would know that had he looked at the amendment that was agreed to last night. I referred to comments by the Hon. Greg Pearce, who said:

Just as the legislation was introduced by the Government in a manner that did not allow for proper scrutiny or consultation, and that did not provide any opportunity for us to ensure that there are no shortcomings or unintended consequences, the same applies to the amendment.

Yesterday the Minister purported that he had consulted widely. Clearly, that was not the case and he misled the House. I have spoken to three groups—

Mr Paul Lynch: Point of order: First, the member for Albury is launching a substantive attack on me. He must do that by way of substantive motion. Secondly, the member is not talking to the amendment.

Mr John Williams: We will move a substantive attack on you any time.

Mr Paul Lynch: I know the member for Murray-Darling's penchant for telling lies to his electorate. He should keep quiet and not interject. The member for Albury is not dealing with the amendment. He has made introductory remarks but still has not spoken to the amendment, which is the only matter he is allowed to speak to in this debate.

ACTING-SPEAKER (Mr David Campbell): Order! I encourage the member for Albury to confine his comments within the terms of the standing orders.

Mr GREG APLIN: Indeed. The sensitivity of the Minister is extraordinary, given his dissertations in this place, which often have very little to do with the matters before the House. Yesterday the Minister said that he had consulted widely. He has not. The Housing Industry Association was not aware of the bill and expressed its great disappointment at its unanticipated introduction in the Legislative Assembly yesterday. The amendment relates to overall legislation that is currently subject to a substantive review process. The Housing Industry Association noted that it has been part of the review process but that it has not been consulted on the bill. The first the association knew of it was when it was introduced yesterday.

The subject of the bill was not covered in the current review. The association has not had time to consider the bill in detail. It said that on its initial examination the proposed changes will have a significant impact on the building industry. More importantly, the building industry has not had an opportunity to consider and to respond to the bill prior to its presentation. It therefore considers that the bill should not progress until the industry has had an opportunity to review it.

Mr Alan Ashton: Point of order—

Mr John Williams: The Minister cannot do it himself. It is a vote of no confidence.

Mr Alan Ashton: It is not a vote of no confidence.

ACTING-SPEAKER (Mr David Campbell): Order! The member for Murray-Darling should relax a little.

Mr Alan Ashton: The more Opposition members interject, the longer it takes me to state my point of order. We have listened to the member for Albury for four minutes. I appreciate that he is getting around to discussing the amendment, but he is rehashing the agreement in principle debate, which took place yesterday. The member has to speak to the amendment, not about the Housing Industry Association's concerns or whether the association has been consulted. He must speak to the amendment.

ACTING-SPEAKER (Mr David Campbell): Order! I encourage the member for Albury to confine his remarks to the Legislative Council amendment.

Mr GREG APLIN: This goes to the heart of the way the Government operates—no consultation, no willingness to allow people to discuss, no discussion with consumers.

Mr Paul Lynch: Point of order: This goes to the heart of the corrupt and hypocritical Opposition, which protests about upholding the Westminster system but has comprehensively breached it. The member for Albury is yet to be anywhere near relevant in his contribution. He constantly breaches standing orders. Yet he has the audacity to say that we do not uphold the Westminster system.

ACTING-SPEAKER (Mr David Campbell): Order! The member for Albury has the call.

Mr GREG APLIN: It is easy to rile the Minister, the member for Liverpool. He has a lot to be concerned about. Obviously this is one area of concern. He recognises the Government's dearth of responsibility in the area of consultation. He is very sensitive and obviously concerned about it. Groups such as the Master Builders Association and the Housing Industry Association have had no opportunity to consider the bill in detail, let alone consider last night's amendment and to provide advice. The amendment relates to an area that on which they want to be consulted. It is one of many areas that should have been included in the bill. They have many other concerns. Clearly, the Minister is not interested in the building industry's concerns because he will not allow me to discuss them now in the House. I place on the record: The Minister will not allow the building industry's concerns to be stated in the House. He has not given the industry time to consider the bill and bring forward any concerns. We said yesterday that we reserved our position—

Mr Paul Lynch: You're a fool and a liar.

Mr John Williams: He must have learnt from you, you're an expert.

Mr GREG APLIN: Bring on the substantive motion, Minister.

Mr Paul Lynch: You really don't know the standing orders, do you?

Mr GREG APLIN: The Minister has not consulted. He stated that he had. I have records from two major employers in the building industry indicating that that has not been the case. In relation to the amendment, we said yesterday that we had grave concerns with the bill. We cannot consider whether this will have unintended consequences for the industry. We reserved our position in the upper House and we considered that this amendment should go forward, but we still have grave reservations about the bill as a whole.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [11.09 a.m.]: I note there was no substantive contribution by the member for Albury to the motion before the House. It is perhaps indicative of his entire intellectual disengagement with this area. The fact that he does not understand any of it is reflected in the fact that he could not even comment upon the amendment. In fact, I am not sure he even knows what it was; he did not refer to it in any detail. In relation to consultation, the member for Albury conceded that a significant consultation process has been going on. This is simply one element of that. Therefore, for him to say that we have not consulted and that we do not care is absolute dishonesty and an absolute untruth. He stands condemned for telling untruths.

Mr John Williams: Point of order: Is the Minister speaking in reply or is he attacking the member for Albury?

ACTING-SPEAKER (Mr David Campbell): Order! I call the Minister to continue his response.

Mr PAUL LYNCH: I commend the motion to the House.

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

Motion agreed to.

Legislative Council amendment agreed to.

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

NATIONAL BROADBAND NETWORK CO-ORDINATOR BILL 2010

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 24 November 2010

Page 4, clause 5 (2) (a), line 7. Insert ", being a person who has been employed in the Government Service of New South Wales for at least 12 months immediately before being appointed to that office" after "**2002**".

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [11.11 a.m.]: I move:

That the House agree to the Legislative Council amendment.

Mr DARYL MAGUIRE (Wagga Wagga) [11.11 a.m.]: This amendment was moved in another place because, as has been described adequately in previous contributions, legislation was introduced, standing orders were suspended and then the legislation was dealt with in a hurry. The following amendment was moved in another place:

Page 4, clause 5 (2) (a), line 7. Insert ", being a person who has been employed in the Government Service of New South Wales for at least 12 months immediately before being appointed to that office" after "**2002**".

The amendment to the bill means that it will require a person who is appointed to the National Broadband Network Co-ordinator position, which is the new position that this bill creates, to have been employed in the service of the New South Wales Government for at least 12 months immediately prior to being appointed to that position. This amendment proposes to prevent the Government from appointing someone who is currently a politician, a retired politician or someone from outside government service. It means that the appointment can be made from within government, where there are an enormous number of employees. Whilst the Opposition does not oppose the amendment we are concerned that it does not allow for the connections that exist within the bureaucracy.

We have seen time and time again legislation moved that prevents politicians from obtaining employment for a number of years after they leave this place. But as the bureaucratic system exists at present, the bill does not prevent the appointment of relatives and friends of Ministers and others. That is a matter of concern. There was some debate last night about this amendment. In recent times it has been highlighted in newspaper articles—we must recognise this—that many appointments throughout government have connections with the current Labor Government. In fairness, there should have been more scrutiny of the way in which this bill was developed. When the bill was introduced in this place we said that we had not had the time to scrutinise it. But it was dealt with last night. We will not oppose the amendment but, given all the appointments that have been made recently and their connections to the current Government, one has to question whether the proposed appointments will be made in a transparent manner and will be merit based rather than based on connections with relatives.

Mr ANDREW CONSTANCE (Bega) [11.15 a.m.]: I echo what the member for Wagga Wagga said in regard to this amendment. Whilst the Opposition will not oppose this amendment, we believe it is indicative of the snivelling behaviour that we see from the Minister time and time again. Legislation is brought before this House that is designed to look after a friend, to look after his mates.

Ms Linda Burney: How's that house of yours in Bega?

Mr ANDREW CONSTANCE: My house in Bega? I live in Batemans Bay. The point needs to be made that again the Minister cannot tell the House what the cost of the proposed appointment, as per this amendment, will be. The Minister needs to outline what the cost is to the taxpayer, but he point-blank refuses to do so. When we were debating this bill last night the Minister could not outline what the costs would be for the coordination functions and the appointment of the committee. As the member for Lismore said, the whole National Broadband Network is pie-in-the-sky stuff in relation to costings because no business plan has ever been released. Yet here we have an example of the Minister's introducing a bill to establish more public servants and more bureaucracy from a State perspective to administer a Commonwealth program.

The Minister needs to explain this amendment and what the cost will be for this appointment. He should be open and honest about it. But the Minister lacks the ability to be transparent. He has no capacity to outline the cost of this appointment for taxpayers. We have expressed concern every step of the way about the manner in which legislation is being rammed through. The Minister should at least be open and transparent and tell the community, the taxpayers and the Opposition what the cost will be, because this could be a very, very expensive exercise in staffing arrangements and it could have a very, very serious effect.

I presume that the person appointed to the position—given that it will be a person who has been employed in government service in New South Wales for at least 12 months—will have some knowledge about the National Broadband Network. I question the capacity of someone who has worked in the public sector to know what the impact of the National Broadband Network will be on State government agencies and everything else. It seems somewhat farcical that this bill has been brought on before the National Broadband Network issue is resolved at a Federal level, particularly the matter of the business plan. Again, I call on the Minister, the member for Liverpool, to be open and transparent about the costings associated with this appointment.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [11.18 a.m.]: In relation to the concerns of the member for Wagga Wagga, it is obvious that whatever appointment is made will be subject to the usual processes, the usual probity checks and the usual probity regime. In relation to the comments of the member for Bega, it might have helped if he had read the bill. He clearly did not read the bill last night and obviously has still not read it yet. According to the bill, the Director General of the Department of Services, Technology and Administration will fulfil the role of coordinator. I know that this will be a great shock to the member for Bega but public servants do not get paid twice, you idiot!

Mr John Williams: Point of order: The Minister should retract that statement. He just called the member for Bega an idiot.

Mr PAUL LYNCH: To the point of order: That was tame compared with what he called me.

Mr Andrew Constance: To the point of order: I seek a withdrawal from the Minister.

Mr PAUL LYNCH: Further to the point of order: I have no intention of withdrawing something that is so obviously true.

Mr John Williams: Further to the point of order: The Minister should consider his last statement and withdraw. We could be looking at moving a motion of no confidence in the Minister, and he well deserves it.

Mr Andrew Constance: Further to the point of order—

ACTING-SPEAKER (Mr David Campbell): Order! The member for Bega will resume his seat.

Mr Andrew Constance: I said I want to speak further to the point of order.

ACTING-SPEAKER (Mr David Campbell): Order! The member for Bega will resume his seat.

Mr Andrew Constance: I want to take a point of order.

ACTING-SPEAKER (Mr David Campbell): Order! The member for Bega will resume his seat. A number of points of order have been taken and the member for Bega has requested that the Minister withdraw his statement. The Minister has indicated that he chooses not to withdraw. I will now put the question.

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

Motion agreed to.

Legislative Council amendment agreed to.

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

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 24 November 2010.

Mr CHRIS HARTCHER (Terrigal) [11.22 a.m.]: It was Tony Abbott who said that we need a kinder, gentler Parliament. Having the Minister for Community Services at the table indicates a commitment to such a Parliament. The House will in due course determine the benefit of having the Minister for Industrial Relations guarding the Minister's back. The Public Sector Employment and Management Amendment Bill 2010 was introduced yesterday and standing orders were suspended to enable the Government to force it through the House today. The Minister for Industrial Relations, who introduced the bill, enlightened the House in a five-paragraph agreement in principle speech, which was in fact the explanatory note to the bill. He simply read out the explanatory note and then sat down.

This Parliament and the community of New South Wales have been invited to pass judgement on legislation that will be rushed through Parliament after a suspension of standing orders based on an explanation that is no explanation and an excuse that is no excuse. The Minister is either so ill briefed, negligent or uninterested that all he can do in introducing the legislation is read out the explanatory note. In fact, this speech is already probably longer than the agreement in principle speech that the Minister gave when he introduced the legislation.

ACTING-SPEAKER (Mr Thomas George): Order! Members will direct their comments through the Chair.

Mr CHRIS HARTCHER: Why has that happened? What is so significant about this legislation that it should be rushed through the Parliament? Why is the Government so frightened of explaining it? What does it all mean? The member for Davidson, who will follow me in this debate, made a number of pertinent points. He asked: What is the Special Employment Division? Its title sounds very Orwellian. It is something one would expect a Labor Government to establish—a Special Employment Division. Who inhabits it, how does one get there, what must one do to get there, and where to from there? Is it a holding pool? Is it a pool for people without merit? The bill provides that the people in the Special Employment Division will be eligible to apply for a range of new positions that they were not previously qualified to occupy. The legislative impediment to their applying for those positions will be removed. Those in the Special Employment Division will have a range of new avenues available to them.

Can we expect over the next three months—between now and when the writs are issued in March 2011—to read in the *Government Gazette* about a range of little people appointed here and there? Their only qualification will be the fact that they hold a membership card. It is not a membership card issued by Parliament, but by Sussex Street. As the member for Heathcote so brilliantly illustrated in his tweet on Tuesday, it is kick-the-bucket time. Members are preparing their bucket lists, their exit strategies or their where-do-I-hide strategies to deal with the tsunami that the Labor Party says is coming. Where will people hide? Public sector employees cannot formulate an exit strategy or organise another position, but they can hide. All those people about whom the Minister is telling us nothing will be transferred to all sorts of positions.

This type of legislation is not an accident, nor is it the product of an Independent Commission Against Corruption inquiry or report. There has been no report or submission recommending the introduction of this legislation. The Special Employment Division is similar to the Parliamentary Budget Office; it is part of the Government's preparations for losing government. One is entitled to suspect that it is designed to provide new escape routes for the Labor Party's friends in the public sector. This legislation will remove the legislative impediment to their applying for various positions. The Coalition has not had sufficient time to examine this legislation or to consult on it. Therefore, we reserve our rights with regard to its passage. When the bill is

debated in the Legislative Council, where it cannot be rammed through after the suspension of the standing orders and where the Government can be made more accountable, the Coalition will consider its options, including referring it to a committee, opposing it or even amending it.

However, before we do that we would like some facts. Why did the Minister not provide some facts? Who is in the Special Employment Division? How does one get there? What are the salaries and what range of duties is carried out? If any member in this House has read George Orwell it is the Minister for Industrial Relations. For all his faults, he is a very well-read person. In fact, he is probably the only member of the left wing of the Labor Party who reads his Karl Marx in the original German. That is the difference between members of the hard left and the soft left: Members of the soft left read Karl Marx in English and members of the hard left read him in German. It is hard to believe, but in factional terms the Minister is a member of the soft left. Nobody regards him as a softie, but he is a member of the soft left. That is an historical aberration. But I digress.

The New South Wales public sector employs 318,000 and it consists overwhelmingly of professional, dedicated, hardworking people who are anxious to provide good results for the people of this State. Of course, I refer to the thousands of schoolteachers, police officers, nurses and others who aim to deliver for this State. However, this Labor Government has debauched the process for 15 years. There is no doubt about that. I am not going to read out a list of people, but everybody knows the people who are there more because of their connections to Labor than because of merit. The New South Wales public are entitled to be cynical about any legislation that changes the statutory framework under which the public sector operates. This bill is so limited in its wording yet so potent in its implications. This legislation is so limited yet can be so powerful a tool. The Legislative Council inquiry into freedom of information officers exposed one thing: that FOI officer—as they were then called—after FOI officer was a card-carrying member of the Australian Labor Party.

Mr Ray Williams: I am shocked!

Mr CHRIS HARTCHER: The member for Hawkesbury is shocked by that. He could not believe that. He has lived a life of innocence. I have never even heard him swear. Understandably, he believes the best in people. What has happened? After four years in Parliament he has been shocked by the process. But that is not the issue we are now debating. I challenge the Minister, in his reply, to tell us who is in the special employment division. What study or report led to the production of this legislation? I would like him to tell us why this legislation is necessary—not to talk in general terms about merit in the public sector, but to give us the reality. I do not want him to pretend that he is at a meeting of the soft left caucus where he is telling the hard details of who is knifing whom—

Mr Daryl Maguire: The truth.

Mr CHRIS HARTCHER: They do in the soft left caucus.

Mr Daryl Maguire: They tell the truth?

Mr CHRIS HARTCHER: They do, because they talk about the Right. They talk about the Terrigals, they talk about the troglodytes, they talk about the hard left, and they do not pull any punches. I invite the Minister for once to take us all into his confidence. For once tell us what he is planning and what is going on. I have the greatest respect for the member for Smithfield. He has his speech ready to go, all in support of the bill, and it will be a good one. The speeches of the member for Smithfield are always well researched and well presented, but I am not sure whether he knows what is happening because I do not think he has been taken into the inner circle on this legislation.

Ms Linda Burney: We are not that bad.

Mr CHRIS HARTCHER: I am not even sure which faction of the Left you are in.

Ms Linda Burney: Have a guess.

Mr CHRIS HARTCHER: You would be a softy.

Ms Linda Burney: No.

Mr CHRIS HARTCHER: You are a hardy.

ACTING-SPEAKER (Mr Thomas George): Order! The member for Terrigal and the Minister will direct their comments through the chair.

Mr CHRIS HARTCHER: I am concluding. This legislation will be scrutinised in the Legislative Council.

Mr Matt Brown: You said that.

Mr CHRIS HARTCHER: Yes, I agree with the member for Kiama, who is about to lose his seat. The bill will be scrutinised in the Legislative Council. My favoured option is to have it referred to a committee to get to the bottom of it. Of all the items of legislation being rushed through at the moment this is probably the most potent, with the capacity to do more damage than any other. We would love to have the Minister there and would love to ask him some questions.

Mr NINOS KHOSHABA (Smithfield) [11.32 a.m.]: As always the member for Terrigal is very entertaining but, unfortunately, has no substance. I am pleased to support the Public Sector Employment and Management Amendment Bill 2010. Only permanent public servants, also known as officers, and departmental temporary employees with more than two years continuous service may apply for internally advertised positions in a public service department. It is not available to staff of special employment divisions, even where those staff may be associated with a public service department.

For example, in Forests NSW, a trading division of the Department of Industry and Investment, fieldwork staff are employed in the public service. However, there is also a significant number of fieldwork staff in the Forestry Commission division. These staff cannot be considered for permanent positions advertised within the department as they are not employed in the public service. This limits the available pool of staff for internal recruitment, and has created an anomaly between these fieldwork staff. The proposed amendment to section 19 of the Public Sector Employment and Management Act will address this problem and allow the widest possible pool of staff to be considered when advertising positions within the Department of Industry and Investment. This is an example of how the bill will improve merit selection in the public service. I commend the bill.

Mr JONATHAN O'DEA (Davidson) [11.35 a.m.]: I speak to the Public Sector Employment and Management Amendment Bill 2010. While a little bit more information was forthcoming in the speech of the member for Smithfield, I am still somewhat in the dark as to the definition of "special employment division". I have not looked at the main legislation, because this bill is being rushed through in an inappropriate way. I am very interested in asking the Government to put on record the definition of "special employment division". The member for Smithfield gave a couple of examples, but it is still not clear to me.

He used the rationale that there should be the widest possible available pool of talent to fill the internally advertised positions. That leads me to question whether current employment practices are being managed in an efficient way. In that respect, I note that there is supposedly currently a public service employment freeze on non-front-line staff. We have all seen that is not the case; in fact, over a six-month period we highlighted that at least \$20 million worth of payroll positions were employed who were not front-line staff. So, there is a degree of hypocrisy between the Government's stated policies and reality.

Yesterday the Auditor-General released a report that identified further public sector employment mismanagement. There were two examples in particular. First, 13 employees within Sydney Water were receiving total overtime payments worth more than their base salary. That identified a problem potentially with occupational health and safety as well as the mismanagement of public sector resources.

Mr Paul Lynch: Point of order: I am happy to concede that there needs to be a bit of leeway in these debates, but I think the member for Davidson has strayed well outside the terms of the bill. I am sure the member will come back to the leave of the bill.

ACTING-SPEAKER (Mr Thomas George): Order! I am certain the member for Davidson will return to the leave of the bill. I will hear further from the member.

Mr JONATHAN O'DEA: I am talking about public sector employment and management, and the deployment of available talent. Another example in yesterday's Auditor-General's report was that identified within the Sydney Catchment Authority: 17 contractors were being paid a total of \$1.1 million. One of those contractors had been engaged continuously for six years and another was paid \$362,000 over a year.

Mr Paul Lynch: Point of order: Whatever this bill is about, it is not about contractors. As I said, I am happy to concede a bit of leeway in these things but contractors have absolutely nothing to do with either the substantive Act—which we are not allowed to talk about in any event—or the amendment bill before the House.

ACTING-SPEAKER (Mr Thomas George): Order! I am certain the member for Davidson has finished speaking about contractors. He will now return to the leave of the bill.

Mr JONATHAN O'DEA: I have finished with my brief reference to the Auditor-General's report. The operative words of the Minister were, "Whatever this bill is about, it is not about contractors." We are still trying to understand what this bill is fully about. The member for Smithfield said that there should be the widest possible available pool of talent and certainly contractors that are currently within the public service—

Mr Paul Lynch: That are not within the public service; that is why they are contractors. They are contracted to the service.

Mr JONATHAN O'DEA: I acknowledge the interjection of the Minister. In response I refer him to yesterday's Auditor-General's report. The Auditor-General identified that if one employs a person as a contractor for a long period of time one risks that person being seen as an employee, with the commensurate entitlements of an employee, under employment law. The member for Smithfield said that we should have the widest possible potential pool. Contractors might be seen as within that widest possible pool. We do not know the intent or effect of this legislation.

Let us look at other employees such as those who are not contractors or temporary staff. Let us look at people who are displaced or excess employees currently available to fill internally advertised positions. Let us look at how many people potentially might be available already who are paid for by the taxpayer but do not have meaningful employment because they are on the displaced employee or excess employee list, people who otherwise might be eligible to fill a position that now might be filled by somebody from the special employment division. How many people are without meaningful employment but are being paid for by the taxpayer?

The Opposition has done some research in this area. Despite the Government's stated intention to reduce the number of displaced employees, as at 1 July this year 313 people were on that list. In fact, that was a record number for the last 4½ years. These figures go back to 1 January 2006. As at 1 July 2010, 313 people were on the displaced list. That was revealed from budget estimates 2010-11, questions on notice to the Premier by members of General Purpose Standing Committee No. 1, dated 14 September 2010. We have no shortage of people potentially wanting meaningful employment. Some of those people have been displaced employees for a long time. In fact, the average time a person has been a displaced employee, as revealed through a freedom of information application by the Opposition, is 343 days—that is, almost a year as a displaced employee.

I will refer to a table obtained under freedom of information that outlines as at 30 June 2010 the length of time employees have been displaced or excess employees. Five employees of this State have been displaced employees for five to 10 years. The Government says that we need to widen the number of people who potentially might fill internally advertised positions. This screams mismanagement of public sector resources. It also screams mismanagement of public sector workers. The table further shows that seven employees of the public sector have been displaced for two to five years and that 21 employees have been displaced for between one and two years. I reiterate the comments of the member for Terrigal and the request for greater clarification on a bill that, in my view, no-one properly understands.

What is a special employment division? Why are these displaced employees not given some priority in respect of filling positions before we look for a wider pool of potential employees? When will the Government finally manage taxpayers dollars in a sensible way? The comments of the Opposition and the Auditor-General should receive a response. Unfortunately, I suspect we will not receive a proper response from the Government. I can only ask for one yet again.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [11.44 a.m.]: I am pleased to support the Public Sector Employment and Management Amendment Bill 2010. I state specifically that amendments to section 22 will not impact on outside recruitment to the public service. The amendment to section 22 that removes the bar to certain actions in relation to public service appointments is appropriate and fair. Departments should be required to defend discrimination or victimisation claims based on the merits of the matter and not rely on a statutory bar to prevent a case being heard.

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

THE FORGOTTEN AUSTRALIANS

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

That this House notes the appreciation of the mother of the member for Wallsend, and all the forgotten children in Wallsend, the Hunter and New South Wales, for the Federal Government's recognition of them and its apology to "the Forgotten Australians".

First, I will define the term "the forgotten Australians"; secondly, I will talk a little about the apology; thirdly, I will speak about the history of child migration and the institutionalisation of children in Australia; and, finally, I will talk about Monte Pio at Maitland. Who are the forgotten Australians? They are more than 500,000 non-indigenous child migrants and indigenous children who have experienced care in institutions or outside a home setting during the twentieth century. Many of these children were abused—physically, emotionally or sexually—while in care. As a result, on Monday 16 November 2009 the then Prime Minister, Mr Kevin Rudd, and the then Leader of the Opposition, Mr Malcolm Turnbull, issued a motion of an apology to the forgotten Australians on behalf of the nation. That was certainly a memorable day.

I will give some background to child migration and the forgotten Australians in Australia. From 1935 to 1967 an estimated 7,000 to 10,000 children and young people from Britain and Malta were sent as child migrants to Australia. The two destinations were Western Australia and New South Wales, with New South Wales receiving 28 per cent of inbound children. It is important to note that we do not know the exact number because a lot of information that should have been recorded—information that people would like to know—has not been made available.

Child migration to New South Wales ended in 1967, which to my mind is relatively recently, as I am sure members would agree. The rationale for child migration changed over time. Prior to World War II child migration schemes focused on a system of providing rural training farms for boys and domestic schools for girls. But after 1945 child migration was based primarily on increasing Australia's population. The Commonwealth Government relied heavily on private organisations such as Dr Barnardos' Homes, Fairbridge Farm Schools, the Big Brother Movement, and religious organisations such as Burnside to promote child migration. Fostering and adoption were not favoured at this time—but of course that has now changed—and the children were placed in large residential settings.

I was particularly driven to move this motion today because the issue is of interest to me and my family. When my mother was an infant she and her sisters and brothers were placed in the care of Monte Pio orphanage, an orphanage that was established in Maitland, in New South Wales. They were placed in that care because of the severely dysfunctional nature, shall I say, of my mother's family at the time. My mother and her sister were sent to Monte Pio and, as was the custom, my uncle was sent to the boys orphanage called Murray Dwyer Home for Boys in Mayfield, in the Newcastle area. So the children were separated. At the time an attempt was made to keep children together, but they were separated if they were of different genders.

Monte Pio orphanage was opened in 1909 with about 27 children. At that time the orphanage was for both boys and girls. The orphanage was operated under the auspices of the Catholic Church, and the Sisters of Mercy ran the establishment. I can say a lot about this orphanage because it was the subject of my university honours thesis for history. In my thesis I spoke about the daily life of the children in Monte Pio orphanage, because it was something that was familiar to me as I grew up with a mother who spent her childhood in an orphanage. My mother occasionally used to tell us stories about her time at Monte Pio—"the orphanage", as she called it—and she also used it occasionally as a bit of a threat to us children when we were very naughty. So those things were relevant to me when I talked about the daily life of what happened in the orphanage.

By the time my mother and her sisters and brothers were placed in the orphanage it was the early 1940s. Interestingly, my mother can remember the stories of when, during the war, other people came to stay at the orphanage too. She was only a little girl at the time, so they were just vague stories. But some of the things mum used to say to us hit home with us as kids. She was a smart mum and she did not use the orphanage story too often, but she used it particularly when we were naughty or when we were particularly fussy about food. At Monte Pio the nuns were extremely hard and they relied very heavily on the benevolence of the people of Maitland and the farmers of Maitland to keep them in food. The Catholic Church did not give the orphanage any money; it basically ran itself. Mum used to tell us stories such as the one that if only prunes were available for food for a week, the children ate prunes for a week. So, when we started to get a bit fussy about food, I just thought to myself, "I really don't want to be eating prunes for a week, so I might need to be a little bit more careful about what I say."

