

# LEGISLATIVE ASSEMBLY

Tuesday 23 August 2011

---

**The Speaker (The Hon. Shelley Elizabeth Hancock)** took the chair at 1.00 p.m.

**The Speaker** read the Prayer and acknowledgement of country.

## PRIVATE MEMBERS' STATEMENTS

---

### INDIA AUSTRALIA FRIENDSHIP FAIR

**Mr GLENN BROOKES** (East Hills) [1.00 p.m.]: On Sunday 14 August 2011 I spent a fascinating afternoon at the Sydney Olympic Athletic Centre enjoying the India Australia Friendship Fair. The India Australia Friendship Fair, a celebration of India's Independence Day, was a colourful event and a shining example of culture, heritage, music and dancing from the Indian subcontinent. The United Indian Association [UIA] hosted the event. I take this opportunity to thank publicly its president and members of the executive committee for inviting me to participate in their celebrations. I also congratulate the United Indian Association on organising what can only be regarded as a successful occasion. The theme for this year's India Australia Friendship Fair was "Experience India". After speaking to many of the guests, listening to their music and tasting their food I can honestly state that I truly experienced the best that India has to offer.

India's history and dynamic culture span back to the beginnings of human civilisation. On Sunday I was subjected to warmth and hospitality that could come only from people with a rich and dynamic culture—people who now proudly call Australia their home. Since the midnineteenth century Indians have been migrating to Australia. In the 2006 census 147,106 Australian residents declared that they had been born in India and of that number 79,000 or more held Australian citizenship. Today New South Wales is home to the majority of Indian-born residents. During the past century and to this day their presence in this State has enriched our lives. The Indian-Australian community in western Sydney celebrated the Liberal Party's election victory in March.

Traditionally the Indian community has voted for Labor, but many community members voted for Liberal Party candidates for the first time as they have worked hard to better understand that community. Over the coming months I plan to get to know much better the Indian community in my electorate. The key objective of the India Australia Friendship Fair is to provide a platform to celebrate the rich cultural diversity of India. However, more importantly, it celebrates the relationship between the Indian and Australian communities and fosters friendships between them. The fair was not only an event for Indians but also an occasion on which everyone in those communities could participate. I am glad that I had an opportunity to experience this extraordinary event and I look forward to attending next year's India Australia Friendship Fair.

### VIETNAM VETERANS

**Mr RYAN PARK** (Keira) [1.05 p.m.]: The Vietnam Veterans Day commemoration service, which was held at Flagstaff Hill in the Illawarra on Thursday 18 August 2011, is an important day in Australia's history. I joined Vietnam veterans groups, former diggers, their family members and members of the general public to pay tribute to the sacrifices made by men and women in that extremely tough and difficult Vietnamese conflict. On Thursday 18 August we also commemorated the forty-fifth anniversary of the Battle of Long Tan, an important battle in Australia's history that shaped and rekindled the Anzac spirit of Gallipoli and helped to mould those diggers. We live the life that we live today because of the sacrifices that were made by the many men and women in our armed forces in the Illawarra region. It was an honour to be amongst those men and women who served in Vietnam.

Many people in Australia believe we should not have taken part in that war in Vietnam, but those brave men and women did their duty and took on the enemy. Unfortunately, upon their return to Australia it was some time before they were recognised as heroes but they are now very much part of that Anzac spirit. It is fantastic that we now hold a commemoration service to honour the efforts of those brave men and women who served in the Vietnam War. I pay tribute to Murray Claydon, sub-branch president of the Illawarra Vietnam Veterans Association, for organising a truly moving ceremony. The commemoration service took place in the early

evening of Thursday 18 August 2011. The night was cool and dark but people's spirits were bright, and the compassion that was shown and the emotion that was generated were warm. It was a great honour to attend that moving ceremony. It is important for the younger generations who follow us to recognise the supreme sacrifice that was made on our battlefields by these brave men and women.

We must recognise those who lost loved ones, or whose loved ones were injured either physically or psychologically. We as members of Parliament must recognise also the sacrifices made by families in our electorates and the issues brought home by those soldiers as a result of the Vietnam conflict. It is particularly important on days such as this to remember that the freedom we now enjoy is not something we should ever take for granted and that battles such as these help us to shape our future. As a relatively young member of Parliament I hope that I never have to send my loved ones to fight in battles such as these, which is what occurred as a result of conscription during the Vietnam conflict. It was a challenging time for Australia but it is an honour that the efforts of these people have finally been recognised.

The local sub-branch, which is very active, is involved in a number of ceremonial events throughout the year. However, this ceremony takes centre stage because it focuses on the battle that occurred in Vietnam. I was moved after listening to the horrific stories and addresses from those who had served. I realised after speaking to several of the veterans that it is often difficult for them to relate their wartime experiences. They were present at the commemorative service but it served only to remind them of the absence of their mates and their loved ones with whom they had served. On behalf of all members I acknowledge every Vietnam veteran who served under the Australian flag. In honouring these brave heroes I acknowledge in particular the contribution of members of the Illawarra Vietnam Veterans Association under the leadership of Murray Claydon. I look forward to informing members of the work that they do in the future.

### **PORT MACQUARIE ELECTORATE**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [1.10 p.m.]: Today I refer to some of the small communities in the Port Macquarie electorate that I have had an opportunity to visit in my first five months as the local member. Visiting these communities is an important way to see firsthand the issues with which they are dealing: the range of issues varies enormously in scope. In some cases people might believe that they are small issues but for others these issues are of major concern and impact not only on their daily lives but also on the lives of members of the wider community. So far I have visited Harrington, Moorland, Coopernook, Lansdowne, Johns River, Hannam Vale, Kendall and communities living on Port Macquarie's north shore. For Harrington residents issues of importance include the dredging of the lagoon or back channel of the Manning River; the condition of the Harrington breakwall; the lack of an ambulance service, in particular, in the summer; and the need for rehabilitation of Wards Creek.

For Coopernook residents an issue of importance is reducing the speed limit to 50 kilometres an hour in the main street. In Moorland an issue of importance is the state of local roads and the noise associated with the upgrade of the Pacific Highway. I have arranged for representatives of the Roads and Traffic Authority to meet with local residents to discuss their concerns. For Lansdowne issues of concern include the lack of street lighting, the state of local roads and the need for solar panels on the local bowling club. In Johns River, which was recently bypassed with the upgrading of the Pacific Highway, local residents would like location signage to be improved. I am pleased to inform members that that is now happening. Hannam Vale residents have a range of concerns, including the condition of Hannam Vale Road and Waitui Road, logging trucks using these local roads, the cost of insurance on their community hall and noxious weed control—all valid issues and ones that must be addressed.

At Kendall issues of concern include the location and possible expansion of the local tennis courts and poor drainage at various locations throughout the village. Residents on Port Macquarie's north shore are concerned about the victims of the recent flooding and the Federal Government's disgraceful lack of action in approving Australian disaster relief grants for those residents whose homes were flooded. Many of those residents have been left to pick up the pieces, to continue cleaning up their properties and to wait for flooding to occur again—real issues of concern for north shore residents. The effects of the recent floods were made worse in low-lying streets due to issues relating to poor drainage. However, Port Macquarie-Hastings Council is well aware of this issue. Following on-site meetings with local residents, council representatives and me, council is trying to undertake work to improve these problems. The condition of local roads, which is a matter of concern in many small communities, is also a concern for local north shore residents.

I take this opportunity to commend Port Macquarie-Hastings Council for its quick response to a sink hole that was forming when I visited the north shore. After I rang to report the problem, council staff reacted

quickly to fix what could have developed into a much more expensive problem and one that it simply could not afford. On 3 September I will return to the north shore for a community forum and I look forward once again to meeting with local residents. When undertaking my electorate tours I am acutely aware of how passionate people in small communities are about community issues: they are always happy to attend forums and to discuss community and other issues. Recently, despite the pouring rain, we had a fantastic turnout at the Hannam Vale hall. As I said in my inaugural speech, Port Macquarie electorate has the best people and their commitment to improving community is outstanding. It is great to get out and to speak with people on their home turf.

Some of the most important aspects of being a local member are to be accessible, to listen and to take action when required. On Monday 31 October I will again hit the road and I will visit Crowdy Head, Moorland, Kendall and Laurieton. Many of the issues that are raised on electorate tours come under the jurisdiction of local councils, in particular, those issues relating to improving our local roads. As I meet regularly with Port Macquarie-Hastings Council and Greater Taree City Council I am sure that those two councils will be amongst the first to take advantage of the Government's low-interest loans to undertake works that have backed up due to a lack of funding. I say to those members who do not undertake electorate tours that they should do so regularly, in particular, those members who have responsibility for small, outlying communities such as mine. Electorate tours are informative, enlightening and rewarding and, importantly, enable members to keep in touch with all constituents in their electorates.

### OUR LADY OF LEBANON CHURCH

**Dr GEOFF LEE** (Parramatta) [1.15 p.m.]: On Monday 15 August the member for Granville, Mr Tony Issa, the Hon. John Ajaka, as Premier Barry O'Farrell's representative, and I, as guests of Monsignor Shora Maree, the parish priest for the Maronite Catholic community in Parramatta, attended a significant event—the Solemn Mass and Feast of the Assumption of Our Lady of Lebanon Church. The church, which is located in Alice Street, Harris Park, in my electorate of Parramatta, has a congregation of approximately 30,000 across Parramatta and its surrounding suburbs. The Feast of the Assumption is celebrated by Christians all over the world, but none more passionately than by our Maronite community. The Feast of the Assumption is the most glorious event in the life of Our Lady when she was taken into Heaven, body and soul.

The feast underpins the dogma of the faith as proclaimed by Pope Pius XII in 1950. The church overflowed with more than 1,000 worshipers inside and too many outside to count. Parishioners came from Parramatta, Blacktown, Fairfield, Canterbury, Bankstown and right across western Sydney. Our Lady of Lebanon Church is truly a church for greater western Sydney. It is heartening that the Maronite community in western Sydney, under the guidance of Monsignor Shora Maree, remains a pillar of strength and a focal point for the Lebanese Catholic community. The mass was delivered in English and Arabic in a solemn and respectful manner. Bishop Ad Abikaram presided over the proceedings and co-celebrated with Monsignor Shora Maree and his assistant parish priest.

The mass was followed in customary fashion by the Feast of the Assumption, a loud and joyous occasion during which many hundreds of children and their families shared in traditional Lebanese food and entertainment. My colleague the member for Granville, Mr Tony Issa, was in fine form that night, selling raffle tickets and raising thousands of dollars from generous parishioners for the construction of a community and youth centre adjacent to the church. As a strong supporter of the community centre I have written to the Minister for Family and Community Services, the Hon. Pru Goward, to ask whether the New South Wales Government can assist in the fine work being carried out by this community. I have had the privilege of touring that centre which is not yet open, which represents a commitment of \$5 million to \$6 million.

The community centre multipurpose building will house a preschool and provide accommodation for a couple of hundred young people who will be kept off the streets and in suitable community venues on Friday and Saturday nights. It will also offer marriage guidance counselling and provide other office accommodation—a multipurpose building that provides facilities for both preschool children and pensioners and retirees. I am grateful to the monsignor for inviting me to share in this important day. I also commend assistant parish priest Father Freiha Akiki, Father Sam Wehbe, Father Paul Joubair, Father Pierre Khoury, Father Antoun Abou Antoun, Father Nakhle Akiki, and Father Elias Ayoub. I commend the altar boys and the congregation for their professionalism and dedication in the celebration of the glorious Feast of the Assumption. It certainly was a fantastic night. I was delighted to meet so many members of the Maronite community and I was honoured to be involved. I look forward to working more closely with Monsignor Shora and the community in the years to come.

### **SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOCIATION**

**Mr GUY ZANGARI** (Fairfield) [1.20 p.m.]: Today I draw the attention of the House to the sixty-fifth anniversary of the Southern Districts Soccer Football Association. On 16 July 2011 I was invited by the association to take part in its annual charity match celebrations at Marconi Stadium. Southern Districts raised funds during the event for two Cancer Council campaigns: Call to Arms and Pink Ribbon. The facts are that by the age of 85 one in two men will be diagnosed with cancer and one in every nine women will be diagnosed with breast cancer. For three consecutive years the Southern Districts Soccer Football Association has held the Fairfield versus Liverpool charity match, which involves football players of all ages from both areas uniting to support this great cause. Last year \$10,000 was raised for the Autism Advisory Service in Liverpool and Aspect Western Sydney School at Wetherill Park. Participating to support this great cause, as in previous years, was former Socceroos captain Paul Okon, a Fairfield boy, who captained the Fairfield team for the day.

The day kicked off with a presentation from the Special Needs Ability Program Providers, including a game of soccer from the Soccer Kidz. I thank the President, Mrs Lucy Reggio, and her team for giving local disabled children the opportunity to enjoy the wonderful game of football. Following this display the under-10 non-competitive boys and girls played a series of games on the stadium pitch. It was great to see the high level of skill developing amongst our juniors in Fairfield and Liverpool. For the first time this year the under-16 boys played in the curtain-raiser game. Representatives for Fairfield and Liverpool were selected from the 27 clubs in the Southern Districts Association. After many shots and misses the game ended in a nil-all draw and joint winners were declared. The main charity match of the day featured marquee players such as Paul Okon, Klaus Okon, former Sydney Football Club midfielder Ufuk Talay and Sydney Football Club's Nick Carle.

These special guests represented the district in their early years as young players and they continue to offer support for their local community when given the opportunity. I express my sincere thanks to the marquee players for supporting and encouraging the up and coming soccer stars of the district. The success of the game was also due to the technical guidance of Mr Peter Ashby, coaching Liverpool, and Mr Okon senior, coaching Fairfield. The charity game was an end-to-end game with equal possession had by both teams. In the end it was a two-all draw and once again joint winners were declared. I must acknowledge the efforts of the goalkeepers, Joseph Bruscano for Fairfield and George Gonzalez for Liverpool. They put on a spectacle for the crowd, saving hard-hitting shots from all players. I was equally proud to see these two former students of mine from Patrician Brothers, Fairfield, give it their very best. Overall it was a classy display of local football talent.

In order to support the fundraising, memorabilia was sold in the form of yellow armbands and footballs, and pink silk. It was evident the association had the full support of the Cancer Council in running the event. The Cancer Council is one of the most recognised and prominent groups in Australia. It is a group the majority of the population can relate to as there are so many families and people within our community that have been impacted by cancer. I congratulate and recognise the Southern Districts Soccer Football Association for all the work it has put into the community for the past 65 years, particularly President Andy Favaloro, Secretary Ron Hughes, Treasurer Hugh Gulpers and committee members John Vukasin, Sam Kalouris and Paul Casey for their tireless work in the Fairfield and Liverpool districts. The association is also very fortunate to have two hardworking officers in Paul McGovern and Rosanna Lentini.

Paul and Rosanna epitomise the community spirit of Fairfield and Liverpool. They do the mammoth job of overseeing the association's administrative duties with great distinction. The association can be proud of its achievements thus far. The time, effort and energy that have gone into the community have not been wasted as the outcome of this hard work was visible on this occasion. It was great to see and be part of a day filled with motivation, unity and fun in support of such a worthy cause. I continue to acknowledge all volunteers involved in running this successful event and the achievement of raising \$10,000. The funds were evenly split between Call to Arms and Pink Ribbon. On top of the memorabilia sales most clubs pledged generously towards the event. I encourage all people to strive to take up the opportunities that life gives us and to be involved in celebrations like this one.

### **BOMBALA SOFTWOOD TIMBER MILL**

**Mr JOHN BARILARO** (Monaro) [1.25 p.m.]: I draw the attention of the House to the ground-breaking ceremony for the Dongwha Holdings softwood timber mill, which took place in Bombala on Saturday 13 August. Dongwha Holdings, which operates as the Australian Sawmilling Company, or TASCO, is a multinational large-scale timber processor with operations in Korea, the United States, New Zealand, Australia, Vietnam and Malaysia. In 2008, the company secured a wood supply agreement with Forests NSW to enable construction of the new mill. The sawmill is due for completion by 31 December 2012.

The event was a great celebration to mark the start of construction of a new \$69 million timber mill. The ceremony was the culmination of efforts by the Department of Trade and Investment and Forests NSW to secure investment in a new timber mill by the private sector and the determination of the Australian Sawmilling Company to see the project through. I was pleased to represent the Minister at the event and to help turn the first sod on the site. More importantly, I was honoured to be allowed to share this occasion with the community of Bombala. The new timber mill will secure the 89 existing jobs and create 60 new jobs during the construction period, which will create significant flow-on jobs in forest harvesting, transport and engineering services. It will also have important flow-on benefits for the local community and the regional economy.

This is certainly a welcome investment in my electorate and it represents a vote of confidence in the regional economy and the softwood timber industry in southern New South Wales. For the community of Bombala, it gives assurance that the mill is staying and will be a major employer in the future. Bombala has had many ups and downs over the past decade with many false starts and broken promises in relation to the mill, but the sod-turning ceremony marks a new beginning and gives hope to the community of Bombala and the local economy. Forestry is an important industry in Australia; in 2009-10 the total value of Australian exports of timber products was \$2.4 billion. The industry also contributes through creating and sustaining much-needed local jobs.

To grow our economy and enable jobs growth, government should remove obstacles where possible. That is what this Government is all about. This Government is welcoming and encouraging investment in our regional areas through our Jobs Action Plan, which aims to deliver 40,000 new jobs in regional New South Wales. There is also the Government's commitment to proper, transparent infrastructure investment through Infrastructure NSW and the Restart NSW capital fund. It is this sort of investment that will lead to real economic growth in regional areas like Bombala and encourage private enterprise like TASCO.

Economic growth enables the Government to provide a high standard of services and infrastructure. Ultimately this strengthens community wellbeing and improves quality of life. Investments such as this new timber mill are part of a bright future for my electorate and, in particular, for the Bombala region. I would also like to bring to the attention of the House the establishment of a 20-year 250,000 cubic metre timber supply agreement between the Australian Sawmilling Company and Forests NSW that will support the mill. This is another piece of great news for my electorate and the future growth of the Bombala region.

I would like to acknowledge some of Dongwha's Korean executives who travelled all the way from Seoul to attend the ceremony: Mr Lee Vyeong Eon, President of Dongwha Holdings, Mr Myung-Ho Seung, Chief Executive Officer of Dongwha International Co. Ltd, and Mr Bart Crawly, Managing Director of the Australian Sawmilling Company. I would also like to pay special tribute to Bombala Shire Council for its determination in seeing this project through, and I note especially the role of the Mayor of Bombala, Councillor Bob Stewart. His dedication to his community is an inspiration and he has played a large part in the realisation of this project. Bob sees himself as a guardian of Bombala and his straight-talking, clear vision and passion for his community is a breath of fresh air. As the local member I am looking forward to working with Bob because his energy energises me and allows me to see Bombala in all its beauty and potential, which normally can only be seen from a local perspective.

The people of Bombala are resilient, courageous and community minded. They know what they want and where they want to go. This is the start and I look forward to sharing the journey of change with them. For those who may not know, Bombala is situated in the stunning south-east corner of New South Wales. It is a two-hour drive south of Canberra and a little over a half-an-hour drive from either the Snowy Mountains or the Sapphire Coast, and it is surrounded by the majestic tall timbers of the South East Forest National Park. Our unique rural area is renowned for its wool, beef cattle, timber and lavender production, as well as its mountain bike trails, fly fishing and our resident platypus. Visitors are warmly welcome to relax and explore the area's many wonders. Once again I extend my congratulations to TASCO, Dongwha Holdings and the people of Bombala on the sod-turning ceremony, which marks a new era in Bombala and the Monaro.

## SOLAR ENERGY

**Mr RICHARD TORBAY** (Northern Tablelands) [1.30 p.m.]: The stop-go policies on solar energy of successive New South Wales Government's not only stretch credibility but are out of step with the mindset of the people of this State. Whilst there has been almost universal agreement that the 60¢ feed-in tariff scheme of the former Government was overgenerous, there is now growing dissatisfaction that the overreaction of the current Government is steadily killing off an industry that should receive its support. The first forays to

introduce retrospective legislation and to discredit the industry—both of which quite rightly failed—bring no credit to the Government. The industry has been placed in limbo; waiting until April of next year for the recommendations of an Independent Pricing and Regulatory Tribunal of New South Wales inquiry into a fair pricing policy. By then the already high rate of job losses and business closures in this industry will have escalated even further.

A survey undertaken by the Solar Energy Industries Association, which was completed only two weeks ago, showed that 416 solar jobs have already been lost from only 91 businesses—a small sample of the hundreds of solar businesses across New South Wales—108 staff are likely to be laid off in the next month and 25 per cent of solar businesses have closed or are expected to close. Since the peak in late 2010, as a result of current government policy, there has been a 93 per cent fall in daily sales inquiries. Across the industry it is estimated that there will be an 88 per cent decline in solar installations and an \$800 million cut in retail sales, with 3,700 jobs lost by the end of the year in New South Wales. These figures are out of step with the mindset of the householders and businesses of this State.

Only a week ago operators from my electorate who attended AgQuip in Gunnedah reported that there was still a strong market for solar if the Government could arrive at a fair and equitable price for exported solar energy. People want to install solar because they believe it is better for the environment and that it should be developed as a sustainable industry in this State. The uptake of solar energy in many of the electorates represented by Government members has been significant. In Dubbo more than 13 per cent of households have installed rooftop solar; Lismore, 12 per cent; and Tweed Heads, 14 per cent. In my electorate of Northern Tablelands there has also been a strong response to the incentives to install solar. A report in the *Sydney Morning Herald* last week stated:

The cost of solar power in parts of NSW has for the first time crept below that of coal-fired electricity—seen as a key tipping point for the expansion of renewable energy... solar power is edging towards "grid parity", after which it becomes cheaper than fossil fuel-generated energy such as coal and gas, even taking into account the upfront cost of buying rooftop solar panels.

In light of developments such as those, if the Government was to review its short-sightedness and tried to reinstate the momentum of the solar industry in this State, it would be costly and difficult to reawaken public confidence if there were too big a time gap. The better option would be to introduce interim measures to pay households at market rates for the power they produce until the review of subsidies is completed next year. In other words, the cost of putting into the grid is the cost given back, which is what the industry is calling for. That would sustain the industry during this critical period. Following the Solar Summit held on 1 July 2011, the solar industry made submissions to the New South Wales Government outlining various approaches to achieving an immediate interim policy at low or zero cost to government.

The Independent Pricing and Regulatory Tribunal of New South Wales has many issues to consider, including valuing the capacity of the energy generated on people's roofs and its contribution to the electricity grid at times of peak demand. The industry believes that a fair price for solar will ensure that those families and businesses who install solar panels will receive the same amount for the clean energy they produce as they pay for the electricity they import from coal-fired power stations. That seems a fair position and is one that the industry believes would encourage a sustainable take up of solar in this State and would create a cost neutral feed-in tariff system. It is time to take the politics out of the solar issue and encourage and grow an industry to deliver clean renewable energy for the State and the nation in an attempt to decarbonise.

### **BLUESCOPE STEEL PORT KEMBLA OPERATIONS**

**Ms NOREEN HAY** (Wollongong) [1.35 p.m.]: On Monday 22 August 2011 Paul O'Malley, the Chief Executive Officer of BlueScope Steel, made a heartbreaking announcement for hundreds of workers employed at BlueScope Steel, Port Kembla. Mr O'Malley announced the end of steel export operations by BlueScope Steel, Port Kembla. Yesterday's announcement will result in the cutting of 800 jobs at Port Kembla, and 350 contractors. The No. 6 blast furnace will be shut down and kept in "care and maintenance mode"—with little likelihood of its reopening—the No. 4 cokemaking battery is to close and the No. 3 basic oxygen steelmaking furnace and the No. 1 slab caster are to close.

My community now faces an uncertain future. Many of those workers, who are predominately from non-English speaking backgrounds, have a highly-specific skill set and will find it very difficult to get another job. Many of them are mature age. Many migrated to Australia specifically to work at the steelworks or are the children of those migrants who followed in the family tradition. This is not just about losing jobs. These people have a social investment in the community, their family, their children and their grandchildren. At this

troublesome time we need to put politics aside and do what we can to help these people who will struggle, particularly if English is not their first language, to find other employment. Some of the younger people may want to relocate but for those who do not want to relocate we need some form of positive investment to help create employment or to retrain them if necessary. They should also receive some positive discrimination, as has happened in the past.

The Federal and State governments have created a \$30 million assistance package for the region. The Illawarra Region Innovation and Investment Fund will support new business endeavours and aims to create innovative and high-skilled jobs predominately in manufacturing. It is also designed to stimulate investment and diversify the region's economy. The fund is made up of \$5 million from the New South Wales State Government, \$5 million from BlueScope Steel and \$20 million from the Federal Labor Government. This is just the beginning; it will have a trickle-down effect. It is time for the region's leaders to pull together and focus on helping the 800 workers facing redundancy. I call on the Federal and State governments to consider moving public sector jobs to the Illawarra. We need an increase in investment and, as the unions have said, people should be buying Australian to ensure employment opportunities for these people rather than retraining them for jobs that do not exist. Strong and positive focus needs to be given to what opportunities we have and what can be created in Wollongong, and the Illawarra.

The O'Farrell Government must continue Labor's Local Jobs First program to use locally manufactured goods in its procurement processes, and do everything it can to support New South Wales manufacturers. I strongly urge the O'Farrell Government to use the upcoming September budget as an opportunity to direct funding and investment to the Illawarra to support local jobs and create jobs. The Government must guarantee that there will be no cuts in the budget to the Illawarra Advantage Fund, which works to attract new industries and sustainable jobs in the region. Now is the time to be increasing investment and boosting job-creating programs in the Illawarra. I call on all stakeholders—including industry heads, unions, political representatives of all persuasions and community leaders—to come together and look at ways in which we can work together to offer a helping hand to the people who will be seriously disadvantaged by the decision. I call on all parties to work together on this matter.

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [1.40 p.m.]: Yesterday the Premier said the New South Wales Government is determined to stand with the people of the Illawarra. I hear what was said by the member for Wollongong, and she will have the full support of the Government. Many of my constituents are employed in the steel industry. BHP was operating in Newcastle until recently, but its former employees found work in the area. On numerous occasions this House has called on the Prime Minister to abandon plans for a carbon tax. I would suggest that the use of imported steel in government construction projects is not a new phenomenon; the previous New South Wales Government did not seem all that concerned. Unfortunately, a wonderful company such as BlueScope Steel, with its very good workers, are suffering. I agree with the member for Wollongong: let us see what we can do in a bipartisan approach to rectify the situation.

#### NIGHT OF HOPE EVENT

**Mr CHARLES CASUSCELLI** (Strathfield) [1.41 p.m.]: Today I offer my congratulations to the Sydney Institute of Cancer Aid Inc, a Korean-oriented organisation based in Strathfield, and World Mil-al Australia, the Australian branch of a world Korean Christian missionary organisation for the disabled, in hosting a "Night of Hope" last Saturday evening. I attended this remarkable event as a representative of the Minister for Citizenship and Communities, the Hon. Victor Dominello MP. The Night of Hope was organised to encourage cancer sufferers and people with disabilities to overcome their limitations and to encourage others to provide support through volunteer activities and funding.

World Mil-al Australia is the Australian branch of a Korean-based world Christian missionary organisation for people with physical and/or intellectual disabilities. In 1979 Jae Suh Lee, currently the President of Mil-al Mission International, who is legally blind, founded the Korean Mil-al Mission organisation with the stated purpose of educating churches, communities and society at large about current issues facing people with disabilities. Mil-al Mission is dedicated to serving individuals with special needs, as well as their families and carers, by way of Christian-based activities, service provision, and information on the availability and delivery of disability services appropriate to the environment of the communities to which they belong.

In March 1995 the American and Korean Mil-al missions collaborated to reach out to people living with disabilities throughout the world. Mil-al Mission is now established in over 30 countries, including the United State of America, Canada, Australia, New Zealand, Germany, The Netherlands, England and Russia. Its

headquarters are located in South Korea, a country where the mission is present in 28 locations. Keep in mind that this organisation was started by a person who is legally blind and felt an obligation or a mission to reach out to those with disabilities across the entire planet.

The principal organisers of the Night of Hope were the Reverend Jong Moo Byun of the Sydney Institute of Cancer Aid Inc and Reverend Young Hwa Jung of World Mil-al Australia. Both are outstanding leaders of their communities. I apologise to those gentlemen if I did not pronounce their names correctly; I am Italian, and I sometimes have problems with English. The Night of Hope was a means to collect funds for their operations and help raise the hope and resilience of cancer sufferers and people with disabilities to the point where they can feel encouraged to overcome some of their limitations.

A guest speaker at the event was Mr Il Sub Urn, who is said to be the world's first person with a disability to play the keyboard using his nose and communicate through a computer by holding a pen in his mouth. Mr Urn is world renowned. He travels the world encouraging others with disabilities. On the night he played several pieces. If the seats had allowed it, there would have been standing ovations for each and every one of those pieces. His testimony centred on the fact that at the depth of his despair, when made aware of his disabilities by those around him, he cried out, "What a useless human-being I am! I control no part of my body except my nose and my lips." He now travels the world using his nose and his lips to play the keyboard and communicate encouragement to others with similar or other disabilities.

The New South Wales Government is proud of the conscientious Korean-Australian community—particularly their exceptional entrepreneurial spirit, their hard work, their generosity to the local community and others. Likewise, we continue to admire the Korean-Australian community for its contributions to music, literature, dancing and the visual arts, and the way in which their community embraces both traditional Korean and diverse Australian cultures and customs. Last Saturday night's event is a fine example of charity and volunteerism for a commendable cause. Encouraging people with cancer and people with disabilities to use their willpower and determination to approach life with a positive and hopeful outlook really helps people to maintain a strong sense of purpose and self-control as they manage very difficult personal circumstances on a daily basis. I personally commend the organisers for hosting the Night of Hope, which brought together over 350 members of the Australian-Korean community and the wider Australian community in support of such a worthwhile cause.

