

# LEGISLATIVE ASSEMBLY

Wednesday 24 June 2009

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**The Speaker (The Hon. George Richard Torbay)** took the chair at 10.00 a.m.

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

## **CRIMES (ADMINISTRATION OF SENTENCES) AMENDMENT BILL 2009**

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

## **NSW TRUSTEE AND GUARDIAN BILL 2009**

**Message received from the Legislative Council returning the bill with an amendment.**

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

## **MOTOR SPORTS (WORLD RALLY CHAMPIONSHIP) BILL 2009**

**Bill received from the Legislative Council and introduced.**

**Agreement in principle set down as an order of the day for a later hour.**

## **BUSINESS OF THE HOUSE**

### **Notices of Motions**

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

## **CASINO CONTROL AMENDMENT BILL 2009**

### **Agreement in Principle**

**Debate resumed from 17 June 2009.**

**Mr GEORGE SOURIS** (Upper Hunter) [10.08 a.m.]: It is my pleasure to lead on behalf of the Liberal-Nationals Coalition on the Casino Control Amendment Bill 2009. I am pleased to inform the House that the Liberal Party and The Nationals will be supporting this legislation. This is not legislation dealing with sensitive areas such as smoking, problem gamblers, the responsible service of alcohol and all those issues. This is a routine bill that fulfils a desire to make whatever changes seem appropriate on the recommendation of the third party, the Casino Control Authority, and other parties including government officials, the department and the Minister. These changes might be considered reasonable and streamlining measures to assist in the practice and the application of the regulatory regime that applies to Star City Casino.

We have the benefit of a number of years of experience. In 1995, when the legislation was enacted to provide for a single casino operation in New South Wales, Star City commenced its activities in temporary premises, ultimately moving to the current premises. In that 14-year period, New South Wales has had a one-casino policy, with more or less the same operation for the whole period as well as more or less the same government oversight, whether through control authorities or other organisations, including the NSW Police Force. We have been able to take a good look at the situation and see what changes would be of benefit to all without the diminution of harm minimisation measures and other regulatory and control aspects.

Therefore, the principal item in the bill, which is to extend the casino licence review period from three years to five years, should be supported. I have had incidental involvement in past reviews to the extent that I have been briefed, usually by the operator but also by government departments, on the way in which the

operator has adhered to and/or implemented recommendations made in previous reviews. In the past, during the review process, I have had the opportunity to make a submission based on my observations. That opportunity was also afforded to my predecessors. The process is a rigorous one and it is not completed within one month; it takes perhaps most of a year and involves the preparation of submissions, investigation and examination, the preparation of reports, and the oversight that is required of the recommendations themselves, bearing in mind the constant involvement and presence of officials. Every square inch of the casino premises is covered by camera and there are many skilled operators on board, who are well experienced in terms of the operations of the casino and who report to a very strong chain of command.

I believe that the change, welcome as it is administratively and in terms of resource utilisation from the perspective of the Government and the operator, will not in any way diminish surveillance, regulation and so on. In any case, there will be an opportunity to see the outcomes and any changes that might evolve and it should not be discounted that the legislation can be amended, should the need arise, just as easily as it is being amended now. I do not believe the need will arise, otherwise I would not be speaking in the way I am and offering support on behalf of the Liberal Party and The Nationals. I do not believe it is necessary to explain other aspects of the legislation as they are clearly set out. The Minister covered each and every one of the items in detail in his agreement in principle speech. I merely say that the Coalition offers its support.

I have been impressed by pretty well all that I have seen at the Star City complex. It is primarily a casino, but, much more than that, it is a flagship entertainment precinct and a very important part of our tourist offerings in Sydney and New South Wales. It is an internationally renowned venue that attracts considerable patronage from interstate and international customers. It has perhaps the finest lyric theatre in Australia and one of only two lyric theatres in Sydney, although one might consider that the opera theatre of Sydney Opera House would make a third. That is not the only theatrical offering at the complex; there is another theatre as well. There is also a five-star international hotel and a range of dining available, from hatted fine dining, award-winning dining, to low-cost family dining.

The word "casino" attracts a great deal of interest and scrutiny from every imaginable quarter, particularly the media. Any event that occurs at Star City is observed, scrutinised and reported. By far the bulk of reports of incidents at Star City involve the exclusion of patrons or refusal to admit. I am mindful of the fact that undesirable people sometimes seek admittance. I believe that the processes for dealing with those people are strong enough, especially as they involve the agencies that I have referred to. The most important aspect is the role of the police force in knowing and identifying patrons who are excluded automatically. I will not go into more detail because I am not expert in these matters. The processes are strong even though occasionally it is reported that somebody who should not have gained admittance, somebody has been smoking in the wrong place, or someone has been disorderly.

Given the volume of patrons who attend the venue and its 24-hour operation, the casino manages its affairs well on behalf of the people of New South Wales. It ensures a strong regulatory regime is in place and compliance is the operator's number one requirement. In the fullness of time, I look forward to seeing additional building and facilities development, which I believe will make the precinct even more of an international flagship for Australia's tourism. I have pleasure in commending the bill to the House.

**Mr DAVID HARRIS** (Wyang) [10.18 a.m.]: The Casino Control Amendment Bill 2009 contains a range of amendments to the Casino Control Act 1992. Two of these changes concern extending the statutory review period for the casino operator's licence from every three years to a maximum of every five years and the special employee licence period from three years to five years. These changes will not in any way diminish the level of oversight of the casino's operations. Making these changes will not—I repeat "not"—increase the risk of organised crime infiltrating the casino. Outlaw bikie gang members will not be dealing the cards at the blackjack tables. The community can be absolutely confident that the high standard of regulation of the casino provided by the Casino, Liquor and Gaming Control Authority will not be compromised.

The casino is operated under a 99-year licence, which expires in 2093. It has been pointed out to members that section 31 of the Act requires that the casino operator be periodically assessed as to its suitability to give effect to the licence and that it is in the public interest for the licence to remain in force. Members would also be aware that each section 31 review is a far-reaching investigation of the casino operator's corporate structures, associates and financial resources, and extensive checks with various law enforcement agencies and external regulatory bodies in New South Wales interstate and abroad. No stone is left unturned.

The Casino, Liquor and Gaming Control Authority is supported in these investigations by Senior Counsel and other highly regarded legal experts. In both 2003 and 2006 Mr Bret Walker, SC, and counsel

Ms Gail Furness supported the authority. A statutory review of the casino operator takes about five months to complete and that does not include the three to four months of preparatory work required of the authority and the casino operator before a review even starts. Clearly a statutory review under section 31 of the Act is a significant undertaking, with commensurately significant resource implications for government and the casino operator. Therefore, they should not be undertaken just for the sake of it. The Parliament needs to consider if a review period set in 1992, in light of all the experience of reviews and ongoing monitoring of the casino undertaken since its opening in 1995, is still appropriate in 2009 and beyond.

The authority supports the statutory review process with a regime of ongoing assessment of the casino's operations. While this ongoing review process cannot, due to the resource requirements, be of the same scope, depth and rigor of an investigation under section 31, it does assess the implementation of statutory review recommendations, review of internal controls, processes and staff training to examine any deterioration in standards or any systemic failure and review compliance by the casino operator with contractual obligations. Members should note that both the 2003 and 2006 section 31 reviews acknowledged that Star City has been operated in a responsible manner consistent with the objectives of the Act.

The authority is clearly not lacking in experience or expertise when it comes to reviewing the casino licence and the ongoing monitoring of the casino between statutory reviews. As such its support for increasing the statutory review period to five years should not be taken lightly. Members can rest assured that the authority would not hold this position if it were not completely confident that this change does not compromise the future integrity of the casino's operations. Significantly, the statutory review period in Victoria for Melbourne's Crown Casino is also five years. In short, statutory reviews of the casino's licence should not be undertaken more frequently than necessary. There is expert opinion based on ample evidence that a maximum of every five years is an appropriate time frame. The same can be said of the licence period for the casino's special employees. Currently special employee licences must be renewed every three years. It is proposed that they now be renewed every five years.

Special employees perform roles critical to the integrity of the casino's operation so there can be no dispute that having them licensed is appropriate. However, extending the special employee licence renewal period eases the administrative burden and costs on applicants, the casino operator and the authority. Applying for a special employee licence requires licence applications to be completed, the appropriate supporting documentation gathered, statutory declarations obtained and the application submitted to the Casino, Liquor and Gaming Control Authority. The casino operator must also provide documentation and pay the licence renewal fee.

The authority, for its part, must review each application, undertake necessary investigations and then take the necessary administrative action either to renew the licence or to reject the renewal. Increasing the licence period for special employees from three to five years will not compromise the integrity of casino operations. There is effectively no additional risk of undesirable individuals being made special employees as a result of the extension of the licence period to five years given the mechanisms in place to monitor ongoing suitability of licensed individuals. These mechanisms include the requirement for the licensed employee to report specified changes in circumstance and the flagging of the police database to alert the Casino, Liquor and Gaming Control Authority to criminal charges brought against any licensed casino special employee.

Based on its long-term experience with overseeing the casino's operation, the authority has expressed the view that if a special employee licence holder wanted to hide a relationship with an associated person it would be more easily achieved over a three-year period than a five-year period. A five-year period would provide a greater likelihood of an undeclared relationship with an associated person being identified. As with the statutory reviews of the casino's licence, special employee licences should not have to be renewed more frequently than necessary. Again, there is expert opinion based on considerable experience that five years is an appropriate time frame. I commend this bill to the House.

**The Mr GEOFF PROVEST** (Tweed) [10.25 a.m.]: The shadow Minister for Gaming and Racing has explained the background to the Casino Control Amendment Bill 2009. As part of negotiations to extend the exclusivity period for a further 12 years, changes to tax structures and so on, the Government agreed on 30 October 2007 to conduct a review of the Act. The Casino, Liquor and Gaming Control Authority, in conjunction with Star City Casino, conducted the review. The proposed refinements do not establish a new regulatory regime. In fact, the bill will not change the tax rules, harm minimisation or any rules relating to smoking.

The proposal is to extend the statutory review period from three years to five years, to extend the casino special employee licence period from three years to five years and to limit their range of activities to operations and repair of gaming equipment, and to change the notification period for commencing or terminating employees. I have spent 27 years within the liquor and gaming industry, both in Sydney and in the Tweed—a lovely place. I spent time at the Tweed Heads Bowls Club, Revesby Workers Club and the Georges River Sailing Club. I have held a liquor licence for 20 of those 27 years. Responsible gaming certificates, harm minimisation and other such measures are very important. Having a liquor licence is a responsible and onerous task, particularly ensuring that gaming machines do not breach any legislation. Indeed, this Parliament has passed a number of harm minimisation laws with respect to the industry. On a number of occasions I have visited Star City Casino for various conferences and observed that management and on-floor staff conduct their business in a first-class manner. They undertake their role very seriously.

This bill will refine the process of changing the casino boundary and internal layout, update the means of providing casino player information and allow the casino operator to maintain bank accounts in any jurisdiction, including overseas. I am aware that Star City Casino has interests overseas in some Asian countries. It is difficult to control the operations of gaming machines, but I acknowledge that Star City Casino is the number one venue for many visitors. I have visited a number of casinos and Star City Casino is first-class and professional in comparison. RThe large number of people at the casino are similar to a large crowd at a football match, and undesirable people can enter the premises. That is when staff training and the casino's control mechanisms become important.

I have been in the Licensing Court seeking extension of licences and often the licensing magistrate would ask what training was provided to staff to equip them to deal with undesirable customers and antisocial behaviour. Particular interest was taken in the ability to train staff and to enforce those measures. Usually documentary evidence was required. These days we see a lot of closed-circuit television footage but, unfortunately, incidents do occur. What impresses me about Star City casino—and I am sure all members of this House are aware of it—is the number of on-site inspectors from government agencies permanently in the venue. That contrasts with other sections of the gaming and liquor industry that have random or occasional visits from inspectors. Under the Act, the casino has members from the authority, the Department of Gaming and Racing and a number of other agencies permanently on site. That is a very positive safeguard.

Any change in the period of review often creates concern in the community, but as the shadow Minister has pointed out, there is a significant time lag in the preparation of these reports due to a particular resource requirement. I feel confident in light of my past experience in the liquor industry that extending the period from three years to five years will not create a problem, and therefore I will not oppose this bill. I believe it brings some sense to the Casino Control Act. The bill also increases penalties relating to minors in line with those in the Liquor Act. There are numerous machinery amendments, such as redefining "chip", and the bill repeals the list of internal controls and administration needing approval. All these amendments are necessary.

Star City casino can stand on its record, particularly in view of the fact that it has inspectors on site. Star City Casino continues to be a major focus for visitors to Sydney. I know the casino has conducted an extensive overseas and interstate marketing campaign, and it carries out its role in a very responsible manner. The other amendments are considered minor in nature and non-controversial. Some media commentators may seek to make more out of this than reality would dictate, however there is no watering down of harm minimisation or other controls. As I said earlier, an extension of the review period from three years to five years may raise some concerns in the public's perception, but in my view and based on my professional life before I came to this place, Star City casino conducts its business in a very professional manner. I will not oppose this bill and I endorse the comments made by the shadow Minister and member for Upper Hunter. I thank the House for the opportunity to present this information.

**Mr KEVIN GREENE** (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [10.32 a.m.], in reply: I thank members for their contributions to the debate. I particularly note the support for these amendments by the shadow Minister, the member for Upper Hunter, and the member for Tweed Heads, who went into some detail in his speech. I also thank the member for Wyong for his support. The Casino Control Amendment Bill 2009 contains a number of straightforward amendments to the Casino Control Act 1992. Members have noted that the bill is the result of a thorough review of the Act conducted jointly by the authority and the casino operator. It was needed to ensure that New South Wales has the best current practice for casino regulation.

The amendments contained in this bill represent the first of two tranches of reform to the regulation of the Sydney casino's operations. A further raft of reforms will be introduced into Parliament later this year.

I reiterate that it is not the Government's desire to change the current single casino arrangement for New South Wales. I also reassure members that the best expert advice available indicates that the amendments contained in the bill will not diminish the degree of regulatory oversight of the casino's operations and therefore I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

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

## **NSW TRUSTEE AND GUARDIAN BILL 2009**

### **Consideration in Detail**

#### **Consideration of the Legislative Council amendment.**

*Schedule of amendments referred to in message of 23 June 2009*

Page 60, Schedule 1. Insert after line 35:

#### **13 No forced redundancies for permanent staff**

- (1) This clause applies to persons who were members of the Government Service and were employed (otherwise than on a temporary or casual basis) as members of staff of the Public Trustee's Office or the Office of the Protective Commissioner immediately before the dissolution of the offices of Public Trustee and Protective Commissioner.
- (2) A person to whom this clause applies must not be removed from the Government Service (other than on disciplinary or incapacity grounds) within the period of 5 years commencing on the date of dissolution of those offices.
- (3) This clause does not apply to the former Public Trustee or the former Protective Commissioner as referred to in clause 12.

#### **Motion by Mr John Aquilina, on behalf of Mr David Campbell, agreed to:**

That the Legislative Council's amendment be agreed to.

#### **Legislative Council amendment agreed to.**

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

## **EDUCATION AMENDMENT (PUBLICATION OF SCHOOL RESULTS) BILL 2009**

### **Agreement in Principle**

#### **Debate resumed from 18 June 2009.**

**Mr ADRIAN PICCOLI** (Murrumbidgee—Deputy Leader of The Nationals) [10.35 a.m.]: I place on record the views of The Nationals and the Liberal Party on the Education Amendment (Publication of School Results) Bill 2009. I say at the outset that every member of the New South Wales Nationals and the Liberal Party is absolutely opposed to the publication of league tables. I am pleased to see the member for Riverstone and former Minister for Education and Training, the Hon. John Aquilina, is in the House because he responded appropriately to a *Daily Telegraph* article in 1997 in which a class at a New South Wales high school was labelled by that newspaper as "the class we failed". In response to that article the Government made appropriate changes to regulations in New South Wales prohibiting the publication of league tables, and it was the right thing to do. Now, 12 years later, we are undoing the protections afforded to students and teachers in schools under those regulations in exchange for money from the Commonwealth.

The most disturbing thing about this legislation is the agreement under which it is being introduced. It follows negotiations between the Federal Labor Government and almost exclusively State Labor governments across Australia and places schools in New South Wales in jeopardy or under threat of seeing their schools ranked in simplistic league tables. It is the agreement that is of most concern. Labor education Ministers, both State and Federal, sat around a table and negotiated away the protections that have been in place for 12 years, particularly in New South Wales, and that were supported by every political party in the New South Wales Parliament—and that continue to be supported. That is the agreement that was negotiated by Labor. This Federal-State partnership agreement is a 100 per cent Labor agreement.

I know that a substantial amount of funding is at stake and we are not in a position to put that funding at risk, so we will not be opposing the legislation, unfortunately. The reason this legislation is being introduced and the reason the community is so concerned about the publication of league tables is that this is an agreement made by the Labor Party, at both Federal and State levels. They make a great song and dance about their support for public education and for schools in low socioeconomic status areas. However, we all know that the schools most at risk from league tables are those in low socioeconomic status areas. I have them in my electorate and my great fear is that as a result of this Labor agreement that opens the door to league tables one of our esteemed media institutions will get that data from the Commonwealth.

I know the media cannot get the data from the New South Wales department; the protection is still in place in New South Wales. But the protection is not in place at the Commonwealth level. New South Wales will hand over all its data to the Commonwealth. In that Labor agreement that has opened the door to league tables, the New South Wales Government did not go in to bat for New South Wales schools and say to the Federal Government, "We will not sign on the dotted line unless you put the same protections in place at the Commonwealth level." If the *Daily Telegraph* or any other organisation wants to obtain New South Wales results through the Commonwealth under freedom of information legislation, they will get them and we will see a repeat of what happened in 1997. That is the failure of this agreement, and that is the failure of New South Wales Labor. I remind members that this agreement is a 100 per cent Labor agreement that has opened the door to league tables in New South Wales. It is 100 per cent Labor's fault.

I am very concerned that schools in my electorate—as I am sure all members of Parliament would be concerned about schools in their electorate—will appear on some league table produced as a result of whatever data a media institution gets its hands on and that those schools will be labelled as failures, even though the students are doing the best they can, the teachers are doing the best they can, the principals are doing the best they can, and the parents are doing the best they can. If one of the schools in my electorate is labelled like that, I will be very angry with the Labor governments in New South Wales and federally. I have no idea why the governments have put those schools at risk.

The argument is that transparency will lead to increased choice for parents. A number of towns in my electorate, as I am sure is the case in many other electorates, have only one high school. The nearest other high school is 100 or 150 kilometres away. If that high school is labelled as the last or the fifth-last school in New South Wales based on some test result, what option do the parents have? They have no option in that community but to send their kids to that school. The label will have a direct impact on the students of that school and the teachers at that school, who will be labelled as the teachers who taught at such and such a school that came last or fifth-last in New South Wales. The principal of that school will always be labelled as the principal who taught at that school. The test results, which may be made public by the media and others, may suggest that the school is a failure, when in fact the school may be working harder than any other school in New South Wales to improve the results of its students.

The agreement will have consequences not only for the schools concerned. It is often very hard for people in some regional towns and communities to find a doctor, a nurse, a solicitor, an accountant, or any other professional. If a doctor is looking at one of those regional towns to set up a practice and he or she has kids at high school, and if that school has been labelled as one of the lowest-performing schools in the State, the difficult task of encouraging the doctor to enrol his or her child at that school will be made almost impossible. This Labor agreement, which opens the door to league tables, will have consequences not just for the schools, students, teachers and principals, but it will have consequences for the whole community that surround and support that school.

This is a very serious piece of legislation. There are significant consequences for league tables. Almost every school organisation, both government and non-government, is opposed to the legislation. The Federal

Government and the New South Wales Government were lobbied very hard by the government sector, the Public Schools Principals Forum, the Primary Principals Association, the Secondary Principals Council, the Teachers Federation, and the Federation of Parents and Citizens Associations. Both governments have also been lobbied by individual principals and teachers. They have also been lobbied by the non-government sector. Those non-government organisations include the Association of Heads of Independent Schools of Australia, the Australian Council for Educational Leaders, the Catholic Secondary Principals Association, and the Independent Education Union of Australia, just to name a few. I have one letter—which has probably been seen by a number of members—listing about 20 different organisations that oppose the Labor agreement that was signed off in March this year.

It is very difficult to find anybody, except a government member, who thinks the agreement the Government signed with the Commonwealth is a good idea. This is a 100 per cent Labor agreement. It is a joy for members opposite to have a Federal Labor Government and State Labor governments. The New South Wales Government rolled over for the money, because the Government has run out of ideas. The New South Wales Government does not debate ideas anymore. In 1997, when that front-page article appeared, Government members debated that. There was a moral issue about how we protect students.

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

**Mr ADRIAN PICCOLI:** At that time the member for Riverstone rightly took the action he took. There was a debate then. This time there is no debate. The Government simply says, "We need the money." This was a grab for money. The Government did not think, "What happens to the kids at the school in western Sydney who are labelled next time as the class we failed." Joe Tripodi and Eric Roozendaal were barking in the background: "We're broke. We need the money." Forget about the ethics, forget about the morals, forget about the values that we represent in Parliament and protecting the weakest! The schools that will come last are the weakest schools, the ones that have kids from low socioeconomic areas, the ones that have lots of kids, including lots of indigenous kids, and the ones that have lots of kids with parents from non-English speaking backgrounds. They are the kids who will go to the schools and who will be labelled.

[*Interruption*]

Members opposite can bark at me all they like. I am not the only one saying this. These words are being echoed by virtually every school organisation right across Australia. What the Government needed to do in its negotiations as part of this national partnership agreement was to say, "We have the right protections in New South Wales, which have been fine."

**Ms Verity Firth:** And they are remaining.

**Mr ADRIAN PICCOLI:** I grant the Minister for Education and Training that the protections are remaining in New South Wales. However, the Government knows that once it hands over that data to the Commonwealth it is no longer protected. What difference does it make whether you put in a freedom of information request to the New South Wales Department of Education and Training or the Commonwealth education department? It makes no difference to whoever is putting in the freedom of information request. The fact is that that data is not protected. The New South Wales Government should have said, "I am not signing the agreement until there is legislation in the Commonwealth Parliament—or a regulation; the same way the Minister did it here—to protect the data in the same way that it is protected in New South Wales. But, no, the Government signed the agreement in exchange for the money. The Commonwealth gave it a little scratch on the tummy, and it rolled over for the money. Had it been the previous Coalition Federal Government that had done this, there would have been screams of blue murder.

**Ms Verity Firth:** They also wanted to do it.

**Mr ADRIAN PICCOLI:** I know they wanted to do this too. And I think you might not have signed the agreement had the previous Coalition Federal Government been in office. But your Federal colleagues gave you a little scratch on the tummy, and you rolled over and agreed to it. Now this 100 per cent Labor agreement has forced this legislation, in exchange for the money. In opposition, the Federal Coalition did not get to be part of those negotiations. We would have loved to be there; I would have put in my two bob's worth. We were not there, and the Government has signed the agreement for money. We are not going to oppose it, because we are not going to put that kind of funding—

**Mr David Harris:** Because of the money.

**Mr ADRIAN PICCOLI:** That is right, because of the money that you have negotiated. I am simply saying that the Government should not have signed the agreement until there was legislation in the Commonwealth Parliament to protect the data. I understand what the Commonwealth is doing. It wants the data, and it will use that data to ascertain how future funding will be provided, et cetera. That is all fine. The only condition the State Government had to put on the agreement was that the Commonwealth put in place the same protections that are in place in New South Wales. That is all the State Government had to do, but in its lust for cash it signed the agreement. When Michael Costa was Treasurer this Government negotiated with the Commonwealth but he held out when the Commonwealth offered New South Wales the money for computers in schools. At that stage he did the right thing and said, "You have offered us this money—

*[Interruption]*

It was well done; Michael Costa did an excellent job. I do not credit him with much but I give him credit for having the guts to stand up to Kevin Rudd—not many people in the Labor Party do—and to say, "It is one thing for you to offer us money for computers but it will cost the State Government however many hundreds of millions of dollars to bring schools up to date with information technology, IT support and the like. If you give us this money we will be faced with additional financial burdens and we think you should cover at least part of those costs." Michael Costa held out for about a year, but a couple of weeks ago that program started to roll out—

**Ms Verity Firth:** Today.

**Mr ADRIAN PICCOLI:** That program started to roll out today—almost two years after the Federal election. The Government did the right thing: It held out and it got a better deal from the Commonwealth for New South Wales. The Victorian Labor Party did the same thing: It negotiated with the Howard Government and it then negotiated with the Rudd Government over funding for the Murray-Darling Basin system. At the time Morris Iemma wanted the money and he signed the agreement so quickly that smoke was coming out of his pen. As usual, the Victorian Government outdid the New South Wales Labor Government.

The Victorian Government was smart; it held out and said, "Hang on a second. That sum of money and that agreement are not nearly enough for us." The Victorian Government held out for more than a year and it got \$1 billion more than New South Wales. I know that not many people in the New South Wales Labor Government have had experience in negotiating and signing agreements in the private sector. We saw what happened with the Cross City Tunnel and all those sorts of things. I am sure that the member for Murray-Darling, who is a former car salesman, would have done a much better job. He would know how to negotiate an agreement such as this. He would have gone in to bat for his principles, his ethics and his morals. A car dealer with some experience in the private sector would have done a much better job.

That is the crux of the problem with this legislation and the Labor deal being done over league tables. This Government did not stand its ground and it did not back what it knows to be a morally and ethically correct issue. This system, which has been in place for the past 12 years in New South Wales, has worked effectively to protect schools. When this Government negotiated with the Federal Government, Julia Gillard said, "You will sign", and it signed. Unfortunately, under this 100 per cent Labor agreement, it signed away the protections that had been put in place for the most disadvantaged schools in New South Wales, which I think is a great shame. That agreement has been linked to the New South Wales budget.

We will not put at risk the New South Wales budget, but unfortunately what we have to endorse today is a 100 per cent Labor agreement—an agreement made by a Labor Government in New South Wales that purports to be a supporter of public education for low-income families and low socioeconomic status schools. It sold out public education ultimately in exchange for cash from the Commonwealth. That is the shameful situation with which we are faced today. We will not oppose this legislation, as we do not want to put at risk funding for schools. However, the New South Wales Government should never have signed this agreement. In her agreement in principle speech the Minister gave a number of undertakings. One related to the protocols agreed to in the meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs, which states:

Governments will not publish simplistic league tables or rankings—

we do not think the Government will do that, but we are worried about other institutions—

and will put in place strategies to manage the risk that third parties may seek to produce such tables or rankings.

We want to see what those strategies are. I hope that the Minister, when replying to debate on this bill, tells us about some legislative or regulatory procedures that will be put in place at a Commonwealth level. I am happy with the protections that are in place in New South Wales but we want to hear about the strategies that the Commonwealth will be putting in place. Giving an undertaking in an agreement in principle speech is not good enough, in particular, when we consider some of the Ministerial Council on Education, Employment, Training and Youth Affairs key performance measures for schooling in Australia, which were reported in the newspapers the other day. The original key performance measures referred to the ethical principles underpinning the publication of reports and stressed the importance of:

... the avoidance of harm to members of the community: this could occur where the privacy of individuals would be compromised or where the reputation of an institution or group of people would be damaged through the publication of misleading information or stereotyping.

The interesting words in that statement are "the avoidance of harm". The Ministerial Council on Education, Employment, Training and Youth Affairs said that any data that is produced, or any data that is publicised, must not harm any individual institution. It is interesting that the reference to "avoidance of harm" was left out in the final agreement that was signed. Some people might say it was an omission or an error, but I do not think so. The report in the *Sydney Morning Herald* a week or so ago did not state that somebody had left out the words "avoidance of harm". The Ministerial Council on Education, Employment, Training and Youth Affairs, of which the New South Wales Minister was a part, consciously agreed to leave out any reference to the avoidance of harm to individuals or institutions through the publication of any data.

That indicates that the Federal Minister, Julia Gillard, the New South Wales Minister and the other Ministers recognised that the new protocols requiring the publishing of data could cause harm to individuals or institutions—and schools come under the category of "institution". That meeting in Tasmania recognised that this new protocol, thrust upon us all by this 100 per cent Labor agreement to remove these protections on league tables, potentially would cause harm to schools and individuals. How could the Minister in New South Wales sign an agreement such as that? How could Julia Gillard sign such an agreement that could cause harm to schools? Perhaps that provision was foolishly included in the first place and then, embarrassingly, it had to be removed.

I hope that every member of Parliament is committed to avoiding the causing of harm to schools. This legislation is opening the door to the causing of harm to schools. That omission is clear recognition of the fact that this agreement potentially will harm schools and, in particular, the individuals at those schools. The Government can say what it likes about why it agreed to sign that agreement, why it accepted the money and the like. Strategies will be put in place to protect schools from league tables. However, the very agreement that this Government signed—I assume that the Minister and her staff scrutinised every word of the agreement—recognised that harm could be done to individuals or to schools. That single omission in this Labor agreement is a damning indictment of the Minister for Education and Training and the New South Wales Government.

In the next 12 months we will see the consequences of this 100 per cent agreement. In the next 12 months we will see the consequences of the New South Wales Government rolling over and removing the protections that have been in place for the past 12 years. In the next 12 months we will also see how this pans out. But the Government has already foreshadowed that the agreement is going to potentially cause harm to some schools. That is a most damning indictment of the Government and the clearest indication yet that the Government is corrupt in every sense of the word. But most importantly when it comes to schools, the Government is morally corrupt and has completely and utterly lost its moral compass in its chase for cash. The Government is completely morally corrupt to sign an agreement such as this—

**Mrs Karyn Paluzzano:** Point of order: My point of order goes to language in the House. The shadow Minister for Education and Training has been given leeway in this debate but I find the words "morally corrupt" offensive. I ask the member for Murrumbidgee to withdraw those words.

**The DEPUTY-SPEAKER:** Order! Does the member for Murrumbidgee wish to withdraw those words?

**Mr ADRIAN PICCOLI:** There is nothing offensive about the words "morally corrupt".

**The DEPUTY-SPEAKER:** Order! The member for Murrumbidgee used the words "corrupt in every sense of the word".

**Mr ADRIAN PICCOLI:** I withdraw my comment about "corrupt", but the Government is certainly morally corrupt. It has completely lost its moral compass, which it had a number of years ago when these regulations were initially put in place.

**The DEPUTY-SPEAKER:** Order! Has the member for Murrumbidgee withdrawn the word "corrupt"?

**Mr ADRIAN PICCOLI:** Yes. But the signing of this agreement that allows harm to be done to schools in New South Wales shows that the Government has completely lost its moral compass. The next 12 months will show how this legislation pans out.

**Mrs KARYN PALUZZANO** (Penrith—Parliamentary Secretary) [11.01 a.m.]: I support the Education Amendment (Publication of School Results) Bill 2009. Coming from a teaching background, I support the bill. I note that a number of former teachers are members of this House or the Legislative Council. The portfolio of education, like all portfolios that the State is responsible for, is one of change. The shadow Minister commented that there have been a number of changes in education. The most recent change, and the most profound change, has been to the school leaving age. That change has been extensively negotiated and will be implemented from 1 January 2010. The Government supports education and that is but one example of the results from the negotiation of that policy.

Last weekend I met with the President of the Leonay Golf Club to celebrate the seventieth anniversary of the club. The most important aspect of that night to me was that the president is the father of a student from the very first class I ever taught. Members of this Parliament who were former teachers would acknowledge that the first class you ever teach is quite special. In my first year of teaching I taught Kinder Red at Emu Plains. The Education Reform Act, the Teacher Institute Bill or the National Assessment Program—Literacy and Numeracy, referred to as NAPLAN, did not exist at that time. In fact, we did not even have basic testing. There have been changes in schools and this Government funding will continue to help.

In 2008 the Council of Australian Governments agreed to a new national performance reporting framework to promote greater transparency and accountability in school performance and student outcomes. The intent of this framework is to ensure parents have useful information about the performance of their child's school. The Commonwealth has made the implementation of the new performance reporting framework a condition for funding for 2009 and beyond. The National Education Agreement requires that schools comply with the new performance reporting framework in order to receive Commonwealth funding. This legislation aims to ensure that schools in New South Wales comply with these requirements. If New South Wales does not comply with these requirements it would forfeit over \$1 billion per annum in funding for the public schools of this State.

As a former teacher I know that all teachers would welcome the additional \$1 billion funding. After a decade of underfunding by the previous Commonwealth Government this is a loss that public schools cannot afford. Similarly, any non-government school not complying with the same requirement would also be ineligible for Commonwealth funding. New South Wales will not forgo funding that will go towards providing teachers with the right expertise to lift educational outcomes for our most disadvantaged students. After teaching Kinder Red at Emu Plains I spent time teaching at Noumea Public School near Mount Druitt. I am well aware that the expertise and funding required for teaching students in those areas is great. This funding will go towards those educational outcomes. That is why I support the bill.

In April education Ministers agreed on a framework for publication of comparable information about school performance and context, including NAPLAN data. The intent of this framework is to ensure parents have useful information about the performance of their child's school. I have a daughter in year 9 and a son in year 10. Last year my son undertook the first NAPLAN testing and as a parent I received great information about my son's education from that. The intent of that testing is to ensure that parents use that information about their child's school.

New South Wales has agreed with all other States, Territories and the Commonwealth that parents have the right to more transparent information. Education Ministers have all agreed that these reforms are not about simplistic league tables. I was a teacher at Mount Druitt at the time when the front page of a newspaper referred to the school, as the Opposition education spokesman mentioned. Having a simplistic league table using those

students was simply outrageous. New South Wales has consistently argued against the use of simplistic league tables. States and Territories have worked with the Commonwealth to develop principles and protocols for reporting on schooling in Australia. At the meeting of 12 June the education Ministers agreed to these principles and protocols.

The protocols have been developed to help ensure privacy regulations are adhered to. The primary purpose of reporting is to assist each school to improve outcomes for students. The protocols include specific statements to prevent the public identification of individual students, unlike what occurred many years ago with the front page of that newspaper. This is a key document for establishing the intentions of governments in reporting on school performance. The protocols make clear that it is not the intention of the Commonwealth, State and Territory governments to construct simplistic league tables. It is not the intent of any level of government to construct simplistic league tables.

The focus in the document is on ensuring that contextual information is provided. Data is only reported where it is assessed as reliable. The privacy of individual students is protected and the Australian Curriculum, Assessment and Reporting Authority has put in place strategies to manage the risks of data misuse. General principles have been included to make clear that governments are committed to reporting, that it is in the public interest, that it is valid and comprehensive, and that it balances the community's right to know with the need to avoid the misuse of data. Education Ministers will continue to work on the best way for deciding appropriate comparisons between schools that take into account the very different context in which schools operate. The comparisons will be made with similar or "like" schools. New South Wales has specifically requested that any methodology developed for like school groups be made transparent and all education Ministers have agreed to this requirement.

The Government will be providing information consistent with the national reporting agenda approved by all Australian education Ministers. The amendment to the Education Act before the House continues to provide protection for individual students against the unauthorised comparison of particular schools. It maintains a clear opposition to the construction of simplistic league tables, while allowing the provision of New South Wales information and data to the Commonwealth. The legislation is necessary and appropriate. It maintains the integrity of the New South Wales position and will give parents more information about the strengths and weaknesses of individual schools. We are unequivocal in our support for the Commonwealth's position. We also are unequivocal in our opposition to simplistic league tables. This legislation reflects both positions. I commend the bill to the House.

**Mrs SHELLEY HANCOCK** (South Coast) [11.09 a.m.]: I clearly understand the consequences for this State in not supporting the Education Amendment (Publication of School Results) Bill. The Minister for Education and Training in her agreement in principle speech noted that this bill should be passed urgently since New South Wales is required to provide data to the Commonwealth under the terms of the national education agreement, tied to which is \$4.8 billion in funding over the next four years. We are all in a difficult position. All of us, on both sides of the House, are in the unenviable position of being forced into supporting this legislation, despite our very real concerns—at least on this side of the House. I have learnt from the Government speakers this morning that it is all about money. They are acceding to an agreement which, philosophically, they should oppose. Members have been denied a robust debate on the issue of whether this bill is about league tables and, if not, the potential for league tables.

The Minister spoke of the urgent need to pass this bill so that information can be passed to the Commonwealth within weeks to enable national publication towards the end of the year and to ensure that the conditions of the receipt of the funding have been met. Almost as an afterthought, the Minister stated that if this bill is not passed parents will be denied access to information about the performance of their children's schools. That is totally unacceptable. Further, the member for Penrith alluded to the fact that parents would be denied access to information about the performance of their children and schools. Parents already have an enormous amount of information provided to them under various testing regimes. Parents and students are provided the results of the National Assessment Program—Literacy and Numeracy [NAPLAN] tests. The claim that parents will be denied information is utter rubbish. It is a way for the Government to justify the signing of this agreement.