When we children were naughty, we would be all lined up and mum would say to us, "Now, listen kids, if you misbehave your father and I are sending you to the orphanage." As a little girl, the first thought I had in my mind was the story that mum told me about how she used to wet the bed when she first went to the orphanage—which was very common for young children to do because they were scared and they were away from what they knew of their natural home. Unfortunately, when the children in the orphanage wet the bed the nuns used to beat them. So my mum's older sister, who was only five at the time, spent her time trying to protect my mum when she did wet the bed. There were a few stories that scared us into behaving ourselves at home.

There are other positive stories about the orphanage. My mum and the many other women I interviewed when I conducted my oral history research into Monte Pio orphanage told me many of those stories. In my thesis I particularly made reference to the period when mum was in the orphanage, which was during the 1940s. While the women I interviewed had some scary stories to tell, they also told some good stories of benevolence and sharing. All the women I dealt with and talked to were good story sharers. One of the stories they told was that at Christmas time when some of the children received no presents at all they would wrap up a shoe lace and give it to the child who had the least. They cared about one another, and they are generous people, as is my mum.

I have spoken about children being brought up in orphanages and what their future holds. Certainly the girls at Monte Pio orphanage were brought up to be good wives or good domestic servants. But I must say that at that time in the early 1940s that was not too different to working-class public schools and their vision for many of the girls. Unfortunately, many of the girls in the orphanage did not get the opportunity to pursue much of an education and, like my mum, they left school at an early age. Education certainly was not a priority for my mum and, like many other kids, she got pregnant at 14, to my dad, and had her first child. But I think now that, had that opportunity arose as she got older—and times have changed—certainly life would have been different.

As times changed, however, by the 1970s the orphanages were phased out and there was a different philosophy in government about how we raise children. By 1972 Monte Pio orphanage closed. The girls who were still at the orphanage at that time—whom I know and whose experiences I talk about—were fostered out. In many respects, being fostered has proved to be a more successful lifestyle for children who were abandoned by their parents or who, like my mum and many other girls at Monte Pio, were from dysfunctional families. In fact, the results of my oral history research revealed that during the time mum was at the orphanage many of the children were not in fact orphans; they were like mum. Either their dads were widowed or they came from violent backgrounds and their parents or guardians did not have the opportunity to look after them so they placed them in the care of the church.

For many of these people Kevin Rudd's apology was at least an acknowledgement that they have been appreciated, and that they have been listened to and understood. In the past, when men and women have brought up the negative aspects of growing up in an orphanage they have been ignored and stigmatised. Indeed, they have not wanted to tell their story because they have felt that they are not being listened to. I hope that that has now changed, certainly since the apology, and that people realise that it was not their fault that they were placed in an orphanage. We look forward to a better life and future for children who live in disadvantaged and unfortunate circumstances.

Ms PRU GOWARD (Goulburn) [11.55 a.m.]: The Opposition joins the member for Wallsend in noting the importance of the apology, which I understand was a bipartisan apology and which was followed here in New South Wales by a similarly bipartisan apology. When I was a child growing up in Adelaide there was a very large, forbidding orphanage on Goodwood Road, called the Goodwood Children's Orphanage. Whenever we drove past the orphanage and one of us was being naughty or playing up, my father would say, "You'll go in there." I think, like a lot of Australians, we grew up believing that orphanages—

Mr Daryl Maguire: Parliament's worse!

Ms PRU GOWARD: Yes, I ended up in Parliament, Dad! A lot of Australians and children of that era grew up believing that these children's homes—where the children were hidden from view—were places for naughty children. But as the Parra Girls, led so ably by Bonnie, have said to me, they were not naughty children; they were often neglected children, or children whose mothers could no longer afford to support them—this was before the days of the supporting parent benefit—or children whose fathers had died in the war and for whom legacy was not sufficient because there was such a large number of children. These children were put into orphanages for many reasons, very few of which had anything to do with uncontrollability or poor behaviour by them. Almost invariably they were put into orphanages because their parents did not want to look after them.

One of my constituents was put into the Waminda home for boys, run by the Salvation Army at Goulburn, merely because his parents wanted to party and did not want him, his brother or his sister. His parents are still alive today yet they still have no connection with their remaining children, including my wonderful constituent. These children were rarely placed into orphanages as a result of their own sins. They were there entirely because their parents did not want them or, more often, because their parents could not care for them. This was before the days of pensions and social benefits. It was just after the war when there were many fatherless households. Nor was it an age when women were allowed to work if they had children, other than in a very informal capacity and certainly not in the public service—that was changed by John Gorton in the late 1960s.

My attendance at the memorial service and my dealings over the years with the Parra Girls have emphasised to me that one of the difficulties these children grew up with was the belief that they were no good. They were there to be punished because the bad blood of their parents had been passed onto them. They were in these institutions to be turned into better people. For those same reasons, foster children today have a high rate of unwanted teen pregnancy, unemployment and incarceration both in juvenile detention and adult prisons. If a child is brought up and punished, given no love and positive enforcement and told that they are bad—especially where there is no-one to focus on foster children in the way parents do—a huge hole is left in that child's heart, which limits their growth and badly damages their development. That child is then incapable of becoming a fully developed and stable human being as an adult.

We are recognising that by apologising to the forgotten Australians. We are not apologising to them for giving them a home. I have met many children from those children's homes who were very grateful to have been put somewhere safe, away from alcoholic or violent parents, and given food and the opportunity to become fully functioning citizens of the world. I have met them but I have also met many others, as others in this House would have, who viewed those years as a terrible trauma and can cite terrible abuse at the hands of those entrusted by the State or by the churches, more often, to look after them. Those children emerged from those institutions very deeply scarred. We see more of that on these memorial days but we must not fail to acknowledge that there were also children who considered that time to be blessed years because anything was better than the home lives they were suffering.

It would be nice to do more than apologise to the forgotten Australians for not just locking them away and leaving them to the treatment that many say was meted out to them: sexual abuse, physical abuse, neglect, deprivation and minimal standards of care, often at the hands of tyrants and people with very serious disorders themselves. We should also apologise to them for having thought of them as bad children. We should recognise that until recently we misunderstood that whole generation. I did not even connect the children at the Goodwood Orphanage with the forgotten Australian movement when it emerged a few years ago. I did not connect the children about whom my father said, "You do not want to be like them, and if you are naughty anymore I will put you in there" with the adults I have met. Those adults had stories of being forced into institutions, forced to scrub the walls, floors and stairs with toothbrushes at the Parramatta Girls Home, and of being beaten by superintendents with leather belts that had buckles on them for the sheer hell of it. Those children were denied any sort of decent education and they were told every day that they were worthless, they were no good and they deserved nothing. No wonder those girls often ran away and joined up with far from suitable men only to begin another generation of disadvantage with very young pregnancies.

It would be nice to think that we apologised for more than that. We should apologise for thinking poorly of these children and for doing what we did to them. We stood by thinking that as these children were being cared for by churches, which are good institutions, all must be okay. We did not seek to inquire into the real circumstances of their care. There is a memorial garden that forms part of the acknowledgement of the forgotten Australian celebrations held in Sydney last year. We definitely need a memorial. The remains of the Parramatta Girls Home, in that extraordinary historical precinct—being one of the oldest collections of buildings outside of Sydney—should be restored. We should be telling that story. A museum at the Parramatta Girls Home would be harrowing to visit but it would be very difficult to build an independent museum. It surprises me that we do not have a museum-like institution in Sydney where that story could be told. If it is not done in a stand-alone museum at the Parramatta Girls Home, then it should be done somewhere else in a building that is also part of the story.

That would be part of acknowledging the forgotten Australians, and we have manifestly not addressed that. We have apologised but words are cheap. The scars these people bear are deep. Those scars have been passed on to their children. I have met some of those children and they have told me that they had never really known their mothers. It has only been in the last couple of years that they have been told that their mothers were

brought up in an orphanage and about what took place. Only now do they understand. We need to do more than apologise. We need to mark it with a written record and a proper and permanent display of some kind. We need to mark homes such as the Parramatta Girls Home. Whilst I think compensation is a big ask for a modern day government, adequate provision of counselling and the other support that these people and their children will need for the rest of their days are very important. We should also mark this motion by noting that the foster care provisions we have today, and the recognition that children are better brought up in a family setting, is an acknowledgement that what we did with the forgotten Australians was wrong.

Mr ALAN ASHTON (East Hills) [12.05 p.m.]: I thank the member for Wallsend for her motion, and for her special sentiments in recognition of her mother, the forgotten children of Wallsend, and all forgotten Australians who grew up in institutional care in New South Wales. I acknowledge the importance of the apology by the Federal Government last year in the commemorative event that was held to raise awareness of this important issue. I also thank the member for Goulburn for her contribution.

I am motivated to speak on this motion because of its connection with history. Many children who ended up in orphanages or foster homes—some might call them worse than that—were child migrants who came from Great Britain in the period 1935 through to, unbelievably, 1967. Many thousands of them came and their institutionalisation had an impact on them, as well as on their future families. The period 1935 to 1936 saw the rise of Nazism and of Fascism in Italy and the effects of the Depression. In the Second World War major cities in Britain were being bombed—such as London during the Blitz, Birmingham and Coventry, where manufacturing took place. British children were taken from those areas and sent to quieter parts of the country. I am sure that most families were later regretful of doing so.

It must be remembered that in the past children were not always seen as the product of a wonderful marriage. In many cases, children were the outcome of marriage and seen as potential workers and farm labourers, particularly in peasant communities. Children were the lifeblood of the family's existence. They were not there to be loved, to be given a train set and to be sent off to university. For some families they were a tiresome problem. It is a sad fact of the way the world was in those days. Around the Second World War many British children, having become lost in bureaucracy, were sent to Australia. A well-known example is David Hill, one of our famous public servants. He was an adviser to Premier Wran and boss of the ABC, Soccer Australia and Railcorp, and he was involved in the resurrection, before its ultimate decline, of the North Sydney Bears.

Some years ago a television series called *The Leaving of Liverpool* told the story of these children. Their relocation was considered to be for their own good because cities were being bombed. The men had gone off to fight in the war and the women stayed at home. It was considered that the children should be sent to Australia where they would be safe. At that stage the Japanese had not entered the Second World War. Unfortunately, many of these children ended up in orphanages where they were not well treated. The member for Wallsend referred to their treatment in her speech. The member's speech was not maudlin or a "get square" for what happened to her family. Her speech was a recognition of events.

We are now aware of the plight of this forgotten generation. It has links to the Stolen Generation, although the Stolen Generation has been a more prominent political issue. These young British and Australian children were placed in orphanages. When I was growing up, we thought that orphanages were places for bad children: they must have done something terribly wrong or their parents were bad people. That was not the case. Opportunity does not fall equally. For some of these children the best opportunity was to work in domestic service. Others would have ended up in more desperate straits. Education would not have been a priority for them. Their priority was survival from day to day. As the member for Wallsend said, brothers and sisters were split up and would have been lucky to see each other. I congratulate the member for Wallsend on bringing this motion before the Parliament.

Mr DARYL MAGUIRE (Wagga Wagga) [12.10 p.m.]: I support this important motion moved by the member for Wallsend which recognises the forgotten Australians. I had the great pleasure of meeting the member's mum, who is a delightful soul. It was a great pleasure to speak with her. She is one of those people whom you instantly like when you meet her. She is full of warmth. She has great reason to be proud of her family, particularly the member for Wallsend and her achievements. This motion relates to the apology that was made on Monday 16 November 2009 for the treatment of Australians and children from overseas by institutions and others. As the member for Goulburn said, sadly many of these children had no option other than to be placed in an institution. The issue is how they were treated in the institutions.

As children in the small town of Ivanhoe, my sister and I lived with my grandmother. My father was widowed at a young age. My mum was 33 when she passed away and I was seven years of age. We were lucky to have the benefit of family. In town we regularly saw children who were neglected and kids in the street who lived on bags of chips. For children who were neglected by their families, the policy was that they were removed from their home. Sadly, it was a common occurrence. Many of these Australian stories have been recognised, and some have been published in books and articles. It is important to record these stories in order to correct the wrongs and ensure that we do not repeat history.

I have read the apologies of then Prime Minister Kevin Rudd and then Leader of the Opposition Mr Malcolm Turnbull, the comments that were made and the responses from the gathered crowd. About 1,000 people attended on the day. An important announcement was made that the Federal Government would create a Find and Connect service for children who were removed from their families, for whatever reason. This process would provide an Australia-wide, coordinated family tracing support service. I understand that \$26 million was to be made available in the 2010-11 budget and the service would begin towards the end of 2010. This service would be an important tool. However, new information has not been posted about the process until a modification to the announcement on 16 November 2010 that the scheme would start in April 2011. For whatever reason, there has been a delay.

Many people will access this service. I hope that the Federal Government implements it sooner rather than later because of the benefits it will provide. The service will provide a single online access point to help care leavers find records held by past care providers. It will have a national 1800 telephone number and a national network of specialist case managers to help care leavers locate and access personal records. It will have a new counselling support service, specifically for care leavers. Priority access will be offered to care leavers who are aged or terminally ill. Following the apology on Monday 16 November 2010, these people are now known as Remembered Australians. Sadly, many have passed on and will not have the benefit of this service. But many others, such as the mother of the honourable member for Wallsend, will be able to access this service which, hopefully, will help them reunite with family and will heal some of the hurt.

Mr MATTHEW MORRIS (Charlestown—Parliamentary Secretary) [12.15 p.m.]: I also welcome and acknowledge the heartfelt sentiments of the member for Wallsend. It is not so long ago that many of the stories and the pain and suffering of forgotten Australians were unknown. The Australian Government's Senate Inquiry into Children in Institutional Care was a watershed in understanding this history. In its report "Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children", the Senate committee found that more than 200,000 children spent their childhood in New South Wales in these settings.

As the member for Wagga Wagga highlighted, on 16 September 2009 the New South Wales Government held a healing service and memorial unveiling for those who spent their childhood in orphanages, children's homes and foster care during the period up to the 1990s. The former Premier, the Hon. Nathan Rees, MP, apologised to forgotten Australians for the hardship and suffering experienced by many children who grew up in these institutional settings and for the impact of these experiences on their lives. He acknowledged that forgotten Australians were mistreated by a system responsible for their care through no fault of their own. He understood that many forgotten Australians had described a childhood lacking in love, affection and nurturing. Children were neglected and isolated, brothers and sisters were separated, contact with family was restricted or denied, educational opportunities were disregarded, and children were pressed into domestic service. Many children suffered abuse—emotional, physical and sexual.

It is important to take a moment to reflect on this period of our history, the first century of Australia as a federated nation, and on the reasons why children and young people were unable to live with their birth families. Those reasons included separation of their parents, family poverty, being born to an unmarried mother, family alcohol abuse, mental illness issues, domestic violence, and sometimes because they were an orphan. Some of these children were removed from the family home by the State; others were placed there by kin, including parents with no other options. Until the 1970s there was little State or community support for families that were in crisis as a result of illness—including mental illness—unemployment, desertion or the death of a parent. Institutional care was one of the few options available for any type of family crisis, whether short or long term.

Many of the children in care had fathers who served in the armed forces. These men received little support on their return from combat, and some of these children could perhaps be seen as unrecognised casualties of war, bearing the brunt of their fathers' inability to return to civilian life and the consequent breakdown of family life and the inevitable entry of the children into care. Many of these children's parents suffered from alcohol abuse, in some cases an outcome of their traumatic war experience.

I understand that the healing service and memorial unveiling was a great morning culminating in a morning tea at Government House, where the doors were open for all forgotten Australians and many of their carers and family members who were able to be present on the day. The program for the day had been organised in consultation with the Care Leavers Australia Network, the Alliance for Forgotten Australians and other forgotten Australian representatives. The day provided an opportunity for non-government and church-based past providers of institutional care to acknowledge and to apologise to these children who did not receive the consistent and loving care they needed and deserved.

I commend the Federal Government for its recognition of forgotten Australians, its apology to forgotten Australians and its commemorative event, which ensures that this period of our history is not forgotten. We have heard of many cases of ill-treatment, and it is devastating to think that with all the goodwill we have in our communities these days one time in our history was so bad. It is only appropriate that we take this opportunity to recognise our mistakes of the past and make a genuine heartfelt apology.

Ms SONIA HORNER (Wallsend) [12.20 p.m.], in reply: I acknowledge the contributions of the member for Goulburn, the member for East Hills, the member for Wagga Wagga and the member for Charlestown. I commend them for their kind thoughts and I acknowledge both sides of the House for their unanimous support for this very important, very heartfelt and very necessary notice of motion. I pay tribute to the comments of the member for Goulburn. She spoke about how at one stage children in orphanages were thought to be naughty children. We know better now. We know that in many cases they were neglected children and that the stigma of being in an orphanage at the time and being regarded as naughty or engaging in untoward behaviour has had some impact on the adult lives of many women and men.

I pay tribute to the comment of the member for Goulburn that if children are not given love—whether it is the children we are talking about in this situation or others—it leaves a huge hole in a child's heart. That is a lovely way to describe it. The member for Goulburn talked about minimal standards of care. Certainly I know at Monte Pio the standard of care was very minimal, but the nuns also faced standards of care that were minimal. I also pay tribute to the member for East Hills who gave us a wonderful history lesson, which is his love and passion and he knows a great deal about it. He talked about the great sadness and about the child migrants who were lost in the bureaucracy. He also talked about recognition of what has happened, and that is very important. I thank the member for Wagga Wagga for making such nice comments about my mum, which she very well deserves. I agree with him that these children's families at times had no other option but to put their children in orphanages, and that neglected children in New South Wales were often removed and placed into orphanages like Monte Pio.

I will certainly be making representations to my Federal colleagues about any delay in the Find and Connect online service. That is a very important service that was promised and we must ensure that the service is available for people to use, and I thank the member for Wagga Wagga for raising that issue. He also talked about the care leavers, and I acknowledge the Care Leavers Australia Network. Leonie Sheedy, who was one of the founders, was a great source of information when I was doing my honours degree on the orphanage. I pay tribute to Leonie and the hard work she has undertaken. Another person who was associated with the care leavers at the time praised Malcolm Turnbull because when Malcolm Turnbull delivered his speech he said, "We are listening to you. We believe you." Those comments were very important to a gentleman who had grown up in an orphanage and had been sexually abused when he was young but no-one had believed him. We certainly believe these people now.

I also pay tribute to the member for Charlestown, who talked about the impact on people's later lives of being in an institution and how, unfortunately, children in many of these orphanages and institutions lacked love and affection, which also had an impact on their later life. I talked earlier about the daily life of children in orphanages and the stories I remember my mum told about food. One nice story was about when mum had chicken pox in the orphanage and was very sick. Mum said that one of the nuns was a kind, pretty nun and she made my mum banana custard. Mum always remembered that. As kids we always liked banana custard, and I think it was because of the nice story that went along with the banana custard and the kind nun, whoever she was, at Monte Pio.

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

Motion agreed to.

RAYMOND TERRACE HEALTHONE CLINIC

Mr CRAIG BAUMANN (Port Stephens) [12.25 p.m.]: I move:

That this House:

- (1) notes more than two years have passed since the Government promised a HealthOne clinic for Raymond Terrace;
- (2) notes that Port Stephens Council is prepared to proceed with the project, but is waiting on the Government to allocate funding; and
- (3) calls on the Government to fast track this development to ensure much needed health services are brought to Raymond Terrace.

It never ceases to amaze me as I check the Legislative Assembly *Business Paper* for the coming sitting week that notices of motion I gave notice of 12 months prior continue to be relevant. Every week I look at the *Business Paper* and there is a motion I gave notice of 365 days prior calling on the Government to do this or that in Port Stephens. Almost without fail, the motion will still be relevant because this incompetent Government has not done this and is utterly incapable of doing that. This week the relevant motion relates to the HealthOne Clinic in Raymond Terrace, which was promised a good three years ago. Has a sod been turned? No. Has a development application been submitted? No.

To correct the year-old motion, we have now suffered 3½ years and five Health Ministers since the HealthOne clinic in Raymond Terrace was announced and the project is as good as a piece of paper gathering dust on a shelf. By the Government's own admission, the HealthOne clinic is needed in Raymond Terrace given the demographics of the community. Raymond Terrace, with a population of approximately 12,500, is one of the largest communities in the Port Stephens local government area and 34 per cent of residents of the Port Stephens local government area are aged under 24 years and 14.8 per cent are aged 65 years or older. Raymond Terrace also has the largest Aboriginal and Torres Strait Islander population in the Port Stephens local government area, accounting for 35.5 per cent of the local government area's total Aboriginal and Torres Strait Islander population.

The Raymond Terrace population includes high levels of social and economic disadvantage. Single-parent families make up 20 per cent of the population compared with the State average of 16 per cent, and 27 per cent of the population reports living on less than \$250 per week. In 2006, 8.9 per cent of the population was unemployed compared with the 5.9 per cent State average. Most people are employed in retail, manufacturing, healthcare and social assistance. Since the project was announced, more than \$100,000 has been allocated here and there for planning for the project. The original plan related to a site in the Raymond Terrace central business district at the major intersection of William and Sturgeon streets. In March last year the Minister advised in answer to a question on notice:

In 2008-09, \$100,000 was allocated from the HealthOne NSW budget to Hunter New England Area Health Service to support the planning for HealthOne Raymond Terrace. The planning for the HealthOne NSW service in Raymond Terrace has begun. The development of integrated clinical models of care with GPs and community health services has commenced and will continue in parallel with the planning and construction of the HealthOne Raymond Terrace facility.

The Raymond Terrace community waited and waited for action on this project. I know that Port Stephens Council was ready to go, but the State Government would not release the funds. So the community waited and waited. By December last year, nothing had changed. The answer to a question on notice at that time confirmed that:

The general site for the HealthOne development has been selected. It is a part of a large parcel of land owned by Port Stephens Council within the Raymond Terrace CBD.

Then, earlier this year, and after I gave notice of this motion, it came to my attention that NSW Health was eyeing off a location slightly out of the central business district—a vacant lot adjacent to the local bowling club that had been the site of a swimming pool but which the council has zoned residential. The council even planned a medium-density unit development on that site and obtained all necessary planning approvals so that the eventual purchaser would have no doubt as to council's and the community's intentions for the sensitive site. I put more questions to the Minister. Without any warning, without any consultation and, of course, without any apology, the Minister replied in April:

There have been significant changes and progress in regards to this project an alternative proposal was developed for construction of the HealthOne facilities under the ownership of New South Wales Health. Funds of \$1.3M were provided for site acquisition and contracts exchanged for an appropriate site in Raymond Terrace in March 2010. This will provide certainty for the HealthOne project going forward but, as would be expected, this will incur some delay to completion of the project.

So the farce began. Port Stephens residents have seen it all before. We have had a decade of promises to build a new police station in Raymond Terrace; we have had a decade of promises to widen Nelson Bay Road between Anna Bay and Bob's Farm; we have had \$7.7 million spent on glossy brochures telling us that the Government would build an extension of the F3 to Raymond Terrace; and we have had the three years of chopping and changing promises to build a new ambulance station in Nelson Bay.

The HealthOne clinic is now not expected to come online until mid 2012. The problem is that we need this clinic desperately. It is always the same story when this State Labor Government breaks a promise to the people of Port Stephens. If there was a need for this project when it was announced, why has the Government now decided there is no need for it? It is just like the former Prime Minister and his campaign about climate change, which he dubbed the greatest moral challenge of our time. He suddenly decided that great moral challenge could wait until after an election because it was not popular. It is an inherent trait of Labor to say and do anything to win an election and then to deal with the problems later—or should I say, wash their hands of the issue later?

Demand for general practitioners is so great in Raymond Terrace and surrounds that clinics such as Raymond Terrace Family Practice are struggling to cope. Raymond Terrace is not just about the local community. Surrounding areas like Medowie and the Tilligerry Peninsula also rely on Raymond Terrace for health services. The Tilligerry does not have a general practitioner and Medowie has two practices. Given that the population of Medowie alone is 8,000, that represents 4,000 people per general practitioner. There are also no bulk-billing doctors anywhere in Raymond Terrace, which concerns a number of my constituents. The State Labor Government's neglect of health care in Port Stephens extends beyond Raymond Terrace—namely, to the Tomaree Community Hospital, which I have mentioned in this place on numerous occasions. That hospital spends about one-quarter of its \$4 million annual budget transferring patients for treatment. The hospital does not even have an X-ray machine. The State Government has banned local general practitioners from visiting their patients in the hospital. The State Government has just plonked—

Dr Andrew McDonald: Point of order: I refer to Standing Order 76, relevance. The member is meant to be talking about Raymond Terrace. He can mention Tomaree Community Hospital in passing, but he is continuing to discuss it rather than Raymond Terrace.

ACTING-SPEAKER (Mr Wayne Merton): Order! The member for Port Stephens is making a passing reference. I will hear further from the member.

Mr CRAIG BAUMANN: I referred to Tomaree Community Hospital because the State Government has just plonked a \$1.3 million general practitioner clinic on its grounds despite the Federal Government recently opening a super clinic in Nelson Bay and three well-manned clinics already servicing the Tomaree Peninsula. The HealthOne facility, when it eventually opens, will be run by the existing Raymond Terrace Family Practice. Its premises are just a few doors down from my electorate office and I know for a fact that the operators are desperately keen to move out of their cramped building.

That is why, as my motion suggests, the State Labor Government must look to fast-track this development to meet the growing health needs of the Port Stephens community. This Government's Federal counterparts obviously saw the need. That is why, probably out of frustration, they committed to build a super clinic in Raymond Terrace at the last election. We will not hold our breath for that project either. If this Government cares at all about the health and wellbeing of the people of the Hunter, Port Stephens and Raymond Terrace, it will support this motion. If not, I will take great pleasure in informing my constituents of the extent of Labor's neglect of our wonderful region.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [12.35 p.m.]: I welcome this opportunity to update the House about the HealthOne NSW program. This is a ground-breaking initiative that has been established and funded by the New South Wales Labor Government for the people of this State. HealthOne services bring together private sector general practice services and public sector community health services to deliver integrated primary care to local communities.

I recently opened the HealthOne facility at Molong, and it is world's best practice primary care. The HealthOne program strengthens local health services by building partnerships between general practitioners and the nurses and allied health professionals employed by area health services to work together in

community settings. Having been in health care for 30 years, I know that interpersonal interaction is the most powerful form of teaching and the one that changes behaviour in all health professionals. For this reason, the HealthOne facility is a brilliant way of improving primary care as we confront the challenges of modern healthcare. Modern healthcare is the most complicated thing the human race has ever faced, and the greying of Australia means that we will need to work together in all the medical, nursing and allied health disciplines from now on.

That is why HealthOne services, which provide team-based care with an emphasis on health promotion and illness prevention as well as early intervention and supported self-management of chronic disease, are so important. I can add 14 years of life to everybody in New South Wales using a few basic illness prevention strategies such as not smoking, increasing everybody's activity to 30 minutes a day, five days a week, and keeping weight, blood pressure and cholesterol down. That is a far more effective way of using the health budget than on the high-end care that we currently provide. HealthOne services such as the one planned for Raymond Terrace are important to local communities because HealthOne services are planned and delivered to meet the care needs of those local communities. Six HealthOne NSW services are now operational around the State, and construction and planning is well advanced for the establishment of 10 more. To date, the New South Wales Government has invested \$44 million in capital funds in the HealthOne NSW program.