#### **FAIRFIELD YOUTH ADVISORY COMMITTEE**

**Mr NICK LALICH** (Cabramatta) [1.46 p.m.]: On Wednesday 13 July 2011 it was my great pleasure to welcome and congratulate the new members of the Fairfield City Council's Youth Advisory Committee and thank the outgoing members of this committee for their wonderful work. The Fairfield Youth Advisory Committee—affectionately known by its acronym YAC—provides a forum for elected representatives and council staff to engage in a meaningful dialogue with young people across Fairfield city. The committee provides young people with the opportunity to contribute to the planning, development and implementation of council's youth-focused initiatives.

The 20 members of the Youth Advisory Committee are drawn from the 35,000 young people living in the Cabramatta-Fairfield area who are aged between 14 and 24 years. Members are from a wide range of cultural and socioeconomic backgrounds; they all bring different life experiences and perspectives to the committee. Their tenure on this committee is for an initial one-year term, with an option for committee members to continue on for an additional second and third term, to mentor younger members and lead the committee. Youth Advisory Committee members are heavily involved in council's youth-focused initiatives, such as the Bring It On! Festival. The Bring It On! Festival is a key youth engagement strategy for Fairfield City Council, with high levels of youth participation. Some 10,000 people attended the 2010 festival, and it gets bigger every year. The Youth Advisory Committee can also develop projects of its own that will benefit the young people in Fairfield city.

The Youth Advisory Committee has led events like the Everyone Belongs Youth Conference of 2009 and the Fairfield Youth Achievement Awards of 2010. These high levels of youth participation have seen Fairfield City Council win the Local Government Association award for "Best Local Youth Week Program" for the past two years. Under the guiding hand of Mr Peter Hope, council's Youth Community Project Officer, the Youth Advisory Committee provides a voice for young people when developing public policies and strategies such as the recreational needs strategy, which is currently being developed by council, the community strategic plan and the cultural plan. The Youth Advisory Committee helps council to understand



new trends and embrace different mediums to communicate with young people, such as social media—mediums such as Facebook, Twitter and YouTube—and gives council advice and feedback on how to market effectively to young people.

The Youth Advisory Committee receives training in different areas to build its skills base. In recent years its members have undergone training on advocacy, communication, team work and working with the media. Every quarter council employs, on a part-time basis, a Youth Advisory Committee member who has demonstrated strong commitment and leadership to assist with convening the committee. This is a great opportunity for young people to learn more about council and build their skills. The Youth Advisory Centre Committee supports the personal and professional growth of the participants. In 2009 three young members—Tarsha Gavin, Andrew Sheaves and Jasmina Dugalic—gave a presentation to council about the need for a youth facility in Fairfield. The participants spoke confidently; they were passionate about supporting the youth in our area and clearly demonstrated a need for the centre.

Council has since resolved to build a new youth and community facility with Youth Advisory Committee members being involved in the ongoing planning. The three young people who gave this presentation were role models and have made valuable contributions to the committee over the past four years. I take this opportunity to thank Mr Kevin Ingram, the President of Mounties Group, and Mr Greg Pickering, the chief executive officer of Mounties. I know this club is close to the heart of the member for Tweed, who was a director and chief executive officer of the Revesby Workers Club. That is a fine club. The Mounties Group has contributed \$250,000 for the design and development of the Fairfield youth and community centre. We thank the Mounties group for its ongoing support and for understanding the importance that this youth centre will make to our community. The generosity and support of Mounties for the youth in our area, council and our wider community over many years have played a significant role in the betterment of Fairfield city.

#### **AFL ISRAELI-PALESTINIAN PEACE TEAM**

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [1.51 p.m.]: Last Monday evening I had the great honour of attending a welcome event for the AFL Israeli-Palestinian Peace Team at the Central Synagogue at Bondi Junction in the Vaucluse electorate. The Premier also welcomed the team and presented them with their jerseys at a dinner prior to that. This unique team, supported by the Peres Centre for Peace and the Al Quds Association for Democracy and Dialogue, is competing in the AFL International Cup in Sydney and Melbourne from 12 to 27 August against teams from 17 different countries. In 2008 the Peres Centre for Peace, in cooperation with its Australian chapter, created the first joint Israeli-Palestinian AFL Peace Team. The team members, aged between 18 and 35 years, were from Israel and the West Bank. It was a great success despite the many difficulties the team faced—not knowing one another, not knowing the sport and, indeed, not speaking the same language.

As if those challenges were not enough for the Palestinians, making it to team training meant getting permits and passing checkpoints. The second Israeli-Palestinian AFL Peace Team, which both the Premier and I welcomed, has now returned to Australia to continue spreading the message of Israeli-Palestinian cooperation and dialogue through sport. They show the world that such team work is not only desirable but also possible. They demonstrate to Australia, and indeed the world, that Israelis and Palestinians, Jews and Muslims, can and do continue to work together to reach their common goals of understanding. Until this visit, some of the Palestinian men had not been inside a synagogue. Likewise, some Israelis had not set foot inside a mosque. They were part of the events that formed the team's visit.

These experiences during the trip, done in a relatively safe environment in Sydney, will have a lasting effect on the young men, preparing them to serve as future and ongoing ambassadors of peace in their local communities. At the welcome last Monday evening the team manager, a Palestinian called Sulaiman, spoke. His story to all of us was a stark reminder of the significance of the formation and continuation of the team. The Israelis imprisoned Sulaiman for 10 years when he was 13 for his part in an attack on two policemen. Through this talk he said that in jail he had time to read and think. Just as Nelson Mandela taught himself the Afrikaans language and read Afrikaans writers when he was in jail to better understand the conflict in which he was engaged, Sulaiman taught himself Hebrew. Sulaiman's story and abundant courage transfixed all those who heard him speak that evening.

The peace team and its visit would not be possible were it not for the great work of the Peres Centre for Peace and the Al Quds Association. The Peres Centre for Peace was established in 1996 by Israel's newly elected President, Mr Shimon Peres. It remains a powerful engine for peace building, a non-political, non-profit

organisation committed to building a better life in the region for Palestinians, Arabs and Israelis through cooperation and mutual respect. Through extensive communication, cooperation and close interaction with Arab partners, the centre is leading the way in peace-building projects, which include a focus on agriculture, business and economics, civil society dialogue and cooperation, medicine and health care, peace education, and culture and sport.

The Al Quds Association for Democracy and Dialogue is headquartered in Ramallah. It aims to establish a peace-building mechanism that will eventually bring long-lasting and just peace to the region and between both nations, through the dissemination of the values of peace, democracy, tolerance and a culture of peace in Palestinian society. Both organisations must be commended for their vision and hard work. I must also extend my hearty congratulations to Tanya Oziel and John Weiss, who organised and managed the team's visit. The story of the peace team is one that can inspire us all. This incredible group of young men who crossed all boundaries to prepare and make the trip—physical, emotional and political—are brave ambassadors from whom we can learn so much. I commend my private member's statement to the House.

### **CITY OF SYDNEY BUSINESS AWARDS**

**Ms CLOVER MOORE** (Sydney) [1.56 p.m.]: Small and medium businesses make a tremendous contribution to the vibrancy, viability and success of the inner city, enlivening our communities, driving economic growth and providing jobs for hundreds of thousands of people. There are 18,000 small and medium businesses spread across the city of Sydney local government area. Small businesses employing fewer than 20 people make up 85 per cent of operations and medium-sized businesses employing up to 200 staff make up a third of the city's workforce. The City of Sydney annual Business Awards celebrate the small to medium independent business sector, providing an opportunity for inner-city businesses to increase their profile, expand their customer networks and take their business to the next level.

This year new records were set, with 640 nominations and a whopping 67,000 votes cast. That is a healthy 23 per cent increase in the number of nominated businesses since last year and a 62 per cent increase in the number of votes. The increase in votes reflects community awareness of just how significant local businesses are to community identity, over and above the services they provide. And the increase in nominations suggests that, despite the gloomy global outlook, Sydney's small business sector is thriving. The awards include 22 categories covering everything from fashion and beauty to food and drink, accommodation, tourism, marketing and many more. A new category for online business was introduced this year. It includes blogs, email and social networking and recognises the strong growth in the digital economy in Sydney. This category drew an impressive 21 nominations with close to 2,000 votes.

Another new category is the ANZ Fast Starter Award, which recognises fast-growing businesses with an annual turnover of more than \$5 million. The continuing success of the small bar scene was reflected in nominations for a number of new venues, including Grandma's, Stitch, 13B and the Passage, while Sydney's extraordinary bike boom saw 13 bicycle businesses nominated and more than 500 votes received. Eight finalists will be selected from each category, based on nominations from owners, employees or members of the public. Winners will be announced at the awards dinner to be held at the Westin Hotel on 13 September. The awards also recognise good social and community results through the Environmental Business Award and the Lord Mayor's Sustainability Award. In 2008 the city commissioned a report about reactivating the central business district laneways and fine grain spaces.

We want to create vibrancy in the central business district and we are looking at encouraging smaller retail spaces for small businesses like cafes, small bars, galleries and specialty shops. Our Fine Grain Business Development Matching Grant Program assists small businesses to locate and thrive in the fine grain laneways and underutilised precincts of Sydney's city centre, enhancing and diversifying the central business district. Last night council endorsed a memorandum for the reactivation of lower Oxford Street, which aims to diversify the business mix and support the daytime economy. We hope that through leasing our city-owned properties we will encourage small creative retailers and enterprises. The city also partners with Sydney Water and the Office of Environment and Heritage for the Smart Green Business program, which helps small to medium businesses improve their environmental sustainability and save on their operating costs. The program provides free, hands-on advice on sustainability, water and waste audits, and a referral to subsidised energy-efficiency programs.

Sustainability is smart business, and as well as saving money and saving our environment it also engages staff and gives the edge in an increasingly environmentally aware marketplace. Similarly, Woollahra

Council runs the Eastern Suburbs Sustainable Business Program together with Randwick and Waverly councils, Sydney Water and the Office of Environment and Heritage providing small-to-medium businesses, including those in my electorate, with free water, energy and waste assessments. I welcome the Government's appointment of a small business commissioner to advocate for improved laws and policies on behalf of small businesses, and the payroll tax rebates for businesses that increase their full-time employees for at least two years. These initiatives will help inner city small-to-medium businesses. Small to medium business provide a human scale in our global city, which helps give Sydney a distinct character and makes it a great place to live and visit.

**Private members' statements concluded.**

*[The Acting-Speaker (Mr Geoff Provest) left the chair at 2.01 p.m. The House resumed at 2.15 p.m.]*

**LEGISLATIVE ASSEMBLY SERJEANT-AT-ARMS**

**The SPEAKER:** It is with pleasure I announce that Leslie Eric Gönye has been commissioned by Her Excellency the Governor as the Serjeant-at-Arms on and from 10 August 2011. Mr Gönye's new title is Clerk-Assistant, Table and Serjeant-at-Arms.

**STANDING ORDER 91**

**The SPEAKER:** As members will recall, on the last sitting day I advised the House that I would issue a statement in relation to the operation of Standing Order 91. In recognition of the necessity for members and the House to be able to meet and debate matters unimpeded by threats or constraints, Standing Order 91 permits members to interrupt business when a breach of privilege or a contempt suddenly arises. Generally, matters of contempt or breach of privilege involve disobedience to general orders or rules of the House, disobedience to particular standing orders, indignities offered to the character or proceedings of the Parliament, assaults or insults upon members or reflections upon their character or conduct in Parliament, or interference with officers of the House in the discharge of their duties.

It is expected that a member would be able to quickly establish to the satisfaction of the Chair whether there is a *prima facie* breach of privilege or a contempt. There is no requirement for the Chair to allow a member to speak for the full 10 minutes if it is clear from the outset that there is a *prima facie* case or that one does not exist. The Speaker has to be able to form the opinion, first, that the matter is suddenly arising, second, that it relates to a matter then before the House and, third, that it should be dealt with at the earliest opportunity. I make it clear that it is not a breach of the standing orders, nor a matter of contempt or privilege, if a member is dissatisfied with an answer provided during question time. I advise members also that, in the usual course of events, should a matter of privilege or contempt be raised during question time, consideration will be deferred until the conclusion of question time.

It is essential to establish privilege or contempt that the member must also show how the matter complained of fairly and reasonably interferes with the operation of the House or hinders the member in the discharge of their duties. After hearing the member the Chair has the option of allowing the member's motion to be moved immediately, placing it on the *Business Paper* with precedence, or of reserving any decision for later in the sitting or on a subsequent sitting day. Given the high threshold for establishing contemporaneity, urgency and impediment, it is expected that the vast majority of matters of contempt or breach of privilege should be dealt with in accordance with Standing Order 92. This standing order enables a member to write and ask the Speaker to determine within 14 days whether a motion to refer the matter to the Standing Committee on Parliamentary Privilege and Ethics should take precedence under the standing orders. I advise members that they are at liberty to place a notice that relates to a matter of contempt or privilege on the *Business Paper*, but that such notice does not attract precedence.

**WILLIAM CHARLES WENTWORTH PORTRAIT**

**The SPEAKER:** As members no doubt have observed, the life-size portrait of William Charles Wentworth, painted by artist Richard Buckner, has been returned to the Chamber. I am sure the Premier and the member for Hawkesbury will be pleased as they have asked several questions about its absence. Wentworth posed for the portrait during his visit to London in 1854 when he lobbied the British Government to grant self-government to the Australian colonies. The portrait, together with the commemorative Sydney Harbour

Bridge opening scissors, has been on loan to the National Museum of Australia in Canberra since February this year to be displayed as part of the "Irish in Australia—Not Just Ned" exhibition, which has been a successful public display highlighting the role of colonial Irish explorers, settlers, families, leaders, lawmakers and villains.

The portrait has hung in the Legislative Assembly Chamber since 11 October 1859 when, following an often heated debate, the House agreed, on the casting vote of the then Speaker, to the permanent placement of the portrait in the Chamber, "... in consideration of the eminent services of William Charles Wentworth, formerly and for many years one of the representatives of the city of Sydney, in obtaining free institutions for the colony". While Wentworth was never a member of the Legislative Assembly, he was an elected member of the pre-responsible-government Legislative Council from June 1843 to April 1854. Wentworth played a prominent role in bringing self-government to New South Wales by introducing the Constitution Bill in 1853 and ensuring its passage through the Imperial Parliament in 1855. This Constitution Act laid the foundation for today's parliamentary system in New South Wales and it is a deserving memorial to have him overlook the proceedings of the Parliament he helped to create.

### NORWAY KILLINGS

**The SPEAKER:** I inform the House of the receipt of the following letter dated 11 August 2011 from Her Excellency Siren Gjerme Eriksen, Ambassador Royal, Norwegian Embassy:

Dear members of the Legislative Assembly of New South Wales,

Your condolences and sympathy in the wake of the tragic events in Norway on Friday 22 July have been a source of support at a very difficult time. Please accept my most sincere gratitude.

The horrific and brutal acts of terrorism in Norway are a national tragedy. They were also attacks on our humanity and our fundamental values: openness, inclusion, engagement and democracy. In the aftermaths the Norwegian Government has repeatedly confirmed that the attacks will not change the nature of our democracy.

Norway will continue its international commitment to the values we believe in, and continue to stand up for them.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the following message from the Administrator:

T. F. BATHURST  
ADMINISTRATOR

OFFICE OF THE GOVERNOR  
SYDNEY, 18 August 2011

The Honourable Thomas Frederick Bathurst, Chief Justice of New South Wales, has the honour to inform the Legislative Assembly that he assumed the administration of the Government of the State at 7.40 p.m. on Thursday 18 August 2011.

### ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The SPEAKER:** I report the following message from Her Excellency the Governor:

MARIE BASHIR  
GOVERNOR

OFFICE OF THE GOVERNOR  
SYDNEY, 21 August 2011

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State at 8.05 p.m. on 21 August 2011.

### ASSENT TO BILL

Assent to the following bill was reported:

Clean Coal Administration Amendment Bill 2011

### BUSINESS OF THE HOUSE

#### Notices of Motions

**Government Business Notices of Motions (for Bills) given.**

## QUESTION TIME

---

*[Question time commenced at 2.26 p.m.]*

### ORICA PLANT INCIDENT

**Mr JOHN ROBERTSON:** My question without notice is to the Minister for the Environment. How and when did the Minister's office first become aware of the leak of hexavalent chromium from Orica's Kooragang Island plant, which occurred on the evening of 8 August 2011.

**Ms ROBYN PARKER:** I was hoping I would get a question today to clear up the scaremongering by the Leader of the Opposition in an effort to frighten the people of Stockton.

**The SPEAKER:** Order! An Opposition member has just asked the question, and Opposition members should at least try to listen to the answer.

**Ms ROBYN PARKER:** They do not want to know the truth.

**The SPEAKER:** Order! If Opposition members cannot listen to the answer they will be placed on calls to order and may find themselves out of this Chamber.

**Ms ROBYN PARKER:** Let us get the time lines straight. On Monday 8 August at 6.00 p.m. the Orica incident occurred. On Tuesday at 10.30 a.m. Orica informed the Office of Environment and Heritage of the incident. That is a 16 hour delay, which is totally unacceptable. It is a delay sanctioned by the laws left by the Labor Government. Labor had 16 years to fix the law. It was not until 4.23 p.m. on the Wednesday that the Office of Environment and Heritage sent an email to my ministerial office advising of the incident. I am not on the email list and I did not receive the email. This delay is a matter of concern to me. Opposition members do not want to know. At 6.51 that evening I was first advised of the pollution incident at Orica by a telephone call from my chief of staff.

Based on the early alert, the information provided to me in that call was that there had been a pollution incident involving chemicals at Orica on Kooragang Island on the Monday night. The plant had been shut down and everything was under control. Orica had indicated at first that the chemical spill was contained on the site and the regulator was in the process of testing samples from a wider area to determine what the chemical was. The Office of Environment and Heritage was coordinating the environmental response, the Department of Health was coordinating the public health response, and Orica had been door knocking in the Stockton area to inform residents of the incident. In other words, all of the advice that was given to me at this time was that everything that should have been done was being done.

**The SPEAKER:** Order! I call the Leader of the Opposition to order.

**Ms ROBYN PARKER:** In other words, everything that should have been done was being done. On Thursday morning I was briefed by the chief executive of the Office of Environment and Heritage. At approximately 9.00 a.m. on Thursday my chief of staff and I formally notified the Premier's chief of staff. Throughout the morning further testing of the samples was conducted. This information was put to the chief health officer to ascertain the impact of the incident on public health. At the conclusion of question time I provided an update to this House. At the same time the Chief Health Officer, Kerry Chant, was holding a press conference on the subject at North Sydney.

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

**Ms ROBYN PARKER:** I am advised that, unlike the succession of Labor environment Ministers, I am the first environment Minister to give an update to Parliament on such an incident. That includes the Leader of the Opposition when he was the environment Minister.

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

**Ms ROBYN PARKER:** One characteristic of this whole incident is that Labor is scaremongering and frightening the people of Stockton. I can assure everyone, including the people of Stockton, that independent toxicology results show that there is no public health risk in Stockton. The Government has put in place an independent inquiry.

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the second time.

**Ms ROBYN PARKER:** He does not want to know the truth. The Government will fix the legislation so that industry acts responsibly and urgently. We will give the regulator back its bite. We are doing the work that the former Government should have done. Seven Labor environment Ministers did not do it. Opposition members are scaremongering because we are dealing with the results of their legislation.

### ORICA PLANT INCIDENT

**Mr TIM OWEN:** My question is addressed to the Premier. What action is being taken to prevent any more incidents from the Orica operations in Newcastle?

**Mr BARRY O'FARRELL:** As members are aware, there have been two incidents at the Orica operations in Newcastle over the past fortnight. The first, as the Minister for the Environment just said, occurred on the evening of 8 August 2011, resulting in the release of a catalyst containing hexavalent chromium into the atmosphere. Although medical experts and toxicologists found no threat to public health from this spill, the Government has set up a review to improve the processes for advising authorities and the public about such incidents in the future. The second incident occurred last Friday, 19 August 2011, when Orica reported a discharge into the Hunter River of up to 1.2 megalitres of effluent which contained concentrations of arsenic above the allowable limits. I am advised that the breach presented minimal risk to aquatic life or recreational use of the river.

I immediately ordered the head of the Department of Premier and Cabinet to meet with Orica officials to determine whether any systemic problems led to these incidents. It is my view that one environmental incident is one too many. But having two incidents in two weeks not only is unacceptable but set off alarm bells, as I said on the weekend, that there may be inherent problems in the way that Orica operates and oversights its plant. We subsequently have been informed of other incidents at Orica, including one in October 2009 that is being considered for prosecution. Our point is: enough is enough.

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

**Mr BARRY O'FARRELL:** The community has a right to be satisfied that the Orica plant is operating within the conditions of its licence and is adhering to the Protection of the Environment Operations Act 1997. I can advise the House that following the meeting with Orica yesterday a mandatory environmental audit will now be conducted into the company's operations at Kooragang Island. Only a handful of these audits have been undertaken over the past decade. The trigger for an audit is one or more breaches that has caused or is likely to cause environmental harm. Arrangements will be put in place to begin this audit immediately. It will be a major undertaking. The audit will be undertaken in stages until the entire Orica site at Kooragang Island has been assessed. It will be paid for by Orica but will be undertaken by a qualified and experienced independent environmental auditor.

The audit will assess the operations, procedures and practices at the Orica plant to ensure that they are carried out in a safe and environmentally satisfactory manner. It also will provide Orica with advice on improvements that can be made to better protect the local environment. The audit reports will be made public on the Environment Protection Authority's website. In other words, we are going to conduct the most thorough audit of Orica's operations to see whether there are systemic problems in the company's Kooragang Island plant and, if so, to determine how they can best be fixed. This is about giving the community confidence that this plant can operate in a safe manner and does not pose any risk to surrounding communities.

I advise the House that Orica will undertake a maintenance exercise in the next 48 hours and this may result in the release of steam—I emphasise steam—from its ammonia plant. This maintenance work is essential to prevent long-term damage to elements of the plant. It is a normal activity when the plant is in shutdown mode. It will be conducted under the supervision of the Office of Environment and Heritage, which advises that there is no health risk from this exercise and that Office of Environment and Heritage officers will be on site to monitor the procedure. We will continue to monitor the operations of Orica closely and take whatever action is necessary to maintain public safety and good environmental outcomes.

### ORICA PLANT INCIDENT

**Ms LINDA BURNEY:** My question is directed to the Minister for the Environment.

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

**Ms LINDA BURNEY:** On Friday 12 August 2011 the Minister told the *Daily Telegraph* that she was aware of the Orica leak on the morning of Tuesday 9 August 2011. Was the Minister being untruthful then or is she being untruthful now? Which one is it?

**Ms ROBYN PARKER:** I thank the member for Canterbury for her question. I have been through the timeline already and told the House exactly when I was informed.

**Ms Linda Burney:** That is not what you told the *Daily Telegraph*.

**Ms ROBYN PARKER:** Sometimes, unfortunately, the media do not get everything right. Does that come as a surprise? Let us get the facts straight.

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

**Ms ROBYN PARKER:** Be quiet, stop squawking and listen. Sometimes the media get things confused. On this occasion they confused the Office of Environment and Heritage with my ministerial office. The member should not worry: we have given the right information. People were informed when they needed to be informed. The right processes have been followed all the way. In relation to the Office of Environment and Heritage and public health precautions, we have done what was needed. We have done what a responsible Government does. We have put in place an independent inquiry, an audit of Orica, and we will ensure that we fix the legislation that the former Government left us with. Under their legislation the industry can wait 16 hours to inform: rather than immediately, it can inform "as soon as practicable", whatever that means. That is what seven Labor environment Ministers, including the Leader of the Opposition, left us with. Let me talk about—

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

**Ms ROBYN PARKER:** The people of New South Wales stood their government down.

**Ms Linda Burney:** Point of order: It is difficult to understand what the Minister is saying. My question was whether the Minister was aware—

**The SPEAKER:** Order! That is not a point of order. The member for Canterbury will resume her seat. The reason it is difficult to hear the Minister is that Opposition members and some of the Government members do not appear to be interested in listening to the answer.

**Ms ROBYN PARKER:** I want to provide the House with some further information. The track record of the Leader of the Opposition when he was environment Minister includes the Solar Bonus Scheme. On 28 October 2009 the Huntsman Corporation plant at Matraville in the electorate of Maroubra emitted into the atmosphere 685 kilograms of ethylene oxide, a toxic gas that at certain levels of concentration can lead to acute and chronic ill health. Who was the environment Minister? It was the Leader of the Opposition, and where was the Leader of the Opposition at that time when the residents of Matraville were exposed to a carcinogen? Surely, he donned the Superman cape and leapt into action. No, he did not. There was no response, no press release, no reported comments in the media and no speech to Parliament. The Leader of the Opposition set the standard for being sloppy after all. What a hypocrite. It has been 664 days since—

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

**Ms ROBYN PARKER:** The Leader of the Opposition should explain why the people of Matraville are still waiting to hear from him. Not only did the Leader of the Opposition fail the people of Matraville, but those in the Opposition who were in Government at the time failed the people of New South Wales. We know about Labor's merry-go-round of ministries: seven environment Ministers with 76 warnings between them. The one fact the Leader of the Opposition cannot ignore is this: If he had acted on the warnings he received and had changed the legislation the people of Stockton would have known sooner. That is why we have ordered a review and, unlike Labor members, who sat on their hands, the O'Farrell Government will act on it.

#### ORICA PLANT INCIDENT

**Mr CRAIG BAUMANN:** My question is directed to the Premier. What action will the Government take to reduce the delays in informing the public about incidents such as the Orica spill?

**The SPEAKER:** Order! I warn Opposition members about the seriousness of this issue and their behaviour. I will have no hesitation in having members who have been called to order three times removed from the Chamber.

**Mr BARRY O'FARRELL:** I thank the member for Port Stephens for his question. It is an important issue. It is important that we get the facts out, because those opposite are out there scaremongering. Those opposite, led by the Leader of the Opposition, are engaging in mischief and scaremongering. This is the Leader of the Opposition who, the last time Parliament sat, said that the Government was going to sack 80,000 public sector workers. For the benefit of visitors in the gallery, I will repeat the deal that I have with the Leader of the Opposition: If it is not in the budget that 80,000 jobs will be cut he has to resign, and if it is in the budget I will resign. We are going to hold the Leader of the Opposition to that promise. He has been making similar exaggerations in relation to the Orica spill.

The problem is that people living in Stockton and surrounding areas have not got the message put out by the independent toxicologist, the Chief Health Officer, that there is no risk to health. The review that is being undertaken will ensure that the early warning system is improved. We have announced something that the Leader of the Opposition never did when he was Minister for the Environment—a major environmental audit of the Kooragang Island Orica plant. We want to assure the public that everything that can be done will be done to protect their health and their environment. Let us be clear: None of us here is an expert when it comes to health risks from environmental incidents; that is why we have to defer to health experts in determining our response to such matters.

I have made it clear that I am angry with Orica; but I am even angrier with laws put in place by those opposite that enable them not to report an incident immediately it happens but to wait until it is practicable to do so. That puts public safety at risk. It is not only ridiculous but it is downright dangerous, and I have no doubt that changes will be made after Mr O'Reilly completes the current inquiry. The Minister for the Environment has already outlined the time line of the events, including the delays in Orica advising the Office of Environment and Heritage and the further delay in the Minister being informed. The Minister was not personally advised until 6.51 p.m. on Wednesday 10 August.

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

**Mr BARRY O'FARRELL:** That evening, my office was alerted to a possible media report on the issue and, as I have repeatedly said—

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

**Mr BARRY O'FARRELL:** —the first formal notification to my chief of staff was on Thursday morning. I was personally informed about the matter shortly before question time on Thursday, and I agreed that the Minister should make a ministerial statement at the end of question time. What is important about the time line the Minister has outlined is that there was not a 54-hour delay in the Minister informing the public, which the Leader of the Opposition has been continuously suggesting over the past fortnight. The Minister found out at 6.51 p.m. on the Wednesday and informed the House, and through the House the public, about the incident at the conclusion of question time the next day. In the intervening period the Chief Health Officer was conducting all the necessary checks to ascertain whether there was a threat to public health.

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

**Mr BARRY O'FARRELL:** I can put up with Atom Ant over there having a go at us in public life, but to describe as "disgraceful" and "convenient" the independent Chief Health Officer—appointed by the former Labor Government—conducting a press conference at about the same time the Minister was informing the House about the incident is a slur on a public servant.

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

**Mr BARRY O'FARRELL:** The fact is that the Leader of the Opposition cannot comprehend that it is health experts who are best placed to make the calls on when this kind of information needs to be made public. The inquiry headed by Brendan O'Reilly will investigate these procedures and determine how we can get the information out more quickly. The flaws that were allowed to develop in the system under Labor will be eliminated; they will not be allowed to continue under a government that I lead. Companies will be required to



report potentially dangerous incidents much earlier so that we can inform the public as quickly as possible. The Leader of the Opposition even criticises the inquiry, although Mr O'Reilly was head of the Department of Premier and Cabinet and was appointed by those opposite when they were in government.

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

**Mr BARRY O'FARRELL:** The Leader of the Opposition will even turn on his own people. Mr O'Reilly will conduct a fair and thorough inquiry.

**The SPEAKER:** Order! I call the member for Heffron to order for the third time. The member for Heffron will resume her seat. I direct the Deputy Serjeant-at-Arms to remove the member for Heffron.