I preface my comments on this bill by reminding the House that before entering this place I was a high school English and history teacher for 27 years at Ulladulla High School on the State's South Coast and before that for two years at Lake Illawarra High School and Warilla High School in the Illawarra region. I retain a strong interest in education in this State and I was a member of the New South Wales Teachers Federation

throughout my entire teaching career. I want to recount a conversation I had with a friend of mine. He was a friend before I joined the Liberal Party and he is still a friend. He is a very strong member of the Labor Party. He once stated to me that on the day the Teachers Federation disaffiliated itself from the New South Wales Labor Government, the Labor Government stopped listening to the Federation. That is the truth—the Labor Government stopped listening to it and working with it. He said that as most teachers will always vote Labor, despite the contempt with which the Labor Party holds them, the Labor Party could continue to treat them with contempt. That is what the Labor Government is doing. My message to the Teachers Federation is that the concerns of teachers about this bill have been ignored, even though they are correct.

The State has been bullied into agreeing to this legislation by the Deputy Prime Minister, who saw the concept in the United States and thought it would be easily transported to Australia. That is not the case; conditions here are very different. The Liberal-Nationals Coalition is opposed to league tables whereby the publication of school results based on various tests may lead to new, educationally unsound comparisons between schools. I am vehemently opposed also to limited test results being used to compare schools in order to supposedly provide clear information to parents. For example, the NAPLAN tests provide only a very small snapshot of a student's ability or a school's particular strengths or weaknesses. The NAPLAN tests are based on literacy and numeracy. They may be a very useful diagnostic tool for teachers to ascertain useful information about a student's ability in either literacy or numeracy, but teachers also use a number of other assessment tools in order to more fully understand their students, and they do so on a daily basis.

The NAPLAN tests tell us very little about the talents of student in, say, music, the performing arts, public speaking, debating, visual arts or sporting endeavours. They tell us very little about a school's strengths or weaknesses. They tell us very little about a student. Using these types of tests to compare schools across the nation is educationally unsound. It may lead to unfair comparisons between schools and a failure by the Government to recognise the achievements of school communities—parents, students and teachers. This bill, as part of the Council of Australian Governments [COAG] agreement, has the dangerous potential to reduce the performance of a school to the performance of its students in two one-hour tests. It does nothing to ensure that our schools and teachers are encouraged to inspire the imagination and creativity of students in all areas of learning or to encourage diversity within our schools. It reduces a school's performance to a lowest common denominator and may lead to unfair comparisons between schools, despite the Minister's assurances that it will not.

In relation to the Minister's assurances, I and many members on this side of the House will watch with interest as the provisions of the COAG agreement unfold. Should the national program be used to make unfair comparisons, we will express our outrage, given the Minister's comments last week. The Minister in her agreement in principle speech expressed her opposition to the league table concept. She said it is a concept that labels schools as either winners or losers. She stated that this is unfair, damaging, anti-educational and not in the public interest. I hold her to her words and her opposition to league tables. I am hopeful that she is committed to her comments, despite the ambiguity of some of her following comments. She said that the Australian Curriculum, Assessment and Reporting Authority [ACARA] will be able to publish relevant nationally comparable information on all schools. It sounds very much like league tables to me. However, we will judge the Minister's ability to ensure good educational outcomes for the students in this State.

I want to place on record and comment on some of the concerns of the New South Wales Teachers Federation. They are worthy of consideration, even though they have been ignored, as usual, by the Government. The Teachers Federation states that it opposes league tables because the ranking of similar schools, like for like, is meaningless. The Minister said that information about schools within relevant groupings would be separately publicly available and that parents should have the right to detailed information about the performance of their schools which presents a fair comparison of their school's performance against that of other similar schools. That is like for like. It is impossible to compare any school to another school. Every school is different, every student is different, and every teacher is different. The strengths and weaknesses of every school are different. How is it possible to compare like schools with like schools, especially in rural and regional Australia?

What choice will parents have if they do not like the results and the performance of their child's school? Can they change schools? Can they take their children from one school to another? No, they cannot. Can they take their children to the private system? Some can, but many will not be able to because they cannot afford that choice, as the member for Hornsby rightly said. Many parents do not have a choice if they are not satisfied with the publication of the so-called performance of their schools. The Teachers Federation is right: it is difficult, if not impossible, to compare like schools with like schools. The Teachers Federation also says that each school is

unique and exists in a context not able to be captured by rankings. I refer to my previous comments in that regard. Each school—whether it is in Broken Hill, Hornsby, Nowra or Ulladulla—is different and exists in a context that is appropriate to the education that the teachers provide in that school.

For example, a school in the heritage township of Milton may focus on local history because it is surrounded by local history. It will have a very different focus from that of a school in Ulladulla, Nowra or Bomaderry. Every school is different. We cannot compare schools in this context. League tables will show only one tiny aspect of performance, and I have talked about the NAPLAN test being used for this purpose. The Teachers Federation is again correct: NAPLAN tests—two one-hour tests per year—show nothing about the ability of students in so many other areas, such as music, debating, drama or sport; they test only one small area of performance.

The Teachers Federation also says that winners and losers are created. That is already the case. Schools with students who are in the top echelons of NAPLAN testing love to publish their results, but those schools whose results are a bit more disappointing do not do that. There is a potential for schools to compete with each other rather than enhance the performance of their students. Basing a school's comparison on testing leads to teachers teaching for the test only, focusing only on the NAPLAN tests for very much of their teaching day. It is unfortunate that teachers, because they know that the outcomes of the tests are crucial for the school and the publication of the school's results, teach for the test. As pointed out by the Teachers Federation, it is a very sad outcome for teachers, who obviously want to inspire creativity and imagination amongst their students but who are forced so many times to teach only for the test, perhaps to the detriment of every other subject area, to make sure that each student performs well in that test because the results will be published.

The Teachers Federation also says that tests should be used for diagnostic purposes not school comparisons, and I could not agree more. These kinds of tests are extremely useful for diagnostic purposes only: for the teachers and the parents to understand more about the student's ability; to understand how they may intervene in the education of a student; and to provide assistance where it is needed to students who are perhaps suffering some kind of disability or who have learning problems. I fear that NAPLAN tests and other kinds of tests will be used for school comparisons, not just within New South Wales but across the country. How can we compare schools in Sydney or, for example, the South Coast with schools in Perth or anywhere else? Every school has its own individual mark and schools should not be compared. There is no way that we could find a group of schools that are alike.

League tables do nothing to address the real problems of proper resourcing. Testing has been used on a number of occasions to assess the performance of various schools but it has not led to the proper resourcing of schools as a result, and I suspect that this will be the case in this situation. Parents and teachers from schools that have performed poorly in various testing regimes have requested intervention by the Government in the form of resourcing for students who are struggling, but it has not happened. There is no guarantee, even from the Minister's speech, that there will be proper resourcing. I could go on all morning talking about the problems with this piece of legislation but I know that a number of other members wish to speak on the bill. I take the assurances of the Minister for Education and Training on board and I take her at her word. I think she believes what she says, that these tests will not be used to make unfair comparisons between schools.

But I ask the Minister: If these tests are to be passed to the Commonwealth, what is the purpose of them? The purpose must be to compare schools; there can be no other purpose. But this morning all we have heard from members on the other side are arguments that we have to sign the agreement because it is all about the money and that if we do not agree we will lose \$4.8 billion worth of funding for our schools. Those on the other side have not talked about NAPLAN testing and they have not talked about any of the issues raised by the Teachers Federation or any other educational organisation opposed to this legislation. I am disappointed at the level of this debate. I am disappointed that members on the other side have been bullied. I am disappointed that the Minister has been bullied into agreeing to this piece of legislation. It is all about the money. I am disappointed that all of us in this place this morning have been placed in an unenviable position of having to—  
[Time expired.]

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [11.24 a.m.]: I do not wish to detain the House for long on this matter but I welcome the opportunity to add a few remarks in support of the Education Amendment (Publication of School Results) Bill 2009. I start by refuting the futile argument of the member for South Coast that this is all about the money. It has got nothing to do with the money. This is all about transparency and accountability and it is all about making sure that the educational performance of children of this State is reported in a proper way and that we obtain proper results for them. I am extremely proud to be speaking on this legislation.

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

**Mr JOHN AQUILINA:** I am extremely proud to be speaking on this legislation because this is a natural extension of a process that started 12 years ago when a Labor Government in this State—and I happened to be the Minister for Education and Training at that time—decided that it was about time that parents got an accurate report on how well their children were doing at school and the community got to know precisely what was happening in our schools. That is how annual reports started in 1997. We introduced a process that was welcomed by parents. At that time the Opposition had a go at the Government because it felt we were not going far enough: the Opposition wanted us to introduce league tables. Before we get a version of history from people who have only been in this place a short time but who profess to know a lot about what happens—

**The DEPUTY-SPEAKER:** Order! Members on both sides of the House will come to order. The member for South Coast will come to order.

**Mr JOHN AQUILINA:** It behoves the Opposition to look at what happened and to research the history properly. Not only have members of the Opposition not researched the history; they have not read the legislation. Much of what members of the Opposition have said is absolute nonsense and bears no relevance whatsoever to what is in the legislation. Section 18A (3) states:

School results must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools, except as authorised by or under a relevant national agreement.

Members opposite are talking about league tables. The Act precisely prohibits league tables. Members opposite need to drop the rhetoric and start looking at the facts. They need to stop rewriting history and start researching exactly what happened. They need to look at what has been happening. As I said earlier, I am extremely proud to support the legislation, not because it has anything to do with money but because it is an appropriate extension of the annual reporting of schools, which started 12 years ago and which should continue to develop.

All Australian governments have now agreed that opening up the reporting of school performance around the nation, provided it is done according to responsible education protocols, is in the public interest. What we are doing with this legislation is in the public interest. We are arguing about what is in the best interests of schools and what is in the best interests of parents and students. As the Minister said in her agreement in principle speech:

New South Wales has a rich and growing history of reporting to parents about school information. The bill, which enables reporting on a nationally consistent basis, will build on that growing tradition—

**Mr John Williams:** What about the Teacher's Federation? Why don't they like it?

**Mrs Shelley Hancock:** Why aren't you supporting teachers?

**Mr JOHN AQUILINA:** I am very tempted to respond to that interjection but I will bite my tongue. As I was saying, the Minister said in her agreement in principle speech:

The bill, which enables reporting on a nationally consistent basis, will build on that growing tradition of giving parents a clear picture of how their children's school is performing. Since 1997 New South Wales government schools have been required to produce an annual school report providing a detailed picture of their activities to their communities.

At the time, the Opposition said that that annual school report did not go far enough. I probably agreed to some extent, and we are now taking that step. It is about time the Opposition was consistent in its approach. Instead of being caught between a rock and a hard place, members opposite should come on board and support this legislation. The Government is taking the legislation one step further towards what the Opposition said it should do in 1997. I am happy to support this legislation. In one year approximately 850,000 annual school reports are printed and dispatched by schools to members of their school community. Prior to 1995, when the Coalition was in government, schools were given considerable flexibility with regard to what they included in their annual reports.

In fact, they had so much flexibility that virtually everyone agreed the reports were meaningless. They had no authority, they contained practically no useful information and there was no transparency. A lot of time was taken to produce a worthless document. However, since 2007, schools have been required to include the following information in their annual reports in a specified manner: reports on attendance; staff retention; teacher qualifications; expenditure and teacher participation in professional learning; proportion of students

meeting national benchmark standards in reading, writing and numeracy in years 3, 5, 7 and 9; changes in benchmark results since the previous year; average standardised test results for years 9 and 10 students; senior secondary outcomes; the proportion of year 9 students retained to year 12 or equivalent; post-school destinations; and student, parent and teacher satisfaction.

They are all very worthwhile reporting mechanisms and data that enable the Government, communities, parents and students to assess the value-adding our schools are achieving. This is a rich set of information that enables parents and the community to look deeply into how a school is performing. We on this side of the House believe parents have a right to that information. I firmly believe that, despite the political stance they are taking, members opposite also believe that. There is no legislator or parent in this State who would walk away from increased transparency and accountability as far as education is concerned. This is not about money; it is about ensuring that our children get the best possible education. That is what this legislation aims to achieve.

It is important for the wider community to have access to this information for a number of reasons. It enables us to identify schools that are performing well and to spread their best practice. In previous years the Department of Education and Training has undertaken a number of research projects that have identified high performing schools, documented the practices in those schools and disseminated that information to other schools. The department is presently involved in such a project focusing specifically on the performance of rural primary, secondary and central schools. Publication of school results also enables us to shine a spotlight on areas that need more support. I reiterate the Minister's comment in her agreement in principle speech: This is not about punishing schools; this is about assisting those schools that require assistance. It is about assisting the students in our schools who require that assistance and ensuring that resources are directed in the appropriate way.

The Department of Education and Training already has an annual process to identify schools that are performing below their cohort. Schools identified become part of the focus support school program and are provided with additional support to assist them to bring their outcomes up to the expected level. Of course, for comparisons of this type to be meaningful we must ensure that they are also fair. A conclusive body of international research has demonstrated that socioeconomic status is a significant predictor of academic success. We in the Labor Party feel very strongly about that. For many of us it was education that enabled us to improve our life. We acknowledge the fact that education is a great liberator. It liberates children from poverty or from a background of menial work. It provides children with opportunities.

Irrespective of one's background in a working class suburb or a rural community, education is what it is all about. Greater transparency and accountability enrich students and ensure that we do not write off schools and school communities because they are in a poorer or neglected outback area. We ensure that those children become part of the focus support school program and that we are able to direct resources to help them. We should all feel passionate about that, because it is fundamental to our role in this place. Instead of saying, "Let's not produce more data and results," we should be saying that we owe it to these students, teachers and schools to have as much refined data as possible so that we can do the right thing by them and continue value-adding to their education. If a school in a wealthy community is producing better test scores than a school in a disadvantaged community, we cannot necessarily conclude that the first school is teaching its students more effectively. That is why the Department of Education and Training has developed sophisticated—

**Mr John Williams:** You were going to make only a brief contribution.

**Mr JOHN AQUILINA:** As I said, I am very passionate about this.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Leader of the House will be heard in silence.

**Mr JOHN AQUILINA:** I know that the member for Murray-Darling is passionate about the schools in his electorate. That is why I am sure he will make a contribution in support of this legislation. The like school group data ensures that schools are compared only with schools that are socioeconomically and geographically similar. This enables the department to evaluate school performance in overall terms and in their community context. Again, it is about value-adding. If a school performs extremely well because it is in a privileged area and privileged parents are able to provide privileged facilities for their children, it does not necessarily mean that that school is adding much value to its students. It is only by comparing that school with similar schools with similar backgrounds that we are able to meaningfully compare performance. We need to be able to evaluate in overall terms and also in the community context.

A new Commonwealth statutory body, the Australian Curriculum, Assessment Reporting Authority, is now working to refine like school measures on a national level. The rich history of reporting performance in annual school reports that we have in New South Wales will now be extended one step further. The reports will now be made publicly available on a national website within a nationally consistent reporting framework. About five years ago we did not think that would ever be possible in our lifetime. I congratulate the Federal Government for being able to do this. It will continue to paint a rich picture of the performance of every school in the country—government and non-government. The concept of reporting on like school groups will continue, but the groups will be determined on a national basis.

Just as New South Wales individual school reports have not given rise to the need to publish overly simplistic league tables, we expect that the national reports will allow a rich picture to develop about each school. Just as in New South Wales we have been able to use the data and reporting system to spread best practice from best performing schools to others, so, too, will that occur on a national basis. I conclude by rejecting some of the spurious arguments that have been put by the Opposition. Members opposite have said that this is all about money. This has nothing to do with money. This is a natural progression on what happened 12 years ago. It is about accountability, transparency and ensuring that the most underprivileged of our students have access to the best education possible and that they can obtain the best results possible from our education system. That is what this legislation is about; it is about enriching, value adding and empowering our students and teachers. That is why I support this legislation.

**Mr GEOFF PROVEST** (Tweed) [11.39 a.m.]: I speak to the Education Amendment (Publication of School Results) Bill 2009. All members in this place would have one object in this regard: to ensure that the children of New South Wales have an effective and successful education. We are all of the same opinion: the children of New South Wales are our future. We should be able to invest in them to ensure a positive outcome. I refer to comments that members have made. The shadow Minister for Education and Training stated that through the signing of this deal—the agreement between the State and Federal governments—no mechanism was put in place to ensure that once the data leaves New South Wales it does not become eligible for freedom of information through any Commonwealth agency and does not become publicly released. This is of extreme importance.

There are a number of high schools within my electorate. In the short time I have been the member for Tweed—I am 100 per cent for that area—rumours and innuendo have been spread about one or two of the high schools. That has caused a great deal of concern among parents. Being a father myself, I know one always wants the best for one's children. A number of applications have come to me and to the regional director of education within the Tweed for the transfer of children from one school to another. There have been issues regarding enrolments of new students into year 7. A number of parents have made formal applications for their children to go elsewhere. A lot of that decision-making process was based on information they gleaned officially and unofficially. The downside is it has caused one of those schools to slip in the number of students, which has therefore led to a slip in the number of teachers, which has therefore led to a slip in the number of courses.

In all cases those schools have excelled in areas not picked up in this testing. The member for South Coast made the point that the testing related only to certain subjects and missed important things such as public speaking, music and sports. The Tweed has a diverse population and a variety of levels of income. We have one of the highest levels of youth unemployment in the State, as well as adult unemployment. Some of our schools excel in the areas I just mentioned. They may not rank in this current form of testing, but the schools are successful because they engage children in sports, public speaking and music, which are considered great attributes in the outside world. However, as I said, they are not picked up by this testing. The main issue with this bill is there is no guarantee where the information will end up once it is passed to the Commonwealth. That concerns me greatly. I have seen the damage done to schools by rumours and innuendo.

I meet on a regular basis with our Teachers Federation representatives. Unlike many other members, I am not a former teacher, although my father was a school principal—as is my brother and sister-in-law—at Ulladulla High, in the area of the member for South Coast. I had a rather formal educational upbringing. I have noted the continual concern and representation of the Teachers Federation. As I say, I meet with teachers on a number of issues. I am always impressed with their dedication and commitment to the delivery of education to the youth of New South Wales. I admit that I am guided by them, as they are at the coalface. I am a great believer in talking to people at the coalface. It would appear various rifts are developing between the federation and the New South Wales Labor Government. It seems to be an ongoing battle—different priorities. Ultimately, I would be guided by the teachers and back their stance on the bill.

However, we need to take the Minister for Education and Training at face value. She has made various commitments and we need to trust her to honour them. My chief concern is what happens when that information goes to the Federal Government. At the signing of the agreement we could have put in place a safeguard mechanism, but we did not. I disagree with some earlier speakers who said this is not about money. I think it is. Our schools have been neglected for some 12 to 14 years. All members of this place, including Government members, would have schools in their electorates that urgently require funds for various programs and maintenance. Once again, I am 100 per cent for the schools in the Tweed. I will not be opposing the bill.

**Mr JOHN WILLIAMS** (Murray-Darling) [11.45 a.m.]: I will speak briefly to the amendments contained in the Education Amendment (Publication of School Results) Bill 2009. Since the election of the Federal Labor Government I have been amazed at some of the ideology and head in the cloud stuff we have seen from it. Certainly, Julia Gillard has been caught up in this crazy ideology and belief that what works in the United States of America will work in Australia. At one stage she suggested—and brought out an expert to agree with her—that we should start paying incentive payments for teachers, give them some sort of productivity bonus. That idea was sheer stupidity. Kevin Rudd was talking about every child in school having a laptop they would be able to take home. That showed how out of touch these people really are.

What we see here today is not only ideology; it reflects the elitist nature that has developed in the Labor Party. This is elitism at its best. The Government seeks to grade schools in New South Wales—indeed, they will be graded throughout Australia. It believes that this sort of ideology can be rolled out and that we will have the perfect system. It does not recognise the fact that the education system is supported by professional teachers. We recognise them as professionals; we trust them as professionals. We put them in charge of the education of our children. They are of a professional status. This bill does not recognise their professional status. It suggests that all schools will attain the same level, regardless of the challenges.

There are great challenges for teachers in the Murray-Darling electorate. Teachers are responding to challenges every single day—challenges created by cultural differences, challenges created by the lack of recognition of education as an absolute priority, and challenges created by the things teachers need to do simply to get children to attend school on a regular basis. Children come to school with different skills that they have to develop. The National Assessment Program—Literacy and Numeracy [NAPLAN] tests have a narrow band-width. They recognise certain aspects in education, but they do not recognise the challenges and the personal development that teachers are trying to get out of students who might not have the skills that match good test results in this area.

During my visits to various schools in my electorate I have seen magnificent developments that demonstrate the professional nature of teachers. They have recognised the various sporting, musical or cultural attributes that some students have and they have developed programs tailored to their individual abilities. As a result, we have excellent citizens who have been able to develop these natural skills. This system will deny students this opportunity because teachers will be focusing on achieving NAPLAN results—full stop. They will not be seeking to develop the individual skills of students.

The system is a one-size-fits-all. It is about having a homogenous education system rolled out in the State; it is about having a beautiful, crazy belief that everything should be the same across the State, without accepting the challenges that our professional teachers face in regional areas. The other problem is that when people move to a regional area they have certain educational expectations of their children. Everyone wants their children to go to the best school and to receive the best education. Unfortunately, the system does not allow that to happen, particularly in the western area, where the tests will have wide and varied results. There is potential for students to achieve high academic results, but recognition is not given to that fact. I am concerned that this bill might act as a deterrent for people relocating to regional areas because they believe that their children will not receive education in line with that being provided in other schools throughout the State.

The wide and varied results in my area do not allow for the perfect system. That may happen in Sydney, where elitist schools can be developed. The Labor elitist schools, the blue ribbon schools that this Government is focusing on, will be developed. All the students in New South Wales will be enrolled in those schools while the rest can be washed down the drain. This is a sell-out. It is about the Minister negotiating a better deal without having a gun held to her head. This is the power of negotiation. It is a rollover. It is what we saw with the Murray-Darling arrangement—we were expected to take it on the chin and let the Federal Government dictate the terms of the payments.

**Mr GREG PIPER** (Lake Macquarie) [11.53 a.m.]: I speak to the Education Amendment (Publication of School Results) Bill 2009. In introducing the bill the Minister for Education and Training spoke about the

need for meaningful information for parents about school performance. I am sure there is a universal expectation that relevant information should be used by the Department of Education and Training for the purpose of planning the effective and efficient operation of schools and that comparison of schools would have a valid place in this. I am also confident that there is broad resistance in the community to labelling some schools as winners and some as losers, yet this is the inevitable result of changes that the bill will introduce.

The stigma of being educated at a poor-quality school could have lifelong impacts on individuals, and lead to a reduced opportunity in further education and employment. Worse, it could lead to reduced self-esteem at both an individual and community level. The situation will be created whereby suburbs will be considered to be of lower social status, at least in part because the local school is seen to be a comparative failure. It is utterly inappropriate to apply a norm-referenced rating to schools, with the unavoidable result of half of them being below average.

Anyone responsible for the wellbeing of our children and the future of New South Wales as a whole should be educating to a particular minimum standard and taking appropriate steps to help schools reach that standard and beyond if they need help. I acknowledge that there would not be one person in this House who does not want the best education outcomes for our children. However, their approach as to how this might be achieved will vary and the risks to getting the best outcomes will vary with the approach. The New South Wales Teachers Federation has raised real concerns about the changes associated with this legislation and the potential to have data misused or misunderstood, leading to the detriment of individual students, schools and communities. I can only agree with them. I have not yet heard any convincing argument supporting the legislation that sets aside their concerns.

The potential for this data, supplied to a national database, to be selectively drawn on and to become part of the unofficial league tables—even though they are, by the legislation, ruled out—appears to me to be very real. Schools within the New South Wales system should be assessed and the information should be used to continue to raise the standards within under-resourced and underperforming schools. Comparing the performance of schools is valid as a management technique, but disclosing information that detracts from a school's role in its community is not. The intention of the legislation may be good, but the risk is that the data will be misused to the detriment of at least half the schools that may find themselves tested and ranked unfairly.

This bill will pass through the House—that is the reality. Let us all hope that the concerns that have been raised do not come to pass. If they do, the burden will be on individual students, families and communities in most cases, without an opportunity to revisit this important part of their education. The die will have been cast. I agree with much of the argument put on the record by the Opposition. I am surprised that the Opposition will not oppose the bill. There is a strong argument for the bill to be voted down in the Parliament and for amendments to be made that would make the outcome workable and supportable by the community of New South Wales.

**Mrs JUDY HOPWOOD** (Hornsby) [11.57 a.m.]: I shall make a brief contribution on the Education Amendment (Publication of School Results) Bill 2009, which is a bill for an Act to amend the Education Act 1990 and the Education Regulation 2007 with respect to the publication of school results. The overview of the bill states:

The object of this Bill is to transfer to the *Education Act 1990*, and to amend, provisions that are currently contained in the regulations under that Act relating to the prohibition on the public release of school results (including results of national basic skills testing and of School and Higher School Certificate examinations) that disclose the results of particular students nor rank particular schools. The amendments will authorise the State to provide school results to the Commonwealth or an authority established by the Commonwealth in accordance with any national agreement to which NSW is a party and for the publication of results relating to particular schools in accordance with any such agreement.

I agree that all members have the best interests of children at heart. Children are our future. We all want the provision of educational excellence for them so that they may live worthwhile lives and have opportunities to realise their dreams. I have no doubt that every member shares those views. I have had an extremely good relationship with the Hornsby Teachers Association over a long period of time. Like other members, I share a good relationship with schools and school communities in my electorate. I, along with all members of the Coalition, do not support league tables. I do not approve of the apparent decision to provide an increase in cash in New South Wales in relation to this legislation. Parents already have information available to them, and in my opinion this legislation will create opportunity for unfair comparisons. Two one-hour National Assessment Program—Literacy and Numeracy tests will not show the many other talents and skills of students.

The Labor arrangement with the Federal Government leaves a lot to be desired. We certainly have some checks and balances within the legislation, but we need the same checks and balances in the Federal

sphere so that the spectre of league tables can be curtailed. The legislation obviously involves the transfer of funding to New South Wales, and therefore it is not insignificant in relation to the needs of New South Wales schools. The necessary funding for the State's schools has been depleted over many years and a large number of maintenance works need to be done in schools. Schools have been crying out for funding for many other projects and needs that have not been met over the past 12 to 14 years.

With regard to freedom of information access federally, it does not appear that this type of data will be protected. The data certainly needs to be protected. As I have said, the same checks and balances are definitely needed at a Federal level. Not all schools and students are the same, and therefore they cannot possibly be compared like with like. Schools in low socioeconomic status communities will be particularly prey to any such comparisons. There are fantastic rural schools. I have visited a number of them, having relatives and friends in rural areas. I know that the opportunities are very good for rural students, but in some areas they are not as good as in others. I refer to an article published in the *Sydney Morning Herald* on 19 June entitled "Ban Lifted on School League Tables" by Education Editor Anna Patty, who is a very experienced journalist. She encapsulates the fear that this legislation is engendering not only within members of this House but also in the wider community. The article reads:

The State Government introduced a bill yesterday to lift its 10-year ban on the creation of school league tables.

The Minister for Education, Verity Firth, said the amendment to the Education Act was necessary for New South Wales to qualify for \$4.8 billion in recurrent Federal Government funding.

Despite the Government's long-standing opposition to school league tables, Ms Firth said she would not "put billions of dollars of funding at risk".

[Ms Firth stated] "We make no apologies for our unequivocal stand on the transparency of school information," she said. "Why should the education minister or department have access to information about schools that ordinary mums and dads don't have?"

...

The bill will allow New South Wales to release test data to the Commonwealth but continue to block third parties, including newspapers, from obtaining raw exam marks for schools through freedom of information laws.

But teachers said this would not prevent the creation of league tables using data from the Australian Curriculum, Assessment and Reporting Authority website, which will provide parents with results for every school in the country later this year.

The president of the New South Wales Teachers Federation, Bob Lipscombe, said the Government had maintained a public impression of opposition to league tables, while doing everything necessary to allow their creation.

"We believe that the State Government is not being open about its intentions," he said.

"The overwhelming body of evidence from the UK and US is that league tables do little more than damage schools and their communities."

In conclusion, I again express my concerns about the spectre of league tables and restate my opposition to them.

**Ms CLOVER MOORE** (Sydney) [12.03 p.m.]: The Education Amendment (Publication of School Results) Bill 2009 will require the publication of individual reports with information about a school's performance in comparison with other schools with similar characteristics. Information will include national test results, attainment rates, student population characteristics, teaching staff and financial resources. I understand that the Government's aim is to improve schools' performance, but the education community is really alarmed over the impact that publishing performance data will have on education and on schools, particularly in lower socioeconomic communities. The Teachers Federation tells me that 16 education associations have expressed grave concern about this approach, including the Australian Council for Educational Leaders, the Australian Secondary Principals Association, the Catholic Secondary Principals Association and the Independent Education Union of Australia, as well as parents, principals and teachers' organisations.

While the bill aims to publish comparative data between similar schools, establishing groups of similar schools is overly simplistic. Each school has a unique situation that cannot be meaningfully compared. I share the concern that schools in lower socioeconomic areas will be overrepresented in lower rankings and that students will suffer from poor self-esteem, and opportunities for young people in already disadvantaged communities will be reduced. The Teachers Federation points out that publishing performance information on schools will worsen the gaps in achievement between rich and poor, and along racial, religious and ethnic

grounds, creating winners and losers in schools rather than creating equal opportunities within our communities. I am also concerned about how manipulating this kind of simplistic data can damage communities that are overrepresented in the media in a negative light.

While the Government's argument is that schools will aim to lift their game and achieve better results, the nature of this kind of simplistic information will create competitive markets in schools, making it difficult for lower-ranking schools to improve their performance. The Teachers Federation points out that the United Kingdom experience with leagues tables reduces the diversity in education because the curriculum's focus on tested criteria increases, to achieve a better rank. In conclusion, education is about so much more than just what can be tested; schools should foster creativity and community values. I am concerned about this approach, and I call on the Government to undertake a comprehensive review of the implications of this bill and report it to the House.

**Mr BRAD HAZZARD** (Wakehurst) [12.06 p.m.]: Any legislation that puts at risk the certainty of schools in their role as educational facilities and that seeks to expose schools to the possibility of being listed and compared has to be a cause for concern. The Minister for Education and Training already has a pretty poor track record when it comes to educational issues. You can smirk and laugh, but it is still a serious issue—

**ACTING-SPEAKER (Mr Thomas George)**: Order! The member for Wakehurst will direct his comments through the Chair.

**Mr BRAD HAZZARD**: The response from the new, young Minister is to smirk and laugh. I am simply saying that when we have all the major educational groups lining up to express concerns about the issue that the Minister is bringing before the House, instead of smirking and laughing the Minister should be listening. She should also be finding the right balance.

**Ms Verity Firth**: You don't think the balance is right? You don't think parents have a right to know about their local school?

**ACTING-SPEAKER (Mr Thomas George)**: Order! The Minister will have the opportunity to reply to the debate. Members will direct their comments through the Chair. I ask the Minister to listen to the member for Wakehurst in silence.

**Mr BRAD HAZZARD**: I will respond to the Minister's interjection, because it was better than the smirks and the laughing. There is no doubt that parents need access to appropriate information. But when the release of that information also has as a consequence the possible damage to their children's schools, or to other schools, then it is an issue that must be handled very carefully. As I said, the Minister's track record is not fantastic. I remember seeing the Minister on television talking about computers being rolled out to schools, which was a promise her Government had made. The Minister took the first opportunity she could to appear on television and blame her Federal colleagues for a failure to get the rollout that the State Government subsequently promised.

The Minister was quite happy to jump out from under, when her Federal colleagues announced they were going to put funding into computers, and appear on television and publicly blame them, saying, "Gee whiz, they are not actually doing what they need to do. They are not actually providing the additional funding necessary for the electricity connections and so on." Good on the Minister for at least being aware of that issue. What that indicated to me was that this Minister has to be carefully watched. The Minister is quite prepared to blame whomever, so long as the New South Wales Government is not taking responsibility for the failures in education. There have been many failures and they will continue.

The release of information is a challenging issue. Parents are entitled to have appropriate information about their child's school and the educational progression of their sons and daughters. The concern is that this legislation opens up the very real risk that schools will be judged on a very simplistic basis. I do not know the background of the Minister. I do not know if the Minister was a teacher. I was a teacher and I still have many colleagues who are professional educators. In the course of my time as shadow Minister for Education I visited many schools across the State. The criteria that are chosen to form any comparisons are extremely challenging and potentially very dangerous.

Schools in this State do an amazing job within the social and economic framework in which they are operating to get students to come to school on a daily basis, to get students to understand their role in society

and how they may be able to contribute, and to get those students to understand the necessary aspects of living within a community. The problem with the criteria that the Minister has jumped headlong into—the Minister is blaming the Federal Government but she is part and parcel of the problem—is that she was happy to sign up to a national agreement notwithstanding the fact that it is unclear from that agreement as to how exactly over time this material will be developed and/or made public.

I remember speaking to a principal in a particular part of the State—I will not say where—who said to me, "Brad, you have to understand that if we can get our children through the front school gate each day we are doing very well". I also remember speaking to a number of other principals in another part of the State who made the similar point that in their socioeconomic circumstances, getting children through the gates, and making sure they understand the basic skills of life, was a major plus for the educational outcomes of those children.

**Ms Verity Firth:** Don't you think they should aspire to higher standards than that? Is that okay for those kids?

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

**Mr BRAD HAZZARD:** The Minister asked if I think that is okay.

**Ms Verity Firth:** Do you think that it is okay for kids from low socioeconomic backgrounds?

**Mr BRAD HAZZARD:** You show a remarkable lack of understanding and a propensity to reduce arguments to an over-simplistic level.

**ACTING-SPEAKER (Mr Thomas George):** Order! I remind the Minister and the member for Wakehurst to direct their comments through the Chair.

**Mr BRAD HAZZARD:** Of course we should aspire for every child to achieve their maximum potential, but that covers a whole range of factors. It is not necessarily displayed through the sort of objective criteria that the Minister and her colleagues at the national table are inclined to consider as appropriate. There are some things that are difficult to quantify and parents are happy to know that their children are benefiting from. The Minister can understate and undervalue the role of teachers who are addressing those issues but I do not—I actually value them. I taught students who have academic capacity in a selective school. I understand what students with an academic capacity can do but that is not the issue. We are talking about children who have a long way to go before they can even get to the point where those sorts of academic outcomes are going to be achieved. New section 18A (3) states:

School results must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools, except—  
this proviso should be an embarrassment to the Minister—

... as authorised by or under a relevant national agreement.

On the face of it that may have some superficial appeal but what has to be understood is that this Minister, inexperienced as she is, and a number of other Ministers have sat around with their Labor colleagues in Canberra and given the nod. The question is how much of the nod was actually driven by the financial imperatives from the Federal Government. How much of it was driven by a sound understanding of educational principles and outcomes?

This Minister needed to stand up and make it very clear that Federal funds should not be used as a weapon to demand outcomes when she does not even know how those outcomes are to be translated. There are a bunch of junior Labor members in the Chamber at the moment and one of them, the member for Wyong, is interjecting across the Chamber. Let me inform that member that when the former Federal Government was in office, and I was the shadow Minister for Education at the time, there was a debate going on about school report cards. Not for one second did the Opposition hesitate to make sure that Brendan Nelson and his successor knew the State Opposition held concerns about those issues. When the Federal funding issue was put out there the State Opposition made sure that the former Federal Government knew its position was not to take over the primary role of the alternative State Government. We made it very clear that we would stand up to our Federal colleagues on matters of principle and issues and we would not be held to ransom like those on the other side are prepared to be.

**Mr Anthony Roberts:** We made it very clear.

**Mr BRAD HAZZARD:** Very clear. The bottom line is that this proposal has no real guarantee that students will not be damaged through the publication of school results and that the schools will not be damaged. I visited many schools as the shadow Minister for Education and every school I went to had good things happening—government and independent schools.

**Ms Verity Firth:** Let's talk about them. Why don't we allow other people to know about those good things? But you do not want that.

**Mr BRAD HAZZARD:** The Minister wants to interject yet again. I will explain to the Minister one of the problems. I will give the Minister a little example for her to focus on. Maybe they do not bother you because you are the Minister and you do not want to listen. You already have the pre-prepared view that because you are the Minister you will tell them that this is all great. Well, that is not necessarily so. Schools that are being evaluated under this system are also on the receiving end of the Minister's funding model. That funding model does not guarantee that a principal or a school will receive the funding they need in order to do the best possible jobs for their students.

I have only got a couple of minutes left so I will give the Minister but one example. Recently I was told of a school on the northern beaches where a student, who had been identified as very problematic and had some very challenging behaviour, had punched another student. The parent of that child rang and spoke to me. I told the parent that the problem is that the Government does not have any facilities for students on the northern beaches of that child's age to cope with or modify their behaviour. What the Government has—and if the Minister is interested I will speak to her privately about it later—is a class that operates in a school further away than the school this child attends. That school caters to children with challenging behaviour from kindergarten to year 2. That means children on the northern beaches who have challenging and problematic behaviour in years 3, 4, 5 and 6 cannot be dealt with. There are certainly other discipline schools but the discipline school on the northern beaches, which does a first-class job—

**Mr Robert Furolo:** Are you being wound up, are you?

**Mr BRAD HAZZARD:** No, I was not actually; precisely the reverse. That may be what they do to members on your side because they do not want them to speak. The Government wants its members to stand up and parrot whatever the Minister tells them to say. That is the difference between the alternative Government and this Government.

**Mr Andrew Fraser:** They have their speeches written for them.

**Mr BRAD HAZZARD:** They do have their speeches written for them by the bureaucrats and checked off by the Minister. Then they come in the House and parrot the same words. Let me finish the story.