With respect to HealthOne at Raymond Terrace, planning is at a very advanced stage for the establishment of this service in a purpose-built healthcare facility in the town centre. The centre will provide quality integrated primary and community health services to Raymond Terrace. As the member for Port Stephens said, Raymond Terrace, with a population of about 12,500 people, is one of the largest communities in the Port Stephens local government area. We acknowledge that there is a great need for this HealthOne service. The area is characterised by higher than average levels of social and economic disadvantage, and these are associated with higher levels of health need. I salute the commitment of the member for Port Stephens in pushing this issue because it is absolutely vital for the area around Raymond Terrace that this HealthOne facility is built.

It is widely acknowledged that good access to integrated primary healthcare is extremely important for people with multiple health risks and health needs, such as the population described in this motion. On current planning, HealthOne Raymond Terrace will have the capacity to integrate and coordinate the following services for the local community. It will have local general practices and allied health services, including occupational therapy, speech pathology, physiotherapy, nutrition, social work and psychology counselling services. There will also be specialist services such as women's health, mental health, drug and alcohol, palliative care nursing, podiatry, Aboriginal health, sexual health, sexual assault and child protection, as well as visiting medical specialties, such as paediatrics, respiratory medicine, geriatrics, palliative care, neurology and even anaesthetics. There will be pathology and radiology services, local community health services, including community nursing, the Aged Care Assessment Team, child and family nursing, cardiopulmonary rehabilitation, and a young mothers group, as well as home and community services. This is world's best practice integrated primary healthcare. These services will be brought together under the HealthOne banner for the people of Raymond Terrace, and it is a most valuable initiative.

The HealthOne Raymond Terrace proposal has enjoyed strong, unwavering support from local general practitioners, and I commend them for their support. The Hunter Urban Division of General Practice, community health staff and the Hunter New England Area Health Service, as well as members of the community and the Port Stephens West Local Health Advisory Committee and Port Stephens Council all support the initiative. The original proposal for HealthOne Raymond Terrace was to build a facility on land owned by Port Stephens Council, but that proposal was contingent on confirming its feasibility in the context of the council's larger planned development at the same site—that is, on a parcel of land bounded by William, Sturgeon and Adelaide streets in Raymond Terrace. Detailed planning for the HealthOne services to be provided from the new site commenced in 2008 and was accompanied by planning for the design of the HealthOne facility to be built there. Importantly, all local HealthOne partners were, and continue to be, involved in these crucial discussions.

It became apparent earlier this year that there was no longer a good fit between the council's development plans and the HealthOne resourcing model. For that reason the area health service moved quickly to secure an alternative site for the HealthOne service, in Jacaranda Avenue, Raymond Terrace. This swift and decisive action by the area health service, approved by the New South Wales Government, underscores the

strength of the Government's continuing commitment to establishing a HealthOne service for the Raymond Terrace community. The new site in Jacaranda Avenue provides scope for a different building design for the HealthOne facility and the capital works documentation for the project has now been revised and submitted to the New South Wales Department of Health.

The total construction cost—which will be subject to a competitive tendering process—is estimated to be in the range of \$6 million to \$6.5 million, with funding to be provided by the State Government and local providers. As part of the ongoing and increasingly detailed planning required for the HealthOne Raymond Terrace project in coming months, discussions will be held with the Commonwealth Government about its recent announcement of funding to establish a GP super clinic at Raymond Terrace. The New South Wales Government sees this as an opportunity for both levels of government to pool resources and work with local providers and the local community to develop an enhanced integrated primary healthcare service for the people of Raymond Terrace.

The HealthOne NSW program is a path-finding initiative. It is designed to do something that has not been done successfully before and is designed to build a much-needed bridge between private general practice services subsidised by Medicare and State-funded community health services. The New South Wales Government initiated the HealthOne program well before the current national health reforms were agreed by the Council of Australian Governments because we saw the need to reduce the fragmentation and discontinuities that are often a problem for people outside hospitals. The evidence from international studies is clear: integrated primary healthcare has the capacity to improve health outcomes for local communities, reduce health inequities within a population and increase the cost-efficiency of the health system. The provision of integrated primary healthcare is what HealthOne NSW is all about. According to medical and social literature world wide, the delivery of integrated healthcare is certainly the way of the future as the population ages.

The success of the HealthOne NSW model relies on the local initiation of proposals and the sustained participation of all the key local partners—the people who will make it work for the local community. The idea for HealthOne Raymond Terrace originated among the healthcare providers who live and work in that community, and the project will be realised largely as a result of their ongoing enthusiastic and energetic endeavours to ensure that it becomes a reality. I have seen it work, and I know this will work. I note the lack of a commitment from the member for Port Stephens that his side of politics, if elected to government, will fast-track the project and deliver it faster than has already been committed to. I look forward to him, in his reply, giving a specific timeline as to the date that this HealthOne facility would be opened under a Coalition government. I commend the local partners in the HealthOne Raymond Terrace proposal for their vision, determination and hard work. This is true commitment. I am pleased to use this opportunity to reconfirm the commitment of the New South Wales Government to supporting this wonderful project through to completion as speedily as possible. I look forward to being there with the member for Port Stephens on the opening day, because it will be a great day for the people of Port Stephens.

Mr GREG PIPER (Lake Macquarie) [12.45 p.m.]: I am sure the member for Port Stephens is gratified that the Parliamentary Secretary, who is at the table, not only has well-prepared notes from the department but also brings personal experience that adds greater gravitas to his surgical use of his 10 minutes of speaking time. It would make you feel good to be in his hands. I speak on this motion in support of the member for Port Stephens because of the importance of delivering health services where they are needed in the community. It may well be that health professionals in the bureaucracy see efficiencies of scale in centralised services and the Government sees budget allocations as problems to be avoided, but the fact remains that health infrastructure is something required, deserved and demanded by growing communities. It is essential to good planning that infrastructure keeps pace with growing communities and it is essential to have equity in the provision of health facilities that are adequate and accessible.

I seek the indulgence of the member for Macquarie Fields in not invoking Standing Order 76 because I am going to refer to my local community. I am well aware of the ways in which the provision of health infrastructure lags behind development and population growth. I know this largely from the frustration being experienced by the community around southern Lake Macquarie, which has historic and still unmet demand for health services. We are neighbours of the Port Stephens electorate and we share similarities. Current plans for the provision of health infrastructure in that area are based on a 2007 document written around a projected regional population growth of between 11 per cent and 20 per cent. This has now been largely overtaken by the Lower Hunter Regional Strategy and its forecast regional growth of more than 30 per cent. Population growth at Morisset will exceed this average and is already well advanced.

The proportion of people in Morisset aged over 55 is significantly above the national average and that age is set to grow considerably. When new families with children under 15 are added to these statistics it is evident that the health system's two biggest user groups will be greatly overrepresented. Under the Government's current plans and strategies, Morisset will become a regional centre of 42,000 people but will not have a hospital within 35 kilometres and very poor public transport access to what services are available. Contemporary planning needs to consider these facts and find a way to supplement the current poor access to hospitals that are already under strain. I note that work is being done on the Hunter New England Health Greater Newcastle Master Plan and that consideration of these needs will be included in the plan. However, the needs of Port Stephens in this case have already been agreed, just not funded.

I note also that this motion was moved one year ago today, making it now three years or so since the HealthOne clinic was promised for Raymond Terrace. Many of the pressures being felt in southern Lake Macquarie will be well known to Port Stephens residents. I am sure that local residents recognise growth, an ageing population and remoteness to major facilities that are centralised in Newcastle as issues. It is not defensible that successive budgets and revisions of the State Plan have failed to deliver this project. The time has come for this development to be expedited. This would be evidence of a responsible and responsive provision of health services and would offer some hope to Lake Macquarie residents that the Government is prepared to deliver health services in an equitable manner.

I acknowledge the comments of the member for Macquarie Fields in relation to the provision of health services and the complexity that involves. We understand that it is going to be a struggle for successive governments to deal with demands and matching those demands to budgetary availability. However, an issue that must be addressed is equity in the provision of these services. This is where we have fallen behind. The residents of Port Stephens have identified this issue and, as the member for Macquarie Fields has stated, the local community and health practitioners are driving this issue. Something similar is happening in southern Lake Macquarie, and I hope that when we are promised a facility—whether it is a HealthOne clinic or something like it—the delivery is not as long in gestation as this one has been.

Mr ROBERT COOMBS (Swansea) [12.50 p.m.]: The New South Wales Government is rightly proud of the innovative program we initiated several years ago called HealthOne NSW. Members of the House have heard previously about this flagship program, which is breaking new ground in bringing together private and public providers as members of multidisciplinary healthcare teams working in local communities. Historically, community health staff employed by area health services have tended to work separately to general practitioners even though they were treating the same people. This arrangement has contributed to problems experienced by some people in accessing community-based health services and has also led to discontinuities in the care provided to people seeking treatment outside hospitals.

The HealthOne NSW program is designed to address these difficulties by building clinical and organisational partnerships in local communities between private general practitioners subsidised by Medicare, other private healthcare providers and community health staff employed by area health services. The potential benefits from such partnerships—for local communities, local providers and the wider health system—far exceed what could be achieved if the various healthcare providers continued to work independently of each other. As my colleague has already told the House, the initial proposal to establish a HealthOne NSW service at Raymond Terrace was developed by local healthcare providers in response to an invitation for expressions of interest issued by the New South Wales Department of Health.

The level of enthusiasm of the local partners in the Raymond Terrace proposal and the clarity of their shared vision for the service were noteworthy from the outset. This strong sense of purpose and commitment remains undimmed and stands as testimony to the power of a good idea. Early planning that HealthOne Raymond Terrace partners undertook focused on the development of models of integrated service delivery that clarified the roles and relationships of different clinicians working within proposed multidisciplinary teams. Work was also undertaken on the design of a fit-for-purpose facility that would accommodate the diverse mix of providers who wanted to be involved in the HealthOne service.

As with all important reform initiatives, it became apparent at an early stage in the development of individual HealthOne NSW services that it was vital to take the time necessary to get the fundamentals correct. Experience tells us that investment of time and effort at the front end of key projects such as this is likely to yield better outcomes down the track. This was certainly the case for the HealthOne Raymond Terrace proposal. While the initial site selection for the HealthOne Raymond Terrace facility proved unviable, the high level of

commitment to the project by all local partners enabled an alternative site to be found in the town and acquired very quickly. Importantly, what could have been a significant setback for the project was turned into an opportunity for the local HealthOne partners to reconsider and improve some of the design elements of the proposed building. I am pleased to report that the revised capital works documentation for the HealthOne Raymond Terrace facility has now been lodged with the New South Wales Department of Health.

The HealthOne NSW program was established by the New South Wales Government well in advance of the Council of Australian Governments national health reform agenda because we saw the need for it, and regarded it as a funding priority. The success of the HealthOne NSW program is dependent upon the willingness and capacity of a disparate range of local stakeholders to work collaboratively to design and deliver improved community-based health services for a local population. In the case of the HealthOne Raymond Terrace proposal, these stakeholders have included members of the local community and local health advisory committee, Port Stephens Shire Council, Raymond Terrace Family Practice, Hunter Urban Division of General Practice, and Hunter New England Area Health Service. The close collaboration among these stakeholders in Raymond Terrace, varied as they are, has been and continues to be very much in evidence. It is a compelling reason to be confident that in the foreseeable future the residents of Raymond Terrace will benefit from a fully operational HealthOne NSW service.

Mr CRAIG BAUMANN (Port Stephens) [12.55 p.m.], in reply: I thank the member for Macquarie Fields, the member for Lake Macquarie and the member for Swansea for their contributions to this debate. At the outset I indicate that I believe the HealthOne concept is a wonderful idea; I am not critical of it at all. If this State Government has done anything right in the last 15½ years, the HealthOne concept is probably one thing it should be commended for.

Mr Robert Coombs: Is that a tick?

Mr CRAIG BAUMANN: Yes, put that that down. You will not hear that too often from this side of the House. I have no problems with the HealthOne concept. As I said earlier, it has taken a little bit of time. Previously in this place I have quoted the patron saint of engineers Isambard Kingdom Brunel, who built a railway line from London to Bristol, a distance of 150 kilometres. He built the railway line in five years and he opened it 155 years ago. In comparison, building a health clinic does not seem to be such a major exercise.

Mr Robert Coombs: I wish he was around. We'd seek his advice.

Mr CRAIG BAUMANN: Unfortunately, he passed away. The member for Lake Macquarie referred to the Lower Hunter Strategy. It is important to note that there are two development rezonings close to Raymond Terrace: North Raymond Terrace, which will just about double the population of Raymond Terrace from 12,500 to nearly 25,000; and Medowie, whose population is planned to double as well. We need these facilities as quickly as we can possibly get them. I thank the members for Swansea, Macquarie Fields and Lake Macquarie for their support. The last time I moved a motion in this place I congratulated the Government but it still voted against the motion. This time I hope it will be a little bit kinder.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 35

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

Noes, 42

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

Pairs

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|-----------|-----------|
| Mr Fraser | Mr Gibson |
| Mr Kerr | Mr Whan |

Question resolved in the negative.

Motion negatived.

ASBESTOS-RELATED DISEASES

Mr ROBERT COOMBS (Swansea) [1.15 p.m.]: I move:

That this House:

- (1) notes that this week is Asbestos Awareness Week;
- (2) notes that Asbestos Awareness Week aims to commemorate those lives that have been touched and affected by asbestos-related conditions as well as to highlight the dangers of asbestos;
- (3) supports measures to raise awareness about the dangers of handling and disposing of asbestos products and to protect the community from exposure to asbestos; and
- (4) remembers those lives touched by asbestos and expresses gratitude to those who have worked so hard to bring it to the community's attention.

This matter is urgent. In Asbestos Awareness Week it is appropriate to recognise the terrible toll of dust diseases on workers and their families, and to ensure that they receive just compensation. Many people believe that the incidence of asbestos-related diseases is decreasing. That is incorrect. The danger of unsafely handling asbestos has been known for years. However, the long time between exposure and the onset of symptoms means the incidence of disease is expected to increase every year until at least 2018. It is estimated that up to 20,000 Australians may be affected by asbestos-related disease over the next 20 years. That figure is multiplied when you consider the effect on the families that need their support and those they leave behind.

Asbestos-related diseases are debilitating and leave sufferers unable to do some of the simplest physical tasks. The staff of the Workers' Compensation Dust Diseases Board work with victims and their families to offer advice, assistance and compensation for people exposed to asbestos dust while at work. The board is the only specialist workers compensation agency in Australia dealing specifically with the compensation needs of workers affected by dust diseases. The agency was established in 1927, and is one of the oldest continually operating compensation bodies of its type in the world. For more than 80 years the agency has been involved in compensating and caring for workers who have been unfortunate enough to contract a dust disease as a result of their employment. Average annual compensation payments are around \$74 million. The agency's staff are currently helping around 3,720 people, including 1,070 workers and 2,650 dependants of deceased workers. The Dust Diseases Board scheme has no age limit and no income test. Assistance can include anything from walking

canes, wheelchairs, scooters and other mobility aids, to personal care, medication and visits from doctors, nurses, occupational therapists and dietitians. General assistance, such as gardening, domestic support and respite care for families is also available.

Compensation payments are made for the remainder of the worker's life. Following the death of a worker from a dust disease, the surviving spouse and other dependants of the worker are left to carry on with life. Through the Workers' Compensation (Dust Diseases) Act, the Dust Diseases Board provides ongoing financial support to those families in the form of a lump-sum payment following death, and a weekly compensation benefit payable for the remainder of the life of the surviving spouse or until the spouse remarries or enters into a new relationship. The Act acknowledges the impact on the family of losing one of its members to a dust disease. Benefits are provided for the dependants of deceased workers. In recognition of the many thousands of people affected by asbestos-related conditions, the Government supports measures to raise awareness about the dangers of handling and disposing of asbestos products. The New South Wales Government will continue to support asbestos victims through research, diagnosis and education on the prevention of asbestos-related disease.

In Asbestos Awareness Week it is important to commemorate the lives of those who have been touched and affected by asbestos-related conditions. The Government recognises that the devastating impact of a dust disease spreads beyond the worker to include family members. In addition to the compensation paid annually through the Dust Diseases Board Scheme, a range of specific initiatives has been implemented in an effort to support the victims and make early detection possible. On 21 January 2009, New South Wales opened the world's first stand-alone research facility dedicated to improving the prevention, early diagnosis and treatment of asbestos-related diseases. The Bernie Banton Centre, also known as the Asbestos Diseases Research Institute, was named in honour of Australia's foremost campaigner for the rights of asbestos victims and their families. Bernie Banton, AM, was a champion in the fight to increase awareness of dust diseases and the devastation these diseases cause to the lives of sufferers, their families and friends.

The centre is located at Concord hospital and operated by the Asbestos Diseases Research Foundation. I take this opportunity to congratulate Barry Robson, an old mate of mine, who has been the president of that foundation since 2002. The \$12 million state-of-the-art facility has eight laboratories as well as education and meeting rooms. It will be a world leader in the race to develop a better means of diagnosis and treatment tailored to individual patients. The New South Wales Government committed \$8.5 million to help construct the facility, including almost \$7 million from the New South Wales Dust Diseases Board, in partnership with the University of Sydney and the ANZAC Research Institute. Bernie Banton played a pivotal role in campaigning for the establishment of a research institute for asbestos disease. He has left an important legacy: the need to raise awareness of the risks associated with occupational lung diseases. I take this opportunity to acknowledge the work of the Asbestos Diseases Research Foundation and its continued hard work for this important cause.

The foundation is tireless in its efforts to spread the message about the prevention and treatment of dust diseases and to support sufferers of asbestos disease. The dedication of asbestos victims, their families and supporters to achieving justice is an inspiration to all Australians. To assist in the early diagnosis of lung diseases, the Dust Diseases Board also provides the nation's only mobile respiratory screening service through its Lung Bus that travels to worksites across New South Wales. The Lung Bus is a subsidised service for employers and workers. It is a one-stop shop, providing comprehensive screening for respiratory irregularities that have resulted from occupational exposure to hazardous substances such as asbestos and crystalline silica.

Early detection and referral for respiratory abnormalities can save lives. When evidence of a dust disease is found, workers are referred to the Dust Diseases Board agency for compensation screening. On 19 February 2010 a new state-of-the-art mobile screening service vehicle was launched on behalf of the Dust Diseases Board. The new \$870,000 vehicle has replaced the existing screening bus and is fitted with improved technology, making early detection and referral for any respiratory abnormalities easier. Screening on the Lung Bus is comprehensive and includes a digital X-ray, a lung function test and an examination by a doctor, with the results checked by a radiologist and respiratory physician. The new bus is capable of screening up to 50 workers a day, with each screening taking approximately 10 minutes.

The replacement Lung Bus is enabling the Dust Diseases Board agency to expand compensation screening, particularly to those living in regional New South Wales. The Lung Bus is visiting regional centres such as Orange, Newcastle, Tweeds Heads, Nowra and Broken Hill. This is a great benefit to both employers and workers in regional areas, as they often do not have the time or money to travel to the city for testing. Organisations interested in having their employees screened can contact the Occupational Screening Coordinator to obtain additional information.

The Dust Diseases Board also allocates in excess of \$1 million every year to fund important research into the prevention, diagnosis and treatment of dust diseases. In addition, the establishment of the Dust Diseases Tribunal by the New South Wales Government in 1989 has provided access to fast and efficient common law proceedings to compensate victims for the pain and suffering caused by exposure to asbestos. The tribunal has established a number of fast-track mechanisms that enables claims made by seriously ill plaintiffs to be heard sometimes days or even hours after a statement of claim has been lodged. As members have heard, it is estimated that up to 20,000 Australians may be affected by asbestos-related disease over the next 20 years. This figure is multiplied when considering the effect on families.

The Bernie Banton Centre will give hope to sufferers, their families and the community by dedicating work to finding a cure for this terrible disease. The centre and foundation are fitting monuments and a token of national gratitude for Bernie Banton's personal sacrifice and contributions to the struggle to bring justice to those affected by asbestos-related disease. Both the Bernie Banton Centre and the Lung Bus give hope to sufferers, their families and the community through their efforts to find a cure for this disease and early detection of the disease. Asbestos Awareness Week is an important time to reflect on the work that is being undertaken and to remember those whose lives have been affected by asbestos. I take this opportunity to express the gratitude of all members to those who have worked so hard to make us aware of the devastating effects of this disease.

I acknowledge the work of the Asbestos Diseases Research Institute at Concord, which is doing fantastic work in development and resources. It is researching new techniques that will assist in trying to find a cure and to better comfort those who suffer from this terrible and painful disease. Seeing anyone who suffers with asbestosis is not a nice sight. The sufferers die in pain. It is a terrible tragedy, particularly when companies in this country knew full well the impacts of asbestos. I acknowledge the enormous work that is being done in this area. A new technique has been developed that will make it easier for physicians and experts to make a determination on the medical procedures needed to provide greater comfort to those affected by the disease. I congratulate the key unions on their work in this area, the Maritime Union of Australia, the Australian Manufacturing Workers Union, the Construction, Forestry, Mining and Energy Union and the Electrical Trades Union. It is a great pleasure to be able to speak on such an important issue to our State and country.

Mr ANTHONY ROBERTS (Lane Cove) [1.24 p.m.]: I support the motion. However, I move:

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

- (5) calls on the Government to join with the Opposition in its pledge to immediately clean up the asbestos-related contamination from the Woodsreef Asbestos Mine.

Asbestos-related disease is an ongoing tragedy in our society. Every year the last week of November is Asbestos Awareness Week, which serves as a potent reminder of the effects of asbestos. It provides an opportunity to remember and support individuals and families affected by asbestos-related disease. The Government and unions organise a number of events to raise awareness of malignant mesothelioma. Australia has one of the highest incidences of this disease in the world. Dust Diseases Board Chief Executive Officer, Lisa Hunt, who does a remarkable job, has said:

Asbestos-related diseases affect more and more people each year with incident rates expected to continue increasing in the coming years.

We as a community have not reached a peak, meaning there are a lot more people in the community who will be affected in some way for many years to come.

That is a disturbing fact. In a discussion I had with the member for Baulkham Hills, the point was made that the dangers of unsafe handling of asbestos have been known for many years. The long time between exposure and the onset of the awful symptoms of this insidious disease means that the number of people in our population with asbestos-related disease is expected to increase until at least 2018. According to Lisa Hunt, an even more concerning fact is that it is estimated that up to 20,000 Australians will be affected by asbestos-related disease over the next 20 years.

The Dust Diseases Board does a wonderful job in offering compensation. In the 2009-10 financial year 1,070 workers and 2,653 dependants were receiving compensation from the Dust Diseases Board. It is easy to quote figures. They are just numbers on a page. But these figures represent individuals and families who are suffering. Lives have been cut short as a result of bad practices by organisations that knew that asbestos posed a problem. I will relate two stories about the effect of asbestos and malignant mesothelioma. Rolf Harris shared

his personal experience about the impact of woven asbestos. While at university in 1948 Rolf Harris spent a summer holiday working in the mine at Wittenoom Gorge. Rolf said that his father, Crom Harris, worked as a turbine driver at East Perth power station and was exposed to asbestos while working there. Later, his father became ill and died as a result of his exposure to asbestos. Rolf Harris said:

He would arrive at work and it was like walking into a grey, blue fog that descended everywhere.

And 40 years later he is coughing up blood and wondering what on earth's the problem.

Another case is Elizabeth Nicholson. She did not work in a mine or around asbestos. It is believed that Ms Nicholson was exposed to asbestos while renovating her home in Queensland, which had been built in the post-war housing boom. In the past, asbestos had been used in building products. When her doctor told her that she had six to 12 months to live she said:

I was thinking, "Um, sorry, you're talking to the wrong person. No, no, no, that's not me, that can't possibly be me".

She said:

There was all this stuff lying around, it was all over everything. I cleaned it all up and I was vacuuming it up and sweeping and breathing it probably by the mouthful.

She was given a short time to live; she may have passed away already. She said:

I just go day by day and every morning I wake up and I say, "Thanks God for another day".

Although Ms Nicholson never worked with asbestos she has been harmed by it. In the lead-up to Christmas it is important for us to remember that many people will not share this Christmas with their families because of a disease they contracted whilst working with or being around asbestos. I support the motion moved by the member for Swansea and congratulate the member on bringing it before the House. All members owe a duty to those who are affected by this disease. In relation to my amendment, the asbestos-related contamination from Woodsreef mine must be dealt with. The Hon. Trevor Khan made an announcement in the other place that the Opposition has pledged to clean up the site. In the meantime, we would welcome the support of the Government.

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

[The Acting-Speaker (Mr Wayne Merton) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.]

DEATH OF MS ELIZABETH WARD, FORMER PARLIAMENTARY STAFF MEMBER

The SPEAKER: It is with regret that I inform the House of the death, on 2 November 2010, of former parliamentary staff member Elizabeth Ward. Elizabeth, or Lizzy as she was known, worked in various roles throughout the Parliament for more than 20 years. Lizzy worked for a number of members of Parliament during her career and within the parliamentary administration, predominantly with Parliamentary Building Services, until her retirement in 2002, when she was working as an operator on the Parliament House switchboard. During her service to the Parliament Lizzy was renowned for her love of the Parliament as an institution, and for the members and staff that she supported. She was also actively involved in the social life of the building. I am sure members will join me in extending our sympathies to Lizzy's husband, David, and her daughters, Pamela and Cathie, and her six grandchildren.

SENIOR ATTENDANT TERRY PARKER

The SPEAKER: On behalf of all members I acknowledge Terry Parker, the senior attendant who is seated today in the Speaker's Gallery. At the long service awards ceremony this morning we celebrated Terry's 40 years of service with the Parliament as of 16 September this year—a considerable milestone. In fact, it is about 12 parliamentary careers! Terry started work here in 1970 in the catering section. He transferred to the Legislative Assembly in 1980 as an attendant, and worked as a doorman at front of house. Terry was promoted to the position of tours officer in 1982 and since that time he has presented to a very large number of visitors and students.

As a senior attendant, Terry also worked in the Chamber during question time, directly supporting members and Ministers on the floor of the House. During his 40 years with the Parliament Terry has worked in

all sections of Chamber and support services. He is probably best known to members in his current role as supervisor of mail room operations and for being present in the Speaker's Gallery on every sitting day. On behalf of all members and the Clerk, I acknowledge Terry's 40 years of experience and organisational knowledge. I congratulate him on this significant achievement.

DISTINGUISHED VISITORS

The SPEAKER: I acknowledge the presence in the gallery of Mr Bob Harrison, a former member for Kiama, who is a guest of the member for Mount Druitt. I welcome him back to the Parliament.

PIKE RIVER COALMINE TRAGEDY

Ministerial Statement

Ms KRISTINA KENEALLY (Heffron—Premier, and Minister for Redfern Waterloo) [2.23 p.m.]: On behalf of the people of New South Wales I express our deep condolences to family and friends of the 29 workers killed at the Pike River coalmine. As the sun rose on Sydney this morning, flags across our city stood at half mast—nowhere more poignantly than on Anzac Bridge, where Australian and New Zealand flags are flown and where statues of Australian and New Zealand diggers stand like perpetual sentinels at the gateway to our city. Those two soldiers say much about what we share with New Zealand. Many countries develop strong bonds; many nations find things in common. But are there any two nations on Earth that share so much common ground, so much heritage, so much sacrifice and so much camaraderie as our two nations? Through war and peace, through depression and prosperity, we have been arm in arm. As nations go, we are the closest of friends. Indeed, we are family. Therefore, when New Zealand hurts, Australia hurts. Today, New Zealand is hurting.