*[The member for Heffron left the Chamber, accompanied by the Deputy Serjeant-at-Arms.]*

**Mr CRAIG BAUMANN:** I request more information from the Premier.

**The SPEAKER:** Order! The Premier has two minutes to provide additional information.

**Mr BARRY O'FARRELL:** The fact is that the inquiry being undertaken by Mr O'Reilly will get to the bottom of this matter. It will be a thorough and independent inquiry. Mr O'Reilly will determine the way in which he conducts the inquiry. Unlike those opposite, we do not set up an inquiry after telling those undertaking the inquiry what the answers will be. We have also given Mr O'Reilly terms of reference that enable him to inquire into any and all matters. But I cannot believe the stunt involving Erin Brockovich. This is a serious issue; it should not be made light of and it should not be used as a stunt. If those opposite want to engage in stunts, what about getting Rowan Atkinson out here to advise that well-known motorist, the member for Lakemba, how to drive?

**Dr Andrew McDonald:** Point of order: Under Standing Order 76 this is an improper imputation, and under Standing Order 129 it is irrelevant to the question.

**The SPEAKER:** Order! I remind the Premier about the standing order relating to making improper reflections on other members.

**Mr BARRY O'FARRELL:** This issue should not be treated as a stunt. Perhaps we could get Alan Bond to advise Eric Roozendaal on the sale of State assets.

**The SPEAKER:** Order! I remind the Premier of my previous ruling.

**Mr BARRY O'FARRELL:** After the outburst of the member for Heffron it is clear who needs to advise her about what she is up to and what she is doing. We need Paris Hilton to advise the member for Heffron.

### ORICA PLANT INCIDENT

**Ms SONIA HORNERY:** My question is directed to the Minister for the Environment. Why did the Minister for the Environment inform the member for Newcastle about the Orica incident on Wednesday evening, but wait 24 hours to warn the Premier and the people of Stockton about the potentially hazardous leak?

**Ms ROBYN PARKER:** I thank the member for her question. I have been through my time line and I did not inform the member for Newcastle.

### CARBON TAX

**Mr CHRIS HOLSTEIN:** My question is directed to the Treasurer. Will the Treasurer update the House on developments regarding the impact of the Gillard Labor Government's proposed carbon tax on New South Wales?

**The SPEAKER:** Order! I call the member for Keira to order for the third time.

**Mr MIKE BAIRD:** I thank the member for Gosford, who has a long record of standing up for his community, for his question. He is another one who those opposite said would never get here, yet here he is in

all his glory. On this particular issue, the New South Wales Government has tried to engage constructively with the Commonwealth Government. We make no apologies whatsoever for standing up for New South Wales. We have seen from the modelling that the carbon tax will cost New South Wales 31,000 jobs. The three most adversely affected regions will be the Hunter, the Illawarra and the Central West.

**The SPEAKER:** Order! I call the member for Maroubra to order for the third time.

**Mr MIKE BAIRD:** Despite the fluff on the other side, this independent modelling from Frontier Economics has been overseen by Treasury and it shows that New South Wales will be the hardest hit of all the mainland States. It also shows that the impact to the State budget will be \$1 billion over the forward estimates period. It also shows—those opposite should try to understand that when dealing with a \$5.2 billion deterioration in finances, which they—

**Dr Andrew McDonald:** Point of order: The member opposite is misleading the House. The \$5.2 billion—

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

**Mr MIKE BAIRD:** I know those opposite do not like it, but they should ask a question because there is plenty to discuss about their record. Let us get into that when we can. We believe that this Government and this State should argue for the money that Canberra has ripped away from it. Those opposite have been incredibly silent on this, even under Kevin Rudd. We remember Kevin Rudd. Most of us liked Kevin Rudd—well, not really; I am just being truthful. He provided compensation for this State. Julia Gillard, the current Prime Minister, has provided nothing for this State, but \$2.3 billion has gone down the highway to Victoria. That is unacceptable. I have written twice to the Federal Treasurer to ask to meet with him. I have written to the Minister for the Environment, the Minister for Climate Change, and the Minister for Energy. The Premier has written to the Prime Minister and at the Council of Australian Governments meeting he asked for compensation for this State.

We are not alone in expressing concern and seeking compensation: there is concern across the country. The South Australian Labor Premier, Mike Rann, said the States should stick together on this issue and he told the Prime Minister that the States want full disclosure. We want to see the modelling that the Commonwealth did not release. That is unlike what New South Wales did: all of our modelling is on the website. Victorian modelling by Deloitte Access Economics shows that the carbon tax will reduce job growth by more than 24,000 jobs in 2015 and reduce the Victorian economy by \$2.8 billion in 2015. Western Australia has done Treasury modelling that shows that 52 per cent of the Western Australian population will be worse off under this tax. North of the border the Queensland Labor Premier, Anna Bligh, wrote to the Prime Minister in July. Those opposite should pay attention so we know what they are going to do about this. Anna Bligh said:

I am going into that negotiation with a very firm view that we need something on the table to compensate us for that loss of value to the taxpayer ... I expect that Queensland ... will be joined in their concerns by a number of States, particularly NSW.

The loss of value Anna Bligh was referring to was in relation to the power generators. Indeed, this morning Queensland released modelling that showed the carbon tax would cost the Queensland budget \$1.2 billion and reduce the value of its coal-fired generator assets by \$1.1 billion. The Federal Government refuses to listen. It refuses to understand that this State is making a claim for the money that is being ripped away. Last week the Prime Minister made an incorrect statement in Parliament when she said that the modelling was based on an old price. That was wrong. We have to ask again why Canberra is not releasing its details. The O'Farrell Government will stand up for this State. We want to go to our communities to say that the money that has been taken away from hospitals, schools, roads and transport is money that is worth standing up for. Canberra should not rip that money away and put it wherever it wants. The people of New South Wales deserve the money here and we are going to stand up unashamedly for the people of New South Wales.

#### ORICA PLANT INCIDENT

**Mrs BARBARA PERRY:** My question is directed to the Minister for the Environment. Does the Minister think it is acceptable that children were allowed to play for three days in backyards and at a childcare centre potentially contaminated by hexavalent chromium because she failed to issue a health warning?

**Ms ROBYN PARKER:** What is unacceptable is the legislation left behind by Labor. What is unacceptable is the capacity for an industry to delay 16 hours before informing—

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

**Ms ROBYN PARKER:** Just get this right. As far as I was advised, Orica was out there informing the community. It is not the responsibility of the Minister for the Environment to issue health warnings. The Office of Environment and Heritage is the environment regulator; the Office of Health is the health regulator. What is unacceptable is the delay that Labor left. Under Labor there were 76—

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the third time.

**Ms ROBYN PARKER:** I want to improve on Labor's record. It would not take much to improve on Labor's record because under Labor there were—

**The SPEAKER:** Order! I call the member for Shellharbour to order for the third time.

**Ms ROBYN PARKER:** —76 instances of material harm to the environment. Where was Labor howling when Byron Shire Council took 14 days to report, Yolaro took 37 days to report and Caltex took three years to report a serious incident? Where were those opposite? The Labor Party was in Government, but its members were not howling. Do not forget the two incidents that occurred during the two months that the Leader of the Opposition was the environment Minister. He did not tell the people of Matraville when Big River Group released carcinogenic ethylene oxide into the atmosphere. When did he tell the people—

**Mr Michael Daley:** Point of order: The question was simple. It was, does the Minister think it was—

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

**Mr Michael Daley:** My point of order is under Standing Order 129. Does the Minister think it was acceptable for children to play—

**The SPEAKER:** Order! I heard the question and the point of order. I am trying to listen very closely to the question, but interjections are preventing me from doing that. The Minister will return to the leave of the question. Members who continue to interject will find themselves outside the Chamber.

**Ms ROBYN PARKER:** It is interesting that the member for Maroubra took that point of order because I do not know whether he thought it was acceptable that the Minister for the Environment at the time did not inform anyone. There was no press release, no statement, nothing. He did not inform anybody. Was that acceptable? Was that okay by him? What about the children in his community?

**Ms Linda Burney:** Point of order.

**The SPEAKER:** Order! If this is the same point of order the member will test my patience.

**Ms Linda Burney:** It is the same point of order.

**The SPEAKER:** Order! The member will resume her seat. I have directed the Minister to return to the leave of the question.

**Mr Andrew Fraser:** Point of order: I draw attention to Standing Order 250, point 4, which says that a member may be named by the Speaker for persistently and wilfully refusing to conform to any standing order.

**The SPEAKER:** Order! Is the member for Coffs Harbour reminding me of my duty? The member for Coffs Harbour will resume his seat. I understand that that is the next step along the line and I will use it if necessary. I thank the member for Coffs Harbour for his assistance.

**Ms ROBYN PARKER:** I have answered the question. What is unacceptable is what Labor has left for us. That is what we are going to fix. The Opposition's record was unacceptable.

#### **PUBLIC SCHOOLS MAINTENANCE BACKLOG**

**Mr MARK COURE:** My question is directed to the Minister for Education. What is the Government doing to address the maintenance backlog in our public schools that was left by the previous Labor Government?

**Mr ADRIAN PICCOLI:** I appreciate the question from the member for Oatley, who takes a great interest in the condition of public schools in his electorate. A couple of my staff were at a school in his electorate last week to look at the school and have discussions to try to find a way to fix up the mess left to us by the previous Labor Government. It is another black hole it has left for us—a maintenance black hole. We are going to undertake a condition-based assessment of all 2,200 schools across New South Wales. The last time this was done, in 2008, a maintenance backlog of \$397 million was identified. That maintenance has not been carried out since the 2008 report was delivered. We are going to do another condition-based assessment, which we will update every two years so that we can get a proper handle on the size of the problem left by the Labor Government and the size of the financial challenge left for the new Liberal-Nationals Government to bring our public schools up to a standard that the public expects.

We broke this news on Sunday—the story appeared in the *Sun Herald*—and when I was watching the Channel Ten news that night the member for Marrickville appeared, as the shadow spokesperson for Education and said, "There is no backlog. We fixed it. The Coalition is scaremongering. There is not a \$400 million backlog; we fixed it." I have been to a number of public schools both in my electorate and in other electorates and those schools and their principals seem to have a different view from that of the Opposition. The Opposition clearly lives in fantasy New South Wales but for the rest of us who live in real New South Wales there is a maintenance backlog. Every year the Department of Education spends significant amounts of money on maintenance, but it is a huge task.

There are more than 2,000 schools and there is not enough money to deliver a fix for the backlog. I hate to disappoint the member for Marrickville, but there is still a maintenance backlog. I am aware that in the electorate of Marrickville local schools want a number of projects done. Marrickville Public School wants an upgrade of the B toilet block, so there is a considerable problem there. Dulwich Hill High School wants an upgrade of the canteen and the food technology facility. Even in the electorate of Marrickville there are substantial problems. As I said, a couple of staff from my office went to Georges River College the other day to look at the classrooms and to get some idea of the problems left behind by the former Labor Government.

**Dr Andrew McDonald:** Point of order—

**The SPEAKER:** Order! The Minister for Education will resume his seat. He knows what this point of order is about.

**Dr Andrew McDonald:** Yes, he does know what it is about. He knew I was going to call him on it.

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

**Dr Andrew McDonald:** The Minister is not allowed to use props.

**The SPEAKER:** Order! The member for Macquarie Fields is correct. I remind the Minister that the use of props is not allowed.

**Mr ADRIAN PICCOLI:** We are getting on with the job of fixing public schools in New South Wales. Prior to the election we made a commitment of an additional \$60 million for school maintenance and, like the rest of our election commitments, we will deliver on it. I know it upsets the Opposition immensely that we are going to deliver on our promises. We were at Blaxland Street Public School in Granville to look at its problems and we went to Fairvale Public School, but has the member for Fairfield asked a question about that school? No, he has not. I have been to numerous schools to look at the conditions—

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

**Mr ADRIAN PICCOLI:** Nothing upsets the Opposition more than the fact that we are delivering on our promises.

**The SPEAKER:** Order! Members will stop waving props and photographs.

**Mr ADRIAN PICCOLI:** We are delivering on the \$60 million and that is just the start of the money we will find to deal with the maintenance backlog. It is not going to be fixed in a year and I know that in two months the Opposition will ask, "Why haven't you fixed the \$400 million problem?" It will take time but it will be done. [*Time expired.*]

### ORICA PLANT INCIDENT

**Mr JOHN ROBERTSON:** My question is to the Minister for the Environment. Will the Minister join me at the community meeting at Stockton RSL tonight to face questions from the residents of Stockton about why she took 54 hours to advise them of the hexavalent chromium spill?

**The SPEAKER:** Order! I am a bit doubtful about accepting the question. Members should use question time to seek factual information from Ministers, not to ask them about their availability for a meeting. I will allow the question, but I warn the Leader of the Opposition to be very careful about the framing of his questions in the future.

**Mr John Barilaro:** Mate, if you want to ask her for a date, ring her up.

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

**Ms ROBYN PARKER:** The residents of Stockton do not think these sorts of stunts are funny either. They are interested, as we are, in getting to the bottom of the problem and fixing it. We are interested in the inquiry. The answer is no.

### DENTAL CARE

**Mrs ROZA SAGE:** My question is addressed to the Minister for Mental Health, and Minister for Healthy Lifestyles. What action is the Government taking to improve dental care in New South Wales?

**Mr KEVIN HUMPHRIES:** I thank the member for Blue Mountains for her question and her interest in what this Government is doing to improve dental health care in New South Wales. As a very accomplished dentist the member for Blue Mountains would be well aware that Labor failed the people of New South Wales when it came to dental care, which is what drove her into politics. The chronic mismanagement of dental care saw more than 100,000 adults languishing on the State's dental waiting list. Under the previous Labor Government dental health services in New South Wales had reached crisis point. Unlike those opposite, who for 16 years failed the people of New South Wales when it came to dental care, this Government is committed to improving the oral health of the New South Wales population. Today I am very pleased to inform the House that we have delivered on another key election commitment, which is to establish a ministerial task force on dental health to develop a New South Wales dental health action plan.

**The SPEAKER:** Order! I remind Opposition members that several of them are on three calls to order.

**Mr KEVIN HUMPHRIES:** The waiting list had 100,000 people on it. Unlike what members opposite did, this plan will identify strategies to take to the Commonwealth Government and the Australian Health Ministers Council to strengthen the way in which the Commonwealth and the State will work together to improve dental programs, and address workforce shortages and student training.

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

**Mr KEVIN HUMPHRIES:** The task force will also consider strategies to improve oral health outcomes and equitable access to oral health services for populations with high dental health needs, especially people with a disability, older people, children and young people in out-of-home care—as mentioned by the Minister for Family and Community Services—and those in early childhood. Fundamental to an action plan for New South Wales is establishing clearly who is responsible for preventive, interventional and emergency dental health care, as well as the roles of public and private dentistry. This requires the Commonwealth Government and the Australian Health Ministers Council to commit to a common vision, which should include: a national waiting list reduction strategy for dental health; improving the Medicare Chronic Disease Dental Scheme; providing leadership in establishing national guidelines and standards for dental health and treatment; and addressing public dentistry workforce shortages, student training and graduate supervision.

Professor Christopher Peck, Dean of the Faculty of Dentistry at the University of Sydney, who is in the gallery today, will chair the task force. Professor Peck is excited about the potential of the task force to drive better dental health outcomes in New South Wales, and I look forward to working with him to achieve this aim. I would like to acknowledge the presence also in the gallery of the Chief Dental Officer of New South Wales, Dr Clive Wright, who also is looking forward to working with the Coalition Government in delivering its plan. There are a number of key structural issues relating to the organisation of dental services which must be addressed to rectify disparities in the oral health of the New South Wales population.

One of those key issues is the dental workforce and the distribution of dental providers across New South Wales. Our most recent data on the ratio of dentists to population show alarming disparities between metropolitan and regional areas. On average across New South Wales, there are 46 dentists in the public and private sectors for every 100,000 residents. However, in western New South Wales and southern New South Wales this ratio is less than 22 dentists per 100,000 residents, while south-eastern Sydney has a ratio of 55 dentists per 100,000 residents and the North Sydney and Central Coast area has a ratio of over 74 dentists per 100,000 residents, more than three times the ratio of our rural and regional areas.

The issues that New South Wales communities face with respect to oral health and oral health services cannot be resolved by the State Government alone. The Commonwealth Government plays a key role in funding medical, dental and allied health services, and has the levers to influence the health workforce, including the numbers of dentists and oral health therapists that are trained. New South Wales public oral health services play an important role in supporting the clinical education and training of dental and oral health students from a number of Australian universities.

I acknowledge the work of Charles Sturt University, the University of Newcastle and the University of Sydney for their trainees programs. While there is still much more to be done in addressing the issues that communities have on accessing dental care and preventive interventions, the New South Wales Dental Health Action Plan will identify how those disparities are rectified. The Government is continuing to deliver its election commitments. By establishing the Dental Health Task Force we are ensuring oral health care is front and centre in the health reform agenda for New South Wales.

**Question time concluded at 3.11 p.m.**

## **DEATH OF MARK FOWLER**

### **Ministerial Statement**

**Mr GRAHAM ANNESLEY** (Miranda—Minister for Sport and Recreation) [3.12 p.m.]: Today I inform members of the House of details surrounding the tragic death of Mr Mark Andrew Fowler, a registered professional combatant in the sport of Muay Thai kickboxing. I stress the information tabled here today is accurate but limited, due to the fact that Mr Fowler's death is now the subject of a police and coronial inquiry. I have the utmost confidence the police investigation will be both professional and thorough, and to assist in their inquiry I have instructed my department to fully cooperate to ensure complete transparency. At the same time I believe it is important that members of the House and the people of New South Wales are informed of my actions as Minister for Sport and Recreation, particularly with regard to the issue of safety in sport.

On Saturday night 13 August a Muay Thai event was staged at the Fontana Amorosa Function Centre in Liverpool. I can confirm that the Sport and Recreation Division of the Office of Communities granted the event a permit subject to compliance with the standard conditions applicable to the staging of an amateur Muay Thai tournament. The permit was approved on 26 July 2011 following an application from Mr Tony Favuzzi, who referred to himself in correspondence to the department as the President of the New South Wales World Muay Thai Council and International Federation of Muay Thai Amateur, as well as the Muay Thai Australia General Secretary. Mr Favuzzi applied for both an amateur Muay Thai permit, and a professional Muay Thai permit for a third party promoter. As the professional event application was not submitted by a registered professional promoter, only the amateur Muay Thai permit was granted.

In relation to the events that took place after the bout, I have been advised Mr Fowler was examined in the dressing room by a qualified medical practitioner. A short time later he apparently collapsed and became unconscious. Mr Fowler was transferred to Liverpool Hospital where I am advised he subsequently passed away on Monday 15 August. After I was informed of the death I issued a ministerial statement and ordered the Sport and Recreation Division of the Office of Communities to conduct a full internal investigation to ascertain the circumstances surrounding this tragic event. The investigation will include, but will not be limited to, the permit approval for the event in question, registration of the combatants, and the background and history of the promoter.

I also advise the House that even prior to this tragedy I had commenced a review of the Combat Sports Act 2008 and will ensure any additional considerations arising from the investigation of this incident will form part of the review process. The review has already identified an anomaly in current regulations for the staging of professional events in licensed premises, which are in fact prohibited, yet perversely, amateur events in licensed

premises are permitted. This anomaly has existed for approximately 25 years, and I have commenced immediate action to amend the regulations to reflect the current longstanding practice. From time to time there have been public calls for combat sports like this to be banned, but history has shown that prohibition does not solve the problem and in fact it usually only drives such activities underground, which results in even greater danger to participants in an unregulated environment.

Notwithstanding the fact that combat sports participants may sustain injuries simply by the sheer nature of the physical contact involved, it is paramount that every effort is made to ensure the safety of competitors through relevant regulation and supervision. To this end I have asked the department to cost and assess the viability of increased inspections to ensure compliance with procedures, legislation and safety requirements for all sanctioned events. In the interim, I have instructed my department to implement any additional precautions considered necessary to ensure all similar upcoming events fully comply with current legislation and safety requirements. This loss of life is a tragedy, particularly as it involved a young man simply participating in a sport that he loved. I again offer my sincere condolences to the family and friends of Mark Fowler.

**Ms LINDA BURNEY** (Canterbury) [3.17 p.m.]: I join the Minister in expressing our condolences on the death of Mark Fowler. I will make no comments on, but take note of, the circumstances and the investigations to which the Minister referred. I will contain my remarks to Mark Fowler as an individual. I advise the House of his passing, as has the Minister, and I express my condolences, on behalf of those on this side of the House, to his family and friends. Mark was a kickboxer who competed in Muay Thai boxing competitions. He passed away on 15 August at only 35 years of age. He was born in Britain but had resided in Sydney for a long time and called Sydney his home. He was considered a person with great talent in his sport and was the New South Wales lightweight champion at the time of his passing. Mark was also well known as a community leader and was considered to be a role model by many in his community.

[*Interruption*]

Madam Speaker, as this is a condolence motion, I would ask the House to conduct itself appropriately.

**The SPEAKER:** Order! The matter was raised in a ministerial statement. The member will be heard in silence.

**Ms LINDA BURNEY:** It is a ministerial statement.

**Mr Barry O'Farrell:** It is in response to the ministerial statement made by the Minister.

**The SPEAKER:** Order! The nature of the member's address is important, and members will remain silent.

**Ms LINDA BURNEY:** Mark's passing has understandably rocked the foundations of the mixed martial arts community and the community at large. I was moved by a reading of some of the comments made online after Mark's passing. I would like to share some of those with the House:

This death is an absolute tragedy—a loss to friends and family and a shock to the fight sports community.

Mark was an ... awesome bloke, gentleman and legend.

I loved him as did many other people and he loved [Muay Thai] and we are heartbroken.

I note that the Minister for Sport and Recreation, Minister Annesley, has ordered an investigation into this matter. As I said, I will not make any comment on that. However, it is a fact that Muay Thai is a contact sport that involves the use of fists, feet, knees and elbows. It also is a fact that considerable risks are involved in competing in this and other contact sports. While the cause of Mark Fowler's death is still to be determined, I urge all those who participate in this sport or who are planning to do so to take every precaution available. Once again I acknowledge the life of Mark Fowler, a man taken well before his time. I express my condolences to his family, friends and loved ones.

## INDEPENDENT TRANSPORT SAFETY AND RELIABILITY REGULATOR

### Report

**Ms Gladys Berejiklian** tabled, pursuant to section 68 of the Rail Safety Act 2002, the report of the Independent Transport Safety and Reliability Regulator entitled "Implementation of the NSW Government's Response to the Final Report of the Special Commission of Inquiry into the Waterfall Accident—April-June 2011."

**VARIATIONS OF RECEIPTS AND PAYMENTS ESTIMATES AND APPROPRIATIONS 2010-2011**

**Mr Baird** tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, variations of the receipts and payments estimates and appropriations for 2010-2011.

**UNPROCLAIMED LEGISLATION**

**The Speaker** tabled a list of legislation unproclaimed 90 days after assent as at 23 August 2011.

**OMBUDSMAN****Report**

**The Speaker**, in accordance with section 31AA of the Ombudsman Act 1974, announced the receipt of the report of the NSW Ombudsman entitled "More than board and lodging: the need for boarding house reform", dated August 2011.

**Ordered to be printed.**

**LEGISLATION REVIEW COMMITTEE****Report**

**Mr Stephen Bromhead**, as Chair, tabled the report of the Legislation Review Committee entitled "Legislation Review Digest No. 2", dated 23 August 2011.

**Ordered to be printed on motion by Mr Stephen Bromhead.**

**PETITIONS**

**The Speaker** announced that the following petition signed by more than 10,000 persons was lodged for presentation:

**Central West Medical Retrieval Services**

Petition requesting 24-hour road and helicopter medical retrieval services for the Central West region, received from **Mr Andrew Gee**.

**Discussion on petition set down as an order of the day for a future day.**

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

**Oxford Street Traffic Arrangements**

Petition requesting the removal of the clearway and introduction of a 40 kilometres per hour speed limit in Oxford Street, received from **Ms Clover Moore**.

**Pet Shops**

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

**Community Housing Mental Health Services**

Petition requesting increased mental health support for people with mental illness who are tenants of Housing NSW and community housing, received from **Ms Clover Moore**.

**Drink Container Deposit Levy**

Petition requesting a container deposit levy be introduced to reduce litter and increase recycling rates of drink containers, received from **Ms Clover Moore**.



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

**South-western Sydney Respite Services**

Petition requesting increased funding for respite care in south-western Sydney, received from **Mr Andrew Constance**.

**Lynette Joy Dawson Disappearance**

Petition requesting the re-examination of the decision not to proceed with the prosecution in relation to the death of Lynette Joy Dawson, received from **Mr Mike Baird**.

**The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:**

The Hon. Brad Hazzard—Dargues Reef Mining Proposal—lodged 30 May 2011 (Mr John Barilaro).

The Hon. Brad Hazzard—Greater Bylong Valley Area Extractive Industries—lodged 16 June 2011 (Mr George Souris).

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**

**Illawarra Region Innovation and Investment Fund**

**Mr GARETH WARD** (Kiama) [3.23 p.m.]: I seek to accord priority to the following motion:

That this House notes the current crisis in the manufacturing industry and supports the Government's commitment to the Illawarra Innovation and Investment Fund.

This motion deserves priority because the people of the Illawarra and South Coast deserve priority. Sadly, our region faces the potential loss of 800 jobs and it is a tragic time for those people involved. Members would be aware that yesterday Paul O'Malley, Chief Executive Officer of BlueScope, informed the public that the loss of over \$1 billion to BlueScope's operation will result in the closure of the No. 6 blast furnace.

**The SPEAKER:** Order! Members who wish to have private conversations should do so outside the Chamber. The member will be heard in silence.

**Mr GARETH WARD:** The No. 6 blast furnace is an Illawarra icon. It is important that this House discuss the significance of the manufacturing industry in New South Wales at this most critical time. Australian Manufacturing Workers Union representatives said today that losing this particular industry from the Illawarra would mean that Australia would be the only OECD country that did not produce its own steel. I feel for the families who will be confronted by this crisis. The Government has joined with the Federal Government in announcing a \$30 million package for the Illawarra that not only will re-skill and retrain those workers, but also will look to alternative industries in the Illawarra region. Indeed, we are a proud, hardworking and committed group of people in the Illawarra, but we need government support to ensure that we diversify, continue to grow and have a future for manufacturing in the region.

I do not want any more manufacturing jobs to be lost. Certainly, BlueScope's decision results from the value of the Australian dollar. I hope that members on both sides of the House join with the Government to acknowledge the contribution of the manufacturing industry to our economy. I am surprised that the Leader of the Opposition is not here listening to this debate on this important matter for the future of the Illawarra. The Leader of the Opposition should return to this Chamber and withdraw his motion to demonstrate his party's commitment to the people of the Illawarra. Of course, the decision to cut 800 jobs will have a multiplier effect on small businesses connected with BlueScope. This House must discuss what can be done for this region, similar to discussions that were held after closures by BHP in Newcastle. The people of the Illawarra region need to grapple with the decision but members in this House also need to show the people that they are listening. I hope this motion will be accorded priority because people look for leadership. This Premier certainly has made sure—

**The SPEAKER:** Order! The member will address his comments through the Chair.

**Mr GARETH WARD:** Opposition members would do well to listen because the Premier has shown leadership with the Federal Government to ensure a package is available to assist affected workers. We need to look to other industries and areas to promote and support jobs and job replacement, but we need also to discuss what support we can provide to those who need jobs. A lot of people are hurting today. I certainly hope that all members of this House will accord this motion priority so that we can stand by the people of the Illawarra and assure them that they will get the support they deserve from this Parliament. The loss of 800 jobs will have a huge impact anywhere in New South Wales, but isolating it to one region will affect people not only in my electorate but also in the electorates of members opposite, such as the member for Wollongong, the member for Keira, the member for Shellharbour and, of course, the member for Heathcote.

We all have residents who will be affected by BlueScope's decision. I ask those opposite to put aside the politics and their views about what should be debated in this place today and accord this motion priority. The people of the Illawarra and South Coast deserve the support of this House. I ask all members to enable this important discussion about manufacturing, jobs and investment to proceed so that we can send a strong message to the people of the Illawarra that they are in our thoughts and prayers and that we support them in this very difficult and tough time.

### **Orica Plant Incident**

**Mr JOHN ROBERTSON** (Blacktown—Leader of the Opposition) [3.28 p.m.]: In light of the performance of the Minister for the Environment, and her incapacity to answer questions, and also the significant nature—

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

**Mr JOHN ROBERTSON:** In light of the fact that the performance of the Minister for the Environment was so abysmal today during question time, as the shadow Minister for the Illawarra and someone who was present yesterday when BlueScope's announcement was made, I propose to withdraw my motion so that we can debate the motion of the member for Kiama.

**The SPEAKER:** Order! The motion that the Leader of the Opposition sought to be accorded priority has been withdrawn.

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

### **ILLAWARRA REGION INNOVATION AND INVESTMENT FUND**

#### **Motion Accorded Priority**

**Mr GARETH WARD** (Kiama) [3.30 p.m.]: I move:

That this House notes the current crisis in the manufacturing industry and supports the Government's commitment to the Illawarra Region Innovation and Investment Fund.

I thank all members of the House for according this motion priority today. It certainly deserves bipartisan support and I am grateful to all members for their decision. Today I spoke with a good friend who told me a story about his beginnings with BHP. In 1953 he arrived at the steelworks in the morning seeking a job with an Australian icon. BHP and its industrial forebears have played, and continue to play, an important role in the Australian manufacturing sector. But not even the most disinterested citizen could ignore the fact that Australia now faces a crisis in the manufacturing sector.