**Ms Verity Firth:** Please do.

**Mr BRAD HAZZARD:** I know the Minister is not interested, but she should listen and then she might be interested in doing something for this child and the school.

**Ms Verity Firth:** Tell us the story.

**Mr BRAD HAZZARD:** The Minister has indicated excitement and an interest in this issue. I ask for an extension of time. [*Extension of time agreed to.*]

This particular problem reflects the broader situation. This child, who has challenging behaviours and, as far as I can establish, has been enrolled in at least three other schools before this school, has a lot of potential. This is the sort of issue that the Minister referred to. He has great potential, but the funding system and the education system that the Government offers do not provide that child with the opportunity he needs.

**Mr Anthony Roberts:** It fails them.

**Mr BRAD HAZZARD:** It is failing this little boy.

**Mr David Harris:** There were no facilities like that when you were in Government, not a single one. They did not exist. This Government introduced those facilities.

**Mr BRAD HAZZARD:** The member for Wyong is a complete twit.

**Mr David Harris:** Point of order: The member for Wakehurst referred to me as a twit.

**Mr BRAD HAZZARD:** A complete twit, actually.

**Mr David Harris:** If that is the standard of his argument, then I accept that is a personality trait problem. However, I ask that he withdraw the comment. I have more than 20 years' experience in education. I certainly know what I am talking about.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst has been asked to withdraw his comment.

**Mr BRAD HAZZARD:** I was observing that he was a complete twit by interjecting when he should not. But if he does not want to be called a complete twit, then I will withdraw the remark.

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst has withdrawn his comment.

**Mr BRAD HAZZARD:** This child is having a substantial impact on the other 31 children in his class. He is not getting the education input and services that he needs to address his issues. As a consequence, a parent has rung me to say that this child had punched her child. That school will be evaluated on the Government's independent criteria and the results published. That school on the northern beaches, and other schools, will suffer because the Minister and the education system have failed to adequately address the funding needs of that school. The Minister has failed to ensure an alternative venue where these children are provided with the professional assistance they need. My concern, and I am sure the concern of all educators, is that schools will be evaluated, but the Government will not provide the resources that the schools need to address the educational issues at their schools. It would be more appropriate for the Minister and the Government to be evaluated.

The member for Wyong interjected that no such facilities were available prior to this Government coming to office. The member may not know anything about the northern beaches. It is obvious the Minister for Health does not know anything about the northern beaches. There were a number of services for children, particularly in relation to literacy and numeracy issues, but they were removed by predecessors in his Government, or a metamorphosed version of his Government, long before he arrived.

**Mr David Harris:** Name them.

**Mr BRAD HAZZARD:** They were twits as well. This testing system will disadvantage schools because it will not reflect the problems that schools have in accessing the necessary resources from the Government. Unless the Government addresses the resource needs of schools, this legislation is unfair to the schools and the educators. It is lacking in any commonsense approach to the provision of education services. I remind the House that prior to the last election the Opposition raised a range of resource issues. The New South Wales Teachers Federation asked Tony Vinson to prepare a report. In his report Tony Vinson highlighted the lack of English as a second language teachers in the western suburbs of Sydney. He said that the system needed an additional 700 counsellors. He identified that resources in schools across a whole range of areas were sadly lacking. If a Minister for Education and Training fails to address resource issues in schools, which have been identified by Tony Vinson and other educators, it is unreasonable for the Government to introduce this legislation on the basis that it runs the risk of losing money.

**Ms Verity Firth:** It is an additional \$719 million going into teacher quality, low socioeconomic status communities and literacy and numeracy.

**Mr BRAD HAZZARD:** The Government should have sent a clear message to the Federal Government that it should provide funding for the needs of our children and our educational system, but not to hold a gun to our heads about how our schools are run.

**Mrs DAWN FARDELL (Dubbo) [12.26 p.m.]:** I speak to the Education Amendment (Publication of School Results) Bill 2009. My speech will be much briefer than that of the member for Wakehurst. I have been

contacted by parents and schools, from a small school in Wongarbron to larger schools in Dubbo, in relation to concerns about this legislation, and I have had representations from the New South Wales Teachers Federation, as have most members of the House. The Minister may address some of these issues in her speech in reply. I have been advised:

By overturning an existing regulation, it will lead to the creation of rankings of performance in national tests in primary and secondary schools, as well as, potentially, School Certificate and Higher School Certificate results.

The regulation, which has been in place since 1997, prevents the publication of school test results in a manner that ranks or otherwise compares the results of individual schools. It also protects the publication of results that reveal the results of particular students without their consent.

This regulation will be overturned unless the government's bill is voted down in the Legislative Council ...

Last week Australia's education ministers decided to overthrow an ethical principle which was adopted in July 2008. It stated that with respect to the reporting of test data there should be "the avoidance of harm to members of the community: this could occur where the privacy of individuals would be compromised or where the reputation of an institution or group of people would be damaged through the publication of misleading information or stereotyping.

The government is pretending that they will not be responsible for league tables appearing. It claims it will be at arms-length by merely providing the data to the federal government. The federal government intends that the data then be published on a central website. In a matter of moments media outlets will be able to organise the data electronically in order to publish league tables. This has already been done by the Courier Mail in Queensland and the Hobart Mercury in Tasmania.

I'm sure we don't need to explain how damaging this type of thing would be to the schools in our community.

There are various types of schools in my community, ranging from large high schools and schools of excellence to smaller central schools, which are my favourite schools. The smaller schools teach students from kindergarten through to year 12. The work the teachers at those schools do is amazing. Those schools have difficulty attracting teachers. Even Condobolin, which is outside my area, has staffing issues. A teacher at those schools who is trained to teach secondary mathematics may also be required to teach geography, business studies and other subjects, which they are not highly qualified to teach—although their students still get a good all-round education. Every year when the Higher School Certificate results are published, we see the same public schools at the top of the list. They achieve remarkable results, as do many other schools. One of the reasons the same schools are at the top of the list, for example, James Ruse High School, is that they pick the cream of students in years 5 and 6.

I digress a little and relate to the House a good story of a person who has come from an outback area and who has excelled, but through difficulty. Yesterday a news release reported that Michelle Trudgett is the first indigenous person to be awarded a prestigious \$70,000 postdoctoral research fellowship at Macquarie University. Michelle is a descendant of the Wiradjuri nation in my area. She was born in Dubbo but has lived in Sydney for most of her life. Dr Trudgett completed her doctorate via distance education, so she knows how difficult that can be. She said that external studies are very isolating. In her studies she will look at ways to increase participation in and completion of postgraduate degrees by indigenous students.

Dr Trudgett's doctoral dissertation investigated the support available to indigenous postgraduate students in Australia and resulted in 26 recommendations that could be implemented by government and universities. Dr Trudgett would like to see an increase in funding for indigenous studies, an increase in social interaction opportunities and a national website and chat room to connect indigenous students with each other. It is a remarkable story from a remarkable young woman. Members of her family still reside in my area.

I have mentioned the central schools and the Higher School Certificate but I must also acknowledge the significant amount of infrastructure funding that has gone into my area, which I have publicly welcomed. Our Federal member, Mark Coulton, has not. He has found ways to criticise. I cannot but support the amount of Federal and State government funding in my electorate, particularly in the area of TAFE. Right across the system we will see much improvement in TAFE studies in my area and I give my support to the Federal and State governments on the implementation of that funding, through the hard work of Carole McDiarmid and her team.

**Mr ANTHONY ROBERTS** (Lane Cove) [12.30 p.m.]: The Education Amendment (Publication of School Results) Bill 2009 amends the Education Act, overturning an existing regulation prohibiting the Department of Education and Training from publishing data that could be used to generate league tables—the ranking of schools. The bill is introduced in response to the Commonwealth's requirements that more school data should be made available as part of a 2008 national partnership agreement.

I place on record correspondence I have received from educators within my electorate. I take this opportunity on behalf of the New South Wales Liberal-Nationals Coalition to acknowledge and pay tribute to the hardworking and professional teachers across the system. It is a shame that they and their views on this ranking system are being held hostage by a Federal Government that is, effectively, holding a gun to the head of the State Government with respect to funding—a State Government that seems paralysed when it comes to negotiating a better deal for the teachers and schools of New South Wales. I have received correspondence from a teacher who currently teaches at a North Shore high school and who stated:

I want to register my concern that recent changes to the legislation allow the creation of league tables, as it has been called, and the ranking of public schools based on their performance. I imagine that the community would expect it to perform well. This is as much to do with the students as it is the teachers in the school. Students in—

a North Shore school but I will not divulge the name—

do represent a diverse multicultural background and many (approximately 50 per cent) come from non-English-speaking families. However, they are middle class families who are educated and value education and have the means to support their children in their studies with tutoring, equipment and emotional support. This combination, on the whole, makes successful students.

Prior to teaching at—

Once again, I will not read out the name of the North Shore school because, as the member for Wakehurst knows, when it comes to public servants addressing issues facing this State, quite often they are the subject of bullying and harassment within the system, so I am protecting this individual. The correspondence continues:

I taught at [an inner-west high school]. The school is a hardworking school with many successful programs targeting literacy and numeracy. It has the support of the department and local politicians who regularly attend days such as multicultural day in NAIDOC Week formal assemblies. Yet this school does not get many band 5's and 6's in the HSC. It struggles to improve the students' literacy and numeracy results despite the very best efforts. The question of why is a complicated one to answer but I feel that the socioeconomic situation with families at [the inner west high school] has a big influence. These are working families, many of whom are first-generation migrants who themselves have not achieved highly at school and are working in unskilled jobs or unemployed.

Many of the parents of the [inner-west high school] students are so uncomfortable in the school context they refuse to attend parent/teacher evenings. There are some families with drugs and alcohol issues. Most students attend regularly but there is a significant group of students that find merely attending school a challenge, let alone coming in uniform and with their equipment.

As an English teacher I have had many conversations with my colleagues about why our teaching was not translating into the marks we would have liked for our students. One of the reasons we felt influenced student performance was a lack of familiarity with children's books, for many cultures this is not something parents do for their children. The result of which is that many of the cultural reference points of Western education are lacking in those classrooms. How do you discuss Shrek when the students are not familiar with nursery rhymes and children's story characters? How do you discuss symbolism and references to literature when students have limited background knowledge? Reading widely underpins literacy and if you are teaching students who have never read much by high school it is very difficult to change the attitude of these students and start them reading.

To rank schools according to the student's performance is too simplistic and doesn't reflect the good teaching and wonderful programs of many schools. I am sure that if the ranking system is put in place it will read more like a richest to poorest list of Sydney's suburbs. What would be far more valuable would be a register of achievements of schools. List the programs they run and the success, academic and non-academic. [inner-west high school] and other schools like it don't deserve to be written off as failures because the students don't get as many band 6's as the students in [North Shore high school]. There are other wonderful things happening at schools like [inner-west high school] and [North Shore high school] that focus on the welfare of the whole student not just academic success. Let's stop the talk of 'bottom lines' and justifying funding with performance. These economic terms don't belong in the classroom. Children are not commodities and should not be thought of that way.

Please argue for a fairer system for the children and young adults, Say 'no to league tables' please.

As shadow Minister for the portfolio area of citizenship I share with the rest of my colleagues not just distrust relating to the inaccuracy of the league tables system but also the concern that if they are introduced all they will do is further stigmatise schools in areas where there is a high English as a second language percentage of the population. I see the Minister for Education rapidly scribbling. I in no way question the Minister's sincerity in this matter, but my major concern—and I believe it is the general feeling in this House—is that we are opposed to league tables because of the stigmatism, and my colleagues spoke before about the example of St Marys school. Children from that fateful class will be stigmatised in other classes for the rest of their lives. We cannot afford to allow that to happen. What is in the public interest is different from what is in the interest of the public.

Whilst I do not oppose the legislation, I ask the Minister to attempt to do what she did so well when it came to the computer rollout and take the fight to the Federal Government. We cannot afford to lose this money. It is unfortunate that we have a Federal Government that wants to hold us to ransom as hostages in return for

funding. A Federal Minister should not introduce a New York style of assessment; it just does not work in New South Wales. I remind the House that New South Wales is not Newcastle, Sydney and Wollongong. There is a vast part of New South Wales beyond the sandstone curtain.

By not opposing this legislation we are placing the onus on the Minister to ensure that we do not have a repeat of league tables being distributed and schools being stigmatised in the future. I ask the Minister in her dealings with the Federal Government to ensure that significant protections are in place—as I am sure she will do—so that we do not have a repeat of the St Marys front-page fiasco.

**Mr DAVID HARRIS** (Wyong) [12.40 p.m.]: I congratulate the member for Lane Cove on the majority of his contribution, which was well thought out. I also agree with many of his sentiments. Unfortunately, a number of the contributions to today's debate have been devoid of understanding of the issues. This debate involves two issues. The first is simplistic league tables. As the member for Lane Cove said, no-one believes that they should be produced. This legislation transfers the authority to publish the information from the regulations to the legislation. Secondly, we have a responsibility to ensure that we provide educational resources where they are most needed.

I joined the education system in 1987 and left in 2007. During that time I saw a vast improvement in the way in which data was collected. I first worked in what were called disadvantaged schools but which are now called priority funded schools. I worked with many students who had disabilities or learning difficulties. One of my main aims was to ensure that those children got the resources and help that they needed. Data collection techniques developed over those 20 years. In days gone by when we determined that a child needed help we had no data to support our judgement. However, through the Basic Skills Test and now National Assessment Program—Literacy and Numeracy [NAPLAN] we now have that data.

One of the important issues involves a national curriculum. I have great reservations about a national approach to curricula. We know that our curriculum is probably the strongest in the country. I have pointed out to this Minister and to the previous Minister that if we were to accept a national curriculum it should not involve this State dropping its standards—we should not say that we will accept a lower common denominator to facilitate the implementation of a national curriculum. The same applies to data. With a national curriculum we must be able to demonstrate across the different States how different students perform so that resources can be allocated to best effect. Raw data about the performance of each student does not assist in that regard. We must look at value-added data. That involves assessing a student at a set point—it is now at the kindergarten level—and then following that student's progress, hopefully to the School Certificate or the Higher School Certificate level.

By doing that we can determine what the school and the curriculum have added to that student over time. That is very important data because we know that children starting school have a range of skills. Some children, through no fault of their own—they might have parents with literacy and numeracy problems—do not get the support that they need before they go to school. Those children start school relatively disadvantaged when compared with children who have had more opportunities. Children who attend early childhood education generally perform better in the first few years of school than children who do not. Provision of those resources is a priority at both the State and the national level.

This proposal will not involve ranking schools from the bottom to the top; it involves comparing similar schools. Statistically it will compare schools that have similar socioeconomic and geographic characteristics. When that process was used in the Basic Skills Test program I was fearful that the disadvantaged schools in which I worked would always come out near the bottom. However, when comparisons were made with similar schools those schools were seen to perform quite well. Using value-added statistics we were able to demonstrate that children who came into the education system with low skill levels improved over time—that is, we were achieving a high level of value adding. That is very important data.

Parents do not want to know how their child is performing in comparison with a child attending a private school with every possible facility; they want to know how their child is performing compared with children in a similar situation. They want to know that their child is performing to the best of his or her ability. I always told my students that their final results were not the issue; the issue was doing their best. That is all I ever asked of them. As the principal of four schools, that was also the criterion I set for teachers. I made it clear that we had a responsibility to ensure that children were given the opportunity to do their best.

These testing regimes have been improved since the Basic Skills Test was first introduced. Over time we have been able to implement individual education plans. We develop case management plans for children in

band one, and hopefully in band two, and we work with those children to improve their educational outcomes. Case management has been important, particularly with Aboriginal students. It first came to light in a program called Dare to Lead. It was a voluntary program to which many schools signed up so that they could improve the performance of Aboriginal students. We developed individual learning plans and teachers had to report to me about how those students were performing. We were able to ensure they had additional resources and we used that evidence to make applications for behaviour and disability support funding. We had better information.

I remember that when I first went into the education system we would sit around the table and discuss student progress. We would decide that we really wanted to help a particular student and we would make an application for extra resources. We would then cross our fingers and hope for the best. Now case management teams—which include support teacher learning and district support teachers—diagnose specific areas of need and include them in the application, which is a great help in the argument for funding. Without these testing regimes we would not have that level of information.

It is important to note in this debate that we do not want simplistic league tables. The real onus is on the media. The media will concoct cheap tables to sell newspapers. However, they have a duty to deal responsibly with the education sector and young people. The self-image of a young person is very fragile. We have a high level of youth suicide and drug and alcohol abuse. We must all be mindful of the effect of these cheap headlines. At the same time, we should not shy away from the fact that this data must be collected because it helps our children and it ensures that we do a better job.

When I was involved in education we would get the results of the Basics Skills Test—it is now the NAPLAN test—and we would go through each question to determine where the children had gone wrong and why they had made mistakes. We were then able to come up with teaching strategies to help teachers help those children who had made mistakes and to implement strategies so that other children coming through the school did not face the same issues. It is very technical. The Department of Education and Training provides fantastic packages to support the SMART data process. My wife is an assistant principal and of an evening when we are in our office she goes through test results and produces individual profiles. It is a lot of work but it ensures that our education system meets the needs of every student.

No-one wants cheap, easy-to-do league tables which damage children's self-esteem and which do not prove anything. We need sensible collection of data that is appropriately analysed to help cater for individual student differences. That is of utmost importance. I hope the Federal Government is sensible and does not allow this information to be used inappropriately. It has the potential to do a great deal of good. It can guide the way in which our schools operate and ensure that important financial resources get to the right places. At the end of the day, this is all about ensuring that students have the best opportunities in life.

As I said, I am sure that is what the Federal Government wants to do; I know it is what the New South Wales Government wants to do. I am sure all members support that sentiment. The onus is now on the media to make sure they do not do the wrong thing, that they do not take the easy line as they did in the United Kingdom. I was reading this morning how many extra issues the United Kingdom *Telegraph* sold when it published simplistic tables about what is the best school to send your kids to. That is what we do not want. The media have to take on board that responsibility—not go for cheap headlines but make sure this data is used for the right reason, and that is to help kids.

**Mr MIKE BAIRD** (Manly) [12.49 p.m.]: I speak on the Education Amendment (Publication of School Results) Bill 2009 and acknowledge the contribution of the member for Wyong. It is terrific to have in this place people with different experiences, and certainly his experience in education and his contribution to the debate are appreciated. He has far more understanding of the issue than I could ever have, and I acknowledge his contribution and the benefit to educational outcomes that some of his information could provide. I speak from a personal and a passionate point of view, but certainly not from a technical point of view. Our shadow Minister, the member for Murrumbidgee, argued vehemently about the damage that simplistic league tables can cause. That remains a concern and I will get to that. We support him on this issue and put the onus on the Labor Government for what happens in the future.

I acknowledge the experience on our side of the House. The member for South Coast, Shelley Hancock, is a teacher who has taught thousands of kids. League tables fail to tell the real story. Shelley knows the story of Wes Smith, a young man who did not enjoy school and who left school early. Shelley Hancock put a twinkle in his eye. She made school interesting for him and enabled him to leave at a level sufficient for him to get into the Navy. He remembers fondly his time in her class and the lessons she gave him. He is now moving to

Canberra with his wife, Kristie Morgan, who did an outstanding job working for me and who will be dreadfully missed. He is on a career path that may well take him to the United Nations. Someone like Wes would not feature on a league table, but the power of education is there for all to see in his story and where he is going in the future. I understand the premise of the bill. As the member for Wyong said, getting information, applying it diagnostically and improving educational outcomes across the State and the country comes with a heavy responsibility. The Minister said in her speech:

The provision of school information to the community should be done in such a way as to enhance community engagement and understanding of the educational enterprise.

The Ministerial Council on Education, Employment, Training and Youth Affairs agreed with that statement. I understand that premise but we point out that we are passionately concerned about league tables. In her speech the Minister talked also about a well-known example and the damage that it had caused. I share a personal example. A league table on Higher School Certificate results was published for a local school. Not surprisingly, when that school was at the bottom of the list, it caused considerable damage to the community. It was not just a one-off event. The implications of that remain with the school. A new headmaster who was vibrant, energetic and passionate about educational outcomes was doing an outstanding job at the school and the wind was taken out of his sails. The wind was taken out of the sails of teachers who were trying to provide a future for these students and they and the broader school community were impacted. There was a collective mourning—a whole group of people in the school community that was working hard to change the lives and futures of these kids was dismissed with a single box on a league table, which is not right. It is not a reflection of that collective effort.

One of the things I have done in this job is to learn to love my schools passionately. I cannot believe the work that they do, and I cannot believe the work that principals and teachers do day in and day out. The Minister has agreed to visit one of my schools at the end of the year to see the incredible outpouring of emotion in a new generation. Most importantly, in Manly Vale Primary School she will acknowledge the parents, the teachers and the principal and thank them for what they are doing for this new generation. We are connected in a real and tangible way with our schools and communities, which is why there is so much emotion on this side of the House. We are giving the Minister significant responsibility: we are asking her to ensure that league tables are not published. She said in her speech that there was agreement between State and Territory Ministers that governments would not publish simplistic league tables and rankings, and that they would put in place strategies to manage the risk that would emanate as a result of third parties seeking to produce such tables or rankings. We cannot underestimate the importance of those comments. We are giving the Minister responsibility to protect our schools and communities and to drive educational outcomes and provide the resources where they are needed the most.

The member for Murrumbidgee and shadow Minister is a strong advocate for getting resources to those across the State who need them most. We support him in that 110 per cent. We ask the Minister to fight for funding and for a constructive use of the data. Under no circumstances can we entertain the pain that might be engendered in a school and in the broader community as a result of simplistic league tables. We ask the Minister to take on that responsibility and we will be holding her to account. She has our support in achieving what she is trying to achieve with the bill, that is, improving educational outcomes by ensuring that simplistic league tables do not see the light of day.

**Mr ANDREW CONSTANCE** (Bega) [11.56 p.m.]: In making my contribution to this debate I indicate likewise that I oppose league tables but I will not be opposing the Education Amendment (Publication of School Results) Bill 2009. The principal reason for not opposing the bill rests in the indication from the Minister that of the order of \$4.8 billion in funding over the next four years is contingent on this bill being passed. It is sad that the Commonwealth is able to require the New South Wales Government—New South Wales Parliament, for that matter—to produce this type of bill. The Minister, in her agreement in principle speech, said that all State and Territory Ministers had endorsed the important principle that public reporting should not be by way of crude league tables.

I am intrigued to know what the Minister means by "crude". We do not want to see the reporting of any league tables. We are opposed to league tables in the form that is recognised by everybody in this House. State and Territory Ministers have met and said that they endorse the principle, but I ask the Minister: What guarantee and what protection is there in a legislative sense at the Commonwealth level that gives the same protection in relation to the reporting of league tables that currently exists at the State level? We want to see such legislative protection in place but there is no such framework at the moment. The New South Wales Minister for Education

and Training will be held to account by the enormous number of parties involved in education in New South Wales who are opposed to the publication of league tables. They range from the Catholic Secondary Principals of Australia through to the Teachers Federation.

We want to know what guarantees and what legislative framework will be in place by the Commonwealth to ensure that we do not see people putting in freedom of information requests, gaining access to the information and then reporting it more publicly. Reporting more publicly can do enormous damage to school communities and beyond. One of the main reasons I am concerned about league tables is that many country communities have only one school and comparisons could be made that may deter professionals from moving to the area. Country communities struggle to attract doctors, and doctors with children of school age could be deterred from relocating to or setting up practice in country communities because of the crass reporting of league tables, which may not be indicative of education afforded to children in those communities.

League tables do not provide an accurate assessment of the direction of a school, although I accept that in some instances within government agencies they might provide a good diagnostic instrument for resourcing. I am concerned that we do not have an indication from the Government of the protection to be afforded to this information so that it does not end up in the hands of the media and that schools are not reported in the manner they have been reported in the past. I ask the Minister in reply to indicate what she means by her description of "crude" with respect to league tables. The Opposition has been asked to accept the guarantees through the Council of Australian Governments process, but I ask the Minister to reflect closely on what legislative protections are in place at the Commonwealth level to mirror the situation in New South Wales because that is the key to this debate.

In light of some of the statements made by the Minister, the Opposition will hold the Labor Party to account if any information obtained by the Commonwealth is misused. The Minister has made some big statements, which could come back to bite her down the track. She can rest assured that the New South Wales Liberal-Nationals Coalition, along with the various education organisations, will hold her to account. If by chance the production of league tables or any other information that damages the reputation of New South Wales schools does occur, we will call on the Minister to resign. That is how serious we regard the matter. The Minister has set the benchmark. At the moment she has agreed with the Commonwealth on the basis of a meeting at which Ministers sat down and agreed to a principle that has not ensured legislative protection is in place.

There is one simple test, that is, to apply the protection in New South Wales versus that of the Commonwealth with respect to the production of material and to whom it is made available, whether through a freedom of information request or a decision by Julia Gillard to release information publicly. I emphasise that the impact could be significant for country schools. Having said that, I agree with the need for openness and accountability so that parents can make decisions about school. Nevertheless, we do not need crass reporting of league tables to damage country communities in New South Wales. The Minister for Education and Training has used a few words that are of concern. To that end, I look forward to her giving a guarantee in reply that the legislative protection afforded to school communities in New South Wales will be in place at the Commonwealth level.

**Mr ROB STOKES** (Pittwater) [1.04 p.m.]: I make a contribution to debate on the Education Amendment (Publication of School Results) Bill 2009. Like other members, I have strong objections to the publication of league tables identifying the performance of individual schools on the basis of extremely limited and potentially misleading data. As with other members, I was alarmed at the title of this bill, which directly mentions the object of publishing school results.

League tables are totally misleading. They do not reflect the enormous geographic, economic and demographic differences between schools, between students. League tables focus on so little data—just the outcome of a couple of short, limited tests. League tables take no account of the wonderful diversity of programs and strengths between schools. My community of Pittwater is served by some wonderful schools, including a Montessori school, two wonderful Armenian schools, a German school, a Japanese school, the Northern Beaches Christian School and the peninsula community of schools, a collection of government schools that have banded together to share their strengths and to use their diversity to promote even stronger and better opportunities for students. They are using their differences to create a stronger education network by acting together.

One can see quite quickly, just with these few examples of the diversity of schools in one local community of Pittwater, that any comparison between such a diverse range of schools would be so vague as to

be utterly meaningless if taken out of context. League tables threaten to completely and unfairly stigmatise schools and teachers—let alone students—based on incomplete information. I have listened to the protestations of members opposite that the safeguards in the bill will ensure that data collected will be used solely for the purpose of improving school performance and student opportunities. They are essentially asking to be taken on trust or, at least, that we should take the Federal Government on trust. In particular, I noted a couple of the Minister's statements in the agreement in principle speech on this bill. I read them again because this is crucial to the bill. First, she stated:

The bill will continue to provide protection to the results of identified individual students.

Later she stated:

National discussions have confirmed that the information enabling matching of particular students over time will be destroyed after the analysis is performed. These security safeguards will guard individual students' privacy in accordance with the requirements of the bill.

The existing regulation also prevents third parties from obtaining information from government in the form of a league table under freedom of information legislation. This will continue under the provisions of this bill. The Government has formed the judgement that this is one of the cases where the public interest in publishing the information in a particular form is clearly overridden by the public interest against this. This information will be retained as an overriding secrecy law within schedule 1 to the new Government Information (Public Access) Bill ...

Finally, the Minister noted:

... new section 18 (A) (3) maintains the existing New South Wales protection that school results must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools, except as authorised by or under a relevant national agreement. The only change being introduced here is to allow the New South Wales Government to provide raw data to the Commonwealth. All other protections remain in place.

Fundamentally, we have little choice but to accept these guarantees since almost \$5 billion in Federal funding under the National Education Agreement is effectively tied to this legislation. The Realpolitik of funding means, as the member for Lane Cove put it, we have a gun at our heads in relation to this bill. I hope that the Minister's commitments that school data and student data will remain safe from misuse and not just genuinely given—as I am sure they are—can also be practically delivered.

**Mr KEVIN HUMPHRIES** (Barwon) [1.08 p.m.]: I speak in debate on the Education Amendment (Publication of School Results) Bill 2009. Initially, when the bill was first proposed, I was not very comfortable with it. Indeed, I still remain quite uncomfortable with it, as someone who spent 20 years in education as an administrator and teacher. This is not the first time this discussion has been had, at either the State or national level, or indeed at the international level. Over the years I have participated in a number of discussions on this very matter.

The cause for concern has always been the authorisation that the State hands over. If one compares it to other authorisations that the State has recently handed over—one being the sign-up to the Murray-Darling Basin agreement—the parallel is that the State hands over the authority to the Federal Government and we tend to lose our decision-making in regionalisation and local input, to a point where we get done over. As previous speakers have said, part of the difficulty in handing over responsibility for data collection to a Federal authority, particularly when it relates to school student performance, is that we end up with more centralised authorities which potentially can become more easily able to be manipulated and controlled, I believe, and therefore it becomes more of a political agenda than an educational agenda.

Julia Gillard went to New York, I believe, soon after the last Federal election. It is interesting to note that that is when league tables hit the media front. Schools in the United States are not run by State authorities; they are very much controlled by the local entity. I believe they are highly political. The examples that Julia Gillard related to were very much around naming and shaming schools, in publishing the information in order to, I believe, politically and in a manipulative way, highlight the weakness of some of the schools that were not performing. The question must be asked of the Government: Will this information sharing be used for purposes other than educational and planning purposes? I am aware that quite a deal of information, in both government and non-government sectors, goes from the States to our Federal authorities. I understand that there already is an information sharing exchange there. Or will that information be used for other means? As previous speakers have asked: Is it really to hold New South Wales to ransom for much-needed funding for our education system in general? I look forward to hearing the Minister's response with regard to that aspect.

Naming and shaming schools in difficult areas, which is where Julia Gillard focussed—basically the analogy was that you would shame schools into either closing down or performing better—is a pretty crude

strategy. There are ways in which one can obtain information to justify and target funding. Whilst no member on this side of the House has any problem with—and would indeed encourage—data collection, it should focus on a wider area than just a narrow side of the curriculum, being literacy and numeracy. As the member for Pittwater said, our schools are very much focussed on the provision of the curriculum, particularly in country areas where no two communities are the same, and in electorates like mine where we have a large number of Aboriginal people, which in many cases requires a potentially different approach and different forms of engagement. As a side analogy, I would be interested to know how the data will translate back to local communities. One community in my electorate is Walgett Secondary School. For example, more secondary indigenous students attend boarding schools in Sydney under a philanthropically supported scheme than attend Walgett Secondary School. More than 70 indigenous students attend school in Sydney at the moment.

I ask the Government: Will that basic skills testing translate back to the schools and reflect their performance, or will it translate back to the current socioeconomic status code, back to where the students come from? A few questions have not been answered in the Minister's agreement-in-principle speech, nor have they been addressed in the bill. As I have said in this House before, another matter that concerns me is where students who currently are not attending school sit. We know that in many of our communities, both urban and rural, and certainly in remote communities, basic skills testing in secondary schools is not happening. That is because the students are disengaged from the system and they are not attending school.

I am not sure where the information sharing will come into play with targeting some of the extremely disadvantaged schools. Whilst The Nationals and Liberals support accountability and transparency in reporting, both to parents and our funding agencies, we need to be clear about what this information sharing will result in. Will it mean better educational outcomes for many of our disadvantaged communities? If that is what the information and data gathering is meant to achieve, to date it has not worked. Indeed, last year Walgett Secondary School, to which I referred earlier, was the most expensively run school in this country—to the point where more staff than students were present at the school at the end of the year. I am not sure where the information produced in league tables will go, but it may help improve the lot of people living in some of the disadvantaged communities.

It has been said that many of our country communities do not have choice, and that ranking our schools will not necessarily give parents any more choice. In fact, in most cases parents do not have any choice. The other issue, which our city counterparts experience, is that we still have school zoning in place. Will publishing information to the general populace who have school-aged children improve their access to other schools? The Government cannot publish information and give people more choice, while it still has policies in place that refer to zoning. Whilst the zoning, I believe, is still reasonably discretionary, it is still a policy, I suspect, that would be in contrast to the big issue around giving parents more choice. I would much rather see a concerted effort into improving the educational outcomes for all schools, and for the 70,000 teachers that we have in this State across the public and private systems. Many members of this House have asked that the Minister actively pursue and articulate that the information sharing that potentially we are about to embark on is not used for other purposes around naming and shaming but is specifically used to drive more realistically targeted funding to help improve the educational enterprise of this State.

**Mr THOMAS GEORGE** (Lismore) [1.18 p.m.]: I speak to the Education Amendment (Publication of School Results) Bill 2009. Members on this side of the House have outlined and, I believe, justified the Opposition's concerns about the bill. A number of teachers have expressed to me their concerns about the legislation. I must declare an interest: my wife is a teacher. The teachers' main concern is that there will be no league table. The Minister seems to have assured us—and we accept her assurance—that the information will not be given out through the Commonwealth via any means. I place on record that I accept the Minister's assurance, on the basis of the way the bill has been presented to the Parliament. I have also received representations regarding the bill from Dave Hanley and Gae Masters from Richmond River High School, Peter Campbell, the Principal of Lismore High School, and Ralph Taylor from Wyrallah Road Public School, who are well-respected people. I pay tribute to the teachers.

**Ms VERITY FIRTH** (Balmain—Minister for Education and Training, and Minister for Women) [1.20 p.m.], in reply: As I said earlier, the capacity to report on the results achieved by schools in the New South Wales education system has been the subject of a regulation since 1997. This prevents the publication of school test results in a manner that ranks, or otherwise compares, the results of individual schools. It also protects the publication of results that reveal the results of particular students without their consent. The New South Wales Labor Government introduced these limitations on the publication of data to protect school communities from simplistic league tables. The Government is unequivocally opposed to measures that rank schools in such a way.

What the Commonwealth will be doing is to provide parents, systems and schools with a rich array of data that allows informed decision-making. The Government makes no apology for providing parents with this information.

The Government already provides substantial information to parents in New South Wales, and has done so for a decade. The new Commonwealth requirements recognise that Australia is a country of 20 million people and that a common national approach to information provision is long overdue. What this legislation does is retain our opposition to league tables, while maintaining our support for the Commonwealth's position on the appropriate publication of data. Despite the protestations of the Opposition, on a bill that it has nevertheless agreed to support, New South Wales will be the only State or Territory that retains its opposition to league tables in legislation—that is no small thing.

The Opposition is opportunistic and hypocritical. For 10 years their colleagues at the Federal level tinkered with ludicrous reforms that insisted on flagpoles and posters. New South Wales complied with these ridiculous demands because they were preconditions for funding. What did the New South Wales Opposition say at that time? Nothing. Not a peep. When the Rudd Government provides significant funding attached to real reform the Opposition begins to take note of education policies for the first time in a decade. Behind the words of the member for Murrumbidgee lies a deep scepticism of the performance of public schools and, in particular, public schools in rural areas. These words are defensive and their tone is offensive. Public schools in country New South Wales are fine schools and will continue to be able to demonstrate their capacity and the work that they do.

I would also like to address the issue of "like school groups" and the Commonwealth protocols. Like school groups will allow appropriate comparisons between schools serving similar populations in similar communities. The Commonwealth's publication of school information will not rank schools on a single measure. Like school groups are designed to prevent this occurring. The member for Riverstone made a very good point about what value-added data means. The member for Wyong pointed out that value-add is basically about the value that the school adds to that child's education. I place on the record that, unlike members of the Opposition who seem to believe that it will only be public schools that will lose from this process, public schools will perform incredibly well when it comes to looking at this value-added data. This data will help the fantastic and amazing achievements that happen in our public schools every day to be demonstrated to the world.

The Commonwealth protocols will ensure that like schools are compared to like schools. As Minister for Education and Training I can already access this data. In fact, like school comparisons are already occurring in New South Wales, and are being voluntarily publicly reported by 60 per cent of schools. Indeed, school rankings are set out in school annual reports. I will re-emphasise the meaning of like school groupings for those Opposition speakers who did not appear to quite understand its meaning. Like schools are when you compare schools with similar populations. We know from the data we already have access to that some schools do better than others and we need to learn from that. Why are some schools with very similar populations performing better than others? We need to identify those schools in need so that we can provide them with the support required to achieve better educational outcomes for the children. They need to be provided with extra resources.

Contrary to what the shadow Minister for Planning said, there are significant extra resources on the table. In fact, the national partnership is worth \$719 million for schools from a low socioeconomic background, for teacher quality and for literacy and numeracy programs—significant resources for the schools that most need them. What is wrong with using a transparent public process to identify the schools that need extra support and help? The Government will be using the data as a diagnostic tool for better teaching outcomes. The member for Wyong made an excellent contribution to the debate. He spoke passionately about the role that data has played in our schools and in improving educational outcomes for our children.

Teachers in all public schools in New South Wales have access to how each child in their class performed in each question in their National Assessment Program—Literacy and Numeracy [NAPLAN] tests. The teachers can see if there is an area in need of classroom work or if there is a group of questions that the children in their class did not answer so well. Teachers can then tailor lessons to meet the needs of those students. Teachers can strike a better educational outcome for their classes and from the real data they can work out what needs to be done. This is an incredibly diagnostic powerful tool for better learning outcomes for our children.