We all get up and go to work in the morning in the expectation that we will come home again. However, for 29 people that most basic expectation has been ripped away. We mourn the loss of 29 people from New Zealand and around the world. We extend our sympathy to 29 families who have lost someone they love deeply. We offer our support to our closest neighbour and our greatest friend. Today I wrote to the New Zealand Prime Minister on behalf of the people of New South Wales to extend formally our State's condolences. Members will be interested to know that a condolence book is being made available to the public at the New Zealand Consulate on level 10 at 55 Hunter Street. The book will be available for signature today until 4.00 p.m. and tomorrow from 10.00 a.m. to 12 noon and from 2.00 p.m. to 4.00 p.m. I will be signing the book, and I encourage other members and the community at large to show our support for New Zealand at this time.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [2.26 p.m.]: We know that mining is a dangerous occupation and we have been tragically reminded of that this week. On behalf of members of the Liberal Party and The Nationals, I extend our condolences to the families of the 29 miners who died in Greymouth yesterday. I, too, have been in communication with the Prime Minister of New Zealand, Mr John Key. I do not think our feelings can be conveyed more accurately than he did in a statement he made last night when he said:

New Zealand is a small country.
A country where we are all our brothers keeper.
So to lose this many brothers at once strikes an agonising blow.
Today, all New Zealanders grieve for these men.
We are a nation in mourning.
Where this morning we held on to hope, we must now make way for sorrow.
Our heartfelt sympathies go out to the families of those 29 brave men.

Two of the brave men who died—William Joynson, 49, of Dunollie, and Joshua Ufer, 25—were Australian citizens. Whether they be South African, British, New Zealander or Australian, we extend our sympathies to their families. We acknowledge the difficulties, the dangers and the travails that face miners across this State, this country and the world. What has made this incident so much harder for us to accept is the miraculous survival of trapped miners in our own country in Tasmania and, of course, in Chile only a few weeks ago. This reminds us that such survival is a miracle; it does not happen every day. This incident, these deaths, will trigger a sinking feeling in the hearts of families in mining towns across this State. I assure those families that we will continue to uphold the strongest possible mining safety laws in this country.

The SPEAKER: I join with the Premier and the Leader of the Opposition in expressing my condolences. I ask members to stand as a mark of respect.

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

QUESTION TIME

[*Question time commenced at 2.28 p.m.*]

ELECTRICITY INDUSTRY PRIVATISATION

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that during the last election campaign the Labor Party deceived the community about its electricity privatisation plans—

[*Interruption*]

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

Mr BARRY O'FARRELL: Methinks they doth protest too much! Given that with just one sitting week left the Government is no closer to a sale outcome, and particularly because the Australian Competition and Consumer Commission has delayed its decision on the privatisation because this Government has failed to provide it with information, will the Premier now honour the spirit of caretaker conventions and defer any decision until after the election?

Ms KRISTINA KENEALLY: I am advised that the transactions remain on track to be completed by the end of the year.

COALITION FUNDRAISING

Ms SONIA HORNERY: My question is addressed to the Premier. What is the Government's response to community concerns about the ethics of the New South Wales Coalition organising fundraisers to circumvent the State's incoming donations laws?

Ms KRISTINA KENEALLY: I thank the member for her support for campaign finance reform. I acknowledge the Government's strong support for that, the work done by the chair of the committee, the member for Lakemba, and the work done on that committee. On 1 January 2011 we will see a new air of transparency in Australian politics. We should be proud that this Parliament has passed laws capping political donations and banning donations from certain sectors, such as tobacco companies. While New Year's Eve will see most Sydneysiders celebrating, there will be howls of agony in the streets of Woollahra, Point Piper and Double Bay as Coalition members beg for one more puff of the donations they are addicted to from tobacco companies. Today's *Daily Telegraph* said it all:

Party Party Party! ... \$10,000 a head from Sydney's Boardroom Barons!

Mr Barry O'Farrell: Not true!

Ms KRISTINA KENEALLY: The Leader of the Opposition interjects, "Not true!"

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

Ms KRISTINA KENEALLY: Today the Leader of the Opposition has released a statement claiming that last night's function was legal under existing laws and would be legal under laws coming into operation from 1 January. Then why does he not release the documentation about the event? Why does he not say in this statement—

The SPEAKER: Order! The Leader of The Nationals will come to order.

Ms KRISTINA KENEALLY: Why does he not tell us how much per head the event cost?

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

Ms KRISTINA KENEALLY: Why will he not release the documentation for that event? Why will he not release the documentation for all his fundraising events? Whether it is \$10,000, whether it is \$5,000, it still pales in comparison to The Nationals, with a \$50,000 platinum access package, pre-selling political access for 2011. That is right: buy your access now—

Mr Adrian Piccoli: You might not have seen this.

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

Ms KRISTINA KENEALLY: Get around those pesky donations laws! Pre-buy your political access today; get around the laws later. The Nationals and the Liberals represent the few. They are the parties of Point Piper. They are taking the merchant bankers, turning them upside down and shaking them to get all the change out of their pockets. What is the Leader of the Opposition's definition? It is not illegal yet. That is his defence—not illegal yet. What would a year 5 ethics class think of that? We could pose that question to a year 5 ethics class: If something is going to become illegal but is not illegal yet, does it matter if we do it now? No wonder Opposition members are opposed to ethics classes! They cannot practice ethical behaviour.

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

Mr Adrian Piccoli: Point of order: I want to hear the Premier's answer to the question.

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

Mr Adrian Piccoli: I want to hear from the woman who ordered solar panels for her roof after they announced that there was going to be a—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I call the member for Murrumbidgee to order. I call the member for Murrumbidgee to order for the third time. I call the member for Lismore to order.

Ms KRISTINA KENEALLY: If the Leader of the Opposition has nothing to hide with this event or with his other fundraising events, he will release the documentation today.

GENTRADER SALE BUDGET IMPACT

Mr ANDREW STONER: My question is directed to the Premier. Given her proposed gentrader sale will have a significant impact on the budget forward estimates, will she commit to including the impact of the sale in her half yearly budget review, or is she trying to hide the financial impact of her failed sale process, which could lose billions of dollars that could be better spent on the State's crumbling roads, schools and hospitals?

Ms KRISTINA KENEALLY: Yesterday I had a question from the shadow Treasurer—the failed merchant banker, the member for Manly—asking us to publicly release the retention value. There is not a government in the world that would take the poor financial advice that comes from the member for Manly. This process is being carried out appropriately, with appropriate probity and at arm's length from government. I am advised that it is on track to be concluded by the end of the year. I would love to play poker with the member for Manly. He would sit there and hold his cards facing out. That is the kind of financial management we see from the Opposition.

Yesterday we saw an Auditor-General's report give the lottery sale a clean bill of health. There was the member for Manly—he told five untruths about the lottery sale. The Auditor-General gives it a clean bill of health. The State achieved double the retention value on the lottery sale, a great outcome for taxpayers. There he is over there, talking the State down all the time. There have been six consecutive quarters of financial growth in New South Wales. What did the Coalition deliver the last time it sat on the treasury benches? Six consecutive budget deficits and record debt for this State. We delivered six consecutive quarters of economic growth during the global financial crisis. The Prime Minister and the Orgill report have said that our management of the Building the Education Revolution process has saved the country from going into recession.

Mr Andrew Stoner: Point of order: With two minutes gone, all the Premier has done is attack the shadow Treasurer. The question was simple: Will she include the impact of the sale in her half yearly budget review?

The SPEAKER: Order! I will hear further from the Premier.

Ms KRISTINA KENEALLY: Will the Opposition rule out selling the poles and wires? Members opposite are studiously looking at their laps, not one of them is willing to interject that the poles and wires must stay in public ownership. What about Sydney Water? Will they sell Sydney Water? Will they rule that out today? The member for Manly laughs out loud.

Mr Andrew Stoner: Point of order: I refer to the standing orders, specifically the one that refers to questions and answers. We ask the questions; she answers them. So answer this one!

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

Ms KRISTINA KENEALLY: Because I am so respectful of the new five-minute answers, let me say this: The transaction is on target to be completed this year.

NURSE-TO-PATIENT RATIOS

Mrs JILLIAN SKINNER: My question is directed to the Minister for Health. Can the Minister explain the current nurse-to-patient ratio in New South Wales, how many extra nurses would be required to meet the New South Wales Nurses Association's one-to-four ratio claim and how much that would cost annually?

Ms CARMEL TEBBUTT: Members would be well aware that the Nurses Association is currently involved in a wages and conditions campaign and we saw that with the strike action that took place yesterday. The Government has made it very clear on many occasions: we recognise that nurses are the backbone of our health system and they do a fabulous job. That is why this Government has made serious investments with respect to nurses in New South Wales. We have some of the highest paid nurses in the country. We have increased the number of nurses by about 10 per cent since 2005. Now over 43,000 nurses and midwives work in the public health system. We have increased salaries by some 57 per cent.

The memorandum of understanding with the nurses expired on 1 July 2010. As the House would be aware, the Nurses Association has served a claim for increased wages and conditions, including a claim for mandated nurse-to-patient ratios. The Government has provided an offer to the Nurses Association. That offer has not been rejected yet. Nonetheless, industrial action occurred yesterday. The Government remains committed to negotiating with the Nurses Association on behalf of nurses in good faith. We cannot do this while industrial action is underway. I think all members of this House would both support and appreciate why that is the case. It is important to note that there is already an agreed approach that applies for determining nurse numbers in general medical and surgical inpatient wards in acute hospitals.

The SPEAKER: Order! The member for North Shore will come to order. The member for Kogarah will come to order.

Ms CARMEL TEBBUTT: The workload tool is used to determine the appropriate level of staff for wards based on a range of factors, including the number and type of patients in the unit, their acuity and other factors. I have made it very clear that the Government does have concerns about a blunt nurse-to-patient ratio tool because it does not provide the flexibility that is needed to staff the modern hospital. That is a view I have taken on many occasions and I have articulated that view. I might point out it is a view that appears to be shared—

Mrs Jillian Skinner: Point of order: My point of order is Standing Order 129. The question was about current ratios and how much the nurses would cost.

The SPEAKER: Order! I will hear further from the Minister.

Ms CARMEL TEBBUTT: I have made it very clear that the Government has concerns with the blunt nature of a nurse-to-patient ratio in that it does not provide flexibility. I have already outlined how the current workload management tool applies in hospitals. The reality is that the Opposition also does not support a nurse-to-patient ratio. In the Legislative Council, Opposition members voted against the motion to support nurse-to-patient ratios. It is all very well for the Deputy Leader of the Opposition to stand here and ask questions but in the other place, they voted against the motion to support nurse-to-patient ratios, so they do not take a different position. The Opposition, in fact, has been very quiet on this issue; very careful not to make any commitments and very careful to put out releases with questions asked but no answers.

The Government has doubled the number of nurses that the Opposition promised at the last election so it will be very interesting to see if the Opposition in fact makes any claims around its commitment to increasing the number of nurses. The Government is committed to negotiating in good faith with the Nurses Association. We recognise the role that unions play in managing industrial relations. We did not support WorkChoices. We recognise and respect the role of unions and will negotiate with the Nurses Association but we will not do so while industrial action remains in place.

HEALTH SERVICES AND COMMUNITY ORGANISATIONS

Ms NOREEN HAY: My question is addressed to the Minister for Health. How is the Government providing health services in partnership with community organisations?

Ms CARMEL TEBBUTT: When we discuss health services, we often focus on our public hospitals, and that is not surprising; they play an incredibly important role and they receive the lion's share of funding from the Health budget. However, we also work very closely with community-based, non-government organisations to deliver health services. Community-based, non-government organisations play a vital role in delivering health services through a network of primary and community health services to improve health outcomes and reach target populations that have particular needs.

In New South Wales, Aboriginal health services, drug and alcohol services, mental health services, oral health services and women's health services are often provided by non-government organisations and they do so very effectively. I am pleased to advise the House that in 2010-11 the New South Wales Government will provide \$134 million for a total of 504 grants to 347 organisations right across the length and breadth of this State. These organisations provide services for a diverse range of needs. They include organisations like the AIDS Council of New South Wales, the National Heart Foundation, the Black Dog Institute and the Rape Crisis Centre. This funding provides tangible benefits to people with a range of health issues.

For example, funding provided to the Aboriginal Health and Medical Research Council will help it fulfil its role in providing advice to the State Government on Aboriginal health and supporting Aboriginal community-controlled health services. Funding is being provided to local Aboriginal health groups such as the Aboriginal Medical Service Western Sydney in Mount Druitt, which provides vital health services to the Aboriginal community in western Sydney. Funding will be provided to the Riverina Aboriginal Medical and Dental Corporation in rural New South Wales, which provides services such as preventative health care, drug and alcohol services, family and health education and a range of other programs to Aboriginal people in their communities.

The Government's longstanding commitment to bolstering mental health services in New South Wales receives a further boost through this program. Organisations such as the Schizophrenia Fellowship of New South Wales and Uniting Care Mental Health, which support people with mental illness, will receive additional funding. We also acknowledge the significant challenges faced by families and carers of people with a mental illness via support for the Family and Carer Mental Health Program. Through the Peer Support Foundation, we are helping to deliver mental health education and training for young people, parents and teachers.

Non-government organisations, often because of their size and flexibility, can be at the forefront of new approaches to health care. We have certainly seen this with the women's health centres in New South Wales. There are 21 women's health centres across New South Wales that provide medical, counselling and health education services for women in their local areas. These centres are leading the way in new approaches to health care for women, such as taking into account social determinants of health. They are achieving better outcomes for women, particularly addressing other aspects of their lives, including threats of violence, poor housing, poor education and inadequate income.

We also know that through the non-government organisation program we can enhance the overall health experience of patients who receive care in multiple health settings. We know it is vital that patients receive coordinated care and that is why we provide funding to General Practice New South Wales, which promotes the work of divisions of general practice. It will receive funding to continue its work in enhancing linkages between NSW Health and general practices in New South Wales.

It is also vital that we increase the opportunities for consumers to be engaged in the planning and delivery of health services, and for their voice to be heard. That is why the Government is providing \$100,000 to support the establishment of a Health Consumers NSW. This new organisation will provide an independent and

informed voice for health consumers, advocate for increased consumer participation in the health system and undertake training and education programs. I want to acknowledge the commitment of Ms Betty Johnson, AO, and Ms Sally Crossing, AM, in bringing this new organisation to fruition. They have done a great job. Non-government organisations play a vital role in the delivery of healthcare services in the State, and the Government will continue to support them.

SKIN CANCER

Mr DAVID HARRIS: My question is addressed to the Minister Assisting the Minister for Health (Cancer). What is the latest information on efforts to reduce skin cancer in New South Wales?

Mr FRANK SARTOR: I thank the member for Wyong for his topical question, given that this week is National Skin Cancer Action Week. Melanoma is the most dangerous form of skin cancer, and Australia has the highest incidence of melanoma anywhere in the world. We are more susceptible to it than any other country. That is why we need to take it seriously. Melanoma is the most common cancer in females aged between 15 and 29 years. One-third of all cancer cases in 15- to 30-year-olds in New South Wales are melanomas. Over the past 30 years, the incidence of melanoma has continued to increase. Each year an estimated 4,200 people in New South Wales will be told they have melanoma. Unfortunately, more than 400 people in New South Wales will die each year as a result of melanoma.

I acknowledge the fact that this House has unanimously supported the work of the Cancer Institute. This Government has taken significant action to reduce the incidence of melanoma, among other forms of cancer. In 2007 we started the successful Dark Side of Tanning melanoma awareness campaign. The campaign recommenced last Sunday night with \$1.9 million of Government funding. The campaign has been well received and has a high recognition rate among the target group, that is, younger people.

On the research front, I can inform the House that the Cancer Institute continues to invest heavily in skin cancer-related research grants, with \$25 million in funding provided since 2004. I can also inform the House of the latest steps we have been taking to reduce the burden of skin cancer. Earlier today the Department of Environment and Climate Change, the Chief Cancer Officer and I released a consultation document that proposes further measures to tighten controls around the use of ultraviolet tanning units, or sunbeds. Last year we promulgated the Radiation Control Amendment (Tanning Units) Regulation based on a national model. The regulation banned people with skin photo type 1—classified as skin that always burns and never tans—from using a sunbed. The regulation also banned people under 18 from using a sunbed. Since that time the department has conducted 225 inspections of solarium operators. Compliance by the industry has been pleasing. The inspections have resulted in 17 penalty notices and 43 warning letters for a range of non-compliance deficiencies in relation to the new processes we put in place.

However, the weight of medical opinion suggests we should be doing more. Recently the International Agency for Research in Cancer classified tanning beds used in solariums as a Grade 1 carcinogen, the same grading attributed to smoking and to the effects of nuclear exposure from incidents such as Chernobyl. Furthermore, new Australian research has indicated that the risk of developing skin cancer from using a sunbed is significantly higher for people aged under 30 than for other users. Indeed, this morning Professor David Currow, the Chief Cancer Officer in New South Wales, said that the risk of people under 30 developing melanoma from repeated sunbed use is more than double that of older users. Younger people, who are probably keener to use sunbeds, are twice as prone to develop melanoma skin cancers from the use of sunbeds. Other studies have estimated that 16 per cent of early onset melanomas in New South Wales could be prevented if people under 30 did not attend solariums.

For this reason, we have today proposed significant tightening of solarium access in this State, and this will be the subject of public consultation over the next two months. Under the proposal, from 1 April next year people with skin photo type 2—classified as skin that burns easily and tans minimally—will be prevented from using a sunbed, as consistent with the national standard recommendation. Also from 1 April next year, people under the age of 25 will be prevented from using a sunbed, and from 1 August next year people under the age of 30 will be prevented from using a sunbed. Public comment on these regulatory proposals will be invited until 21 January next year.

If adopted, these proposals would ensure that New South Wales has the strongest regulatory system in Australia with respect to the solarium industry. I note that Australia leads the world in this regard, with the exception of Brazil, which two or three weeks ago announced a complete ban on solariums. The fact is that

solarium use has a significant effect on skin cancer development. Fortunately, only 25 of the 135 solariums rely solely on the solarium practice; many of them are diversified, such as those within Fitness First and other similar organisations. Hopefully the economic impact of the regulatory proposals will not be so great. However, it is a significant issue. Today I was with the Chief Cancer Officer when he was talking to the media together with Jay, who developed a melanoma. He has four children— [*Time expired.*]

GRAFFITI

Mr ADRIAN PICCOLI: My question is directed to the Chair of the Standing Committee on Public Works. The standing committee's report into graffiti and public infrastructure, released yesterday, recommended a dedicated graffiti hotline and increased penalties for graffiti offenders. Will the chair of the committee now support the New South Wales Liberals and Nationals policy to crack down on graffiti offences, which includes the establishment of a dedicated graffiti hotline and increased penalties for graffiti offenders?

Mr NINOS KHOSHABA: Just last year the Government launched its comprehensive graffiti action plan and increased the penalties for graffiti offenders. The Graffiti Control Act was introduced. The Act doubled imprisonment penalties for graffiti vandalism from 6 months to 12 months, doubled imprisonment penalties for the possession of graffiti implements from 3 months to 6 months and banned the possession of spray paint cans by youths without a legitimate reason for them. The Act also empowered courts to order graffiti vandals to clean up their own graffiti, made it an offence for a person to sell a spray paint can to a minor, and made it an offence to supply a spray paint can to a minor.

As part of the plan, the Government introduced changes to State planning policies to ensure government agencies consider "designing out" graffiti—such as by using coatings and lighting, and restricting access—when constructing new buildings. The Government established the Anti-Graffiti Action Team, which brings together experts from government agencies, retailers and the paint industry in order to coordinate and implement new graffiti initiatives.

The SPEAKER: Order! The Opposition has asked a question and the member for Smithfield seems very willing to respond.

Mr NINOS KHOSHABA: To answer the question, the member for Murrumbidgee needs to read the report correctly. The report recommends a graffiti hotline, in the form of the Crime Stoppers number that is already in place.

The SPEAKER: I note that the majority of that applause was from Opposition members!

POLICE STATION UPGRADES

Ms LYLEA McMAHON: I address my question to the Minister for Police. Will the Minister update the House on upgrades to police stations across the State?

Mr MICHAEL DALEY: I thank the member for Shellharbour for her question. Earlier this month a very pleased and proud member for Shellharbour accepted the keys from the builders for the brand-new \$17 million police station in Oak Flats for the Lake Illawarra Local Area Command as it went operationally live. Well may the member for Shellharbour be pleased and proud of her efforts in pushing that along and advocating for it for a very long time. She has visited the building on numerous occasions with me to view it, and she will be there when the station opens. The new three-storey building not only equips police with the latest facilities and cutting-edge crime-fighting technology, but it will accommodate 272 police personnel, including detectives, highway patrol officers and police radio operators.

These police, in their newly equipped facility, will continue the outstanding work that has seen crime in the Shellharbour Local Government Area stable or falling in all 17 major categories in the 24 months up to June 2010. I thank the member for Shellharbour for working cooperatively with the police in her electorate, in contrast to members on the other side who simply want to scare the pants off their communities. This great local member works with the police. I remind the verbose members on the other side of the House that Oak Flats is just one of 37 police stations that this Government has been building or upgrading during this term of government alone. It is part of one of the biggest infrastructure programs in the history of Federation. I hear someone say read them out, so I will.

Eleven new police stations have been delivered, with 19 more to come, as well as major upgrades for seven more planned or completed police stations. The Leader of The Nationals will be pleased to know that the Kempsey Police Station will be opened next month for the benefit of the people of the electorate of Oxley. Let us compare that record with the record of those on the other side of the House. When the Opposition was last in government police stations were closed at Pooncarie, Vaucluse, Mascot, Punchbowl, Hermidale, Darling Harbour and Waterloo, and the Hon. Michael Gallacher now wants to audit the police stations and police resources across this State. The Hon. Michael Gallacher and Leader of the Opposition are going to tell Commissioner Scipione what to do. As if Commissioner Scipione does not know what resources he has and what to do with them!

Read them out, they say. I will. These are the police stations that the Government has already built: Yamba—I got a thank you wave from the member for Clarence—St Marys, Corrimal, Campsie, Fairfield, Lismore, Dubbo, Orange, Wagga Wagga, Windsor, and now Lake Illawarra. Members opposite should just say thank you instead of sitting over there and gobbing off! Refurbishments have been completed at Kiama, Five Dock, Gunnedah, Revesby, The Rocks and Cronulla. I also take this opportunity to remind the House of the statewide commitment this government has made to police with a record \$2.8 billion budget, which sees \$166 million allocated this year alone in capital works. This includes more than \$67.5 million committed this financial year to current works in progress for police properties as part of the Government's program to build and upgrade 37 police stations. Opposition members should work with their local police instead of scaring old ladies. That is all they do on the other side of the House.

The SPEAKER: Order! Members will cease interjecting. The Minister will direct his comments through the Chair.

Mr MICHAEL DALEY: Mr Speaker, may I have a 15-minute extension because this is too much fun?

The SPEAKER: No.

Mr MICHAEL DALEY: Five minutes is not enough time to point out the hypocrisy and ineptitude of those members on the other side of the House.

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

Mr MICHAEL DALEY: The members on this side of the House continue to work with their local police instead of scaring old ladies in their electorates.

WOODSREEF ASBESTOS MINE SITE

Mr PETER DRAPER: I direct my question without notice to the Premier. Following the release of the Ombudsman's report into asbestos in New South Wales last week, will the Government act upon his recommendations and immediately provide the \$5.5 million identified as being urgently needed to start rehabilitating the derelict Woodsreef Asbestos Mine near Barraba?

Ms KRISTINA KENEALLY: I thank the member for Tamworth for his question, which I will answer shortly. First may I say that I enjoyed joining the member to launch the Tamworth Country Music Festival by announcing the 39 festival finalists. As members would be aware, Woodsreef is an abandoned asbestos mine, which is located 18 kilometres to the east of—

The SPEAKER: Order! The member for Murrumbidgee will cease interjecting. The Premier has the call.

Ms KRISTINA KENEALLY: As members would be aware Woodsreef is an abandoned asbestos mine, which is located—

The SPEAKER: Order! Opposition members will come to order. I call the member for Murrumbidgee to order for the third time.

Ms KRISTINA KENEALLY: I make the observation that The Nationals have now eaten one minute and 15 seconds into the time of the answer to the question asked by the member for Tamworth about an issue

that is important to his community. I understand the mine opened during the 1970s and ceased operation without any significant site rehabilitation work being undertaken. I note the report from the New South Wales Ombudsman entitled "Responding to the asbestos problem: The need for significant reform in NSW", which was released on 17 November 2010 and investigated the management of asbestos in New South Wales.

I am advised that the Woodsreef Asbestos Mine Taskforce, which includes representatives from NSW Health, the Department of Industry and Investment, the Department of Environment, Climate Change and Water and Tamworth council is continuing to assess options for the remediation of the site of the Woodsreef Asbestos Mine. The key recommendations presented in the Ombudsman's report relating to Woodsreef—the removal of derelict buildings, the management of Mine Road and site security—are consistent with the issues identified by the task force. I am advised that the task force met most recently on 22 November 2010 to progress further discussions on the rehabilitation of the site. The New South Wales Government has already invested more than \$1.25 million on rehabilitation and safety works at Woodsreef. I look forward to the further considered advice from the task force regarding rehabilitation options for Woodsreef.

The New South Wales Government has a proud history of dealing with asbestos issues and working with asbestos victims to support access to justice and compensation. The New South Wales Government's advocacy for asbestos victims in relation to James Hardie is well-known. In 2004-05 the Government, with Bernie Banton and the Australian Council of Trade Unions, negotiated a landmark agreement with James Hardie to establish the Asbestos Injuries Compensation Fund to ensure payments to victims valued at \$1.7 billion for the next 40 years. Last year, the Government and the Commonwealth also worked together and pledged to inject a loan of \$320 million into the Asbestos Injuries Compensation Fund: up to \$160 million from New South Wales and \$160 million from the Commonwealth. That loan means greater security and certainty for victims.

The New South Wales Government also recently represented the interests of present and future asbestos victims in relation to CSR's proposed demerger, then sale, of that sugar and renewable energy business. This year, the Government also launched a new state-of-the-art mobile respiratory screening unit. The Government always welcomes the chance to consider suggestions from the Ombudsman about issues that are important to the people of New South Wales. As the Ombudsman notes in his report, a working group of New South Wales Government regulatory agencies has already been established. I look forward to that further considered advice from the task force regarding rehabilitation options for Woodsreef.

VIOLENCE AGAINST WOMEN

Mr ROBERT COOMBS: I address my question to the Minister for Women. How is the New South Wales Government working to reduce violence against women?

Ms JODI McKAY: I thank the member for Swansea for his question and his interest in White Ribbon Day. As members would be aware, today is International Day for the Elimination of Violence Against Women, known as White Ribbon Day. The day is marked to raise wide-scale awareness of violence against women. I know that the member for Swansea, together with other members in the House, was involved this morning in the White Ribbon Foundation oath swearing. He swore never to commit, never to excuse and never to remain silent about violence against women. I thank the member for his commitment.

Tragically, worldwide up to three-quarters of women and girls experience physical or sexual violence in their lifetime. This level of violence is completely unacceptable. That is why the New South Wales Government is committed to addressing this abhorrent crime. The Government is committed to building an equitable, inclusive and safe society where all women are valued and respected, can contribute meaningfully and are able to enjoy the rights, freedoms and protections to which everyone in New South Wales is entitled. Earlier this year the Premier released a \$50 million New South Wales domestic and family violence action plan called Stop the Violence, End the Silence. This five-year blueprint for action sets the foundation for an integrated and coordinated whole-of-government response to combat domestic and family violence. The rolling out of these actions is well underway. This action plan is part one of the two-stage strategy to prevent violence against women. Part two involves the development of a sexual violence prevention plan, and work on this plan is also well underway.