In 1953 my friend was asked to start right away. In fact, he started night shift that very evening. Like so many families in the Illawarra region, BHP has been an important part of my family's history. When my father commenced working with BHP in 1970 around 25,000 people were employed at that mill. Compare that to the 3,100 employees that BlueScope currently employs today. Members would know that Australia has experienced a slow and painful decline in the manufacturing sector; a reminder of the market reality that in fewer than six weeks the first of 800 BlueScope workers will walk out of the Port Kembla steelworks for the last time. Those at the No. 6 blast furnace are likely to be first, with other workers to follow as the company shuts down a coke oven, a basic oxygen steelmaking furnace and one of three continuous slab casters.

Steelworkers arriving for the first shift at 6.00 a.m. yesterday got the news that they had feared and that many had known was coming. But the scale of the job cuts was much greater than expected and undoubtedly will have a reverberating effect on the Illawarra region. On Monday this week, Paul O'Malley, Chief Executive Officer of BlueScope Steel, announced a full year loss of \$1.054 billion for the year ending 2010-11, including a \$922 million "impairment" largely related to the write-down of the value of Australian steelmaking businesses. Major steelmaking assets will be closed as a result of the restructure of Australian operations that will allow BlueScope to exit the export market altogether. BlueScope will shut down the No. 6 blast furnace at Port Kembla, halving steelmaking capacity to about 2.6 million tonnes each year. It will also close the No. 4 coke-making battery, the No. 3 basic oxygen steelmaking furnace and the No. 1 slab caster.

Approximately 200 jobs will also be lost at BlueScope's Western Port plant in Victoria. More than 600 local firms contract with BlueScope. The firms purchase more than \$1.2 billion per annum in goods from the local economy and BlueScope provides goods worth more than \$100 million per annum to the local economy. To this end the 800 jobs lost in our region are just the start. When the multiplier effect is considered the flow-on to local businesses will be cause for considerable concern. This crisis is serious and it must be taken seriously by this Government and by the Federal Government. The problems confronting our region were well captured in a bleak but blunt editorial in the *Illawarra Mercury* today:

The quake has occurred. Now we await the tsunami.

Expect to see hundreds of other allied jobs go in the next three months—and another wave of job losses within 12 months. For that is how this tragedy—a tragedy for many, many Australian families—will unfold.

We are a great believer in the fighting capacity of the Illawarra.

But the Federal Government will need to go far and beyond what it is promising in regard to its innovation fund and steel assistance package.

Fundamentally, the Government needs to inject serious capital expenditure into the region, akin to the \$1 billion poured into the Newcastle economy post-BHP. What is holding the Government back, for instance, from announcing the Maldon-Dombarton rail extension that will service our port and kick-start part of our economy?

The best case scenario for BlueScope is it becomes a profitable domestic steel producer ...

The decline of the steel industry is contested by the intensification of other industries in our economy and locally.

That's great. But with a tsunami roaring towards us, it will not come soon enough.

We need help. And we need it now.

The company is already working with employees and unions to determine which jobs in the areas of BlueScope's operations will be affected. Some long-serving workers have already been affected and offered early retirement. The restructure will cost BlueScope almost \$500 million, about half of which will go towards paying workers entitlements. BlueScope was faced by unprecedented economic challenges: a high Australian dollar, low steel prices, high raw material costs and the global financial crisis which began at the end of 2007.

Yesterday BlueScope Chairman Graham Kraehe reaffirmed that BlueScope is committed to making steel in Australia and that the company will now prioritise its focus on the domestic side of its operations. BlueScope Chief Executive Officer Paul O'Malley has already indicated that all employee entitlements will be adhered to and met. Like the Premier, I am concerned for these workers and their families. I am concerned also for young apprentice fitters like Mathew Harrison who told the *Mercury* yesterday:

I'm an apprentice, but obviously if there's no tradies to take us on then there's no job here.

Mathew Harrison is a hardworking young person whose skills must not be lost to the industry. These are the skills that are in danger of being lost to the manufacturing sector as a whole. It is now incumbent upon governments at all levels, all political parties and local industry leaders to come together and provide the necessary support and transitional arrangements for these workers. The New South Wales Government has joined with the Federal Government and contributed towards a \$30 million Illawarra Regional Innovation and Investment Fund to help secure the future of our region by supporting new business initiatives, innovation and skilled jobs in domestic manufacturing.

Over coming days and weeks the New South Wales Government will work with the Federal Government, Wollongong Council, the University of Wollongong, education providers and people affected by

BlueScope's decision to rebuild new job opportunities in the Illawarra. The Jobs Action Plan established by the New South Wales Government will also encourage eligible businesses to take on new staff by providing a payroll tax rebate. The Illawarra is home to over 400,000 people with an above average State population growth of 4.5 per cent between 2001 and 2007. Presently it is also home to the largest integrated steel plant in the Southern Hemisphere and a national centre for metal fabrication and engineering.

The Illawarra labour force is now over 170,000 people, which increased 10.8 per cent between 1996 and 2006. However, the number of people employed in the manufacturing and mining industries declined by 11 per cent between 1991 and 2001 and, conversely, employment in the fast-growing services sector increased by more than 15 per cent. The Illawarra has diversified from its traditional heavy industries to the services sector and with an internationally recognised university and has emerged as a centre of excellence in advanced technology research and development. I support a strong manufacturing industry in the Illawarra and I support these workers.

**Ms NOREEN HAY** (Wollongong) [3.37 p.m.]: I move:

That the motion be amended by the addition of the following paragraph:

- (2) calls on the Government to support the workers in the Illawarra steel industry and match the Federal Government's \$20 million contribution to the Illawarra Innovation and Investment Fund.

I concur with much of the speech of the member for Kiama, who also spoke about this issue earlier in a private member's statement. It is imperative that all levels of government from all sides of politics come together to provide assistance to those who will be severely disadvantaged by the decision of BlueScope Steel. I was asked what workers at BlueScope thought of a call for the floating of the Chinese Yuan. As I said earlier today, most of these people are blue-collar workers with specific skill sets who come from non-English-speaking backgrounds. They do not have a great understanding of international monetary exchange rates; their concern is that they came to Australia to work, they obtained a job and in the near future they will not have one. That is the fear of these workers. They also have a huge social investment in the community.

I arrived in Australia as a migrant with four young children at a time when BHP was making huge reductions to its workforce. As I recall, the Australian dollar was stronger than it is today. BHP was cutting thousands of positions. Many of the workers who were laid off were migrants who had come here on a two-year contract. It caused a massive bottleneck in employment in the Illawarra and it took the region some time to recover and move on from that situation. Now we are faced with losing 800 positions, and they are just the tip of the iceberg. BlueScope currently employs approximately 3,800 people: the loss of 800 positions represents close to 25 per cent of the direct workforce. We can add to that the loss of work for contractors, as well as the loss of work in the port from a reduction in imports of resource requirements for the making of steel and in exports through the closure of BlueScope's international involvement in steel. BlueScope's decision will have a ricochet or tickle-down effect on job losses in other areas.

Whilst this presents a gloomy situation, I also want to talk about the positive aspects of the Illawarra. It is just over a one-hour drive from Sydney. We have a wonderful environment and a magnificent industrial base, which enables the establishment of new manufacturing industries. This can occur with sufficient monetary investment and lateral thinking by all levels of government. The Prime Minister announced today a meeting of all stakeholders. The shadow Minister for the Illawarra and Leader of the Opposition, John Robertson, together with the member for Shellharbour, the member for Keira and me, has given a commitment to stand shoulder to shoulder with the people of the Illawarra. I am sure the member for Kiama and other local members share our feelings.

Advisory forums and training workshops will be set up to assist these workers, but they need to know that they have job opportunities. We may need to implement positive discrimination to ensure that they are able to obtain jobs. If they have to compete on a level playing field many of them will never obtain a job. They may not be able to succeed in getting a job in an office or in information technology or a mathematically based job, but they are highly skilled in the manufacturing industry. We want a commitment from all stakeholders, including unions, to create manufacturing jobs so that these workers at least will have a hope of obtaining work. Many of them have made a commitment to this country through their blood, sweat and tears. They have raised their children and grandchildren in the Illawarra. Their whole lives are tied up in the region.

I am offended by a suggestion that they will have to relocate to obtain work. I have lived in the Illawarra ever since the day I arrived from overseas and I would be offended if the only hope I had to obtain

work involved relocating. I would not want to relocate: nowhere is as nice as Wollongong. We have to seriously consider the commitments that we make to these workers. The Australian Workers Union, together with other unions involved, has called on specific investment to address this issue. I also join with the Australian Workers Union in slamming the offensive proposition at this crisis time of a rise in executive bonuses whilst 1,400-plus jobs go out the window.

**Mr LEE EVANS** (Heathcote) [3.44 p.m.]: The announcement by BlueScope Steel has dealt a punishing blow to the people of the Illawarra but I am proud that this Government is responding in the strongest possible terms. The potential 800 direct job losses and countless flow-on losses would be a tragedy but we are sending a clear message to the workers and their families that they are not alone. I urge the House to support the New South Wales Government's commitment to address the current crisis in the manufacturing industry. The Federal and State governments' \$30 million Illawarra Region Innovation and Investment Fund will create new highly skilled jobs, many in manufacturing, and will help companies and individuals to take advantage of new opportunities. The fund will stimulate investment and strengthen the region's stability long into the future by diversifying the local economy.

The Government will hold BlueScope to its commitment to meet all employee entitlements and ensure that it continues to work closely with us and the Federal Government to assist everyone who has been affected. Our Jobs Action Plan will encourage local businesses to take on new staff by offering a payroll tax rebate, immediately boosting the number of local jobs available. The Illawarra has an inspiring sense of community and I am confident that the good business owners of the region will look long and hard at their operations for ways to accommodate more staff while taking advantage of this powerful incentive.

I believe in the fighting spirit of the people of the Illawarra and in their capacity to band together and weather this storm. Today BHP Billiton Illawarra Coal has indicated that it will seek to recruit some of the redundant BlueScope workers and will set up a dedicated online job centre. I applaud this initiative and encourage many more companies to undertake similar efforts. Those facing financial hardship can access a range of assistance services. I strongly urge all those concerned about their future to take advantage of these services without hesitation. Few things are harder in life than losing the means to support oneself or provide for one's family. These people did not cause this crisis and they do not deserve to face it alone. Redundant employees can seek advice regarding entitlements through the Fair Work Ombudsman, no interest loans and financial counselling through the Department of Fair Trading, and tax and liabilities assistance through the Office of State Revenue.

Meanwhile, in the coming weeks and months the New South Wales Government will work with the Federal Government and local governments, business groups, the University of Wollongong, education providers and everyone affected by BlueScope's decision to replace the jobs that have been lost. The Australian Government will establish a dedicated working group chaired by the Secretary of the Department of Innovation, Industry, Science and Research, Dr Don Russell. This group will coordinate a taskforce with the New South Wales Government and stakeholders focused on the specific needs of the region. The Australian Government also will provide immediate help by providing a jobs support package through the Department of Employment and Workplace Relations, including streamlined access to support services. This package includes access to intensive assistance from Job Services Australia, where providers will assess each person's circumstances in detail and tailor an employment pathway plan. This will include help with résumés, interview skills, training costs, counselling and information on suitable job opportunities.

Redundant workers can get help to gain licences, certificates and other qualifications, and can even receive relocation assistance. Job Services Australia will be credited with \$2,880 for every BlueScope worker who is made redundant, and job seekers who want to relocate for a job or apprenticeship can receive up to \$9,000. This assistance is needed and deserved but the Federal Government must do more. Surely this situation proves that now is the worst possible time to impose a carbon tax. The Federal Government must reverse its disastrous policy and stop heaping more pressure on Australian industries. In closing, I urge the House to support the Government's commitment to address the current crisis in the manufacturing industry. We did not engineer this crisis but we will stand and face it alongside the people of the Illawarra.

**Mr RYAN PARK** (Keira) [3.49 p.m.]: I join with the member for Wollongong, the member for Heathcote, the member for Kiama and the member for Shellharbour in outlining our grave concerns about our local community as we go through this difficult period. Like many in the Illawarra, and like the member for Wollongong and the member for Kiama, my family has a strong link to the steel industry. My father was a fitter and turner at Lysaght, then at BHP and later at Tallawarra power station and Huntley. Steel has been an important part of who we are in the Illawarra, and I hope steel continues to play an important role in our region.

The member for Wollongong made something very clear in a private member's statement earlier today which is important to reiterate. Now is the time to put politics aside. I join with the member for Kiama and others in saying that this is a time when we need to combine our collective wisdom and our collective passion for the region and to set aside our political differences. The men and women who are caught up in this crisis do not want to see arguing and bickering in this place; they want to see real action. I am supportive of the Federal Government's move to significantly contribute to the Illawarra Region Innovation and Investment Fund. I note that at this stage the New South Wales Government is contributing \$5 million. Our amendment is designed to encourage the New South Wales Government to increase that funding and to match the Federal Government's commitment, given the serious nature of what is happening in our home town.

The Illawarra is a place we all love: we are passionate about it and we believe in it. But we need a helping hand and support from all levels of government, from all levels of Parliament and from councillors. We need industry and the community sector to galvanise. Together we can go forward. We have seen our colleagues in Newcastle and in the Hunter prosper after contraction of the steelworks, but this will be a difficult time for us. As the member for Kiama and the member for Heathcote stressed, this is a time when we need to put the men and women of the Illawarra first and foremost into every decision we make. It is inappropriate for BlueScope to go ahead with idiotic corporate bonuses when so many men and women have lost their sole income. In the next couple of weeks those men and women may not have money going into their households and they should not have to hear that their corporate masters will receive bonuses.

This is a time for restraint, for calm thoughts and for reason, and it is time for governments to play whatever role they can to support, firstly, the men and women who are out of work and, secondly, our local economy through targeted assistance to attract skills and industries to our region and retain them. The State budget is about to be delivered. Like others in this place, I will certainly argue and will continue to advocate that the Illawarra should get its fair share. I hope that the member for Kiama and the member for Heathcote, as Government members, will argue just as strongly as the member for Shellharbour, the member for Wollongong and me to make sure that in the forthcoming budget the Treasurer allocates a significant portion of infrastructure investment to our region.

We do not need a tough budget for the Illawarra; we are already going through a tough period because of global conditions. BlueScope made it very clear yesterday that this situation is not about a carbon tax. This is not the time to bring up issues such as a carbon tax; now is the time for us to galvanise and make sure that governments support our local community and the men and women we represent. Regardless of political affiliations, we all love our community and we all support our community. It is now time for the New South Wales Government to support that community in the forthcoming budget, and I look forward to seeing that support in a couple of weeks time.

**Mr GARETH WARD** (Kiama) [3.54 p.m.], in reply: I thank the member for Wollongong, the member for Keira and the member for Heathcote for their contributions to this very serious debate. I again thank all members of the House for the bipartisan way in which they have approached this matter. I listened with great interest to the member for Wollongong. Being the son of a migrant myself I know that this is an issue that will confront our region not just now but for years to come. As I said, the Illawarra *Mercury* hit the nail on the head when it referred to this as being, in some ways, the calm before what could be an even worse storm.

The member for Heathcote spoke passionately about what the Government is doing in partnering with other bodies to ensure that in this very difficult time there is a hand up for those people who need it. I have no doubt that across his electorate, as in my electorate, some families will face some very tough decisions in relation to their future. I commend my friend the member for Keira for his comments. Like other members he expressed his concern about the future of the region and the need for infrastructure. As members in this place who come from the Illawarra we may have arguments and disagreements across the table but we stand united in our support for the Illawarra and in making sure that we get our fair share. In my political career it does not matter if I am in government or in opposition; I will stand united with whoever wants to stand up for my region.

In coming to agreement on this package it was agreed that it would go forward. There was discussion about what would be appropriate in the first instance, but this is only the beginning. I respect and understand the reasons for the amendment. However, the Federal Government—and members opposite are of the same political colour—made it quite clear to us that this was a package that it was comfortable with and that that was the agreement that was struck. I believe we should all get behind that package as a first step. As the member for Keira said, there is a long way to go. I certainly hope that we see investment in our region. I said earlier that the Illawarra has a number of infrastructure projects that we can all agree on and continue to campaign for, and I certainly hope that continues to happen. But in the interests of bipartisanship we should have one firm

resolution. As I said earlier, the Federal Government has signed off on this and we have signed off on this. I understand what the member for Wollongong is doing but at this time we need to stand alongside the 800 workers in our region who are hurting today.

**Mr Ryan Park:** We are.

**Mr GARETH WARD:** I acknowledge the interjection of the member for Keira; I know that we all are. But we do not want to see politicking over the package that has been agreed by both sides of politics. The member for Keira himself said that we do not want to see arguing and bickering; we want to see results and we want to see real action.

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

**Mr GARETH WARD:** I ask members of the Opposition to listen to what I am saying. Obviously, the package was agreed to when there was an understanding of BlueScope's position. We now need to find a solution for the workers. We need to find projects that will generate jobs and investment. We will not do that by arguing over a bipartisan package, and that is what members of the Opposition are doing. Let us stand united—as we have to this point—on revitalising our area. Let us talk positively about what is good about our area. We live in the best part of the greatest State in the greatest country. We can all say that.

**Mr Ryan Park:** You're there so it can't be that good.

**Mr GARETH WARD:** It is like being mauled by a guinea pig. You should really learn to sit quietly when issues such as this are being discussed.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! Previous speakers were heard in silence. The member for Kiama in reply will be heard in silence.

**Mr GARETH WARD:** This is the time to unite behind a resolute and strong community. In a bipartisan action we are able to signal together that we want to see real change. I ask members of the Opposition—be they friend or foe, be they Labor or Liberal—to unite together in supporting the package that has been supported by the Federal Government and the State Government and that will see the first step toward addressing the issues. I agree with the comments in relation to directors' salaries. There must be restraint and focus on ensuring thrift within this organisation, but let us not lose sight of what we are all about, which is representing the people of our area, standing up for them and doing all that we can to make their lives better in this difficult time.

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

**Amendment negatived.**

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

**Motion agreed to.**

**The DEPUTY-SPEAKER (Mr Thomas George):** It being before 4.30 p.m. the House will now proceed with Government Business.

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL 2011**

#### **PUBLIC INTEREST DISCLOSURES AMENDMENT BILL 2011**

#### **Agreement in Principle**

**Debate resumed from 21 June 2011.**

**Mr PAUL LYNCH (Liverpool)** [4.01 p.m.]: The Opposition does not oppose the Independent Commission Against Corruption Amendment Bill 2011 and the Public Interest Disclosures Amendment Bill 2011. Much of the Independent Commission Against Corruption Amendment Bill comes from the work of the

Committee on the Independent Commission Against Corruption. The relevant provisions of this bill emerged as unanimous recommendations of that cross-party committee chaired at that time by an Australian Labor Party member, the member for Mount Druitt. Amendments to section 14 of the principal Act will make it clear that the commission has the power to gather, assemble and furnish evidence to the Director of Public Prosecutions for use in prosecutions after the discontinuation or completion of its investigations. This directly arises from the report of the Independent Commission Against Corruption committee into proposed amendments to the Independent Commission Against Corruption Act. Report 10/54, dated September 2010, was addressed in this Chamber by the then chair on 24 September 2010. Paragraph 5:49 of the report reads:

The committee is recommending an amendment to the ICAC Act to clarify that the commission may assemble evidence that may be admissible in the prosecution of a person for criminal offences in connection with corrupt conduct, both in the course of its investigation and after investigations have been completed.

As this quote makes clear, the amendment is not aimed at a dramatic problem but provides clarification for more abundant caution, although it does raise the perennial issue about bodies such as the Independent Commission Against Corruption and the Police Integrity Commission of whether their role is to investigate corruption and expose it or to get prosecutions. The philosophy of the legislation, which has been supported by both sides of this House for a long time, is that the primary role of these bodies is to investigate it and expose it rather than to actually secure convictions. Having said that, it is obviously sensible that investigative bodies such as this can indeed collate evidence and continue to collate it after formal investigations might have been completed in order for it to be passed on to the appropriate authorities—specifically the Director of Public Prosecutions.

A number of amendments to the Act concern the Inspector of the Independent Commission Against Corruption. These also came out of the committee's work, in particular the committee's review of the 2008-09 annual report of the Inspector of the Independent Commission Against Corruption. Report No. 11/54, dated November 2010, was spoken to in this place by the member for Mount Druitt on 26 November 2010. Recommendation 1 of the report proposed amendments to the Independent Commission Against Corruption Act to clarify that:

The Inspector of the Independent Commission Against Corruption may report to Parliament, as he considers necessary, on any abuse of power, impropriety, maladministration and other forms of misconduct on the part of the ICAC or its officers, regardless of whether or not those matters arise from the making of a complaint to the inspector.

The Inspector may report to Parliament on any of his statutory functions, as considered necessary and in doing so may utilise the special reporting provisions in section 77A of the Act.

Reports made by the Inspector under section 57B (1) (b) and (c) in relation to complaints or matters that are not of a sufficiently serious or systemic nature to warrant being made to Parliament can be provided to complainants, affected parties and other relevant individuals, as considered necessary by the Inspector for the purpose of resolving the complaint or matter in question.

These essentially are the amendments contained in this bill in schedule 1 [9] and [11]. These are clarifications of existing provisions. They first arose in the context of the Inspector of the Police Integrity Commission and his powers and arose in recommendations made in November 2006 in a report by a committee that I then chaired, the Committee on the Office of the Ombudsman and Police Integrity Commission. In June last year the Department of Premier and Cabinet wrote to the Independent Commission Against Corruption committee asking whether the reporting provisions ought to be altered, resulting eventually in the recommendation giving rise to this legislation. Recommendation 3 of the committee's report 11/54 seems to be the origin of the proposed amendment in this bill at schedule 1 [10].

That recommendation proposed amendments to the Surveillance Devices Act "to clarify that the prohibitions on the communication or publication of protected information should not be deemed to restrict the powers of the Inspector of the Independent Commission Against Corruption". That in essence seems to be the amendment proposed in this bill to section 40 of the Surveillance Devices Act. Turning to other provisions in the bill, schedule 1 [2] and [8] provide for the commission to allow a person summoned to appear before the commission to provide a document or other item to be excused from appearance if the material is produced. There are some other ancillary provisions flowing from this. This brings the Independent Commission Against Corruption into line with a plethora of other bodies such as courts and tribunals which have been implementing similar procedures for decades. It is more efficient and effective to do it that way when it is appropriate.

Schedule 1 [12] deals with the position of staff appointed to the Independent Commission Against Corruption. It clarifies the case so as to make clear that the Industrial Relations Commission cannot deal with an



unfair dismissal application by an officer of the Independent Commission Against Corruption whose employment is terminated by the commissioner. This seems to be confirmation of a longstanding bipartisan position. Section 104 (11) of the Independent Commission Against Corruption Act provides as follows:

- (11) none of the following matters and no matter, question or dispute relating to any of the following matters is an industrial matter for the purposes of the industrial relations Act 1996:
  - (a) the appointment of, or failure to appoint, a person to any position as a member of staff of the commission;
  - (b) the removal, retirement, termination of employment or other cessation of office of a person in any such position;
  - (c) any disciplinary proceedings or disciplinary action taken against a person employed under this section.

This leaves commission employees in a situation somewhat comparable to the special temporary employees who make up ministerial and Opposition staff in relation to whom flexibility of employment is required by the nature of employment. I turn now to the Public Interest Disclosures Amendment Bill 2011. This also has a number of comparatively minor but worthy amendments that the Opposition is happy to support. Schedule 1 [2] changes the term "protected disclosure" to "public interest disclosure". Schedule 1 [4] appoints the information commissioner to the Public Interest Disclosures Steering Committee. The functions of the steering committee as they are described in the Act are as follows:

- (a) to provide advice to the Minister on the operation of this Act and recommendations for reform, and
- (b) to receive, consider and provide advice to the Minister on any reports provided by the Ombudsman in the exercise of functions under section 6B or as referred to in section 31A.

Under the Act the committee comprises the Ombudsman, the Director General of the Department of Premier and Cabinet, the Auditor-General, the Commissioner of the Independent Commission Against Corruption, the Commissioner of the Police Integrity Commission, the local government investigating authority and the Commissioner of Police. Given that the information commissioner is responsible for improving the accessibility of government information, it makes sense that he or—as is presently the case—she should sit on the public interest disclosures committee. Schedule 1 [5] requires public authorities to prepare quarterly reports for the Ombudsman on the authorities' compliance with the Public Interest Disclosures Act.

This amendment aims to improve compliance with the Act. I note also that this amendment will not come into effect until January 2012, which should address any logistical concerns it may raise. That provision deals largely with increasing the frequency of the flow of statistical data; it does not broaden the scope of the data. As I indicated, the Opposition does not oppose these bills. I must note though that the Premier in introducing the bills gave a quite extraordinary speech that seemed to herald earth-shattering legislation of extraordinary import that would solve every corruption issue in this State for the past 300 years. That is simply not what the bills are about. They are entirely unobjectionable, very sensible, moderate, rational, bipartisan incremental changes. None of them justifies the rhetoric we got when the bills were introduced. We do not oppose the legislation.

**Mrs TANYA DAVIES** (Mulgoa) [4.10 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2011, which is designed to strengthen the commission and the inspector of the commission by amending the Independent Commission Against Corruption Act 1988. These amendments will implement most of the recommendations of two joint parliamentary standing committee inquiries as well as additional recent requests for amendments by the Commissioner of the Independent Commission Against Corruption. The strengthening of the Independent Commission Against Corruption was an election commitment by the New South Wales Liberals and The Nationals, and is part of the Government's 100 Day Action Plan to restore honesty and accountability to government. On 26 March 2011 the people of New South Wales cast their verdict on the then Labor Government, and it was unequivocal: They were fed up with a government that governed for themselves and their mates and failed the people of New South Wales in spectacular fashion.

The public deserves and expects a government that governs for the people, not for themselves and their mates. In my inaugural speech delivered in this House on 16 June 2011, I stated that now was the time for stewardship, not squandering; for service, not selfishness. It was a time to serve with honour and stewardship for the benefit and advancement of the people of New South Wales. The Independent Commission Against Corruption was established in 1988 by the then Liberal-National Government. It was one of several

anti-corruption measures introduced by the then Premier, the Hon. Nick Greiner. In preparing for this debate I found a quote that I draw to the attention of the House. These words were originally spoken in this House and powerfully convey the expectation of the people of New South Wales:

Nothing is more destructive of democracy than a situation where people lack confidence in those administrators that stand in a position of public trust. If a liberal and democratic society is to flourish we need to ensure that the credibility of public institutions is restored and safeguarded and that community confidence in the integrity of public administration is preserved and justified.

One could very well believe that those words were written only recently in reflecting on the previous 16 years of Labor Government as a consequence of its maladministration, waste and, more seriously, its decisions-for-donations culture. But these words were not written recently; they were spoken 23 years ago on 26 May 1988 by the then Premier, the Hon. Nick Greiner. Tragically, the role and responsibility of government under the previous Labor Government was abused and dishonoured on many occasions. The people of New South Wales had lost their faith and belief in the Government due to scandal after scandal, cover-up after cover-up and its decisions-for-donations culture. The donations-for-development culture that was seen in Wollongong City Council typified people's belief as to the rotten state of the Government. The rorting of entitlements by previous Labor members, such as the former member for Penrith, Karyn Paluzzano, and the former member for Drummoyne, Angela D'Amore, was the final straw for the people of New South Wales in their support of those opposite.

**Mr Richard Amery:** Point of order: My point of order relates to relevance. The matter before the House is pretty clear. In fact, I have firsthand knowledge of this bill because it results from a report that we tabled. The member for Mulgoa seems to be canvassing the history of the Independent Commission Against Corruption and a selection of commission cases over that period of time. If your ruling is that she is in order I am quite happy to advise Labor members accordingly, many of whom would like to raise some of the issues that the Coalition has been involved in and the use of terms such as "a climate conducive to corruption", "white shoe brigade" and so on. If that is the way the debate is going to go we are quite happy to raise those matters.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I remind the member for Mount Druitt that we are debating cognate bills, one of which is the Public Interest Disclosures Amendment Bill 2011.

**Mr Richard Amery:** I am aware of that. Is your ruling that a full history and round-up of all the commission's cases is within the ambit of the bill?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! That is not my ruling.

**Mr Daryl Maguire:** To the point of order: It has been common practice in this place that members are entitled to make introductory remarks when speaking to a bill. The member for Mount Druitt does not like what the member for Mulgoa is saying because it goes right to the heart of the corruption and incompetence that Labor presided over. I have no doubt that whatever ruling you make they will still raise issues because it is in their DNA.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I have heard enough on the point of order. I have been listening to the member for Mulgoa's introductory remarks and I am sure she is about to return to the leave of the bill.

**Mrs TANYA DAVIES:** I realise it is too painful for members opposite to listen to. The donations-for-development culture was alive and well for a little-known private company called Jacfin. Thanks to the investigation by Imre Saluzinsky from the *Australian* and Councillor Mark Davies, the extent of the corruption was revealed. Jacfin is a company owned by Jackie Waterhouse, the aunt of bookmaker Robbie Waterhouse. Jacfin owns hundreds of millions of dollars worth of land in western Sydney. Nothing is wrong with that. However, the problem is that when a substantial landowner's activities come within the part 3A planning legislation brought in by those opposite the stink of corruption only gets worse. Jacfin secured a number of profitable land rezonings under the former planning Minister Frank Sartor.