The member for Lane Cove, and many other members of the Opposition, is a little confused as to what is going on. The member for Lane Cove believed this legislation was about simplistic league tables and that it

would inevitably lead to a listing of schools from the richest to the poorer suburbs. I place on the record yet again that when this data is provided to the Commonwealth it will not be used to rank schools in a simplistic manner. It will not be used to prepare league tables. In fact, the member for Lane Cove will find that the children in most of the schools in his electorate will be compared with children of similar backgrounds in other schools on the lower north shore.

If the media publishes any simplistic league tables I guarantee to the House that I will be the first to stand up and publicly condemn those publications. Moreover, I will be telling the parents and the citizens of New South Wales that they do not need to pay attention to the simplistic rankings of the newspapers because all the information they need is publicly available on the Internet. The information is publicly available, with the results displayed in the full context of a school's socio-economic status, population, level of funding and so on. There will be no need for parents to look at any simplistic rankings that newspapers may decide to publish because they will have that rich data already provided within that context.

The Commonwealth protocols are an additional safeguard. The avoidance of harm to schools and communities protocol, which the Opposition has referred to, is clearly implicit in all of the protocols and is supported by the like school group concept. The alternative is for communities, parents and systems to have less information than bureaucrats and ministers. Despite arguments that every school is different, which is a motherhood statement if I have ever heard one, parents make decisions about schooling every year. At the moment they are making decisions on the basis of available information. They often make decisions on the basis of rumour or innuendo from what they heard from Mrs Jones down the street, when she said so-and-so school was not good but another was. It is not based on real information or an analysis of what that school is achieving for the children in the classroom every day. The bill will assist in the process of providing parents with actual information in that context and with the protection provided by the protocols.

It is the height of hypocrisy for the Opposition to come into this place and seek to lecture the Government about league tables and unfair comparisons of schools. I have in my hand a freedom of information application dated 9 May 2009 from the Leader of the Opposition. That freedom of information application seeks for every secondary school the number of Higher School Certificate awards and the number of students with a university entrance rank above the median. In other words, precisely the information that would be required to construct a simplistic ranking of schools. Precisely the information needed to construct a simplistic league table. Precisely the information that Opposition speakers this morning say would be of great damage to schools across the State were it to get into the public realm. The Opposition wants to have access to this information for political purposes but it does not think the public should have access to it. The Opposition apparently does not think that parents in New South Wales should be able to see that information about the schools to which they send their children.

It is also interesting what the Leader of the Opposition does not ask for. He does not ask for any contextual information about the schools for which he wants results. He does not ask for the schools' socioeconomic status, the proportion of indigenous students, attendance data and the like. The school reports that will be published by the Commonwealth will contain all this contextual information so that the public can make sense of the accompanying test results. The Commonwealth's reports will make sure that comparisons of schools are fair and constructive. The Leader of the Opposition will not. That is not his intention. He simply wants to be able to rank schools for political purposes and wreak havoc on low-performing schools—a position that Opposition speakers have had the gall to masquerade in this place as one they oppose.

Section 18A makes provision for continuing present practice whereby a testing authority—the Department of Education and Training or the Board of Studies—may give a school or system of schools its own results. This does not amount to publicly revealing those results. For example, the government school system, the Catholic Education Commission or any other recognised system of non-government schools are entitled to be given the results of schools within their system and this does not amount to publicly revealing that information. The amendment also ensures that no student or school-level data will be forwarded by the State to the Commonwealth or to an authority established by the Commonwealth without it also being available to the relevant school and system of schools.

The intention of section 18A is also to take account of the present situation whereby some of the data, such as the National Assessment Program—Literacy and Numeracy tests, are under the jurisdiction of the director general and other data, such as the Higher School Certificate, are under the jurisdiction of the Board of Studies. These are important issues for the Catholic and independent schools systems, which are supporting the

passage of this legislation. As I said in my agreement-in-principle speech, all State and Territory governments and the Commonwealth have agreed that for the first time in 2009 there will be nationally uniform reporting about the results of individual schools. The Ministerial Council on Education, Employment, Training and Youth Affairs [MCEETYA] endorsed the principle that:

The provision of school information to the community should be done in such a way as to enhance community engagement and understanding of the educational enterprise.

I seek leave to conclude my reply.

**Leave granted.**

As well, all State and Territory Ministers have endorsed the important principle that public reporting should not be by way of crude league tables. Instead, the national agreement replicates the best features of the system we have developed in New South Wales—that is, individual reports for each school with rich information, rather than a single numeral. The protocols agreed by MCEETYA Ministers on 12 June specifically state:

Governments will not publish simplistic league tables or rankings, and will put in place strategies to manage the risk that third parties may seek to produce such tables or rankings.

This bill gets the balance right. It builds on the record of increasing transparency about school performance, a record that New South Wales is proud of. Parents in New South Wales should have the right to detailed information about the performance of their child's school and presents a fair comparison of their school's performance against other similar schools. At the same time, this legislation leaves in place in New South Wales the protections that have been developed to prevent simplistic rankings that are not in the public interest. It is vital for the education of children across New South Wales that this bill is passed urgently by this Parliament. New South Wales is required to provide this data to the Commonwealth under the terms of the National Education Agreement. Tied to this national agreement is \$4.8 billion in funding over the next four years. That is around \$1.2 billion per annum, or roughly 20 per cent of the annual cost of employing public school teachers and other school staff.

This bill not only is about funding but is also required in order for New South Wales to receive Commonwealth funds to run New South Wales schools. Crucially it is also about transparency and parents' right to know. All parents and communities should be able to use the richest array of contextual information when looking at schools for their children. As I said previously, parents already are making these choices. But they are making their choices based on innuendo, rumour and supposition. Leaving a child at a school gate for the first time is a significant act of trust. Parents have the right to information that builds this trust. They have a right to information that is factual and true, and provided in an appropriate context. I commend the bill to the House.

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

**Motion agreed to.**

**Bill agreed to in principle.**

**Passing of the Bill**

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

*[The Assistant-Speaker (Mr Grant McBride) left the chair at 1.35 p.m. The House resumed at 2.15 p.m.]*

**BUSINESS OF THE HOUSE**

**Notices of Motions**

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

## QUESTION TIME

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[*Question time commenced at 2.21 p.m.*]

### SPORTING GOODS PURCHASING POLICY

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Given the Premier claims his number one priority is protecting New South Wales jobs, why is he forcing schools to purchase sporting goods from interstate, leaving local suppliers, such as Goodbody Sports in Sutherland shire—

**Mr Kevin Greene:** It's Goodbuddy.

**Mr BARRY O'FARRELL:** It was until it had to lay off staff.

**The SPEAKER:** Order! The Minister for Planning will come to order.

**Mr BARRY O'FARRELL:** Why is the Premier forcing schools to purchase sporting goods from interstate, leaving local suppliers out in the cold, such as Goodbuddy Sports in Sutherland shire, which has been forced to put off one staff member and turn another position into a part-time job?

**Mr NATHAN REES:** We will get this checked out. However, yesterday the member for Barwon stood in this place and said that the Government had axed four counselling positions in Moree. Guess what? Wrong! He was wrong, just as the shadow spokesperson on Health has been wrong time after time.

**Mr Kevin Humphries:** Point of order: I refer to Standing Order 129, relevance. The question was about Goodbuddy Sports and the movement of jobs from New South Wales to Victoria.

**The SPEAKER:** Order! Government members will come to order. The member for Barwon will resume his seat. The Premier was making introductory remarks.

**Mr NATHAN REES:** That goes directly to the credibility of the assertions made by the Opposition, led by the Leader of the Opposition.

**The SPEAKER:** Order! Government members will cease interjecting.

**Mr NATHAN REES:** Yesterday we saw a picture of manufactured outrage.

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

**Mr NATHAN REES:** The member for Barwon was a picture of manufactured outrage about a false assertion. It goes directly to the credibility of the Leader of the Opposition—

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

**Mr NATHAN REES:** —with regard to the well documented case of the Civic Place redevelopment at Parramatta and the Land Acquisition (Just Terms Compensation) Amendment Bill. This is what the Leader of the Opposition had to say—

**Mr Barry O'Farrell:** Point of order: Mr Speaker, in response to the point of order of the member for Barwon you referred to the Premier's introductory remarks. My question was very simple. It related to jobs being lost at Goodbuddy Sports because of this Government's education policy and the Premier's hypocrisy in claiming that he is protecting New South Wales jobs. You are wrong!

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

**Mr NATHAN REES:** The owner of one of the properties, Mr Ray Fazzolari, was on the Alan Jones program. He was asked, "Before the Coalition concocted this amendment—

**Mr Adrian Piccoli:** Point of order: Mr Speaker, the Premier is canvassing your ruling. He is continuing where he left off.

**The SPEAKER:** Order! I am listening carefully to the Premier's answer. I will hear further from the Premier.

**Mr NATHAN REES:** Mr Fazzolari said, "We were assured that they were going to oppose the bill." That is, the Opposition was going to oppose the bill.

**Mr Andrew Stoner:** Point of order: I refer to Standing Order 129, relevance. The Premier is commenting on legislation that has already been debated in this House; he is not responding to the question asked by the Leader of the Opposition.

**The SPEAKER:** Order! I will hear further from the Premier. I have reminded the Premier of the question before the House.

**Mr NATHAN REES:** Suffice to say, the Leader of the Opposition looked this gentlemen in the eye, shook his hand and then reneged on the deal. That is the reality. The Leader of the Opposition is speaking out of both sides of his mouth. That is the reality.

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

**Mr NATHAN REES:** I am advised that the department has a procurement value guarantee in place that ensures that no school needs to pay more for a product under contract than it would pay for it if it were sourced locally and if it is of an equivalent quality and specification. I will check the details of the assertion. However, like the member for Barwon yesterday, the Leader of the Opposition is wrong, wrong, wrong. It is like him shaking hands with Ray Fazzolari and then reneging on the deal. This is an issue of credibility.

#### **FIRST HOME BUYER ASSISTANCE**

**Ms ALISON MEGARRITY:** I direct my question to the Premier. What is the latest information on Government assistance for first home buyers?

**Mr NATHAN REES:** We hear deep groans from the Opposition. They do not like first home buyers getting a leg up. I will answer the question simply: New South Wales first home buyers have once again broken the State's monthly home purchasing record. More grants were paid out in May this year than in any month since the scheme began in 2000. It appeared that an unbreakable record was set in March when \$159 million was paid out in grants and subsidies to help 6,500 home buyers in New South Wales. That record was broken in April when \$166 million was provided to help 7,000 first home buyers. After two consecutive record months, the record was again broken in May, with \$178 million being provided to help 7,300 first home buyers. That is double the number of grants and subsidies provided in May last year.

That is an extraordinary record. It means that since March the New South Wales Government has helped 21,000 young families to secure their most important investment: their first home. Young couples like Duncan and Ashley bought their first home in Blacktown. Duncan is a fourth-year apprentice and he and Ashley obtained about \$26,000 in assistance from the New South Wales and Federal governments, which has enabled them to buy their first home. I visited them at Blacktown a couple of weeks ago and I know that they are very proud homeowners. Of course, new homes mean jobs and these results are no accident. They are the product of the State and Federal governments working together to build confidence in the housing and construction market.

Last week the New South Wales budget delivered a 50 per cent cut in stamp duty on new homes. That is helping young couples like Alicia and Nathan, whom the member for Camden and I recently met in Mt Annan. They have sold their first home and are now looking to buy a newly constructed second home for about \$500,000 as a house and land package. Under this Government's new arrangements they will save almost \$9,000 in stamp duty. They told me that without this assistance they would be putting off this purchase for many months. The budget also extended our \$3,000 new homebuyer supplement by an additional year. The Urban Task Force had this to say about these measures:

The New South Wales Government has put its money where its mouth is—they are clearly serious about supporting a construction led recovery.

Graham Wolfe, the executive director of the Housing Industry Association (NSW), had this to say last week:

Today's budget, delivered by New South Wales Treasurer, Eric Roozendaal, provides a much-needed boost for the residential building industry.

That is great news, and our measures are delivering three record months in a row of new homebuyer assistance in New South Wales, double the next-best State in Australia, more than a 31 per cent increase in sales over the same period last year and more than double the increase in the next-best performing State, and compare it to a paltry 3 per cent in Victoria. With up to \$42,000 in grants and stamp duty concessions available, there has never been a better time to build a new home in New South Wales.

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

**Mr NATHAN REES:** Combine our assistance with 40-year low interest rates and record numbers of New South Wales families are achieving their dreams, especially, I am delighted to say, in western Sydney. In fact, the top five suburbs for grants are all in western Sydney. First homebuyers in Liverpool again topped the list, with buyers in Campbelltown, Wentworthville, Parramatta and Blacktown close behind. Since the introduction of first homebuyer grants in July 2000 the Government has provided grants and stamp duty exemptions worth over \$5.7 billion to more than 402,000 first homebuyers. That is a far cry from the Coalition's ill-fated HomeFund scheme. Some members might recall that—I certainly do.

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

**Mr NATHAN REES:** That was a scheme of the Coalition Government that saw \$200 million of taxpayer funds written off and hundreds of families left with nothing but debt and heartbreak. Who administered the scheme at the time? It was the Assistant Treasurer at the time and member for Upper Hunter. Members will recall he also brought us the Luna Park redevelopment, at a cost to taxpayers of \$54 million.

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

**Mr NATHAN REES:** He also brought us the Eastern Creek raceway fiasco, which cost taxpayers of New South Wales \$135 million. I was part of the HomeFund scheme. When I managed to secure the loan out at Parramatta I asked the gentleman at the HomeFund site, "Are there any local conveyancers you would recommend?" Guess what, they referred me to Mr Merton around the corner. How good was that? Not a bad little earner that one—a government department referring work to him—tremendous! But we push on.

Today we are celebrating those 21,000 new home owners, 21,000 families in just three months given a great start in the housing market, courtesy of New South Wales and Federal Government schemes. Achieving that result is no accident. It is a strong and active partnership with the Federal Government that enables us to deliver it. Of the \$42,000 in stamp duty concessions and grants to new homes, \$28,000 comes from the New South Wales Government—a \$10,000 grant, and stamp duty savings on top of that. The other \$14,000 comes from the Commonwealth.

*[Interruption]*

Given that the Leader of the Opposition is shadow Minister for western Sydney, which contains the top five locations, I thought he might have some interest in this. That \$14,000 from the Commonwealth is administered through State Treasury and, so, requires New South Wales enabling legislation. In order to get the \$14,000 Commonwealth contribution the New South Wales Government has to pass legislation to enable it to be passed on to first homebuyers in New South Wales. In fact, if this legislation is not passed by 1 July, New South Wales first homebuyers will miss out on Federal assistance. Only one week left and that \$14,000 goes up in smoke.

You would think that members from all sides would rush to support such legislation. Who would want to rob first homebuyers of \$14,000? One wild guess—the Opposition. Its position last night was to rip \$14,000 from the pockets of families right across New South Wales—a reckless act of treachery for which it should be held accountable. It was also an act of rank hypocrisy. Coalition members all over the State are spruiking the first homebuyer grants in their mail outs and their local newspapers. They are happy to spruik the grant but will oppose it when the legislation comes to Parliament.

**Ms Kristina Keneally:** Shame!

**Mr NATHAN REES:** Shame indeed. Take our friend, the member for Upper Hunter, writing in the *Hunter Valley News* on 21 January:

Generous concessions on stamp duty are provided by the NSW Government. ... First Home Owners Packs are now available from my Electorate Office.

He is delighted to back it in his own electorate but when it comes to the crunch and to the passing of the legislation, he is missing in action. Why did he not support the New South Wales Government's delivery of these measures last night? Was it treachery? Was it hypocrisy? What does one expect from the economic vandals sitting opposite? After all, they are the ones who have no compunction at all in trashing our triple-A credit rating. This is the Opposition that has racked up \$40 billion in unfunded capital works projects it promised. It promised it but has been unable to source funding for it. Now comes the latest act of vandalism—the refusal to support the sale of Lotteries, even though it was one of its own election commitments in 2007, as put to the people by the now backbencher, the member for Vacluse. That commitment was reiterated two weeks ago when the member for Upper Hunter said:

The Opposition does not oppose the sale of New South Wales Lotteries and has no philosophical objection to the sale.

The member for Upper Hunter is spot on. Every serious commentator agrees that lotteries are not core government business.

**The SPEAKER:** Order! The member for Willoughby and the member for Upper Hunter will come to order.

**Mr NATHAN REES:** Every serious commentator agrees that the capital tied up in this business is better used at this time to invest in jobs. That is exactly what the Sydney Chamber of Commerce said today:

Privatising New South Wales Lotteries is a significant economic reform. The time is right to sell New South Wales Lotteries.

The Sydney Business Chamber has been forced to beg the so-called pro-business party to back this reform. It said:

Business calls on the Coalition to support their own 2007 election policy to privatise New South Wales Lotteries.

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

**Mr NATHAN REES:** Just as Ray Fazzolari found that the Leader of the Opposition's word is worth nothing, so too have the people of New South Wales. We have seen a complete repudiation of the free-market principles members opposite pretend to espouse. We have seen it in relation to power—the Opposition has no energy plan for New South Wales.

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

**Mr NATHAN REES:** Now we see that in relation to an essential plank of the policy position the Opposition took to the last election. In short, the member for Ku-ring-gai is the most anti-business leader the Liberal Party of New South Wales has ever put forward—ill-disciplined and spineless. The Coalition and the member for Ku-ring-gai have yet again failed this test of leadership. They have doublecrossed the hardworking families of New South Wales who want assistance with buying their first homes. They are now betraying the business community. They are in tatters.

### GOVERNMENT FUNDING PRIORITIES

**Mr ANDREW STONER:** My question is directed to the Premier. With his priorities in his time as Premier including \$1 billion for the Sydney Opera House, \$5 billion for the boutique Rozelle Metro and now a multimillion dollar City Metro Plaza, yet he will not fund essential hospital upgrades at Tamworth, Dubbo, Parkes and Port Macquarie, will the Premier admit the reason the public has no confidence in his leadership is that he has his priorities all wrong?

**Mr NATHAN REES:** Coming hot on the heels of the member for Barwon yesterday, we have the member for Oxley today. Once again he is wrong. There is not a single cent of additional funds from taxpayers in New South Wales for the Opera House upgrades or anything like it. Once again he is running off the back of an erroneous newspaper article. Speaking of newspaper articles—and they do it a lot on the web now—the member for Oxley said last week that he welcomes the budget announcement of \$400,000 for community building projects in the Oxley electorate.

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

**Mr NATHAN REES:** Let me read directly from the press release:

The member for Oxley, Andrew Stoner, today announced that community groups and councils in the Oxley electorate—

*[Interruption]*

Do you want to hear the good news? It is all good news and you have been backing it in. Anyone connected with the *Macquarie Dictionary* should look at this for the definition of rank hypocrisy:

The member for Oxley ... today announced that community groups and councils in the Oxley electorate will be eligible to apply for funding under the \$35 million New South Wales Community Building Partnership Fund announced in the New South Wales budget.

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

**Mr NATHAN REES:** The member for Barwon was wrong yesterday so he should lick his wounds for a while. The press release continues:

The New South Wales Community Building Partnership Fund will invest \$300,000 into building important community projects in each of the 93 New South Wales electoral districts. A further \$100,000 will be made available to districts with higher levels of unemployment such as the Oxley electorate.

The Leader of The Nationals did not stop there. He said:

It means that the New South Wales Government will contribute to the cost of building important community projects that will deliver positive results to the community through job creation and community, social, recreational or environmental outcomes.

That is a ringing endorsement of this fund.

**Mr Andrew Stoner:** Point of order: The question was clearly about hospital upgrades in regional New South Wales. The people in those areas deserve a straight answer from the Premier instead of political game playing.

**The SPEAKER:** Order! The question was general. I will hear further from the Premier.

**Mr NATHAN REES:** Last time the Coalition was in government, or anywhere near the Treasury benches, dozens of hospitals in New South Wales were closed or downgraded. Under our Government every major hospital in New South Wales has been rebuilt or refurbished.

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

**Mr NATHAN REES:** This is the Coalition's list of shame when it comes to hospital services in New South Wales and the Coalition anywhere near the Treasury benches.

**Mrs Jillian Skinner:** Go on; read it out, Nathan.

**The SPEAKER:** Order! The member for North Shore will cease interjecting. I call the member for North Shore to order for the second time.

**Mr NATHAN REES:** I don't need your invitation, Jillian. I will give it.

**Mrs Jillian Skinner:** The last time you got it so wrong.

**The SPEAKER:** Order! I call the member for North Shore to order for the third time. I remind members that question time is not an opportunity for them to participate in debate.

**Mr NATHAN REES:** I think we struck a nerve. Bellingen Hospital downgraded to become a support hospital to Coffs Harbour; Port Macquarie, another example of fiscal brilliance—the public had to buy that back twice—closed and then privatised; Hawkesbury Hospital, the public hospital closed and a private hospital opened; Marrickville closed; Parramatta downgraded; Wallsend, downgraded, Yeovil, downgraded; Quandialla,

downgraded; St Josephs, downgraded; Carcoar, downgraded; Binnaway, downgraded, Balmain, downgraded; Bulli, downgraded, Bonalbo, downgraded; Sydney Hospital, a jewel in the Crown, downgraded; Lithgow Hospital—

**Mrs Jillian Skinner:** Point of order—

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

**Mrs Jillian Skinner:** My point of order is relevance under Standing Order 129. The question is about hospitals that have not been funded despite the fact that the Government has given priority to a city square. That list is totally inaccurate. I can give you the data. You are telling lies to the Parliament.

**The SPEAKER:** Order! The member for North Shore will resume her seat.

**Mr NATHAN REES:** I do not want your list. We are the Government. This is the list, unless you have a secret list of hospitals you have downgraded.

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

**Mr NATHAN REES:** This is the list of hospitals downgraded: Lithgow Hospital, downgraded by the Coalition but reopened by us in 1999; Chatswood Hospital, downgraded; and Portland Hospital, downgraded. They are the downgrades. Here are the closures: South Sydney Hospital, closed; St Margaret's Hospital, closed; Eversleigh, closed; Mosman, closed; Western Suburbs Hospital, closed; Lidcombe Hospital, closed; Rachel Forster Hospital, closed; and Glebe Homeopathic Centre, closed.

**The SPEAKER:** Order! The member for Kiama will calm down.

**Mr NATHAN REES:** More than \$600 million has been set aside for capital works in our health system in last week's budget, in a record \$15.1 billion budget, the highest budgetary expenditure of any government in Australian State history. That is our record; that is our commitment to the people of New South Wales with regards health services. It stands in stark contrast to the Coalition's record of shame when it was near the Treasury benches last time.

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

### TEACHER LAPTOPS

**Mrs KARYN PALUZZANO:** My question is addressed to the Minister for Education and Training. Will the Minister update the House on the rollout of laptops for teachers?

**Ms VERITY FIRTH:** I thank the Parliamentary Secretary for Education. The Rees Government is on target to deliver more than 200,000 new wireless laptops to year 9 students and teachers in our public schools over the next three years as part of the Rudd Government's digital education revolution. This is a major investment in state-of-the-art technologies for New South Wales. Teachers and students will now have the benefit of revolutionising teaching in our classrooms. On top of the Federal Government's \$383 million contribution, the Rees Government is investing a further \$44 million in this important program. The funding will ensure that all 25,000 New South Wales public high school teachers receive a wireless laptop by 2012.

It gives me great pleasure to announce that laptops are rolling out today into teachers' hands. This week we are despatching the first 9,500 of these computers to our year 9 teachers, heralding the start of the statewide rollout. Among the first schools to receive their allocation of teacher laptops are 43 to Karabar High School in the Illawarra, 15 to Matraville Sports High School and 25 to Erina High School on the Central Coast. By 6 July around one-third of all teachers in New South Wales public high schools and central schools will have received the device. There will be a second rollout of teacher laptops later in the year, so that approximately 60 per cent of teachers in government secondary schools will have an individual laptop by the end of the year. This is obviously an exciting time for these teachers, who will now have the tools to electronically plan and deliver lessons and work with students in the classroom using the same technology.

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

**Ms VERITY FIRTH:** A number of resources have been developed to support schools in the successful implementation of the rollout of these laptops. We have \$28 million worth of Rudd Government funding used to provide teachers with professional development and we have begun recruiting 423 technology support officers, who will be based at 404 secondary and central schools across the State. That is 423 new full-time jobs to support this laptop program. Not only will these staff be instrumental to the rollout process but they will also be available to provide ongoing information technology assistance to all students and teachers using the new technology. I understand that the closing date for applications was last Friday and that the response was overwhelming.

The new laptops, with a comprehensive suite of digital and online resources, key curriculum resources and video conferences, will open up a whole new realm of teaching and learning opportunities in our schools. In fact, each computer will feature \$5,500 worth of software on each individual laptop, giving access to students to digital design programs, publication, creation and collaboration software and the full range of Adobe and Microsoft software. It will revolutionise the way that we deliver lessons to our kids and revolutionise the way that they can engage in their learning.

Around 92,000 students will receive laptops this year and from 2010 to 2012 every year 9 student will receive their own laptop. This means that over the life of this \$386 million program, more than 200,000 laptops will be distributed to New South Wales teachers and students. I know that there is an audible murmur in the House, but I want to say today that our kids face a very different world than the sort of world we faced when we left high school. We need to ensure that they have access to the latest technologies to hone their skills and give them all the advantages that a twenty-first century education system should give them.

There is another aspect that makes this rollout important: our education system needs to keep up with the technologies that our kids are already using in their day-to-day lives, to ensure that the education is relevant to their interests and engages them in their learning. One of the reasons why Opposition members always murmur during debates on education is that they are not really interested in the issue. It is this side of the House that throughout the decades has been passionate about education. The reason members on this side of the House are passionate about education is that we realise that education is the great equaliser in an unequal world. We realise that education gives our kids the opportunities to do whatever they want to do with their lives, regardless of their background and regardless of their economic circumstances.

Let us compare the Government's record on education with that of the former Coalition Government. We have more than doubled the spending per public school student since we came to office, whilst at the same time substantially reducing class sizes. Spending on school maintenance is up 160 per cent. Spending on school capital works is up 232 per cent. Spending on literacy and numeracy programs is up 228 per cent. And let us not forget the former Coalition Government's record on school closures. Between 1988 and 1994 the Coalition when in government closed 74 schools—

**Mr Brad Hazzard:** Point of order: My point order relates to Standing Orders 129 and 130. The question related to a computer rollout for teachers. We have certainly listened very carefully to the Minister's answer. The Minister is now seeking to debate much broader issues, but those broader issues are not within the leave of the question.

**The SPEAKER:** Order! The question and the answer are in order. The Minister has the call.

**Ms VERITY FIRTH:** I want to point out that between 1988 and 1994, when the former Coalition government was in charge of education policy in New South Wales, it closed 74 schools. The Coalition when in government closed Hurlstone Park South infants school, Hornsby, Gordon, Clairvau—

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

**Ms VERITY FIRTH:** Castlecrag infants school, closed. Canterbury-Bankstown, closed. Blackfriars infants, closed. Balmoral Beach, closed. Upper Horton, closed. Tintenbar, closed. Teven, closed. Minerva, closed.

**Mr Brad Hazzard:** Point of order!

**The SPEAKER:** Order! The member for Wakehurst will not behave in such a manner again.

**Mr Brad Hazzard:** Point of order: When there are 53 parrots on that side of the House all repeating "Closed!" in loud voices, if I say one thing that perhaps is a—

**The SPEAKER:** Order! I uphold that point of order. The Minister does not need the assistance of Government members. The Minister has the call.

**Ms VERITY FIRTH:** All up, 74 schools were closed during the term of the former Coalition Government. Should I keep reading? Belhaven, closed. Book Book, closed. At the end of the former Coalition Government's reign, we had a net loss of 12 schools for the parents and children of New South Wales.

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

**Ms VERITY FIRTH:** For the record, since we have been in government we have built 89 new schools. We build schools; the Coalition closes them. We have a commitment to education; the Coalition engages in muttering, not understanding the true relevance of how important education is. As I said, we build schools; the Coalition closes them.

### CITY METRO PLAZA

**Mr BRAD HAZZARD:** My question is directed to the Premier. Now that Woolworths has publicly disputed the Premier's claims that it was consulted about his proposal to demolish its building for the City Metro Plaza, how many of the site's other tenants did the Premier fail to contact about his proposal to demolish their businesses?

**Mr NATHAN REES:** I am advised that the owners of the building were in fact spoken to, as were the owners of other buildings affected.

**The SPEAKER:** Order! The Minister for Planning will come to order.

**Mr NATHAN REES:** The member for Wakehurst needs to understand the difference between a tenant and an owner. It is as simple as that.

### STATE EMERGENCY SERVICE ALPINE TRAINING

**Mr ROBERT COOMBS:** My question without notice—

**Mr Brad Hazzard:** Point of order, Mr Speaker—

**The SPEAKER:** Order! It is not appropriate for the member for Wakehurst to take a point of order at this time. I have given the member for Swansea the call. He is about to ask his question. The member for Wakehurst will resume his seat. Government members will come to order. The member for Swansea has the call.

**Mr ROBERT COOMBS:** My question without notice is addressed to the Minister for Emergency Services. Will the Minister update the House on State Emergency Service alpine training and preparation for the busy ski season?

**Mr STEVE WHAN:** I thank the member for Swansea for his question. I am sure that no member of this House would be surprised to know that I am delighted to update the House on these issues. The official start of this year's ski season has been marked by good snowfalls. We have a 48-centimetre snow depth at the moment, and it promises a fantastic season this year for more than a million people who visit our snowfields. The Minister for Tourism has just informed me that she attended the winter festival held last weekend in Sydney, which promotes our wonderful ski fields. Our alpine areas of New South Wales are beautiful, and everyone should visit. But sometimes there are dangers in those alpine areas, and it is extremely important that our emergency services are geared up to support our ski and alpine industries. The industries are worth about half a billion dollars to the regional economies in south-eastern New South Wales. We want to make sure that all the tourists who visit the area are safe.

**The SPEAKER:** Order! I call the member for Castle Hill to order. I call the member for Swansea to order.

**Mr STEVE WHAN:** Sometimes our volunteers are called to operate in the most difficult and traumatic circumstances. Last ski season we had a tragic situation where two teams of State Emergency Service alpine search and rescue volunteers joined the search for a young skier who was missing after an avalanche at Blue Lake. Despite the brave efforts of the young man's brother to reach him, tragically the young man was killed in the avalanche and State Emergency Service volunteers assisted with the sad task of recovering his body. Of course, at the time everyone's thoughts were with his family and friends for their shocking loss. Eight members of the State Emergency Service's alpine rescue team, using four snowmobiles, participated in the search and, more tragically, the recovery near Blue Lake, on the main range of Mount Kosciuszko.

The hard work, dedication and determination of the rescuers can never be underestimated, and neither can the importance of well-resourced, highly trained emergency services as displayed on that day. The State Emergency Service alpine search and rescue unit complements other emergency services such as the New South Wales urban search and rescue unit and the New South Wales Police Force, which leads the search and rescue operations. I am pleased to be able to assure our visitors to Kosciuszko National Park this winter that the State Emergency Service is better trained and equipped than ever before for alpine search and rescue. The Government has invested almost \$650,000 over two years to bolster the search and rescue equipment, and the training and capability of State Emergency Service units around Mt Kosciuszko. Volunteers from State Emergency Service units are prepared and ready to assist the New South Wales Police Force on alpine search and rescue missions, when a swift response can mean the difference between life and death.

The skills, endurance and hardiness of the rescue personnel who work in this harsh climate are formidable. Each and every one of them, particularly our volunteers, deserve credit for taking on this responsibility. It is a fact that even experienced and well-equipped bushwalkers and skiers can find themselves in trouble, especially in whiteout conditions, blizzards, or other adverse weather conditions. To ensure that help is at hand should the worst happen, the State Emergency Service now has 32 trained and equipped specialist alpine rescuers. Another 10 volunteers will be added to their ranks this winter, in a further boost to the numbers available to search for those lost in this challenging environment.

The 2009-10 record \$59.7 million State Emergency Service budget includes \$320,000 for alpine search and rescue equipment, upgraded operations management facilities at the Snowy River unit in Jindabyne, and ongoing training. This includes \$20,000 for a new state-of-the-art snow mobile. The high-quality equipment and personal safety kit needed to safeguard these volunteers in this icy environment is a serious investment, at a cost of about \$7,500 per person. To qualify as a specialist alpine search and rescue operator, these volunteers undergo intensive training. This includes a series of simulated activities involving choosing and establishing a campsite and a mock search and recovery, involving casualty treatment and transportation to medical aid. The success of this reality-based training was seen late in last year's ski season when a group of volunteers—

**The SPEAKER:** Order! There is too much audible conversation in the Chamber. Members who wish to conduct conversations will do so outside the Chamber

**Mr STEVE WHAN:** I know that the Opposition has never consistently shown much interest in this \$500 million per year vitally important industry for south-eastern New South Wales; an industry that supports about half of the jobs in the entire local economy. It is important to keep our visitors safe. The value of that training was seen last ski season when a group of volunteers, who were actually on a training course, were called to assist in a search for a missing person. The volunteers found the injured man took him back to a hut and stayed with him overnight after he received initial treatment from New South Wales Ambulance personnel.

Anyone planning an expedition in the high country needs to take sensible precautions, carry appropriate equipment and advise family and authorities of their plans. While we can never eliminate the risk that people will become lost, injured, disoriented or trapped in these challenging and changeable environments, people should not venture beyond their capabilities or without taking necessary care and equipment. In this environment each individual has an extra responsibility not to get into trouble but the Government ensures that the rescue volunteers are well equipped and well resourced to assist those who do get into trouble.

#### **MACLEAN DISTRICT HOSPITAL**

**Mr STEVE CANSDELL:** I direct my question to the Premier. Will the Premier explain to the people of Maclean how the Government found millions of dollars to build the City Metro Plaza, yet it cannot find \$400,000—

**Mr Gerard Martin:** Boring!

**Mr STEVE CANSDELL:** You shut up!

**The SPEAKER:** Order! The member for Bathurst will cease interjecting. The member for Clarence will withdraw his last remark.

**Mr STEVE CANSDELL:** I withdraw that remark.

**The SPEAKER:** Order! The member for Clarence has the call.

**Mr STEVE CANSDELL:** Will the Premier explain to the people of Maclean how the Government found millions of dollars to build the City Metro Plaza yet it cannot find \$400,00 for an upgrade to the emergency unit at Maclean District Hospital, therefore putting local people's health at risk and costing jobs?

*[Interruption]*

**The SPEAKER:** Order! The member for Blacktown will calm down. The Premier has the call.

**Mr NATHAN REES:** In the budget last week there was an allocation of \$70,000 for a clinical support officer at Casino Hospital, \$17,600 for a part-time clinical support officer at Campbell Hospital, \$176,000 for two clinical support officers at Grafton hospital, and \$52,000 for clinical support officers at Maclean hospital. Commonwealth and State funds will be provided for the redevelopment of Grafton hospital, and the Maclean and Grafton hospitals will also benefit—

**Mr Steve Cansdell:** Point of order: My point of order is relevance under Standing Order 129. It was a very straightforward question.

**The SPEAKER:** Order! The member for Clarence will resume his seat. The member for Clarence is on his final warning. The Premier has the call.

**Mr NATHAN REES:** The member for Clarence should feel free to put forward a submission for expenditure from the Community Partnership Fund, of which he is a recipient, for \$300,000 to \$400,000 and that will be considered.

### NEW GOVERNMENT BUSES

**Mr NICK LALICH:** I direct my question to the Minister for Transport. Will the Minister update the House on the delivery of the 300 new buses announced in November?

**Mr DAVID CAMPBELL:** I know the constituents of the member for Cabramatta will appreciate the update, as they will also benefit from the New South Wales Government's delivery of new buses in their local community. Last week I informed the House that the first of the 300 new buses the Government announced last November had started rolling off the production line. This week I can advise that commuters in the north-west are now riding those three new buses along the local 620 route, which runs from Dural to the city along the M2.

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

**Mr DAVID CAMPBELL:** For the sake of the member for Willoughby, who, over the past couple of months, has bleated about delays, I can inform the House that the buses are rolling out ahead of schedule. That is right. When the Government announced the buses last November we said they would be rolling out from late this year. It is now June and they are already hitting the road. It would not be the first time the member for Willoughby did not bother to check her facts and it certainly would not be the first time the member for Willoughby did not bother to check her facts before she rang radio stations to deliver her well-rehearsed but misleading grabs.

More buses are rolling off the production line this week and from next Monday they will start operating on a brand new route between Blacktown and The Ponds. I am sure the member for Blacktown and the member for Riverstone will welcome that new service, which will operate along the North-West T-Way. The delivery of these buses is the fastest in the State's history. That is proof of this Government's determination to make the right decisions and deliver for commuters.

Over the next 18 months there will be a steady stream of brand new buses rolling off the production line. Commuters in the west and south-west will start riding some of their new buses from next month. From August and September new buses will roll into the south, the Central Coast, the Illawarra and the Hunter. On average, we will have at least five buses arriving each and every week. I expect all 300 new buses to be on the road by the end of next year, on time and on budget. This side of the House is about action, not making up stories to get a grab on radio.

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

**Mr DAVID CAMPBELL:** The member for Willoughby is good at making up stories about public transport. Do members remember this one? On 6 March this year she put out a media release stating:

The 150 buses are not due to be on the roads until 2011 ... and the 300 buses for growth that the State Labor Government talks about ... are at least a year way from starting to hit the roads.