Every year in support of White Ribbon Day the New South Wales Government funds local domestic and family violence awareness-raising activities through our Local Domestic and Family Violence Small Grants

Program. This program provides funding to local domestic and family violence committees, which in turn fund activities to mark White Ribbon Day and the 16 Days of Activism to Stop Violence Against Women campaign, which runs until 10 December. This year communities across New South Wales will be involved in various events, including multimedia arts events, awareness-raising at local sporting events, fundraising, the release of a "Say no to domestic violence" calendar, as well as a range of seminars and workshops at schools, workplaces and community halls.

The Government also provides \$2.9 million in grants every year to support non-government organisations to deliver innovative projects that are aimed at preventing domestic and family violence or minimising its impact. This includes \$900,000 for projects for Aboriginal communities. It is important to note that of the \$2.9 million, \$900,000 is quarantined for specific projects in Aboriginal communities. This Government takes violence against women extremely seriously. It is a tragedy that society can be developed in so many ways, yet be so primitive in others. The Government will always support events such as White Ribbon Day, which raise awareness of this issue and challenge the attitudes that allow violence against women to continue.

A campaign such as White Ribbon Day requires an enormous amount of organisation and energy. I am pleased to advise that the New South Wales Government has provided the White Ribbon Foundation with \$71,500 this year to assist with this important campaign. That money is on top of the same amount being provided in 2008-09 and in 2007-08. I thank the men and boys who have rallied in support of White Ribbon Day. I note that many members of the House are wearing their white ribbon. I encourage everyone, particularly the male members of Parliament, to wear a white ribbon today and send a clear message of support for the elimination of violence against women. We have made significant progress with our domestic and family violence action plan. Already this year, through funding of \$3.7 million for the action plan, we have seen the establishment of 10 domestic violence proactive support services, known in the non-government sector as DVPASS.

Question time concluded at 3.15 p.m.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION

Report

Mr Kerry Hickey, as Chair, tabled Report No. 15/54 entitled "Report on the Eleventh General Meeting with the Inspector of the Police Integrity Commission", dated November 2010.

Ordered to be printed on motion by Mr Kerry Hickey.

STANDING COMMITTEE ON BROADBAND IN RURAL AND REGIONAL COMMUNITIES

Report

Ms Sonia Horner, as Chair, tabled the Report No. 5/54 entitled "Transforming Life Outside Cities: The Potential of Broadband Services for Rural and Regional Communities", dated November 2010.

Ordered to be printed on motion by Ms Sonia Horner.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports

Mr Richard Amery, as Chair, tabled the following reports dated November 2010:

- (1) Review of the 2008-2009 Annual Report of the Inspector of the Independent Commission Against Corruption
- (2) Review of the 2008-2009 Annual Report of the Independent Commission Against Corruption

Ordered to be printed on motion by Mr Richard Amery.

PUBLIC BODIES REVIEW COMMITTEE**Reports**

Mr Nick Lalich, as Chair, tabled the following reports dated November 2010:

- (1) Report on the Second Review of the Annual Reports
- (2) Report on the Management of the Premier's Annual Reports Awards

Ordered to be printed on motion by Mr Nick Lalich.

STANDING COMMITTEE ON NATURAL RESOURCE MANAGEMENT (CLIMATE CHANGE)**Report**

Mr Matt Brown, as Chair, tabled report No. 7/54 entitled "Sustainably Managing Water Under Climate Change", dated November 2010.

Ordered to be printed on motion by Mr Matt Brown.

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**.

Shoalhaven Police Station

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

Pet Shops

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

Mental Health Services

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

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

Burrill Lake

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

Empire Bay Substation Proposal

Petition opposing the construction of the proposed substation at Empire Bay and requesting that it be constructed on a more appropriate site, received from **Mr Chris Hartcher**.

The Clerk announced that the following Minister had lodged a response to a petition signed by more than 500 persons:

The Hon. Tony Kelly—Warriewood Redevelopment Conception Plan—lodged 10 October 2010 (Mr Rob Stokes).

STANDING ORDERS AND PROCEDURE COMMITTEE

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.19 p.m.]: I seek the leave of the House to move a motion to refer certain matters to the Standing Orders and Procedure Committee.

Leave not granted.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Election Funding Reform

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.20 p.m.]: A letter appeared in today's *Sydney Morning Herald* from Sonia Lee of Dudley, who stated:

So Mr O'Farrell's party takes money from alcohol and tobacco interests and is going to abolish ethics classes. Go figure.

That is why we need to discuss this motion today. We know the importance of transparency and integrity in public life because decision-making in government has to be transparent, merit-based and satisfactory under scrutiny. We also know that in order to provide a system of integrity and transparency we need reforms, which is why we need to debate this motion today, because it is well known that those opposite are addicted to donations. It is clear that the Liberal Party wants the rivers of gold to keep flowing from big business because it is probable that it will then tell big business—who are its supporters—what policies are in the bottom drawer that nobody else knows about and which of their policies from the top drawer will be abandoned. It is crystal clear that those opposite are petrified about these reforms, even though they claim to support them, because they do not want the huge sums of money to stop rolling into their coffers from the big end of town.

Those opposite have cancelled all their Christmas parties and they have rushed out and scheduled fundraisers every five minutes until 1 January. I think they are probably even charging to attend their Christmas lunches. Yet, what do we hear from those opposite about banning tobacco donations? The member for Hawkesbury is a classic example. We know he supports tobacco donations. That is why we need to discuss this today.

State Economy

Mr MIKE BAIRD (Manly) [3.22 p.m.]: My motion deserves priority primarily because the Treasurer of this State is completely out of his depth. It is about time that this State and this Parliament started to understand the facts. I have to take some responsibility for this because the Treasurer reads every speech I make and every word I say. That is basically how he occupies his days. About 12 months ago I threw forward the idea that the Treasurer could potentially throw his hat in the leadership ring, so he started to take himself seriously—he went to a stylist and he talked himself up. I think he believes it, so I need to take back what I said. The problem is that everything I say he starts to believe. If I talk about economics the Treasurer starts to talk about economics. I need the Treasurer to understand that if you say "economics" it does not mean you understand economics. At the same time, and this is completely embarrassing, he started to talk about bonds. It is completely and utterly embarrassing to have the Treasurer of this State talk about bonds and I wish he would stop.

Fundamentally the economy of this State is going backwards, and it is critical that we understand that. A few things have happened this week. The Consumer Business Confidence Index has come out for small and medium businesses. The report stated that "New South Wales reported confidence in their SMEs"—the people we should be supporting to get this economy going—"is the lowest in the country". Is that a one-off? No. For 26 of the last 27 quarters, almost seven years, New South Wales businesses have had the lowest confidence in this State. What is more disturbing is that for the next quarter, small and medium enterprises [SMEs] in New South Wales believe that employment, wages, prices and capital expenditure will be the lowest in the country—they expect them to go backwards. How can we have a government that does not support small businesses in this State? The reason the economy is so bad is because the Government is not supporting small businesses. The last point made in the survey states:

The policies of the NSW Government among NSW SMEs recorded the lowest result of any State or Territory in the country.

My advice to the Treasurer is to start to listen to businesses in this State and try to understand the regulatory burden the Government is putting on them. He should try to understand that the taxes are not competitive and that is the reason why businesses are walking. That is the reason for the migration of businesses from this State to Queensland and Victoria: the Government does not understand what is happening to our small businesses. It is time the Treasurer started to pay attention and got the economy back on track. That is why this issue should be accorded priority. Then we saw the management of the Lotteries sale. This is my favourite bit. I saw the Treasurer wailing away—I could not even understand the words.

Dr Andrew McDonald: Point of order: I was willing to be patient with him while he took a long time to say why his motion should have priority but he is now moving into debating a motion. He is talking about the Lotteries, which is not a part of his original motion.

The SPEAKER: Order! I will hear further from the member for Manly.

Mr MIKE BAIRD: It is important to the economy of the State because the Auditor-General's report revealed that the Government gave away the second asset—the unclaimed prize revenue—for \$150 million. How much analysis, research and documentation was there to determine whether that is fair value for the taxpayers? There was absolutely nothing. There was no documentation, no analysis and no competition. We have given away a \$150 million asset at the same time as the market says it was worth \$200 million. In his press conference today the Auditor-General said it could be worth up to \$250 million. But there was no work done: no analysis. In fact, the Auditor-General cannot even work out how the decision was made. That is no way to run the finances of this State.

Go out to every community across New South Wales and ask them if there is anything they could do with 10, 20, 30, 40, 50, 100 or 150 million dollars that the Treasurer was happy to throw away. Every community will say yes they could use that money. It is an absolute disgrace that today the Treasurer is trying to spin away the significance of this report, because that should never ever happen again in this State Government—whoever is in power. It is an absolute disgrace. This Government should be condemned for running a process that would let that happen.

Then we have the electricity sale where, yet again, the Government was prepared to potentially throw away billions and billions of dollars. Be it on the Government's head if it lets the transaction go ahead and, at great cost to every taxpayer in New South Wales, throws away billions of dollars that could be used for the infrastructure we desperately need.

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

The House divided.

Ayes, 47

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

Noes, 37

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

Pairs

| | |
|-----------|-----------|
| Mr Gibson | Mr Fraser |
| Mr Whan | Mr Kerr |

Question resolved in the affirmative.

ELECTION FUNDING REFORM**Motion Accorded Priority**

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.35 p.m.]: I move:

That this House calls on the Opposition to end the last-minute donation drive and comply with the spirit of the incoming election funding laws.

I know that members of the Opposition are now leaving the House in droves because they are too ashamed to listen to a discussion about their election donations. As the Premier said today, from 1 January there will be a new era of transparency in Australian politics. New South Wales has led the nation in reforming election funding. Ours was the first State to make these changes and we have gone further than any other State. This Government's reforms will cause a fundamental change in the political culture of New South Wales forever. The Government still supports the need for national reform, but it is intent on leading the way. Government members are proud that this Parliament has passed laws capping political donations and campaign expenditure. We have passed laws limiting political donations and banning donations from tobacco companies, some participants in alcohol-related industries and property developers. This is the logical next step for a government with a strong record of positive democratic reform.

It has always been Labor governments that have taken the lead on election funding reform. In 1981, Neville Wran introduced the Election Funding Bill, which was the first piece of legislation to regulate election funding and to provide for disclosure of campaign donations and expenditure. In 2008, the Labor Government further reformed the legislation to strengthen the disclosure provisions and to change the way in which donations are handled. This Government has introduced more reforms to ensure transparency and accountability in decision-making than any other government in the history of this State. We have banned all developer donations, ensured independence in planning decisions through the Planning Assessment Commission and the joint regional planning panels, and introduced new levels of declaration of interests and freedom of information about government decisions. This Government has also led the way with the most comprehensive reforms of election funding in a decade. The Government has had discussions with the Opposition, the Greens and crossbench members in good faith and it has made substantial changes to the reforms since the legislation was introduced in September.

Mr Chris Hartcher: You gave no notice of it.

The DEPUTY-SPEAKER: Order! The member for Terrigal will come to order.

Dr ANDREW McDONALD: Like his party, the member for Terrigal should give up smoking.

Mr Chris Hartcher: Point of order: I do not smoke. The insinuation that I smoke or that I am on drugs—

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Terrigal will resume his seat.

Mr Chris Hartcher: I refer to Standing Order 73.

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

Mr Chris Hartcher: I want the member to withdraw.

Dr ANDREW McDONALD: I withdraw the implication that he smokes. However, I do not withdraw the implication about his party. [*Quorum called for.*]

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

I knew members opposite would call a quorum during my speech today because they fought tooth and nail to block these crucial reforms as well as scrutiny of their continuing practice of accepting donations—which are soon to be illegal—from tainted companies. I expected that they would call a quorum during my reply, but I was wrong. They have offered every excuse to vote against these reforms and to avoid any scrutiny. I think it is because they are concerned about the state of Liberal Party finances. There is speculation that Arthur Sinodinos, chairman of the Liberal Party's finance committee, came under fire for his fundraising role, particularly before the Federal election. Even Julie Bishop has raised concerns about secret Liberal Party accounts. The answer is simple. First, we learned that the New South Wales Liberal Party hosted a fundraiser almost every day last week and then today it just got better, because last night the New South Wales Liberal Party held a fundraiser at the Point Piper home of Aussie Home Loans John Symond for just \$10,000 a head.

The Opposition leader and his party are addicted to donations. They cannot bring themselves to walk away. They sit there begging for one last donation—a \$10,000-a-head fundraiser—which the Leader of the Opposition says was only \$5,000 and therefore legal. We do not know whether it was \$10,000 or \$5,000—those opposite can clarify that in the House today. It may well be legal, but is it ethical? Is it ethical to take donations now that will be illegal in five weeks? While 6,600 people die every year from smoking-related disease those opposite continue to take money from tobacco companies.

Mr CHRIS HARTCHER (Terrigal) [3.42 p.m.]: I move:

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

this House:

- (1) calls on all parties to comply with election funding laws; and
- (2) calls on the Government to amend the Act to ensure New South Wales unions cannot each spend over \$1 million on election campaigning.

It was interesting to hear the member for Macquarie Fields in his swansong in this House because he failed to address the issue of the culture of donations that have flowed to the Australian Labor Party over the past 15 years. He talked about compliance with the spirit of the law. His argument is that you should comply with the spirit of the law that is going to come into force on 1 January. The New South Wales Coalition has complied with the law as it stands, and will comply with the law as it stands on 1 January. We are in full compliance. There is no suggestion, other than from the member for Macquarie Fields, that we are not in compliance.

It is the history of donations to Labor, the culture of fundraising throughout the Australian Labor Party, that has caused a stench to permeate the political regime in New South Wales. On 8 September 2008 the *Sydney Morning Herald* reported that Mr Roozendaal had been promoted to Treasurer. The article stated that he had been the party's chief fundraiser and had raised a reported \$16.3 million in his four years as general secretary of the New South Wales branch of the Australian Labor Party. That is an extraordinary amount of money that did not come from afternoon teas or Johnno Johnson's raffles; it came from systemic corruption of the political funding process by the Australian Labor Party.

Dr Andrew McDonald: Point of order: The member for Terrigal knows that members cannot make imputations of improper motives to or personal reflections on another member other than by way of substantive motion. If the member wishes to allege that the Treasurer is corrupt—his words—he needs to move a substantive motion with that in mind.

Mr CHRIS HARTCHER: I referred to the corruption of the political process by the Australian Labor Party. I withdraw the word "corruption" and I will say "rotting". The Australian Labor Party rotted the political process. That is what happened. That systematic rotting by Labor—the vast donation system it built up, with developer after developer attending its hundreds of fundraisers across New South Wales—led to Eric Roozendaal raising \$16.3 million. There has been no mention of that and no mention of article after article in the *Sydney Morning Herald*, the *Australian* and the *Daily Telegraph* that exposed the endless fundraising from developers by the Australian Labor Party, until it got so bad that the party itself realised it had to take action and ban developer donations. Those developers were not coming to the Liberal Party. If you look at the election funding returns you will see the massive disparity in the donations that developers gave the Australian Labor Party as opposed to the State Opposition. The coincidence regarding part 3A and the decision-making process cannot be denied.

The Australian Labor Party had to accept that it needed to end the culture that it had created over 15 years. It is like a criminal who has been caught breaking into a home and who now argues that we need stronger anti-burglary laws. The Australian Labor Party has been caught rotting the political system so it cries foul and says it has to change the political system it has so rotted. However, it has not changed one significant aspect of that system: it has not changed the endless river of gold that flows to the Australian Labor Party from affiliated unions. The Australian Labor Party has been very deliberate in its legislative program to target developers, who are now soft targets because Labor has given them a bad name. It has targeted the alcohol industry, which donates huge amounts of money to the Australian Labor Party, but it still allows each affiliated trade union—in an amendment specifically for trade unions—to spend up to \$1,005,000 on political campaigning.

Special sections were put in the Act to ensure that the Liberal Party and The Nationals were regarded as associated entities but the Australian Labor Party made an exception for affiliated unions—even those unions directly affiliated with the Labor Party. So we have this endless rotting by Labor. It is most significant to consider the fundraising that the current Premier has done through her business program, such as the Hon. Kristina Keneally's drinks—real dialogue, real opportunities. You can buy tickets to attend her drinks program.

Dr Andrew McDonald: Point of order: I again raise Standing Order 73. The member is making an imputation of improper motives to or personal reflections on the Premier. He can do that only by way of substantive motion.

Mr CHRIS HARTCHER: What did I say? I simply said the Premier had a drinks program to raise money. I am talking about the Premier's own leaflet. The member for Macquarie Fields is getting really desperate.

Dr Andrew McDonald: Point of order: The member for Terrigal knows it is disorderly for members to wave around newspapers or props. The member for Terrigal is clearly using the pamphlet, which I have not seen, as a prop. I ask that you direct him to stop using it as a prop.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for Terrigal will not use a prop.

Mr CHRIS HARTCHER: I will read from the pamphlet, which states:

Business Program

Business Dialogue Boardroom

Welcome Lunch—

[Time expired.]

Mr ROBERT FUROLO (Lakemba) [3.49 p.m.]: I am pleased to speak in support of the motion. One of the highlights since being elected as a member of Parliament has been the opportunity to be involved in the Joint Standing Committee on Electoral Matters. My time as Chair coincided with the Premier referring to the committee an inquiry into the public funding of election campaigns. Many members would be familiar with the work of the committee, which handed down the largest report in the past two terms of this Government. The recommendations of the joint committee, which comprised members from the Labor Party, the Liberal Party and

the Greens, are important in that its work laid the foundations for reforms to election funding. Throughout the inquiry all committee members, whatever their political persuasion, realised that an agreed position of capping donations was fundamental to reforming the electoral system. Recommendation 4 states:

The Committee recommends that the Premier incorporate in legislation to reform the electoral and political finance regime a cap on all donations from individuals, set at \$2,000 per political party ...

That recommendation was important because it reflected the evidence presented to the inquiry from the Independent Commission Against Corruption, political parties and participants. Everyone accepted the need for caps on donations because of the community perception that decision-making could potentially be influenced by donations. On the one hand, we have acceptance of the view that large donations to political parties have the capacity to influence decision-making; on the other hand, we have \$10,000-a-head dinners or lunches organised by the Liberal Party and, even worse, \$50,000 tickets for events held by The Nationals. This creates the perception in the community that the outrageously large donations mean that someone is owed something and that some decision can be influenced. On the one hand, we have a political party that is happy to accept huge donations from the corporate sector and its rich mates in the eastern suburbs—

The DEPUTY-SPEAKER: Order! The member for Lismore will come to order.

Mr ROBERT FUROLO: On the other hand, as a result of the Government's significant reforms, that same party will put its hand out for public funding. Those opposite want to have their cake and eat it too. They are prepared to take huge—outrageously large—donations from the corporate sector and their big business mates and, after the election, they will put their hand out for public funding as well. The Government has introduced these reforms to remove the need for political parties to fundraise to this extent. One argument for increasing public funding for political parties and candidates is to remove the need for large-scale donations and fundraising. On the one hand, the Liberal Party and The Nationals are rattling the pan, trying to get as much money as they can from their rich mates; and, on the other hand, they are trying to tap the taxpayer on the shoulder and get some money there as well. They want to have their cake and eat it too. That behaviour is not in the spirit of the legislation.

The DEPUTY-SPEAKER: Order! The member for Wagga Wagga will come to order.

Mr ROBERT FUROLO: It is unfortunate that political parties seeking to govern this State are putting their hands out to their rich business mates asking for all the money they can get before the new rules come in. They will then put their hands into taxpayers' pockets and ask for public funding as well.

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

Mr ROBERT FUROLO: It is outrageous that they are asking both sides to contribute to their campaigns.

The DEPUTY-SPEAKER: Order! The member for Lismore will come to order.

Mr ROBERT FUROLO: It discredits both the Liberal Party and The Nationals when they seek to raise money in the climate of election funding laws that make public funding significantly more attractive.

Mr RAY WILLIAMS (Hawkesbury) [3.54 p.m.]: I have expressed many times in this Chamber my absolute contempt for the amount of money that unions donate to the Australian Labor Party for campaigning. That practice has never been addressed and it has now been set in concrete because affiliated unions will be able to donate up to \$23 million to the Labor Party before the next State election, on 26 March 2011. In a front-page story in the *Sydney Morning Herald* of April 2008 Andrew Clennell identified that between 2002 and 2008 the Transport Workers Union had donated some \$750,000 to the New South Wales branch of the Australian Labor Party—to Sussex Street—for campaigning.

During that time the New South Wales Government awarded the Transport Workers Union some \$752,000 in grants for training programs. That money came from the New South Wales taxpayer. The New South Wales Labor Party has had publicly funded campaigns for years. They are funded directly by the New South Wales taxpayer, through the affiliated unions, which in turn direct that money straight back to the New South Wales Labor Party. I appreciate the support of the Minister for Industrial Relations; he has confirmed that that is exactly what happens. We are debating fundraising by the Liberal Party so it is worth placing on the record the Australian Labor Party's current fundraising efforts.

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

Mr RAY WILLIAMS: I happen to have been presented with a very interesting piece of literature entitled "Business Dialogue, Real Opportunity". It should be called "Donations dialogue for the Australian Labor Party". I will read onto the record the fundraising membership levels under the Australian Labor Party's Business Dialogue. The document reveals the various levels of membership. A person can obtain platinum membership for \$110,000. That entitles members to business and boardroom lunches with senior Ministers in the New South Wales Labor Government. A person who cannot afford the \$110,000 to become a platinum member can be an event partner for the small sum of \$59,850, which entitles members to private boardroom lunches with senior Ministers in the Labor Government. I assume the Premier would be present—surprise, surprise, there is a photo of her in the Business Dialogue. People with that level of membership can have access to the Premier and to Sam Dastyari—it would be interesting having access to the playmaker in Sussex Street. There is also a twilight networking forum with the Hon. David Campbell.

Dr Andrew McDonald: Point of order: Yet again, the member is using the pamphlet as a prop. He is waving it around and referring to it as a prop. That is disorderly.

The DEPUTY-SPEAKER: Order! That is not a point of order. The member for Hawkesbury is referring to the pamphlet. He is not using it as a prop.

Mr RAY WILLIAMS: No, I was reading from some notes. Reading through the document, I note that one can get Premier Keneally and Eric Roozendaal in a package deal. It is called the State Cabinet Budget Dinner, which is for those with platinum membership of \$110,000, or event partner membership for \$59,850—GST inclusive, of course. If those two memberships are out of one's league, for \$36,850 there is the option to become a business partner, which entitles members to three places at the boardroom meeting lunch with the Premier and the Treasurer. Another level is associate partner, which costs only \$22,000 for seven business dialogue lunches and twilight policy forums with the Premier and the Treasurer. The bottom level is executive partner for \$13,750 and members can have business dialogue lunches with the Premier and the Treasurer and twilight meetings with the Hon. David Campbell. The list goes on. [*Time expired.*]

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [3.59 p.m.], in reply: I acknowledge the members who have contributed to this debate. The bottom line is that political life will change from 1 January next year. Political life is changing now. Members opposite need to face reality and they need to comply with the spirit of the incoming election funding laws. They need to give up smoking and they need to give up their addiction to tobacco donations. They need to face reality. The people of New South Wales deserve that much. I remind members opposite that Peter Jackson and Peter Stuyvesant are not individuals; they are major corporations that are responsible for a very significant burden of disease in our community.

Many of the members opposite who spoke in this debate referred to union donations. I refer them to advice provided by constitutional expert Professor Anne Twomey of Sydney University. Professor Twomey's advice states that campaign finance reforms are more likely to be unconstitutional if they restrict the ability of unions to represent their members. Professor Twomey was commissioned to report into the constitutional issues surrounding campaign finance reform in 2008. The Twomey report at page 24 says:

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

Professor Twomey went on to say:

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.

Every member of this House knows that the Right to Work campaign is what won the 2007 Federal election. Let us be clear on why Mr O'Farrell has raised the concerns about unions. He and his party are addicted to donations from the big end of town—the rich who can afford it. They do not want to even the playing field by allowing workers to donate through their union. They are looking for any excuse to vote against these important reforms.

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

Dr ANDREW McDONALD: According to the Liberal Party's own disclosures to the New South Wales Election Funding Authority, the party raised over \$7.6 million in the 2009-10 financial year—\$3.6 million more than any other party. The Liberal Party's coffers are filled with gold from the big end of town. This figure counts union affiliation fees received by Labor as donations, and such fees will no longer be able to be used for campaigning under our proposal. If these fees are excluded from that figure, Barry O'Farrell's Liberal Party raised over \$5.3 billion more than any other party in the 2009-10 financial year.

The DEPUTY-SPEAKER: Order! The member for Terrigal will come to order.

Dr ANDREW McDONALD: The fact is that Mr O'Farrell is petrified about these reforms, which he has claimed in the past to support. He is worried that it will stop the huge sums of money rolling into Liberal Party coffers from big business.

Mr Ray Williams: Why don't you just apologise for the medical negligence?

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

[*Interruption*]

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

Dr ANDREW McDONALD: Mr O'Farrell needs to prove that this event was within the incoming laws. It may well be legal, but is it ethical?

Mr Ray Williams: It's not ethical; it's negligent.

Dr ANDREW McDONALD: Is it ethical to take donations now that will clearly be illegal in five years time? The member for Hawkesbury talks about ethics. He would not know ethics if they came up and bit him. Is it ethical for the Coalition to remain addicted to tobacco donations when 6,600 people in New South Wales die every year from smoking-related disease?

Mr Ray Williams: You're talking about your medical negligence, Andrew.

Dr ANDREW McDONALD: The member for Hawkesbury needs to know that his sponsor is killing my patients, and I am mightily pissed off about his hypocrisy!

Mr Chris Hartcher: Point of order: The member for Macquarie Fields has used unparliamentary language and he has failed to direct his remarks through the Chair. I ask that the unparliamentary language be removed from the record. For a professional person, that was disgraceful.

The DEPUTY-SPEAKER: Order! The member for Macquarie Fields has been asked to withdraw his statement. Is he prepared to do so?

Dr ANDREW McDONALD: I acknowledge that those opposite sponsor the people who kill my patients, and it upsets me.

The DEPUTY-SPEAKER: Order! The member for Macquarie Fields is not withdrawing his comment, nor can he be forced to do so. The member for Macquarie Fields has the call.

Dr ANDREW McDONALD: We need to know what members opposite have in their bottom drawer. We know that what they are saying is in their top drawer. They need to let the people of New South Wales know exactly what they are doing. They are acting within the law, but they are not ethical. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 44

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

Noes, 37

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

Pairs

| | |
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| Mr Gibson | Mr Fraser |
| Mr Whan | Mr Kerr |

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

ELECTION FUNDING REFORM

Mr Chris Hartcher: Point of order: In the earlier debate the member for Macquarie Fields used language that has traditionally been regarded in this Parliament and all Parliaments as unparliamentary. I ask the Speaker to consider the language used by the Macquarie Fields and to make the appropriate ruling.

The SPEAKER: Order! I will look into the matter.

Mr David Harris: To the point of order: I raise a point of privilege. During the previous debate the member for Hawkesbury interjected and made reflections upon the member for Macquarie Fields in a profession outside the House. He made allegations, which resulted in the member for Macquarie Fields acting in the way that he did. The member for Hawkesbury should withdraw those allegations. His behaviour is reprehensible.

The SPEAKER: Order! I will not hear further points of order on this matter. I will look into it from the perspective of both members and report back to the House. Members will cease interjecting. I call the member for Hawkesbury to order.