In 2009 matters went to a whole different level. In complete opposition to Penrith City Council's recommendations for a Jacfin proposal to be refused and the Government's own agencies, the Department of Environment and Climate Change and the Planning and Assessment Commission, recommending the proposal be dismissed, the then planning Minister, Kristina Keneally, used her extended powers under part 3A to grant

Jacfin's development proposal. One may ask why the then planning Minister granted this development proposal against the recommendations of three integral and expert government agencies. The answer is simple: money. Jacfin was the New South Wales Labor Government's largest political donor—

**Mr Michael Daley:** Point of order: I am not going to sit here and let the member for Mulgoa impugn the good character of the member for Heffron. Standing Order 73 applies to her and I ask you to invoke it now. If the member wants to debate this matter she should move a motion and we will have it out. Her remarks are not relevant to the bill and she should not use this place as a coward's castle to impugn the member for Heffron.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Mulgoa will return to the leave of the bill. As the member for Maroubra has said, any attack on a member should be done by way of a substantive motion.

**Mr Troy Grant:** Point of order: Standing Order 54 requires members to remain seated when a member is addressing the House.

**Mr Paul Lynch:** It does not apply to the Whips.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Mulgoa may proceed.

**Mrs TANYA DAVIES:** I am simply relaying what occurred in the Penrith City Council's history. The problem is that Jacfin was the New South Wales Labor Government's largest political donor between 2005 and 2007; it donated \$300,000 to the Labor Party.

**Mr Paul Lynch:** Point of order: This is an utter and complete corruption of the standing orders. The member for Mulgoa is treating this House with utter contempt in entirely ignoring both the standing orders and your rulings. First in terms of the relevance of her contributions to this debate, the member clearly has not read the bill, let alone tried to turn her mind to it. Secondly, the member has just now ignored completely two of your rulings.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Mulgoa will make her comments relevant to the bills.

**Mrs TANYA DAVIES:** I emphasise the value and importance of having an Independent Commission Against Corruption that has full powers, and the strength and teeth necessary to ensure that corruption such as we have seen in the 16 years of the Labor Government is exposed, dealt with and stopped. That has not been the case. I refer to another issue that affected me, which reveals the extent to which those opposite would go. Last October, prior to the State election, we found out that under those opposite the State Property Authority together with SITA—as we all know, SITA is a waste disposal company—decided to enter into an agreement to send radioactive waste from Hunters Hill to Kemps Creek. That may sound like normal government business to secure and clean up a site, but, the freedom of information documents I received reveal that the extent of their secrecy was incredible. They did not want their plan to be exposed to the public. I will quote from an email from the State Property Authority to SITA:

We would prefer to brief counsel after a contract has been executed between SITA and SPA ... and to mitigate the impact of any opposition by Council on the progress of the project.

Again, from State Property Authority to SITA:

I thought we were only meeting with Council once the agreement was signed?

On 19 October in this place, two days after this was revealed to the wider press, the member for Penrith asked the then Premier:

Why did you say there was no contract in place when there definitely was?

And she again refused to believe that there was a contract, when there was.

**Mr Richard Amery:** Did you refer that to the Independent Commission Against Corruption?

**Mrs TANYA DAVIES:** I know this is difficult for those opposite to hear. I understand that. If those opposite would like some Panadol, I have some here; they should help themselves. This bill enables the

Independent Commission Against Corruption to maintain its independence at all costs by making clear that the Industrial Relations Commission cannot deal with an application under part 6, Unfair Dismissals, of chapter 2 of the Industrial Relations Act 1996 by an officer of the commission whose employment is terminated by the commissioner. This puts the Independent Commission Against Corruption on par with most other independent agencies: It must be able to remove any person whom it has reason to believe affects the commission's independent status, without having to prove just cause under normal industrial law. This bill will make the process of an Independent Commission Against Corruption hearing quicker and cheaper, by allowing documents to be used as evidence without the creator of the document having to be available, when permitted by the commission.

The bill also will enable the Independent Commission Against Corruption to work more effectively with other law enforcement agencies. The Independent Commission Against Corruption now will be able to prepare comprehensive briefs of evidence for the Director of Public Prosecutions, to allow the Director of Public Prosecutions to prosecute people once the Independent Commission Against Corruption has completed its investigations. This will ensure that any wrongdoing uncovered in an Independent Commission Against Corruption investigation, but not under the commission's jurisdiction, can be prosecuted. Further to this, the bill will ensure that all prosecutions for perjury and other offences relating to interfering with the course of justice will be dealt with in the Supreme Court to reflect the serious nature of the offences.

The office of the Inspector of the Independent Commission Against Corruption is essential to accountability and transparency. The Government is committed to ensuring that the inspector has the requisite power to maintain the highest level of integrity in the Independent Commission Against Corruption. The bill also enables the inspector to provide a report or recommendation concerning any matter relating to the inspector's principal functions to the commission, the complainant, or anyone else affected, if the inspector considers that the matter can be effectively dealt with by such a recommendation or report. These measures collectively increase the ability of the enforcing agencies to improve accountability and transparency.

I congratulate the Premier on acting quickly and decisively to restore trust in government in New South Wales. I remind the House that all of the various interruptions during my speech only go to highlight the fact that those opposite find it extremely difficult to be reminded of the decisions-for-donations culture that flourished under them. I remind the House that this Government is committed to serving the people of New South Wales, respecting their taxpayer dollars, and ensuring that the right services and right infrastructure that they deserve are delivered. We on this side of the House are determined to deliver those services and that infrastructure.

**Ms TANIA MIHAILUK** (Bankstown) [4.25 p.m.]: The New South Wales Opposition supports the Independent Commission Against Corruption Bill 2011 and the Public Interest Disclosures Amendment Bill 2011. I note that many of the provisions contained within the bills have widespread support. The Independent Commission Against Corruption Amendment Bill, for instance, contains multiple provisions that were recommended by the Parliamentary Committee on the Independent Commission Against Corruption under the previous Government, chaired by the member for Mount Druitt. I will make a brief contribution on this matter.

At the outset I acknowledge the importance of the work undertaken by the Independent Commission Against Corruption. Both sides of this place are supportive of the work undertaken by the Independent Commission Against Corruption and its importance in keeping public life free of corruption. However, a body such as the Independent Commission Against Corruption, no matter how well constituted, needs checks and balances on its necessarily immense power. That is why there is an Independent Commission Against Corruption inspector. This bill aims to strengthen the reporting mechanisms for the Independent Commission Against Corruption inspector, and that is admirable.

The bill also proposes—by schedule 1, items [1], [2], [9] and [11]—to allow the inspector to make a report or recommendation at any time regarding his or her principal functions; to allow the inspector to report to Parliament at any time regarding the exercise of his or her principal functions; and to allow the inspector to report to the commission itself, or any other relevant person or persons, on such matters. These amendments are about improving the methods of reporting for the independent officer charged with reviewing the Independent Commission Against Corruption. The committee also recommended that the Government amend the Independent Commission Against Corruption Act to specify:

... prohibitions on the communication or publication of protected information should not be deemed to restrict the powers of the Inspector of ICAC". This committee recommendation is proposed in the bill in Schedule 1 [10].

That committee recommendation is proposed by schedule 1 [10] to the bill. Matters before the commission often involve privileged information. This amendment bill ensures that the Independent Commission Against Corruption inspector has access to all necessary information when making his or her investigations. Schedule 1 item [5] allows the commissioner to excuse a person who has been summoned to appear before the commission to submit documents; that is, those persons who are not central to the Independent Commission Against Corruption investigation and who do not have to go through the experience of appearing before the commission. After all, appearing before the commission when not explicitly necessary can be a traumatic experience, so any amendment to the Act that not only improves logistical arrangements but also reduces anxiety for those persons not central to investigation should be welcomed.

The Opposition is also supportive of the Public Interest Disclosures Amendment Bill 2011. In particular we support the provision to appoint the Information Commissioner to the Public Interest Disclosures Steering Committee, as this will broaden the scope of the committee. The bill also increases reporting mechanisms by requiring public authorities to prepare quarterly reports for the Ombudsman on the authorities' compliance with the Public Interest Disclosures Act. This amendment aims to improve compliance with the Act. I commend the bills to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [4.29 p.m.]: I support the Public Interest Disclosures Amendment Bill 2011 and the Independent Commission Against Corruption Amendment Bill 2011, which are cognate. The objects of the Public Interest Disclosures Amendment Bill, which amends the Public Interest Disclosures Act 1994, are:

- (a) to include the Information Commissioner on the Public Interest Disclosures Steering Committee, and
- (b) to require each public authority to provide quarterly data to the Ombudsman on the authority's compliance with the principal Act, and
- (c) to require each public authority's public interest disclosures policy to require that a person who makes a public interest disclosure to the authority is to be provided, within 45 days of the person having made the disclosure, with a copy of the policy and an acknowledgment of the receipt of the disclosure, and
- (d) to clarify the process for the referral of evidence of an alleged reprisal for a public interest disclosure to the Commissioner of Police, the Police Integrity Commission ..., the Independent Commission Against Corruption ..., the Attorney General and the Director of Public Prosecutions, and
- (e) to expand the matters in respect of which public interest disclosures may be made to the local government investigating authority, and
- (f) to make provision for the involvement of the Ombudsman in resolving disputes arising from a public interest disclosure having been made by a public official, and
- (g) to clarify the responsibilities of the head of a public authority.

When he introduced this bill on 21 June the Premier stated:

The Public Interest Disclosures Act 1994 plays a critical role in maintaining the integrity of public administration in this State. It does this by protecting public officials who disclose wrongdoing in the public sector in accordance with the Act. Known as "whistleblowers", they bring to the attention of Government and the community wrongdoing and corruption. They deserve to be protected. The Act makes it a criminal offence to take detrimental action against a public official substantially in reprisal for making a public interest disclosure.

**Mr Paul Lynch:** What, Richard's inquiry?

**Mr STEPHEN BROMHEAD:** This bill evolved after one of the darkest periods in the history of New South Wales involving whistleblower Gillian Sneddon. The matter may be humorous for the member for Liverpool, but it was a serious matter for that lady and for justice in New South Wales. Ms Sneddon drew to the attention of the authorities and the Labor Party the actions of a Minister of the Crown involving the most heinous and abominable crimes known to man: paedophilia and supplying drugs, among other things, and for that she was subjected to reprisal, locked out of her office and treated so appallingly that she was successful in her claim against the State. Those opposite should hang their heads in shame. The Public Interest Disclosures Amendment Bill will strengthen the Act to protect whistleblowers. The Liberal-Nationals Government should be commended for introducing this amending legislation. The object of the Independent Commission Against Corruption Amendment Bill 2011 is:

to strengthen, and clarify the ambit of, certain powers of the Independent Commission Against Corruption ... and the Inspector of the Commission ...

The bill achieves this by amending the Independent Commission Against Corruption Act 1988 as follows:

- (a) makes it clear that the Commission has power to gather, assemble and furnish evidence to the Director of Public Prosecutions for use in prosecutions after the discontinuance or completion of its investigations, and
- (b) broadens the powers of the Inspector by enabling the Inspector to report to Parliament at any time on any matter relating to the exercise of the Inspector's principal functions under section 57B of the Act if the Inspector considers a report to be in the public interest, and
- (c) makes it clear that the Inspector may provide a report or recommendation (or any relevant part of a report or recommendation) concerning any matter relating to the Inspector's principal functions to the Commission, an officer of the Commission, a person who made a complaint or any other affected person if the Inspector considers that the matter can be effectively dealt with by such a recommendation or report, and
- (d) provides that section 40 of the *Surveillance Devices Act 2007* does not prevent the use, publication or communication of protected information within the meaning of that Act for the purpose of the exercise of the Inspector's functions under section 57B of the Act, and
- (e) permits a person who has been summonsed to appear at a compulsory examination or public inquiry for the purpose of producing a document or thing to produce the document or thing without appearing if excused from appearance by the Commissioner for the Commission and for any document or other thing so produced in accordance with the Commissioner's directions to be privileged, and
- (f) makes it clear that the Industrial Relations Commission cannot deal with an application under Part 6 (Unfair dismissals) of Chapter 2 of the *Industrial Relations Act 1996* by an officer of the Independent Commission Against Corruption whose employment is terminated by the Commissioner.

When the Premier introduced this bill he stated that the Coalition was responsible not only for introducing whistleblower legislation but also for legislating in 1988 to establish the Independent Commission Against Corruption. However, two decades later we recognise that amendments are needed. The bill will strengthen the role of the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption. A strong Independent Commission Against Corruption will work proactively to prevent corruption and investigate allegations fearlessly. The bill implements the recommendations of two reports released in 2010 by the joint parliamentary Committee on the Independent Commission Against Corruption, which is supported by the Commissioner of the Independent Commission Against Corruption and two more recent requests for amendments by the commissioner.

Prior to the election we took our 100 Day Action Plan to the people, which included making this Government more open and transparent, and improving governance. These bills are delivering on those promises—unlike Labor, which was responsible for one of the darkest periods in the history of this State. Labor's treatment of whistleblower Gillian Sneddon was repugnant. It was the worst treatment ever meted out by any party, organisation or government. I am pleased that our Government was able to assist her and also to introduce this legislation. The bill to amend the Independent Commission Against Corruption Act is another step forward in improving the system and the investigative powers of the commission by enabling matters and evidence to be referred to the Director of Public Prosecutions. I strongly urge the House to support the bills.

**Mr JAMIE PARKER** (Balmain) [4.37 p.m.]: On behalf of The Greens I join in debate on the Independent Commission Against Corruption Amendment Bill and the Public Interest Disclosures Amendment Bill, which are cognate. I acknowledge the work of the parliamentary Committee on the Independent Commission Against Corruption, which was chaired by the member for Mount Druitt, and the recommendations flowing from its work that have informed a great deal of the content of these bills. The Independent Commission Against Corruption Amendment Bill 2011 strengthens the powers of the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption to gather and provide evidence to the Director of Public Prosecutions for use in prosecutions after the discontinuance or completion of its investigations. It broadens the powers of the inspector by enabling the inspector to report to Parliament at any time on any matter relating to the exercise of the inspector's principal functions.

Importantly it opens up the use, publication and communication of protected information for the purpose of the inspector's functions with regard to surveillance devices. The bill permits a person who has been summonsed to appear at a compulsory examination or public inquiry for the purpose of producing a document or thing, to produce the document or thing without appearing if excused from appearance by the commission. The bill prevents the Industrial Relations Commission from dealing with an application under the unfair dismissals provisions in part 6, section 84 (2) of the Industrial Relations Act 1996 by an officer of the Independent Commission Against Corruption whose employment is terminated by the commissioner, which is one point that The Greens would like the Minister to address.

**Mr Chris Hartcher:** There is only one of you.

**Mr JAMIE PARKER:** There are five more Greens members upstairs.

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

**Mr JAMIE PARKER:** The Greens in the other place will be seeking to negotiate with Government and Opposition members to include by way of an amendment a provision that will ensure that Independent Commission Against Corruption employees have recourse to the Industrial Relations Commission for any unfair dismissals. The Greens believe that all employees, including Independent Commission Against Corruption employees, should have recourse to the Industrial Relations Commission in the matter of unfair dismissals. The Public Interest Disclosures Amendment Bill 2011 includes the Information Commissioner on the Public Interest Disclosures Steering Committee which was established last year to oversee the implementation of the principal Act.

The bill further requires each public authority to provide quarterly data to the Ombudsman on the authority's compliance. The bill requires that each public authority's public interest disclosures policy provides that a person who makes a public interest disclosure to the authority is to be given a copy of the policy and an acknowledgement of the receipt of the disclosure within 45 days of having made the disclosure—all positive and valuable contributions to the Act. The bill also expands the matters in respect of which public interest disclosures may be made to the local government investigating authority in relation to local government. As many members have had an involvement in local government, these worthwhile provisions are welcomed. This includes corrupt conduct, maladministration, government information contraventions and local government pecuniary interest contraventions.

As I stated at the outset, the bill also implements the recommendations from two reports released in 2010 by the parliamentary Joint Standing Committee on the Independent Commission Against Corruption. Those reports and two more recent requests for amendments are supported by the commissioner. These worthwhile recommendations demonstrate the effective work that can be done by members in committees that are not overly politicised. Those committees can then make a positive contribution to the development of organisations such as the Independent Commission Against Corruption. The Greens support both bills as these vital measures are aimed at improving accountability and ethical standards in public administration. The Greens welcome the introduction of these bills. The Greens support laws that further empower the Independent Commission Against Corruption and provide it with more authority to perform its important role as a corruption watchdog.

Members would be aware of a number of high profile instances of corrupt behaviour, or of people who blew the whistle on corrupt, incompetent or immoral behaviour during Labor's 16 years in office and in many other instances. There is a long and honourable tradition of whistleblowing in Australia. The Greens support strong whistleblower legislation as an essential element of a functioning and vibrant democracy. Good governance requires a robust system of accountability mechanisms and this legislation acknowledges the important role that whistleblowers play in exposing corrupt and incompetent behaviour by public officials and thereby improving public administration. The Greens note also that the creation of the Independent Commission Against Corruption was a result of positive collaboration and dialogue between a former Liberal Government and Independent crossbenchers and it therefore reflects the importance of constructive cooperation between government, opposition and crossbench members.

As I said earlier, The Greens in the other place will seek to negotiate with the Government and crossbench members to amend the bill in the upper House and to remove an unnecessary clause that takes away the rights of Independent Commission Against Corruption employees to seek recourse to the Industrial Relations Commission in cases of unfair dismissal. There is no reason for the Government to remove this basic right of workers. We do not believe that that right, which has been in existence for some time, should be undermined. The legislation will not be weakened if that clause is removed. Under the Industrial Relations Commission, protection for Independent Commission Against Corruption employees against unfair dismissal would not be a negative element and nor would it water down the bill. I call on the Minister to address that matter when he replies to debate on this bill. The Greens commend the bill to the House and look forward to its implementation.

**Mr MARK SPEAKMAN** (Cronulla) [4.44 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2011 and the Public Interest Disclosures Amendment Bill 2011. At the last election the New South Wales Liberals and Nationals went to the people of New South Wales with a five point plan. Point four was restoring accountability to government. These bills form part of a suite of measures that the Government is taking to restore confidence in public administration in New South Wales—a suite of measures that includes legislation eliminating taxpayer-funded political advertising, legislation banning success fees for lobbyists, commencement of consultation on a public sector ethics bill and, in the future, reform of election campaign finance laws.

I will deal first with the Public Interest Disclosures Amendment Bill 2011. Let us not forget that the New South Wales Liberals and Nationals introduced the Public Interest Disclosures Act 1994 to play a critical role in maintaining the integrity of public administration in this State. It does that by protecting whistleblowers who disclose wrongdoing in the public sector in accordance with that Act. The Act makes it a criminal offence to take detrimental action against a public official in reprisal for making a public interest disclosure. This bill improves the protections given to people who make public interest disclosures and strengthens the ability of the Ombudsman to oversee public authorities and to resolve disputes.

Those objects—to amend the Public Interest Disclosures Act 1994—are implemented in this bill in seven ways. First, the bill will include the Information Commissioner on the Public Interest Disclosure Steering Committee. Last year legislation established a Public Interest Disclosure Steering Committee. Under section 6A of the Act its members comprise the Ombudsman as chairperson, the Director General of the Department of Premier and Cabinet, the Auditor-General, the Commissioner of the Independent Commission Against Corruption, the Commissioner for the Police Integrity Commission, the Chief Executive of Local Government and the Commissioner of Police. The primary role of this steering committee is to provide the Premier with advice on the operation of the Act and recommendations for reform. Item [4] in schedule 1 to the bill expands the membership of the committee by including the Information Commissioner.

The rationale for that is that public interest disclosures can be made to the Information Commissioner regarding a failure to exercise functions properly in accordance with the Government Information Public Access Act 2009. The second aspect of this bill is its requirement that each public authority provide quarterly data to the Ombudsman on the authority's compliance with the principal Act. New annual reporting obligations on public authorities will commence on 1 January 2012. Item [5] in schedule 1 will introduce a new section 6CA requiring each public authority to prepare quarterly reports for the Ombudsman that will contain statistical information on the authority's compliance with its obligations under the Public Interest Disclosures Act. That is in addition to the annual reports that currently are required to be prepared for tabling in the Parliament. That aspect will facilitate oversight by the Ombudsman of a public authority's compliance with the Act.

The third way in which the Public Interest Disclosures Amendment Bill 2011 will amend the Act is to require each public authority's public interest disclosures policy to require the person who makes a public interest disclosure to the authority to be provided within 45 days with a copy of the policy and acknowledgment of receipt of the disclosure. The fourth way in which the bill seeks to amend the Act is to clarify the process for referral of evidence of an alleged reprisal for a public interest disclosure to the Commissioner of Police, the Police Integrity Commission, the Independent Commission Against Corruption, the Attorney General and the Director of Public Prosecutions.

Public authorities other than the investigating authorities and the New South Wales Police Force will have to refer evidence of an offence to the Commissioner of Police or the Independent Commission Against Corruption, except evidence relating to alleged offences by the New South Wales Police Force which must be referred to the Police Integrity Commission. Investigating authorities other than the Independent Commission Against Corruption, the Independent Commission Against Corruption inspector, the Police Integrity Commission and the Police Integrity Commission inspector must, after completing or discontinuing an investigation, refer evidence of an offence to the Commissioner of Police, except for evidence relating to alleged offences by members of the New South Wales Police Force which must be referred to the Police Integrity Commission.

The Police Force, the Independent Commission Against Corruption, the Independent Commission Against Corruption inspector, the Police Integrity Commission and the Police Integrity Commission inspector



must, after completing an investigation and forming the opinion that an offence has been committed, refer the matter by providing a brief of evidence to the Director of Public Prosecutions, except for alleged offences by the Director of Public Prosecutions which have to be referred to the Attorney General.

The fifth way in which the bill will amend the Act is to expand the matters in respect of which public interest disclosures may be made to the local government investigating authority. Schedule 1 [11] to the bill amends section 23B to expand the matters in respect of which public interest disclosures may be made to the local government investigating authority in relation to local government. Currently, such disclosures may be made only in respect of the serious and substantial waste of local government money. The expanded range of matters includes allegations of corrupt conduct, maladministration, a failure by councils to exercise functions properly in accordance with the Government Information (Public Access) Act 2009 and a breach of pecuniary interest obligations under the Local Government Act.

The sixth way in which the bill will amend the Act is by introducing new section 26B. This new section will provide that regulations can be made to make provision for or with respect to conferring functions on the Ombudsman in relation to resolving disputes that arise as a result of a public official making a public interest disclosure. The seventh way in which the bill will amend the Act is by the introduction of a new section 6E. This new section imposes express statutory obligations on the heads of public authorities. For example, in the case of a local government authority, it imposes obligations on the general manager of that authority.

New section 6E provides that the head of a public authority must ensure, first, the authority has a public interest disclosures policy; second, the policy designates at least one officer of the authority as being responsible for receiving public interest disclosures on behalf of the authority; third, the members of staff of the authority are aware of the contents of the policy and the protections under the Act; and, fourth, the authority complies with the policy and the authority's obligations under the principal Act. This will help to emphasise the importance of top-down support for public officials who make public interest disclosures.

I now turn to the Independent Commission Against Corruption Amendment Bill 2011. The Minister for Resources and Energy, who is the Minister at the table, was a member of the Greiner and Fahey governments that delivered whistleblower legislation and the Independent Commission Against Corruption to the people of New South Wales. He now is a member of the O'Farrell Government, which has introduced a bill to enhance those two pieces of legislation. As previous speakers have said, the bill implements in part recommendations from two reports released in 2010 by the parliamentary Joint Standing Committee on the Independent Commission Against Corruption. The object of the bill is to amend the Independent Commission Against Corruption Act to strengthen and clarify the ambit of certain powers of the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption. This will occur in six principal ways.

First, the bill makes it clear that the Independent Commission Against Corruption has the power to gather, assemble and furnish evidence to the Director of Public Prosecutions for use in prosecutions not only during but also after the discontinuance or completion of its investigations. Section 14 of the Independent Commission Against Corruption Act will be amended to clarify the commission's powers to gather and assemble admissible evidence for the prosecution of a person for criminal offences in connection with corrupt conduct. This will facilitate the assembly of comprehensive briefs for the Director of Public Prosecutions in support of prosecutions. Second, schedule 1 [11] of the bill broadens the powers of the inspector under section 77A to make special reports to presiding officers of each House of Parliament by adding a new paragraph (c).

This will allow the inspector to report to Parliament at any time on any matter relating to the exercise of the inspector's principal functions under section 57B of the Act if the inspector considers a report to be in the public interest. Third, the bill will permit the reports and findings of the inspector to be published more broadly. A new subsection (5) will be inserted in section 57B, which will make it clear that the inspector can provide a report or recommendation, or any relevant part, concerning any matter relating to the inspector's principal functions to the Independent Commission Against Corruption, one of its officers, a person who made a complaint or any other affected person if the inspector considers that the matter can be effectively dealt with by such a recommendation or report.

The fourth amendment in this bill introduces new section 57F, which will provide that section 40 of the Surveillance Devices Act 2007 does not prevent the use, publication or communication of protected information within the meaning of that Act for the purpose of the exercise of the inspector's functions under section 57B of

the Independent Commission Against Corruption Act. This means that section 40 of the Surveillance Devices Act will not prevent the Independent Commission Against Corruption from providing information about its use of covert surveillance to the inspector.

The fifth category involves amendments to sections 35 and 37 of the Independent Commission Against Corruption Act to streamline the process by the production of privileged documents to the commission. If a person has been summoned to appear at a compulsory examination or public inquiry to produce a document or thing, that person will be permitted to produce it without appearing if excused from appearance by the commissioner. Any document or other thing so produced in accordance with the commissioner's directions will be privileged.

The sixth amendment introduces new subsection (11A) into section 104 of the Independent Commission Against Corruption Act to make it clear that the Industrial Relations Commission cannot deal with an application under part 6 of chapter 2 of the Industrial Relations Act by an officer of the Independent Commission Against Corruption whose employment is terminated by the commissioner. This ensures that the original intent of section 104 (11) is preserved. Originally that section provided that decisions of the Commissioner of the Independent Commission Against Corruption relating to the appointment, discipline and removal of staff of the Independent Commission Against Corruption could not be appealed to the Industrial Relations Commission.

**Mr Richard Amery:** Point of order: First, I note the member has less than three minutes to complete his speech. He may wish to seek an extension of time. Second, the member is speaking to the bill and should be encouraged to extend the time of his speech.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! That is not a point of order.

**Mr MARK SPEAKMAN:** The Government considers it important that the Commissioner of the Independent Commission Against Corruption has control over the appointment, discipline and removal of staff and the commission should not be placed in a position of having to maintain the employment of a person in which the Independent Commission Against Corruption Commissioner has lost confidence. The Liberals and Nationals delivered the Independent Commission Against Corruption and initial whistleblower legislation to the people of New South Wales. In keeping our election promise, the Liberals and Nationals now enhance that legislation for the benefit of the people of New South Wales.

**Mr BRYAN DOYLE** (Campbelltown) [4.57 p.m.]: I support the Independent Commission Against Corruption Amendment Bill 2011 and the Public Interest Disclosures Amendment Bill 2011. I commend my colleague the member for Cronulla for his outstanding expose of the proposed legislation. Rather than go over the same ground, I will focus on two issues: the role of investigation and prosecution and the role of the inspector. I am pleased to note the Opposition's support for these two bills. It is important that the Parliament presents a united front in providing the people of New South Wales with a corruption-free environment. Integrity in public life is vital. I recently discussed this issue with a constituent at a justice of the peace interview. This man, who had come from overseas, told me the reasons that he came in particular to New South Wales and Australia from his home country. His first reason was the rule of law in Australia—that we are subject to laws and good governance. His second reason was public safety. He said that in the country where he came from people and property were not safe, but that in New South Wales he could sleep like a baby at night.

**Mr Chris Hartcher:** What country did he come from, or is that private?

**Mr BRYAN DOYLE:** He was from overseas.

**Mr Chris Hartcher:** Most countries are overseas.

**Mr BRYAN DOYLE:** I thank the Minister for Resources and Energy.

**The ASSISTANT-SPEAKER (Mr Andrew Fraser):** Order! The Minister will have an opportunity to respond to the debate.

**Mr BRYAN DOYLE:** His third reason was low level of corruption in public life in New South Wales and Australia. These were things that drew him to leave his homeland, to settle in and to adopt Australia and

New South Wales as his home. The Acts deal with corruption in public life. Corrupt conduct is defined as being a deliberate and intentional wrongdoing, not an act of negligence or a mistake, and it must involve a New South Wales public official or public sector organisation. While it can take many forms, corrupt conduct occurs when public officials improperly use, or try improperly to use, the knowledge, power or resources of their position for personal gain or for the advantage of others; when a public official acts dishonestly or unfairly or in breach of public trust; or when a member of the public influences, or tries to influence, a public official to use his or her position in a way that is dishonest, biased or that breaches public trust.

When the Independent Commission Against Corruption investigates matters the conduct investigated must constitute a criminal offence or a disciplinary offence or something that would usually constitute grounds for dismissing or otherwise terminating the services of a public official or, in the case of a member of the New South Wales Parliament or local government councillor, a substantial breach of an applicable code of conduct. That is important in relation to these bills because these amendments relate to the prosecution of criminal matters. The role of the Independent Commission Against Corruption encompasses education as to what constitutes corruption; the prevention of corruption by improving standard operating procedures and how government departments and staff carry out their work; and the disclosure of corruption and investigation.

Having investigated corruption, particularly when it amounts to a criminal matter, it is vital for the Independent Commission Against Corruption to have the ability to pass on a proper brief of evidence to the Director of Public Prosecutions. It does little good when substantial corruption is exposed amounting to criminal behaviour and members of the public do not see a criminal prosecution flowing from it. One of the key aspects of these bills is the importance of dealing with criminality when it is disclosed. In relation to the role of the inspector I note that the bills broaden the powers of the inspector by enabling him to report to this Parliament on any matter relating to the exercise of his principal functions. It should be noted that the inspector is an important counterbalance for the immense power that the Independent Commission Against Corruption is granted by the Parliament.