That was a complete fabrication by the shadow Minister for Transport. It was made up by a desperate Opposition, which should be ashamed. The 300 buses are already rolling out, passengers are riding on them, and the 150 bendy buses will hit the roads from next year.

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

**Mr DAVID CAMPBELL:** On Monday this week the member for Willoughby was at it again. She was on the radio as quickly as she could be, bagging transport services to the Simon and Garfunkel concert at Olympic Park. On and on she went, whinging, whining and complaining. Then the radio host asked her how she got to the concert and guess what? The member for Willoughby did not take public transport! She was not anywhere near a railway station because she was driving her scratched black Honda! She had no idea what really happened on Sunday night because while thousands of people left their cars at home and caught public transport—

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

**Mr DAVID CAMPBELL:** —the member for Willoughby was navigating her way around the parking bay. She is an armchair observer and the biggest critic of a transport system that she does not even use! Perhaps the member for Willoughby and her northern beaches colleagues could have a look at their local paper today and find out what is really going on with public transport. A gentleman by the name of Norman Rich from Newport wrote to the *Manly Daily* about the Region 8 bus reviews as follows:

The overall result is a good one ... thanks to the big resident response—

and I acknowledge that—

... and the co-operative attitude of Sydney Buses at the operational level ... where the company has a genuine interest in getting bums on seats.

The Rees Government is interested only in the facts and the Rees Government will continue to work every single day to improve transport services in this State.

### TORONTO TRAFFIC ARRANGEMENTS

**Mr GREG PIPER:** My question is directed to the Minister for Roads. What is the Roads and Traffic Authority's plan and time frame for property acquisition, road widening and traffic management on the section of Carey Street, Toronto, between The Boulevard and Bay Street?

**Mr MICHAEL DALEY:** I thank the member for Lake Macquarie for his thoughtful question and the representations he typically makes to me in relation to roads in his electorate. The member and the House will be interested to know that this year the New South Wales Government in its record Roads budget has allocated \$14.3 million to the Lake Macquarie electorate. This is an increase on last year's budget, which was \$12.6 million. I can advise the House that the Roads and Traffic Authority has a longstanding plan to widen Carey Street between The Boulevard and Bay Street, Toronto, with the road reserve already identified in the council's local environmental plan.

Although this project is not included in the Roads and Traffic Authority's current forward program, the Government has acquired 13 out of the 15 properties needed for the widening as these properties were offered

for sale. The remaining two properties are commercial properties. In accordance with longstanding and prudent practice, the Roads and Traffic Authority does not propose to purchase these properties until they are required for widening, unless approached by the property owners. The Roads and Traffic Authority currently is examining other options for improvements on Carey Street, Toronto, which can be done in the short term. Those investigations will be finalised later this year. In general, the Government is committed to the residents of Lake Macquarie. We will keep working with the member to ensure that his residents have a first-class road system.

### **RACING INDUSTRY SUSTAINABILITY**

**Ms MARIE ANDREWS:** My question is addressed to the Minister for Gaming and Racing. What is the latest information regarding the sustainability of New South Wales race clubs and the 50,000 people employed in the racing industry?

**Mr Andrew Fraser:** Where is your blue tie?

**The SPEAKER:** Order! I remind members that the State of Origin match is not until this evening.

**Mr KEVIN GREENE:** The beautiful colours of my tie represent Parliament House. The racing industry is one of our biggest industries and a major employer and contributor to the New South Wales economy. If racing is not sustainable, the jobs of up to 50,000 people are at risk—from truck drivers, stable hands and caterers to high-profile jockeys and trainers. We simply cannot afford to allow the racing industry to slip into decline. Earlier this year I convened a meeting with representatives of the Australian Jockey Club, the Sydney Turf Club and Racing NSW to discuss a proposal for a merger of the two metropolitan race clubs, and separately a meeting with the Gosford and Wyong race clubs in relation to a merger of those two Central Coast clubs. Ernst and Young were commissioned to analyse the case for possible mergers. The report, which was released yesterday, provides a real basis for an educated debate on the merits of any mergers and the best way forward.

The member for Upper Hunter has been copping a bit of stick today about some comments he has made over the years. Although it was not reported in the media, I note that he issued a press release yesterday supporting the proposed merger of the Australian Jockey Club and Sydney Turf Club. I thank him for his support of the proposal. The report estimates savings of \$21 million per annum if the merger were to go ahead. The study also looked at whether it is feasible to merge the Gosford and Wyong race clubs and estimated savings of between \$380,000 to \$1.7 million, depending on the merger model adopted. I have, however, made it clear that this Government will not force the sale of any racetracks. With the current economic times and increasing competition for the wagering dollar, it is vital that we examine all options to ensure a strong future for the New South Wales racing industry. For these reasons, I look forward to a period of informed and, I am sure, lively debate on the findings of the Ernst and Young report.

I am sure the member for Gosford, like all members of the House, would want me to place on record that at Gosford in about an hour and a half one of the doyens of Australian race callers, Mr Ian Craig, will call his last race. Ian Craig has been a magnificent race caller, with a career spanning almost 50 years. I had the privilege of attending Randwick racecourse last Saturday when he called his last metropolitan race. On behalf of the House, I congratulate Ian Craig on his magnificent career in the racing industry and a job well done.

**Question time concluded at 3.15 p.m.**

### **MOREE SCHOOL COUNSELLOR NUMBERS**

#### **Personal Explanation**

**Mr KEVIN HUMPHRIES,** by leave: I wish to make a personal explanation. Today the Premier sought to impugn my reputation based on a question I asked yesterday about school counsellors in the Moree district, which in fact included the Narrabri, Wee Waa, Boggabilla and Toomelah districts. I seek leave to table these documents.

**The SPEAKER:** Order! I ask the member for Barwon to state his personal explanation or resume his seat. The member will make his personal explanation, not debate the matter.

**Mr KEVIN HUMPHRIES:** Yesterday I raised this question in good faith. These documents are from the New South Wales Teachers Federation. I will lay them on the table.

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

**Mr KEVIN HUMPHRIES:** It is about honesty. It is about sticking up for my constituents.

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

**Mr KEVIN HUMPHRIES:** The Premier is looking down—

**The SPEAKER:** Order! The member for Barwon will resume his seat. The member for Barwon is on his final warning. I will not allow members to abuse the taking of personal explanations. I remind members that they take personal explanations at my discretion.

### STATE OF ORIGIN RUGBY LEAGUE SERIES

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.17 p.m.]: I cannot believe that on the afternoon of the second match of this year's State of Origin series this House has not placed on record its support for the New South Wales Blues as they face a difficult contest. It has been a tradition in this place on these days to wish our boys well. This is the second time under this Premier when we have not done so. I seek leave of the Leader of the House to move a motion supporting Craig Bellamy, Kurt Gidley and the boys as they do battle against Queensland. The Minister for Sport and Recreation came into the House today wearing a maroon tie. Most of us are wearing blue ties because we want New South Wales to win.

**Leave not granted.**

### PUBLIC ACCOUNTS COMMITTEE

#### Report

**Mr Paul McLeay**, as Chair, tabled report No. 6/54 entitled, "Report on Examination of the Auditor-General's Performance Audits Tabled November 2007 to March 2008", together with extracts of minutes relating to the report and evidence taken before the Committee.

**Report ordered to be printed on motion by Mr Paul McLeay.**

### JOINT STANDING COMMITTEE ON ROAD SAFETY

#### Report

**Mr Geoff Corrigan**, as Chair, tabled the report No. 2/54 entitled, "Report on Updating Progress on Railway Level Crossing Safety", dated June 2009, together with extracts of minutes relating to the report and evidence taken before the committee.

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

### PETITIONS

#### National Parks Tourism Developments

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

#### Wagga Wagga Base Hospital

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

#### Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

### **Tumut Hospital and Batlow Multiple Purpose Service**

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multiple Purpose Service, received from **Mr Daryl Maguire**.

### **Tumut Hospital Anaesthetic Services**

Petition asking that anaesthetic services at Tumut Hospital be made available immediately, received from **Mr Daryl Maguire**.

### **Broken Hill Speech Therapy Services**

Petition requesting funding for a full-time speech therapist for children in Broken Hill and the Far West of New South Wales, received from **Mr John Williams**.

### **Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

### **Bus Service 311**

Petition requesting improved services on bus route 311, received from **Ms Clover Moore**.

### **Garrawarra Land Sale**

Petition opposing the sale of land at the Garrawarra Centre in Waterfall, received from **Mr Malcolm Kerr**.

### **Caged Birds Trade**

Petition requesting that legislation be introduced to stop the trade of caged birds, and ban trading and selling of Australian native birds, received from **Ms Clover Moore**.

### **Pet Shops**

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

### **Sow Stalls**

Petition requesting a total ban on sow stalls, received from **Ms Clover Moore**.

### **Terrigal Police Station Staffing Levels**

Petition requesting the retention and 24-hour staffing of the Terrigal police station, received from **Mr Chris Hartcher**.

### **Brooklyn Police Station**

Petition opposing the closure of Brooklyn Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

### **Iron Cove Bridge Project**

Petition opposing the construction of an additional bridge over Iron Cove, received from **Ms Gladys Berejiklian**.

## BUSINESS OF THE HOUSE

### Reordering of General Business

**Mr CHRIS HARTCHER** (Terrigal) [3.20 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Wyong Valleys Mining Proposal] have precedence on Thursday 25 June 2009.

The Central Coast has two beautiful valleys, Yarramalong and Dooralong. These valleys are famous across the country, but their greatest significance is that they comprise 53 per cent of the Central Coast water catchment. The Central Coast is only now coming out of a major drought. With a population of more than 300,000, it has severe constraints on its water security. It has had to buy water from the Hunter and now has a major pipeline proposal to connect Mardi and Mangrove dams. That pipeline has not yet commenced.

In 2004-05 a major company, Sydney Gas, sought to extract methane gas from the valleys. At that time the community and the Wyong council strongly resisted the proposal, and a community group called the Australian Gas Alliance commissioned a report from Ray Evans of Salient Solutions entitled "Review of DPI: Mineral Resources Assessment Report". This report showed that extraction of methane gas from the coal seams had the likelihood of releasing salinity into the groundwater. Notwithstanding a conditional approval granted by the Department of Primary Industries, Sydney Gas eventually abandoned its plans in the face of scientific objection and community opposition.

In 2006 a new potential problem arose in the form of Kores, a South Korean Government coal company, which has sought permission to extract coal from the valleys. Anxious to avoid making a decision as the 2007 State election approached, the then Minister for Planning, Frank Sartor, sought to remove the issue from public scrutiny and appointed the former Leader of the Opposition Kerry Chikarovski to prepare a report. The Chikarovski report failed to rule out mining in the valleys. The report admitted that sufficient comprehensive studies had not been carried out in the catchment area. The Chikarovski report came out in early 2008. The State Government and the present Minister for Planning continue to avoid making a decision. On 28 January a large rally of residents opposing the coalmine was addressed by the Leader of the Opposition, who pledged the State Opposition would oppose the mine, as water is more important than coal. The member for Wyong, who also opposed the mining proposal, also addressed the meeting. As the *Sydney Morning Herald* noted in its editorial on 15 June 2009:

Water versus coal is no contest. Sydney needs its water protected more than it needs extra coal.

Comprising, as it does, 53 percent of the Central Coast water catchment, it is important that every Central Coast member—the members for Wyong, Gosford and The Entrance—publicly debate the issue and declare their opposition to the proposal. Only by having the motion debated will the member for Wyong, the member for Gosford and the member for The Entrance, as well as the member for Terrigal be able to show their opposition. If they vote against the reordering to bring the motion on for debate they are simply signalling that whilst they oppose the mine on the Central Coast they do not oppose it when it comes before the New South Wales State Parliament.

The member for Wyong, who addressed the public rally that was organised by the Opposition and attended by hundreds of people, pledged that he would fight the mine proposal. This is his chance to honour the pledge he gave to hundreds and hundreds of his constituents in the presence of the member for Davidson. I acknowledge the member for Lake Macquarie, who has been a stalwart opponent with his council along with Wyong Shire Council of this proposal, which will devastate the Central Coast water security. But the member for Gosford has been silent on the issue and the member for The Entrance, who also shares the need for water security on the Central Coast, has ducked and weaved and dodged over the past five years on the methane gas extraction, on the coal extraction and now on the South Korean corporate plan to drag the coal up out of our water catchment areas, and the member for The Entrance says nothing.

The member for Wyong, to his credit, was prepared to address a rally organised by us in my presence and in the presence of the Leader of the Opposition. But it is now test time. It is now the moment of truth. It is now time for each one of them to no longer say "I oppose it on the Central Coast but I say nothing in Sydney". This afternoon, in a few seconds time, each of them will have the opportunity to put themselves in the firing line.

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [3.25 p.m.]: The coal industry is a major contributor to the State's economy. It provides major investment, regional job creation and significant export revenue. More than \$10 billion worth of coal was mined in New South Wales in 2007-08, and that supported direct employment of around 13,500 people—not to mention the multiplier effect and all the people who are dependent upon them.

As the member for Terrigal has indicated, in February 2007 the former Minister for Planning appointed an independent panel chaired by the former Leader of the Opposition Kerry Chikarovski to consider the impact of coalmining on the water supplies of the Central Coast—part of her brief was specifically in relation to the impact on water—to investigate the impacts of underground mining on the Wyong local government area and to identify areas where mining should not be permitted or the conditions under which mining could be permitted. The Wallarah 2 proposal and its potential environmental impacts were key issues for the panel's inquiry.

I am told by the Minister for Planning that the panel's report was released in December last year and publicly exhibited for quite a prolonged period of time, until 27 February this year. All of the public submissions and comments that were made in relation to the proposed coalmine are currently being taken into consideration as part of the next steps of the process that will be undertaken by the Department of Planning. To debate this matter today would be to pre-empt the outcome of the inquiry and would therefore be an inappropriate debate as we do not have the appropriate findings in relation to the submissions that have been made in response to the public exhibition, which closed on 27 February this year.

The Government has given an assurance that it will not allow the integrity of water supplies in the region to be compromised. The Opposition has stated that it would not allow any mining under catchment areas in New South Wales. All of New South Wales is in a catchment area. We need to find out whether the Opposition wants to end mining entirely. Thousands of jobs and millions of dollars in economic return depend on this important industry. There are existing mining leases within the enclosed catchment areas of Sydney's water supply. Some of those leases predate the declaration of the catchment special areas. We need to know where the Opposition stands on this matter, other than just being opportunistic.

I have been given this assurance by the Minister that the Government will consider thoroughly both the benefits and the impacts a proposed coalmine may have on the water quality in the environment of the Central Coast area. We will be able to make statements on that once the findings in relation to the submissions have been made public, and then the Parliament as well as the general public will have a full opportunity to debate those matters. The motion is not supported.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 40**

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

**Noes, 46**

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

**Pair**

Mr J. H. Turner

Mr Tripodi

**Question resolved in the negative.****Motion negatived.****BUSINESS OF THE HOUSE****Postponement of Business****Business with precedence postponed on motion by Mr John Aquilina.****CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****State Budget and Jobs**

**Mr PAUL McLEAY** (Heathcote) [3.36 p.m.]: My motion should be accorded priority because there is nothing more important than talking about jobs, jobs, jobs. This Government's view is clearly demonstrated by its support for local jobs, and last week's budget contained several measures that reinforce that message. The major indicator of the Government's support for local jobs is the \$62.9 billion infrastructure program, of which \$18 billion will be spent this year. That is the largest annual expenditure on infrastructure in this State's history. The Government will also kick-start local economies with the \$35 million Community Partnership Fund that provides \$300,000 for each electorate and \$400,000 for areas of high unemployment.

Members of Parliament will work with local community, sporting and cultural organisations to come up with plans to initiate building projects. That will certainly boost local economies and provide work for local builders and contractors. The budget also extended the First Home Owner Grant Scheme and reduced stamp duty on new homes bought by other than first home buyers. The Coalition's decision to oppose the State Revenue Legislation Further Amendment Bill 2009 last night was a complete anathema and a surprise to the House. That is why we should debate this motion as a matter of priority.

**Child Starvation Death**

**Ms PRU GOWARD** (Goulburn) [3.38 p.m.]: My motion should be accorded priority because it calls on the House to note the tragic murder by starvation of a young child at Hawks Nest who was known to the Department of Community Services and calls on the Rees Labor Government to publicly release the department's internal report on its management of the case. The question is: Why would this House not want to debate this motion as a matter of priority? It is the first time that a mother, or a parent, has been convicted of murder by neglect of their own child, certainly in New South Wales and possibly in Australia. It was a most significant judgement with significant consequences. It is disgraceful that a government that proclaims its affection, support and care for children does not see it with the same priority as we do.

Usually when verdicts such as this are brought down for murder they result from abuse rather than neglect. Starving a child to death has always been seen as gross neglect and manslaughter the more common charge, if any. But the verdict of murder makes it very different and the public of New South Wales, and the families and children of New South Wales, deserve to have this House respect that child's life, honour her life and address what more remains to be done. This verdict confirms the community's outrage that in a society as rich and as well resourced as ours starving a child to death is a wilful act, not one of inadvertence. It is a wake-up call to those thousands of neglectful families who, like this family did, avoid the authorities, fail to turn up for agreed appointments and leave town rather than allow other people to see what they were doing to their children.

Because this is murder, the public and the taxpayers of New South Wales expect no less than to be told what the Department of Community Services and other State Government agencies did and did not do and what will now change. Under the rules the department is required to conduct an internal investigation into the management of a child within three years of her death. The department had already taken one child from the family and there were plenty of signs that this child was also in danger. However, unlike the Ombudsman's investigations, which are made public, reports of the Department of Community Services remain secret. They are meant to identify where the department failed and how it proposes to change, and usually they are for internal use. With a verdict of murder, that secrecy must come to an end. We urgently need to know if and how the department used its powers. Did it use its powers, particularly that early intervention power under section 173, to intervene? It could have ordered the child to be medically examined. Either it failed to seek a warrant or a magistrate failed to grant one. Whichever it was, the system failed the child and we need to know why. This is a reasonable step to take with parents who fail to protect their child.

The public deserves to know how a well-resourced department, backed by extremely powerful legislation, did not save this child—all the more remarkable given this particular authority's capacity to take children away from their parents in record numbers without anything like this degree of neglect or abuse being evident. The public needs to know whether the Government is able to fix the problem. Yes, the Government has committed new money in this year's budget to protect children but the Liberal Party and The Nationals, while welcoming this, question whether any amount of money could have saved this child from the horrible death that she endured if other protections and a cultural change in the department were not also in place? Yes, the Liberals-Nationals forced a commission of inquiry onto this Government after a year of scandals, and the Coalition supports the recommendations of the Wood commission. The public deserves, as a matter of priority, to hear today from the Minister and the Government what they knew, what they did and what they will do in the future.

I sat through two days of that trial and I was astonished to see how easily the parents kept one step in front of the department. The young caseworker—who, I might add, was sitting in the courtroom, apparently on her own—looked devastated and crushed. She did not starve that child and she cannot be blamed, but with better support, supervision and monitoring could this death have been avoided? If the Government fails to take this matter up as a matter of priority today it stands condemned as a government that does not care about the children in its care, does not recognise the depth of community anguish about this issue and does not recognise the need to give the child a headstone.

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

**The House divided.**

**Ayes, 46**

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

**Noes, 40**

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

**Pair**

Mr Tripodi

Mr Fraser

**Question resolved in the affirmative.****COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Membership****Motion, by leave, by the Hon. John Aquilina agreed to:**

That:

- (1) Gerard Francis Martin be appointed to serve on the Committee on the Independent Commission Against Corruption in place of Richard Sanderson Amery, discharged; and
- (2) a message be sent informing the Legislative Council accordingly.

**Message sent to the Legislative Council advising it of the resolution.****STATE BUDGET AND JOBS****Motion Accorded Priority****Mr PAUL McLEAY** (Heathcote) [3.52 p.m.]: I move:

That this House:

- (1) congratulates the Government for supporting jobs for New South Wales families through the largest infrastructure investment in New South Wales history;
- (2) condemns the Opposition for failing to support the First Home Owner Boost program, which will allow New South Wales first home buyers to take advantage of Federal assistance of up to \$14,000 on top of the generous New South Wales assistance; and
- (3) calls on the Opposition to stop pulling political stunts and get behind job supporting initiatives to give families a helping hand in the global recession.

Last week the Treasurer announced a budget that delivers record investment in jobs. Government members have made it clear that we are in favour of jobs, jobs and jobs. In the budget there is a record \$62.9 billion investment in infrastructure spending in New South Wales, which supports 160,000 jobs each year for the next four years. This will help families as they face the impacts of the global recession. The Government's record \$62.9 billion infrastructure investment includes \$18 billion this year alone. This is the largest building investment in a single year in the history of New South Wales.

Some of the measures include a \$70 million major investment attraction scheme; western Sydney regional employment funds, together worth \$19 million over two years; \$3 million boosts to the Hunter

Advantage Fund and Illawarra Advantage Fund; \$6 million to retrain workers who have lost their jobs; and \$6.9 million to fast-track the planning system. All these job-creating measures are delivered in this budget. The budget provides a kick-start to the economy with important stimulus measures, locally and across the State.

As part of the budget the Treasurer announced a landmark \$35 million community building partnership. This partnership is aimed directly at delivering community infrastructure and supporting local jobs at the grassroots in electorates like my own and across the State. That is a direct investment of \$300,000 to every electorate across the State and an additional \$100,000 to those electorates with higher unemployment levels. Last week the Treasurer said that the same job-supporting momentum is behind the Government's commitment to cut stamp duty for new homes. New South Wales assistance for first homebuyers is among the most generous in the country.

Currently the Government provides first homebuyers with a \$7,000 grant, a further \$3,000 first homeowner supplement for newly constructed dwellings, and stamp duty concessions worth up to \$17,990. In the recent budget it was announced that the first homeowner supplement would be extended until 30 June 2010. State and Commonwealth assistance to first homeowners has already resulted in a 65 per cent increase in finance commitments for first homebuyers to the March quarter 2009. Going forward, the recent interest rate cuts by the Reserve Bank, strong population growth, together with government assistance to first homebuyers, should drive a turnaround in the housing market. Already there are early signs of a resurgence, with a 38 per cent upswing in New South Wales dwelling approvals for April 2009, well above the national average of 5 per cent.

This will provide first home buyers with the help they need to make the dream of owning a home a reality. More than that, first home buyer incentives have already proven to have a positive impact on home construction. In the budget the Treasurer announced the Government would take this further by cutting stamp duty on all new dwellings for all non-first home buyers. As of 1 July our housing construction acceleration plan will provide a 50 per cent stamp duty cut for purchasers who buy a newly constructed dwelling worth up to \$600,000. This is great news for jobs in the construction industry. Builders, tradespeople, architects and real estate agents will all benefit.

This issue was first brought to my attention at a recent community Cabinet meeting held in the Sutherland shire when a resident of Engadine, Ms Dawn Baker, spoke to the Treasurer, stating that she had hit retirement age. She said that her house is now too big for her and she wanted to move to a smaller, modern dwelling. However, to do so would cost about the same as her existing home because stamp duty was making the hurdle too big to leap over. Her home has three-bedrooms with a backyard and would be suitable for a young family. She thought it was unfair that the stamp duty imposition meant she could not move to desirable accommodation of equal value. She told the Treasurer she felt that empty nesters also should be able to get some form of assistance. He said he would think about it, and obviously he did because a few short months later—perhaps she planted a seed in his mind—an announcement was made in the budget that not only first home buyers but also people like Dawn would be assisted if they buy a new dwelling. This will benefit people such as Dawn, and the construction industry too.

The budget also included a \$200 million interest-free loan to unlock new housing developments, paving the way for housing estates to be built. These are Government initiatives—to support jobs and kick-start the construction industry. The Government knows the importance of supporting jobs as families face the global recession, as does the Federal Government, whose first home owner boost package will allow New South Wales first home buyers to take advantage of Federal assistance of up to \$14,000. For a long time now we have been asking the Opposition to speak up for what it stands for. Last night we were disappointed to learn where the Opposition stands on first home buyer incentives—and it is not on the side of the working families doing it tough.

**Mr MIKE BAIRD** (Manly) [3.59 p.m.]: The motion as it stands makes no sense whatsoever. Therefore, I move:

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

this House condemns the Government for its failure to support business and the creation of jobs.

I must say, I have started to get a soft spot for Eric Roozendaal. I think a new Eric is emerging.

[*Interruption*]

I do not know what it is. But he was certainly viewed as someone who was cold and calculating, and aloof and unfriendly. We are seeing a new, dazzling Eric starting to emerge. He is wearing new suits, and there is a softer side of him coming out. When you start to put it all together, there is a sense that he is launching his leadership campaign. That is what is happening. That is the new Eric. The new Eric is coming. The member for Fairfield is away this week. I certainly think that Eric Roozendaal has grand ambitions, and that is to lead this State. It is being launched. You can see it. You can see the soft photos. He is doing it. Even though I may be the only supporter of Eric Roozendaal in this House, I think his leadership campaign is underway. But if he is going to do it, he has to do a lot better.

With regard to the State budget that was recently delivered, the Government continually pats itself on the back. But let us look at the facts of the budget, which are quite stark. We have an admission from the Labor Government that we are in recession. The Government could not say it a few weeks ago. But we are in recession. We have had two quarters of negative growth, and the forecasts show we are in recession. This is not a time for the Government to start putting together advertisements promoting itself and its achievements. It is a time for hard work, a time for the Government to roll up its sleeves, a time to get on with the job of protecting jobs in this State.

It has been shown that unemployment figures are rising to 8.5 per cent. Depending on one's calculations, 8.5 per cent unemployment could mean the loss up to 70,000 jobs. And that is if you can believe the numbers; it could be more. A total of 70,000 jobs in this sector is a concern and requires the absolute attention on the part of the Government, rather than spending on advertising. It requires hard work. We see the issues at play when we look at the motion. We saw what happened last night. I want to address the issues head on. Of course we support a scheme such as the First Home Owners Grant Scheme. I want to quote from my speech last night in relation to these issues. When speaking to the State Revenue Legislation Further Amendment Bill 2009 I said:

The bill includes some sensible provisions for first-time home buyers ... Although sensible, the Opposition would argue that these provisions could be included in a different bill ...

In 78 pages of new taxes—and that is what the bill is—there is a schedule at the back of the bill that talks about the first home owners grant. That schedule could easily be put into a new bill, and we would all support it. The Government could do that this afternoon. So we do not want to hear the nonsense that has come out saying we do not support the scheme. Of course we do. If the Government were to put the provisions in a different bill, we would support it. However, we do not support putting further jobs at risk by imposing taxes on businesses. The Government cannot at this time make it more difficult for businesses than it already is. It is a very difficult time for businesses, and the bill makes it even more difficult for them.

When the Treasurer delivered the mini-budget—which we have all tried to forget and pretend it did not happen—there was an outcry. The outcry was that the role of government at this time, given the state of the economy, was to stimulate—that is, to provide a stimulus and incentive for investment and the creation of jobs in this State. We had the opposite in the mini-budget—we had taxes and charges increased—and the bill is the remnants of that. The mini-budget also cut infrastructure. So, despite all the trumpeting about infrastructure we hear in the budget, the truth is that the Rees Labor Government is doing nothing about infrastructure; it is simply relying on Kevin Rudd. They are the facts.

The Government claims in its budget that it is doing absolutely nothing in terms of raising taxes. Indeed, I read that the Treasurer made such a statement. However, the bill does exactly the opposite. Again, we are adding to the cost of doing business in New South Wales. We have to change the cycle. I will outline the reasons why the Opposition opposes the State Revenue Legislation Further Amendment Bill. The Investment and Financial Services Association, the Property Council of Australia and Infrastructure Partnerships Australia said:

The additional duty that is proposed will hurt business revenues, affect the value of property, and will lead to real job losses in New South Wales.

That is what we need to understand: putting taxes and charges on businesses at this time can lead to job losses. We hear words about jobs, but the facts are very different. The Government needs to understand that hitting businesses across this State—which is exactly what the bill does—at this time could cost real jobs. I am not talking about jobs that are put up in advertisements, with the Government patting itself on the back thinking it is doing something. I am talking about real jobs and businesses across the State.

Despite the fact that we are told there will be no tax increases, that is what the bill does. The organisations I have referred to cite the example that under the current legislation a retail store employing

25 staff with assets of \$4 million and \$3 million in other assets would pay \$21,000 in duty when the business is sold. However, under the new system the duty would total \$214,490, a 900 per cent increase. That money could be spent on jobs and investment. That is what the Government needs to start understanding. New South Wales is the highest taxing State in the country. The Institute of Public Affairs, which has issued its own assessment, puts New South Wales well above our key competitor States, being Victoria and Queensland. The impacts of this increased duty, and the increased taxes and measures in the bill, will simply add to that—at a time when that should not happen.

The Sensis Business Index shows that for 21 quarters in a row businesses across this State have registered their interest in this issue and that New South Wales businesses have the lowest confidence of any businesses in the country. Businesses have said that payroll tax is the key measure, and that regulation is a further key measure. The Labor Government is just not listening to businesses. When this State is faced with a recession with up to an additional 70,000 jobs being lost, the Government should not use the opportunity to sneak through tax increases, additional burdens, and regulation on businesses, which are the ones who are driving this State and this economy. The Opposition certainly opposes all the tax increases that have been put forward in the bill. We support the First Home Owners Grant Scheme and are very happy for that bill to pass through this House. However, we will continue to fight for those who are creating real jobs in this State, rather than putting fictitious jobs in advertisements.

**Mr GRANT McBRIDE** (The Entrance) [4.06 p.m.]: Last night the Coalition in the Legislative Assembly voted against the State Revenue Legislation Further Amendment Bill 2009. The bill covers the changes required for New South Wales to administer the extension of the Commonwealth's First Home Owner Boost payments. This includes benefits of up to \$14,000 for first home buyers purchasing new homes and \$7,000 for first home buyers purchasing existing homes. The member for Terrigal, Chris Hartcher, the Leader of the Opposition, Barry O'Farrell, and the Coalition have let down first home buyers across New South Wales and the Central Coast. The shadow Minister for the Central Coast, the Leader of the Opposition and the shadow Treasurer voted against the Australian dream—and against giving first home buyers the best chance possible to start a new life.

How will Mike Gallacher, the Leader of the Coalition in the Legislative Council, vote when the legislation comes to the upper House, Mike being a coastie like me? Let us be clear about this. Let us make no mistake. Last night the member for Terrigal voted to rob first home buyers on the Central Coast of \$14,000. The member for Terrigal quietly snatched \$14,000 from first home buyers doing it tough in the global economic crisis, robbing them of a helping hand to see their dream of owning their own home become a reality. The Opposition, who had stood for nothing until now, has finally shown us where it stands—and it is not on the side of working families on the Central Coast.

The actions of the member for Terrigal last night are a slap in the face for Central Coast working families as they move in the worst economic circumstances we have seen since the Great Depression. The actions of the member for Terrigal are also an attack on tradies across the Central Coast. We on this side of the House are much different to those opposite—we will never turn our backs on working families. This is an attack on, first, families on the Central Coast and, second, the funds that come from the program to the Central Coast, which are quite significant. When one looks at the rankings table one sees that Gosford is ranked No. 6, with some \$2 million in benefits coming to the Central Coast, and Wyong is ranked No. 11, with some \$1.7 million in benefits coming to the Central Coast. Tradies represent the largest group of people in employment on the Central Coast. Those tradies are affected by the decision of this House, a decision supported by the shadow Minister for the Central Coast, the shadow Treasurer and the Leader of the Opposition.

**Mr WAYNE MERTON** (Baulkham Hills) [4.09 p.m.]: I welcome aboard the new convert, the member for The Entrance, who truly has had a road to Damascus experience—we will fix up the paperwork for his membership later. This motion is based on an erroneous situation and it is factually incorrect. There is no substance whatsoever to the motion. In fact, the motion could well lead to a situation where the people of New South Wales think that the Government has done something to help them, when the reality is the opposite. When this Government leaves office on the fourth Saturday in March 2011, it will be leaving a legacy of betrayal and denial. The Government will have let down the people it purported to support for so many years. The people of New South Wales will show their anger and displeasure with this Government when they vote on 26 March 2011.

But let us look at what the budget does not do. The Treasurer described the budget as a beacon of hope, but it is a beacon of despair. The budget offers no hope whatsoever. It offers nothing but doom and gloom. This

Government had the benefit of an extra \$17.5 billion in revenue during the stamp duty boom in the recent escalation in the property market, but it has wasted that money. The Government does nothing to provide necessary infrastructure where it is urgently needed. For instance, I refer to the completion of the south-west rail link, the building of the north-west rail link, construction of the M5 widening, the M5 duplication, the M4 East extension, the F3 to M2 link, and the F3 to M7 link. At the end of the day, this will leave every household in New South Wales with a debt of \$36,000 and the other States, which are in the same worldwide economic situation, will have a credit.

This Government has failed. Unemployment in this State has gone from 4.6 per cent in 2007-08 to currently peaking at 8.5 per cent. If that is the legacy of this Labor Government to the people of New South Wales then it has failed abysmally. The Coalition has offered a substantial and definite program that will be implemented. For instance, the Coalition will build the north-west rail link, which the Government has said is unnecessary. The Coalition will build the south-west rail link, which the Government has also said is unnecessary. The proposed economic program of the Coalition is capable of being delivered when the Coalition takes office. The difference is that the Coalition lives in the world of reality whereas the Government lives in the world of fantasy.

**Mr DAVID HARRIS** (Wyong) [4.12 p.m.]: The Opposition has proved it is an economic vandal. I will now share with the House what the experts think. Last week, after it was announced that the Government would extend the New Home Buyers Supplement by one year, the Chief Executive of the Urban Taskforce, Aaron Gadiel, said:

The NSW Government has put its money where its mouth is—they're clearly serious about supporting a construction led recovery.

Opposition members have already heard this in the House, but I will tell them again since they have proved they need more than Economics 101 to get it into their heads. Graham Wolfe, Executive Director of the New South Wales Housing Industry Association, said:

Today's budget, delivered by NSW Treasurer, Eric Roozendaal—

of whom the member for Manly is a big fan—

... provides a much-needed boost for the residential building industry.

It is good feedback on good policy. Today the Premier told the House that there has never been a better time to build a new home in New South Wales, with up to \$42,000 in grants and stamp duty cuts available. That is great news for families trying to make ends meet in the biggest investment of their life. Families are taking advantage of the offer and purchasing in New South Wales in record numbers, and that is evidence that the policy works. It seems everyone is behind these job-supporting initiatives—everyone except the Opposition, which has no sense and no loyalty to working families.

As I mentioned in debate last week, the Opposition is hell-bent on driving this State into financial ruin by opposing revenue measure after revenue measure. Yesterday it voted to derail the very successful first home buyers benefits. The "let's win Government at all costs" mentality of the Coalition means it makes promises it cannot deliver on. We just heard from members opposite about all those unfunded projects that the Coalition is promising if it takes office. But at the same time the Coalition is opposing every revenue measure that is put forward, which means getting less money when it wants to spend more. That tells us a lot about the proposed economic policy of the Coalition.

Not only does the Coalition have Max the Axe as one of its financial advisers, but now Michael Costa is also a Coalition financial adviser. Interestingly, when Michael Costa was on this side he was rubbished every time he opened his mouth, but now he is the new economic messiah. That shows how much the Coalition flip-flops all over the place. The Opposition has no shame and has now sunk to new depths. It should be ashamed of itself for attacking the dreams of young Australians living in New South Wales who are seeking first home ownership. Why not hear something about real policies that can be funded and delivered, as we on this side of the House do, and show support for some of the good initiatives put forward by the Government?

**Mr PAUL McLEAY** (Heathcote) [4.15 p.m.], in reply: When the member for Manly gave his reasons for not supporting the motion he sounded like a man with a very guilty conscience. He must have been part of the strategy team that said this motion should be opposed, but he now realises it is hard to unscramble that egg. Amongst the work in the bill was the requirement to make the Commonwealth cut in stamp duty part of the

legislation. That means the benefit of \$14,000 to first homebuyers when purchasing new homes is under question. Mr Baird voted against that, and those on this side were interested to hear his reasons today. He has a lot of explaining to do, and I can only suggest that he works on that message because he needs to be more convincing.

A lot of other good news has been announced today. During question time the Premier referred to figures from the Office of State Revenue and said that 7,357 first home buyers grants, worth \$108.9 million, were paid in May, compared with 3,859 grants, worth \$27 million, paid in May 2008. He further said that 7,114 of the grants paid in May were issued to applicants who qualified for the first home buyer boost and first home buyer supplements worth \$107 million. Stamp duty concessions worth \$69 million were granted in May, compared with \$34 million worth of concessions in May 2008. The top five suburbs in which the grants were received were in all in western Sydney. Constituents in Sutherland came in with 51 first homeowner grants, which is good news for the shire.

A lot of jobs in stimulus packages were announced in the budget last week. I am sure all members are learning as much as they can about the Community Building Partnership this week because that will be able to stimulate our local economies through local cultural and sporting groups. There will also be the continuation of the Federal first home buyers grant and the 50 per cent reduction in stamp duty for new dwellings—that is something this Government is very proud of. The commitment of the Government to jobs for working families in New South Wales is paramount. That is why the Government opposes the amendment moved by the member for Manly. The Government supports the motion.