Debate on the motion accorded priority having concluded, and in accordance with the earlier resolution, the House will now consider Government business.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from an earlier hour.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [4.15 p.m.]: I will not take long in finishing my contribution to this debate. I will pick up from where I left off earlier today. The Public Sector Employment and Management Amendment Bill 2010 will have no impact on the recruitment of persons from outside to the public service. Section 22 and its predecessors were originally introduced to prevent challenges to the recruitment of persons not already in the public service, by way of an industrial dispute before the Industrial Relations Commission. As stated by then Premier Wran when introducing the original amendment allowing challenges to the appointment of an outsider:

Is a situation prejudicial to the effectiveness of future service management and equality of employment opportunity ...

Allowing litigation around the appointment of a person not already in the public service would strongly discourage recruitment to the public service. Why would a person leave their current employment to take up a public service position without a guarantee that the appointment would not be subject to later appeal, leading to possible job loss? If section 22 did not remain to preclude challenges to outside appointments, those seeking to initially join the public service would be placed in an untenable position and, as stated by the Minister when introducing the amendments, the public service would for all intents and purposes become a closed shop.

The public service needs to be reinvigorated by the appointment of people with different backgrounds and experiences. The amendment to section 22 to remove the bar to discrimination and victimisation actions by current public servants is long overdue, but it is appropriate the section continues to do its original role of removing a possible detriment to facilitate the recruitment of outsiders to the public service. I commend the bill to the House.

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [4.17 p.m.], in reply: I note the contributions of the members representing the electorates of Wyong, Davidson, Smithfield and Terrigal to debate on the Public Sector Employment and Management Amendment Bill 2010. The contribution of the member for Terrigal was lengthy and entertaining but, with one exception, entirely irrelevant to this debate. He seemed to emphasise that my agreement in principle speech had been short. I think brevity has merit, which was not evident in his speech.

The contribution of the member for Davidson was equally as lengthy but nowhere near as entertaining as that of the member for Terrigal but, likewise, with one exception, was entirely irrelevant to the bill. The one item of relevance to the bill in the speeches of both members was a bit curious: they both wanted to know what a special employment division is. I find that extraordinary. Special employment divisions came out of amendments to this legislation in 2006—at the time of WorkChoices. I seem to recall the member for Terrigal was an active participant in debate in this Chamber about that legislation. Indeed, he would have spoken about special employment divisions, but he appears to have a short memory.

The Government service was created as part of the 2006 amendments prompted by WorkChoices legislation. The Government service is made up of the public service—principal departments and other agencies—non-public service divisions and special employment divisions. These are described in schedule 1 of the Public Sector Employment and Management Act. There are 24 special employment divisions itemised in schedule 1 of the Act. Special employment divisions comprise ancillary groups of staff who are not part of the public service but who are employed in connection with a statutory corporation. The statutory corporation has no direct employment powers in the legislation. In the majority of cases special employment divisions are associated with public service departments.

In some cases the special employment divisions are for casual employees. In general, casual employees would not be considered for permanent positions advertised only within a department. If the member for Terrigal and the member for Davidson want to know what special employment divisions are, I suggest they look up schedule 1 of the Act, which they should have done before they participated in the debate. 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.

PLUMBING BILL 2010

Agreement in Principle

Debate resumed from 24 November 2010.

Mr GREG APLIN (Albury) [4.20 p.m.]: This week a number of bills have been introduced and rushed through the House. The Leader of the House stated that the bills would sit on the table and be debated next week. This has not been the case, and it is certainly not the case with the Plumbing Bill 2010. A theme common to all the bills has been inadequate consultation with major stakeholders. I counterpoint this theme by opening with these remarks. The city of Albury recently proudly hosted the premier of *Strange Bedfellows*, a new musical starring John Wood of *Blue Heelers* fame and Peter Cousens, who sang the role of the Phantom in London's West End production of *Phantom of the Opera*. *Strange Bedfellows* has had a hit three-week run in our art deco Regent Theatre and will move on from Albury to deliver 300 performances in Melbourne, Sydney and Brisbane before, in all likelihood, heading overseas. Already more than 10,000 people have seen the show in Albury.

One of the strong themes to emerge from the musical is that we can all get along with each other, despite our differences. We all have to work together at times. How successfully does this Government work with others? Its recent record is poor indeed. I refer to stakeholder consultation. Members may be interested to know that the Minister for Fair Trading has just dropped her planned bill for amendments to retail leasing. This is an area in which feelings run high and the relationship between large shopping centres and lessees is frequently tested. Just days before the bill was to be tabled in the Government's mad push, we contacted the Shopping Centre Council of Australia for its views as part of our stakeholder consultation. This was done, of course, in the absence of a draft bill. That bill was not made available to us, nor has the Plumbing Bill. Surprisingly, the Shopping Centre Council of Australia was also in the dark, having heard nothing since a discussion paper was released in early 2008. The council responded:

Since then, no consultations have been held with us or, we understand, with retailer associations until we were provided with the draft Bill on 16 November. Many of the proposed amendments were not even raised in the 2008 Discussion Paper. Many were not even raised or discussed in the 2005-06 Review. This is the first time we have had a chance to comment on the effect of these proposals. This is a shabby way to treat a major industry.

We strongly and respectfully request that the draft Bill be referred to the Retail Leases Advisory Committee (includes Australian Retailer Association, Law Society of NSW, Real Estate Institute, Shopping Centre Council, Property Council) for detailed consideration of its impacts, costs and benefits before it is introduced to the Parliament.

After frantic last-minute negotiations the Government saw the error of its process, backed down and decided not to proceed with the retail leasing bill at this time. Indeed, as requested, the bill has been passed to the Retail Leases Advisory Committee for discussion. This mess unravelled just this week. No wonder the Government appears shaky and rattled. Its failure to engage in meaningful consultation with those who must live with and implement its laws is a fundamental failure. Let me put these facts clearly on the record. We strongly support the principle of national regulation of the plumbing and drainage industry. We strongly support national

licensing. We strongly support common national education for industry participants. We strongly support the development of national standards and codes of practice. Yet we oppose this bill. I will deal with what has gone wrong. By way of explanation, the Office of Fair Trading states:

The Water Industry Competition Act 2006 allows new suppliers of water and sewerage services to access infrastructure owned by existing water utilities; and provides for the licensing of network operators of water or sewerage services and water retailers. With the advent of competition, concerns have been raised about conflict of interest if existing water utilities were to continue regulating on site plumbing work.

This bill has an underlying thread that has little to do with public health and safety or the betterment of the work performed by plumbers. There is a bureaucratic need to move plumbing regulation away from water authorities so as to encourage competition in retailing or other supply of water and sewerage services. There is a parallel here with electricity contestability, but this is not the time to debate the merits of privatisation or contestability. Let us not be kidded by the Government that the driving force behind this bill was to improve public health and safety or to remove red tape. This bill is driven by the needs of the bureaucracy. The final proof is the response of the Master Plumbers Association to this bill. The head of the association, who phoned me today from New Zealand, said, "This is the greatest load of crap I have ever read". So much for consultation with industry! The Master Plumbers Association had a meeting last week with staff of the Office of Fair Trading to express its concerns. The association told my office:

This bill puts into legislation what the bureaucrats want to do (i.e. shifting responsibility for plumbing from the water authorities over to Fair Trading).

It is not about what is best for consumers, businesses or even plumbers. The association continued:

Industry is most concerned and does not support this legislation and will be very vocal if it goes forward. [Following a meeting with the Office of Fair Trading] it was clear that they were going to rush it through and were just interested in ticking the box which said that we have "been consulted".

The Master Plumbers Association says that the bill will increase, not reduce, red tape for plumbers. For example, under section 4 (6) of the bill roof plumbing will no longer be part of plumbing and drainage work to be carried out by licensed plumbers. This includes rainwater tanks. Leaving out water tanks is a very important health and safety issue, given the potential to cross-connect to the potable water supply. If tanks are not connected correctly the potential for cross-connection and contamination is very realistic. The other scope that should be included is the fire sprinkler systems. Again the issue of cross-connection is a concern.

There is another health and safety issue. The cross-connection or illegal connection of stormwater systems into sewerage pipes is also a real and major concern. Not all this work must be done by a licensed plumber. That is not what we are after. Certain jobs can be handled by any competent tradesperson with appropriate training. Examples include garden irrigation systems and water tanks. The bill defies what I understand to have been a Cabinet direction to include the Plumbing Code of Australia. The Office of Fair Trading explanation to the Master Plumbers Association was, "This is not a governance document." Removal of AS3500 was also met with the response, "All that can go in the regulations." Where are the regulations? The former draft bill had regulations attached. However, this bill does not. The Master Plumbers Association has been told there was not enough time to draft the regulations.

Given that the second draft of the bill differed substantially from the first, stakeholders are worried about the eventual wording and contents of the regulations. These, too, should have been discussed with stakeholders as part of proper preparation of the bill to be tabled. Industry is most concerned with the changes being rushed through as it appears that plumbing regulation will move from a full inspection regime to a proposed full self-verification and partial inspection system. This is a significant change to implement while leaving the industry in the dark.

Appeals under division 1 of part 5 have been transferred from the Administrative Appeals Tribunal to the Land and Environment Court. No sound reason is given for this. Section 3 of part 1 contains definitions, but has missed key terms. The definition of "fitting" has been removed, yet the term is often used within the document. Reference to the "Plumbing Code" has been removed. There is no definition for "stormwater systems" or "pipes". In section 4 of part 1, "meaning of plumbing and drainage work", the definition falls well short of what is commonly known as plumbing work. The definition lacks scope and, for clarity purposes, must cover stormwater systems within boundaries to allow gutter overflow, access to gutters and authority pipes. Roof plumbing is integral to plumbing work. The use of the term "fire suppression system" is faulty, as it could include hose reels, hydrants and gaseous systems, not just water systems.

The current national training package covers units of competency for domestic and residential fire systems and will be available for the use of plumbers. The argument from the Office of Fair Trading is that areas such as sprinkler systems are covered by the Department of Planning and so will not be covered here. The issue will be that plumbing will be covered in some way by various sets of Acts and regulations, including this faulty Plumbing Bill, the Local Government Act, the Office of Fair Trading for licensing and the Department of Planning for other matters, with the Director General of the Department of Services, Technology and Administration as regulator.

This bill clearly introduces new red tape as it splits the coverage of plumbing across a number of departments, Acts and regulations. The state of confusion for consumers is increased. Where will consumers go if they have a problem and where is a clear pathway for contractors? Far from unifying industry with a simple system, this bill will unify an industry against this breakdown of traditional scopes of work and whittle away consumer protection by confusing the issues and pathways for the reporting or handling of complaints. Even builders have issues with the Plumbing Bill. Under its provisions there are certificates which can be given only by the plumber. Builders wonder whether it may be possible for this obligation to be delegated to the builder in certain circumstances. In short, builders too want to provide input to this bill if only they had been given the opportunity.

I could go on. However, there has been insufficient time to really come to grips with the problems besetting this hasty and poorly prepared bill. For a piece of legislation called the Plumbing Bill, there is a lot about plumbing which is missing. It gives the impression that this bill is where plumbers and consumers can go to find out all about plumbing, but they will be disappointed. Surely it is fatal that the very people the bill is apparently designed to assist are utterly opposed to its current form. The plumbers of New South Wales are asking this Parliament to give them time for proper consideration and consultation. It seems only the bureaucrats want the bill rushed through

Has Sydney become an upside-down city? Is it a case of Alice in Sydneyland? We oppose this bill yet we endorse the principles of national regulation for the plumbing industry and its licensing education and standards. As with the impressive show moving on from its successful opening in Albury, *Strange Bedfellows*, I believe we can achieve great things when we learn to understand our differences and work together. This bill needs to be sent back for proper consultation. It is a travesty of the principles it was supposed to promote and it is an embarrassment. Take it away.

Ms TANYA GADIEL (Parramatta) [4.31 p.m.]: I support the Plumbing Bill 2010 and, happily, I will not be speaking about musicals. The primary function of the Plumbing Bill is to transfer the existing regulation of plumbing and drainage to a single entity—NSW Fair Trading. This will streamline administrative and regulatory processes for plumbers, builders and home owners without introducing onerous requirements. The current fragmented and complex system of on-site plumbing and drainage regulation with more than 100 regulators around the State will be replaced with a single regulator. This will provide significant benefits in reducing red tape and costs to industry and consumers, while ensuring the health and safety of all is protected.

The regulation of on-site plumbing and sanitary drainage work will be achieved through a number of mechanisms, including requirements for plumbers to lodge a notice of work—replacing the old permit to work system—and to provide the home owner and regulator with a certificate of compliance, certifying that the work complies with the relevant standard. The bill provides for strong penalties if the plumber fails to carry out these statutory responsibilities. Importantly, the bill also provides for a risk-based inspection scheme. This scheme will allow the regulator to target its compliance efforts at those plumbing activities that pose the most risk to consumers or public health and safety.

Under the model of the single regulator, the requirements for plumbers undertaking work anywhere in New South Wales will be applied consistently. In practice this means that plumbers will be able to work across the State more easily, without worrying about local-based variations to the standards for plumbing and drainage work. Examples have been reported where a plumber is required to install a specific type of tempering valve on a hot water system on one side of the street but no valve at all is required on the other side of the street. One can imagine the confusion and extra costs this causes for plumbers, builders and home owners in making sure the work is being done correctly. This bill will put an end to those situations and eliminate inconsistencies and unnecessary costs.

This sort of inconsistent regulation can also provide a disincentive for plumbers to compete for work in certain regional areas. Applying consistent standards may therefore boost competition for plumbing and

drainage work in some parts of the State. NSW Fair Trading already licenses plumbers and drainers under the Home Building Act. Consolidating all of these roles, including standard setting, on-site inspection and licensing, into one authority provides for consistency, fairness and accountability, and reduces duplication and complexity. It also improves compliance and enforcement by linking plumbers' licences directly to the work they perform.

There will be a direct link of information from the inspection process—which will show up poor performing plumbers—to their licence profile. Fair Trading can respond quickly and take action against plumbers who are found to repeatedly carry out poor quality or defective work. The bill also has the benefit of creating a one-stop shop for both the plumbing industry and customers. Plumbers can access information, renew their licence, book inspections and address complaints from the one agency. Consumers can check plumber licence details, have their plumber's work inspected and lodge complaints on residential building and plumbing matters all with NSW Fair Trading.

An added advantage of the bill is the removing of potential conflicts of interests for water utilities acting as both regulator and service provider. This will ensure competitive neutrality in situations where there is a potential for the entry of competitor providers of water, sewerage or recycled water services. Again, bringing both licensing and on-site regulation under the single regulator presents clear advantages in compliance and enforcement by linking the plumber's licence to the quality of their work. I commend the bill to the House.

Mr JONATHAN O'DEA (Davidson) [4.35 p.m.]: I speak on the Plumbing Bill 2010. I speak in support of the shadow Minister, the member for Albury, and the Master Plumbers Association in particular. I attended the Master Plumbers Association annual dinner on Saturday 30 October on behalf of the Leader of the Opposition and the Liberals and The Nationals. Some very good speeches were given by the General Manager of the Master Plumbers Association, Paul Naylor, and the President, Craig Scott. A number of plumbing industry players were awarded special awards in acknowledgement of their efforts in various areas, both for the environment and for long service. I congratulate all those people.

I understand that the Premier was invited to the dinner, but New South Wales Labor was not represented. So I inform the Government that at that dinner there was significant comment made by the Master Plumbers Association leadership emphasising the importance of better consultation and more opportunity for input to proposed legislation. Unfortunately, this rushed legislation flies in the face of such comments. In fact, it proved a very essential point that they made to me on the night—that they are very disappointed that this Government does not seem to want to listen to their input or to properly consult with the industry. This legislation is a perfect example of that.

The shadow Minister even gave the Government the opportunity to, in a dignified way, defer discussion of this debate. But in an obnoxious and arrogant way the Government has decided to bulldoze ahead, and it is not right. The Government has pulled the plug on informed debate and proper adherence to the standing orders as our democratic processes go down the drain once again. I have a couple of questions on aspects of the Minister's agreement in principle speech, which was delivered only yesterday afternoon. I refer in particular to two statements. First, the Minister said:

... this is a sensible and necessary package of reforms, which is supported by key stakeholders.

I ask the Minister and the Government: Was the Minister falsely claiming that this bill is supported by the Master Plumbers Association or does the Minister not regard the Master Plumbers Association as a key stakeholder? Which is it? The other comment of the Minister to which I would invite a reply is:

Separating the role of regulator from the water utility operators has the advantage of ensuring competitive neutrality in situations where there is a potential for the entry of further competitors in the provision of water, sewerage or recycled water services.

In light of that, I am interested to hear what possible new competitors or privatisation of water services the Government is contemplating. Clearly, the Government is considering increased competition and potential privatisation. What does the Government have in mind? The Master Plumbers Association acknowledges the need to reform regulation of the plumbing industry. However, as we have seen so many times, this Government has not introduced reform sensibly. Once again, the New South Wales Labor Government has come up short.

Mr DAVID HARRIS (Wyang—Parliamentary Secretary) [4.41 p.m.]: It is my pleasure to speak in support of the Plumbing Bill 2010. One of the major reforms included in this legislation is the adoption of the Plumbing Code of Australia as the technical standard for plumbing and drainage work in New South Wales. I am advised that consultation on and the development of this bill has occurred over two years. Opposition

members can whinge and whine, as they always do, but this legislation has been two years in the making. That is obviously not long enough for the Opposition because they have said that this legislation is a sneak attack or an ambush. It is a reflection on how quickly they develop their policies if they believe this legislation is an ambush.

The New South Wales Code of Practice for Plumbing and Drainage is inflexible and unnecessarily complex and prescriptive. It includes more than 100 variations and additions to the Australian Standard. Some variations apply to plumbing work in a single area of the State. Adopting the Plumbing Code of Australia will do away with excessive red tape and will put in place a single, nationally consistent set of technical plumbing standards across the State. The Opposition obviously opposes that. Another major benefit of the Plumbing Code of Australia is its performance-based approach, which allows for a greater degree of innovation than the prescriptive standards in the New South Wales code. For example, use of alternative water sources, including recycled water, is encouraged where technical requirements provide for a flexible approach. It allows the introduction of new processes and new technologies. This is expected to contribute to significant environmental benefits as new plumbing technologies lead to more efficient and effective use and reuse of water.

Developers, builders and homeowners are increasingly seeking new, smarter plumbing and drainage solutions. Moreover, consumers are demanding more environmentally friendly approaches to the old way of doing things. For instance, the new office building at 1 Bligh Street in the Sydney central business district, which has a six green star rating for its energy efficient design, incorporates black water recycling for use in toilets. The New South Wales Government wants to encourage similar innovative solutions so that we have plumbing and drainage works that are less resource intensive.

Retaining the New South Wales Code of Practice for Plumbing and Drainage would leave New South Wales out of step with other jurisdictions that have adopted the Plumbing Code of Australia. That code is being reviewed as part of the Council of Australian Governments' development of a national construction code. The national construction code will, for the first time, provide a single, national set of technical standards for both building and plumbing work. The Council of Australian Governments has agreed that all States and Territories will apply the national code by October 2012. Adopting the Plumbing Code of Australia now will ensure that New South Wales is ready for that change.

Moving from the current New South Wales code to the Plumbing Code of Australia will not be a difficult transition for plumbers because it is based on the same underlying technical standard; that is, Australian Standard 3500 Plumbing and Drainage. The vast majority of day-to-day plumbing work will continue to be performed to that standard. Unless plumbers are proposing an alternative solution, they will need only to access the current Australian standard, which plumbers already use. In other cases, hydraulic engineers, architects and builders will be able to work to the performance-based requirements of the Plumbing Code of Australia to develop new alternative solutions. Clearly, the adoption of the Plumbing Code of Australia as the technical standard for plumbing and drainage is a step forward for New South Wales. It allows for new and innovative alternative plumbing solutions and provides for the application of nationally consistent standards across the State. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury) [4.45 p.m.]: This is the most moronic piece of legislation I have seen in the time that I have been in this Parliament. It is not only moronic but it is also unnecessary. It is an absurd waste of taxpayers' time and money. It may also be in breach of the Building Code of Australia. I will address that issue in detail later. The member for Wyong said that the Government had conducted extensive consultation. Peter Meredith, the Director, Housing from the Master Builders Association of New South Wales, states:

... we were totally unaware of the Bill. Indeed, our Legal Manager, Rob Collings attended a briefing on Tuesday (23/11/2010) with the Department of Services Technology & Administration in regard to a Discussion Paper proposing some changes to the S of P Act. Nothing was mentioned at this meeting regarding the fact that a Bill was drafted and would be presented this week.

That demonstrates the contempt and arrogance of this Government in ramming through this legislation. As I said, this legislation may well be in breach of the Building Code of Australia. This bill is moronic because it proposes to establish a regulator. That will be another level of unnecessary bureaucracy overseeing the appropriate practices of plumbers and drainers. I speak on behalf of tradespeople as a tradesperson who attended TAFE, gained a qualification and operated a business. I obtained the appropriate accreditation and certificates to perform the tasks of my trade. Plumbers and drainers are qualified in all those areas. Not only are tradesmen and businesses required to be licensed and accredited, but if they wish to work on behalf of the Roads and Traffic

Authority and Sydney Water they must also complete courses to obtain accreditation with those authorities. That accreditation does not come cheap; it costs tens of thousands of dollars. Regulations covering those requirements are already in place.

We also have council compliance officers and building inspectors. Every stage of plumbing work on every construction site—whether it be a small or large project—is inspected. Australia has some of the most demanding building regulations in the world. Despite that, the Government is proposing to establish a regulator. We will have yet another level of bureaucracy. All the plumbing and drainage work carried out in this State is done in accordance with the Building Code of Australia. However, this Government believes that we need a regulator. As I said, the establishment of that position may be in breach of existing legislation because the proposed regulator is the Director General of the Department of Services, Technology and Administration.

So, we now have a regulator who is a bureaucrat—probably one of their half a million dollar a year bureaucrats who sits in an ivory tower—making decisions on behalf of people but never having any qualifications, any accreditation, any licensing or authorisation or, indeed, any ability to judge whether or not plumbers and drainers are undertaking their roles responsibly and in accordance with all the Acts and provisions that I just pointed out. The regulator this Government is approving could be anybody, any bureaucrat across New South Wales, with absolutely no accreditation or credibility whatsoever to make those assessments.

That is a fact because it is stated in the bill. I have not heard one member of the Government say that they have read the bill. If they had read the bill they would know this. One of the most condemning facts in relation to the bill is in proposed section 15, which provides that the plumbing regulator, the person I have spoken about, the Director General of the Department of Services, Technology and Administration, may exempt a person or class of persons from certain requirements of the proposed Act. So, now we have a regulator who can exempt people from complying with Acts and regulations already in place. This is insane. That includes the requirements to give certain notices or to use only authorised fittings for plumbing and drainage work. That will be exempted. The regulator, an unqualified, and certainly not credible, person to make any decisions on plumbing and draining, will now be able to exempt those provisions that are covered by the building code. This is the most moronic piece of legislation that has ever come before this Parliament. It will take away some of the discipline, some of the accreditation, that applies in the industry every day.

I said before that Peter Meredith, the Director of Housing in the Master Builders Association, was never consulted. Just this week he met with the new regulator's department and they did not advise him there was a bill coming forward. He met with them three days ago and there was no advice whatsoever. The member for Wyong says in this place, "We have undertaken consultation. We have been undertaking consultation for two years." The Government never even advised the Master Builders Association—who, of all people, should have been advised. It never talked to the Master Plumbers Association. We have had that confirmed as well. I cannot believe that a bill of this kind is putting in place another level of bureaucracy and weakening our building codes. It is disastrous.

Proposed section 6 provides that the responsible person for plumbing and drainage work must ensure the fittings used have been authorised by the plumbing regulator. But, in the provision I read earlier, the regulator can exempt that person from using the authorised fittings. This is insane. This is the greatest hypocritical piece of garbage I have ever seen. From a tradesman's perspective this is insane. This is like putting a regulator in charge of a butcher. We will get a bureaucrat to tell a butcher how to carve up meat. It is as silly as having a bureaucrat telling a panel beater how to repair a vehicle, when the panel beater has been to TAFE and has become accredited and is a tradesman. He has had his business accredited and he operates under all the rules and regulations and if anything goes wrong he is responsible but, no, that is not enough, the Government wants to put a regulator in place to tell the tradesman how he should have done it in the first place.

It gets even worse. It gets even sillier than that. What other powers does the regulator have? The regulator can delegate this work. Who does he delegate the work back to? He delegates it to the councils, the building inspectors, the very people who do it now. This is the greatest waste of time I have ever seen. Taxpayers sitting in the gallery tonight would be scratching their heads and wondering why we are not debating the problems in health across New South Wales, the problems with our public transport, the problems with traffic gridlock on our roads and all the other issues that should be debated, rather than this crap—and I use the word that was expressed by the Master Plumbers Association in saying that this legislation is crap. Then, I suppose you could look at Sydney Water. Sydney Water's motto is: What may be your crap is our bread and butter. I do not want to offend anyone in Sydney Water but the Master Plumbers Association has said that this legislation is crap.

Ms Noreen Hay: Point of order: I call to order the member for Hawkesbury. His language is appalling in a parliamentary context. Although I am aware he habitually uses unparliamentary language, in this debate it is unnecessary and he should be asked not to do so.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. The member will refrain from using colourful language and will confine his remarks to the leave of the bill.

Mr RAY WILLIAMS: I would not want to use any language that was even close to what the member for Macquarie Fields used earlier. An unfortunate aspect of this legislation is that if the member for Wollongong spent a bit more time in her electorate rather than holidaying she would find the plumbers are incensed about this legislation. People who have worked hard to become tradesmen are now being told that a person in an ivory tower can tell them how to do their work. This ridiculous, moronic legislation even goes on to say that the regulator can delegate.

Mr David Harris: You do not understand how government works.

Mr RAY WILLIAMS: I do not think anybody in New South Wales understands how this Government works. I do not think anyone in New South Wales wants to know how this Government works, because for almost 16 years it has run New South Wales into the ground. At this time all the people in New South Wales want to do is to see this Government removed so we can get this once great State of New South Wales back on track. We do not want to be dealing with moronic legislation such as this and we do not want to be dealing with members like the member for Wollongong who spend so much time overseas that they cannot pay the courtesy of seeing their own plumbers and talking to their tradespeople—

Mr David Harris: Point of order: Once again the member for Hawkesbury's behaviour in this place—not only earlier but again now—is to use this place to attack other members through sneaky, snide remarks. He should stick to the leave of the bill and leave the reputations of other people alone.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind the member for Hawkesbury that attacks on other members must be made by way of substantive motion. He made a remark about the member for Wollongong on which she did not take a point of order. The member for Hawkesbury will confine his remarks to the leave of the bill.

Mr RAY WILLIAMS: In essence, this bill is unnecessary.

Mr David Harris: In school you'd be a bully.

Mr RAY WILLIAMS: No, I have never been a bully. The point here is that the good tradespeople of New South Wales, the good plumbers and drainers who have had to go through all the processes of becoming licensed and accredited and all the processes required under the Australian building code are seeing all that removed today with this senseless bill that is putting in a regulator, someone who sits in an office, someone who has no accreditation or qualifications whatsoever to make decisions. The good building inspectors, compliance officers and plumbers and drainers themselves who have worked hard to build up their reputations on housing and construction across New South Wales are seeing their rights removed by this uncaring, certainly unsympathetic and wasteful Government that continues to waste millions and millions of dollars of New South Wales taxpayers' money in bringing on moronic debates like this.

Tonight we should be debating the problems in health and public transport across the State. It would be wonderful for the people in my electorate to be debating the North West Rail Link that is not proposed to be built before 2024 by this out-of-touch, uncaring and unsympathetic Government, a Government that has broken that promise at least four times in the past 12 years. It promised the people of the north-west that they would get a rail line. Now they will only get a rail line by 2024.