The inspector has the ability to audit the operations of the Independent Commission Against Corruption to deal with complaints of abuse of power, impropriety or other forms of misconduct by the commission, and to assess the effectiveness and appropriateness of the procedures of the commission in relation to the legality or propriety of its actions. It is important to note that the inspector is not subject to the commission in any respect as he carries out his functions. Being able to report immediately on issues of concerns to the Parliament—the ultimate arbiter of public life in New South Wales—is important to enable the inspector to carry out his functions fully. As I have said, I fully support these two bills. I am very pleased with the contributions of my fellow members, including the member for Liverpool. Corruption prevention and improving our processes in defending our institutions are vital to good governance for the people of New South Wales.

**Mr GEOFF PROVEST** (Tweed) [5.04 p.m.]: I contribute to debate on the Independent Commission Against Corruption Amendment Bill 2011 and the Public Interest Disclosures Amendment Bill 2011 which are important bills in strengthening the Independent Commission Against Corruption. Mr Deputy-Speaker (Mr Thomas George), you would remember, as would the member for Mount Druitt, that a Coalition Government created the Independent Commission Against Corruption in New South Wales, which was a very fine step. Public officers have an onerous responsibility to conduct their businesses in an open, honest and transparent fashion, and the public puts their trust in them to do so. Too often we have seen public officials abuse that trust for personal gain. Recently, in my short term in this place, I have seen some of the so-called whistleblowers—the people who bring improper conduct to the public's attention or to an official's attention—castigated for their sense of duty.

I applaud people who uphold the honesty, transparency and trust expected of public officials and who seek to amend the wrongdoings of various individuals in the public field. The purpose of the Public Interest Disclosures Amendment Bill 2011 is to amend the Public Interest Disclosures Act 1994 to strengthen protections for whistleblowers. The object of the Independent Commission Against Corruption Amendment Bill 2011 is to amend the Independent Commission Against Corruption Act 1988 which, as I said before, was introduced by a Coalition Government in 1988 to strengthen, and clarify the ambit of, certain powers of the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption.

The bill makes a number of amendments, including the appointment of an Information Commissioner on the Public Interest Disclosures Steering Committee; requiring public authorities to provide quarterly statistical reports to the Ombudsman on their compliance with their obligations under the Act; requiring public

authorities to have, as part of their public interest disclosure policies, a requirement to provide a copy of the policy and to acknowledge receipt of the disclosure, within 45 days, to a person who has made a protected disclosure; and clarifying that, while the Office of the Director of Public Prosecutions will be responsible for prosecuting offences under section 20 of the Act, responsibility for investigating and preparing a brief of evidence lies with the appropriate investigating agency.

It behoves members on both sides of this House to put legislation in place to provide all possible tools to ensure that corruption is stamped out. There are many honest people working as public officers in our public service. In all electorates across New South Wales some hardworking public officers who strive continuously to improve and deliver to the good people of New South Wales at times find themselves tainted by the smell of corruption in various government departments. I am pleased to say that this does not occur everywhere but occasionally it arises. We should do everything we can do to support the Independent Commission Against Corruption in its ever-vigilant activities to wipe out corruption because that has a flow-on effect to those hardworking public servants who go to work every day and who try to do the right thing by being honest and transparent in their work processes.

When people feel the need to stand up and say that something they have witnessed is not right, or that somebody is getting a personal gain out of something and we cannot address those issues, we are not delivering to the good people of New South Wales. I struggle with the term "whistleblower" because I believe those people are fine individuals who have the courage of their convictions. They are honest, hardworking individuals who have the courage to stand up and uphold transparency because they believe that people in positions of trust should carry out that responsibility to the best of their abilities—in much the same way as politicians should conduct themselves in this place. We should do all we can to protect them. It would be terrible to witness corruption—at a high level or a low level, things that are not right, things that are against the law—and to sit back and do nothing.

Often these hardworking public servants have mortgages and families to support. They could sit back and turn a blind eye to it and continue on with their job or, if they really believe in honesty and openness and transparency, stand up and report it to someone higher—in this case the Independent Commission Against Corruption. We must do all that we can to protect those individuals. As a number previous speakers have said, we have seen some atrocious treatment of so-called whistleblowers in recent times. In the short time I have been in this place I have seen a number of cases investigated by the Independent Commission Against Corruption and I have seen the commission have a number of successes. When a politician is called before the commission and is found to be corrupt it is a taint on all of us. The more we can do to strengthen those whistleblower protections and encourage those good, hardworking public servants to stand up the better. I stand 100 per cent behind this bill and I commend the bill to the House.

**Mr KEVIN CONOLLY** (Riverstone) [5.12 p.m.]: I support the Public Interest Disclosures Amendment Bill 2011 and the Independent Commission Against Corruption Amendment Bill 2011. These bills are evidence of the action that the Government is taking to deliver on its promises. They strengthen protection for whistleblowers and widen the operational scope of the Independent Commission Against Corruption. I am proud to speak on these bills as they herald an important and necessary reform. In the past there have been shameful and inexcusable actions taken towards people who have done their duty in protecting the public interest of this State. I only need mention the name of Gillian Sneddon to illustrate that point. These bills propose to improve accountability, openness and transparency in government.

As previous speakers in this debate have noted, it was the Greiner Government that created the Independent Commission Against Corruption and brought about the transformational step of ensuring that within the public system there was a process to protect the credibility, the good name and the integrity of those many thousands of public servants who do the right thing day in and day out—as well as elected members in this place—on behalf of the people of New South Wales. The relatively few transgressions that do occur from time to time have the capacity to damage the reputation, the standing and the morale of those good people. I am proud to recall that it was the Greiner Government, a Liberal-Nationals Government, that created this body and I am proud to be part of a Liberal-Nationals Government that is enhancing the legislation that created that body to further protect the good name of the people who do the right thing and to ensure that there are appropriate measures and sanctions in place to take action against those who do the wrong thing.

The Public Interest Disclosures Amendment Bill 2011 increases protection for whistleblowers, particularly public officials who disclose wrongdoing in the public sector. It is always difficult to report somebody with whom you work, quite possibly somebody senior to you, when you have reasonable grounds to

believe that corrupt or improper activity has taken place. It is a very challenging thing and something which can turn a person's whole career. If it goes wrong for them it can damage their future in that workplace. It is a significant step for an individual to take and it is one I am sure people do not take lightly. I welcome the proposal to increase protection for people who feel compelled by their sense of duty to take that step.

While increasing the protections for whistleblowers, the bill also strengthens the role of the Ombudsman: He will now have an increased capacity to oversee public authorities and resolve disputes. The bill also expands the types of disclosures that can be made to the local government investigating authority, the chief executive in a local government, or in the Department of Premier and Cabinet, regarding wrongdoing by local councils. To date the Act has permitted public interest disclosures to be made to such a chief executive only in relation to serious and substantial waste of local government money. But corruption can take other forms and the people reporting such cases deserve the protection of legislation of this kind so that people working within local government can stand up for the public good, stand up for the ratepayers and stand up for their colleagues within an organisation who do the right thing.

A key element of the bill is the requirement for any person who makes a public interest disclosure to an authority to be provided with a copy of the policy and an acknowledgement of the receipt of the disclosure within 45 days of making the disclosure. There is an increased level of responsibility for heads of public authorities to ensure that the staff are aware of the policy relating to public interest disclosures as well as ensuring that the department complies with the policy. Those who head public organisations have a serious responsibility to ensure that their staff are aware of their capacity to make protected interest disclosures to protect the public from corruption and maladministration so that those people know the ground they stand on. Part of this increased responsibility is the requirement introduced at new section 6CA, which compels public authorities to provide quarterly reports to the Ombudsman on their compliance with the legislation. Those reporting obligations will commence at the beginning of 2012.

I turn now to the Independent Commission Against Corruption Amendment Bill 2011. It is crucial to have an effective and fearless anticorruption body. This bill takes the necessary measures to strengthen the role of the Independent Commission Against Corruption to provide just such a body. The bill clarifies the powers of the commission, allowing the commission to gather and assemble evidence—something which was previously less clear than desired. It also makes it clear that the inspector may provide a report or recommendation concerning any matter relating to the commission. The bill also broadens the power of the commission by enabling the inspector to report at any time to Parliament on matters relating to the commission's principal functions. New section 57F also allows for the Surveillance Devices Act 2007 to not apply to the use, publication or communication of protected information.

This will ensure that the commission can be unfettered in the way that it reports to this place and to the public about its investigations, unhindered by unintended consequences of that other legislation. Another key change is in relation to the appointment of commission staff. New section 104 (11A) provides that action for unfair dismissal will not apply to any member of staff of the Independent Commission Against Corruption unless an unfair dismissal action had commenced before the operation of this Act. That is so that the commissioner can be sure that at all times he or she has the confidence of those who work within that body. It would be untenable, given the nature of the work of the commission, for the commissioner to have to keep somebody on the payroll in whom they did not have confidence. The sensitive and important nature of the work requires that that confidence is always there.

These two pieces of proposed legislation form part of a raft of legislation which demonstrates this Government's commitment to a transparent and accountable government. The amendments will provide greater protection to whistleblowers and reform the culture towards whistleblowing in the public sector. The Independent Commission Against Corruption will be strengthened following these amendments—a necessary change in order to ensure a fearless and competent anticorruption body. One of the reasons for the scale of the election result in March 2011 was the loss of confidence that many in our community had in their Government.

Democracy relies on confidence as the basis of legitimacy for a government. If the people do not believe that the representatives elected in this place are acting on their behalf and seeking to protect their interests then the whole system fails. The system of democracy cannot be allowed to fail in New South Wales. We must ensure that government in this State has the confidence of the people. We need confidence that this system will operate in the best interests of all those people in the community who pay their taxes, work hard, vote for their representatives in this place and trust that we will in fact act on their behalf and set up structures that protect their interests. I am happy to commend the bill to the House.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [5.20 p.m.]: I welcome the opportunity to speak on the Independent Commission Against Corruption Amendment Bill 2011 and the Public Interest Disclosures Amendment Bill 2011. These bills form part of the Liberal-Nationals Government's policy of enhancing the protection of whistleblowers and strengthening the Independent Commission Against Corruption. The bills relate to the Liberal Coalition Government's important agenda of bringing integrity, transparency and accountability back to the governance of New South Wales. The public must have confidence in their public institutions and in their elected officials to behave ethically at all times. They place their trust in us.

Over the past 16 years public confidence was damaged time and again as the previous Government consistently focused on its own agendas and disregarded the integrity and accountability that the public of New South Wales surely expect of their governments. This Government intends to re-establish the public trust so blatantly disregarded by our predecessors. Indeed, a former Liberal Coalition Government, under Nick Greiner's leadership, established the Independent Commission Against Corruption. These amendments are part of our 100 Day Action Plan to introduce legislation to strengthen both the Independent Commission Against Corruption and whistleblower protection. The Coalition has a proud history of supporting a strong anticorruption body in this State. We established the commission over 16 years ago and we are convinced of the need to continually enhance anticorruption measures and keep reviewing and strengthening the operations of the Independent Commission Against Corruption.

The former Government was involved in numerous examples of corrupt conduct. The commission found that a number of former Labor members breached parliamentary entitlements. After emphatically losing office on 26 March this year members of the former Labor Government continue to be investigated by the Independent Commission Against Corruption: for example, former lands Minister Tony Kelly. Examples of this type of behaviour by elected figures are among the many reasons the public lost confidence in the former Government and why the Coalition is so determined to reinstate integrity and accountability throughout the Government, its departments and agencies.

The Independent Commission Against Corruption Amendment Bill 2011 is but our first step towards achieving a stronger anticorruption body in New South Wales. We believe the legislative settings must ensure that the commission can work proactively to prevent corruption and investigate allegations when they are made. The Government is implementing recommendations made in 2010 by the parliamentary joint standing committee which were not acted on by the former Labor Government at the time. The bill will clarify the commission's powers to gather admissible evidence for the purposes of prosecuting a person in connection with corrupt conduct. This measure will improve the ability of the commission to provide the Director of Public Prosecutions with a comprehensive brief of evidence to support each case, as it should. Included in these amendments will be the ability of the commission to acquire privileged documents and rely upon them without the need for an appearance before the committee of the person producing the documents.

The bill will also allow the reports and findings of the inspector of the commission to communicate the findings of investigations to a broader array of parties, including Independent Commission Against Corruption officers, complainants and other parties affected by the investigation. The activities of the inspector will also be presented to the Parliament under the terms of this bill. Finally, the bill confirms that the intent of section 104 (11) of the Act: decisions made by the commission relating to the appointment, discipline and removal of staff working at the commission may not be appealed to the Industrial Relations Commission. Given the nature of the commission's work, staff appointments must be made independently in order that the public and the Parliament have confidence in the integrity of decisions made by staff members working at the commission. The commission must also have confidence in the integrity of its staff and it should not have staff forced upon it who have lost the confidence and ability to assist in objective investigations performed by the commission. They are simple things but they are parts of the bill that will reinforce the independence and integrity of the commission's work.

I now turn to the issue of whistleblowers. This Government believes that public officials who disclose corrupt conduct within the New South Wales Government and the public sector generally must be protected from reprisals or related action taken against them by their superiors or public officials. The duty to protect whistleblowers is a responsibility that sadly was neglected by the previous Government. During Labor's 16 years in power in this State there were numerous examples of whistleblowers being mistreated and abused. Ms Gillian Sneddon's case is one. The Supreme Court awarded Ms Sneddon \$438,000 but also dismissed her action against the State. As the Premier outlined when introducing these bills, the example of Ms Sneddon is

symptomatic of how Labor treated whistleblowers during its time in government. The treatment was systemic, whether it was the harassment of a whistleblower in a Minister's office, nurses who exposed problems at hospitals or workers exposing targeted bullying in agencies such as RailCorp.

A government with integrity must rely on the confidence and ability of those working within to speak out when breaches of the law are taking place. By restoring the faith that whistleblowers have in the protections afforded to them this Coalition Government is encouraging a more transparent and accountable public service. Firstly, the bill expands the types of disclosures that can be made to the Chief Executive of Local Government regarding the activities of local councils. The Act currently allows only disclosures made directly to the chief executive with regard to serious and substantial waste of local government money. Under the bill the chief executive will be permitted to receive disclosures concerning corrupt conduct, maladministration, breaches of pecuniary interest obligations under the Local Government Act, and failure to exercise functions properly in relation to the Government Information (Public Access) Act 2009 by councils.

Public authorities will also be required to implement a public interest disclosure policy, which will encourage top-down support for public officials who make public interest disclosures. The bill will clarify who has the responsibility for investigating and preparing a brief of evidence in relation to prosecuting those who take reprisal action against whistleblowers. It will clarify that the Director of Public Prosecutions will have the responsibility of prosecuting offences. That clarity is welcome. Furthermore, the bill improves the information provided to whistleblowers from government agencies relating to concerns that whistleblowers may have. A person who has made a public interest disclosure will receive a copy of the agencies' policy with regard to whistleblowing and must acknowledge receiving it within 45 days.

These measures are designed to encourage public officials and those employed within the public sector to speak out against corrupt or unethical practices at all levels of government. They are worthy objectives and ones that the Liberal Coalition Government is working hard to achieve in these early stages of government. Taken together, these bills are the first stage in this Government's agenda of bringing integrity, transparency and accountability back to the New South Wales Government after these principles were so badly neglected by the previous Labor Government. I commend both bills to the House.

**Mr JONATHAN O'DEA** (Davidson) [5.29 p.m.]: Legislation to strengthen the Independent Commission Against Corruption and to improve protection for whistleblowers was a Government election commitment aimed at improving accountability and integrity of government in this State. Introducing such reforms was also part of the new Government's 100 Day Action Plan, which was reliably delivered. The new Government understands that this and other initiatives are required to help restore confidence in our battered public institutions. We want to give people back the power to control their own lives and environments, as well as to restore trust and civility to governance in New South Wales. The New South Wales Liberals and Nationals believe honesty and integrity in government, at all levels, are essential to delivering the services and administration the community expects.

As has been pointed out already, it was a Liberals and Nationals government that established the Independent Commission Against Corruption in 1989. The commission's principal functions are to investigate and expose corrupt conduct in the New South Wales public sector; actively prevent corruption through advice and assistance; and educate the community and public sector about corruption and its effects. Over the last decade or more scandals and corruption matters involving public sector decisions, including with RailCorp and Wollongong City Council, have highlighted that more needs to be done. The Independent Commission Against Corruption Amendment Bill 2011 implements recommendations of two 2010 parliamentary joint standing committee inquiries, on which I sat, as well as some more recent requests for amendments by the Independent Commission Against Corruption commissioner.

It introduces the following measures to strengthen the Independent Commission Against Corruption and the Inspector of the Independent Commission Against Corruption by amending the main Independent Commission Against Corruption Act to: Facilitate the Independent Commission Against Corruption to assemble comprehensive briefs of evidence for the Director of Public Prosecutions to support prosecutions arising from corruption investigations; permit the reports, recommendations and findings of the Inspector of the Independent Commission Against Corruption to be published and communicated more broadly; expressly permits the commission to provide more information about its use of covert surveillance to the Inspector of the Independent Commission Against Corruption; ensure that a decision to terminate the employment of a commission staff member by the commissioner cannot be the subject of unfair dismissal proceedings, thus ensuring the

commissioner has control over the discipline and removal of staff, as well as their appointment; and streamline the process for production of privileged documents so that it is not always necessary for the person producing the documents to appear in person at the commission.

The Public Interest Disclosures Act 1994 protects public officials who disclose wrongdoing in the public sector in accordance with the Act. It also was introduced by a previous Coalition government. Legitimate whistleblowers acting in the public interest deserve to be protected. This bill improves the existing protection regime through five main measures. Firstly, it includes the Information Commissioner on the Public Interest Disclosures Steering Committee, which provides the Premier with advice on the operation of the Act and recommendations for reform. This is consistent with her responsibility to investigate whistleblowing regarding a failure to exercise functions properly in accordance with the Government Information (Public Access) Act 2009.

Secondly, the bill requires public authorities to provide quarterly statistical reports to the Ombudsman on their compliance with their obligations under the Act. This requirement is in addition to the new annual reporting obligations commencing on 1 January 2012. Thirdly, it requires public authorities to have, as part of their public interest disclosure policies, a requirement to provide a copy of the policy and to acknowledge receipt of a disclosure, within 45 days, to a person who has made a protected disclosure. Fourthly, the bill expands the type of disclosures that can be made to the local government investigating authority regarding wrongdoing of local councils. This might include disclosures about corrupt conduct, maladministration, breaches of pecuniary interest obligations under the Local Government Act, and a failure by councils to properly exercise functions in accordance with the Government Information (Public Access) Act 2009.

Fifthly, the bill clarifies that, while the Office of the Director of Public Prosecutions will be responsible for prosecuting offences under section 20 of the Act, the appropriate investigating agency will be responsible for investigating and preparing a brief of evidence. Finally, the bill clarifies responsibilities of the head of a public authority and makes provision for the involvement of the Ombudsman in resolving disputes arising from public interest disclosures made by a public official. Openness, transparency, integrity, trust, confidence, accountability, fairness and ethics are all words that lacked sufficient practical meaning under the previous New South Wales Labor Government regime. The new Liberals-Nationals Government is determined to redress this situation and restore good governance to New South Wales.

**Debate adjourned on motion by Mr Troy Grant and set down as an order of the day for a future day.**

## **CROWN LAW OFFICERS LEGISLATION AMENDMENT (RETIREMENT AGE) BILL 2011**

### **Agreement in Principle**

**Debate resumed from 11 August 2011.**

**Mr PAUL LYNCH** (Liverpool) [5.36 p.m.]: I lead for the Opposition on the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. The Opposition does not oppose the bill. The bill's object is expressed to be to increase the retirement age from 65 years to 72 years for the holders of statutory offices under the Director of Public Prosecutions Act 1986, the Crown Prosecutors Act 1986 and the Public Defenders Act 1995. The actual offices referred to in the amending bill are these: the Deputy Director of Public Prosecutions; the Solicitor for Public Prosecutions; Crown Prosecutors, whether or not a Senior Crown Prosecutor or Deputy Senior Crown Prosecutor; Public Defender; Senior Public Defender; and Deputy Senior Public Defender. The provisions amend the 2007 amendments introduced by the previous Attorney. Those amendments had as their prime object the removal of lifetime tenure for various Crown Law officers.

We noticed in a bill recently introduced by the Minister for Gaming and Racing that the Government asserted that lifetime tenure generally is not appropriate in the contemporary world. The present Opposition agreed with that position in that debate. In 2007 the then Opposition said that it agreed that life tenure should be abolished—although it is not all that clear if you read some of the actual speeches, or indeed the Attorney's speech introducing this bill in this place. Despite the Attorney's actual beliefs, this bill does not reinstate life tenure for these officers. The only argument that could be mounted against that was that removing life tenure might somehow impact upon the independence of the officer concerned. I do not accept that, and the Parliament did not accept it in 2007. The reasons for not accepting that approach were well set out in a report prepared by the Hon. Greg James, QC at the request of the then Attorney. He said:

The Director, Solicitor General, Public Defenders and Crown Prosecutors are barristers, with the responsibilities, protections, immunities and roles as such. They are represented by the Bar Association, and practise, subject to their acts, in accordance with



the ethics of the Bar and the rules of the Bar Association. Those rules mention their independence and detachment as barristers. The Acts of Parliament under which the DPPs and Crown Prosecutors are appointed and practise, and the general law, including that as to contempt, as to perverting justice etc, operate to ensure independence, impartiality and detachment. Protections are also found in scrutiny under the ICAC Act, by the Ombudsman, the Auditor-General and the Police Integrity Commission, so far as officials or police might act adversely towards office-holders. The parliamentary code of conduct and standing orders apply to criticism in Parliament and office-holders have the ability to apply to the judges and Attorney-General for assistance. All these operate to give Crown Prosecutors in particular, and other office-holders who are barristers, a great deal of protection in the performance of their public duties so that, if those duties are being properly performed, no compromise to their independence, whether they are appointed for life or for a term, would seem to be in prospect.

It is clear that in the performance of their official functions the prosecutors, the DPP and deputies, and, indeed all the offices with which this advice is concerned, must be free from adverse influence and should not themselves seek to exercise their office for any personal benefit or advantage. The various Acts and institutions to which I have referred above also operate to prevent that.

The 2007 amendments established a compulsory retiring age of 72 years for the Director of Public Prosecutions and the Solicitor General. This was said to be appropriate because it was the retirement age for judges and it was appropriate for those retirement ages to be consistent. Both officers were members of the judicial pension scheme and, therefore, do not appear in this legislation. The 2007 legislation introduced a compulsory retirement age of 65 years for Crown prosecutors, Deputy senior Crown prosecutors and senior Crown prosecutors. This was said to restore the position under the Crown Prosecutors Act. It ensured turnover of prosecutors at an appropriate time, it accorded with superannuation considerations and it had been supported by stakeholders in consultation with Greg James, QC.

The legislation imposed a retirement age of 65 years for a Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions. This restored the retirement age for those offices. That age had been contained previously in the Director of Public Prosecutions Act. The 2007 provisions also introduced a retirement age of 65 years for public defenders, which reinstated the position prior to 1990. Therefore, by introducing a retirement age of 65 the 2007 legislation was reinstating a previously existing situation. There was a spirited debate at the time in both Houses—although I suspect, having read the *Hansard*, it may have generated more heat than light in some respects. The then Opposition moved a number of amendments, which were lost, including the provisions in the bill currently before the House. Although, I might add, that a number of previous Opposition amendments are not being pursued in this bill.

The Attorney General made two interesting points in that debate: first, that very few prosecutors or defenders actually worked after they reached 65 years of age; and, secondly, that for those who did want to, they could do so by way of temporary appointments. I suppose this means that the number of people who will be affected by these provisions will indeed be quite small and, in any event, they could be accommodated under existing arrangements. However, the Opposition does not oppose the bill. Perhaps there is some merit in acknowledging that generally our community is ageing. It is likely, indeed inevitable, that in the future more people will work for longer.

Indeed, some government incentives—certainly the taxation system—encourage people to work longer. In that context, it seems unreasonable to arbitrarily cut off employment at 65 years of age for the officers the subject of this bill. Obviously, it is also the case that one's skills as an advocate do not magically dissipate the day one turns 65 or 66 years of age—a self-evident and quite obvious point the Attorney General made when he introduced the bill. It is true also that the age of 65 does not have quite the autonomic consequences it once did generally for the public sector. For those reasons, despite this bill not affecting a large number of people, it seems on the face of it to be a bill not appropriate to oppose. The Opposition does not oppose the bill.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [5.42 p.m.]: I support the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011, which was introduced by the Attorney General. History will show that he was a great Attorney General for New South Wales. The object of the bill is to increase the retirement age from 65 years to 72 years for the holders of statutory offices under the Director of Public Prosecutions Act 1986, the Crown Prosecutors Act 1986 and the Public Defenders Act 1995. The Crown Law Officers Legislation Amendment (Abolition of Life Tenure) Act 2007 introduced fixed-term appointments and compulsory retirement for a range of statutory officers in New South Wales.

These officers were the Director of Public Prosecutions, the Deputy Director of Public Prosecutions, the Solicitor for Public Prosecutions, Crown prosecutors, senior Crown prosecutors, deputy senior Crown prosecutors, public defenders, senior public defenders, deputy senior public defenders and the Solicitor General. However, the 2007 amending Act introduced different retirement ages for different officers, making 72 years the retirement age of the Director of Public Prosecutions and the Solicitor General, and 65 years for the other officers affected. While some value is recognised in ensuring those holding the statutory offices in question be

required to retire at a particular age, it is considered that 72 years will ensure consistency across all such offices, including judicial officers, as judges and magistrates are also required to retire at 72. In his agreement in principle speech the Attorney General stated:

The Director of Public Prosecutions was consulted on the proposed increase in compulsory retirement ages from 65 to 72, and supported the proposed amendments. An anomaly that was shown to have existed as a result of the passing of the 2007 amendment was that someone such as the Senior Public Defender ... can be the Senior Public Defender until he is 65, but then he has to leave that position. However, he can go back to his original position of Public Defender forever ... because he has tenure. Some Acting Crown Prosecutors who had acted for some years and who had the reasonable expectation of a permanent appointment as a Crown Prosecutor, as that had been the procedure, were affected by that. They had given up their practice at the bar, sold their chambers and found that they could not continue to practice for as long as they had intended. At that age they are at the peak of their abilities.

Currently a crown prosecutor in his seventies is at the peak of his ability. Justices Gleeson, McHugh and Kirby in the High Court, for example, had to retire at seven0 when they were also at the peak of their careers.

He mentioned also that in some sense the distinctions are a form of age discrimination. Clause 1 sets out the name of the proposed Act. Clause 2 provides for the commencement of the proposed Act on the date of assent. Schedule 1 increases the retirement age for a Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions from 65 years to 72 years. Schedule 1 also provides:

that a person holding office as a Deputy Director of Public Prosecutions or the Solicitor for Public Prosecutions is, if the person was appointed for a term of less than seven years, taken to have been appointed for a term of seven years. Prior to this amendment a person could be appointed for a term of less than seven years if that shorter term was necessary to ensure that the person's term of office extended to (but not beyond) the date on which the person reaches the age of 65 years.

This schedule further enables regulations to be made containing provisions of a savings or transitional nature as a consequence of the enactment of the proposed Act. Schedule 2 amends the Crown Prosecutors Act 1986 by increasing the retirement age for a Crown Prosecutor, whether or not as a Senior Crown Prosecutor or Deputy Senior Crown Prosecutor, from 65 years to 72 years. Schedule 2 [2] enables regulations to be made containing provisions of a savings or transitional nature as a consequence of the enactment of the legislation. Schedule 2 [3] provides that a person holding office as a Crown Prosecutor, whether as a Senior Crown Prosecutor or Deputy Senior Crown Prosecutor, is taken to have been appointed for a term of seven years if the person was appointed for a term of less than seven years. Prior to this amendment a person could be appointed for a term of less than seven years if that shorter term was necessary to ensure that the person's term of office extended to, but not beyond, the date on which the person reaches the age of 65 years.

Schedule 3 amends the Public Defenders Act 1995 and increases the retirement age for a Public Defender, Senior Public Defender or Deputy Senior Public Defender from 65 years to 72 years. Schedule 3 [2] enables regulations to be made containing provisions of a savings or transitional nature as a consequence of the enactment of the proposed legislation. Schedule 3 [3] provides that a person holding office as a Public Defender, Senior Public Defender or Deputy Senior Public Defender is taken to have been appointed for a term of seven years if the person was appointed for a term of less than seven years. Prior to this amendment a person could be appointed for a term of less than seven years if that shorter term was necessary to ensure that the person's term of office extended to, but not beyond, the date on which the person reaches the age of 65 years.

Over my years of involvement in the judicial system as a police officer and then as a lawyer, many wonderful advocates were well over the age of 70. I remember Tony Bellanto, QC, senior—not his son Tony Bellanto, QC, now practising at the bar—was just a little over 80 years of age and representing a co-accused in the horse-nobbling case at the old Queens Square Supreme Court. I was a constable on guard duty at the court. His client was one of a number of co-accused. It was fantastic to watch him in action. His grasp of the law and advocacy was phenomenal. He did many amazing things, but one thing I remember particularly was that he would talk quietly because he looked old. All the jurors would lean forward, straining to hear what he was saying. Even the judge was straining to hear what he was saying. When he got to the point that mattered he raised his voice and bellowed so loudly that the judge and the jury would lean back—but they got the point.