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

**The House divided.**

**Ayes, 52**

Mr Amery	Ms Firth	Ms McMahon
Ms Andrews	Mr Furolo	Ms Megarrity
Mr Aquilina	Ms Gadiel	Ms Moore
Ms Beamer	Mr Gibson	Mr Morris
Mr Besseling	Mr Greene	Mrs Paluzzano
Mr Borger	Mr Harris	Mr Pearce
Mr Brown	Ms Hay	Mrs Perry
Ms Burney	Mr Hickey	Mr Piper
Ms Burton	Ms Horner	Mr Sartor
Mr Campbell	Ms Judge	Mr Shearan
Mr Collier	Ms Keneally	Mr Stewart
Mr Coombs	Mr Khoshaba	Ms Tebbutt
Mr Corrigan	Mr Lalich	Mr West
Mr Costa	Mr Lynch	Mr Whan
Mr Daley	Mr McBride	
Ms D'Amore	Dr McDonald	<i>Tellers,</i>
Mr Draper	Ms McKay	Mr Ashton
Mrs Fardell	Mr McLeay	Mr Martin

**Noes, 34**

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

**Pair**

Mr Tripodi

Mr Hazzard

**Question resolved in the affirmative.****Amendment negatived.****Motion agreed to.**

**The SPEAKER:** Order! The motion accorded priority having concluded, the House will now consider Government business.

**STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2009****Bill received from the Legislative Council and introduced.****Agreement in Principle**

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [4.27 p.m.], on behalf of Ms Carmel Tebbutt: I move:

That this bill be now agreed to in principle.

The Statute Law (Miscellaneous Provisions) Bill was introduced in the other place on 17 June 2009 and is in substantially the same form. I refer members to the second reading speech, which appears at pages 3 to 5 in the *Hansard* galley for that day. The only change to the bill made by the Legislative Council was the removal of a proposed amendment to the Firearms Act. I commend the bill to the House.

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

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

**Mr JOHN AQUILINA** (Riverstone—Parliamentary Secretary) [4.28 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to:

- (1) postpone the consideration of private members' statements until the conclusion of consideration of the Motor Sports (World Rally Championship) Bill;
- (2) permit the consideration of the matter of public importance after private members' statements; and
- (3) permit the House to adjourn on motion.

I have moved this motion so the House can pass the Motor Sports (World Rally Championship) Bill this evening. I am conscious of the fact that private members' statements have been postponed on one occasion this week, with the promise that they can take place on Friday. Today I propose to defer the consideration of private members' statements and the matter of public importance until the House has passed the Motor Sports (World Rally Championship) Bill. Upon completion of the bill, the House will proceed with private members' statements and conclude with the matter of public importance. The House will then adjourn.

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

**Motion agreed to.**

**MOTOR SPORTS (WORLD RALLY CHAMPIONSHIP) BILL 2009****Agreement in Principle**

**Ms JODI McKAY** (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [4.30 p.m.], on behalf of Ms Verity Firth: I move:

That this bill be now agreed to in principle.

The Motor Sports (World Rally Championship) Bill 2009 was introduced in the other place on 17 June 2009, and is in substantially the same form. The second reading speech appears at pages 36 to 38 in the *Hansard* galley for that day. The only change the Legislative Council made to the bill was to provide for a review at the end of the declared rally period in 2009. The Motor Sports (World Rally Championship) Bill 2009 will facilitate the staging of the World Rally Championship in the Northern Rivers region of New South Wales.

The World Rally Championship is the highest-profile motor sport championship after Formula One. In 2007 around 816 million people from 180 countries around the world watched the World Rally Championship, attracting approximately 51 million viewers for each round. The World Rally Championship, which will be held from 3 to 6 September, presents New South Wales with an unprecedented opportunity to showcase the Tweed-Kyogle region to a worldwide audience. I commend the bill to the House.

**Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a later hour.**

**MOTOR SPORTS (WORLD RALLY CHAMPIONSHIP) BILL 2009****Agreement in Principle**

**Debate resumed from an earlier hour.**

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [4.33 p.m.]: The object of the Motor Sports (World Rally Championship) Bill 2009 is to facilitate the conduct of the World Rally Championship with a view to holding a rally in the Northern Rivers region of the State this year from 3 to 6 September and every second year thereafter until 2027. In September last year Events NSW and the Confederation of Australian Motor Sport announced that the Northern Rivers region would host the Australian round of the FIA World Rally Championship in 2009 and then every two years through to 2027. The first event, Repco Rally Australia, is to be held in the Tweed and Kyogle local government areas in September.

It is estimated that this rally will generate up to \$100 million in direct economic benefits for New South Wales over the life of the agreement and lead to the creation of up to 2,000 new jobs and an estimated 92,000 visitor nights. The worldwide television audience is considerable. In fact, last year more than 816 million people in 180 countries watched the world rally, attracting approximately 51 million viewers per round. This World Rally Championship event will market New South Wales, and in particular the Northern Rivers region, to an international market.

These are the sorts of events that are good for New South Wales. The Liberal Party and The Nationals will not oppose the legislation, especially given that we have had substantial input into improving the legislation to reflect community concerns. There was a raft of community concerns. I acknowledge that the member for Tweed and the member for Lismore, in whose electorates the event will be held, listened to their communities. The Government gave no indication that it was listening. The member for Tweed and the member for Lismore have worked very hard to bring community concerns to the attention of the Minister. The member for Tweed was involved in facilitating the moving of the marshalling area, which was quite close to the built-up area of Kingscliff, further away to a football field because there were concerns about the impact on social amenity in that area.

The member for Lismore arranged a meeting with mayors and the Minister to ensure that the concerns of the local region were taken into consideration. Some of those concerns included, initially, the damage that may be caused to local roads or other infrastructure. It should be noted that the bill includes a make-good provision to ensure that the rally promoters will pay for the cost of repairing any damages caused by the rally. There was a concern also in relation to the environmental impact, and members have received correspondence

and communications from people concerned about the impacts on wildlife in our national parks. However, we note that a prominent local environmental scientist, Dr Stephen Phillips, has indicated that any ecological impact would be minimal.

There was a strong concern that the decision-making power had been taken away from the Tweed and Kyogle shire councils: the State Government overrode the normal process of the community submitting objections and having locally elected officials decide on the development application. Similarly, there was a concern that the legislation locked the Northern Rivers region, in particular the shires of Tweed and Kyogle, into five future rally events and that there was no mechanism whatsoever to review the bill following the initial event. As a result of the efforts of the member for Tweed and the member for Lismore, an amendment was carried in the other place. That amendment ensures that the Government will conduct a formal review of the rally after the first event in September this year. The review will look into the rally's impact on the tourism industry, on the environment, on Aboriginal cultural heritage, on public safety and on the local community generally. Quite importantly, the amendment that was carried in the other place ensures that the Minister's review will include consultation with the local community of the Northern Rivers region, Kyogle Council and Tweed Shire Council. That is the democratic process that people want to see when the State Government legislates for a significant initiative such as this.

It has taken the Liberal Party and The Nationals to ensure that the communities get a say in how this event is run, and they have the assurance that the Government will review the impact of the event after the initial rally. It is an important victory for the local community, and I commend the member for Tweed and the member for Lismore for their very effective and proactive approach on this issue. There remain some other concerns. It has been communicated to me that there are concerns about securing the rally area and, in particular, a concern that emergency services—for example, the State Emergency Service and the Rural Fire Service—might not be able to access any incident or accident within the declared rally area. I ask the Minister, representing the Minister for State Development, to address that concern in her reply.

There was also a concern that there are no guarantees that signage, barriers or marshals will be in place over the entire circuit or that those features will not be tampered with or removed. There is a similar concern that protective measures may not be in place to ensure the safety of occupiers of any private property involved in that any authority may not have the ability to restrict access to an active racetrack. We do not want people wandering out onto the racetrack. We want to ensure the safety of people who are living in the area. We want to ensure that special signage, barriers and marshals will be in place over the entire circuit and that they cannot be tampered with or removed.

We also want to ensure that emergency services will be able to access the declared rally area in the event of an incident or accident. That said, the Liberal-Nationals support major events that bring jobs and investment to our State. We support initiatives that help to promote the beautiful regions of our State, in this case the Tweed and Kyogle shires. We are assured that many of the community's concerns have been addressed, particularly as a result of the efforts of the member for Tweed and the member for Lismore.

**Mr GERARD MARTIN** (Bathurst) [4.40 p.m.]: I support the Motor Sports (World Rally Championship) Bill 2009. While the Government welcomes bipartisan support for the bill, it is not surprised that the Leader of The Nationals has tried to rewrite history. We all know that from day one the Government has been committed to public participation in and consultation about the arrangements for this event. It was important for the State Government to handle this event. Members representing North Coast areas know from the number of emails they have received about this event that it attracted a great deal of opposition. However, negotiations with crossbench members in the other place produced this legislation.

I come from an area in which motor racing is extremely popular. Mount Panorama is probably one of the best road-racing circuits in the world. The Central West and much of my electorate are very suitable for motorsport rallying. The Greens in the other place pointed out that I said I would be happy to have the event held in my electorate, so they suggested that it be moved to Bathurst. It is interesting that the Greens do not believe that this event should be held on the North Coast but that it can be held in the Central West. I do not understand the logic behind that. The regular car and motorbike rallies held in the extensive State forests in the local area bring a great deal of money and visitors to the region. Those rallies are all well run and the organisers adhere to the strict conditions required by the Confederation of Australian Motor Sport and other motorsport governing organisations.

A recent study conducted by the Western Research Institute at Charles Sturt University indicated that events at Mount Panorama bring about \$160 million into the region each year. That proves that this is not token

economic development. It has been said that this event will be worth \$100 million to the region. The important thing about this world rally championship is that it attracts a great deal of international attention through pay television network broadcasts. I imagine that hundreds of millions of people will watch the event. Not only will they be watching the competition but they will also be exposed to the beauty of that part of our State. It is a very important event. The various tourism bodies in the area will build on this opportunity over the five-year contract period. They will cement New South Wales and that part of the State as an important component of the motorsport rally championship circuit.

Concerns have been expressed about the environment and safety aspects of this event. The organisers of this major international motor racing event have decades of experience in this field. They are very aware that if they do not adhere to the conditions that have been imposed and if the circuit is not as safe as it can be for drivers and spectators, they probably will not be able to continue to hold the event in that location. Motorsport involves inherent risks. However, fatal accidents are very rare because safety is the primary consideration. Given the speed at which the vehicles travel and occasional mechanical failures, accidents do occur. There are some spectacular bingles during rallies, but almost invariably the drivers walk away, if not uninjured then with only minor injuries.

All things considered, this legislation is worthy of support. The Minister for Tourism, who has carriage of the legislation in this House, will appreciate the economic stimulus created by the tourist dollars that will be spent in the Tweed and Kyogle areas. Many of the international visitors attending the event will also visit Sydney and other parts of the State. I imagine that a few visitors will take the opportunity to visit Bathurst to do a lap around Mount Panorama.

**Mr Daryl Maguire:** Slowly.

**Mr GERARD MARTIN:** If they travel at more than 60 kilometres an hour on a non-race day the local constabulary will have a chat with them. It is very frustrating driving down Conrod Straight at 60 kilometres an hour, but it is a public road when it is not a race circuit and that is the speed limit. About 300,000 people a year visit Mount Panorama circuit to drive around it and to feel the ambience—it has an international reputation. Of course, there are many other tourist attractions in the surrounding area. The five-star hotel that has been built towards the bottom of Conrod Straight will be open for business at the end of this year. Because people want to race motor vehicles, Mount Panorama has now developed into a major tourist attraction. I am sure that as the Motor Sports Rally Championship develops in the north of the State it will generate the same benefits and will cement Australia as one of the premier motorsport countries in the world. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed) [4.48 p.m.]: I will provide some background to the Motor Sports (World Rally Championship) Bill 2009. However, before I do that, I will speak about the rally itself. I have met with the organisers of the rally on a number of occasions. They are a very professional unit and they obviously have a lot of experience. Gary Upson, the chief executive officer, has organised similar events in New Zealand, and Garry Connolly, the chairman, also has a great deal of experience in this area.

I believe that a lot of the angst surrounding the bill being introduced in the upper House was the result of local people not being involved in the decision-making process. I have been very concerned about that for some time. Discussions were held in September last year. However, the locals found out about it only in February this year. The Minister in charge of the legislation in the upper House, the Hon. Ian Macdonald, indicated in his reply to the second reading debate that he found out about it only on 19 May. He said that two or three times during his speech in reply.

Concern was expressed in my electorate about the proposal to have the pits at a beachside location. I spent a considerable amount of time talking with the rally organisers, local resident groups, local clubs and so on. We found a suitable alternative venue at the Cudgen Leagues Club. It is a fine, upstanding club and home to the Hornets. We achieved that by talking to everyone and being open and honest. The Cudgen Leagues Club has a history of hosting big events. Late last year it hosted the State championships of the Rural Fire Service, which involved 500 firefighters. Also late last year it hosted the Indigenous Rugby League State championships. Over that period some 55,000 people attended the area, with very little trouble or inconvenience to the locals. That venue was a good choice and the events were well received overall.

Concern was expressed that I have been negative about the rally. I am not. I am negative about the process. Part of the process is particularly relevant in my electorate of the Tweed. As members are aware, four years ago our council was sacked. Last September we got it back. These negotiations may have been occurring

with the administrators before that time but the information did not get out to the general public until February. There is often angst in the community about things of this nature, particularly in a pristine environment, and, as the shadow Minister, Andrew Stoner, commented earlier, this is a beautiful part of New South Wales. The hosting of the rally was suddenly thrust upon the local community without it having a real say, and that is why there was such angst. Probably the majority of people will not object to it. My angst came from the fact that democracy was taken away and the local people were not given a say, regardless of whether they supported it or did not like it.

I am pleased not to oppose this bill now that it has been redrafted. The original bill provided for an informal review in the first year followed by a formal review after the fifth year. That was good enough. Local people need to have a say in their future, a say in what affects their day-to-day lives. I say again, probably the majority of people in the Tweed are in favour of this event. I hope the figures touted by the Government to support the economic viability of the event stack up. Many years ago I was involved in the club movement in the Tweed. The organisers of the Indy car races approached us. That event is broadcast to hundreds of different countries around the world and attracts a large number of tourists. It was supposed to provide an economic boon for the region. Many years later the reality is that the economic boon happens in Surfers Paradise and up to about five kilometres from the track. If you go past that, nothing much happens. That is fine. It attracts a lot of tourists.

I am sure the world rally will also attract a lot of tourists. I am pleased to see that the new bill provides for a review of the impact of the event on the Northern Rivers region, tourism, the environment, Aboriginal cultural heritage, public safety and the local community. The review is supposed to take place as soon as possible after the 2009 rally, and the Minister is to ensure that the review involves consultation with local communities in the Northern Rivers, Kyogle council and Tweed council. My electorate covers part of the Tweed council area. A report on the outcome will be tabled in the House within 12 months of the end of the declared rally. It is all about local people having a say in their futures.

Events NSW deserves a little criticism here. I do not think it consulted with the local people. A classic example of lack of consultation occurred when I talked to the rally organisers in February. They indicated that the Premier's department had been fully consulted. I knew nothing about it and other people in the town knew nothing about it. That being said, I do not oppose the bill. However, I reiterate that local democracy was ripped away. The people of the Tweed had to wait four years to have a democratically elected council. We have just got it back and it seems that its powers have been taken away. It is an onerous bill in many regards. It overrides any current State legislation, whether it involves lands, fisheries, environment, noise, and so on. I think the event is going to be a success. I think some of the fears that were being put forward by the community are unfounded.

I am pleased with the combined efforts of the Liberal Party and The Nationals in taking these matters on board. I am pleased to say the event received good support within the Coalition. After all, we are the people out in the field; we are the ones listening to the local concerns. Some people will not be happy with the passage of this bill but I think overall the majority of people, particularly those in my electorate, will be happy with it. It was a good team effort by the Liberal Party and The Nationals to bring it to this level and to ensure some transparency, openness and consultation. I am sure it will result in a large number of visitors coming to the area.

Yesterday in this House I made a private member's statement on the tourism industry of the Tweed. I note the Minister for Tourism is present. She copped some criticism in the weekend's papers from her counterpart in Queensland, who suggested her department is hijacking tourists south. I defended our Minister and said that half the airport is in New South Wales. It is not their airport, it is our—

**Ms Jodi McKay:** It was the member for Lismore's idea.

**Mr GEOFF PROVEST:** That was a very good idea of the member. I thank the member for Lismore for bringing that idea to you. The Gold Coast Airport will have around four million visitors this year, 400,000 of who will come direct connect from overseas. You can now fly into the Gold Coast from Japan, Kuala Lumpur, the Middle East, New Zealand and a few other areas, and that will only expand. Just over 30 per cent of those who land at the Gold Coast Airport turn right and come into New South Wales.

**Ms Jodi McKay:** That is my advertisement.

**Mr GEOFF PROVEST:** That is your advertisement—turn right. I compliment the member for Lismore and the tourism Minister. It is a brilliant campaign. One might say it severely upset our Queensland

counterparts, who spend a lot of money on attracting tourists. I am sure a lot of people will come to the world rally through the Gold Coast Airport and travel south. As I have said many times, unemployment in the electorate of Tweed is 2 per cent higher than in the rest of the State, and youth unemployment is 3 per cent higher. I know that a number of Coalition members are motorsport fans. It was a good team effort by the Liberal Party and The Nationals to put the rights of local people forward and have them identified in the bill so that their views are taken seriously after the first year. I am not opposing the bill. Some common sense has finally shone through. I hope the event lives up to its expectations, attracts that \$100 million of extra income to the region and promotes New South Wales as a great place to be. It is most appropriate tonight, as we are playing the Queenslanders in football—and I am sure we will beat them. Once again, I am 100 per cent for the Tweed.

**Mr PETER DRAPER** (Tamworth) [4.58 p.m.]: I oppose the Motor Sports (World Rally Championship) Bill 2009. It seems to me that the Government is again prepared to trample on New South Wales residents' democratic rights just to ensure the rally proceeds, despite many local area and wider community concerns. Many people from the North Coast will be directly affected by this event, and many others are concerned about the process the Government is using to get this event underway. They have contacted me over recent weeks. Most believe they are witnessing a disintegration of the democratic process, as the Minister has taken it upon himself to introduce special legislation that ensures that a singularly inappropriate and environmentally damaging event can and will take place alongside the World Heritage-listed Border Ranges National Park, and within the internationally acclaimed and federally funded green caldera biodiversity hot spot area. These concerned citizens who have contacted me believe that any right of reply that would ordinarily have been granted to concerned residents and other people wanting to debate genuine issues relating to this event has now been removed.

They are rightly concerned that all power has been handed over to the Minister, with little or no regard shown to the rights of the public. In general, people are concerned that the legislation exempts the rally, and the actions of rally promoters and public authorities, from a whole raft of State laws that were designed to protect the public interest. Many feel that the provisions of the Act are antidemocratic, removing any ability for local communities to have input into processes and decisions that directly affect their quality of life. Right around New South Wales many fear the bill as proposed because it continues a disturbing trend by the Government to impose legislation that tramples over the rights of local communities to facilitate the interests of some sectional groups and private organisations.

Residents of the Tweed Valley and Kyogle areas have contacted me and told me of their concerns about impacts of this event, including environmental, economic, social and political factors. They have outlined environmental concerns that the rally will impact upon threatened flora and fauna, including koalas and other species classified as endangered or vulnerable. They point out that the rally will occur in the koala-breeding season every second year for up to 20 years, and that bushfire risks associated with the rally have not been properly assessed or addressed. They claim the rally is an affront to many locals, who work hard to protect local flora and fauna through Landcare, wildlife care and other similar groups. They point out also that the use of national parks for a car racing event is inconsistent with current legislation and community expectations.

From an economic perspective, residents believe there has been inadequate consideration of the real costs, and that there is an inflated estimate of economic returns. Additionally, they are concerned about potential damage to the growing ecotourism industry, and believe the event is inconsistent with the growing importance of ecotourism and nature-based tourism as a key priority for economic development of the area. From a social perspective, people fear increased alcohol and violence, antisocial behaviour, copycat driving, a direct conflict with State Government programs that seek to reduce dangerous driving, plus the possibility of increased driving-related deaths and injuries. They are also greatly disturbed about the social division that this event is creating in their local communities.

Politically, there are concerns about deals done between government agencies and a private company, a lack of public consultation, subsidies to the event from the public purse, a perception of inappropriate relationships between developers and approving authorities, plus the exclusion of local communities from the decision-making process. I might add here that there is considerable support in my community for these concerns, given the situation local farmers face when trying to protect their prime agricultural land from unwelcome development on the Liverpool Plains.

From a cultural perspective, significant issues are identified in the cultural heritage assessment that require further clarification and assessment by suitably qualified persons. Assurance is sought that no provisions contained in the bill will extinguish the protection normally enjoyed by Aboriginal culture under the National

Parks and Wildlife Act 1974. No consideration has been given in the cultural heritage assessment to the impact of the rally on any areas of significance to Aboriginal groups in the area or of significance to local Aboriginal women, who were not properly consulted for the cultural heritage assessment. I understand there are two distinct Aboriginal groups in the area: the Githabul and Bundjalung. Only the Githabul were consulted about the rally being held in the area, while women have not been consulted, especially in relation to women's business. One Githabul woman has sent a letter to the editor of her local newspaper protesting against the event, stating that she will not take part in the planned welcome to country ceremony.

I believe the Government should reconsider its position on this proposed event. I do not understand how pristine national park and endangered native species can coexist with, as the member for Bathurst pointed out, quite spectacular bingles that occur during these rallies. I am relieved that a review will take place after one year but the event should not happen in the first place. There is widespread community dissatisfaction with this proposal, both in the local area and statewide. These issues must be addressed in a transparent fashion and, until they are, I strongly oppose the bill.

**Ms CLOVER MOORE** (Sydney) [5.03 p.m.]: I will make a brief contribution to the debate and oppose the Motor Sports (World Rally Championship) Bill 2009, which will facilitate the Repco Rally Australia race in the Northern Rivers region in September and every second year for the next 10 to 20 years. I acknowledge changes in the upper House that require a review of the race at the end of the year. I have received many emails and letters from concerned residents who live adjacent to the planned routes, as would many other members. My contribution will be brief, but I place on record the concerns raised with me about this bill to highlight the appalling process being pursued to guarantee the use of this sensitive land for a car race at the request of the Paris-based International Automobile Federation.

The bill allows car races through national parks and State forests without the need to comply with environmental laws or to submit a development application. I understand the region has been deemed the most biodiverse area in New South Wales. The proposed route will go through areas that are home to threatened species, endangered animals and vulnerable flora and fauna, including through core koala habitat, despite the threat to koala populations in New South Wales. I understand that some of the strategies to protect wildlife such as koalas involve use of low-flying helicopters to scare animals so that they move away from the route. This is an offensive approach to the management of wildlife and native animals that will result in significant stress to animal populations.

The Repco rally race will take place in September during the breeding season of the region's 250 native bird species and I share widespread concern about the impact that the race will have on their populations. I am told that environmental assessments for this race included only the impact of the car race itself and not associated activities such as set-up and truck movements. Normal process is being bypassed, and residents and environment groups say they have not been given the right to object to proposals. All New South Wales residents should be concerned about this bill: not only does it threaten a beautiful and biologically diverse Northern Rivers region, it also gives the Minister extraordinary power to impose the World Rally Championship race on any other area in the State by regulation. The Motor Sports (World Rally Championship) Bill is antidemocratic, anti-environment and anti-native wildlife and I cannot support it.

**Mr ROBERT COOMBS** (Swansea) [5.06 p.m.]: The Motor Sports (World Rally Championship) Bill 2009 facilitates the holding of the Australian round of the World Rally Championship in September 2009. The World Rally Championship is a widely respected international rally car event with a more than 35-year history. The Federation Internationale de L'Automobile World Rally Championship is the highest profile international four-wheeled motor sport championship after Formula One.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for Swansea will be heard in silence.

**Mr ROBERT COOMBS:** It is regarded by many as the most challenging motor racing competition on the international circuit, thanks to its demanding race conditions and rough terrain. In 2007 approximately 816 million people watched the championship. This year the 12 rounds of the championship will be held around the world. The 2009 championship rounds have already been held in Ireland, Norway, Cyprus, Portugal, Argentina, Italy and, more recently, in Greece.

**ACTING-SPEAKER (Mr Wayne Merton):** Order! The member for Coffs Harbour will listen to the member for Swansea in silence.

**Mr ROBERT COOMBS:** Other rounds to come this year include Poland and Finland, with Spain and Wales following the Australian round of the World Rally Championship to be held at the end of the year. In each event the host nation has the capacity to parade the merits of the region through a significantly increased national and international spotlight. International events such as the World Rally Championship competitions can bring significant economic and community benefits to New South Wales. The championship is an event that can be enjoyed by national and international fans of motor sports and the local community, attracting tourism, jobs and business to regional New South Wales.

The organisation involved in holding an international event such as the World Rally Championship is substantial. This bill will facilitate effective cooperation between the relevant State government agencies and local government involved, while still ensuring a proper and full consultation process with local councils—the end result being a more efficient and successful race planning process. Appropriate conditions can be imposed, however, to address vital matters such as public safety and environmental protection. Special legislation has been used in recent years for a number of major events, including the highly successful Sydney 2000 Olympic Games, the iconic Bathurst 1000, World Youth Day in 2008 and the V8 Supercars event to be held at Sydney Olympic Park at Homebush.

Other jurisdictions such as Victoria, Queensland and South Australia have legislation in place to facilitate the running of motor sports events. The bill has been tailored to suit the particular circumstances involved in the World Rally Championship, focusing on the simplification of the approvals process. Its provisions in relation to the approvals process are modelled on the provisions contained in other recent New South Wales legislation for special events, such as the Homebush Motor Racing (Sydney 400) Act 2008.

I understand that the World Rally Championship event has involved community consultation. The rally organiser has held open days for community consultation and advises that it has contacted residents in the region. The Government will also continue to ensure that the environment and public safety are properly protected. An ecological assessment of the championship has been conducted by environmental consultants for the rally organiser. The authorisation to conduct the rally event under the bill may be subject to conditions that the Minister considers appropriate, including conditions concerning environmental protection, public safety, reinstatement of land, and consultation requirements.

The rally organiser has arranged for the preparation of management plans and assessment reports in relation to the rally event, and they will be relevant to the determination of the appropriate conditions to apply to the authorisation for the rally events. The rally organiser has been conducting community meetings to keep the community informed about the event, and the Government will be looking to ensure that the community continues to be informed and is able to provide feedback in relation to rally events. The event demonstrates the Government's resolve in promoting the State's tourism, providing jobs to regional New South Wales, and stimulating local economies through direct investment in tourism. This is a significant initiative, and I commend the bill to the House.

**Mr THOMAS GEORGE** (Lismore) [5.12 p.m.]: In speaking to the Motor Sports (World Rally Championship) Bill 2009 I want to say first how pleased I am to see the Minister for Tourism in the Chamber. I understand that the Minister has been involved with this bill over the last few weeks. I was surprised by and disappointed in the comments of the member for Bathurst regarding the Leader of The Nationals indicating that the Opposition had some input into the drafting of the amendments. The member for Bathurst said that that was done by the crossbenchers. I take exception to that.

**Mr Andrew Fraser:** It's a load of nonsense.

**Mr THOMAS GEORGE:** Yes. On 1 June this year the Government announced that it would introduce the bill and that it would approve the process. Hence the headlines in the newspaper "Council loses control of rally" and "Repeco all but given go ahead on rally". The announcement upset the community. The community had expressed outrage about the rally prior to this, but its outrage was heightened by the fact that the local councils, Tweed Shire Council and Kyogle Council, had lost any control they had over the rally. I thank the Minister for Primary Industries, who agreed to a meeting I arranged with the Mayor of Kyogle Shire on 1 May. The mayor could not get down to Sydney because of a plane problem but the Minister met the General Manager of Kyogle Shire and spoke to the mayor on a phone hook-up. Also at the meeting were Joan Van Lieshout, the Mayor of Tweed Shire Council, representatives of both councils, the member for Tweed and I. The Mayor of Tweed Shire Council, Joan Van Lieshout, wrote:

Thank, you for affording the opportunity to meet with you on Wednesday 3 June 2009, in relation to community concerns associated with the World Rally Championships to be staged within Tweed Shire.

Whilst it is acknowledged that special legislation is being developed to encompass this event, Council requests that a review mechanism be built into this legislation to enable any issues which may arise from this initial event to be reviewed. Council would appreciate the opportunity to participate in this review to ensure that the impact from this event has minimal effect on our natural and built environment.

During discussions, it was also mentioned that a "make good provision" would either be covered by way of the legislation or a deed of agreement. This is extremely encouraging and it would indeed be prudent to have an independent party perform an inspection of the proposed route prior to and following the event to determine the cost of any rehabilitation works required.

Council is in receipt of the documentation from Repco Rally Australia Pty Ltd and staff are currently reviewing the various reports. Following this review it is envisaged that a meeting will be held with Repco Rally Australia staff to discuss any issues that arise from this documentation review process.

#### A letter from the Mayor of Kyogle Council reads:

Thank you for agreeing to meet with Council yesterday to discuss the special legislation being developed for the Repco Rally Australia event.

As indicated during our discussions, it is our firm belief that the majority of the community are in favour of allowing the Rally to go ahead.

We would like to acknowledge that the rally organisers, Repco Rally Australia Pty Ltd have generated goodwill ...

In this regard, it was pleasing to hear that there will be a "make good" provision to ensure the protection of our community assets that will be utilised during the running of the rally.

The letter goes on to state that the council wanted to have the ability to review the approval following the rally to enable council to make further decisions for subsequent rallies. Kyogle Council wrote a further letter to me expressing concerns raised with the council by the community. The council outlined the community's concerns under the following headings: "Ability to review"—which the council wanted—"Impact on the built environment"—under which council stated that many community members had expressed concern about environmental issues in the area—"Area promotion", "Copycat activities", "Education activities", "Off-year events", "Other associated rallies", "Impacts on the residents/landholders who adjoin the rally routes", "Impacts on the environment", "Impact on wildlife and their habitat", "Carbon emissions" and "Policing".

I have received a lot of correspondence in relation to this issue. As I said in this place yesterday, I spoke to a local landholder who owns a property on the rally route. The landholder told me that Repco Rally Australia has indicated that it wants to build a viewing platform on the property. The landholder hoped that the legislation would not simply give Repco an opportunity to go onto the property, do what it wants to do, and leave all the rubbish there and disappear. I told the landholder that I do not believe the bill gives Repco the right to go onto private land to do that. I hope the Minister will clarify that aspect. Karen Nixon from the Tyalgum Store, who speaks on behalf of the Tyalgum community, refers to the "oversight of Tyalgum residents' needs". She wrote to me:

We don't believe that by giving Council/State Government approval for this event our elected politicians have considered that our village will be isolated during the event's key time in this area!

As a community we will be greatly inconvenienced and our access to and from Murwillumbah and all its essential services will be decreased.

...

For us personally, as owners of the Tyalgum Store, we have a whole community relying upon us for perishable supplies on a daily basis.

...

We are concerned about security also.

...

This brings us to another point—mail! The Post Office needs to be able to get mail in and out on a timely basis.

...

Gas deliveries are another major concern ... Restrictions placed on access to and from the village for the rally drivers will see some residents who run out of gas, without cooking, lighting and hot water!

...

We want Council/State Government to realise that holding such an event does interfere with the whole community and their rights and ability to perform normal daily functions such as collecting mail, buy their milk, bread, newspapers and gas etc.

I have simply grabbed a series of letters I have received on this issue. A gentleman by the name of Dr Ronald Wolff from Uki wrote to the Attorney General and sent me a copy of the letter. The concerns outlined in the letter include conflict of interest, no proper development application submitted prior to the rally being approved, and undemocratic regional planning commissions. The Northern Rivers Region Advisory Committee of the National Parks and Wildlife Service wrote to me as follows:

The Committee notes that Biolink, on behalf of the event sponsors, has undertaken extensive environmental analysis of the potential impact of the event; and make recommendations in respect of identified impacts. Furthermore, it is also understood that the event sponsors have accepted those recommendations.

All these people have done their studies. Conflict results when people from an organisation conduct a study and then the people who are against the rally conduct another study. I do not have the expertise to argue the conflicts resulting from those studies. I received a letter from Dr Jules Lewin on behalf of the Uki Guesthouse, a guesthouse for people with disabilities that does a wonderful job. Dr Lewin provided me with a summary in which her concerns about the impact statements are highlighted:

I am a retired medical scientist and spent 15 years as a tenured university lecturer. I recognise objective, quality research when I see it and there is none to be found in this SEIA report. I claim absolutely no expertise in socio-economics whatsoever, but if a multimillion dollar contract is allowed to proceed based on the authenticity, accuracy and recommendations of the socio-economic report, then those responsible are acting rashly and, in my opinion, most foolishly.

Obviously a lot of work has already gone into preparation for the rally, but we are much better off to cut any losses now rather than let this proceed. There are far more profitable, forward-thinking and sustainable ways to invest in the area, and I urge you to STOP the proposed Repco Rally Australia and vote against Minister Macdonald's "Special Legislation".

Jules Lewin

That is a typical example of the views of people across the electorate. The Sacred Heart Parish at Murwillumbah approached me with a few concerns regarding access to its schools during this time. Joey's Pouch Educational Child Care Centre informed me that restricted access to their building would interfere with the centre's trading hours; however, Repco Rally Australia has assured me that it has attended to the centre's needs. Recently the president of 7th Generation Inc. provided me with a copy of the Response to Environmental Noise Impact Report.

A summary of that report states that the rally is only likely to appeal to a narrow spectrum of tourists; it has the potential to do significant harm to the areas economy and culture; the area is known to be nationally and internationally significant for its diversity of plants and animals, and is the evolutionary hub of the west sub-tropics, with a high number of endemic species; the estimated contribution to the local economy from the 2009 event is \$10.96 million, but the source of the data as to this estimation is not given; there is no indication as to whether the running costs of the State Emergency Service and rural fire brigades will be covered by the Repco Rally Australia or the taxpayer—these costs need to be accounted for but are not touched on by Conics; if this event were to be held in September, the driest month of the year in this region, the potential for bushfires would increase dramatically, posing a severe danger to agricultural land, farm buildings, machinery, stock, wildlife, houses and human lives; the unacceptable levels of noise and dust are significant burdens on residents but no mention is made of the dust hazard in the SEIA report; and the prospects of this event have already caused great social harm and families have been divided by disagreements over the anticipated benefits and negative effects of the event.

Parts of the community have had trouble in accepting this event. At the end of the day members of Parliament represent the community. I have been working with the Tweed Shire and Kyogle councils since this event was announced in September last year. In fact, I can remember publicly hearing about this matter on 10 September 2008—I had no prior knowledge about it. The councils were disappointed that the control of the rally was taken out of their hands. This world event needed to progress, and whilst a lot of concerns have been expressed as to different issues, a lot of other people have promoted its benefits. What was wanted in this legislation was made clear to me prior to the meeting that was held with the Minister, the two mayors of the councils and me. First, a review process was to happen after the first event and, second, there was to be a "make-good" provision.

Neither council wants its community to be out of pocket or to have any environmental damage. They do not want their shires to be made responsible for any damage and they do not want to argue with Repco rally after the event about repairs to roads and infrastructure. A request for an independent umpire has been made. The Roads and Traffic Authority would be a good umpire. I also seriously recommend to the Minister that images should be taken of the roads and any infrastructure that may possibly be affected. [*Extension of time agreed to.*]

Images need to be taken because the last thing we want is arguments after the rally between the councils, the community and Repco Rally Australia. The Minister should ensure that the review process covers that because I can assure the Minister I will be back in the House either condemning or praising the organisations that have been involved in conducting the rally. Some members of the community will be disappointed that the rally is to proceed. Kyogle council received some 1,300 signatures on a petition in short time supporting the rally. No doubt a similar result could be achieved against the rally. New South Wales will be on show to the world when the rally is held. I trust that the organisers will be able to satisfy the requirements of the National Parks and Wildlife Service and care for the environment affected by the event. As the Leader of The Nationals has indicated, the Coalition will not oppose the bill.

**Mr ANDREW FRASER** (Coffs Harbour) [5.27 p.m.]: I commence by declaring an interest. I have been a proud member of the Confederation of Australian Motor Sport for approximately 37 years. In fact, I operated controls at the Southern Cross Rally, which was conducted in the Gloucester, Walcha and Port Macquarie areas way back in the days when we had Shinozuka and many other people with foreign names competing in the equivalent of the world rally championship. That event attracted thousands of people to a base in Port Macquarie. After listening to this debate I am tempted to move an amendment to the legislation to have the rally moved to Coffs Harbour! Only recently Coffs Harbour hosted a round of the Australian Rally Championship, which we lost about three or four years ago. Having listened to the concerns of my colleagues in this debate, I can assure them that the people that run these rallies are mainly volunteers. They are people like me who enjoy witnessing a great motoring event in the forests of the North Coast.