Mr David Harris: Point of order: The member has very feeble arguments so he always resorts to unjustified attacks on anything and anybody. He is now talking about a railway line. The bill contains nothing about railway lines. I ask that he be brought back to the leave of the bill.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I again ask the member for Hawkesbury to confine his remarks to the leave of the bill in the time remaining.

Mr RAY WILLIAMS: I would just like my questions answered with respect to the regulator to find out whether they have breached the building code practices. [*Time expired.*]

Ms NOREEN HAY (Wollongong—Parliamentary Secretary) [5.00 p.m.], in reply: I acknowledge the contributions to the debate of the member for Albury, the member for Parramatta, the member for Wyong, the member for Davidson and the member for Hawkesbury, although the contribution of the member for Hawkesbury was very poor and of great concern. As members have heard, the primary aim of the Plumbing Bill is to streamline and enhance the regulation of plumbing and sanitary drainage in New South Wales and apply nationally consistent standards across the State. As outlined, this will result in separating the role of the regulator from the water utility operators, ensuring competitive neutrality in the provision of water, sewerage or recycled water services.

The member for Hawkesbury, having raised other issues and made assertions about other members, has quickly exited the Chamber. This demonstrates the Opposition's lack of real commitment to measures that streamline industry for tradespeople. A number of tradespeople, including my son and members of my family, would be horrified to have the member for Hawkesbury represent them. There is no need for that level of debate in the New South Wales Parliament, which is held in such esteem. The bill will require plumbing work in New South Wales to comply with the nationally consistent Plumbing Code of Australia, that is, the existing Australian Standard 3500 Plumbing and Draining, or an alternative solution that meets the code's performance requirements. It will also allow for innovative new plumbing approaches and solutions, provided they meet the necessary performance outcomes, including for health and safety.

I remind the member for Hawkesbury that necessary performance outcomes must be met. Perhaps he should take a look at that while he is digging through stuff. I turn now to the specific issues raised. The member for Davidson raised the issue of support from the Master Plumbers Association to this package of reforms based on discussions between Fair Trading and the Master Plumbers Association. As recently as this morning the association expressed support for the package of reforms, particularly the transfer of responsibility for plumbing regulation to Fair Trading and the adoption of the Plumbing Code of Australia. This morning Fair Trading spoke to Paul Naylor, General Manager of the Master Plumbers Association, who indicated his support for the reforms. He supports Fair Trading becoming the sole regulator and is a big supporter of the Plumbing Code of Australia.

Some members opposite have engaged in political stunts and pointscoreing instead of considering the aim of the bill. My colleague the member for Parramatta spoke of the significant benefits of reducing red tape and costs to both industry and the consumers. She stated that the reform will make it easier for plumbers to work across the State. In response to the question of the member for Albury about who has been consulted on the reform package, I state that the plumbing reforms contained in the bill have been subject to extensive stakeholder consultation for over two years, including the Master Builders Association, which was one of the strongest supporters of this reform package. Reform of the regulation of plumbing and drainage in New South Wales commenced with the release of a discussion paper by the Better Regulation Office and the Office of Water in November 2008. That paper examined the current regulatory arrangements for plumbing and drainage in New South Wales, the need for change and possible models for reform.

Submissions were received from a range of stakeholders including industry and local councils. The Better Regulation Office and the Office of Water published a review report in June 2009. This report recommended a number of reforms, including establishing a single regulator for plumbing and drainage in New South Wales and the adoption of the Plumbing Code of Australia. The Plumbing Bill 2010 gives effect to these recommendations. The bill has been prepared in consultation with a plumbing reform information group coordinated by Fair Trading. The group included senior representatives from Fair Trading, the Better Regulation Office, Sydney Water, Hunter Water, Office of Water, Department of Health, Department of Planning and Division of Local Government.

Further consultation was undertaken on the proposed reforms with key industry stakeholders, which included the Office of Water, Hunter Water, Sydney Water, Department of Health, Department of Planning, Division of Local Government, Master Plumbers Association, Master Builders Association and Housing Industry Association. A series of forums on the reforms have been held for plumbers and local council representatives around the State. This process of consultation with councils and plumbers will continue through the rollout of the reforms to areas outside the traditional coverage area of Sydney Water.

The Opposition claims that this consultation process is an ambush. The Opposition suggests that two years of talking with as many people as possible is an ambush. That is a concern. It is not surprising to hear

from the member for Albury that the Master Plumbers Association is keen to bring roof plumbing within the ambit of the bill. This would make roof plumbing a closed shop for plumbers. This is not a health and safety issue. Roof plumbing work is regulated like other building trades under the Home Building Act 1989 and is subject to licence requirements and statutory warranties. It will remain subject to regulation under the Home Building Act and is not within the scope of the Plumbing Bill. This means that only appropriately licensed and qualified tradespeople, generally plumbers or builders, can carry out this work.

While it is important that this area of work remains regulated, it is not classed as specialist plumbing and drainage work and therefore it is not work that should be regulated under the plumbing bill. Therefore, the work can be done by a range of qualified tradespeople, thereby increasing competition within the marketplace. Suggestions have been made that the review of decisions be moved from the Administrative Decisions Tribunal to the Land and Environment Court. However, currently there are no provisions for formal external reviews. So plumbers are being given the right to have decisions about defective work reviewed when previously no review mechanisms were available other than the internal departmental review.

The regulations are to be the subject of separate consultation. The bill cannot commence until regulations are settled. All stakeholders will have the opportunity for input. In relation to the suggestion that the bill will result in multiple pieces of legislation regulating plumbing, I suggest that the member for Albury check his facts more thoroughly in future. In fact, I suggest that all members opposite check a few facts. I think they have been asleep for about 12 years!

Mr Thomas George: That's a bit unfair. You haven't even been here that long.

Ms NOREEN HAY: That does not mean I was not alive. At present, different Acts regulate different aspects of plumbing work. This is not a problem at the moment, and to suggest it will create problems in the future is utter rubbish. It is scaremongering. Just because this bill does not cover the full scope of work a plumber may do, it does not mean that that work is unregulated. Stormwater drainage, roof plumbing and fire safety are currently regulated, and will continue to be regulated—even though the member for Hawkesbury thinks that is moronic. I believe that is the term he used. I will not use any of the ruder terms he used. The member for Hawkesbury is clearly very naive—or, I would say, moronic. He revealed his utter lack of experience with legislation in his nonsensical diatribe on the bill. I ask my colleagues: Is that not really polite—nonsensical diatribe? It is a shame that the member for Hawkesbury is not in the Chamber—although, he would not understand what that expression means.

Mr David Harris: He's a bully.

Ms NOREEN HAY: He is a bully; that is right. I suggest that the member for Hawkesbury take the time to familiarise himself with the nature of legislation before he indulges in such self-serving garble. The member for Hawkesbury said that Fair Trading did not consult with the Master Builders Association. Once again—not for the first, but the 100th time—the member for Hawkesbury has been proven to be absolutely wrong. His assertion is totally incorrect. The Master Builders Association has been consulted, and indeed supports the reforms.

Mr Thomas George: Do they?

Ms NOREEN HAY: Indeed. If the member for Lismore had been in the Chamber for the earlier part of my speech he would have heard that. The member for Hawkesbury also said it was ridiculous that the director general be the regulator. However, the director general will not personally undertake the work of ensuring that plumbing and drainage work complies with the relevant standards. The inspectors from Sydney Water have now been transferred to the Department of Services, Technology and Administration. These inspectors were previously responsible, and will continue to be responsible, for plumbing inspections in the Greater Sydney metropolitan area. These people are skilled, experienced plumbers. The councils will continue to use their current inspectors who are appropriately qualified to undertake the inspection work but will now be working under a uniform system.

The member for Wyong explained how the current New South Wales Code of Practice for Plumbing and Drainage, with its many variations, is inflexible and complex for industry and for users. Adopting the

Plumbing Code of Australia allows for a different approach based on performance rather than prescriptive standards. This allows for innovation. The demand for smart, clean solutions to both building and plumbing solutions is on the rise. In particular, consumers want more environmentally friendly ways of doing things. The member for Wyong referred to the new office building at 1 Bligh Street and its innovative energy-efficient design. The New South Wales Government wants to encourage similar innovative solutions to plumbing and drainage that are less resource intensive. The regulation of plumbing in New South Wales will be much improved with the passing of this bill.

The member for Albury asked how consumers and plumbers will know about the new requirements. A communications program for the plumbing reforms commenced at the end of 2009 and is ongoing. As I said earlier, NSW Fair Trading has communicated with all stakeholder groups affected by the plumbing reforms. They include water supply authorities, plumbers, network operators, councils and county councils, builders, industry peak bodies, government departments, State-owned corporations and the public. The public awareness campaign has been conducted through a variety of channels, including through the Fair Trading and water utility websites, email, direct mail, face-to-face presentations and industry journals. Fair Trading will be ramping up the education and awareness campaign in the lead-up to the bill's commencement. At the start of 2011 NSW Fair Trading will commence a targeted consultation program specifically for all local councils and county councils. This consultation program will be tailored to each regional area to take into account the particular variances of the region, to ensure a smooth transition to the single plumbing regulator. The member for Hawkesbury made a further comment that I was going to refer to, but on reflection I think it is best that I leave it alone.

The question was asked as to why the bill does not mention the Plumbing Code of Australia. The Plumbing Bill has been drafted to allow plumbers to comply with either the prescribed standard, AS 3500—Plumbing and Drainage, or an alternative solution that meets the Plumbing Code of Australia's performance criteria. The Plumbing Code of Australia provides performance criteria for the design, construction, installation, replacement, repair, alteration and maintenance of plumbing and drainage installations. All plumbing work must meet these performance criteria. However, the code provides that by complying with Australian Standard 3500 it is "deemed" that the performance criteria have been satisfied.

The drafting of the bill recognises that the majority of plumbing work in New South Wales is currently done in accordance with AS 3500—Plumbing and Drainage. The introduction of the Plumbing Code of Australia will have minimal impact on the day-to-day work of most New South Wales plumbers. Plumbers will continue to be required to have licences and to perform their plumbing and drainage work. As I have indicated, the bill does not affect the licensing requirements, which will continue under the Home Building Act. I will use all my self-discipline to resist any further reactions to some of the comments from members opposite, because I think it undermines—

Mr Thomas George: I haven't said boo.

Ms NOREEN HAY: I beg your pardon. I refer to previous Opposition contributors to this debate. Present company is most definitely excepted. The member for Hawkesbury raised the delegation of plumbing and drainage inspectors by the director general to local councils. Again, I reiterate for the benefit of the member for Hawkesbury that the establishment of Fair Trading as the single plumbing regulator will ensure standardised procedures and processes for notices of work, inspections, and certificates of compliance.

The bill will also introduce a common set of technical standards for plumbing work across the State. The bill establishes a framework for Fair Trading to delegate its plumbing inspection role to councils, or others with the appropriate skills, in areas where it is not practical for NSW Fair Trading to have one of its own inspectors. As well as allowing for the most efficient use of Fair Trading resources, this will allow the regulator to capture the local knowledge and on-the-ground experience of council staff in regional areas around the State. As delegates of Fair Trading, these inspectors will need to interpret and apply the regulatory requirements consistently. NSW Fair Trading will be providing extensive support and guidance for councils, including through a phone-in technical advice service for council plumbing inspectors. This will ensure efficient, but also consistent, plumbing regulation across the State. I commend the bill to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 42

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|-------------|--------------|-----------------|
| Mr Amery | Ms Hay | Mr Pearce |
| Ms Andrews | Mr Hickey | Mrs Perry |
| Ms Beamer | Ms Hornery | Mr Piper |
| Mr Brown | Mr Khoshaba | Mr Rees |
| Ms Burney | Mr Koperberg | Mr Sartor |
| Ms Burton | Mr Lalich | Mr Shearan |
| Mr Campbell | Mr Lynch | Mr Stewart |
| Mr Collier | Mr McBride | Ms Tebbutt |
| Mr Coombs | Dr McDonald | Mr Terenzini |
| Mr Corrigan | Ms McKay | Mr Tripodi |
| Mr Costa | Mr McLeay | |
| Ms D'Amore | Ms McMahan | |
| Ms Firth | Ms Megarity | <i>Tellers,</i> |
| Ms Gadiel | Ms Moore | Mr Ashton |
| Mr Harris | Mr Morris | Mr Martin |

Noes, 33

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

Pairs

| | |
|-----------|------------|
| Mr Gibson | Mr Fraser |
| Mr Greene | Mr Kerr |
| Mr Whan | Mr Piccoli |

Question resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

BUSINESS OF THE HOUSE**Order of Business**

Motion by leave by Mr John Aquilina agreed to:

That the House permit:

- (1) The giving of a notice of motion forthwith outside the routine of business.
- (2) The routine of business on Friday 26 November 2010 to be varied to allow the introduction of the Environmental Planning and Assessment Amendment (Boarding Houses) Bill and the Local Government Amendment (Confiscation of Alcohol) Bill prior to the consideration of Government business.

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notice of Motion (for Bills) given, by leave.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL 2010**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2) 2010**

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

The SPEAKER: Order! Government business having concluded, in accordance with an earlier resolution private members' statements will be proceeded with.

PRIVATE MEMBERS' STATEMENTS**AUSTRALIAN DEFENCE FORCE MEMORIAL PLANTATION**

Mr GEOFF CORRIGAN (Camden) [5.31 p.m.]: On Monday 15 November 2010 it was my great pleasure to be at Mount Annan Botanic Garden for the dedication of the Australian Defence Force Memorial Plantation on Canberra Remembrance Driveway. I was especially delighted that Her Excellency Ms Quentin Bryce, AC, Governor-General of the Commonwealth of Australia, and His Excellency Mr Michael Bryce, AM, AE, were able to attend this significant occasion. Others in the official party included: Commodore Ian Callaway, RAN, retired, president of the Remembrance Driveway Committee; the Hon. Frank Terenzini, Minister Assisting the Premier on Veterans' Affairs; and Mr Greg Martin, chair of the Royal Botanic Gardens Trust. Chaplain Murray Earl, chaplain to the Federation Guard, carried out the dedication of the memorial plantation. I pay tribute to the Federation Guard. The Federation Guard consists of 50 Army, 50 Navy and 50 Air Force personnel. The Federation Guard were magnificent and carried out their duties in rainy conditions without missing a beat.

Most members would know that Remembrance Driveway once passed through my electorate, as it was the then Hume Highway. Remembrance Driveway now goes along the F5 and joins the Federal Highway and is now known as the Canberra Remembrance Driveway. Whereas it once went through the centre of my electorate, it now marks the boundary of my electorate. The F5 is the boundary line between my electorate of Camden and the electorate of the member for Campbelltown. I will give a brief history of Remembrance Driveway. Remembrance Driveway is a tribute by those who remember yesterday and have faith in tomorrow. It commemorates those who served in the Australian Defence Force in World War II and subsequent wars or since then in operational theatres around the world.

After World War II, Mrs Margaret Davis, the founding president of the Garden Clubs of Australia, suggested that a living memorial to those who had served during World War II be established. The Remembrance Driveway Committee was formed in 1954. The charter of the committee is to arrange the planting of avenues of trees and established groves and memorial parks along the Hume and Federal highways between Sydney and Canberra. In 1954 Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip each planted a plane tree in Macquarie Place, Sydney—not far from here—and Her Majesty planted a snow gum at the Australian War Memorial in Canberra. These trees mark the beginning and end of the driveway.

The Australian Defence Force Memorial Plantation starts near Narellan Road at Mount Annan Botanic Garden and extends to Sir Roden Cutler VC Memorial Interchange at Prestons. The length of the plantation is 15.5 kilometres, including median and roadside areas. The memorial recognises all Australian Defence Force personnel who have served and will serve in various theatres of conflict, including peacekeeping missions following the Vietnam era. In conjunction with the widening of the Hume Highway south of Sir Roden Cutler VC Interchange, the Roads and Traffic Authority is planting 45,000 native trees and shrubs, of which 35,000 are already in the ground.

This section of the highway forms part of Remembrance Driveway. Two memorial walls have been constructed on the verges of the northbound and southbound roadway to identify the plantation. The species in the plantation consist of a variety of local native trees and shrubs, including: eucalyptus fibrosa, red ironbark;

eucalyptus crebra, narrow leaf ironbark; eucalyptus tereticornis, forest red gum; eucalyptus moluccan, grey box; corymbia maculata, spotted gum; casuarina glauca, she oak; melaleuca sp, paperbark; callistemon "Endeavour", red bottlebrush; and araucaria heterophylla, hoop pine. And I thank the former gardener, the member for Toongabbie, for his assistance with pronunciation.

Mount Annan Botanic Garden has grown all those trees as part of its work for the memorial plantation. I particularly congratulate two government instrumentalities: the Roads and Traffic Authority, which has worked closely with the Remembrance Driveway Committee in arranging the planting of the majority of the trees; and the Royal Botanic Gardens, which has grown the trees. I particularly thank Chief Executive Officer Mike Bushby and Mike Veysey of the Roads and Traffic Authority for their work, and Caz McCallum, Chief Executive Officer of Mount Annan Botanic Garden. The Australian Defence Force Memorial Plantation is a fitting tribute to all Australian Defence Force personnel who have served or will serve in various theatres of conflict, including peacekeeping missions following the Vietnam era. It was my great pleasure to be in attendance at the dedication. I commend all involved for a wonderful day and for this fitting tribute to our Australian Defence Force personnel.

VIOLENCE AGAINST WOMEN

WHITE RIBBON DAY

Mrs JUDY HOPWOOD (Hornsby) [5.36 p.m.]: On White Ribbon Day I pay tribute to those in my electorate who work hard to draw attention to White Ribbon Day and the White Ribbon campaign. An email sent today by the Hornsby/Kuring-gai Youth Network describes the White Ribbon campaign as follows:

The White Ribbon Campaign aims to end violence against women by encouraging men and boys to take positive action to create change. White Ribbon is working to develop a culture of gender equality and respect where attitudes and behaviours that support the use of violence are no longer tolerated.

The Hornsby/Kuring-gai Youth Network calls on men to swear an oath. It continues:

Former UN Secretary-General Kofi Annan has labelled violence against women the most prevalent violation of human rights on the planet. And Australia is far from immune. Currently, one in three Australian women experience physical or sexual violence in their lifetime. Every single one of us knows a woman who has suffered its effects, whether we know it or not. These women are our mothers, and daughters, our wives, our girlfriends, colleagues and friends. By supporting this campaign you are helping to ensure that Australia becomes a safer place for all women, and their children.

It also describes the many kinds of violence against women: domestic violence, family violence, wife beating, intimate violence, intimate homicide, femicide, sexual violence, sexual assault, rape, marital rape, gang rape, date rape, acquaintance rape, indecent assault, sexual harassment, sex-based harassment, child abuse, child sexual abuse, paedophilia, incest, homophobic violence, hate crime, lesbian bashing, elder abuse, genital mutilation, enforced prostitution, enforced sterilisation, enforced abortion, killing of unwanted female babies and enforced motherhood. In his message, United Nations Secretary-General Ban Ki-moon states:

As we observe the 2010 International Day for the Elimination of Violence against Women, let us acknowledge the widespread and growing efforts to address this important issue. No longer are women's organisations alone.

As he describes, organisations and citizens across the world are involved in these efforts. He continues:

The social mobilisation platform "Say NO-UNiTE" has recorded almost 1 million activities implemented by civil society and individuals worldwide. In August this year at the fifth World Youth Conference in Mexico, young activists from around the world were clear in their message: "It's time to end violence against women and girls!"

He also states:

My UNiTE to End Violence against Women campaign, and the Network of Men Leaders I launched last year, have generated welcome momentum and engagement. The word is spreading: violence against women and girls has no place in any society, and impunity for perpetrators must no longer be tolerated. On this International Day, I urge all—Governments, civil society, the corporate sector, individuals—to take responsibility for eradicating violence against women and girls.

As I said, the Hornsby Kuring-gai Youth Network has been active in my local area. The Hornsby Kuring-gai Domestic Violence Network has been extremely active and is showing a film on 2 December entitled *Chloe* at the Greater Union, Hornsby Westfield. Last night the Lower North Shore Domestic Violence Network sixth

annual film festival also showed a film entitled the *Girl Who Played with Fire*. All these films are designed to show women in various states of abuse. In our local area command, Superintendent Michael Kenny, the Kuring-gai local area commander, stated:

On Thursday 25th November police officers across the State will wear a white ribbon in a show of solidarity to White Ribbon Day and the 16 Days of Activism. The wearing of the ribbon signifies the commitment NSW Police have to eliminating family and domestic violence. It is an opportunity to draw public awareness to family and domestic violence, an issue that police deal with regularly and take very seriously.

Wearing a white ribbon is a small but powerful gesture, displaying the police commitment to ending all forms of domestic and family violence.

The Domestic & Family Violence component of the NSW Police website provides up-to-date information, including how to report, police and the legal response, and explanation of Cycles of Violence.

Domestic, family and personal violence causes significant social and economic costs to communities and impacts all areas of society regardless of location, socio-economic status, age, religious beliefs, culture and ethnic background. Each day police deal with domestic and family violence incidents and we see the damage this violence brings upon our community.

I congratulate the police, the Hornsby Kuring-gai Youth Network and the Hornsby Kuring-gai Domestic Violence Network, and I congratulate workers within that organisation—Amy David and Josie Gregory. The Domestic Violence Network is made up of a number of different organisations and groups, one of them being Soroptimists, of which I am a member. They are extremely active in getting out their messages about violence against women and about the need to make people more aware.

UTILITY COMPANIES COORDINATION

Mr NATHAN REES (Toongabbie) [5.41 p.m.]: I speak this evening on a matter of importance not just across New South Wales but across Australia. It is a reminder that in politics in our communities little things are big things. As I speak, workers who work for Optus, Telstra, Sydney Water, the Roads and Traffic Authority, Jemena and other utility organisations across New South Wales and Australia are out there in our streets and suburbs digging trenches but not communicating with each other as utility organisations. When a trench gets dug in Toongabbie and surrounding suburbs, the cost of the digging of the trench and the laying of the pipes and so on and the disruption that that causes to those communities is ultimately borne by the customers. Those disruptions are not coordinated across the different service providers. The work creates a disturbance and inconvenience and, in the worst possible cases, it poses health and safety risks.

There is a better way to approach this work, and that better way is opportune currently with the imminent rollout of a national broadband network. I have recently had discussions with Nabil Izza of EnergyAustralia, who spoke to me about the works programs EnergyAustralia has in the electorate of Toongabbie and surrounding areas. There is an easy fix for this problem: the creation of a central register of works programs from all the relevant utility companies across New South Wales or across a particular electorate that is to be made available by a lead agency funded by those utilities. For a small contribution from each of those utilities a great deal of inconvenience could be saved. When a trench is dug, four or five different utilities can use the same trench at the same time and thereby minimise inconvenience and disturbance for the people in the streets of Toongabbie and surrounds.

Security protocols could be in place where there is commercial in-confidence work about happen, but it would be a small contribution from agencies. As we move towards a rollout of a national broadband network this would make sense. We need a lead agency—whether that be Lands, Planning or Local Government, it does not really matter—as a coordinating authority. For a very small cost we could massively reduce disturbance and inconvenience to people across Toongabbie, around New South Wales and across Australia.

PACIFIC HIGHWAY UPGRADE

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.45 p.m.]: The Pacific Highway runs through my electorate of Oxley on the mid North Coast from near Port Macquarie up to Urunga, just south of Coffs Harbour. It includes the deadly Clybucca section, which was the impetus for the upgrade of the highway following the coroner's report into the bus crash there in 1989, which claimed 35 lives. A new black spot emerged on the Pacific Highway, and that is the stretch between Nambucca Heads and Urunga. There have been several fatalities on that stretch of the highway in recent months, including accidents involving local residents.

The member for Coffs Harbour, whose electorate covers some of that stretch of road, and I have for many years campaigned strongly for the upgrade of the Pacific Highway to stop the deaths. Sadly, despite some

successes—including the Bonville deviation south of Coffs Harbour and the recently commenced Kempsey bypass—much remains to be done, including the aforementioned Nambucca Heads to Urunga stretch. Sadly also, we have recently seen some political game playing on this issue by the very same Labor Government that has failed dismally to deliver the project it promised in 1996 would be done by 2006 and in 1998 promised it would be done by 2012. We have also seen some political game playing by some so-called Independent candidates.

It is sad because this issue is about tragedies that deeply affect families and communities and it should be above politics. It is sad because this is precisely what happened prior to the last State election when the then Labor Minister for Roads, Joe Tripodi, teamed up with the Labor-supported political aspirant mayor of Coffs Harbour to use deaths on the Pacific Highway to try to damage the member for Coffs Harbour and they accused him of not caring about the issue. Who can forget the passion of the member for Coffs Harbour, who chased Joe Tripodi around this Chamber and was then roundly applauded by the wider community?

Mr Tony Stewart: Point of order: If the Leader of The Nationals has a concern about another member, there is a standing order to deal with that. He should not use a private member's statement. Private members' statements are to deal with parochial issues pertaining to a member's electorate only. He should not be disparaging to another member of this House during a private member's statement.

Mr ANDREW STONER: There is no disparagement; it is a fact.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I uphold the point of order.

Mr ANDREW STONER: Who could also forget the success the member for Coffs Harbour achieved with the notorious Bonville to Pine Creek section, which was fixed with Federal funding? This week the same disgraceful tactic was used by the latest Minister for Roads in concert with the same political aspirant mayor, Keith Rhoades. Under parliamentary privilege the Minister pointed to the absence of the member for Coffs Harbour, suggesting that he did not care about the Pacific Highway but that Rhoades did. What a disgrace!

Mr Alan Ashton: Point of order: This is a bad example, but this is a shadow Minister for Roads. It is not appropriate for a private member's statement—

Mr ANDREW STONER: What is your point of order?

Mr Alan Ashton: As a shadow Minister you are not supposed to use private members' statements to make policy announcements.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The Leader of The Nationals has the call.

Mr ANDREW STONER: This was a disgrace—the same Government which has failed on the Pacific Highway stooping to the low tactics previously rejected as grubby by the community. For the record, the member for Coffs Harbour was representing this Parliament at a Commonwealth Parliamentary Association conference about parliamentary procedure—a similar conference to that attended on behalf of this Parliament in the past by members of this Labor Government. Rhoades and the Minister for Roads went further, stating that no representations have been made on this stretch of road by either local member. That is a scurrilous lie.

The member for Coffs Harbour and I could fill the back of a truck with copies of the representations we have made about the Pacific Highway, including the stretch in question. In fact, following a spate of fatal accidents on this stretch I wrote to the Minister for Roads on 9 September seeking a review of speed limits near intersections and also seeking median barriers on that stretch of the highway. Another Labor-supported political aspirant, the Clarence Valley mayor, has followed this shameful tactic of playing politics on the Pacific Highway and on the lives lost. He has been issuing media releases stating that I refused to meet with the Pacific Highway task force of mayors and he has been calling on the Opposition to release its policy on the Pacific Highway.

The facts are that I was given short notice of the requested meeting and whilst I was unable to meet at the precise time sought, I offered a substantial period of time on the same day. This is the same mayor who called on the Premier to visit and drive the Pacific Highway and when the Premier refused the Leader of the Opposition accepted the invitation, spending hours explaining the Liberals and The Nationals policy and determination to fix the Pacific Highway. It is time for the game playing on the Pacific Highway to stop.