Another talent Tony Bellanto senior possessed was his ability to get the sympathy of the jury. I would sit behind him guarding his client. He would let his black silk gown gradually fall down off his shoulders until it was around his elbows and he was stuck in that position. While the jury was watching him he would say to me, "Constable would you help me?" As a young constable I would stand up and pull the gown up over his shoulders. He had won the jury over; they thought he was fantastic. At the end of the day who got the best result? Tony Belanto did.

Another great advocate in New South Wales is a solicitor by the name of Bruce Miles, who has done a lot of pro bono work for the Aboriginal Legal Service. He is a phenomenal advocate. Bruce Miles is a former

World War II fighter pilot. No better intellect could you have in criminal advocacy in Australia. He would turn up to a trial with a form guide in his back pocket, no police brief, and when you asked him why he did not have the police brief he would reply that he never read a police brief because he did not want his mind contaminated with the lies contained within that brief. He would then proceed to dissect the prosecution case forensically and brilliantly.

Another thing he would do was to pull out his comb and brush back his fabulous white mane of hair prior to the jury returning to the courtroom. As there was a knock on the door to indicate the jury was about to enter, he would shake his head so that his hair was standing on end like that of a mad scientist. The jury was spellbound by his ability as an orator and an advocate. The Attorney General spoke about some great High Court judges. I have given two examples of advocates, but there are many such people. A person's ability and intellect does not come to an end at 65 or 72 years of age. However, there has to be an end and 72 years of age—we all agree—is the age it should be. I commend the bill to the House.

**Mr DOMINIC PERROTTET** (Castle Hill) [5.53 p.m.]: I will make a brief contribution in support of the Crown Law Officers Amendment (Retirement Age) Bill 2011, and in doing so I commend the work of the State legal officers for their tireless and often unrecognised work. This bill will increase the retirement age from 65 years to 72 years for a Deputy Director of Public Prosecutions and the Solicitor for Public Prosecutions, which will require amendment to the Director of Public Prosecutions Act 1986; for Crown prosecutors, senior Crown prosecutors and deputy senior Crown prosecutors, which will require amendment to the Crown Prosecutors Act 1986; and for public defenders, senior public defenders and deputy senior public defenders, which will require amendment to the Public Defenders Act 1995.

The Crown Law Officers Legislation Amendment (Abolition of Life Tenure) Bill 2007 abolished life tenure for certain senior State legal positions. At that time Parliament believed, and continues to believe, that life appointments to such positions present a range of potential problems, both for the person appointed and for the State Legislature. However, there was wisdom in such a policy. Certain professions contain certain provisions and for the most part certain offices benefit from being held for extended periods. Like good wine, Crown law officers mature with the years and the experience they accumulate cannot easily or simply be learnt or absorbed by a younger replacement. The exception to that is members of Parliament. This bill aims to find a happy medium between the previous policy of life appointments and the overzealous provisions of the 2007 Act.

By increasing the retirement age for Crown officers from 65 years to 72 years the bill ensures that the practical knowledge and experience of some of our most senior Crown law officers is not lost prematurely. The accumulation of several more years of work in the service of the State is sure to benefit those coming into the profession in addition to the community at large. As stated by the member for Liverpool, the Attorney General and the member for Myall Lakes, the bill addresses the inconsistency in the 2007 bill, which provides dissimilar retirement ages for offices that require similar legal expertise and skills. It makes very little sense that the Deputy Director of Public Prosecutions is forced to retire arbitrarily seven years before the Director of Public Prosecutions.

The bill will redress any latent ageism that may have informed the prior Act. It is recognition that very often the ability of a Crown law officer may peak at the age of 65 and that officer may continue to be of great service to his or her community beyond that age. In my time working as a lawyer I would have briefed numerous barristers who were over the age of 65; as society moves on many people will be at their peak at that age. This is an important bill to ensure that those who have the legal skills and expertise maintain their position in our legal profession and offer a great service to the State. I commend the bill to the House.

**Mr JAMIE PARKER** (Balmain) [5.57 p.m.]: I speak to the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011 on behalf of The Greens. As we have heard, the object of the bill is to increase the retirement age from 65 years to 72 years for the holders of statutory offices under the Director of Public Prosecutions Act 1986, the Crown Prosecutors Act 1986 and the Public Defenders Act 1995. The officers involved are the Director of Public Prosecutions, the Deputy Director of Public Prosecutions, and the Solicitor for Public Prosecutions, Crown prosecutors, senior Crown prosecutors, deputy senior Crown prosecutors, public defenders, senior public defenders, deputy senior public defenders, and the Solicitor General.

During the crossbench briefing held earlier today we sought to ask the Minister—and I ask the Minister to respond at the appropriate time—whether the Government had considered abolishing age limits. There are two reasons for that. One, the balance of the public service is not subject to a compulsory retirement age. While

there have been issues concerning judges and the period of time they serve, The Greens wish to make it clear that by supporting this bill The Greens do not suggest that at the age of 72 any person becomes less competent or has less merit than they did prior to reaching that age.

There is an argument that judges should have limited tenure in terms of age limits, but it is important to recognise that compulsory retirement age goes to workplace planning. It is a critical issue for the future of this State and it is a critical issue in my electorate where many baby boomers are coming to the time of their life when they are considering retiring. Those people hold wisdom and it is important that we seek to encourage people aged 65 years and over to continue to contribute to the community. Just because they hit a magical number does not mean that their contribution is any less valid or important.

I acknowledge that this bill brings about harmonisation, which is a positive step. At the same time, I support and acknowledge those in our community who have made a longstanding contribution, whether to public service or the private sector. We should encourage them to continue to participate in the community. Wisdom comes with age and we would do well to encourage, nourish and support their continued participation. On behalf of The Greens, I indicate that we do not oppose the bill. We ask the Minister whether any consideration has been given to the abolition of a compulsory retirement age. I encourage older members of the community to continue to contribute to the workforce and the community so that we can all prosper from their experience and wisdom.

**Mr KEVIN CONOLLY** (Riverstone) [6.00 p.m.]: I support the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. As previous speakers have said, the primary aim of the bill is to increase the retirement age of Crown law officers from 65 years to 72 years. As previous speakers have said, the bill relates to a number of positions, which I will not repeat. The amendments will bring about consistency and equity in the positions to which the bill relates. It is incongruous that at the same time as the previous Government legislated that some positions have a retirement age of 72 years similar positions had a retirement age of 65. One can only speculate on the considerations that led to that conclusion. It is difficult to find a rational and sensible ground for maintaining such a distinction.

I agree with previous speakers who referred to the public benefit that arises from continuing to access the talent and experience of incumbents in positions that serve on behalf of the community. People achieve expertise in their field from their work over a period of years. That expertise is not lost at a magical age, such as 65 or 72. On current community expectation, it would seem premature to set an age of retirement for these positions at 65. The community in the twenty-first century acknowledges the capacity of older people and recognises the greater longevity that is now characterised in our community. The pension age has been raised in recognition of the changes that have occurred since early in the twentieth century when 65 years was set as a retirement age. The community has changed a great deal in the past 100 years and that is a reflection of that change.

This legislation sends a message of respect to seniors that we value the contribution they can make well into their later years. It certainly does not finish at the age of 65. However, a case could be made for a specific and defined retirement age, which I will speak about later on issues nationwide. A retirement age of 72 for Crown law officers, as proposed in this legislation, is an appropriately balanced measure and is consistent with the retirement age that applies to judges. Discussion and debate has occurred about the retirement age in the legal profession and among the judiciary. In 2009 the Association of Australian Magistrates, in a submission to a Federal Senate inquiry, argued key points as to why a retirement age of 65 was inadequate. The association's comments related to magistrates but, as the Minister made clear in his agreement in principle speech, the same principles should and will apply to Crown law officers.

The association put a number of arguments as to why a compulsory retirement age of 65 was too early. The arguments included that life expectancy has increased, together with a general shift in public thinking toward later retirement; the current retirement age for magistrates in New South Wales is already 72; extending the retirement age ensures that experienced Crown law officers can be retained for a longer period; and, importantly, the need for consistency in retirement ages across the judicial and legal world. It is important to also consider the need for a compulsory retirement age for Crown law officers. In its submission the Association of Australian Magistrates commented that a mandatory retirement age assists in maintaining a vigorous and dynamic judiciary and enabling a breath of fresh air to permeate the judicial system, as well as infusing the judiciary with contemporary social attitudes and community values. The same logic applies to Crown law officers.

The retirement age of 72 for Crown law officers is a sensible and appropriate amendment. In considering the bench of the High Court, more than half of the justices are over the age of 65. They are eminently capable and, in fact, are at the peak of their judicial career. That is just one example highlighting the competence within the judiciary and the legal profession as a whole, which is not limited by the age of 65. This bill builds on and refines previous legislation that introduced retirement ages for Crown law officers. A retirement age of 72 is a fairer limit to set. It is consistent with the retirement age of magistrates in New South Wales and will ensure a universal approach to retirement ages for Crown law officers in this State.

Speaking on this bill gives me the opportunity to recognise the contribution made by our Crown law officers and other officers in our legal system. The legal system is one of the vital pillars of our free society. It is on the shoulders of these people that we rely for this pillar to be upheld, and for the freedom and rights of our population to be protected. This legislation is consistent with the O'Farrell Government's commitment to restoring accountability and transparency to all aspects of our system of government. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [6.06 p.m.]: I support the Crown Law Officers Legislation Amendment (Retirement Age) Bill 2011. The object of the bill is to increase from 65 years to 72 years the retirement age of holders of statutory offices by amending three pieces of legislation. The bill will overcome the anomalies that were introduced by the Crown Law Officers Legislation Amendment (Abolition of Life Tenure) Act 2007. That Act introduced fixed-term appointments and compulsory retirement ages for a variety of statutory officers in New South Wales, namely, the Director of Public Prosecutions, the Deputy Director of Public Prosecutions, the Solicitor for Public Prosecutions, Crown prosecutors, senior Crown prosecutors, deputy senior Crown prosecutors, public defenders, senior public defenders, deputy senior public defenders and the Solicitor General.

Anomalously, the 2007 amending Act introduced different retirement ages for different officers: an age of 72 years for the Director of Public Prosecutions and Solicitor General, and 65 years for others. This bill ensures consistency across all officers, including judicial officers, with a retirement age of 72 years. Schedule 1 to the bill increases from 65 years to 72 years the retirement age of deputy directors of public prosecutions and the Solicitor for Public Prosecutions. This change requires amendment to the Director of Public Prosecutions Act 1986. Schedule 2 increases from 65 years to 72 years the retirement age of Crown prosecutors, senior Crown prosecutors and deputy senior Crown prosecutors. This change requires amendment to the Crown Prosecutors Act 1986.

Schedule 3 increases from 65 years to 72 years the retirement age of public defenders, senior public defenders and deputy senior public defenders. This change requires amendment to the Public Defenders Act 1995. In relation to fixed-term appointments generally and compulsory retirement ages, it is appropriate that the term of statutory officers has an outer limit. It is appropriate to select an age so that younger practitioners have avenues and opportunities open to them. Fresh blood and renewal from time to time will maintain vigour and dynamism in these statutory offices. But the right age has to be selected. Back in the 1970s when constitutional amendments were made fixing a compulsory retirement age of 70 for Federal Court judges, the life expectancy of an Australian male at birth was about 70 and a female about 77.

In 2009 the life expectancy of an Australian male was 79 and 84 for a female—an increase in life expectancy of about nine years for a male and about seven years for a female. With an ageing population we will have an increasing welfare bill if we do not encourage people to continue to work for as long as they can. Across the board we need to encourage people to stay at work longer, and that includes statutory offices such as these. Twenty or 30 years ago 65 might have been the life expectancy of someone but now 65 is much less than the longevity of the average Australian male or female. In those circumstances it is appropriate, in particular, if people are still able and capable, and notwithstanding what statutorily might be deemed senility, for them to continue to work up until a reasonable age.

While 60 or 65 might have been a reasonable retirement age 20 or 30 years ago, we need to keep people at work longer because they are now healthier and they are living longer. Unless we do that we will have an ever-increasing welfare bill and huge intergenerational equity issues. But we need to have a cut-off point or we will not have the turnover, the renewal, the vitality and the dynamism that change and renewal will bring from time to time. I believe this bill selects the right balance. With our current life expectancy the bill selects the right age for retirement. In future years we may increase retirement ages even further, but at this stage the bill gets the right balance and it removes the anomalies that were introduced by the peculiarities of the 2007 amending Act. For those reasons I commend the bill to the House.

**Debate adjourned on motion by Mr John Williams and set down as an order of the day for a future day.**

**GOVERNOR'S SPEECH: ADDRESS-IN-REPLY****Sixth Day's Debate**

**Debate resumed from 22 June 2011.**

**Mr BART BASSETT** (Londonderry) [6.12 p.m.]: It is a pleasure to speak in the Address-in-Reply debate and to respond to the Speech made to members on Tuesday 3 May 2011 by the distinguished Governor of New South Wales, Her Excellency Professor Marie Bashir, AC, CVO, on the occasion of the opening of the Fifty-fifth Parliament of New South Wales. As the Mayor of Hawkesbury for the past six years I have had the honour of hosting Her Excellency in the Hawkesbury on several occasions and I have always found her to be warm, generous and passionate about our community and our State.

Her Excellency was born and raised in the bush; she is of Lebanese heritage, with a distinguished academic career as a Clinical Professor of Psychiatry; and she is a true representative of the diverse and cosmopolitan make-up of New South Wales in the twenty-first century. In her address to mark the opening of the Fifty-fifth Parliament of New South Wales Her Excellency said that the people of New South Wales have asked this Government to secure the future of the State through honest service, wise judgement and sound decision making—the building blocks of good government—with the expectation of positive action that rebuilds, revitalises and re-energises the great institutional, economic and human resources of our great State.

In drawing inspiration I dig into our rich history and look at the benchmarks established not by recent events but by past members and leaders such as George Houston Reid, who was a member of this place from 1880 until he resigned to take a seat in the first Commonwealth Parliament in 1901. Sir George Houston Reid was one of our last colonial Premiers and he played an important role in shaping the constitutional framework for the new Commonwealth. As one of the early Prime Ministers he prosecuted the intellectual argument for free-market economics and free trade that laid the foundations for reforms that he was never able to achieve in his lifetime but ones that were implemented by Liberals such as John Howard, Jeff Kennett and Nick Greiner—leaders who saw the need to open up the economy, who had the vision to look at the big picture beyond the robust nature of the day-to-day political debates and who had the courage to do what was right, not what was popular.

As a member of the new Liberal-Nationals Coalition Government who has a background in small business and as a commercial helicopter pilot I am pleased to be able to report to my electorate that the new Government is building on the sound policy platforms that were laid by reform-minded governments of the past and that we have successfully implemented every commitment that we said we would in our early stages of government. The Liberal-Nationals took to the people a plan that was not extravagant but that was modest and, more importantly, that could be delivered in full. The people of New South Wales had become sick and tired of hollow announcements and visions of grandeur for which we are all now paying because of a more than \$5 billion black hole in the budget, which those opposite left to us and we discovered when we saw the real state of the finances following the election. The former Labor Government talked big but delivered very little. It promised new rail lines and delivered only half of one. Even then it was late and nearly \$1 billion over the budgeted amount.

The Liberal-Nationals 100 Day Action Plan was a blueprint that addressed key areas that had been neglected over the past 16 years and it laid the right foundations for future reforms that will deliver better services and a stronger and more prosperous New South Wales. The 100 Day Action Plan focused on five key areas: rebuilding the economy, returning quality services, renovating infrastructure, restoring accountability, and protecting our local environment and communities. As part of our commitment to rebuild the economy and set the right footings for solid economic growth and future prosperity, I was pleased to host the Premier and other parliamentarians in my electorate where we visited Laser Wizard—a small business employing more than 30 local people in a factory in St Marys that specialises in providing high-quality steelworks using water and laser-cutting technology.

The Premier and I talked to the owners and employees about the Jobs Action Plan and the payroll tax cuts that will help stimulate local economic activity and create an extra 100,000 new jobs for local areas that, in turn, will allow for local business to use the extra economic growth and resulting prosperity to reinvest in new technologies and innovations that will provide an overall benefit to our State's gross domestic product, which has been lagging behind other States for many years. The former Labor Government left this State in an awful condition. I will point out a few of the former Government's litany of failures that will highlight why services have been decaying: a \$5 billion budget deficit; a botched sale of our electricity generators for less than their real value; massive overruns for infrastructure projects—\$500 million for the failed metro, with not one kilometre of track laid, and \$1 billion for the Epping to Chatswood rail line are just two of many examples.

The economy lags behind most other States and basic services such as hospitals, schools, police, roads and public transport have all been neglected and run down, with communities like Londonderry suffering with increased taxes and charges and nothing in return but poor services, traffic congestion and a reduced quality of life. The new Government has commissioned a full and comprehensive audit of the finances that will form the basis for future reforms to public administration and financial decision-making that will be made based on sound financial principles and quality information, not on 24-hour media cycles and the day-to-day political agendas used by the previous Government. We need to expand the economic pie so we can deliver quality services and create jobs and investment that will bring better prosperity to all of New South Wales—our cities, regions and towns.

Through the 100 Day Action Plan, which contained tax reductions and better financial decision-making processes, the Liberal-Nationals Government has set the right footings for future economic growth. It is the duty of governments to provide essential social and human services on which families and communities rely to maintain a quality of life that we should all expect to receive in a developed country such as Australia. The 100 Day Action Plan addressed several key areas where a failure of leadership has let down the most vulnerable in our community.

The Government has introduced and passed legislation to get tough on graffiti offenders, better ticketing arrangements to reward regular commuters with a cost saving to reduce pressures on the household budget, taken a practical and proactive approach to the delivery of services in health and disabilities, commenced extensive consultations with stakeholders to develop the framework for future legislation to be introduced to establish the mental health commission that will be charged with working on long-term solutions to the cause and effects of mental illness that has tragic consequences for people and families, passed legislation to reintroduce local district health boards and commenced work on a new delivery model for support services for people with disabilities and their carers.

It was through working in helicopter medical retrieval on the front line of the New South Wales health system as a service provider to government that I gained an insight into the workings of the public health system that have been neglected for too long. The reintroduction of local district health boards is a positive move that establishes a framework that brings together a range of people with skill sets in areas such as finance and business, and social and community workers who can work in collaboration with the medical profession, Governments and other local health providers to deliver quality local healthcare and services. These positive and practical reforms will encourage innovation, create competition and forge strategic partnerships with other service providers that will open up the health system so that customers can choose, tailor their healthcare needs and access quality healthcare that is affordable to every socioeconomic grouping.

The new Government has also begun work with the disabilities sector to improve service delivery mechanisms that will enable users of the services to tailor how they receive payment and government services to suit their specific needs and requirements for quality services and care. It is returning decision-making to the individual. The Government has commenced extensive consultations with stakeholders to hear their views and experiences before adopting a final model. That is true consultation. Unlike local government, where I came from, in this place we deal with far more complex issues than the original charter of roads, rates and rubbish. I welcome the positive steps implemented by the new Government as part of its 100 Day Action Plan to establish new agencies that are charged with the coordination, planning and delivery of infrastructure. The need is great.

Figures provided by the New South Wales Local Government Association estimate that the backlog in new capital works for local councils to be of the order of \$6.3billion. The lack of vision and leadership from Governments in the past is impeding economic growth, and the delivery of quality services and facilities that our communities need. I congratulate the Minister for Local Government, the Hon. Don Page, on holding Destination 2036 in Dubbo last week, where mayors and general managers from all over New South Wales planned for the future of local governments. Over the first 100 days of the O'Farrell Government we have introduced and passed legislation to create Infrastructure NSW, abolished the Roads and Traffic Authority, announced plans to create a new interagency called Transport for New South Wales, and announced a comprehensive review into the planning framework to develop a new planning Act.

To date the delivery of economic infrastructure, roads, public transport and essential capital works such as schools, hospitals and police stations has been characterised by buck-passing, spin and a complete lack of leadership from a Government that was more interested in the 24-hour media cycle than developing long-term solutions and putting in place the structures to address New South Wales decaying infrastructure. For New

South Wales to be truly competitive on the international stage and to capitalise on the opportunities resulting from trade and investment, and also provide for our communities quality services, we need to address the situation now. In a report card on infrastructure provision prepared by the University of New South Wales Warren Centre for Advanced Engineering, New South Wales received the thumbs down. The report card gave some damning grades. Roads, stormwater and electricity each scored a C minus. Rail scored a D minus. Ports scored a C and waste water scored a C plus. [*Extension of time agreed to.*]

The best the centre could muster up for potable water was a B minus. The report goes on to highlight a litany of failures—a list too long to read now—that all started off with the best of intentions but ended up in the scrapheap and in most cases at great expense to the taxpayer. Even Infrastructure Australia, a body created by the Federal Labor Government, said that the quality of submissions coming from New South Wales for funding requests was substandard. In his 2008 report the chair of Infrastructure Australia, the respected business leader, Sir Rod Eddington, highlighted governance arrangements and the regulatory framework as two of several issues that needed to be addressed.

The steps taken by the O'Farrell Government, as part of its 100 Day Action Plan, to establish Infrastructure NSW, create a new agency Transport for New South Wales and announce a comprehensive review into the planning framework in New South Wales that will be co-chaired by former Liberal Minister Tim Moore and Labor Minister Ron Dwyer are steps that will bring a better coordinated and accountable approach to planning and infrastructure. The current planning framework is broken and in need of comprehensive reform. Despite lots of talk, there never has been a strong focus on the nexus between infrastructure and planning that delivers a fully costed and funded blueprint for the rollout of infrastructure at the plan-making stage.

Over the past 60 years several attempts have been made to properly plan for and manage the growth and development of the greater Sydney region. We had the Cumberland County Plan in the 1940s, the State Planning Commission in the 1960s, the Environmental Planning and Assessment Act in the late 1970s, the Department of Planning and Local Government in the 1980s, Plan First in the 1990s and the Transport Action Plan of 2010. If that was actually implemented we could catch a train to Rouse Hill tonight. Do not forget the Metropolitan Strategy, the Metro Transport Plan and the Growth Centres Commission—all ideas going nowhere. They all failed because of a lack of leadership from Government, no coordination between stakeholders and government agencies involved in the provision of infrastructure, and limited involvement of the private sector.

The new Government's announcement of a comprehensive review into the planning framework and the establishment of Infrastructure NSW are proactive measures that establish the right foundations on which we can build a strong New South Wales. The abolition of the Roads and Traffic Authority and the creation of Infrastructure NSW and Transport for NSW are the right moves to create a better governance model to bring the Government in partnership with the private sector in a coordinated and accountable system that is strategic and sets the policy footings to develop long-term plans for the provision and funding of infrastructure and the coordination of services. Transport for NSW will bring together all transport modes under the one agency to better plan, coordinate and implement public transport projects and services.

This new arrangement, together with the development of a new planning Act are major steps forward that break with past failures and should, over time, create accountable systems and delivery mechanisms that should see infrastructure in New South Wales delivered on time and within budget through better planning framework. While studying through the public sector management program at Flinders University School of Government on Public Policy Leadership I wrote a paper that drew on my experiences gained through local government and Child Flight, and explored reform options for better service delivery models. The appointment of the distinguished public servant Professor Peter Shergold as the chair of the Public Sector Commission is to be applauded. Professor Peter Shergold has given a lifetime of service to public administration in this country and is also the Chancellor of the University of Western Sydney.

The role and nature of the public service has changed considerably over the past three decades since the reforms that opened up the economy were adopted. These reforms saw public sector agencies dealing with far more complex issues and having to work with a range of stakeholders from the private and not-for-profit agencies to manage complex issues and deliver essential services. I will look closely at the content of reports and recommendations from the commission. I will assist to implement reforms that will establish best practice models and benchmark New South Wales as the template that other jurisdictions look to when considering public sector reforms.



The Government told Parliament that improving the performance of New South Wales was essential to the quality of life and opportunities for our citizens but it could be said that New South Wales by its size and capability should, as people expect, lift more than its own weight. Over the past 16 years New South Wales has been dragged down by poor leadership and public policy decisions that have been compromised and diluted through backroom deal-making that was more interested in short-term spin and political outcomes than planning and delivering economic growth that creates jobs and investment, which in turn enable the Government, through increased revenue, to deliver quality services and infrastructure for all our communities. As a new member of the Fifty-fifth Parliament of the great State of New South Wales I look forward to the development and implementation of policies that deliver tangible services in our communities and have a positive effect to improve the quality of life for men, women, children and families that we all represent. Together we can make New South Wales number one again.

**Mr GARRY EDWARDS** (Swansea) [6.30 p.m.]: It is just a few short months since the people of New South Wales voted overwhelmingly to install this Government, the Fifty-fifth Parliament of New South Wales, and it is my honour as the member for Swansea to speak in reply to the Speech of 3 May 2011 by Her Excellency the Governor, Professor Marie Bashir. The Governor in her Speech quite rightly noted, amongst other things:

... the people of New South Wales have asked this Government to secure the future of our State not just through honest service, wise judgement and sound decision-making—those qualities are the building blocks of good government and they are fundamental requirements for all members who serve here ... The Government understands that the people of New South Wales have called for more than that and appreciates the expectation of positive action that rebuilds, revitalises and re-energises the great institutional, economic and human resources of our great State.

My electorate of Swansea includes the towns and villages of Belmont, Belmont North, Belmont South, Blacksmith, Cams Wharf, Catherine Hill Bay, Caves Beach, Chain Valley Bay, Colongra, Crangan Bay, Croudace Bay, Doyalson North, Floraville, Frazer Park, Freemans, Gwandalan, Halekulani, Lake Munmorah, Pelican and Little Pelican, Mannering Park, Marks Point, Nords Wharf, Pelican Flat, Redhead, Summerland Point, Swansea, Swansea Heads and Valentine. I hope I have not left out any towns or villages because I am sure the people there would be very disappointed. The region's economy is heavily dependent on small business, mining and tourism. After years of neglect by the previous Labor Government, on 26 March the people of Swansea voted for real change. I am proud that I am part of a team that is starting to make a real difference to this State and to my community.

We said that we would deliver and, as promised, in just over 100 days in office we have shown that we are a Government that delivers. Just last week I was honoured and privileged to be with the Minister for Health, Jillian Skinner, at Belmont hospital where the Minister was thanked by many nurses for scrapping the balanced rostering scheme. We made that promise in the lead-up to the 26 March election. The balanced rostering system was quite an insidious piece of work. Many nurses left the profession while this system was in force. In fact, it was trialled in the Hunter. It took away nurses' rights to negotiate a roster. Many nurses have young families or older families to care for and because they no longer had a say in their rosters they left the profession because they were unable to achieve a work-life balance. This horrible system has now finished and no longer applies to the likes of Maitland, John Hunter and Belmont hospitals.

We have also started to deliver much-needed funding for the Hunter and Northern Kidney Association, otherwise known as HANKA, of which I am honoured to be a patron. We recently provided almost \$80,000 for the Wansi Dialysis Centre at Charlestown for much-needed equipment. We have handed back planning powers to the community. We have been promising to do that for about four years and it was one of the first things we did on attaining government. We have scrapped part 3A of the Environmental Planning and Assessment Act, putting a stop to the corrupt dollars-for-development approvals that we saw under the previous Government and successive planning Ministers. Policing is a major issue not just in my electorate. Swansea has a police station which you, Madam Acting-Speaker Hornery, know has not been manned for years. In fact, the buzzer on Swansea police station's front door no longer connects with the neighbouring Belmont police station. It is now just a dead end.

**Mr Ryan Park:** Disgrace.

**Mr GARRY EDWARDS:** I agree. Through the current police Minister, Mike Gallacher, we have already started the Parsons statewide review of police resources and numbers. At the invitation of the Minister, along with other members, I have made a submission to the Parsons review calling for more police resources across both the Lake Macquarie Local Area Command and Tuggerah Lakes Local Area Command, because the

bottom of my electorate goes into the Wyong shire, which is covered by Tuggerah Lakes Local Area Command. Madam Acting-Speaker, I know that you and I differ on this point, but part of my submission was that Lake Macquarie Local Area Command should have its headquarters at Belmont and the Tuggerah Lakes Local Area Command should be located closer to areas such as Doyalson, Mannering Park, Gwandalan and Summerland Point.

We have also legislated to strengthen police powers including move-on laws and reintroduced the offence of being drunk and disorderly. After 16 years of doing almost nothing to ensure a long-term solution for the Swansea Channel in Lake Macquarie, the best that the other side could come up with was an eleventh-hour solution designed to fool those in my electorate by buying a dredge that never existed. This Government is working hard to find short-term and long-term solutions for all stakeholders in relation to the dredging of Swansea Channel and I am pleased to say that following further meetings with the Minister's office this afternoon there will be an announcement tomorrow in relation to dredging at Black Neds Bay and Swansea Channel.

**Mr Kevin Anderson:** Great work.

**Mr GARRY EDWARDS:** I thank the member. These are just a few examples of the actions the Government has taken in its short time in government in the Fifty-fifth Parliament of New South Wales. The foundation building of the O'Farrell-Stoner Government is in stark contrast to the current Federal Labor Government, which is trying to demolish what we have set up. I refer to the insidious carbon tax. I spoke on the carbon tax in this House two weeks ago because 400 coalminers in my electorate face the chop and ending up on the carbon tax scrapheap. Some 31,000 jobs will be lost across the Hunter, of which my electorate forms part.

Where did the Federal Government get this licence to punt? There are about 20 registered clubs in my electorate that employ 2,500 people and pump out about \$3 million per annum to community groups. If this insidious legislation goes through, from where will those community groups get their grants when many of the smaller clubs are unable to survive? Particularly upsetting to me is that my electorate has two very well established Meals on Wheels outlets, one at Swansea and one at Belmont. At this stage, through Federal legislation, it appears that those outlets—which prepare fresh food daily for a number of clients—may have to close, with frozen food being distributed in its place. I applaud what has been done by the O'Farrell Government in its short time in office. It is our aim to make New South Wales number one again.