The member for Tamworth and the member for Sydney have raised environmental concerns. The national parks through which the rally will take place used to be State forests. The rally drivers, who are competent drivers of world standard, race on fast roads and the roads are left in a better condition than they were before the rally races. I listened to the Government members read their speeches prepared by the Minister's office. I advise them to tune into SBS on Sunday at 2.00 p.m. and watch the World Rally Championship. Last Sunday SBS televised the Acropolis Rally in Greece. It was a phenomenal event. Loeb, who was favoured to win the event, hit a rock, rolled his vehicle and did not complete the event. I believe a second-time winner won the event. It was exciting stuff.

Although these rally vehicles are powerful, they are driven by competent drivers. There have been a few accidents over the years. But for the 37 years that I have followed these rallies, the only time anyone has caused any real angst was about 33 years ago when the Greens put rocks on Horseshoe Road at the back of Bellingen. Their actions caused great danger to the drivers and spectators. The spectators are well marshalled. The Leader of The Nationals raised concerns about the closure of the roads. Marshalls will be stationed at all the road closures and spectator positions. As I said, I have done marshalling for many years. The emergency services personnel will be able to get in and out. The rallies are well organised and emergency services, such as the Rural Fire Service or the Ambulance Service, are catered for. All contingencies are taken into account at these rally events.

I compliment Gary Upson, to whom I have spoken. He has experienced a great deal of angst in organising this event. I understand the need for the Government to bring in this legislation to make sure this rally goes ahead. If it were done by way of a development application, it could be guaranteed that the Greens would make an application for an injunction in the Land and Environment Court and stop the rally. As previous speakers have said, this event is televised in hundreds of countries and is watched by millions of people worldwide. It will bring millions of dollars to the Tweed. I would have no hesitation in putting up my hand to hold this world event in the Coffs Harbour region. I am sure that Coffs Harbour City Council and the Coffs Harbour residents who have attended the State and national rounds of the Australian rally championship in Coffs Harbour would welcome it with open arms because they know the financial and social benefits.

I recall the days when the late Possum Bourne, who was tragically killed in an accident while competing, used to race on the North Coast. Rally drivers Neil Bates and Coral Taylor became personal friends of my family over the years. My son, who is six foot four inches, has a photograph of himself with Neil Bates where he did not come up to Neil's waist. Now he towers over Neil. Neil and Coral have been great ambassadors for this sport Australia wide. Wayne Evans is a very competitive Australian driver and recognised on the world stage. Alan Evans, an ex-chairman of the NRMA, is another rally driver who every now and then still puts the pedal to the metal. Nathan Quinn from Coffs Harbour has great prospects. His father used to be known as DNF—did not finish—when he was racing. Young Nathan is an extremely talented young driver and has the ability and, I hope, the opportunity to race on the world stage in the World Rally Championship.

The organisers have covered all contingencies. I have offered my services as a volunteer to the Confederation of Australian Motor Sports to run a control or two during the rally. The volunteers ensure the utmost safety for spectators and drivers. The owners of the Tyalgum store have raised concerns. They will find that the rally spectators will drop into their store and contribute to their business. The rally spectators will pour a lot of money into the small communities. I know that because I have been at rally events and the spectators buy their pies and sandwiches at the local shops along the rally routes. They follow the cars and they have an extremely enjoyable time. When our eldest daughter, Alexandra—who this weekend is heading off overseas for a couple of years—was a baby we would take her in a bassinette to the rallies. There was a bit of dust, but we would put a blanket over her. My family are rally enthusiasts. We have travelled many miles in the past to support rallies and we will continue to do so. I am sure the members of my family who are in Australia in September will attend this rally.

I am disappointed that the Minister for Tourism and the Minister for Primary Industries did not organise the Parliament's schedule better, as the rally will be held during sittings. They should have a chat with the Premier and the Leader of the House and make it a non-sitting week so that members can attend the rally and enjoy this great event. There will be 500 media people at the rally. They will promote the Tweed and the North Coast of New South Wales worldwide. Any member who watched the Acropolis Rally last week on SBS would know that the media does not only cover the rally event, they also cover the host nation and the various regions. The rally will ensure the promotion of our State and every member of this Parliament should support it.

**Ms JODI McKAY** (Newcastle—Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [5.36 p.m.], in reply: I thank the Leader of The Nationals, the member for Bathurst, the member for Tweed, the member for Tamworth, the member for Sydney, the member for Swansea, the member for Lismore and the member for Coffs Harbour for their contributions to the debate. The Motor Sports (World Rally Championship) Bill 2009 will facilitate the staging of the World Rally Championship in the Northern Rivers region of New South Wales. It is estimated that 816 million people from 180 countries around the world will watch the World Rally Championship, with approximately 51 million viewers for each round.

The World Rally Championship represents an unprecedented opportunity to showcase the northern rivers region of New South Wales to a worldwide audience. More broadly, the event will reinforce the international profile of New South Wales as a tourist destination and enhance its reputation as a host for global events. Tourism brings to New South Wales an estimated \$27 billion and supports 158,000 jobs. As a Government, we are doing everything we can to support leisure, business and event tourism. This event, which will be held from 3 to 6 September, will bring the world's best rally drivers to the northern rivers region. The competitors will be presented with a unique and beautiful landscape to test their skills. The championship is an exciting event for the motor sport community of Australia. The member for Coffs Harbour told the House of his excitement with this event being held close to his electorate.

This event will bring significant economic and tourism benefits to New South Wales. Events New South Wales has estimated that the biennial event, which will run to 2017, will secure a \$100 million benefit for the New South Wales economy. The event is expected to create the equivalent of 40 new permanent positions and between 1,500 and 2,000 part-time and casual jobs during the event week. Tourism New South Wales and the New South Wales tourism industry are developing rally packages for national and international markets to maximise the tourism benefits to New South Wales. It is expected that the championship will generate up to 69,000 visitor nights in the Tweed-Kyogle region alone. In this bill the Government has committed to a review of the impact of the rally on tourism, the environment, Aboriginal cultural heritage, public safety and the local community.

The Government was always committed to a review process, but I acknowledge the work that has been done by the member for Lismore, the member for Tweed and the member for Coffs Harbour in supporting this event and making sure that there is a voice for their communities. The action the Government is taking certainly is not about taking away transparency or the opportunity for their communities to participate in the process. It is about securing this event and making sure that it brings for New South Wales those benefits that I have already mentioned. The review will include consultation with businesses, environmental groups and the local community of the northern rivers region. I can assure the House that this consultation will be an ongoing priority.

I note the Murwillumbah and District Chamber of Commerce and Tweed Tourism have already expressed support for the rally. They realise that the event has the potential to develop massive economic

benefits and showcase the northern rivers region to a global audience. The New South Wales Government will be supporting the championship through Events New South Wales and with in-kind assistance from government agencies such as the New South Wales Police Force, the Roads and Traffic Authority and the New South Wales Ambulance Service. The Department of Premier and Cabinet has conducted a whole-of-government coordination for the event, which will bring those relevant agencies together on a regular basis to discuss planning and ensure the coordinated delivery of services for the event.

I will touch briefly on some issues raised by members in their contributions to this debate. The Leader of The Nationals rightly indicated that there will be an obligation on the promoter to clean up after the event. He also mentioned some of the measures that the Government has introduced in regard to environmental concerns. There is an obligation on the rally promoter to clean up and reinstate the land within the declared rally period. That includes repairing any damage to land, including any fixtures within the rally area, arising from the conduct of the rally events; removing any rubbish generated by the conduct of the rally event; and reinstating any land within the rally area affected by the conduct of a rally event to the condition it was in before the conduct of the event, or the carrying out of the temporary works.

The rally promoter will not, however, be required to repair damage, remove rubbish or reinstate affected land caused by the deliberate vandalism of someone who is not acting for the rally promoter, or by a person aiming to disrupt or obstruct the conduct of the rally. If the rally promoter fails to clean up or reinstate the land after a reasonable period, the Minister may arrange for the work to be carried out and recover the costs of the work from the rally promoter. The Government will also ensure that the environment is protected and that community concerns are addressed. The authorisation in the bill to conduct the rally event may be subject to conditions that the Minister considers appropriate, including conditions concerning environment protection, public safety, reinstatement of land and consultation requirements.

The rally organiser has arranged for the preparation of environmental assessment reports in relation to the rally event, and those reports will be relevant to the determination of the appropriate conditions to apply to the authorisation for the rally events. The rally organiser has been conducting community meetings to keep the community informed about the rally, and the Government will ensure that the community continues to be informed and is able to provide feedback in relation to the rally events. After the rally event the Government will carry out an informal review to see how well the event went for both the community and the environment. As I have indicated, we had always intended that there would be a review. However, that review is now enshrined in legislation and should give some comfort to the member for Lismore, the member for Tweed and the member for Coffs Harbour in relation to the representations they made about the concerns of their constituents.

In relation to the Protection of the Environment Operations Act 1997, the bill provides that court proceedings relating to that Act that arise out of the conduct of a rally event will still be able to be instituted by the Environment Protection Authority. Otherwise, they will need to be authorised by the Environment Protection Authority. The Environment Protection Authority will have regard to its prosecution guidelines before instituting or authorising such criminal proceedings. The Environment Protection Authority prosecution guidelines require the Environment Protection Authority to take a number of factors into account in deciding whether to prosecute an offence under the environment protection legislation. Those factors include the seriousness or, conversely, the triviality of the alleged offence, or that it is of a technical nature only; the harm or potential harm to the environment caused by the offence; any mitigating or aggravating circumstances; and the degree of culpability of the alleged offender in relation to the offence. Under the bill these factors will continue to be taken into account before a prosecution for an alleged offence under the Protection of the Environment Operations Act relating to a rally event may be instituted.

The Leader of The Nationals also raised issues in regard to public safety. It is important to note that there will be proper and due consideration given by the organiser of this event, and that those decisions in relation to public safety, as well as being enshrined in the powers that the Minister has, will be made in conjunction with local councils. The member for Tweed spoke about community consultation. As I said, this bill is not about taking decision-making away from the local community. Again I mention the member for Tweed, the member for Lismore and the member for Coffs Harbour and the representations they have made on behalf of their communities. I thank them for their support of this bill. I note that the member for Lismore and the member for Tweed organised a meeting on 3 June with the Minister for State Development to discuss some of their concerns and there was a very positive response to that by the Minister. I am pleased that they took that action because it is very important that as local members they are taking those concerns direct to the Minister while realising the greater benefit that applies with an event such as this.

In regard to why the Minister has power to override councils, local communities and normal environmental approval processes, it is important to note that these powers are similar to the powers that are given to government authorities for a number of special events. For example, the Olympic Coordination Authority had these powers for the Sydney 2000 Olympic Games, the World Youth Day Coordination Authority for World Youth Day 2008, and the Homebush Motor Racing Authority for the V8 Supercar races to be held at Sydney Olympic Park. The purpose of the powers is to ensure that there is a simple one-stop shop for obtaining necessary approvals for the rally event and the temporary works associated with the event.

In regard to the consultation issue, because of the review process that is now within this legislation, if the member for Tweed believes that consultation was not adequate, there is an opportunity now for him to bring that forward in the review process. That sort of feedback is very helpful for someone like me in my role as the Minister for Tourism—and I think the Minister for State Development would agree with this—in understanding how government agencies are interacting with the community and how they are getting their messages across. The focus of Events New South Wales is not just on Sydney. We realise the importance of events in regional committees. So I certainly would welcome any feedback members want to provide the Minister for State Development or me about the process that led up to this event and how we could have done it better.

The member for Tweed also mentioned the importance of tourism, and I know this is something that is dear to the member for Lismore. We have instigated a campaign that looks at how we can work better with the Gold Coast airport, and the member for Lismore has spoken to me about that issue. It is important that we do everything we can to support tourism in the northern rivers. We have not done that before and we need to ensure that we capitalise on this opportunity—that we turn right, as the member for Tweed said, out of the Gold Coast airport.

I note comments in the *Courier-Mail* by the Queensland Minister for Tourism, whose electorate borders New South Wales. He described our campaign approach as "cheeky" and indicated that he would not stand by and see tourists stolen from Queensland. Our approach is not necessarily about stealing tourists from Queensland; it is about recognising that there are advantages that the northern rivers region has over the Gold Coast and it is about ensuring that both States work well to bring tourists in. That is why we have signed a significant contract with Jetstar Airways. We want to ensure that over the next three years we both contribute about \$18 million to bring in international visitors. Obviously, this rally is a part of that process.

I am disappointed that the member for Sydney and the member for Tamworth will not support the legislation. The local members whose electorates will be directly impacted can see the benefits of this event. The legislation contains significant provisions to address the issues that have been raised, many of which I have already mentioned. The rally organiser also has arranged for the preparation of ecological assessments and environment management plans. Those plans and reports make recommendations about how to minimise environmental impacts. In granting the authorisation, the Minister will take those recommendations into account to minimise environmental impacts in drafting the conditions. Neither the member for Sydney nor the member for Tamworth mentioned the benefits that this event will bring to the northern rivers region and, of course, to New South Wales in general. We are talking about 40 permanent positions and between 1,500 and 2,000 part-time and casual jobs during the event week and about 69,000 visitor nights in the Tweed-Kyogle region.

I thank the member for Lismore for his contribution and his commitment to tourism. He is always talking to me about how we can better meet the needs of the tourism industry in his area. He suggested that images be taken before the event. The Government is happy to have discussions with the Roads and Traffic Authority and the local council to determine the feasibility of that proposal. It is important to note that the bill does not affect the rights of private landowners. It will not prevent private landholders from entering into arrangements with the rally organisers for the use of their land. It certainly does not allow the Government or the rally organisers to compulsorily acquire or use private land for the rally. The member for Coffs Harbour is a member of the Confederation of Australian Motor Sport, which explains his rev head tendencies. No, he cannot have this event in his electorate. The Government is committed to holding it in the northern rivers region. I know that he and many of his constituents will be travelling north to attend the event—if he is missing during the parliamentary sittings, we will know where he is.

The Minister may issue authorisations subject to such conditions as the Minister considers reasonable. That is important in terms of understanding the scope of this legislation. That relates to public safety, environmental protection, insurance, consultation and reporting requirements, transport and traffic management, the reinstatement of land, temporary works requirements and emergency vehicle and other property access. I look forward to this exciting event. I commend the bill to the House.

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

**Division called for and Standing Order 181 applied.**

**Noes, 4**

Mr Draper  
Mrs Fardell  
Ms Moore  
Mr Piper

**Question declared resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

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

**Bill declared passed and returned to the Legislative Council without amendment.**

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

**Question—That private members' statements be noted—proposed.**

#### **SHOALHAVEN MENTAL HEALTH FACILITIES**

**Mrs SHELLEY HANCOCK** (South Coast) [5.58 p.m.]: On 18 June last year I gave notice of a motion regarding the provision of mental health facilities in the Shoalhaven. I gave notice of a similar motion on 8 May the previous year. I spoke the year before that about mental health issues in the Shoalhaven.

[*Interruption*]

Mr Acting-Speaker, will you ask members to leave the Chamber quietly?

**ACTING-SPEAKER (Mr Matthew Morris):** Order! Members who wish to engage in conversations should do so outside the Chamber.

**Mrs SHELLEY HANCOCK:** This is a serious issue. I have spoken many times in this place about mental health services in the Shoalhaven, in particular about the need for acute care beds at Shoalhaven Hospital, the Helping Hands Program in Nowra and the community's concerns regarding lack of services in the Shoalhaven. On 17 June last year I raised in a private member's statement the fact that a publicly released document entitled the "Area Clinical Services Strategic Plan 2006-2009" included as a key initiative the provision of a 12-bed to 15-bed mental health unit for the Shoalhaven District Memorial Hospital. I also noted that last year's budget did not include funding for a mental health unit. This year I note again that in omitting this project this Government has let down those people with a mental illness and their families.

This clinical services plan is apparently just about obsolete—the time frame for the key initiatives comes to an end this year. So much for plans and glossy documents and promises from this Government; they are meaningless documents and indicate that this Government cannot be trusted and can never be believed. Just like the radiotherapy services plan that supposedly outlined the provision and delivery of radiotherapy services, this Government's plans are worthless. The radiotherapy plan was never released because of cost implications and because the Government could not even respond to the areas of greatest need, including the Illawarra and South Coast.

However, the area clinical services plan for health services was released and endorsed by Professor Debra Picone, AM, the former South Eastern Sydney Illawarra Chief Executive and current Director General of New South Wales Health, in a foreword to the document. Apparently the Government has little regard for its own director general as it has completely ignored one of the key initiatives of the plan. This plan is also meaningless and insulting for those involved in its formulation, especially key clinicians whose valuable time has been wasted by the Government.

In its budget last week the Government again did not provide funding for acute care mental health beds in the Shoalhaven but spruiked again about its developments at the Shellharbour mental health facility. These were simply old announcements dressed up to appear as new budgetary initiatives when they are clearly not. The Illawarra members fail to understand that mental health services in the Illawarra and Shoalhaven have been in crisis for some time because of a shortage of mental health nurses and psychiatrists, and the resignation last year of a psychiatrist working in the public system due to a culture of bullying and intimidation in that area.

Currently the Government is relying on the non-government sector to provide vital mental health services in their communities but failing to value them or resource them appropriately. One of the few visiting psychiatrists in my area was on the verge of resignation earlier this year due to the fact that at one stage he had not been paid for almost four months. Who would work in the public system under those kinds of conditions? The Government's record on mental health in New South Wales is appalling, yet it continues to ignore the problems and treats patients and families in the Shoalhaven with utter contempt, expecting that they can travel to Shellharbour for treatment where resources are already stretched and have been for some time. Of course, when families are forced to travel to Shellharbour they are some distance from their families, who should be part of the healing process. Because of the overstretched resources at Shellharbour, I hear that patients are simply medicated and turned away rather than being cared for at the Shellharbour facility over an appropriate time.

Again I call on the Government to provide 12 to 15 acute care mental health beds in the Shoalhaven. After all, this is one of its key initiatives. It was in its area health services plan. The issues are serious indeed when mental health workers threaten industrial action, as they have many times in Wollongong and Shellharbour. The fact that they are forced to wear black armbands to highlight their plight so the media can raise their issues is disappointing to say the very least. Those actions occurred last year and there was action many months and years before that, but nothing has happened that convinces me that anything has improved. It is time that the Government supported patients with serious health needs in the Shoalhaven and in the Illawarra, and no longer relied on the non-government sector, which is struggling to provide the services that are so much needed.

#### **KIAMA SURF LIFE SAVING CLUB PRESENTATION NIGHT**

**Mr MATT BROWN** (Kiama) [6.03 p.m.]: I highlight to the House the wonderful work of the volunteers and supporters of Kiama Surf Life Saving Club. I am an active member of the club and I had the pleasure last weekend of attending its annual presentation night. The event was opened by the President, Nick McInerney, who, along with his team, organised a wonderful evening. They managed to combine the Gerringong Children's Medical Research team, which provided the meals, with the local Lions club, who tended the bar for the night. The organising committee of Tamara Sutton, John Colley, Wendy Sala, Sharon Burazin, Kayla Burazin, Pat Sutton, Chris Moore and Nick McInerney, should be congratulated.

Those people plus everyone else who gave up their time really put on a wonderful night. All in all, 160 members and guests attended the presentation night. It is important that I put on the record the work of these volunteers. The president made special mention of the tireless work of Pat and Chris Moore. It was great to see the sponsors of the night, in particular John Colley of Delta Power Australia who has contributed so much to the club, along with Gary Rogers of Coastwide Civil and Victor and Jan Chang. John Colley is the new club patron. His efforts have resulted in an overhaul of the jet rescue boat, a new inflatable rescue boat and motor, and the acquisition of additional tools and radios. He also provided assistance on the night.

The Kiama Surf Life Saving Club has had a very busy season. I could feel it when I was on patrol. Our visitor numbers were up 17 per cent to 21,284. Club members patrolled the beach for 4,320 hours. The number of lives saved increased by 148 per cent. We had very rough seas during the season, which resulted in 72 rescues. Preventions were up by 41 per cent to 405, and the number of people who required first aid increased by 38 per cent from the previous year to 55. The great thing about Kiama surf club is that our membership is rising, particularly as a result of members joining to row the surfboats and the great nippers program, of which my son is a member. Special mention should be made of Rhys Dawson and Josh Douglas for the work they have done on the jet boat. It was stated that they have put in an excess of 350 hours in that regard. Our nippers program is going from success to success. I give a big thank you to Matt Burazin for his work and to the committee. The nippers just love it. One of our nippers, Jye McFarlane, assisted in a rescue whilst holidaying in Byron Bay. He is only 11 years old; he will grow up to be a great clubbie

A number of awards were given out on the night. One of the most important awards is for volunteers who complete 100 per cent of their patrols. Scores of club members achieved 100 per cent: they did not miss a

single patrol. They are very reliable, active members. The patrol of the year was awarded to patrol 8, comprising Owen Luke, Rick Kresevic, Maria Luke, Nicole Dopper, Dave Heffernan, Debbie Kresevic, Kate Wheeler, Paul Jones, Josh Flint, Michael Gullotto, Angus Skoullis, Emma Baker, Rebecca Horne, Carly Smith and Nicola Smyth. The Cadet of the Year was awarded to Emma Baker. The Parkinson Family Trophy was awarded to Kayla Burazin and Isaac Jansens, and the Dobson Family Award for the team of the year went to the Under-19 men's boat crew of Logan Mulaney, Tom Moran, Ben Drybrough, Tony Griffin and, of course, the sweep and the person who inspires the team, John Ford.

The Parkes Family Award for behind-the-scenes work went to Kevin Finlay and Dave Heffernan and the Kim Taber Award was presented to Wendy Sala. The Lifesaver of the Year was Owen Luke; Owen received the award in his first year as club captain. He has been doing a wonderful amount of work. The Clubman of the Year was awarded to Pat Sutton for his efforts in the building works particularly. I am very proud member of this club, and I am very proud to have such volunteers working for the community I represent.

### CAREEL BAY

**Mr ROB STOKES** (Pittwater) [6.08 p.m.]: Careel Bay is an idyllic nook in Pittwater. It is a place alive with beauty and history. In fact, reading and listening to some of the stories about Careel Bay reminds me of Mark Twain's reflection on Australian history, "It is almost always picturesque. It does not read like history, but like the most beautiful lies. And all of a fresh new sort, no mouldy old stale ones. It is full of surprises and adventures, and incongruities, and contradictions, and incredibility's; but they are all true, they all happened." It is a funny thing about humans that when we find a beautiful place, the first thing we do is destroy it. In the 1960s a tip was established on the eastern side of Careel Creek causing damage to the wetlands and mangroves of the bay. In the early 1970s a massive marina was proposed, but fortunately defeated by an alert and organised local community passionate about the bay.

The latest threat to Careel Bay began in late 2003, when the Department of Lands granted a 25-year lease over the quaint boatshed and slipway to Austral Monsoon Industries. On 10 June 2005 Austral Monsoon lodged a development application with the Minister for a 37-berth marina, accommodating 34 power boats up to 18 metres long and three yachts up to 12 metres long, a concrete hardstand, a 75-tonne travel lift or ship lift, the replacement of the existing buildings with two new buildings, with one being two storeys to host offices, shops and workshops.

Following huge pressure from the local community and across the political spectrum, the former Minister for Planning, Frank Sartor, rejected the development application in February 2006 for its unacceptable environmental impacts. Almost a year later, and almost out of time, the developer lodged an appeal against the Minister's decision. With the consent of the court, Austral Monsoon amended its development application, which is strongly opposed by the community for containing exactly the same flaws as the original development application.

On 3 May 2007 the Minister called in the development under State environmental planning policy—state significant development. Pittwater Council subsequently commenced class 4 proceedings in the Land and Environment Court seeking a declaration that the Minister's opinion was invalid. Justice Lloyd held that the Minister's opinion related to the original development application, not the amended development application; therefore, it was of no effect and the consent authority was the council, not the Minister. Austral appealed, and the council and the Minister cross-appealed. In *Austral Monsoon Industries Pty Limited v Pittwater Council* the Court of Appeal last Friday determined that the Minister's opinion was, in fact, valid, so the Minister remains the consent authority.

This convoluted, long and expensive process is yet another indictment of the State's planning laws, and shows yet again that we need a complete overhaul of planning laws, which give huge arbitrary powers to the Minister for Planning at the expense of local communities. Nonetheless, the reality now is, depending on what action the court takes, the Minister is placed in the position of being the consent authority. The other reality is that the development application now before the Minister is effectively the same development as rejected by her predecessor. It is still uncertain as to whether the consent authority is now the court, given that the developer originally commenced action in the court, or the Minister herself. Nevertheless, the Minister has carriage in the court of this development application, so it is to her that I direct these comments.

The amended development application remains a proposal for a massive marina development for Careel Bay, including a 24-berth floating marina able to accommodate large power boats, taking up a large area

of water; a large concrete hardstand able to accommodate at least four large vessels at once; a 45-tonne ship lift; and new buildings, including a two-storey structure containing a caretaker's flat, offices, shops, and several workshops, most being on concrete piles over the lease area. A crucial point is that if any consent is given, the development genie will be let out of the bottle, so that future development of the bay through incremental extensions to the marina and intensification of industrial land use will be virtually inevitable.

Therefore, on behalf of the community, I call on the Minister and, if it is possible in this place, the court to reject this unsustainable development for the same reasons that the Minister's predecessor rejected it, including the fundamental inconsistency of the proposal with principles of ecologically sustainable development, the New South Wales coastal policy and State environmental planning policy 71 on coastal protection. The development of any large marina complex in Careel Bay will, by definition, involve destroying the ecological values of much of this precious waterway, threatening the vital wetlands that support so many rare and threatened birds, plants and sea creatures. In 1973 the Careel Bay mangroves and tidal flats were saved from marina development by strong advocacy from the local community. At the time the *Manly Daily* reported:

Only continued vigilance and determination of local residents will prevent Careel Bay from going the way of all other similar inlets on the eastern side of Pittwater.

Once again, the local community is standing up for its environment, and are advocating for a sensitive redevelopment that is consistent with the scale, history and ecology of Careel Bay, not for a development that will destroy the very values that make Careel Bay such a desirable place for families, fishers, boaties and dreamers. I commend the Careel Bay Pittwater Protection Group, including Paul and Carol Davison, David Poppleton, Christine Martin, the Bardsleys, the Cooks, the Seatons and the 4,000 other local residents who stood up against the original development application. I thank also Pittwater Council for standing up for the environment and the people of Pittwater against unreasonable development that benefits the few at the cost of the many.

#### **PHILIPPINES NATIONAL INDEPENDENCE DAY CELEBRATIONS**

**Mr GEOFF CORRIGAN** (Camden) [6.13 p.m.]: Last Saturday it was my pleasure to attend the 111th Philippine National Independence Day celebrations at Campbelltown City Council. I was delighted to join Campbelltown Mayor, Russell Matheson; the Hon. Eva G. Betita, Philippine Consul General; Chris Hayes, the member for Werriwa; and my constituent and friend Lourdes Kaiser, President of the Campbelltown and Region Filipino Community Council Incorporated. Many people were in attendance, including Campbelltown Councillors Aaron Rule, Anoulack Chanthivong and Wal Glynn. The proceedings were compered by Max Lopez of the Knights of Rizal.

The celebrations took place in two parts, the first being the flag raising, followed by a cultural program and morning tea. Unfortunately, because of other commitments I could not stay for the morning tea and cultural program, but I had a quick look at the wonderful exhibits on display. At the start of the flag raising, Glenda Chalker welcomed us to country. Mayor Russell Matheson and the Hon. Eva Betita jointly raised the Australian flag, then the Philippines flag. Chris Hayes and I raised the New South Wales flag while Glenda raised the Aboriginal flag.

It would be remiss of me not to mention the wonderful singing of the national anthems of both countries by the Heartstrings. Both Mayor Matheson and the Consul General, Eva G. Betita, spoke. I was interested to hear Eva G. Betita say that she had only been the Consul General for the Philippines for two months, yet she had been to Campbelltown three times. This was in recognition of the 5,000 people of Filipino background living in Campbelltown local government area, according to the last census. By her estimates, that number would have increased to 8,000. I was not aware of that fantastic statistic. The only other local government area with a high concentration of people of Filipino background apparently is Blacktown.

The 111th Philippine National Independence Day celebrations mark the breakaway from Spanish rule. On 12 June 1898 the head of the Philippine Revolutionary Government proclaimed the formation of an independent government, paving the way for the creation of the first republic in Asia. This symbolism of autonomy and independence was so strong that each year on this historic day, Filipinos across the world, wherever they may be, join together to celebrate the event that changed the lives of future generations. We came together last Saturday morning to acknowledge the importance of the Filipino community in the Campbelltown area and pay respect to their ancestors, who enabled them to enjoy a better life and freedom, something that we in Australia can often take for granted.

The proceedings were also an opportunity to officially recognise the strong bilateral ties between our great nations. I should also note that this year marks the second anniversary of the unveiling of a plaque for Rizal Place in Park Central in Campbelltown, which was created to honour the work of Jose Rizal, a patriot, physician and national hero, whose life and literary works were an inspiration to the Philippine nationalist movement. His sacrifices have been preserved in Campbelltown's history and they were honoured to have a street named in his memory. Also, 2009 will mark the opening of the Rizal Park development in Rosemeadow, a project that has seen the consolidation of efforts on behalf of Campbelltown City Council and the Filipino-Australian community to bring this project to fruition. Indeed, in his speech Mayor Matheson said:

Yesterday myself and the Honourable Eva Betita in the presence of many representatives of the local Filipino community as well as members of the Knights of Rizal turned the first sod of soil at Rizal Park as a symbol of the commencement of works on the development. The Rizal Park project is yet another symbol of the excellent relations between Campbelltown City Council and the Filipino-Australian community of Campbelltown and we look forward to celebrating the official opening of the facilities later in the year.

The mayor further stated:

Bilateral relations with the Philippines have never been stronger or more active. Beyond the strengthening relationship with Campbelltown, our two countries have important economic and business ties, and strong personal links. The Philippines benefit greatly from the developmental assistance Australia provides to address such issues as governance, rural development, conflict prevention and peace building. Both countries have clearly demonstrated to the international community that they have the capability, willingness and commitment to play an active role in promoting peace, security and progress in the Asia-Pacific region.

I thank Mayor Matheson for those words. The Campbelltown and Region Filipino Community Council represent a very culturally active and uniquely vibrant group of Filipinos living in Campbelltown. As I said earlier, Lourdes Kaiser, one of my constituents, does an excellent job in organising that community council. I thank her for her contribution to the area. As a member with half his electorate in the Campbelltown local government area and the other half in the Camden area, it was a very eye-opening experience for me to attend the 111th Philippine Independence Day celebrations.

**Mrs BARBARA PERRY** (Auburn—Minister for Local Government, and Minister Assisting the Minister for Health (Mental Health)) [6.18 p.m.]: I join with the member for Camden and all members in congratulating the Australian Filipino community on celebrations for the 111th Philippine Independence Day held right across New South Wales. In my former role as the Minister for Citizenship, I met with many communities. I inform the member for Camden that there is not only a high concentration of Australian Filipinos in his community and in the Blacktown community, there is also a vibrant Australian Filipino community in my electorate of Auburn.

I take this opportunity, on behalf of all members, to thank the Australian Filipino community for their contribution to New South Wales and Australia. They have excelled in all areas of life—sport and academia—and make a great contribution to New South Wales, as do all our migrant communities who have come to these shores to seek a better life. It is a wonderful tribute to Australia that we can celebrate our cultural heritages and yet be able to be unified and share common purposes and common goals as Australians. That is what our country is all about, it is what New South Wales is all about, and I am very proud of the Filipino community here in Australia.

**ACTING-SPEAKER (Mr Matthew Morris)**: I acknowledge the presence in the gallery of the family of the member for Manly. I am sure the kids are keen to see dad make a presentation to the House tonight.

### STATE BUDGET AND NORTHERN BEACHES

**Mr MIKE BAIRD** (Manly) [6.20 p.m.]: I acknowledge my wife, Kerryn, and my beautiful daughters, Laura and Cate, and my young son, Luke. It is great to have them in the gallery. They are vibrant members of the northern beaches community. Certainly they put up with a lot for my being in this place. It is appreciated that they are here tonight as supporters on the journey of trying to help out their community, which we all love.

I refer to the State budget, particularly as it affects the northern beaches. The State Labor Government must understand that the people of the northern beaches feel let down on two material issues. It is time we changed the political paradigm, or the way we deal with things. The northern beaches hospital and the Spit Bridge remain two long-running issues that, I regret to say, are completely unresolved in this budget. Both the

Premier and the Treasurer should come to the northern beaches to experience firsthand the problems that these issues are causing and should apologise to the community because for years nothing tangible has been done to address them.

The budget reveals a very difficult position for this economy. It reveals that we are in a recession and that unemployment is on the rise. The budget reveals an optimistic plan whereby, at best, we may get out of the red in two years. If one looks at the assumptions, that is questionable. We are in a difficult position. Long-running promises have not been dealt with on a day-to-day basis in each budget. The first of those promises relates to the northern beaches hospital, which remains unbuilt. Before the 2007 State election Morris Lemma, in announcing the establishment of a northern beaches hospital, said:

This project will provide in excess of \$200 million to build a new high level hospital that will service the needs of all residents of the northern beaches, from both ends of the peninsula. The Government announced today a massive commitment to increase health services for the people of the northern beaches. There will be a new hospital.

Yet, on 17 June this year, after the budget was delivered John Della Bosca said:

What I'm going to start doing is planning those ... The issue is no we can't. The honest truth is we can't build those buildings right now.

It is difficult not to espouse a passionate sense of concern and complete rage in relation to this project. John Della Bosca, Nathan Rees and Eric Roozendaal should apologise to the people of the northern beaches for failing to honour their critical promise to the community regarding the building of this infrastructure. The ongoing delay in construction of the hospital is putting additional pressure on Manly and Mona Vale hospitals. It must be incredibly difficult for staff at both hospitals—their morale must be low. Some of the staff were involved in the birth of our daughter Cate, and in looking after mum at a very difficult time. The staff at Manly and Mona Vale hospitals are working under very difficult conditions, and there is now no resolution in sight. It must be crippling for them.

The Government has failed to provide sufficient resources for both these hospitals, with everyone believing that a new facility is on its way. However, that does not seem to be the case. The new North Shore Hospital was designed on the basis that a northern beaches hospital would also be built. However, while the new north shore hospital is being built, the northern beaches remain without a hospital. The Coalition has already given a commitment that we build the northern beaches hospital. However, we call on the Government to honour its many promises in relation to that hospital and to look at a way in which the hospital can be delivered. The Coalition has announced the establishment of a new body, Infrastructure NSW, which will oversee major projects in this State, and that includes the northern beaches hospital.

We have heard a litany of promises about the Spit Bridge. Four or five different transport Ministers promised to widen the bridge and made a commitment to deal with the problems on the bridge. However, the problems continue to get worse. Year after year we are promised a solution to the problems on the Spit Bridge, yet the problems remain. I have discussed this issue with the Minister for Roads and he has put out an olive branch. The Minister has said that he will take politics out of the issue. I call on the House to address a number of issues on that basis. The Minister said that he will look at a proposal put forward by the Sensible Traffic Action Group and that he will make a decision and provide comment on whether this could be a long-term solution.

The issue then comes down to funding, priorities and community consultation. A government cannot build infrastructure without engaging in community consultation. The Spit proposal, certainly from my perspective, has merit. I ask the Minister for Roads to take politics out of the issue. He has told me he will do so. Let us see the Minister's response and let us put public transport at the core. We say to the Government: with regard to the northern beaches hospital and the Spit Bridge we need to be above politics and we need solutions.

### **SPECIAL NEEDS AND DISABLED STUDENT SERVICES**

**Mr FRANK SARTOR** (Rockdale) [6.25 p.m.]: Today I speak about the great work of our special needs schools and the Government's achievements in disability services. For those who are not aware, my electorate of Rockdale has two special needs schools, St George School and Cairnsfoot School. St George School is located in Marshall Street, Kogarah, and caters for students with physical disabilities from pre-school to year 12. Cairnsfoot School is in the north of the electorate in Arncliffe. Since becoming the local member

I have come to increasingly admire the tireless effort, devotion and dedication shown by the teachers and the children's parents. I acknowledge the outstanding contribution of both principals, Lesley Bruce of Cairnsfoot School and Diana Murphy of St George School, and their teachers for their selfless work.

Children with special learning needs are generally affected by one or more of the following: an intellectual disability, a physical disability, a vision impairment, a hearing impairment, a language disorder, mental health conditions or autism. Recently I visited Cairnsfoot School and was once again reminded about the complexities and challenges associated with addressing the students' educational needs. Both schools provide programs in literacy, numeracy, hydrotherapy, music, visual arts, sport, computing, vocational training, and sensory enhancement. Supporting these children, teachers and parents is the very least any government can do.

Since coming to government the Labor Party can be proud of its record in disability services. In 1995, under Premier Bob Carr, the Government established the Ageing and Disability Department, to implement the Government's programs for older people, people with disabilities and their carers. This was followed in 1999-2000 by the Government's care for carers program, which aimed at strengthening families and communities, and building the capacity of the service system. In 1999 the first stage of post-school programs for people with disabilities was announced, with an initial 357 school leavers provided with services under this new program. In 2009 almost 1,000 people participated in either a Transition to Work or Community Participation Program, with this number set to increase. The Group Homes Project was also announced in 1999, to provide a direct opportunity for people to be involved in decision making about their long-term service requirements and lifestyle options.