SUDDEN CARDIAC DEATH

Mr ALAN ASHTON (East Hills) [5.50 p.m.]: I draw to the attention of the House a sad letter I received from a woman who lost her son to sudden cardiac death. I have permission to read the letter into *Hansard*. It states:

On the 13/8/10 following participation in the New South Wales State Schools Futsal Championships my 16 year old son James Alexis Masurkun died from Sudden Cardiac Death, several hours after arriving home. He died in his sleep and I discovered him when I went to wake him up for school. Following his death we were contacted by the Coroner's Office to see if our family would participate in a genetic study that is being conducted by the Centenary Institute. I have attached the relevant study above. This is an excellent initiative because it means that my two other children can undergo appropriate testing because there is 50 per cent chance that they may also have hypertrophic cardiomyopathy.

Since James' passing I have done considerable research into his cause of death. Until he died I had no clue about Sudden Cardiac Death (SCD), also known as Sudden Arrhythmic Death Syndrome in the young and the various conditions that cause it. Young adolescents and in particular athletes are at risk. In some cases there are warning signs but these are often dismissed by Doctors because the young people present as fit and healthy and in many cases symptoms are absent.

The conditions are caused by electrical problems in the heart and if undetected the young person literally drops dead, it is like switching off a light. Some die in their sleep, on the sporting field or in the school yard. These conditions are not heart disease or heart attack as associated with unhealthy lifestyle factors. Overseas information indicates the average age of death from SCD is 17. Young athletes are at particular risk.

The number of young ones dying in Australia are about 10-12 a week that is over 500 a year. This figure is conservative as it does not account for deaths where young people may be undertaking activities such as driving a car, swimming, riding a bike etc and the cause of death in these people is usually put down to the injuries sustained during the incident.

In 50 per cent of one third of young people who die suddenly no cause of death is established. These are generally the people who have the heart condition at a molecular level which cannot be seen at autopsy.

The figures quoted are virtually on par with UK statistics and considering the vast difference in population size with Australia something is seriously amiss. The UK, Italy, Japan and other countries have actively promoted initiatives to reduce the incidence of SCD particularly amongst young athletes.

Following James' death however I have found that information is plentiful but only because you seek it out. I suppose what has stunned me the most is the total absence of any awareness or preventative programs promoted in the general/sporting community or even for the medical profession such as GP's. With the knowledge I have now there were certain signs James exhibited but you put them down to things like puberty his strenuous training programs etc. I never once suspected he had a heart condition nor did any of the Doctors that he saw including a specialist at Sydney Childrens Hospital due to headaches he was experiencing. An ECG would have been such a simple thing to do that would have identified his cardiac problem yet this was never done.

James played representative soccer since the age of 11 and played for the top premier league football clubs in New South Wales including Marconi Stallions, Sydney Olympic and St George Saints. He also attended a sports high school yet there was never any information about the risk of these undiagnosed heart conditions or recommendations for cardiac screening-ECG. This is not the fault of the clubs or the school.

I suppose I question what the Health Department, the medical profession, The Department of Sport and Recreation, Education Department and Sporting bodies like FFA and the very well funded organisations like the Heart Foundation are doing to develop a cohesive, preventative risk control strategy in relation to these sudden cardiac deaths in young people? As far as I can see—nothing. Maybe someone has just not joined the dots for them. If you are aware of any initiatives I would like to know what they are.

There are many initiatives being undertaken overseas but in Australia SCD is as silent as the condition itself. I have attached the following information to assist you to gain an understanding of the condition.

I do not have the time to read out the sites that Mrs Masurkun lists, but I will provide them to the Minister for Health. The letter continues:

So basically there have been attempts to publicise the condition yet nothing has been done. If you Google Sunrise Channel 7 and search Preventable Killer, this was shown just a few weeks ago. It shows the two mothers who have set up a very basic organisation called SADS following the deaths of three children from the one school in Brisbane. They seem to be the only ones actually trying to do something.

I would like to set up an organisation modelled on the CRY UK organisation to develop a systematic approach to raising awareness and developing prevention strategies.

James was my youngest and only beloved son, his death has been a devastation not only to our family, his school but all that knew him. He lived a healthy lifestyle and was described by his school principal as the perfect student. A simple awareness sheet and recommendation for an ECG (which are a cost effective and simple test) could have prevented this tragedy.

Mrs Masurkun goes on to ask me to provide any advice I can to assist. I will draw this letter to the attention of the Minister for Health. This young boy died despite the fact that his condition would have been relatively easily detected. It is a great tragedy and I feel very sorry for his family.

JOHN WILLIAMS CENTRE SITE

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [5.55 p.m.]: I again draw attention to this Government's efforts to impose an inappropriate development on a suburb in my electorate. The development in question emphasises what is wrong with part 3A of the Planning Act. The Government uses part 3A to tell the community that it always knows best—certainly better than most local communities across the State. Of course, it is usually wrong and it wreaks havoc across New South Wales as a result. I again refer members to the redevelopment of the John Williams Centre site. Developments on the site have previously been rejected by Ku-ring-gai Council, the Land and Environment Court and even the State Government's own Ku-ring-gai Planning Panel.

Those bodies understood the inappropriateness of the proposed developments and the local conditions that made them unacceptable, and rejected them. Those factors included the fact that it is a suburban, residential area that contains narrow streets that already have significant traffic flows, particularly before and after school. The area has a combination of public and private schools and wonderful schools that cater for children with disabilities. Between 7.30 a.m. and 9.30 a.m. the local narrow streets are jammed with traffic. Local environmental concerns, such as the Blue Gum High Forest, have also made development proposals unacceptable.

Having previously had two seniors housing development proposals on the site rejected, the developer has rebadged the latest proposal so that it can be reconsidered under part 3A of the Planning Act. We are concerned that this is simply a device that will allow the Government to ignore the impact on parking, traffic, fire safety, public transport and the four primary schools in the immediate area. The latest proposal involves the construction of a hospital. Questions have been asked about the bona fides of this proposal. The floor plan indicates that the facility will be used to accommodate seniors, so this appears to be a simple case of rebadging. An application for a private hospital licence has been lodged with the Department of Health. We wonder whether as part of the approval process the department will investigate the financial viability of the project. Given the history of the property, how will that be established?

If the application follows the outline in the approval process then a number of issues must be addressed. They include: inefficient floor layout; staffing issues; no procedure rooms, which raises the question of Medicare funding arrangements; insufficient parking, which is a critical issue at a hospital; no approved hospital operator; and conflicting mixed uses with unclear boundaries. The North Shore is already well served by hospitals. The Department of Health must consider the impact that the facility might have on existing facilities, which include Sydney Adventist Hospital, Hornsby and Ku-ring-gai Hospital, Mt Wilga Private Hospital, Lady Davidson Private Hospital and Dalcross Adventist Hospital. The department must also rigorously examine the applicant's lack of experience in running a hospital.

Other concerns have been raised with regard to the Blue Gum High Forest. The site forms part of a contiguous section of forest that has the highest possible conservation and environmental ratings. It is also within a bushfire prone zone. The Wahroonga Public School—the Bush School—is adjacent to the site and should also be zoned bushfire prone. It is not an appropriate site for seniors' accommodation. Young Street, Water Street and Billyard Avenue are suburban streets. Young Street is extremely narrow, so if the development proceeds all involved in its construction should be required to park onsite and not local roads.

I congratulate Ku-ring-gai Council for undertaking an independent traffic study. Hopefully that will clarify the real traffic impact of the development. I also congratulate the John Williams Neighbourhood Centre for the work it has done tirelessly on behalf of local residents. The Liberal-Nationals are committed to scrapping part 3A because of its potential to be used to facilitate the approval of developments such as this. The wishes of local residents are being overridden and inappropriate developments are being approved. The State Government is prepared to back those developments, no matter what.

BOARDING HOUSE ACCOMMODATION

Ms CLOVER MOORE (Sydney) [6.00 p.m.]: One of my first experiences as a new member of Parliament in 1988 was trying to help a group of boarding house residents being evicted onto the street in Kings Cross on a Friday night with no money and no options. Sadly this situation continues, and I speak again about the need for better protection of boarders and lodgers. Boarding houses are an essential stopgap between

homelessness and other low-cost accommodation, but there has been a serious and continuing decline in numbers since the 1970s. Without boarding houses, vulnerable people are more likely to become homeless, and they will find it even harder to access support services and get long-term accommodation.

The Coastal Sydney Regional Homelessness Action Plan identifies more than double the proportion of homeless people in boarding houses in this region than in the rest of New South Wales, and lists boarding house residents as a priority target group. Submissions to the plan argued for improved legislation, outreach services and changes to State planning controls. Queensland, Victoria and the Australian Capital Territory have tenancy regulation for boarding houses, but New South Wales leaves boarding house residents in legal limbo. They have no tenancy protection and can be evicted without notice at any time, irrespective of bonds or rent paid in advance. Expensive and lengthy action in the Supreme Court using common law and precedence may be the only redress, but it may take a test case at the Consumer, Trader and Tenancy Tribunal first to find out about jurisdiction. It is unacceptable to leave boarders in this situation.

My Lord Mayoral Salary Trust funded Redfern Legal Centre's Tenants Advice and Advocacy Service to identify and document this complex legal problem, which even lawyers have been struggling to clarify. It is very unfortunate that the community needs this kit so that support workers and boarders can work out what law applies and any action they can take. Without some form of tenancy protection, boarders have few options to quickly and easily resolve problems or enforce basic rights such as urgent repairs or refund of bonds. This is unfair and unacceptable, leaving the most vulnerable people without consumer protection.

Similarly, there is no process or criteria for owners and operators who need to address problems with residents. The successful Australian Capital Territory occupancy agreements apply standard areas for agreement, and would use the Consumer, Trader and Tenancy Tribunal to resolve disputes. I have repeatedly asked successive Ministers for Fair Trading for reform, calling for basic tenants' rights using the Australian Capital Territory model of occupancy agreements, housing support officers to carry out practical problem solving and support, and industry support to ensure the viability of boarding houses.

Newtown Neighbourhood Centre's boarding house project does vital work supporting residents and operators in low-cost boarding house accommodation. They use the Australian Capital Territory occupancy agreement as a guide, adapting it to suit individual circumstances. The project also runs information sessions for boarding house operators and gives professional help with residents' health and welfare. There is widespread support for this model, and the Government should use this as the basis for consumer protection for boarders. The Regional Homelessness Action Plan lists funding for a boarding house outreach project to provide wrap around support, case coordination and services including financial counselling, health care and tenancy support, with links to aged care, mental health and alcohol or drug services. This work is vital.

As well, owners and operators say that their costs have continued to increase, and this means they will increase rents or sell up. My 1993 legislation to reduce rates and land tax for boarding houses helped, but this needs updating and expanding. The Government should provide industry support programs that reduce operating costs for boarding houses that provide quality accommodation at low cost so that this unique accommodation remains an option for people who need it.

The 2007 Department of Housing Boarding House Accommodation Study report recommended simplifying land tax exemptions, extending the Boarding House Financial Assistance Program, and better promotion of incentives to operators. I am not aware of action on these recommendations. In response to my 2008 questions about tenancy reform, the Minister for Fair Trading referred to an interdepartmental committee on reform of the private residential services sector, however there has been no action. The Minister for Housing responded to my recent question about industry support, saying that the Boarding House Financial Assistance Program has been updated, and he is looking at reforms.

However, I am concerned that this industry needs prompt help. The Government has failed to provide fundamental consumer protection in this sector. I urge rapid action to stop the long-term decline in availability of boarding houses, to provide basic tenancy rights, and to support residents with health and welfare concerns. I remind the House again that apart from people living on the streets these are the most vulnerable people in our community. It is a real indictment that action has not been taken to address their needs.

PACIFIC HIGHWAY UPGRADE

Mr STEVE CANSDELL (Clarence) [6.05 p.m.]: I once again highlight the need to upgrade the Pacific Highway into dual carriageway. In February this year the four mayors on the North Coast invited the

Premier and the Leader of the Opposition to tour the highway. To date—nine months later—the only response they have had from the Premier is an email saying she would consider the offer. It was with both pride and sadness that in April I toured the highway with the Leader of the Opposition, Barry O'Farrell, the member for Ballina, Don Page, the member for Coffs Harbour, Andrew Fraser, and the mayors of the North Coast.

We stopped at a couple of crosses at New Italy and also the memorial of the Cowper bus smash, where 20 people lost their lives just on 20 years ago. The idea of a divided carriageway is to save lives. I will not go through the list I have in my hand, but more than 80 lives have been lost on the North Coast between Ballina and Coffs Harbour since I have been a member of Parliament. About 95 per cent of those involved head-on collisions. For example, a Queensland man died when his van collided with a semitrailer. A man was killed when a P-plater crossed to the wrong side of the road just south of Woodburn—a head-on collision. Two men died south of Ballina when their vehicle collided with a truck—a head-on collision. Two truck drivers were killed when their semitrailers collided at Tabbimobile. There is one after the other. Almost 21 years ago, 20 people died, once again through a head-on collision, at Cowper, and 22 people were badly injured.

There were reports from governments and everyone said we would have a divided, dual carriageway by 1996. That has not happened. That date was changed to 2016, and now, as much as the Commonwealth has said it will definitely fund that, it is still in jeopardy. People vying for places in Parliament have blamed the Opposition for not having the highway upgraded to dual carriageway. The Government has had plenty of time to do this. We have fallen behind. The Coalition is determined to finish the highway upgrade by 2016. The Liberals and The Nationals have always been committed to that deadline. If we can do it earlier we will. With the slow progress from the State Labor Government, any government's ability to fast track the project any further would be limited. This is about policy, money and commitment. The Nationals have secured all these things from being in Opposition. I encourage everybody on the North Coast to get on board, join the change that is coming for New South Wales and, hopefully, together we can fix this problem on the North Coast and save lives.

I have also toured the highway on my push bike. I have stopped at many crosses. There is a cross near The Beekeepers where a truck clipped another truck and ran off the road into a tree. The cross has a memorial with a beer bottle, a little teddy bear and a sign that says, "Daddy, I miss you." That separates the human tragedy from the statistics and demonstrates why we have to upgrade this highway. The member for Ballina, the member for Coffs Harbour and I have raised this issue many times in Parliament. We are committed. Fixing the Pacific Highway is not about pointless meetings; it is about money, commitment and representing the North Coast electorates, which The Nationals do very strongly. The real issue was the slow progress of the upgrade and the continuing loss of life.

A good friend of mine is a paramedic and I mentioned this in Parliament in 2003, the first year I was elected. He came to see me after a head-on collision. He said, "Steve, I am sick of pulling bodies out of cars. I am sick of having to go home each night and cry with the loss of life and tragedy. When will you politicians just get on and fix this highway?" He finally quit the Ambulance Service in March this year after another tragic fatality. He said, "I have had to pull 30 or 40 bodies out of cars in that time. Just get on and fix this tragedy."

BATHURST FIRE STATION

Mr GERARD MARTIN (Bathurst) [6.10 p.m.]: Today I speak about the 10-14 fire station for Bathurst, 10-14 being the terminology used to describe a 24-hour manned station. Bathurst is serviced by two fire stations, one at Bathurst and one at Kelso. The Government has a good record in providing these services. In 2007-08 a brand new, state-of-the-art fire station was completed at Bathurst and last year that station became the first country station to receive brand new firefighting appliances. In the past the policy had been to send new equipment to metropolitan stations and for used equipment to be sent to country areas. In cooperation with New South Wales Fire Brigades Employees Union, that policy has been changed. For some time I have lobbied for a 10-14 station at Bathurst. We made representations to the Minister and the commissioner, and I understand that a decision is imminent as all the criteria have been ticked off.

However, in recent times The Nationals have started to play politics with this project. It costs about \$1 million to finance a 24-hour fire station and the local council will have to contribute about \$200,000. Over the past 18 months the fire brigades manager has briefed Bathurst Regional Council on the matter but the council has not committed itself to the project. The mayor of Bathurst, now The Nationals candidate, has been involved in the announcement to go ahead with the project, without referring the matter to council. It is

interesting that in the other place on Tuesday the Hon. Rick Colless spoke about what he considered to be the outstanding work of The Nationals candidate and serving mayor of Bathurst, Paul Toole, in pushing the case for a 24-hour manned station in Bathurst. He stated:

On Wednesday of last week I was delighted to accompany the deputy mayor of the Bathurst Regional Council, Ian North, and Mr Toole to the announcement of the New South Wales Liberals-Nationals' commitment to support the introduction of a fully serviced and staffed fire station in Bathurst, should we be elected to government ...

The interesting thing about that statement is that one name is missing, that is the shadow spokesperson for Emergency Services, the Hon. Melinda Pavey, who was standing beside Rick Colless in the photo depicted in the local paper. It is rather unusual that when he spoke about the matter in the other House he did not refer to her. Maybe it is because she played a fairly dramatic role in trying to get him toppled for his preselection. We know there is no love lost between those two members in the other place who are members of The Nationals. Suddenly there is support from The Nationals candidate for Bathurst when he has not even consulted his own council to ascertain whether council agrees to the proposal and will allocate money. At the end of the day, management makes these decisions.

When Commissioner Greg Mullins was recently in Bathurst he agreed that all the criteria had been met. I have spoken to the Minister and a decision is imminent. The people of Bathurst do not need a misleading campaign but they do want due process to be followed. People who put themselves up for high office should realise that that due process must be followed. That has not happened with Bathurst Regional Council. I do not know what The Nationals will do if council decides not to put up the \$200,000. Obviously, the mayor has been dragged along, panic-stricken by The Nationals shadow spokesperson, who cannot even get a mention by her colleague.

The people of Bathurst will not accept the situation as they know that the Government is fully committed to the project. It has an outstanding record with respect to New South Wales Fire Brigades and the Rural Fire Service and has spent record sums. We have the best trained and best equipped force in the world. If the mayor of Bathurst is to be a legitimate candidate, I ask that The Nationals have some integrity on the matter. This is about the expenditure of public money, which involves going through the proper processes. It should not be used for political opportunism.

MERIMBULA MARINE RESCUE

Mr ANDREW CONSTANCE (Bega) [6.15 p.m.]: This evening I applaud the efforts of Merimbula Marine Rescue, which last weekend formally launched and christened its new marine rescue vessel *Sapphire Rescue III* at Spencer Park, Merimbula. An enormous number of volunteers, under the leadership of Barry Harrison, unit commander, were present. These volunteers had raised significant funds towards the purchase of the vessel, which is community-based volunteerism at its best. This state-of-the-art rescue vessel will serve the boating community of Merimbula extremely well. It replaces an older, converted crayfish boat that had operated in the area for some time. The new vessel will help Merimbula Marine Rescue save lives and property and is well suited to the local conditions.

Marine Rescue is extremely important in that it undertakes responsibilities usually carried out by the New South Wales Police Force where Water Police are not stationed. Water Police are stationed at Eden and Kiama and in between those two stations Marine Rescue volunteers take on responsibility that would otherwise be the responsibility of police. They save taxpayers millions and millions of dollars, yet each year Marine Rescue statewide receives in the order of only \$1.35 million. We have to do better. For too long government has neglected these volunteers. Marine Rescue is a newly formed body that previously comprised three difference stand-alone rescue organisations that merged.

At the launch we were fortunate to have in attendance Commissioner Glenn Finnis, together with the deputy commissioner. They presented Merimbula Marine Rescue with an oxygen and defibrillator kit to acknowledge the tremendous fundraising effort. I understand that the boat to be replaced will be retrofitted and provided to Narooma Marine Rescue. Both Batemans Bay and Narooma marine rescues are doing it very tough. They have a large area to cover and they undertake significant fundraising, yet they do not have the necessary funds to provide new boats. It is time that the State Government provided some assistance. Volunteers should not continue to have substandard equipment in carrying out their work in all too often treacherous conditions, where volunteers risk their own lives to save others. Attention should be given to this issue.

I have raised Batemans Bay and Narooma marine rescues over an extended period of time in the hope that the State Government would respond accordingly. Their current boats are old, unsuitable and in the habit of

breaking down. It is time that they were replaced. The work and efforts of Merimbula Marine Rescue have been tremendous. A great community effort has been put in. It is not only Marine Rescue that has been involved. There have been some fantastic supporters and sponsors of Marine Rescue in Merimbula and I am proud to be its patron. I hope the Government will recognise the community involvement in Marine Rescue, but it is certainly time we saw other improvements up and down the coast.

KARIONG MOUNTAINS HIGH SCHOOL

Ms MARIE ANDREWS (Gosford) [6.20 p.m.]: On Monday 22 May 2010 a very special event took place within the Gosford electorate—the official opening of the Kariong Mountains High School. The member for Wyong, David Harris, representing the Minister for Education and Training, the Hon. Verity Firth, in his capacity as the Minister's Parliamentary Secretary, and I as the local member, officiated at the opening. This high school is unique in New South Wales as it is the only school in the State that specialises in biosciences. Students are undertaking studies in areas such as marine studies, coastal communities, horticulture, zoology, sports science and nutrition. Already the school has received a Schools First Seeding grant of \$25,000 in recognition of its partnership with Ramm Botanicals and a project to build a greenhouse to support studies in horticulture, food technology, enterprise learning and Aboriginal education.

The school is also creating links with the Australian Reptile Park located nearby at Somersby, the Walkabout Wildlife Park at Calga and the Central Coast Environment Network. Partnerships are being developed with TAFE New South Wales and the Central Coast campus of the University of Newcastle to facilitate vocational and academic pathways. The school has a memorandum of understanding with the locally based National Aboriginal and Islander Skills Association—the NAISDA Dance College. It was pleasing to see Kim Walker of NAISDA in attendance at the opening.

The principal of the school is Mrs Anne Vine, who most appropriately has a background in science, and the deputy principal is Mr Gus Vrolyk. The official opening began with a welcome to country by school student Bradley Herbert. Jordan Bleiker did an excellent job as the master of ceremonies. Guests were greeted by student representative council executive members Grace Austin and Michael Orphin. Grace and Michael, together with their SRC colleagues Clare McNamara and Rebecca Adlard, ably assisted me in unfolding the school banner. Other student representative council members who assisted with the staging of the opening were Rebecca Gall, Ebony Hudson, Robert Oatley, Ryan Waugh, Haylee Campbell, Zoe Papadatos, Thalia-Marie Habkhouk and Kimberley Bowman. They are all fine young ambassadors for their school.

Guests included Councillor Laurie Maher, Mayor of Gosford City Council, Deputy Regional Director Maree Roberts, Dr. David Cullen and Frank Potter, School Education Directors of the Hunter Central Coast Department of Education and Training, Liz Trefry the principal of Henry Kendall High School, Lorene Alexander, principal of Central Mangrove Public School, and Sharryn Brownlee, President of the Central Coast Council of Parents and Citizens Associations. The Kariong Mountains High School steering committee was well represented by Glenn Hambleton, who is now the president of the school's parents and citizens association, Kirsten Hawkes, Jeff Vilensky, Norm Carle and Mark Hibbard. The school's parents and citizens association vice-presidents, Nicole Littlehales and Glenys Tor, were also in attendance. The construction work was carried out very efficiently under a public-private partnership by St. Hilliers Contracting Pty. Ltd. at a total cost of \$26.37 million, fully funded by the New South Wales Government. Mr Dominic Begley, project manager, and other managerial staff represented the company at the opening.

Ideally located on Festival Drive, Mount Penang Parklands, Kariong, the school opened its doors on 23 February 2010, with an initial student body of 222 students in years 7 and 8 and 23 staff. It is expected that the school will reach its full capacity of 650 students in years 7 to 12 in 2014. The school's facilities include 28 permanent classrooms, materials workshops, laboratories, a botany room, movement studio, gymnasium, darkroom, senior study area, an oval and outdoor basketball court. The local community waged a long campaign to build this high school at Kariong and it perhaps would have taken place many years earlier if a previous Coalition government had not sold the site that was set aside for the building of the high school. I am very proud to say that this State Labor Government has delivered for the community of Kariong and the mountains area.

With a motto of "Unity, Knowledge, Respect", the school is sure to succeed. I congratulate the principal, deputy principal, teaching and office staff, students, the parents and citizens association and the entire school community on the official opening of Kariong Mountains High School and wish the school well for the future.

TANDERRA WOMEN'S REFUGE

Mr GREG PIPER (Lake Macquarie) [6.25 p.m.]: The Tanderra Women's Refuge at Booragul provides an invaluable service in offering safe and secure housing for women and children escaping from

violent relationships. I recently met with manager Jann Nichol and specialist child support worker Kelly Richards, who presented me with a copy of the refuge's annual report for 2009-10 and apprised me of current issues for refuges in New South Wales. The Tanderra Women's Refuge opened in 1982 in a council owned house in Toronto and in 1990 moved to its current purpose-built premises. The building has five bedrooms and other facilities to accommodate five women and their dependent children at any one time. The refuge offers specialist support and case management for residents and runs outreach programs aimed at early intervention and prevention of homelessness due to domestic violence. As well as being available during the refuge's regular business hours, staff are on call 24 hours.

Tanderra aims for a six-week to eight-week turnover of clientele but this is understandably difficult to achieve because of a difficulty in finding subsequent accommodation. This affects the refuge's ability to accept new clients. The refuge is funded from the Supported Accommodation Assistance Program [SAAP], which is a joint State-Commonwealth initiative targeting organisations helping people who are homeless or at risk. I am informed that consideration has recently been given to transferring the SAAP from Community Services to the Department of Housing and that the New South Wales Women's Refuge Movement was understandably concerned at any prospect of moving such an important and complex social project to a housing provider. Obviously the provision of housing is a key element but there is much more involved: the protection of women and children from domestic violence is a complex issue requiring many inputs.

The New South Wales Women's Refuge Movement is satisfied with the results of negotiations held last Friday, 19 November, as a result of which there will be an improved oversight structure for SAAP rather than a simple transfer of responsibility to the Department of Housing. I thank the Government for satisfying the movement's wishes in this regard. Clearly, providing temporary housing is a key element in the range of services provided to victims of domestic violence, but other activities are essential in preventing family breakdowns and supporting victims. This is why it is appropriate for an organisation with a broad responsibility to be the lead agency in administering the program.

New South Wales Community Services acknowledges on the SAAP area of its website that family breakdown is one of the main reasons people become homeless. Community Services core activities include helping protect and care for children and young people, building stronger families and community, helping those who are vulnerable and most in need, and assisting people who are homeless or at risk of homelessness. The majority of these services are provided through community partners such as non-government organisations and other government agencies.

The Department of Housing states that it works with other departments, agencies and organisations to address homelessness and that it funds and regulates the provision of community housing and crisis accommodation in New South Wales. The two departments clearly have roles that are complementary and valuable and must be carried forward. Community Services currently has a responsibility to manage the SAAP and the Department of Housing has a responsibility to deliver services. Any new structure becoming the lead agency should seek to continue and further develop the current role of Community Services as well as accessing the service provided by the Department of Housing. There is of course a strong need for cooperation but both of these agencies have indicated a commitment to work in partnership to achieve their goals. The apparent scope for improvement would be an overarching administration for women's refuges and an integrated policy unit will be well placed as the keystone in ensuring effective delivery of services through all agencies involved.

Today is White Ribbon Day, the International Day for Elimination of Violence Against Women. This is the right time to reflect on what New South Wales Community Services has acknowledged as one of the most powerless and marginalised groups in society. It is timely to acknowledge and thank those good people who operate at the Tanderra refuge and other refuges and to consider whether they are being given the best possible support. Sadly, it is also time to reflect on the chilling statistic that the Women's Refuge Movement is able to assist only 50 per cent of women and children requesting help. In this regard the current organisation and level of funding is equal parts success and failure. White Ribbon Day is an occasion to reflect on the problem, to thank those working towards a solution and to express gratitude for the support they receive. However, it is important to acknowledge the amount of work still to be done.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 6.30 p.m. until
Friday 26 November at 10.00 a.m.**