**Mr JAI ROWELL** (Wollondilly) [6.40 p.m.]: I thank Her Excellency the Governor for her Address on 3 May 2011. In the Address Her Excellency spoke of the expectations of this Government which are rightly held by the people of New South Wales. I have taken on board the expectations of my electorate of Wollondilly and the people of New South Wales. I am aware of the commitment I made to my electorate on 26 March this year when I was elected to the Fifty-fifth Parliament of New South Wales. This is not a responsibility that I will take lightly or for granted.

I am passionate about my electorate. I am passionate about the people that reside in this unique area. I am passionate about their concerns, their needs and their visions for the region. This passion is a feeling that I share with my constituents. In the lead-up to the election I made a commitment to visit every town, suburb and village in my electorate to talk to the residents about what is important to them and their community. The sentiments that continued to resonate from each meeting were clear: the people of Wollondilly wanted change. I encountered strong emotions of anger and sadness in regard to the neglect that their communities had experienced during the 16 years of the previous Labor Government.

Each township I visited had compelling stories of the disadvantage their community had faced as the previous Labor Government failed to respect the needs and desires of this electorate. Those emotions were expressed in Bargo, Buxton, Douglas Park, Wilton and Yanderra, all towns which were continually deprived of sewerage over 16 years of Labor. The emotions were expressed in townships such as Warragamba and Picton, which desperately needed support in order to return those communities to the thriving localities they once were. These emotions were expressed in the desire for action to investigate the decline of the world heritage listed Thirlmere Lakes and the declaration of Dharawal as a national park. However, these sentiments were combined with a continued pride in their townships and the Wollondilly region as a whole. The residents of Wollondilly know that their region is unique. The electorate of Wollondilly encompasses an array of different townships stretching from rural townships such as Oakdale, Razorback and Tahmoor to suburbs within the area of Campbelltown such as Rosemeadow and Bradbury, each town displaying a differing identity and defining characteristics.

This Government has recognised and will continue to recognise the importance of supporting areas such as Wollondilly which were abandoned over the past 16 years. The Government has already demonstrated this commitment within its 100 Day Action Plan by delivering desperately needed and severely overdue support, resources and infrastructure. It has fast become the most active government in Australia and shows no sign of slowing down. My region has already seen the benefits of a Government that is intent on governing for all people, from all places, without prejudice. It is testament to our resolve that the Premier is in fact the Minister for Western Sydney, and I take this opportunity to thank him once again for his commitment to our great region. I am joined in this great Chamber by two colleagues, Chris Patterson and Bryan Doyle, both as passionate about the rebuilding process as I am, and I reaffirm my commitment to work together with them for the betterment of south-western Sydney. Also, I am joined in the Federal Parliament by Russell Matheson, the Federal member for Macarthur.

The Government will continue to deliver for New South Wales through our Five Point Action Plan, which will ensure the rebuilding and strengthening of the New South Wales economy, and will see the return of quality services in areas such as health, transport, education and community safety. It will renovate infrastructure, restore accountability to government, protect our local environment, and return planning powers to the community. I believe Her Excellency the Governor was correct when she described the Fifty-fifth Parliament of New South Wales as a Parliament with a spirit of optimism. I have faith in the ability of this Government to draw on this spirit to incite positive change for my electorate of Wollondilly. This spirit of optimism—this spirit of perseverance our Governor speaks of—is what binds the people of my electorate together. They share a view that we are all in this together, and that we will only prosper when we all work together.

Wollondilly boasts some of the most active and selfless individuals I have ever had the pleasure to meet, dedicated individuals and organisations who freely give up their time for others. We are fortunate enough to have many Rotary groups, working hard to raise funds for worthy causes, together with Lions International, the Tahmoor branch of which I visited recently for its changeover dinner. The volunteers of the State Emergency Service command in Picton work tirelessly to assist in all manner of situations. I take this opportunity to mention Allan Michell, Senior Deputy Controller, and thank him for his assistance and insight.

Our local Rural Fire Service control centre and staff, together with the many local brigades, stand ready to defend life and property, often placing themselves in great peril to achieve their objective. This was hallmarked during the tragic bushfires of Christmas 2001 which devastated towns including Warragamba and Silverdale. But together, hand in hand, the people of Wollondilly have rebuilt, optimistic about their future. I take this opportunity to mention the Lopriatos, the Gillmartins and the Lynchs, to name but a few. I will continue to work with you in your endeavours to conclude this matter and get the closure you so desperately seek.

I am a firm believer that to know where you are going you must know where you have been. I have mentioned briefly some of the events in the past that have shaped my electorate, but looking forward I see much more work that must be done. Social housing is a passion of mine and is an area that is desperate for the attention it so rightly deserves. There are over 40 streets in my electorate classified as containing Department of Housing accommodation. The Department of Housing provides a vital service to my community through its support of some of the most vulnerable members of my electorate. I intend to work alongside residents such as Uncle Ivan for the betterment of our community.

Despite the positive work that the department produces each day in assisting these members of the Wollondilly electorate this area needs to continue to receive attention by this Government. I will continue to fight so that this focus is achieved. I will do so alongside my colleagues in this House who similarly share this passion such as the member for Charlestown and the member for Newcastle, who is committed to strengthening the social housing services provided by this Government. This need to support social housing initiatives can be placed in the context of a critical need to improve access to opportunity.

An issue of constant frustration that hinders the access to opportunities of the people in Wollondilly, a matter raised through the campaign and during my recent time in office, is that of transport. I was pleased to announce a reduction of train fares with the then Leader of the Opposition at Campbelltown train station. This announcement was welcomed by the public as an effort to reduce the cost of living. But cheaper tickets are no use when the trains do not operate on time or do not run often enough. People can understand my appreciation when we announced 16 additional peak-hour train services, express from Macarthur, to service the commuters of the region. The aim was to reduce travel times to and from work, allowing more time to be spent with family.

In my opinion the time we spend with our family is of the utmost importance. This is not a view I alone hold; I am sure it is held by everyone in this place. So when the Premier and Deputy Premier listened to my community and pledged an additional \$12 million for safety upgrades to the dangerous Picton Road I was incredibly grateful. Sadly, more than 20 lives have been lost on this stretch of road. It is an issue I am intimately aware of, and I thank the Government for its support to improve this road and do all that we can to ensure the residents of Wollondilly can travel safely. These are all steps this Government has taken already in order to ensure improvement in access to opportunities for the people of my electorate.

The University of Western Sydney at Campbelltown, which is located within the electorate of Wollondilly, is a leading educational institution that has also been providing opportunities to the people of the region. Tertiary education plays a vital role in the growth and success of our region. Universities such as the University of Western Sydney provide the education and research that underpin the development and identification of issues that impact everyone. They equip people for a life in the corporate world, the public sector and not-for-profit organisations.

My decision to study for a bachelor of laws qualification at the University of Western Sydney provided me with the opportunity to be taught by some of the best and brightest academics in this country. It is a university of international standing and is a source of creativity and knowledge that will contribute to both individual and community development. Although institutions such as the University of Western Sydney currently provide the electorate of Wollondilly with vital opportunities, I remain committed to extending the opportunities available to the people of Wollondilly.

Previously I mentioned the taxing nature of extended travel time on the people of my electorate. One way to combat this problem is to create more employment-generating lands to increase job creation to provide an option for the 70 per cent of residents in Wollondilly who travel outside the electorate for work. However, it is vital to ensure that appropriate community consultation is undertaken and council has a say on approvals. Failure to do so would result in overdevelopment and poor planning, which happened with the Macarthur Gardens estate. I opposed the development from the start and take this opportunity to restate my objection. We must ensure that we retain one of our greatest assets as an electorate—the environment in which we reside. I thank the Premier for making Dharawal a national park, and also Minister Parker for her recent visit to the site. Declaring Dharawal National Park to preserve the pristine waterways, local fauna and flora is one of the greatest gifts we could give to our future generations, and it is one I am committed to delivering.

Another achievement of the O'Farrell Government was the passing of the Destination NSW Bill, which will establish a statutory body to market and promote New South Wales, and it will double tourism expenditure by 2020. During the election we promised to introduce this bill to capitalise on the tourism market and put New South Wales back on the map. We set an aggressive target and, as promised, introduced the bill within our first 100 days. The introduction of this bill is a vital step in rebuilding the New South Wales economy as tourist consumption in New South Wales contributes close to \$29 billion. This means more jobs, more reinvestment and a healthier fiscal position that will benefit each and every electorate across the State. Furthermore, this Government acknowledged the benefit of joining Tourism New South Wales with Events NSW, a move aimed to correct the disjointed and uncoordinated administration under those opposite.

Budgets, knowledge and expertise will become consolidated into one entity designed to better promote not only the State's well-known attractions but also some of the rural attractions we all speak about. Those attractions, often found outside the city, are steeped in our State's natural and historical beauty. Many are found in my electorate of Wollondilly—attractions waiting for a coordinated and holistic statewide approach, but with a local focus that will see sites such as the Warragamba Dam better utilised so the public can learn about its vibrant history and experience its beauty. Warragamba township has suffered over the past decade due to the inability and unwillingness of Labor to commit to its real needs. This township was once able to pride itself on being a major tourist destination in the region, yet closing Warragamba Dam ended this prosperity. A local focus will enable the Government to work towards returning prosperity to a township that is central to the history not only of the local region but also of the greater Sydney region.

A local focus will further recognise the significant contribution of local families, such as the Macarthurs in the farming industry pioneering the famous Rotalactor and their work with merino sheep. A local focus will ensure that Mowbray Park continues to provide a unique venue that can service the needs of the business community. Currently Mowbray Park holds a number of international delegations and conferences. Under Destination NSW a coordinated approach will see the continuation of such services with a more strategic focus. A local focus will capitalise on the heritage buildings in Appin and help promote its rich, 200-year history and the role it has played in shaping our region. [*Extension of time agreed to.*]

A local focus will once again see the beautiful streets of Picton bustling with tourists to stimulate the local economy. The township of Picton is home to a variety of small businesses whose survival relies on the local community. They include an abundance of cafes, including R Coffee Co. run by barista extraordinaire Ryan Teirny, and the Come By Chance Cafe to name a couple. Just outside this township can be found the Common Ground Bakery and Cafe nestled in the foothills of Razorback. All of these businesses have the potential to thrive with support from the Government and an increased tourism flow. Wollondilly already has tourist destinations, many of which have been there for a while; they are simply waiting for an initiative such as Destination NSW to promote them. This is the case with a little town known as Yerranderie that was isolated from the rest of my electorate after the flooding of Burragorang Valley. It was once a mining town and one would be hard-pressed to find a town with a richer history.

I would like the passage to this town opened more regularly so that residents from my electorate and, indeed, from across the State could come through Wollondilly on their way to this famous mining town. Thirlmere is home to the once great lakes renowned for skiing, fishing and World Heritage listing. I am proud that this Government agreed to implement a cross-portfolio inquiry into the decline of these lakes so that they may once again draw tourists to experience their beauty. Just up the road is the French provincial style bed and breakfast retreat owned and operated by the Thomas family, headed by Sue Thomas. It features period style suites and offers gourmet food. Sue and her family are kind enough to open their doors regularly to charities to stay free of charge. Tourism is vital to my electorate and these towns and attractions are just a few of the multitude of tourist sites that were untapped, underresourced and not sufficiently supported during the past 16 years of Labor.

The previous Labor Government did not listen to the needs of these communities as voiced by the residents. This Government has listened and will continue to listen to the communities, and deliver what is necessary to ensure that tourism is increased within these areas. During my election campaign I held a Start the Change tour within my electorate. This tour took me across Wollondilly over three days visiting every town, village and suburb in the electorate. I saw firsthand the immense beauty of the Wollondilly electorate and its untapped potential for tourism. Talking with locals at each location, I was confronted with the recurring theme of a desire and need for tourism to be increased within these towns that are filled with residents passionate about where they live. They know what Wollondilly has to offer and they want to share this beauty of the region. However, they need the support of our Government to put in place the infrastructure and funding assistance in order to make these aspirations a reality. This is what our Government is committed to providing.

The difference between our side and those opposite is that we understand the value of small businesses and the benefit of initiatives that assist, not hinder, them. Destination NSW, with a whole-of-state approach, will reinvigorate rural towns with the extra tourist dollars. With a coordinated approach the Government has pledged \$5 million dollars next financial year to rural and regional tourism businesses to enhance the quality of their tourism experience and products to attract more visitors. I commend Minister Souris, who is in the Chamber. This \$5 million is additional to the extra \$40 million over the next four years to support the work of Destination NSW. I look forward to working with the Minister and this statutory body to provide benefits for the State and my electorate of Wollondilly. Our Governor stated during her Address:

It is the Government's objective that well before the last of the 1426 days of this Parliamentary term, commitments are delivered.

True to these words, our Premier already has delivered for this State in his first 100 days, but more is still to be done. Campbelltown Hospital, the beneficiary of our election commitment of over \$40 million of funding from our Minister for Health, is in desperate need of upgrades. I thank the Minister for her commitment and look forward to working with her to improve the level of health services in the Wollondilly electorate. Election commitments made during the election campaign for the people of Wollondilly include sewerage connection to Bargo, Buxton, Douglas Park, Wilton and Yanderra; \$12 million safety upgrades for Picton Road; \$15.4 million for the widening of Narellan Road; tourist signs for Picton and Warragamba; investigating the need for a second high school in Wollondilly and upgrades to Picton High School; pedestrian crossing flashing lights for Thirlmere and Mount Hunter public schools; the \$40 million upgrade to Campbelltown Hospital I have mentioned already; 100 new beds and 25 more nurses for our local health district; widening the M5 from Camden Valley Way to King Georges Road; 16 extra peak hour trains from Macarthur to the city; and free entry to the Australian Botanic Garden at Mount Annan, which happened in the first few weeks of the O'Farrell Government.

I was proud to attend with the member for Campbelltown and the member for Camden when the Premier made that announcement. Additional commitments made during the election campaign that we have

delivered include scrapping part 3A of the Environmental Planning and Assessment Act, and giving local councils the flexibility to reduce election costs so more money can be spent on local services. I have mentioned already the establishment of Destination NSW to promote tourism across the State to stimulate the economy. Other actions include opposing Labor's carbon tax. Many people from the Wollondilly electorate attended the recent rallies. People in my community are angry about how the carbon tax will affect them. We also got tough on graffiti. It is true that much more needs to be done: there are many more constituent cases to resolve, many more projects to be delivered and countless bills to be introduced to the House. On 26 March I gave the people of Wollondilly a commitment that we would work hard for our area. Today I reaffirm this commitment that together, and only together, we will prosper.

**Debate adjourned on motion, by leave, by Mr Jai Rowell and set down as an order of the day for a future day.**

**AUSTRALIAN JOCKEY AND SYDNEY TURF CLUBS MERGER AMENDMENT  
BILL 2011**

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

**BUSINESS OF THE HOUSE**

**Notices of Motions**

**General Business Notices of Motions (General Notices) given.**

**CHILDREN'S BOOK WEEK**

**Matter of Public Importance**

**Mrs LESLIE WILLIAMS** (Port Macquarie) [7.08 p.m.]: I ask the House to note as a matter of public importance, and bring to the attention of this House, that this week is Children's Book Week, which is coordinated by the Children's Book Council of Australia. The council's website highlights its key objectives: to promote quality literature to young Australians; to support Australian writers and illustrators of children's books; to promote the role of library and literature professionals in bringing children and books together; to celebrate outstanding contributions to Australian children's literature through the annual Children's Book Council of Australia book of the year awards; and to provide greater equity of access to reading through community projects.

The Children's Book Council of Australia is a not-for-profit organisation run by volunteers that was established in 1945. It comprises branches of individual members who are passionate about the literature of children and young adults. I note that this year's Children's Book Week theme is "One World Many Stories". This week is about recognising the importance of reading. As many members will be aware, it is a time when schools and public libraries across Australia spend time celebrating books but also celebrating Australian authors and illustrators. Part of this week's festivities is the announcement of the book of the year winners in a number of categories. I congratulate Sonya Hartnett, Isobelle Carmody, Jan Ormerod, Jeannie Baker and Ursula Duborarsky on their winning books and thank them for their contribution to our literary landscape.

Like the Children's Book Council of Australia, the Liberal-Nationals Government recognises the important role that reading plays in a child's development, and our Literacy and Numeracy Action Plan will ensure ongoing investment in early intervention to ensure that those students most at risk are supported. We will invest \$250 million, which affirms the right of every child to achieve in reading, writing and maths. I am sure all members understand, as I certainly do as a former teacher and a mother of two, that the foundations of success in literacy and numeracy are laid in the early school years. Our approach as a Government is therefore to make sure we get it right from the beginning.

Our plan includes the delivery of more support for early intervention through the progressive allocation of 900 additional teachers over five years for the Reading Recovery Program, expanding it to include both literacy and numeracy. We want our schools to achieve real whole-school transformation in literacy and numeracy teaching practices, including planning to sustain the gains made in the early years into the future. We

will therefore strengthen support in the later primary and early secondary years by redirecting more than 300 Support Teachers Learning Assistance from the early years of school to work specifically with students with learning difficulties in the middle years of schooling.

As per our pre-election commitment we have already established a ministerial working group comprising educational experts, which will provide advice and direction in creating our action plan to improve the literacy and numeracy standards of students. Our advisory group will be headed by the independent Chair, Dr Ken Boston, a highly regarded educational leader who is well respected on both sides of politics. He is a former Chief Executive of the Qualifications and Curriculum Authority in the United Kingdom. He was also the Director General of the New South Wales Department of Education and Training for six years. The advisory group also comprises two government school principals: Mrs Cheryl McBride, who is also from the Primary Principals Forum, as well as Ms Jane Cameron, the Principal of Glenroi Heights Public School.

The two government school principals will be joined on the group by a non-government school principal in Mrs Mandy Westgate of St Kevin's School, Eastwood, two school teachers and three educational experts. The advisory group will also consist of Dr Jim Munro from the Exodus Foundation and Ms Cindy Berwick, nominated by the Aboriginal Education Consultative Group Incorporated. The ministerial advisory group will provide the Minister with expert advice on early literacy and numeracy learning, develop an implementation plan to support the delivery of the action plan and play a vital role in reviewing progress of the implementation of our plan.

In our first 100 days we have also honoured and ticked off another pre-election commitment as part of our Literacy and Numeracy Action Plan. We have moved the responsibility for preschools from the Department of Human Services to the Department of Education. According to the OECD Program for International Student Assessment results, children in rural schools are now 1½ years behind their city counterparts. In year 3, one in 20 city students are below the minimum standard, compared with one in seven remote students and almost every second very remote student. The Minister for Education must therefore be congratulated on the important role he played in successfully negotiating an agreement between State, Territory and Commonwealth education Ministers to put the rural-urban divide on the national agenda.

In addition to the commencement of our action plan, the Minister has reinstated the four-week residential program for rural students with learning difficulties, including the establishment of a new steering committee. It will also open up the eligibility criteria, making the centre's expertise available to more than 950 government and non-government rural primary schools. All of these achievements indicate that the Liberals and The Nationals are committed to delivering a strong education system that promotes both equity and excellence, and one that is prepared to take real and effective action to improve the literacy and numeracy of our students.

**Ms CARMEL TEBBUTT** (Marrickville) [7.13 p.m.]: One of the greatest gifts we can give a child is to instil a love of reading and a love of books. I congratulate the member for Port Macquarie on bringing forward this matter of public importance. Of course, being able to read well and having good literacy skills lay the foundation for later success at school and in future employment. But reading provides so much more than this. It provides a way to escape everyday living, a chance to experience different perspectives, and to better understand the world and the way it works. Reading means we can all walk in someone else's shoes—it builds knowledge, empathy and understanding.

Children's Book Week is a great opportunity to celebrate reading, to make it fun for children and to get children interested in reading. As we heard, it is the longest-running children's festival in Australia, and the theme for 2011 is One World Many Stories. Schools and libraries across Australia will hold Children's Book Week events. In my electorate of Marrickville there are colouring in competitions, a meeting with well-known children's author Moya Simons and a chance to borrow a mystery book. Schools in Marrickville are also holding Children's Book Week events, and I am sure that many parents are busy preparing costumes for the "come as your favourite book character" parades, which will be happening in schools everywhere. Teachers and school librarians can play an instrumental role in getting children and young people engaged with reading.

I had a wonderful teacher in year 4 who read aloud to us C. S. Lewis's *The Lion, The Witch and the Wardrobe* on a Friday afternoon while we had to polish our desks. I am sure it was her way of making sure that we concentrated on the book rather than the task of polishing the desks, but I have to say that forever more the smell of furniture polish takes me back to the magical world of Narnia. During Children's Book Week the best in Australian children's literature is celebrated through the Book of the Year Awards. We have so many

wonderful Australian authors: Ruth Park—she was actually from New Zealand but is claimed as our own, as are so many from New Zealand—Ethel Turner and Miles Franklin have been favourites of mine, but also contemporary authors such as Mem Fox, Morris Gleitzman, Andy Griffith and Libby Gleeson, who lives in my electorate, just to name a few. I congratulate the winners of this year's awards, including Sonya Hartnett, on *The Midnight Zoo*, Isabelle Carmody on the *Red Wind* and Jan Ormerod and Freya Blackwood on *Maudie and Bear*.

It is also timely to remember during Children's Book Week that not every child has equal access to the opportunities that foster good literacy skills and a love of reading. Research tells us that children who are read to from an early age and who grow up in a book-rich environment are much more likely to read easily and well. Learning difficulties and disabilities can also impact on a child's ability to read. I will always remember when I was education Minister a woman coming up to me at Mount Druitt TAFE and being so grateful for the second-chance education that TAFE had given her. When she was a child her family had moved around a lot and she had never stayed in one school for long enough to learn to read. She had raised five children but she explained to me that she could not read the notes that her children would bring home from school. Eventually she went to TAFE and learnt to read as an adult. When I met her she was on her second certificate and so excited about the world of learning, but I will never forget her account of the difficulties of raising children when one cannot read.

That is why we must make every effort to make sure that regardless of the situation, when children start school they are given the necessary support to learn to read. I am very proud of the efforts we made in government in this regard. I note the member for Port Macquarie has outlined the efforts that the Government now intends to make to support children in their literacy. The previous Government significantly increased funding for specialist literacy programs such as Reading Recovery. We recognised the importance of early intervention by establishing the Best Start Program to assess children in their first weeks of school. The assessment identifies what children can do—can they recognise letters or read simple sentences? Teachers then have detailed information about the students in their class and are able to address their individual needs.

Of course programs like this have come on top of the class size reduction program, a massive injection of teachers to reduce class sizes in those early years when children are learning the fundamentals. It means that teachers have more time to spend with individual students. The Premier's Reading Challenge, which was instituted by former Premier Bob Carr, encouraged many children to become voracious readers for the first time in their lives. There is still more that needs to be done and in particular the need to improve literacy amongst Aboriginal students remains an ongoing challenge, despite some recent improvements. I take this opportunity to congratulate Bill Crews on his work at the Exodus Foundation in this regard.

There are many who are willing to predict the demise of the book due to the availability of technology and the ebook. When I hear that the number of ebooks published in the past year has overtaken the number of hardcover publications in children's literature for the first time, it gives some substance to these claims. I appreciate, as do many others, the convenience of a kindle or an ereader, particularly on holidays when one does not want to take a suitcase full of books, but I do not believe they will ever replace the delight of turning the pages of a book.

There is nothing like wandering into a bookshop, taking the time to browse around and stumbling upon a good book. For that reason, ereaders and Kindles will not replace books. Children's Book Week is a chance for us to celebrate all this and more. It is a chance for us to remember what we loved about reading when we were children. It is a chance for us to pay tribute to our wonderful authors of children's books, and our teachers and librarians who do so much to encourage children. Above all, it is a chance for us to encourage the children in our own lives and communities to read, in particular, to read for pleasure. I congratulate the member for Port Macquarie on bringing this matter to the attention of the House.

**Mr KEVIN ANDERSON** (Tamworth) [7.20 p.m.]: I support this matter of public importance on Children's Book Week. I was listening intently to the member for Marrickville, a former education Minister, particularly her remarks about ebooks. I concur with her 100 per cent. There is nothing like picking up a book and reading it to one's own children or a class of students, looking at the beautiful illustrations and emphasising the words, phrases and sentences. It is a pleasure to see the look on their faces. They are like sponges. They absorb the words and become totally engrossed in the story. Ebooks play an increasing role in society, but there is nothing better than picking up a good book and reading it. I have read some fine books to my three young ones, including *I Love You This Much* and the *Hungry Caterpillar*.

This matter of public importance dovetails with the Literacy and Numeracy Action Plan, which will ensure that the spotlight remains on literacy and numeracy as the foundation of future education success. The



importance of such a foundation cannot be underestimated. Students skilled in literacy and numeracy are not only more likely to stay in school but also more likely to have higher levels of confidence and a better ability to deal with life's daily tasks. It also contributes to their lifelong learning and health. It was disturbing to read that in 2008 the New South Wales Auditor-General found that up to 15 per cent of all students were progressing to high school without meeting minimum standards in literacy and numeracy. That translates to almost 13,000 high school students every year having difficulty in reading, writing and mathematics. The Literacy and Numeracy Action Plan to be implemented by the Government puts the spotlight firmly on addressing that problem.

We want to turn around the State's poor performance in literacy and numeracy. We are focusing on this target and a fair go for our children. Book Week has an important role to play not only across the State but also in my electorate of Tamworth. Schools and libraries across the Tamworth electorate are embracing Book Week. Throughout the year we embrace the concept of reading, talking and listening to our children. We encourage music stars to come to Tamworth, the country music capital, to talk to our children. Music idols such as Guy Sebastian have come to Tamworth and read to children in kindergarten, year 1 and year 2 at the local library. This type of activity has a profound impact on our children because they talk about it for years to come. They say, "Guy Sebastian read to me" and it encourages them to read. It is a critical ingredient in giving our children a solid start and foundation in reading and writing. These vital skills will set them up for life.

Book reading is important in the education of our children. Our Literacy and Numeracy Action Plan commits \$250 million to the task of ensuring that our education system delivers both excellence and equity. The Government's Literacy and Numeracy Action Plan focuses on the early years to help children develop the foundation they need in literacy and numeracy. It will provide them with the best possible start in achieving a successful and rewarding life. I congratulate all the schools and libraries in the Tamworth electorate on embracing Book Week. I reiterate that elearning and ebooks have a role to play but, as the member for Marrickville, a former education Minister, and my colleagues on this side have said, picking up a book and reading it to children will give them a key ingredient in their literacy and numeracy skills in the years ahead. Parents should read to their children every night. Children love it and they will thank their parents for doing so. To read to children is to give them a gift that they will have for the rest of their lives. I commend this matter of public importance to the House.

**Mrs LESLIE WILLIAMS** (Port Macquarie) [7.25 p.m.], in reply: I thank the member for Tamworth and the member for Marrickville for their contributions to this matter of public importance. I agree with the member for Marrickville that we should recognise Ruth Park as one of our own authors. She is one of my all-time favourites. I also agree that electronic books can never take the place of snuggling up in front of an open fire flicking through the pages of a book. There is nothing like it. As previous speakers have said, many of our local schools and libraries embrace this important week and promote myriad activities to highlight the importance of reading. This year's theme "One World, Many Stories" will be the feature of celebrations in my electorate of Port Macquarie. Our local library is inviting bookworms from across the Hastings to join in the sharing of stories from around the world.

The celebration, which will take place tomorrow, will involve local storyteller Morgan Schatz-Blackrose, the Hastings Valley Community of Schools drama ensemble and Julie's belly dancing group. This will be a fun afternoon that will conclude with some stories, of course. I also acknowledge our children's librarian, Virginia Cox, for her ongoing contribution to our local library and for playing a key role in developing a love of books and reading in our young children. On exhibition will be a display of decorated paper plates that mirror the "One World, Many Stories" theme. Book parades are always a favourite activity during Children's Book Week. I have many fond memories of attending Hastings Public School to watch my children's involvement. Yesterday this tradition continued at Hastings Public School, with the school hall overflowing with parents and grandparents to watch their children parade past dressed as their favourite book character.

Not surprisingly, Harry Potter was a very popular character, as were superheroes and cowboys. One young lady named Alice went along as Alice in Wonderland. At Harrington Public School, the school community of 96 children will embrace Book Week with a similar parade on Friday. Another great initiative at this school is a display of 300 books in the school library, which the children will view during their library time this week. They can then make a wish list of books to purchase, take the list home to mum and dad and, hopefully, have the opportunity on Friday to buy them. The 69 students at Lansdowne Public School also will celebrate Book Week with a parade and a book fair, which also includes a community morning tea, French knitting, and cooking and mask making, with the senior class contributing an Italian-inspired spaghetti bolognese for lunch.

I congratulate all schools across the State on using the opportunity provided by Children's Book Week to celebrate the wonder of books and encourage reading amongst their students. I also commend the principles, teaching and support staff who have incorporated special events, including book parades, into their school programs to ensure that Children's Book Week is a lot of fun and a memorable occasion for the students and wider school community. I note that 2012 will be the National Year of Reading. As it will be organised by libraries across Australia, no doubt we will see many more exciting events focused around reading. In the meantime, I encourage members to take a little time out this week to pick up a good book, hopefully not political, and join me in celebrating Children's Book Week.

**The House adjourned, pursuant to standing and sessional orders, at 7.30 p.m. until  
Wednesday 24 August 2011 at 10.00 a.m.**

---