A greater range of accommodation support for people with a disability is currently being developed. Under this Labor Government more than 300 people have already been relocated from large residential centres into more appropriate community-based accommodation. More recently, under Premier Morris Iemma, the New South Wales Government launched Stronger Together: A new direction for disability services in NSW. Stronger Together is a 10-year plan to provide greater assistance and long-term practical solutions for people with a disability, and their families, such as therapy, respite care, in-home support, accommodation, and services for families. Stronger Together is backed by \$1.3 billion in additional funding over its first five years.

These new programs and services are targeting groups of people with a disability and their families for whom access has been an issue, such as younger people in residential aged care, children with autism, Aboriginal people, ageing carers, and people from culturally and linguistically diverse backgrounds. Services have been boosted for young children with autism, including a new case management scheme, additional early intervention places, and an information kit for families when their child is first diagnosed with the disorder. In March 2008 the New South Wales Government announced a \$6 million package over four years to boost services for young children with autism and their families.

In October 2008 the New South Wales Government introduced a no-fees policy for all respite centres operated by the Department of Ageing, Disability and Home Care. Prior to the no-fees policy being introduced, those needing respite care were charged around \$25 per night. Removing these fees can significantly reduce the financial pressure already experienced by the families and carers of people with a disability. The demand for disability services is increasing each year, at an average of more than 5 per cent. Advancing diagnostic tools, increased recognition in community, and extended life expectancy all contribute to increasing demand for disability services in New South Wales. More people with a disability live with their families in the community than ever before. The New South Wales Government is committed to assisting this, with most of the service expansions and improvements to date targeting the areas of greatest need: therapy, respite care, in-home support, accommodation, and services for families.

Each year we spend more than \$1.2 billion on services initiatives to specifically assist people with a disability to access community services such as public transport, specialist health services, housing and education. In last week's budget a total of \$2.3 billion was allocated to the Department of Ageing, Disability and Home Care, an increase of \$238 million on last year, to assist existing services such as therapy, respite and post-school programs. An amount of \$23.3 million was allocated to prevent young people from entering nursing homes, to improve services to young people who live in nursing homes, and to provide accommodation for young people with a disability. Furthermore, I was pleased to see that the Education Revolution of the Rudd Government is playing its role in assisting special needs schools, with Cairnsfoot School receiving \$75,000 and St George School receiving \$50,000 for refurbishments. The Government is making a substantial investment to ensure that children in our schools with special needs get the support they need to reach their potential.

In last week's budget the Government increased the Special Education budget from \$1.05 billion to a record \$1.106 billion, including an additional \$41 million for special schools and classes, and \$8 million to support students with a disability joining the mainstream classes. This represents more than 11 per cent of the education budget compared with approximately 7.5 per cent of the education budget the last time the Coalition was in government. The measure of any civilised society is how it treats its most vulnerable citizens. The New South Wales Labor Government is committed to ensuring our citizens with disabilities are part of our community, and it is meeting that commitment through continued and increasing funding for disability services across the State. I thank the House.

### HOME INSURANCE

**Mr THOMAS GEORGE** (Lismore) [6.30 p.m.]: I speak out of frustration and concern for residents who have their homes insured. In November 2007 Lismore experienced a major hailstorm and in January 2008 a flood. Mr and Mrs Felton, an elderly couple who live at 29 Stratheden Street, Kyogle, have had their house insured with CommInsure for some time. When water entered the Felton's house during these events Mrs Felton made a claim. An assessor arrived at the house, looked at the roof and said, "The house is too old. Sorry, there won't be any claim paid." I quote from a letter that Mr and Mrs Felton received from CommInsure:

Your policy is due for renewal on 27 September 2009.

From information obtained during a recent claim, we have been informed that the following aspect/s of your property are in poor condition or require urgent repairs/maintenance:

- . MCS provided a report which stated the water entered your home through holes in the iron roof from where old nails were protruding or completely missing. Your claim was declined as the damage was a result of lack of maintenance to the roof.

For cover to continue we require these issues to be rectified.

If you have repaired the above problem/s, or you need to discuss an appropriate time frame for the works to be completed, please contact us as soon as possible on [a 1300 number] between 8 am and 8 pm Sydney time.

We may need to request written and/or photographic evidence of the repairs in order for your cover to continue, however this will be discussed with you at the time.

If we do not hear from you, your policy will expire on 27 September 2009 at 4 pm, and no renewal offer will be sent to you.

Some people are not in a situation to be able to get up and check their roof. Every year people renew their insurance policies and every year properties age. A lot of people only realise they have a problem when they notice a leak or water enters the property. The Feltons do not have the means to climb onto their roof once a year to check and they did not realise they had a responsibility to do so. CommInsure has continued to accept insurance payments from the Feltons. To me, if it is good enough for CommInsure to accept those payments then it is accepting some sort of liability. I do acknowledge, however, that there are a number of insurance companies operating in New South Wales and not every insurance company has this approach.

When Lismore experienced a major hailstorm a number of people got into the same sort of trouble and did not know their houses had not been properly maintained as far as their insurance company was concerned. I should point out that Mr Felton is very sick and Mrs Felton is now his carer. Mrs Felton cannot afford to do the work required by the insurance company and her insurance will be cancelled. Where is Mrs Felton to go on 27 September? If she is to approach another insurance company the first thing she will be asked will be is, "Have you been knocked back by a previous insurer?" She will have to say yes and will not be able to reinsure her house. I ask CommInsure to review its decision and hopefully assist Mr and Mrs Felton in this matter.

### VIETNAMESE COMMUNITY IN AUSTRALIA

**Mr NICK LALICH** (Cabramatta) [6.35 p.m.]: On Saturday 30 May 2009 with the Hon. Jason Clare, the Federal member for Blaxland, I officially opened the new Cabramatta office of the Vietnamese Community in Australia New South Wales Chapter, also known as the VCA. The opening gave us all a chance to come together as a community to celebrate the significant contributions the Vietnamese Community in Australia has made to Fairfield City Council, and Cabramatta in particular. The Vietnamese community recently celebrated Gio To Hung Vuong, an important cultural event held in honour of the founding father of Vietnam, Hung Vuong. This is one example of how associations such as the Vietnamese Community in Australia help to foster community harmony and cooperation through multiculturalism and diversity in our city.

Residents of Fairfield City Council come from more than 133 cultural backgrounds, with 22 per cent of residents born in South-East Asia. The Cabramatta branch office has been in operation for the past 10 years and

was formerly located on John Street, Cabramatta. Over the past decade the Vietnamese Community in Australia has offered a range of important social, cultural and educational services for our community. These initiatives have included the Settlement Grants Program, the Vietnamese Problem Gambling Service, the Personal Support Program, as well as many other important services.

Recently the Hon. Kevin Greene and I had the pleasure of handing a cheque to the Vietnamese Community in Australia for the sum of \$100,000 to assist them in tackling problem gambling within the Vietnamese community. The Vietnamese Community in Australia has also been instrumental in providing assistance, support and resources to Vietnamese people who encounter difficulties due to language barriers, cultural conflicts and difficulties settling down successfully in a community. The opening of this office represents another example of the association's commitment to the future of the Vietnamese community in Cabramatta. I look forward to continuing our strong working relationship in support of our local residents.

I take this opportunity to congratulate the current President of the Vietnamese Community in Australia New South Wales Chapter, Mr Tri Vo, for his leadership and development of the new office. I also acknowledge Mr Cuong Vo, father of Mr Tri Vo, and thank him for his many years of service as a former President of the Vietnamese Community in Australia. I acknowledge Dr Tien, who has cared for not only the community's health needs but also their social needs. Dr Tien's continuing support in unifying the Vietnamese community has been tremendous. I also acknowledge the editor of the *Dan Viet* newspaper, Mr Luu Dan, who has been instrumental in bringing Vietnamese issues to the mainstream. He is well known for his even-handedness in reporting the news to the Vietnamese community. Next year marks the thirty-fifth anniversary of the formation of the Vietnamese Community in Australia. I wish the Vietnamese Community in Australia and its members the very best for the future. I look forward to seeing the centre develop and grow.

### **FINLEY LIONS CLUB FORTIETH ANNIVERSARY**

#### **WENTWORTH SESQUICENTENARY**

**Mr JOHN WILLIAMS** (Murray-Darling) [6.40 p.m.]: Last week I had the opportunity to attend two celebrations in my electorate. On Saturday night the Finley Lions club celebrated its fortieth anniversary. Past and current Lions members attended the event, which recognised the work of the organisation, particularly in the township of Finley. The Lions club in Finley is recognised for its fundraising work in the community and its moral support when times are tough. While running raffles in the street the Lions club members communicate with the locals. Just through this interchange they boost morale in the community. The event also recognised the services of Doug Wastle, a 40-year veteran of Finley Lions club. He has been a member from the beginning. Many other foundation members also were present at the event. This wonderful event recognised a great club. So long as the Lions club exists in Finley the community has a great future.

On Sunday I attended the celebration of 150 years since the proclamation of the city of Wentworth. The schedule of events included a running of the sheep across the Darling River and down the main street, as occurred in the old days. I was invited to unveil a statue of John Egge. The Wentworth National Trust and Historical Society had raised money to erect a statue in recognition of John Egge. For the information of the House I put on the record a history of John Egge:

John Egge, (1830 to 1901), Chinese riverboat captain, was born in Shanghai, China, and came to Australia in 1852 in the *Queen of Sheba*, owned by Francis Cadell. When Cadell opened the Murray River trade with paddle steamers, John, on the books as "John Bull", served as cook in each new ship as it was launched. In 1856 he assumed by deed poll his Scandinavian surname. While establishing a piggery on Hindmarsh Island in Lake Alexandrina, South Australia, he met a Devon girl, Mary Perring, whom he courted by swimming the river to visit her, his clothes piled on his head.

John and Mary married on 8 April 1857 at St Jude's Church of England, Port Elliot, and were to have eleven children. In 1859 the couple worked their passages up the Murray to Wentworth, New South Wales, where they set up a business hawking pies and pasties that they baked in camp ovens. By 1863 they owned a bakery and butchery, were general dealers and kept a boarding-house to cater for the many single men in the area. About 1867 Egge chartered the *Teviot* to trade on the river as a floating shop. Next he chartered the *Moir* to carry cargo and in 1868 bought the *Endeavour* to ply the upper Murray between Echuca and Albury.

By the 1870s Egge was one of the biggest traders on the river, operating from his large store near the wharf at Wentworth. He was said to pay up to £1,000 a month in customs duties. The Murrumbidgee was his most elaborate boat, fitted with polished counters and mahogany showcases. For years he advocated Federation, foreseeing that it would end the poll tax he repeatedly had to pay—despite becoming a naturalized British subject in 1868—when he berthed his boat in the different colonies through which the Darling and Murray rivers flowed. One flamboyant exhibition increased his reputation: during a particularly high flood, he brought the *Prince Alfred* out of the river and down the main street of Wentworth.

The drought of the 1890s forced him to cease operations on the river. Egge died at Wentworth on 11 September 1901 and was buried with Wesleyan rites in the local cemetery. Four sons and three daughters survived him. In the "White Australia" of the first half of the twentieth century, his family conveniently lost knowledge of him as a Chinese. That would not have upset him, as he always maintained that he was not an alien. In the 1970s, however, his descendants rediscovered his true character.

### CANADA BAY COUNCIL RATE INCREASE

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [6.45 p.m.]: Following representations from hundreds of my local residents I am bringing to the attention of the Chamber a City of Canada Bay Council proposal to increase the rates of residents between 6 to 20 per cent. This proposed residents' rate increase is in addition to the 3.5 per cent annual increase the New South Wales Government has approved for all local councils in New South Wales. As part of the draft 2009-2010 budget the council has applied to the New South Wales Government for an infrastructure renewal special rate variation. Canada Bay council's justification for this massive rate increase is that it needs to undertake a backlog of works and to maintain infrastructure in the future. The council is proposing to increase rates by up to 20 per cent for residents living in apartments, units or townhouses. The council has stated that it needs to address an imbalance between residential homes and apartments.

Residents living in apartments, units and townhouses who have contacted my office and spoken to me at a mobile office recently are outraged at the council's proposal. They have told me that the council has not taken into account that residents in units pay substantial strata levies on a quarterly basis, plus council rates. Strata levies in the area can be up to \$1,500 a quarter. Many residents living in units, particularly in the new estates in the seat of Drummoyne, say that the council does not maintain local roads, footpaths, parklands, playgrounds or seawalls and they continue to bear the burden of looking after the infrastructure. Yet council is seeking the greatest rate increase from these residents. Residents also stated that the council, since it amalgamated in 2000, should have foreseen a shortfall in revenue and gradually sought smaller rate increases over a longer period rather than the huge hikes in rates now. There is no guarantee that Canada Bay council will spend the extra money raised by this massive increase on local streets or surrounding areas.

Local government, like all levels of government, must prioritise its work according to need and the community's capacity to pay. Charging higher rates does not encourage Canada Bay council to drive efficiencies or plan for the long-term future. As a mother raising two children locally I understand that Canada Bay council's grab for more money will hurt my local residents during these tough economic times. We all agree that Canada Bay council needs to upgrade and maintain local infrastructure and services every year. That is why it is with great interest I have observed local councillors trying to justify the massive rate increase by blaming the State Government's rate pegging. The rate pegging was imposed to make sure that our ratepayers are not hit with exorbitant rate increases such as the one proposed by the council. As the local member of Parliament I seek on behalf of thousands of residents who live in the Canada Bay council area that the council propose a more moderate rate increase.

In the recent State Government budget the Government set up a \$200 million local infrastructure fund to fast-track local infrastructure projects in our local government areas. This progressive investment in infrastructure is a huge win for our local communities. The Government will make available up to \$200 million in interest-free loans to our local councils. This will enable councils such as Canada Bay to apply for funding and bring forward infrastructure projects that have been delayed in the past due to funding shortfalls or other priorities. Fast-tracking this infrastructure will support local jobs, provide immediate local economic stimulus in the construction sector and deliver much-needed infrastructure for my local community. Under this initiative councils can apply for loans to provide funding for upgrades to local roads, footpaths, seawalls, water, sewerage and other essential infrastructure.

Canada Bay council was one of 37 councils labelled as financially unsustainable by Professor Allan—research director of the 2009 review of New South Wales local government financial sustainability report—because of a backlog of infrastructure works. This fund will go a long way in assisting councils such as Canada Bay council. Canada Bay council should use the infrastructure fund, set up by the State Government, to fix infrastructure rather than increase residents' rates. In the current tough economic times it is wrong for Canada Bay council to ask local residents to pay a 6 to 20 per cent rate increase on top of the 3.5 per cent annual increase. Until the council begins to drive efficiencies, cut back on non-vital spending and access the Rees Government's \$200 million infrastructure fund it has little business demanding more money from hardworking residents.

As the local member of Parliament I am more than happy to work with Canada Bay council. The council has been the benefactor of many State and Federal government grants to assist in providing essential

infrastructure in the local area. As the local member my office has been flooded with calls from local residents who are concerned about the proposed rate increases. On their behalf I send a clear message to the council that it has other options to fast-track the much-needed infrastructure. It must exhaust those other options before it seeks a massive increase in rates. A change in the rate formula of units, townhouses and apartments in the local electorate with an increase in rates of up to 20 per cent is unsustainable. Many units in the seat of Drummoyne are considered affordable living housing. Any increase would seriously disadvantage families in my electorate.

### **PORT MACQUARIE BASE HOSPITAL MEDICAL ASSESSMENT UNIT BEDS**

**Mr PETER BESSELING** (Port Macquarie) [6.50 p.m.]: Tonight I relate a story that would rival any Agatha Christie novel or any Hercule Poirot investigation—certainly the title of this mystery sounds like it belongs to one of the Encyclopedia Brown cases that I enjoyed reading so much when I was young. The title of this mystery is "NSW Health, the North Coast Area Health Service and the Case of the Missing Medical Assessment Unit Beds". The case opens in June 2008 with former Minister for Health Reba Meagher proudly announcing to the entire State measures included in the 2008-09 budget that provided an extra \$36.7 million for the North Coast Area Health Service. Major health announcements for the North Coast Area Health Service, we were told, included, at number two on the list, "An additional eight beds at Port Macquarie Base Hospital as part of a statewide investment to expand the Medical Assessment Unit program across NSW." I repeat this major part of the story's plot, just for those readers who wish to follow the story: "An additional eight beds for Port Macquarie Base Hospital." Chapter two moves to the floor of the House, where the then Minister further confirms these details to the House in a speech in which she states:

The budget will further expand on this new model of care with 72 additional beds this year. New medical assessment units will open at Wyong, Maitland, Port Macquarie, Fairfield, Blacktown and the Children's Hospital at Westmead.

In chapter three the reader is then taken forward in time to March 2009 and the current Minister for Health, John Della Bosca, who is announcing the benefits of a new medical assessment unit at Campbelltown Hospital. The Minister states:

Medical assessment units provide specialist treatment for elderly patients and those with chronic disease as an alternative to treatment in the emergency department. Half of all our public hospital beds in New South Wales are occupied by people over 65. The key challenge for our health professionals and for Government is to find the best way to provide the right type of care that these patients need.

The Minister also confirms that a medical assessment unit will be opened in Port Macquarie by the end of June 2009. Chapter 4 is played out in June 2009 and the reader is anticipating a happy ending to the story, with details of happy patients, contented staff and a bright and shiny new eight-bed facility known as a medical assessment unit at Port Macquarie Base Hospital. Cue the dastardly music and enter the North Coast Area Health Service. In a narrative to the reader we are told that the service is currently formulating a plan; working on a model now; expecting it to be finalised soon; and looking at possibly July for an opening. Although this is well behind the schedule of the other area health services, the fact that a new unit should be up and running in the next few weeks is welcome news.

But, in between the Minister's announcement and the opening of the new unit, eight beds would seem to have disappeared as there are now no new beds allocated for the medical assessment unit. Again, for the sake of understanding the key part in this medical mystery this fact needs to be highlighted to the reader: There are no additional beds allocated to the medical assessment unit. To add to the mystery of the missing beds even further, in the 2009-10 budget the Minister for Health announced further funding for the North Coast Area Health Service for new beds at Lismore and Coffs Harbour hospitals. One can hear the reader cry out in anguish as the reader wonders aloud, "Will the mystery bed thief strike again at these locations further up the coast? Or will the missing beds suddenly appear at Lismore or Coffs Harbour at the expense of Port Macquarie?"

This story is certainly not a comedy. Whilst ever NSW Health under-resources our area by ignoring its own State funding model, under the resource distribution formula, and the North Coast Area Health Service continues to focus on the needs of the northern part of the service at the direct expense of the needs of the medical services surrounding Port Macquarie, Wauchope and Kempsey then a lack of confidence in the current health system will remain. What is required is inspiration, courage, transparency and passion for change from both levels of the health service to deal with the very real needs of our area, lest this complete mystery turn into a tragedy.

### **HOMELESSNESS**

**Ms CLOVER MOORE** (Sydney) [6.55 p.m.]: Tonight I again call for urgent action to address inner-city homelessness. The 2006 census reports more than 16,000 rough sleepers nationwide, and more than

3,700 in New South Wales. We know that there are many more. The February City of Sydney street count found approximately 350 rough sleepers, and another 424 people in hostels and shelters. More people are couch surfing, or staying in boarding houses or in similar unstable accommodation, and the global recession is resulting in a new wave of people sleeping in cars and living on the edge of homelessness.

Woolloomooloo has again experienced overcrowding in local parks, and increased crime and antisocial behaviour as standover criminals target vulnerable homeless people. Upwards of 80 people sleep rough in three small parks, in poor conditions, impacting on local residents, particularly public housing tenants. They are concentrated in a small community that already faces youth crime, disadvantage and conflict. Most entrenched rough sleepers have mental illness, alcohol or drug problems, disabilities and/or physical health conditions, with many experiencing multiple problems. Evidence supports early intervention with permanent accommodation and tailored support services to effectively address homelessness.

I commend the Commonwealth Government's white paper focus on prevention, early intervention, expanding and integrating services, and breaking the cycle to prevent recurring homelessness. The announced \$3 billion joint funding for new dwellings in New South Wales promises 9,000 new dwellings and \$130 million for much-needed repairs and maintenance. This increased funding provides the best opportunity for many years to get real action on homelessness. Homelessness is not a local council responsibility. However, the City of Sydney has taken the lead with its proactive homelessness strategy; a specialist homelessness unit; the statewide homeless persons information centre; a homeless brokerage program to help people get back home when they are stuck in the city; a public space liaison officer who works with rough sleepers and street drinkers; and coordination of homelessness service providers.

The joint Housing NSW-City of Sydney funded Inner-City Homelessness Outreach and Support Service [I-CHOSS] has an outreach team that engages with rough sleepers on the street and helps them get into housing, and a support team that helps with tenancy and living skills for 12 months until their tenancy is stable. Since 2006 the Inner-City Homelessness Outreach and Support Service has had more than 10,000 encounters with alienated rough sleepers, the outreach team has worked with nearly 500 clients, and the support team has helped nearly 400 clients maintain their accommodation. The Premier's Homelessness Intervention Team has successfully housed 20 people with support packages. Matthew Talbot Hostel staff have helped 17 people into accommodation last year and five so far this year. These programs have been successful, but progress is blocked. Inner-City Homelessness Outreach and Support Service workers are tied up with existing clients who need housing and support and new clients have to wait. The Inner-City Homelessness Outreach and Support Service needs more support workers or other resources to provide ongoing support for people who have made it into housing.

The City of Sydney developed a joint Complex Needs Coordination Project in partnership with the Department of Community Services and Housing NSW. Seventeen people have been housed in stable accommodation and eight are waiting allocation of tenancy. However, progress is blocked by lack of accommodation and support. Processing red tape and waiting times for housing applications result in homeless people with little hope giving up all hope of getting off the street. It is vital that Housing NSW fast-track applications from people who have been on the street for a long time, and I have asked the Government to support a Woolloomooloo one-stop shop outreach hub to achieve this.

A team of council, Housing NSW, The Inner-City Homelessness Outreach and Support Service, Centrelink and local support services could complete identity requirements, collect documents and fill in the forms needed and then fast-track people into accommodation in properties such as the part-empty Johanna O'Dea building. I have asked Matthew Talbot Hostel to work with other agencies to respond to rough sleepers and promote their education programs, which already have about 100 clients each day, and help people begin to get back on their feet. The Minister for Housing has agreed to visit Woolloomooloo with me in early July to see the homelessness problem there and hear direct from local residents and homeless people about solutions.

City of Sydney research identified that it costs about \$34,000 each year to provide services for each person living on the street. We should spend this amount on getting people into accommodation with support to provide long-term solutions. The New South Wales Government must take the lead on homelessness with fast-tracked housing and support. My proposal for an outreach hub in Woolloomooloo would focus effort where homeless people are concentrated and where there are serious impacts on the public domain and local community. We also need urgent investment in Housing First models such as Sydney Common Ground and the proven Housing and Accommodation Support Initiative, to provide immediate housing and ongoing, coordinated support for people who are homeless.

**Question—That private members' statements be noted—put and resolved in the affirmative.**

**Private members' statements noted.**

## **HOME BUYER ASSISTANCE**

### **Matter of Public Importance**

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [7.00 p.m.]: Providing assistance to homebuyers in New South Wales is a State Government priority. The State Government has introduced a number of measures to aid our hardworking families. In last week's State budget the Government introduced the \$64 million Housing Construction Acceleration Plan, which provides a 50 per cent reduction in stamp duty for purchasers of newly constructed dwellings valued up to \$600,000. The plan comes into force from 1 July 2009. This targeted budget stimulus initiative will run for at least six months and will be reviewed in December 2009. The stamp duty reduction is worth up to \$11,245 per dwelling as the New South Wales Government targets a housing stimulus initiative to investors to stimulate the construction and purchase of new properties.

This program provides a strong incentive for property buyers to consider purchasing a new property, with more than 80 per cent of New South Wales homes sales under the \$600,000 threshold. The New South Wales property market is well on the path to recovery from the global recession. The housing sector is a critical part of the New South Wales economy and the program shows the State Government is committed to investing in the future. This policy has been welcomed by mums and dads in my electorate, who for the first time are seeing a State Government give them the ability to invest for their retirement through the purchase of property. Working families in my electorate are telling me that they want to invest for their children. They want to make a long-term investment in property so their children will have the opportunity to live in their own home or they want to have access to funds to purchase property in the future.

Builders in the electorate of Drummoyne are telling me that this is an excellent strategy to implement at a time when they are finding it difficult to obtain money from banks to complete existing housing developments and to commence new projects. Today I spoke to Chris Young, the President of the Property Owners Association of New South Wales Incorporated, a non-profit organisation that represents the interests of property owners throughout New South Wales. The president welcomed the Government's Housing Construction Acceleration Plan. He stated:

The Property Owners Association of New South Wales takes heart from the New South Wales Government's Housing Acceleration plan, which includes private residential property investors.

Acknowledging that private investors provide 85 per cent of residential property for rent in New South Wales.

This scheme is the sort of policy that New South Wales needs to help promote more rental housing by private investors.

The Property Owners Association is very keen to work in joint initiatives to promote more rental homes in New South Wales.

Encouraging investors back into the property market will ensure that rents in New South Wales remain affordable. A shortage of investor property in the market leads to substantial pressure on the rental market through increased rental prices. The Government's further commitment to homebuyers can be seen in its continuing support for first home buyers by extending the \$3,000 First Home Owner Supplement to 30 June 2010, as well as continuing the generous existing program of stamp duty exemptions valued up to \$17,990 and the \$7,000 First Home Owner Grant. First home buyers in New South Wales currently receive up to \$41,990 in grants and stamp duty between Federal and State government initiatives. With the economic downturn many families are struggling to stay in the family home and to maintain mortgage payments.

That is why it is important that the State Government has introduced the Mortgage Assistance Scheme, which supports people who experience difficulty in meeting their home loan repayments due to unexpected circumstances, such as accident, job loss or illness. In 2008 funding under the Mortgage Assistance Scheme was increased by 30 per cent and the criteria were broadened to enable more people to be assisted. The scheme approved 169 requests for assistance from 1 July 2008 to 31 December 2008 and provided \$612,000 in the form of interest-free loans to be repaid at a future time. This scheme assists applicants who have exhausted all other reasonable avenues of help. Mortgage assistance is provided as a loan, which is paid directly to the home lender. Housing New South Wales provides up to \$20,000 in mortgage assistance in one year. This program has ensured that the State Government has played its part in keeping families in need as homeowners.

The State Government has also passed new laws to protect homeowners. Changes to the Real Property Act 1900 will help to protect working families who are struggling to cope with financial pressure and to give them the best opportunity of buying back into the property market. The legislation stops banks and other financial institutions from holding fire sales of defaulted mortgages. The Government is determined to do everything it can to help families to cope with the difficult situations brought about by the current financial downturn.

It is an unfortunate reality that many families struggling to meet mortgage repayments at the moment may face the forced sale of their home. These new laws are designed to ensure they get a fair go and receive market value for their home. The new laws require banks and financial institutions involved in mortgagee in possession sales take all reasonable steps to ensure the property is sold at not less than the market value. The Government wants to ensure that, if a house is sold by a mortgagor in possession, the homeowner receives a fair return and not a fire sale price that simply covers the lender's debt. This will ensure that the homeowner has the best possible opportunity to re-enter the property market as a homebuyer.

The best way for governments to provide assistance for homebuyers is to ensure that people have access to and can secure jobs that allow them into the property market, whether as a first home buyer or investor. That is why last week's State budget reinforces the Government's investment in New South Wales jobs. The State Government has committed to \$62.9 billion worth of infrastructure spending over the next four years, which will support 160,000 jobs a year. Not only will this ensure a massive construction program to build better hospitals, improved schools and safer roads, but it will also ensure that people are in jobs that give them the opportunity to own their own home or to invest for the future.

These initiatives have been welcomed in the electorate of Drummoyne. Many of my constituents are no longer comfortable investing in the stock market because people have lost a great deal of money. They are now looking to invest their savings in property. This Government's approach to investors and first home buyers is a big win for my constituents. As I have said, many of them want to purchase property as a long-term investment—over the next 15 to 20 years—to provide for their children. We have a strong tradition of first, second and third generations living in the local area and property values are increasing. This stamp duty relief for investors is a welcome win for my constituents, who can now look at investing for the future and for their families.

**Mr ROB STOKES** (Pittwater) [7.07 p.m.]: I listened carefully to the member for Drummoyne and I am delighted that the Government has ostensibly taken a sudden interest in assisting homebuyers in New South Wales. However, the proof lies in the facts and this Government's record. Its record shows that for the past 14 years homebuyers in this State have had to endure a Government that seemingly went out of its way to kill the property investment market, to create severe rental shortages, to starve land supply, to drive up rents and to totally discourage first home buyers from entering the market.

Over the past 14 years the Labor Government has presented the people of New South Wales with a cocktail of record high transaction taxes, land and property taxes, developer levies, massive stamp duties—the highest in the nation—and land tax on family homes. One of the best examples of these imposts is the detested vendor tax, which took money out of people's pockets when they had scrimped and saved to buy and then hit them again when they sold. In 2004 the New South Wales Executive President of the Property Council, Ken Morrison, said:

Vendor tax is a failure; it's not meeting its revenue target, it's driving investment interstate and it's hurting thousands of ordinary people.

That is exactly what it did. While Labor is now claiming to have had an epiphany and is charging in like a white knight for homebuyers, the reality is that it has a 14-year legacy of discouraging homeownership in New South Wales. What credibility does the Government have in trying to revive the housing market when it has spent so many years deflating it? It is not only me who is saying these things. An article in the *Australian* last year states:

AV Jennings chief executive Louis Milkovits said yesterday all state governments were guilty to varying degrees, but NSW had done most to destroy the great Australian dream of home ownership by adding at least \$120,000 to the cost of land and new houses.

He mentioned New South Wales' aggressive planning interventions that had hurt homebuyers and said that rising building material costs, mostly for steel and concrete, were insignificant compared with government imposts. The bottom line was that an average income earner, on \$57,000 a year, could not afford to buy a house.

The Reserve Bank also blamed the Government for the fact that first home buyers could not afford to buy in Sydney. It said that governments that had given money to homebuyers while retarding the supply of land were to blame for the lack of housing affordability. The Labor Government has led New South Wales into a technical recession, thousands of people are losing their jobs and many businesses are struggling to meet costs. No-one can afford a house if they do not have a job. New taxes on business and New South Wales' unenviable record as the highest taxing State in Australia mean that ours is a very difficult environment in which to find work.

Assistance to long-suffering New South Wales homebuyers is well overdue. It is important that the Labor Government begins breaking down the barriers to the property market that it has concocted over the past 14 years. Relief from transaction costs for homeowners is always welcome, but it is important that homeowners exercise caution before entering into any obligations involving the purchase of land. My message to homebuyers in New South Wales would be to remain cautious in what is still a volatile market and make sure that any commitments made can be adhered to. In that vein, I refer to Ross Gittins' article in this morning's *Sydney Morning Herald*, in which he said:

Some people worry—justifiably—that young buyers are being induced by the low rates and higher grants to take on loans they'll have difficulty making the payments on in future years when interest rates go back out.

But there's another worry: so many young people are scrambling to buy their first home before the special offer runs out that they've pushed up the price of Ideal First Homes by more than the value of the extra grant.

He continued:

I won't be surprised if the same thing happens with existing home buyers or investors rushing to sign up for a newly built house or unit while the 50 per cent stamp duty discount applies.

This concession has a maximum value of \$11,245. To the extent that the discount-induced demand pushes up the price of newly built homes, the eager punters will be sharing their spoils with a developer.

Should prices rise by more than \$11,245, the developers clean up and the crazed discount-seekers are actually out of pocket.

The worst thing that can happen during these times is that homebuyers get seduced into overcommitting and find themselves in trouble. Indeed, this was the genesis of the whole sub-prime crisis in the United States. An increase in this sort of activity could result in a disastrous situation for New South Wales families. So, I urge people to exercise caution. It is imperative that any initiative aimed at increasing affordability is backed up with strong policies that provide increased and adequate employment so as to ensure that these new homes can be afforded sustainably and that infrastructure, such as the north-west rail link and the south-west rail link, is provided to ensure that these homebuyers have access to essential services.

With thousands of people losing their jobs in New South Wales every day and home repossession orders soaring from around 1,700 per year to more than 4,000 per year over the past five years, proper long-term measures must be implemented. Over the past 14 years Labor has acted like a dodgy used car salesman on so many issues. Labor members will give you some inducement and tell you everything is rosy, but at the end of the day you are left alone to meet their obligations. My message to all homebuyers is to exercise caution and do not overcommit.

**Mr GEOFF CORRIGAN** (Camden) [7.13 p.m.]: Members of the Opposition, who have stood for nothing until now, have finally shown us where they stand—and it is not on the side of working families. As we heard from the Premier in the House today, new homes means jobs—jobs for local plumbers, tilers, carpenters, landscapers, and the list goes on. Opposition members voted against these jobs, and the boost to the economy that goes with them. They are economic vandals. I will deal with some of their economic theories later. On this side of the House we are different—very different. Our policies are aimed directly at supporting jobs to help families in these tough times—and our policies are working.

As of 1 July our Housing Construction Acceleration Plan will provide a 50 per cent stamp duty cut for purchasers who buy a newly constructed dwelling worth up to \$600,000. There are a lot of such properties in my electorate. I suspect that there are probably not so many in the electorate of Pittwater, but in south-west Sydney people can afford to buy investment properties. There are lots of houses in the \$300,000 to \$600,000 bracket. On top of this, the budget included our \$200 million interest-free loan fund to unlock new housing developments, paving the way for new housing estates to be built. This is great news for jobs in the construction industry.

Today the Premier announced that New South Wales first home buyers have set the biggest purchasing record to date. Families are taking advantage of the offer, and purchasing records in New South Wales are at their highest ever—evidence that this policy works. In May we saw \$178 million in grants and stamp duty cuts to 7,300 first homebuyers across New South Wales, twice the number of grants compared to May last year. That beats record investment in both March and April. In the past three months alone we have helped 21,000 families secure the investment of a lifetime and the chance to own their own home. That is a chance the Opposition would rather see gone, results the Opposition would rather see gone and jobs the Opposition would rather see gone.

Before I entered Parliament I was a mortgage broker. I assure the member for Pittwater that most people who borrow money do so on a test. That test always used to be 2 per cent above the rate set by the banks. In those days the interest rate might have been 7.2 per cent or 7.5 per cent, and we tested the applicant's capacity to pay at an additional 2 per cent or 2.5 per cent, depending on the lender. There will never be a sub-prime crisis in Australia because we have a regulatory system. The Howard Government should take some credit for that, for the four-banks policy. I am disappointed to hear an Opposition member arguing against the Howard Government's record in financial regulation.

It is difficult for people to get a loan from the big banks. One cannot get a loan now unless one meets all the criteria. One cannot get a no-interest loan. One has to have a good deposit, a record of savings and a good income into the household. All of those things are important and they are not to be overlooked. Certainly people should be cautious when buying homes and not overcommit, as the member said. However, in New South Wales there is not much chance of a sub-prime crisis.

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [7.16 p.m.], in reply: I thank the member for Pittwater and the member for Camden for their contributions to this debate. I am disappointed in the member for Pittwater because of some of the things he put on record and his negativity. This came from the very same person who last night voted against the State Revenue Legislation Further Amendment Bill 2009, the bill that covers the changes required for New South Wales to administer the Commonwealth's first homeowner boost payments. This includes benefits of the \$14,000 for first-time buyers purchasing new homes and \$7,000 for first-time buyers purchasing existing homes.

So, the very person who criticises us voted against those grants going to our first home buyers. He should take a long, hard look at himself and his colleagues before he puts that type of stuff on the record. We will hold him to account and we will hold members on that side of the House to account for those things. While the New South Wales Government is getting on with providing young families with their first home, the Opposition is putting up roadblocks to stop New South Wales families from achieving the great Australian dream, which the member opposite referred to. I also note he stated that the increase in building materials has made housing more expensive in New South Wales. He failed to recognise that it was the Howard Government that introduced the goods and services tax, which added costs to the building industry. He discreetly forgot to put that on record.

Also, he stated that the State Government has gone out of its way to stop development in the area or that it has not done it fast enough. Yet members opposite say they would scrap part 3A of the Planning Act, which allows the State Government to intervene to ensure that new estates are being built. The member opposite should rephrase some of the things he has put on record. One thing the member for Pittwater failed to acknowledge is that builders are finding it difficult to get finance from the banks. Banks are not giving them money. Providing the stamp duty cut allows them to start selling some of the new apartments and homes, which gives them the finance to continue to build other projects. When they cannot get those other projects started it costs them millions of dollars.

The member also refused to acknowledge that the State Government has provided the 50 per cent stamp duty cut, the first home buyers supplement grant, the mortgage assistance scheme, changes to the Real Property Act to ensure homeowners get market value for homes being repossessed by banks and the \$62.9 billion infrastructure program that we have been providing to create 160,000 jobs. Recent figures show that we have record rates today, with more grants being paid out and more homes being bought. The Australian Bureau of Statistics shows that the number of first-time buyers was up by 31.8 per cent in New South Wales to January this year.

**Discussion concluded.**

**ADJOURNMENT**

**Motion by Ms Angela D'Amore agreed to:**

That this House do now adjourn.

**The House adjourned, pursuant to resolution, at 7.19 p.m. until  
Thursday 25 June at 10.00 a.m.**

